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HOUSE OF REPRESENTATIVES—*Thursday, October 27, 2005*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O God of light and understanding, fill Your people with great expectations. With Your guidance and creative presence, good people working together can accomplish almost any goal set before them. Heartfelt prayer must conform their intention to Your holy will.

Be with the Members of Congress today as they accomplish the work of the people in this House of Representatives. Stir within them a wisdom that penetrates every problem. Send them sound knowledge to surround every issue important to this Nation, so that the consequences of their action, which will be felt around the world, may build true security and grant lasting peace both in our day and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Ohio (Mrs. JONES) come forward and lead the House in the Pledge of Allegiance.

Mrs. JONES of Ohio led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 one-minutes on each side.

HONORING OUR TROOPS' SACRIFICE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, following an historic election, the Iraqi people took another huge step towards democracy with nearly 79 percent approving a new constitution. However, this political milestone was not reached without a cost paid by our American soldiers.

As we sadly marked the 2,000th death in Iraq, we must take time to honor the sacrifice our soldiers have made for this country. Our men and women are fighting terrorists in Iraq, so that we do not have to fight them in this country. Now is the time to honor these soldiers and thank their families for the sacrifices they are making to keep our country safe.

Unfortunately, there are some out there who have chosen this solemn occasion to score political points. They are using this opportunity to call for withdrawal of our troops from Iraq. Nothing could be more wrong. Bailing out would hand a victory to the terrorists and a defeat to the United States.

One group is actually using this occasion to raise funds. Featured on their Web site is a television ad featuring a coffin in the sand. Click on this ad, and you are immediately taken to a contribution page asking for a donation.

Mr. Speaker, we need to continue to honor our troops by staying the course in Iraq. Using these sacrifices for political purposes, as many are doing, is wrong.

CLEAN DRINKING WATER

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, our Chaplain reminded us that our actions on the floor of the House are felt around the world. Well, today, one half of the people who are ill around the world are sick needlessly from waterborne disease, and up to 5 million are going to die this year as a result.

We know how to solve this problem, and the solution is affordable. For less than what it costs our Europeans for perfume in a year, or less than what Americans spend on elective surgery, we could fulfill the United Nations commitment to cut in half the people without safe drinking water and sanitation by the year 2015.

Sadly, the United States, despite its leadership in the United Nations on this issue, still does not have a comprehensive program to address this crisis. Our International Relations Committee is sending to the floor bipartisan legislation to correct this policy deficiency. H.R. 1973, the Senator Paul Simon Water for the Poor Act, will establish safe drinking water and sanitation as a core foreign policy principle and create a plan. Today is the last day to add your name to the list of sponsors. I ask that you do so before it reaches the floor.

SHERIFF SIGI GONZALEZ, JR., TEXAS LAWMAN

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, in the early morning hours of this past weekend, I accompanied Zapata County Sheriff Sigifredo "Sigi" Gonzalez, Jr., his SWAT team and posse of deputies who were patrolling the U.S.-Mexico border in south Texas.

Every day Sigi leads his small 24-member force into the daily battle to protect Zapata County from the invasion of drug lords and human smugglers. Lots of drug money, filthy lucre, as I call it, fund these dangerous drug organizations and human smugglers that lurk across the Rio Grande River. These outlaws have better guns, better vehicles, better electronic surveillance equipment than the good guys. They even track our peace officers with GPS when they use their cell phones. These drug demons who bring narcotics into the United States make $30,000 a week. Sheriff Gonzalez makes about $40,000 a year.

Sheriff Gonzalez is an unwavering patriot and an outstanding Texas lawman. He is defending America against illegal invaders and fighting the war against vicious, violent drug cartels

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that threaten our home and our country. He and his dedicated deputies need resources and funding to help fund the war for the border. Our homeland is worth protecting. That is just the way it is.

THREE GREAT WOMEN

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Madam Speaker, I rise today to discuss the lives of three great women. The old people used to say that trouble comes in threes; and the threes I am thinking of are Constance Baker Motley, who was the first African-American woman elected to the New York State Senate in 1964, first woman to serve as Manhattan Borough president in 1965, and appointed the first African-American Federal judge in 1966.

The second is C. Delores Tucker, the first African-American woman to serve as Secretary of State of the Commonwealth of Pennsylvania, and in any State in America. She went on to be an advocate for appointment of women in presidential administrations.

Third, we lost Rosa Parks this week. They are three significant, hard-working, dedicated African-American women who stood out in history in the work that they did. I stand today and ask all of you to join me in extending sympathies and condolences to the families of C. Delores Tucker, Constance Baker Motley, and Rosa Parks.

PRESIDENT ADDRESSES ECONOMIC CLUB OF WASHINGTON, DC

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. When it comes to making tough choices in the wake of Hurricane Katrina, Madam Speaker, Presidential leadership will make the difference. Yesterday in remarks before the Economic Club of Washington, DC, the President of the United States called on Congress to "redouble our efforts to be wise about how we spend your money." The President went on to say, "We can help the people of the gulf coast region recover and rebuild and we can be good stewards of the taxpayers' dollars at the same time." He called on Congress to reduce unnecessary spending, to identify offsets, and pledged again to offer spending rescissions to provide the emergency relief, in his words, in a fiscally responsible way.

President George W. Bush yesterday encouraged Congress to push the envelope when it comes to cutting spending, and his strong leadership will make the difference. Congress should heed the call of President Bush to rebuild with generosity and fiscal responsibility in the wake of Hurricane Katrina.

CLIMATE CHANGE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, I am urging all Members of the House to join in support of House Resolution 151, which is a resolution of inquiry that requests the President of the United States to provide to the House of Representatives documents in his possession relating to the anticipated effects of climate change on the coastal regions of the United States.

With the devastation of hurricanes Wilma, Rita and others, we are aware that there is a new phenomenon that is affecting this country with respect to climate change. Scientists may dispute whether or not the meteorological changes that we have witnessed are somehow related to changes in the global climate, but one thing for sure, it is important that Congress begin a dialogue with the administration.

It is important that we find out what connection there may be with climate change and effects on coastal regions. Hurricane Katrina certainly illustrated that we should be concerned about climate change. This resolution of inquiry, now sponsored by 151 Members of the House, aims to get the facts from the administration and begin a dialogue that would be important to our Nation's economy and our national security.

CONCERN—NOT PANIC

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, have you seen the headlines:

Bird Flu Anxiety Spreads Across Europe.

Bird Flu Could Kill 150 Million People.

WHO Warns of Dire Flu Pandemic.

Media should report facts, not create panic. Unfortunately, today many of the stories we see and read are short on facts and long on panic. It is time we brought some sanity to all the sensationalism. No one should doubt the potential of the bird flu. However, responsible people are working diligently to be certain that we are prepared for any threat and are able to respond quickly.

Certain facts are important to keep in mind. This Avian flu virus has been around since at least 1997. It is not a new phenomenon. The CDC states that "the current risk to Americans is low." So there is cause for concern, but not panic. Our real concern should be expanded. We need to address our ability to respond to any infectious disease. Providing incentives to U.S.-based companies for vaccine production and building a routine adult immunization program are just two of the positive steps we should take. Importantly, these actions should move forward in an environment of concern, not panic.

☐ 1015

IRAQ MILESTONES

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Madam Speaker, this week we passed two milestones in Iraq: The constitution was ratified, and, tragically, the 2,000th American died. These milestones, one positive, one clearly negative, provide us with an opportunity to review our progress in Iraq. This is not a time to debate how we got into Iraq. What is important is resolving the mess.

Hear what the experts are saying: Retired Army Lieutenant General William Odom, former head of the National Security Agency, said that the invasion of Iraq "will turn out to be the greatest strategic disaster in U.S. history."

Brent Scowcroft, National Security Adviser under the first President George Bush, said, "You have to know when to stop using force. You can encourage democracy over time, with assistance, and aid, the traditional way. Not how the neoconservatives" are trying to do it in Iraq.

And Lawrence Wilkerson, a retired lieutenant colonel and former Secretary of State Colin Powell's former Chief of Staff at the State Department, said President Bush's foreign policy was "ruinous" and said that "we have courted disaster in Iraq, in North Korea, in Iran."

These are not the words of partisans or the board members of MoveOn.org. As these experts and the American people know, it is time for a new direction and new priorities. We can do better. The current path is not a path to success. It is time for the President to level with the American people and produce a plan forward.

SUPPORTING THE NOMINATION OF DR. BEN BERNANKE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, I am thrilled that President Bush has nominated a son of South Carolina to serve as Chairman of the Federal Reserve Board.

As a boy in Dillon, South Carolina, Ben Bernanke demonstrated his brilliance for economics at a young age. He taught himself calculus, excelled at his SATs, and eventually received his doctorates from the Massachusetts Institute of Technology, where he specialized in monetary policy.

Throughout the course of his career, he has taught our Nation's top schools and been a leader of our economic institutions. As President Bush's economic adviser, he has played a pivotal role in sustaining economic growth in our country. Today Dr. Bernanke is respected as one of the world's most accomplished monetary economists.

As a successor to Chairman Alan Greenspan, Dr. Bernanke will certainly have big shoes to fill. With his background, I am confident that he has the knowledge, experience, and ability to serve as Chairman of the Federal Reserve Board.

In conclusion, God bless our troops, and we will never forget September 11.

HONORING THE LEGACY OF ROSA PARKS AND JUDGE CONSTANCE BAKER MOTLEY

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute.)

Mr. MEEKS of New York. Madam Speaker, it is with great pain that I stand here today to mourn the recent passing of several phenomenal women and leaders in our Nation's struggle for equal justice under the law. The passing of Rosa Parks and Judge Constance Baker Motley is a sad reality, but I stand to commemorate their triumphant lives. Judge Motley and Rosa Parks faced racism head on and continued to work for a more just world until their last days.

Rosa Parks was 92 years old and almost made it to the 50th anniversary of the Montgomery bus boycott, which she set in motion by refusing to give her seat to a white man on Montgomery's segregated city bus system. Mrs. Parks was arrested for her action.

As a New Yorker, I hold dearly the legacy of Judge Constance Baker Motley. That is why I introduced legislation to honor her. Constance Baker Motley won nine out of 10 civil rights cases she argued before the Supreme Court. She worked on all of the major school segregation cases, including Brown v. Board of Education, and advised civil rights leaders including Dr. Martin Luther King, Jr.

Judge Motley was the first African-American woman to serve in the New York State Senate. She was the first black woman to be appointed to a Federal judgeship.

Rosa Parks once said, "Memories of our lives, of our works, and our deeds will continue in others." She was absolutely right. Not only will the memories live on, but the legacy has forever stirred the resolve of many in our Nation to advocate for social justice, human dignity, and harmony.

CONTINUING THE FIGHT AGAINST BREAST CANCER

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mrs. KELLY. Madam Speaker, I rise today, as we near the end of Breast Cancer Awareness Month, to emphasize that we must continue doing everything possible to help women across our country suffering from breast cancer. This Congress must remain committed to increased breast cancer research and ensure that necessary laws are in place so that no woman is forced to fight breast cancer and red tape at the same time.

I urge my colleagues to support the bipartisan Breast Cancer Patient Protection Act that I sponsored together with the gentlewoman from Connecticut (Ms. DELAURO). One hundred and fifty-one cosponsors in the House have recognized the importance of passing this bill, but we need more support. Together we can improve treatment coverages and access to inpatient care for the more than 200,000 women diagnosed with breast cancer each year.

The widespread commitment to fighting breast cancer was seen in so many amazing community efforts this past month. I particularly want to recognize the outstanding efforts of Lillian Jones and our Hudson Valley chapter of the American Cancer Society. They organized our very successful Making Strides Against Breast Cancer walk in Central Valley, New York. Also deserving of tremendous praise are Willa Wright and the Putnam County chapter of ACS and so many other groups in New York's Hudson Valley who continue to unite to fight breast cancer.

Congress must unite and fight breast cancer right along with them.

SUPPORTING BREAST CANCER AWARENESS MONTH

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Madam Speaker, too many American families have experienced the loss of a loved one or know someone close who has suffered from some form of cancer. Breast cancer in particular is the leading cause of death among between 40 and 55, including my sister-in-law Abby Irwin, who died at 41 after an 11-year struggle.

Two hundred thousand new cases of breast cancer will be diagnosed this year alone, including 1,100 in my district. The good news is the 96 percent survival rate when breast cancer is detected early. In fact, a study being published today in the New England Journal of Medicine found that mammograms contributed to a 65 percent drop in breast cancer deaths in the last decade.

Back home on Long Island, I am proud to have an active breast cancer advisory board with leading researchers, advocates, and survivors. I found their insights and ideas to be invaluable assets.

We should continue to do all that we can every day, not just during Breast Cancer Awareness Month, to encourage the survivors, volunteers, and health care professionals to keep up the fight against breast cancer.

Madam Speaker, by raising awareness, we bring ourselves that much closer to the promise of a cure.

REFORMING OUT-OF-CONTROL FEDERAL SPENDING PROGRAMS

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Madam Speaker, this week the House will begin work on reconciliation, which is a way that we begin to reform out-of-control spending programs in order to help pay for the hurricane relief. There are only three ways that we can pay for this hurricane relief. Either, number one, we are going to raise taxes on the American people yet again, we are going to pass debt on to our children, or we are going to find a way to moderate the growth of Federal programs.

The Democrats say that this is tantamount to massive cuts that will hurt the poor. Madam Speaker, next year's budget is going to be greater than this year's budget, which was greater than last year's budget.

What we call mandatory spending, which encompasses most of these welfare programs, mandatory spending is going to grow at a rate of 6.3 percent as opposed to 6.4. I believe only an accountant for Enron would call that a cut.

Also, Madam Speaker, the best way to help the poor is through paychecks, not welfare checks. And under the economic policies of this administration, 4 million new jobs have been created with a future. We have the highest rate of homeownership in the history of America and unparalleled economic growth.

DENOUNCING THE PRESIDENT OF IRAN'S STATEMENT THAT "ISRAEL MUST BE WIPED OFF THE MAP"

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Madam Speaker, three generation ago Adolf Hitler threatened to destroy the Jewish people, and the appeasers and the pseudosophisticates said it was merely oratory. A few months ago, the leadership of Syria threatened to destroy the Prime Minister of Lebanon, and the pseudosophisticates and the appeasers thought it was only oratory. Yesterday the President of Iran announced that it is his policy to destroy the State of Israel, and the pseudosophisticates and the appeasers again say this is only oratory.

But of course, it is more than that. I call on the United Nations, and all civilized nations, to take appropriate action, in the U.N. and individually, denouncing this outrageous statement. There is no room for the President of a nation to call for the destruction of a member state of the United Nations, the sole democracy in the Middle East and a close ally of the United States.

CELEBRATING THE LIFE OF JUDGE CONSTANCE BAKER MOTLEY

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Madam Speaker. Sadly, I have had to commemorate the lives of two important black women who died earlier: C. Delores Tucker, Rosa Parks.

However, this morning I rise to celebrate the life of one of America's great lawyers, Constance Baker Motley, the first black woman on the Federal bench. That, however, is surely not her greatest public service. What greater service to one's country than to have been an architect of the legal strategy that brought equality under law to the United States. She argued 10 cases before the Supreme Court. Perhaps the most notorious was the James Meredith case that integrated the University of Mississippi. She made 22 trips into Mississippi for that case alone; then, the University of Alabama; also the University of Georgia, where she helped Charlane Hunter-Gault integrate that university. Charlane Hunter-Gault said that Ms. Motley "talked about the South in those days as if it were a war zone and she was fighting in a revolution. No one . . . was going to distract her from carrying her task to a successful conclusion." Indeed, in the 1960s, the South was a war zone not only for activists, but for their lawyers.

In a car with Medgar Evers. Mr. Evers told her to put away her legal pad and not to look back. He, of course, was later assassinated.

She was so outstanding that every office wanted Mrs. Motley to be their first. She was the first woman to serve in the New York Senate, the first to serve as Manhattan borough president. She was the first woman, and for me perhaps the most important of her firsts, to argue a case before the United States Supreme Court, because she inspired a whole generation of young lawyers.

It should astonish us that the first African-American woman was appointed to the bench only in 1966, only 40 years ago. It should remind us that the integration of the courts of our country is and remains part and parcel of establishing equality under the law.

H.R. 4011, MERCURY IN DENTAL AMALGAM PROHIBITION BILL

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Madam Speaker, dentistry must stop hiding the large presence of mercury in dental fillings. The common name for dental fillings is "silver." The term is deceptive because it contains more than 50 percent mercury.

Who can conclusively say dental mercury is safe when in our bodies? It is undisputed as a fact that mercury vapor is released during the entire life of a mercury filling.

Madam Speaker, mercury amalgam is considered dangerous when it is put in the mouth, and it is labeled a hazardous waste when it is coming out. Dental offices contribute approximately 54 tons of toxic mercury to the environment each year. Mercury hurts the body's immune system. Mercury also causes neural development problems. My bill will protect children, pregnant women, and nursing mothers immediately.

We have abandoned other remnants of pre-Civil War medicine, and we have abandoned all other uses of mercury in the body. Now is the time to ban mercury in dental fillings.

CONGRATULATING THE 2005 WORLD SERIES CHAMPION CHICAGO WHITE SOX

(Mr. JACKSON of Illinois asked and was given permission to address the House for 1 minute.)

Mr. JACKSON of Illinois. Madam Speaker, did you see the headlines? "Sox Win the World Series."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentleman will remove his hat.

Mr. JACKSON of Illinois. I thank the Speaker. This House will never be out of decorum. I see that.

Madam Speaker, the headlines are clear: The Sox win the World Series, and I rise to congratulate the 2005 World Series Champions, the Chicago White Sox, on their first title in 88 years. Not only were the White Sox in first place in the Central Division every single day of the 2005 baseball season, but they also had the best record in the American League for the entire season as they amassed a total of 99 wins.

This team had no batters with an average above .300, they had no superstars, yet they came together as a team, led by manager Ozzie Guillen, characterized by their stellar pitching and tenacious defense. This team epitomized the work ethic of the city of Chicago.

I would like to congratulate the Houston Astros on a great season and a hard-fought World Series. Every game was close and could have gone the other way.

I would also like to congratulate the American League Championship Series MVP Paul Konerko and World Series MVP Jermaine Dye for their stellar play.

Congratulations are also in order for the entire front office of the White Sox, including Chairman Jerry Reinsdorf, Vice Chairman Eddie Einhorn and General Manager Ken Williams, who were the architects of this championship team.

Madam Speaker, last, but not least, I would like to congratulate the dedicated and long-suffering fans of the city of Chicago and the South Side who once again celebrate a champion.

And to my friends and colleagues from the other side, both Democrats and Republicans:

"Na na na na,
Na na na na,
Hey hey hey,
Goodbye."
Maybe next year, guys.
Thanks, and God bless you.
Go Sox.

☐ 1030

COMMUNICATION FROM DISTRICT DIRECTOR OF HON. DENNIS MOORE, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mrs. MILLER of Michigan) laid before the House the following communication from Julie Merz, District Director of the Honorable DENNIS MOORE, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
October 20, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the District Court of Johnson County, Kansas, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JULIE MERZ,
District Director.

PROVIDING FOR CONSIDERATION OF H.R. 420, LAWSUIT ABUSE REDUCTION ACT OF 2005

Mr. GINGREY. Madam Speaker, by direction of the Committee on Rules, I call up H. Res. 508 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 508

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 420) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. McGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 508 is a structured rule. It provides for 1 hour of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the bill, and it provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.

It makes in order only those amendments printed in the Rules Committee report accompanying the resolution. It provides that the amendments printed in the report may be offered only in the order printed, may be offered only by the Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

This resolution waives all points of order against the amendments printed in the report, and it provides one motion to recommit, with or without instructions.

Madam Speaker, I rise today in support of House Resolution 508 and the underlying legislation, H.R. 420, the Lawsuit Abuse Reduction Act of 2005.

First, I want to commend the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary, not just for the underlying bill but for a number of recent bills aimed at strengthening our legal system by protecting people's rights under the law and shielding them from frivolous proceedings. Additionally, I want to thank the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on the Courts, the Internet, and Intellectual Property, for sponsoring H.R. 420.

Madam Speaker, over the past couple of weeks, this House has taken several important steps to reform our legal system, to relieve our overburdened court dockets and drastically reduce the number of costly frivolous claims against innocent and legitimate businesses.

On October 24, we passed and sent to the President's desk S. 397, the Lawful Commerce in Arms Act of 2005, by a vote of 283 to 144 in the House. I might add that in the spirit of bipartisanship, 59 Democrats and one Independent joined 223 Republicans in passing this landmark legislation that refocuses liability for gun violence on the actual criminal, the person who pulled the trigger.

Additionally in this House, 226 Republicans, along with 80 Democrats, passed H.R. 554, the Personal Responsibility in Food Consumption Act of 2005. This bill also reaffirms the need for individuals to take responsibility for their own actions and not expect someone else to foot the bill for the adverse health consequences of their own gluttony.

Today, Madam Speaker, we have another prime opportunity to pass meaningful legislation to strengthen our court system even further and to protect the falsely accused.

The Lawsuit Abuse Reduction Act of 2005 will go a long way to curb the actions of individuals who would seek to abuse our courts by gaming the judicial system. Last week, there were probably millions of people across this country who tuned in, ticket in hand, to see if they had won a $340 million Powerball jackpot. Unfortunately, there are also people who look to the courts, legal briefs in hand, as if it were the Powerball lottery.

However, Madam Speaker, it is the American people and small businesses that pay the ultimate price for frivolous lawsuits and this type of jackpot justice. They pay for it through higher prices for goods and services, they pay for it through diminished quality of products, they pay for it through loss of economic freedom, and they pay for it through a clogged court system that has been turned into an ATM for junk lawsuits. In fact, the current tort system is estimated to cost American people well over $200 billion per year.

Clearly, the Lawsuit Abuse Reduction Act of 2005 is a bill that is sorely overdue, sorely needed and, I might add, was approved by this House in the last Congress by a vote of 229 to 174.

With respect to the underlying bill, it would amend Rule 11 of the Federal Rules of Civil Procedure by restoring the mandatory sanctions for the filing of frivolous lawsuits. This bill would require that courts impose an appropriate penalty on attorneys, law firms, or parties who continue to file frivolous lawsuits. Also this bill would eliminate the "free pass" provision that allows attorneys to avoid sanctions if they withdraw their frivolous claim after a motion for sanctions has been filed.

Madam Speaker, H.R. 420 also would prevent forum shopping by requiring that personal injury cases only be brought in those jurisdictions either where the plaintiff, the defendant or a related business resides, or where the alleged injury or surrounding circumstances occurred.

This act would also institute a three-strikes-and-you're-out sanction that would suspend an attorney from practicing in Federal court if a Federal judge determines the lawyer has violated Rule 11 on three or more occasions.

H.R. 420 clearly emphasizes that personal responsibility is not just some catch phrase that applies only to some people, such as a fast-food connoisseur, a firearms owner, a consumer or, indeed, a doctor. Personal responsibility and professional accountability should be the rule for those in the legal field, too, and that is why this House should pass this bill.

In closing, Madam Speaker, I would just emphasize that House Resolution 508 is a straightforward rule and H.R. 420 is a straightforward bill. Simply put, it just makes sense to stop and punish the willful abuse of our legal system by the slash-and-burn tactics of frivolous lawsuits.

As always, I look forward to the consideration of this rule, and I ask my colleagues to support it and the underlying bill.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I want to thank the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, here we go again. Whenever the Republican leadership appears to be floundering or simply needs some legislative filler, they turn to the Judiciary Committee for some kind of anti-lawyer, anti-lawsuit bill.

We recently considered a bill to ban lawsuits against people who want to sue fast food companies, even though these cases are nonexistent. Now we are here considering another bill that will pass the House and go nowhere in the Senate.

The fact is that the Republican leadership has run out of meaningful legislation to consider. They have run out of ideas. So here we are once again considering another bill that attacks America's judicial system and takes away rights from our fellow citizens.

Time after time, the Republican leadership refuses to bring necessary legislation to the floor. Where, Madam Speaker, is the legislation combating poverty or ending hunger or increasing access to affordable and comprehensive health care? Where are their priorities? There are 45 million Americans who have no health insurance in this country. Where is the increase in the minimum wage? Where is the legislation to lower gas and oil prices?

It was comical to see the Republican leadership gather at a press conference the other day in reaction to the news that oil companies are making record profits. And what was their response? They very nicely asked the oil companies to do more. Why should the oil companies do more when they have passed legislation to give oil companies more tax breaks and more oil subsidies?

Where, Madam Speaker, is the oversight into the Iraq war? Over 2,000 Americans have lost their lives in Iraq, and all we get from this leadership and all we get from this White House is "stay the course." Well, stay the course is not a policy; it is a sound bite. We owe our young men and women more than just a sound bite.

Where is the genuinely independent 9/11-style commission to investigate the botched response to Hurricane Katrina and to make recommendations on how to prevent such another tragedy in the future? Where is the fully constituted, functioning Ethics Committee to look into the numerous ethics charges that are mounting in this body?

No, here we are dealing with legislation that we dealt with last year that is going nowhere.

The fact is, the Republican leadership does not care much about these issues, and I know they are out of step with the American people on these issues. So, instead, they bring us the Lawsuit Abuse Reduction Act once again. This is like watching a bad TV rerun. It was not good the first time; it is even worse the second time.

□ 1045

Remember, we considered this bill last year, and just like last year, it will pass this Republican-controlled Congress. They will do their press releases, they will send it over to the Senate, and it will go nowhere.

Later today we will hear from members of the House Judiciary Committee who have particular subject expertise on the specifics of this legislation. I will leave it to these Members to explain the intricacies of the Federal Code and the Rules of Civil Procedure and how Rule 11 fits in. I would like for a few minutes, however, to talk about the continued abuse of power that the Republican majority takes to a new level today.

Under this rule and under this bill, Republican fund-raisers are rewarded, while the majority party continues its unabashed assault on the judicial branch of this Nation. Do not just take my word for it, Madam Speaker. One of the broadest arrays of groups that I have ever seen has come together to oppose this misguided, short-sighted, mean-spirited legislation. These groups include, but are certainly not limited to, the NAACP, the Legal Defense Fund, the American Bar Association, the National Conference of State Legislatures, the National Women's Law Center, and the Consumers Union.

The one that stands out the most, however, is the opposition from the Judicial Conference of the United States. Now, what is that? What is this conference that opposes what my Republican friends will describe as a critically important piece of legislation?

The Judicial Conference was created by this very Congress in 1922. Their congressionally mandated mission is to be the principal policymaking body concerned with the administration of the United States courts. The presiding officer of this organization is none other than the Chief Justice of the Supreme Court. You know what the Judicial Conference has to say about this legislation? In a three-page letter to Chairman SENSENBRENNER, in short, they say it is unnecessary and it is harmful. If they were less judicious in their choice of words, they would say what I say: It stinks.

But what they say, Madam Speaker, this group representing the Federal judges of this country, is that this legislation is fatally flawed. They say that Rule 11 of the Federal Rules of Civil Procedure, what the underlying legislation aims to fix, is working better today than ever before. In fact, in their letter to the Judiciary Committee chairman, they say that Federal district judges are united in their opposition to any legislation which seeks to amend rule 11. They specifically urge Congress to reject this legislation.

Now, Madam Speaker, let us think this through for just a second, shall we? The organization representing President-appointed, Senate-confirmed judges thinks this legislation is unwise. Why do we think we know better than our Federal judges how to operate the Federal judiciary? Frankly, I would laugh if I did not think that the majority was so sincere in their attempts to undermine the constitutional rights of every single American. Shame on you. Shame on all of you for trying to eviscerate the Constitution, all for a few extra campaign dollars, because that is what this is about.

The underlying legislation is not sound public policy, plain and simple. On the contrary, it is outright political grandstanding. So let us be honest and let us call this bill and this debate what they really are: legislative abuse and a political charade.

The majority's reckless disregard for judicial integrity mocks our Constitution's separation of powers doctrine, and I implore my colleagues to reject this rule and the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Mr. GINGREY. Madam Speaker, in response to some of the comments that were made, I just want to hold up this document that lists over 300 groups in support of LARA, the Lawsuit Abuse Reduction Act of 2005, and I will include them in the RECORD.

I would like to also point out that the Federal Judicial Center was in opposition to class action reform, which we passed in the previous Congress and in the 108th by a vote in this body of 279 to 149.

GROUPS SUPPORTING H.R. 420—THE LAWSUIT ABUSE REDUCTION ACT OF 2005

Advanced Medical Technology Association.

Air Conditioning Contractors of America.

Alabama Civil Justice Reform Committee.

Alabama Restaurant Association.

Alabama Trucking Association, Inc.

Alaska Cabaret, Hotel, Restaurant and Retailers Association.

Alliance of Automotive Service Providers of Minnesota.

Alliance of Automotive Service Providers of Pennsylvania.

America Chamber of Commerce (NV).

American Apparel and Footwear Association.

American Automotive Leasing Association.

American Bakers Association.

American Boiler Manufacturers Association.

American Business Conference.

American Chemistry Council.

American Council of Engineering Companies.

American Health Care Association.

American Home Furnishing Alliance.

American Insurance Association.

American International Automobile Dealers Association.

American Legislative Exchange Council.

American Machine Tool Distributors Association.

American Petroleum Institute.

American Rental Association.

American Road & Transportation Builders Association.

American Supply Association.

American Trucking Associations.

American Tort Reform Association.

American Veterinary Distributors Association.

American Wholesale Marketers Association.

Antelope Valley Chamber of Commerce (CA).

Ardmore Chamber of Commerce (OK).

Arkansas Chapter, National Electrical Contractors Association.

Arkansas Hospitality Association.

Arizona Chapter, National Electrical Contractors Association.

Arizona Restaurant & Hospitality Association.

Associated Builders & Contractors.

Associated General Contractors of America.

Associated Equipment Distributors.

ASFE—Associated Soil & Foundation Engineers.

Associated Wire Rope Fabricators.

Association for High Technology Distribution.

Association of Equipment Manufacturers.

Association of Pool & Spa Professionals.

AMT—The Association for Manufacturing Technology.

Automotive Aftermarket Industry Association.

Automotive Parts Remanufacturers Association.

Automotive Parts & Service Association of Illinois.

Aviation Distributors & Manufacturers Association.

Bay Area Citizens Against Lawsuit Abuse.

Bearing Specialists Association.

Brunswick-Golden Isles Chamber of Commerce (GA).

Business Council of New York State, Inc.

Business Roundtable.

California Central Coast Chapter, National Electrical Contractors Association.

California Restaurant Association.

California/Nevada Automotive Wholesalers Association.

Central California Citizens Against Lawsuit Abuse.

Central Illinois, National Electrical Contractors Association.

Chamber of Business and Industry of Centre County (PA).

Chamber of Commerce for Anderson & Madison County (IN).

Chamber of Commerce of the Mid-Ohio Valley (WV).

Citizens Against Lawsuit Abuse of Central Texas.

Citizens for Civil Justice Reform.

City of Chicago, National Electrical Contractors Association.

Civil Justice Association of California.

Cleaning Equipment Trade Association.

Cleveland Chapter, National Electrical Contractors Association.

Coalition for Uniform Product Liability Law.

Colorado Civil Justice League.

Colorado Motor Carriers Association.

Colorado Restaurant Association.

Connecticut Restaurant Association.

Construction Industry Round Table.

Copper & Brass Service Center Association.

Council of Insurance Agents and Brokers.

Crawfordsville/Montgomery Chamber of Commerce (IN).

Dayton Area Chamber of Commerce (OH).

Delaware Motor Transport Association.

Delaware Restaurant Association.

East Texans Against Lawsuit Abuse.

The Employers Association.

Electrical Manpower Development Trust.

Equipment Leasing Association.

Florida Chamber of Commerce.

Florida Restaurant Association.

Food Industry Suppliers Association.

Gas Appliance Manufacturers Association.

Gases and Welding Distributors Association.

General Aviation Manufacturers Association.

Georgia Association of Petroleum Retailers, Inc.

Georgia Industry Association.

Georgia Restaurant Association.

Great Lakes Petroleum Retailers & Allied Trades Association.

Georgia Motor Trucking Association.

Hawaii Restaurant Association.

Hawaii Transportation Association.

Health Industry Distributors Association.

Healthcare Distribution Management Association.

Heating, Air Conditioning & Refrigeration Distributors International Association.

Hobbs Chamber of Commerce (NM).

Hospitality Association of South Carolina.

Hospitality Minnesota—Minnesota's Restaurant, Hotel & Lodging and Resort & Campground Associations.

Hudson Valley Chapter, National Electrical Contractors Association (NY).

Humble Area Chamber of Commerce (TX).

Idaho Lodging and Restaurant Association.

Illinois Chapter, National Electrical Contractors Association.

Illinois Civil Justice League.

Illinois Lawsuit Abuse Watch.

Illinois Quad City Chamber.

Illinois Restaurant Association.

Independent Electrical Contractors.

Independent Insurance Agents & Brokers of America, Inc.

Independent Sealing Distributors.

Industrial Compressor Distributor-Association.

Industrial Supply Association.

International Association of Plastics Distributors.

International Foodservice Distributors Association.

International Franchise Association.

International Furniture Suppliers Association.

International Housewares Association.

International Safety Equipment Association.

International Sanitary Supply Association.

International Sign Association.

International Sleep Products Association.

International Truck Parts Association.

Iowa Hospitality Association.

Iowa Motor Truck Association.

Jackson Area Manufacturers Association.

Kansas Chamber of Commerce.

Kansas City Chapter, National Electrical Contractors Association.

Kansas Restaurant and Hospitality Association.

Kentucky Motor Transport Association.

Kentucky Restaurant Association.

Kern County Chapter, National Electrical Contractors Association (CA).

Kingman Area Chamber of Commerce (AZ).

Lakewood Chamber of Commerce (WA).

Latrobe Area Chamber of Commerce (PA).

Lawn and Garden Marketing and Distribution Association.

Lebanon Valley Chamber of Commerce (PA).

Los Angeles Citizens Against Lawsuit Abuse.

Los Angeles Fastener Association.

Louisiana Motor Transport Association.

Louisiana Restaurant Association.

Maine Liability Crisis Alliance.

Maine Restaurant Association.

Manufactured Housing Institute.

Manufacturers' Association of Northwest Pennsylvania.

Marion Area Chamber of Commerce (IL).

Maryland Business for Responsive Government.

Maryland Chapter, National Electrical Contractors Association.

Massachusetts Restaurant Association.

Material Handling Equipment Distributors Association.

Mechanical Contractors Association of America.

Memphis Chapter, National Electrical Contractors Association.

Metals Service Center Institute.

Mason Contractors Association of America.

Michigan Chamber of Commerce.

Michigan Lawsuit Abuse Watch.

Michigan Restaurant Association.

Minnesota Trucking Association.

Mississippi Hospitality and Restaurant Association.

Mississippi Manufacturers Association.

Mississippi Trucking Association.

Mississippians for Economic Progress.

Missouri Motor Carriers Association.

Missouri Restaurant Association.

Montana Chamber of Commerce/Montana Liability Coalition.

Montana Motor Carriers Association.

Montana Restaurant Association.

Motor & Equipment Manufacturers Association.

Motorcycle Industry Council.

National Association of Chemical Distributors.

National Association of Convenience Stores.

National Association of Electrical Distributors.

National Association of Home Builders.

National Association of Manufacturers.

National Association of Mutual Insurance Companies.

National Association of Sign Supply Distributors.

National Association of Wholesaler-Distributors.

National Concrete Masonry Association.

National Council of Chain Restaurants of the National Retail Federation.

National Electrical Contractors Association.

National Federation of Independent Business.

National Lumber & Building Materials Dealers Association.

National Marine Distributors Association.

National Paint & Coatings Association.

National Pest Management Association.

National Propane Gas Association.

National Restaurant Association.

NRF—The National Retail Federation.

National Roofing Contractors Association.

National School Supply & Equipment Association.

National Shooting Sports Foundation.

NAHAD—The Association for Hose & Accessories Distributors

NPES—The Association for Suppliers of Printing, Publishing and Converting Technologies.

National Small Business Association.

Nebraska Restaurant Association.

Nebraska Trucking Association.

Nevada State Medical Association.

New Hampshire Lodging and Restaurant Association.

New Jersey Automobile Wholesalers Association.

New Jersey Business & Industry.

New Jersey Motor Truck Association.

New Jersey Restaurant Association.

New Mexico Alliance for Legal Reform.

New Mexico Chapter, National Electrical Contractors Association.

New Mexico Restaurant Association.

Nevada Restaurant Association.

New York State Automotive Aftermarket Association.

New York State Motor Truck Association.

New York State Restaurant Association.

North American Horticultural Supply Association.

North Carolina Citizens for Business and Industry.

North Carolina Restaurant Association.

North Carolina Trucking Association.

North Dakota State Hospitality Association.

North Florida Chapter, National Electrical Contractors Association.

North Louisiana Chapter, National Electrical Contractors Association.

North Texas Chapter, National Electrical Contractors Association.

Northeastern Illinois Chapter, National Electrical Contractors Association.

Northern California Citizens Against Lawsuit Abuse.

Northern Illinois Chapter, National Electrical Contractors Association.

Northern New York Chapter, National Electrical Contractors Association.

Northern Rhode Island Chamber of Commerce.

Office Products Wholesalers Association.

Ohio Association of Wholesaler-Distributors.

Ohio Manufacturers Association.

Ohio Restaurant Association.

Ohio Trucking Association.

Oklahoma Restaurant Association.

Orange Chamber of Commerce (CA).

Orange County Citizens Against Lawsuit Abuse.

Oregon Restaurant Association.

Outdoor Power Equipment & Engine Service Association.

Outdoor Power Equipment Institute.

Outdoor Power Equipment Aftermarket Association.

Pacific Printing & Imaging Association (AK, HI, ID, MT, OR, WA).

Packaging Machinery Manufacturers Institute.

Painting & Decorating Contractors of America.

Penn-Ohio Chapter, National Electrical Contractors Association.

Pennsylvania Health Care Association.

Pennsylvania Restaurant Association.

Paris Area Chamber of Commerce & Tourism (IL).

Pennsylvania Automotive Wholesalers Association.

Pet Industry Distributors Association.

Petroleum Equipment Institute.

Petroleum Marketers Association of America.

Petroleum Retailers & Auto Repair Association.

Plumbing-Heating-Cooling Contractors Association.

Post Card and Souvenir Distributors Association.

Power Transmission Distributors Association.

Printing & Graphic Communications Association.

Printing & Imaging Association of Mid-America (KS, MO, OK, TX).

Printing & Imaging Association, Mountain States.

Printing Association of Florida.

Printing Industries Association of San Diego.

Printing Industries of Michigan.

Printing Industry Association of the South (AL, AR, KY, LA, MS, TN, WV).

Printing Industries of America.

Printing Industries of Illinois/Indiana Association.

Printing Industries of New England (ME, NH, VT, MA, RI).

Production Engine Remanufacturers Association.

Property Casualty Insurers Association of America.

Red River Valley Chapter, National Electrical Contractors Association (TX).

Retail Industry Leaders Association.

Restaurant and Hospitality Association of Indiana.

Restaurant Association of Maryland, Inc.

Restaurant Association of Metro Washington, Inc.

Rhode Island Hospitality and Tourism Association.

Richmond/Spring Grave Chamber (IL).

Rio Grande Valley Partnership.

Rubber Manufacturers Association.

Safety Equipment Distributors Association, Inc.

Saguaro Chapter, National Electrical Contractors Association (AZ).

St. Paul Chapter, National Electrical Contractors Association (MN).

San Diego Chapter, National Electrical Contractors Association.

San Diego County Citizens Against Lawsuit Abuse.

San Diego Employers Association.

Scaffold Industry Association.

Security Hardware Distributors Association.

SSDA-AT—Service Station Dealers Of America/National Coalition Petroleum Retailers and Allied Trades.

Silicon Valley Citizens Against Lawsuit Abuse.

SBE Council—Small Business and Entrepreneurship Council.

Small Business Legislative Council.

SMC Business Councils.

Snack Food Association.

South Carolina Trucking Association.

South Carolina Civil Justice Coalition.

South Dakota Retailers Association.

Southern Nevada Chapter, National Electrical Contractors Association.

Specialty Equipment Market Association.

Society of American Florists.

The State Chamber of Oklahoma.

Steel Tank Institute.

Tarpon Springs Chamber of Commerce (FL).

Tennessee Chamber of Commerce & Industry.

Tennessee Restaurant Association.

Texas Association of Business.

Texas Civil Justice League.

Texas Restaurant Association.

Textile Care Allied Trades Association.

Tire Industry Association.

Truck Renting and Leasing Association.

U.S. Chamber of Commerce.

U.S. Chamber Institute for Legal Reform.

Utah Restaurant Association.

Valve Manufacturers Association.

Vermont Lodging and Restaurant Association.

Virginia Hospitality and Travel Association.

Virginia Trucking Association.

Washington State Liability Reform Coalition.

Washington Restaurant Association.

Waste Equipment Technology Association.

West Virginia Chamber of Commerce.

West Virginia Hospitality and Travel Association.

West Virginia Motor Truck Association.

Western Association of Fastener Distributors.

Western New York Chapter, National Electrical Contractors Association.

Western Pennsylvania Chapter, National Electrical Contractors Association.

Weston Area Chamber of Commerce (FL).

Wisconsin Manufacturers & Commerce.

Wisconsin Motor Carriers Association.

Wisconsin Restaurant Association.

Wood Machinery Manufacturers of America.

Woodworking Machinery Industry Association.

Wyoming Lodging & Restaurant Association.

Wyoming Trucking Association, Inc.

Madam Speaker, I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, if I could inquire from the gentleman how many more speakers he has, because I am the last speaker on my side.

Mr. GINGREY. To the gentleman from Massachusetts, we do not actually have any additional speakers at this time, so right now I am reserving the balance of my time for the purpose of closing, unless another speaker comes.

Mr. McGOVERN. Madam Speaker, I would like to enter into the RECORD as well another letter signed by a number of groups urging a vote against H.R. 420.

I would also like to include a letter that was sent to every Member of Congress by Michael S. Greco, the President of the American Bar Association, opposing this legislation.

I would also like to insert in the RECORD the text of the letter that I mentioned in my opening speech from the Judicial Conference of the United States which very strongly opposes this legislation.

OCTOBER 25, 2005.

DEAR REPRESENTATIVE: We urge you to oppose H.R. 420, a bill that would restore the discriminatory impact of the old version of Rule 11 of the Federal Rules of Civil Procedure, trample on states' rights to run their own courts, and increase the extent and expense of litigation rather than reduce it.

H.R. 420 seeks to roll back Rule 11 of the Federal Rules of Civil Procedure to an earlier 1983 version of the rule, which would undermine carefully crafted standards that were enacted in 1993. Those changes expanded responsibilities of litigants, while at the same time providing greater constraints and flexibility in dealing with violations of the rule. The current rule requires litigants to "stop-and-think" before making legal or factual contentions. It also, however, emphasizes the duty of candor by subjecting litigants to potential sanctions for insisting upon a position after it is no longer tenable, and by generally providing protection against sanctions if they withdraw or correct contentions after a potential violation is called to their attention.

There is no evidence that the current Rule 11 is not working. In fact, Department of Justice statistics show that the number of lawsuits is declining in both federal and state courts. The end result of H.R. 420 would be a shift of the function of Rule 11 from deterring frivolous litigation to increasing litigation by those who have the resources and the time to litigate against opposing counsel. History shows that mandatory Rule 11 sanctions imposed in 1983, and to which H.R. 420 would have us return, were used disproportionately against plaintiffs' (particularly civil rights) attorneys and those attempting to extend the law in support of unpopular causes. More than a decade ago, civil rights organizations—including some of the undersigned organizations—worked to amend Rule 11 because the old rule unfairly discouraged meritorious civil rights claims. H.R. 420 seeks to force litigants to operate under the terms that we fear, like the former rule we worked so hard to amend, will be used to punish and deter valid claims of discrimination.

Nationwide surveys about the former rule found that motions for sanctions were most frequently sought and granted in civil rights cases. Expressing his concerns about the former Rule 11, the Honorable Robert L. Carter, United States District Court Judge for the Southern District of New York, noted, "I have no doubt that the Supreme Court's opportunity to pronounce separate schools inherently unequal [in Brown v. Board of Education] would have been delayed for a decade had my colleagues and I been required, upon pain of potential sanctions, to plead our legal theory explicitly from the start." The language of H.R. 420 purporting to protect civil rights claims provides insufficient protection for victims of discrimination because the more severe rules outlined in H.R. 420 can still be applied in civil rights. Had supporters of the bill wanted to effectively protect those who seek justice under our civil rights laws, they could have exempted those claims from the scope of the bill.

Moreover, H.R. 420 not only changes the rules for federal courts, it is unprecedented in that its reach extends to state court cases. Section 3 of the bill provides, upon motion, the court is required to assess the costs of the action "to the interstate economy." If the court determines that the state court action "affects interstate commerce," Rule 11 of the Federal Rules of Civil Procedure "shall apply to such action." Imagining the proceedings necessary to determine whether a particular state court action "affects interstate commerce" is mind-boggling. This provision will certainly spawn satellite litigation. Moreover, the total disregard for federalism is astounding.

Finally, the vast majority of the federal judiciary opposes the changes contained in H.R. 420. The Judicial Conference of the United States, headed by the late Chief Justice Rehnquist, clearly stated in a letter to Chairman Sensenbrenner that "the proposed changes to Rule 11 will not help deter litigation abuses, but will increase satellite litigation, costs, and delays." The letter also notes there is "a remarkable consensus" among Federal district court judges in opposition to changing the rule.

If you have any questions or need more information, please contact Pamela Gilbert, Cuneo Gilbert & LaDuca, LLP, representing the Center for Justice & Democracy, 202.587.5064; Sandy Brantley, Legislative Counsel, Alliance for Justice, 202.822.6070; or Jillian Aldebron, Civil Justice Counsel, Public Citizen's Congress Watch, 202.454.5135.

Sincerely,
Alliance for Justice.
Center for Justice & Democracy.
Citizens for a Safer Minnesota.
Consumer Federation of America.
District of Columbia Million Mom March.
Legal Community Against Violence.
Maine Citizens Against Handgun Violence.
National Association of Consumer Advocates.
New Yorkers Against Gun Violence.
Public Citizen.
USAction.
Violence Policy Center.
Virginians Against Handgun Violence.

AMERICAN BAR ASSOCIATION,
Chicago, IL, October 10, 2005.

DEAR REPRESENTATIVE: I write regarding H.R. 420, the "Lawsuit Abuse Reduction Act." The American Bar Association strongly opposes this legislation and respectfully urges you to vote "No" when it is brought to the floor of the House of Representatives in the near future.

Without any demonstrated problem with the enforcement or operation of Rule 11, H.R. 420 would (1) impose mandatory sanctions for any violation of Rule 11 of the Federal Rules of Civil Procedure and remove its current "safe harbor" provisions; (2) enforce a mandatory suspension from practicing law of an attorney who has violated Rule 11 three times; (3) impose federal mandatory Rule 11 sanctions upon any civil state court claim that materially affects interstate commerce; and (4) impose specific venue designation rules upon any personal injury claim filed in any state or federal court.

As a threshold matter, the ABA strongly opposes the legislation because these amendments to the Federal Rules of Civil Procedure are being proposed without utilizing the process set forth in the Rules Enabling Act. This departure from the procedure of the Rules Enabling Act is also being proposed without any demonstrated problem with the operation of the Rules Enabling Act. The ABA fully supports the Rules Enabling Act process, which is based on three fundamental concepts: (1) the essential and central role of the judiciary in initiating judicial rulemaking; (2) the use of procedures that permit full public participation, including participation by members of the legal profession; and (3) provision for a Congressional review period. We view the proposed rules changes to the Federal Rules in H.R. 420 as an unwise retreat from the balanced and inclusive process established by Congress when it adopted the Rules Enabling Act.

In 28 U.S.C. §§2072-74, Congress prescribed the appropriate procedure for the formulation and adoption of rules of evidence, practice and procedure for the federal courts. This well-settled, congressionally specified procedure contemplates that evidentiary and procedural rules will in the first instance be considered and drafted by committees of the United States Judicial Conference, will thereafter be subject to thorough public comment and reconsideration, and will then be submitted to the United States Supreme Court for consideration and promulgation. Finally and most importantly, the proposed rules resulting from the inclusion of all of the stakeholders, is transmitted to Congress, which retains the ultimate power to veto any rule before it takes effect.

This time-proven process proceeds from separation-of-powers concerns and is driven by the practical recognition that, among other things:

(1) rules of evidence and procedure are inherently a matter of intimate concern to the judiciary, which must apply them on a daily basis;

(2) each rule forms just one part of a complicated, interlocking whole, rendering due deliberation and public comment essential to avoid unintended consequences; and

(3) the Judicial Conference is in a unique position to draft rules with care in a setting isolated from pressures that may interfere with painstaking consideration and due deliberation.

We do not question Congressional power to regulate the practice and procedure of federal courts. Congress exercised this power by delegating its rulemaking authority to the judiciary through the enactment of the Rules Enabling Act, while retaining the authority to review and amend rules prior to their taking effect. We do, however, question the wisdom of circumventing the Rules Enabling Act, as H.R. 420 would do. The fact that the proposed changes to the Rules are flawed should give pause to those who are asked to support the circumvention of the process of the Rules Enabling Act. Not following the processes set forth in the Rules Enabling Act would frustrate the purpose of the act and potentially harm the effective functioning of the judicial system.

The ABA supports the current version of Rule 11 because it has proven to be an effective means of discouraging dilatory motions practice and frivolous claims and defenses. There has been no demonstrated problem with the enforcement or operation of Rule 11. The ABA opposes the provisions in H.R 420 to enforce a mandatory suspension of an attorney for Rule 11 violations. The filing of frivolous claims and defenses is an important issue that deserves attention. It is appropriate and right for courts to have the ability to sanction attorneys for abusing the legal system by filing claims meant to harass or intimidate litigants. It is, however, important to remember that Rule 11 violations can be levied even when, in hindsight, there may have been a legitimate claim, especially for civil rights cases or environmental litigation. Attorneys practicing in these areas may be subject to more Rule 11 sanctions than attorneys who handle other types of cases.

A system that provides for mandatory suspension of attorneys with three Rule 11 violations would have an extremely chilling effect on the justice system and could disproportionately impact attorneys who practice in particular areas, such as civil rights or environmental law. This type of mandatory suspension is even more damaging when taken in combination with efforts to require mandatory sanctions for Rule 11 violations, which cannot be appealed until after a judgment is rendered in a case.

Equally important, the ABA strongly opposes enactment of H.R. 420 because Congress should not dictate venue rules for state courts. State rules relating to venue and jurisdiction should be developed at the state level and supported by extensive study, vetted publicly, and made subject to comment by the legal profession. To do otherwise would violate our long-established principles of federalism. It should remain solely within the purview of the individual states to establish local rules for procedures, either through their state legislatures or through a grant of rulemaking authority to their state judiciaries.

The imposition of Rule 11 mandatory sanctions upon the individual state courts would also violate our time-honored principles of federalism. Earlier this year, the Conference of Chief Justices adopted a resolution in opposition to federal usurpation of state court authority as guaranteed by the United States Constitution. This resolution "strongly opposed" the enactment of any federal legislation that would "drastically change the traditional state role in determining ethics, jurisdiction and venue rules in state litigation." The determination of the states to establish and operate their judicial systems in accordance with principles important to each state is entitled to respectful deference from the federal government. Great deference should also be given to the views of these state court leaders.

For these compelling reasons the ABA strongly opposes the enactment of H.R. 420. We respectfully urge you to vote "No" on this legislation.

Sincerely,

MICHAEL S. GRECO,
President.

JUDICIAL CONFERENCE
OF THE UNITED STATES,
Washington, DC, May 17, 2005.

Hon. F. JAMES SENSENBRENNER, JR.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am pleased to provide you with a copy of the Federal Judicial Center's Report of a Survey of United States District Judges' Experiences and Views Concerning Rule 11, Federal Rules of Civil Procedure. The report was prepared at the request of the Judicial Conference's Advisory Committee on Civil Rules to provide information as part of the Advisory Committee's study of proposals introduced in Congress to amend Rule 11. The report makes it clear that the vast majority of federal district judges believe that the proposed changes to Rule 11 will not help deter litigation abuses, but will increase satellite litigation, costs, and delays.

Since 1995, legislation has regularly been introduced that would reinstate a mandatory sanctions provision of Rule 11 that was adopted in 1983 and eliminated in 1993. The 1993 change followed several years of examination and was made on the Judicial Conference's recommendation, with the Supreme Court's approval, and after Congressional review. The 1983 provision was eliminated because during the ten years it was in place, it did not provide meaningful relief from the litigation behavior it was meant to address and generated wasteful satellite litigation that had little to do with the merits of a case. On January 26, 2005, Representative Lamar Smith introduced the Lawsuit Abuse Reduction Act of 2005 (H.R. 420). The bill would restore the 1983 version of Rule 11, undoing the amendments to Rule 11 that took effect in December 1993. The enclosed report shows a remarkable consensus among federal district judges supporting existing Rule 11 and opposing its amendment.

In 1983, Rule 11 was amended to require judges to impose sanctions for violations that could include attorneys' fees. The 1983 version of Rule 11 was intended to address certain improper litigation tactics by providing some punishment and deterrence. The effect was almost the opposite. The 1983 rule presented attorneys with financial incentives to file a sanction motion. The rule was abused by resourceful lawyers. A "cottage industry" developed that churned tremendously wasteful satellite sanctions litigation that had everything to do with strategic gamesmanship and little to do with the underlying claims or with the behavior the rule attempted to regulate. Rule 11 motions came to be met with counter motions that sought Rule 11 sanctions for making the original Rule 11 motion. The 1983 version of Rule 11 spawned thousands of court decisions unrelated to the merits of the cases, sowed discord in the bar, and generated widespread criticism.

The 1993 amendments to Rule 11 were designed to remedy major problems shown by experience with the 1983 rule, allow courts to focus on the merits of the underlying cases rather than on Rule II motions, but still provide a meaningful sanction for frivolous pleadings. The rule establishes a "safe harbor," providing a party 21 days within which to withdraw a particular claim or defense before sanctions can be imposed. If the party fails to withdraw an allegedly frivolous claim or defense within the 21 days, a court may impose sanctions, including assessing reasonable attorney fees. Rule 11 does not supplant other remedial actions available to sanction an attorney for a frivolous filing, including punishing the attorney for contempt, employing sanctions under 28 D.S.C. 1927 for "vexatious" multiplication of proceedings, or initiating an independent action for malicious prosecution or abuse of process.

H.R. 420 would amend Rule 11 to restore the 1983 version, by removing a court's discretion to impose sanctions on a frivolous filing and by eliminating the rule's safe-harbor provisions. The Judicial Conference opposed the Lawsuit Abuse Reduction Act of2004 (H.R. 4571), the predecessor of H.R. 420. The Judicial Conference based its position on the problems caused by the 1983 version of Rule 11, which H.R. 420 would restore. The Judicial Conference noted that these problems included:

creating a significant incentive to file unmeritorious Rule 11 motions by providing a possibility of monetary penalty;

engendering potential conflict of interest between clients and their lawyers, who advised withdrawal of particular claims despite the clients' preference;

exacerbating tensions between lawyers; and

providing little incentive, and perhaps a distinct disincentive, to abandon or withdraw—and thereby admit error on—a pleading or claim after determining that it no longer was supportable in law or fact.

The Advisory Committee on Civil Rules regularly monitors the operation of the Civil Rules, inviting the bench, bar, and public to inform it of any problems. The Committee stands ready to address any deficiency in the rules, including Rule II. Although the Committee is mindful of Congressional concerns about frivolous filings addressed in pending legislation, the Committee has not received any negative comments or complaints on existing Rule II from the bench, bar, or public. To gain a clearer picture of the operation of Rule 11, the Committee asked the Federal Judicial Center to survey the experience of the trial judges who must apply the rules. The survey sought responses from judges with experience under the 1983 version as well as judges serving only after the 1993 version was adopted. The results of the Federal Judicial Center's survey show that judges strongly believe that Rule 11, which was carefully crafted to deter frivolous filings without unduly hampering the filing of legitimate claims or defenses, continues to work well. The survey's findings include the following highlights:

More than 80 percent of the 278 district judges surveyed indicate that "Rule 11 is needed and it is just right as it now stands";

87 percent prefer the existing Rule 11 to the 1983 version or the version proposed by legislation (e.g., H.R. 4571 or H.R. 420);

85 percent strongly or moderately support Rule 11's safe harbor provisions;

91 percent oppose the proposed requirement that sanctions be imposed for every Rule 11 violation;

84 percent disagree with the proposition that an award of attorney fees should be mandatory for every Rule 11 violation;

85 percent believe that the amount of groundless civil litigation has not grown since the promulgation of the 1993 rule, with 12 percent noting that such litigation has not been a problem, 19 percent noting that such litigation decreased during their tenure on the Federal bench, and 54 percent noting that such litigation has remained relatively constant; and

72 percent believe that addressing sanctions for discovery abuse in Rules 26(g) and 37 is better than in Rule 11.

The judges' experiences with the 1993 version of Rule 11 point to a marked decline in Rule 11 satellite litigation without any noticeable increase in the number of frivolous filings. H.R. 420 would effectively reinstate the 1983 version of Rule 11 that proved so contentious and wasted so much time and energy of the bar and bench. Rule 11 in its present form has proven effective and should not be revised. The findings of the Federal Judicial Center underscore the Federal district judges' united opposition to legislation amending Rule 11. I urge you on behalf of the Judicial Conference to oppose legislation amending Rule 11.

The Judicial Conference appreciates your consideration of its views. If you have any questions, please feel to contact me. I may be reached at (202) 273-3000. If you prefer, you may have your staff contact Karen Kremer, Counsel, Office of Legislative Affairs, Administrative Office of the United States Courts, at (202) 502-1700.

Sincerely,

LEONIDAS RALPH MECHAM,
Secretary.

Mr. McGOVERN. Madam Speaker, I think the reason why we have no other speakers on this side is because everything that possibly could be said was said last year. So all we need to do is just replay the tape recorder and listen to all the arguments. We just seem to be repeating the same debates over and over and over again.

Again, I would urge my colleagues to vote against this legislation. This is unwise policy. I understand that the genesis of this legislation is to appeal to those who like to contribute lots of money to particular campaigns, but, quite frankly, I think that is not a sound reason to pass this legislation.

As I mentioned before, the Judicial Conference of the United States has outlined very clearly why this is a bad bill. I would hope that my colleagues would listen to some of the experts and do what is right and reject this legislation.

Madam Speaker, I yield back the balance of my time.

Mr. GINGREY. Madam Speaker, I might point out that the people that oppose this legislation, as the gentleman from Massachusetts mentioned earlier, are the very ones that support his party. So I think that there is a little balance there, if that be true in either instance.

Madam Speaker, I would first like to close this debate by thanking my colleagues for a very productive discussion of both the rule and H.R. 420. The opportunity before this House today is another example of how this Congress has improved our legal system and preventing frivolous lawsuits from closing the doors of justice for those who have truly been harmed.

Contrary to what the opponents of legal reform might say, the underlying bill, as well as other recent bills, do not demonstrate contempt for our legal system or the esteemed profession of attorneys, but rather demonstrate respect for the important and historic role of our judicial system in defending the rights and ensuring the constitutional application of the laws. Frivolous lawsuits have not only driven up costs and destroyed economic opportunity for the American people, but they have also damaged the image of the courts. When the American people stop respecting the decisions of the judiciary, the courts begin to lose their effectiveness, and they cease to perform their constitutionally mandated role.

For the sake of the courts and for the sake of the American people, we in this House need to push forward with this additional meaningful and genuine reform. Therefore, I would like to urge all of my colleagues on both sides of the center aisle to support this rule and the underlying bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, while the Committee on Rules reported out a rule that made in order a substantive amendment offered by the Gentleman from California, Mr. SCHIFF, I rise in opposition to it, H. Res. 508 because the legislation underlying is pernicious.

As I mentioned during the Committee on the Judiciary's oversight hearing on this legislation during its first iteration in the 108th Congress and reiterated in my statement for the markup, one of the main functions of that body's oversight is to analyze potentially negative impact against the benefits that a legal process or piece of legislation will have on those affected. The base bill before the House today does not represent the product of careful analysis and therefore, it is critical that Members be given the ability to offer amendments to improve its provisions.

In the case of H.R. 4571, the Lawsuit Abuse Reduction Act the oversight functions of the Judiciary Committee allowed us to craft a bill that will protect those affected from negative impacts of the shield from liability that it proposes. This legislation requires an overhaul in order to make it less of a misnomer—to reduce abuse rather than encourage it.

The goal of the tort reform legislation is to allow businesses to externalize, or shift, some of the cost of the injuries they cause to others. Tort law always assigns liability to the party in the best position to prevent an injury in the most reasonable and fair manner. In looking at the disparate impact that the new tort reform laws will have on ethnic minority groups, it is unconscionable that the burden will be placed on these groups—that are in the worst position to bear the liability costs.

When Congress considers pre-empting state laws, it must strike the appropriate balance between two competing values—local control and national uniformity. Local control is extremely important because we all believe, as did the Founders two centuries ago, that State governments are closer to the people and better able to assess local needs and desires. National uniformity is also an important consideration in federalism—Congress' exclusive jurisdiction over interstate commerce has allowed our economy to grow dramatically over the past 200 years.

This legislation would reverse the changes to Rule 11 of the Federal Rules of Civil Procedure, FRCP, that were made by the Judicial Conference in 1993 such that (1) sanctions against an attorney whose litigation tactics are determined to harass or cause unnecessary delay or cost or who has been determined to have made frivolous legal arguments or unwarranted factual assertions would become mandatory rather than discretionary to the court, (2) discovery-related activity would be included within the scope of the Rule, and (3) the Rule would be extended to state cases affecting interstate commerce so that if a state judge decides that a case affects interstate commerce, he or she must apply Rule 11 if violations are found.

This legislation strips State and Federal judges of their discretion in the area of applying Rule 11 sanctions. Furthermore, it infringes States' rights by forcing State courts to apply the rule if interstate commerce is affected. Why is the discretion of the judge not sufficient in discerning whether Rule 11 sanctions should be assessed?

If this legislation moves forward in this body, it will be important for us to find out its effect on indigent plaintiffs or those who must hire an attorney strictly on a contingent—fee basis. Because the application of Rule 11 would be mandatory, attorneys will pad their legal fees to account for the additional risk that they will have to incur in filing lawsuits and the fact that they will have no opportunity to withdraw the suit due to a mistake. Overall, this legislation will deter indigent plaintiffs from seeking counsel to file meritorious claims given the extremely high legal fees.

Furthermore, H.R. 4571, as drafted, would allow corporations that perform sham and noneconomic transactions in order to enjoy economic benefits in this country .

This is a bad rule that will have terrible implications on our legislative branch, and I ask that my colleagues to defeat the rule, defeat the bill, and support the Substitute offered by Mr. SCHIFF. We must carefully consider the long-term implications that this bill, as drafted, will have on indigent claimants, the trial attorney community, and facilitation of corporate fraud.

Mr. GINGREY. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DISAPPROVING THE RECOMMENDATIONS OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

Mr. HUNTER. Madam Speaker, pursuant to section 2908(d) of Public Law 101–510, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res 65) disapproving the recommendations of the Defense Base Closure and Realignment Commission.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER).

The motion was agreed to.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 65) disapproving the recommendations of the Defense Base Closure and Realignment Commission, with Mr. GINGREY in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the joint resolution was considered read the first time.

The CHAIRMAN. Pursuant to section 2908(d) of Public Law 101–510, debate shall not exceed 2 hours.

The gentleman from California (Mr. HUNTER) will be recognized for 1 hour in opposition to the joint resolution and a Member in favor of the joint resolution will be recognized for 1 hour.

Mr. LAHOOD. Mr. Chairman, I would like to claim the 1 hour in support of the resolution.

The CHAIRMAN. The gentleman from Illinois (Mr. LAHOOD) will be recognized for 1 hour.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri (Mr. SKELTON), and I ask unanimous consent that he be allowed to control that time. I also ask unanimous consent that I be allowed to designate the gentleman from Colorado (Mr. HEFLEY) as controlling our time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, tonight marks the end of a long and difficult process for selecting military installations for closure and realignment.

Under BRAC law, the realignment and closure recommendations by the BRAC 2005 Commission will become binding, unless a joint resolution of disapproval, such as the one before us today, is enacted.

For those of us with military installations in our districts, the BRAC process is a trying one. And I might mention we have had four BRAC rounds previous to this one. Every one of us spent the last 4 years making a case to the Pentagon and the BRAC Commission with respect to the military value of our bases. Nevertheless, both DOD and the BRAC Commission have determined that a portion of our military infrastructure should be closed or realigned.

As a result, the final recommendations of the Commission include 22 closures that we would designate as major closures, 33 major realignments, and many smaller closure and realignment actions. According to the Commission, these actions will save more than $15 billion over the next two decades with annual savings of more than $2.5 billion after implementation.

Some of my colleagues have questioned the need for a round of BRAC and the timing of this round. While I understand and appreciate such concerns, I believe that these issues have been thoroughly discussed and debated. In addition, by a vote of 43 to 14, the Armed Services Committee reported this resolution adversely to the House with a recommendation that it do not pass. As such, I intend to vote against House Joint Resolution 65 today, thereby allowing the BRAC Commission recommendations to stand, and I would urge my colleagues to join me in doing so.

On a final note, I would like to thank the BRAC Commissioners for their service. Since their appointments this spring, the Commissioners visited more than 170 installations, conducted 20 regional hearings and 20 deliberative hearings, and participated in hundreds of meetings with public officials. Also, Mr. Chairman, I would particularly like to thank the chairman of the Commission, Anthony J. Principi. Tony Principi took on another tough one in chairing this BRAC Commission. It is a commission in which you get beaten up lots of times, second-guessed a lot, and cross-examined a lot. Yet, it is a necessary position, and it is one that requires a guy or a lady with a lot of integrity. Chairman Principi is just such a person.

Also, we had on our committee two former members of the Armed Services Committee who were on the BRAC Commission, Jim Bilbray and Jim Hansen, and Mr. Chairman, they have served us well as senior statesmen in again what amounted to very, very difficult roles.

☐ 1100

I would like to acknowledge the good work of all of the commissioners. It is not an easy job and it is, to some degree, a very thankless job. Nonetheless, it is necessary and they put a lot of time and a lot of sweat into this process. So I want to thank them.

Mr. Chairman, I reserve the balance of my time.

Mr. LAHOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the reason that I introduced this resolution is because I feel very strongly that we are in a position in the House to send a very strong message of support to those who are doing the hard work in Iraq, those who have done the hard work in Afghanistan, and those men and women who we call our citizen soldiers, and a big debt of thanks for what they have been doing in the work that we have asked them to do.

I have been a very strong supporter of the President's position when we went to Afghanistan because I thought we needed to bring down al Qaeda. And no politician can take credit for what has taken place in Afghanistan. It has been done by the hardworking men and women who brought down al Qaeda and the 25,000 troops that are still there.

And no politician can take credit for what has taken place in Iraq. I supported the resolution to go to Iraq. I have supported President Bush on every request that he has made before this House for the money to support our troops, and now we have more than 135,000 troops and many men and women working in the State Department and the embassy there trying to help stand up a democracy, help stand up a police force, and help bring about democracy in Iraq.

If we go along with the BRAC Commission recommendations, what we say to those hardworking men and women who have done the work that we have asked them to do is that we are thinking about, not thinking about, the BRAC recommendations would close the bases, close some of the guard bases, say to the citizen soldiers who have done the hard work, thanks, but we don't need you any longer.

This is the wrong message to be sending. These hardworking men and women have done the job that we asked them to do, and that is the reason that we have seen such great success in Afghanistan and in Iraq. So I ask Members today to support this resolution and send a message to those who have done the hard work that these BRAC recommendations are not the right approach.

When the establishment of the BRAC came about, it was prior to 9/11. It was prior to going into Afghanistan, prior to going into Iraq, and prior to us asking our men and women, the citizen soldiers and the full-time military, to do the hard work that they are doing. This sends the wrong message. This is not the message that we want to send to those that are there, that the Guard bases and the air bases and the military bases that are being recommended for closure or realignment were not right.

When we are spending the kind of money that we are spending, we are not saving an awful lot through these BRAC recommendations. I would submit to the House that if 9/11 had happened prior to us passing this BRAC, that BRAC would not have passed, we would not have established a commission, because we would need a very strong military and we would need these Guard bases.

I also want to point out to the House that there is a Federal law that has been ignored by BRAC and ignored by the Defense Department. It is a Federal law that says you cannot close air and Guard Reserve bases without the authority of the Governor of the State, and this has been ignored.

It was ignored by BRAC, and it was ignored by the Defense Department. I think it is a law that has standing, and I think it is a law that makes an awful lot of sense. The Governors should have a say in what bases are closed. But it was a law that was ignored. So I say to those in the House that today is not the day to send the kind of message that we will be sending if we do not approve the resolution that was considered by the Armed Services Committee and being considered here today. We need to pass this resolution.

If we pass the resolution, we do send a strong message to our citizen soldiers and to the military that the work that they are doing is important, that the Guard bases that they represent, that the air bases that they represent are important, and that our citizen soldiers have done the good work.

There is going to be another report coming from the Defense Department about realigning and about the kind of defenses that our country wants. We do not know what that report will say, but I think it is another indication that the BRAC is premature. I know what the chairman said about those who served on the BRAC, but I am not sure that we were quite as well served by some of those members as we could have been in some of their deliberations.

These are people that were called upon to do very difficult work. They have completed their work, and now it is up to Congress to speak. The Defense Department has spoken. BRAC has spoken. The President has spoken. Now, Mr. Chairman, it is up to the House to speak today.

I urge the House to adopt this resolution in support of those that have done the hard work, in support of those who are citizen soldiers who come from the communities that we represent and say to them, we thank you for your hard work. We thank you for what you have done. We thank you for bringing down al Qaeda. We thank you for helping stand up a democracy in Iraq, and we are not going to eliminate the bases from which you come or realign them.

Mr. Chairman, I rise today to offer H.J. Res. 65, a resolution that I introduced that would disapprove the recommendations of the 2005 Defense Base Closure and Realignment Commission.

As I have stated many times since this BRAC round began, it is absolutely wrong that we are considering closing and realigning bases while we are at war. We in Congress spend quite a bit of time proclaiming that we are doing all we can to care for our troops. Spending billions of dollars closing and realigning bases isn't caring for our troops—it's just plain wrong.

Congress created the BRAC process so that there would be a non-partisan, independent method of reviewing our military's post-Cold War excess infrastructure. Unfortunately, we live in a different world today and we face challenges that we, as a nation, couldn't even imagine in the late 1980s. There is no more "peacetime dividend" to be gained from closing bases. The Global War on Terrorism has reached deep into our military structure and showed us that we can no longer ask our military to do more with less.

This BRAC Commission was asked to do a very difficult task in a very uncertain environment. Early next year the Department of Defense will issue its latest Quadrennial Defense Review, a document that will outline the future structure of our military as they continue their fight against terror. We do not know what the QDR will contain, and what sort of infrastructure will be required to support it. We are also waiting to hear the plan for bringing as many as 70,000 troops and their families home from Europe and Asia as the Department reduces its Cold War footprint overseas. We do not know what that plan will contain, either, but those 70,000 people and their dependents will have to live and work somewhere. The BRAC Commission noted in its report to the President that the timing of this BRAC round was not ideal because of all of the uncertainty surrounding these upcoming major events. Even the most well-intentioned decisions, if they are made without taking all of the facts into account, can end up hurting those we say we are trying to help.

The list of recommendations that were released by the Department of Defense on May 13 contained more proposed actions than all previous BRAC rounds combined. In its report to the President, the BRAC Commission was very critical of the Department's methods. The Pentagon lumped together unrelated activities into one recommendation, leaving a mess for the Commission to try to untangle. The DoD proposed the consolidation of many jobs and commands that had similar names, even if they did not have the same missions. There was apparently no interaction between the Pentagon and other federal agencies that share assets and installation space, such as the Department of Veterans Affairs and the United States Coast Guard, agencies that could be now left in serious financial straits if the burden of maintaining these facilities falls completely on them. And, most striking of all, there was very little cooperation and interaction between the Pentagon and the Department of Homeland Security. How can we feel secure in voting on these recommendations without knowing the full impact they will have on our homeland security? These bases are not simply staging areas before our military goes to fight overseas. Our military is vital to securing our homeland. We cannot make it more difficult for them to achieve that mission.

The one aspect of this year's BRAC round that brought this issue home to many of my colleagues was the inclusion of Air National Guard bases. I am proud to say that I represent 2 flying units of the Illinois Air National Guard in my district, and I have seen firsthand the vital roles they play in our nation's defense. We ask our Guard to make extraordinary sacrifices and become masters of a wide range of issues, from fighting against terrorism in Iraq and Afghanistan to rescuing victims and providing relief to those who are impacted by natural disasters here at home. They do so willing and heroically, leaving behind their families and their jobs as soon as they get the call. These Guard units, under the purview of the governors of the states, are now being closed or "enclaved" without the consent of the governors and without proper consultation of the State Adjutants General. This is how we support those who serve both their states and the federal government? These men and women are not going to uproot their entire lives to follow their units to other states. We will lose them, their knowledge, and their expertise. This is a price we cannot afford to pay.

Title 10 of the United States Code prohibits the closure or relocation of Army and Air National Guard units without the consent of the governors of the states in which those units are located. A number of governors have gone on record and refused to give their consent for the movement of their National Guard units. Many states have filed lawsuits in federal court demanding that the Pentagon and the BRAC Commission follow federal law. The Speaker, Senator DURBIN and I brought this provision to the attention of the Secretary of Defense in a letter dated March 24. To date, the Pentagon still has not been able to answer that letter. On July 14, the BRAC Commission's own Deputy General Counsel issued an opinion that not only are the proposed Air Guard moves in violation of federal law, they may be unconstitutional. The Commission ignored its own lawyer! This BRAC round is going to leave us with flying units that no longer have planes, and for what reason? These Air Guard moves do not save money. They will weaken the Air Guard in many states and make recruiting and retention of these dedicated Airmen next to impossible. Not only is this wrong, it is illegal, a clear violation of Title 10 of the United States Code. Lawsuits are still pending.

Much has been said about the proposed "savings" if this round of BRAC is enacted. A figure of $35 billion in savings over 20 years seems to be popular in the media. However, this $35 billion figure includes assumed personnel cost savings; savings that both the BRAC Commission and the GAO have stated should not be included. Once those personnel savings are removed, the total savings falls to approximately $15.1 billion over the next 20 years. We cannot forget that this round of BRAC will cost $21 billion to enact. That kind of math simply does not make sense.

This round of BRAC has strayed far from Congress' original intent. We aren't reducing excess infrastructure to save money. This BRAC is the beginning of implementing major force structure changes without the consultation of Congress. Sweeping changes like this require more than just one up or down vote.

I have heard a number of my colleagues state that they will support this round of BRAC even though they do not agree with it, simply because this is the process that Congress established. This is not something we can close our eyes and blindly support. We are a nation at war, the timing is wrong, the savings are not there, and Guard units are being moved out of their states in violation of federal law. The process did not work this time, and we need to stand up and say "Stop".

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I have long supported the base closure process as a way to eliminate excess infrastructure in the Department of Defense. This is an important and very noble goal. We need all of our resources to be devoted towards supporting our fighting men and women. This includes having the best and most efficient facilities.

For this reason, Mr. Chairman, I will today vote to uphold the list recommended by the BRAC Commission and against the resolution of disapproval.

Even though I support the BRAC, I would like to take this opportunity to comment on the process that was used in this round of BRAC. In the last three BRAC rounds, the Defense Department demonstrated that it could successfully close bases and reduce infrastructure through a measured and deliberative process.

In this round, however, neither the Department of Defense nor the BRAC Commission, in my opinion, has lived up to the high standards that we set for them. The execution of the process and the final outcome has suffered. The end result is that I doubt we will see another round of base closures due to missteps along the way.

This is it, Mr. Chairman. This is it for BRAC. But even with the BRAC shortfalls, I feel that the Congress created a law that we are obligated to follow. While it missed some opportunities, the commission made some closures that will benefit the Nation. There are some outstanding prospects for jointness included on the list.

I sincerely hope that the Department of Defense will work to maximize their effect, while it works to assist communities that will be affected by closures with redevelopment.

Mr. Chairman, we must vote upon the product that is before us and the good that it can do. This BRAC may not be perfect, but we must take the opportunity presented to us to streamline our military infrastructure.

Mr. Chairman, I reserve the balance of my time.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to join Chairman HUNTER and Ranking Member SKELTON in opposing House Joint Resolution 65.

I was not a fan of us doing this BRAC round. The gentleman from Illinois said that if 9/11 had happened before the approval of this round, we probably would not have had a BRAC round. But the truth is that we have reaffirmed this BRAC round time and time again since 9/11.

Each year I would offer an amendment in the Armed Services Committee to put off the BRAC for many of the reasons that the gentleman from Illinois has stated: to put off the BRAC for 2 years until we could see where we are about bringing troops home, to see where we are on our war against terror.

Each time it would pass overwhelmingly in committee, it would pass overwhelmingly in this House, and we would be shot down in the conference committee by the Senate and the White House. We lost that battle. That would have been my choice.

But once we have gone through this process, I think we should proceed with it at this point. Just 5 months ago, the House voted down an amendment that would have delayed BRAC, the 2005 BRAC, indefinitely. I argued then, as I do today, that we must allow the BRAC process at this point to run its course.

As it turned out, that course took several unexpected twists and turns along the way. On the positive side, the BRAC Commission removed several significant bases from the closure list. In doing so, they validated our belief that our military should not give up the ability to surge to meet future crises in times of war and peace, allowing this ability that is fundamental to our Nation's security.

On the negative side, the commission's actions on some issues like the commission's directive relating to the Naval Air Station Oceana, for example, raise a number of questions about the credibility underlying the BRAC process.

Considering that credibility is the foundation upon which BRAC is built, such questions are troubling. While I do not believe the BRAC 2005 outcome to be sufficiently flawed to vote to disapprove it, I have reached the conclusion that any future use of the existing BRAC laws to close or realign bases would be a mistake.

In balance, Mr. Chairman, I feel that this may have been the best BRAC process that we have had in all of the BRAC processes we have had. There are problems with it. It has never been perfect. It was not perfect this time. But I think it was perhaps the smoothest and best process that we have had.

To those of my colleagues who still may be on the fence about today's vote, I would point out that disapproval of the BRAC 2005 recommendations would guarantee yet another round of base closures in the very near future.

Bases on today's closure list would likely appear again on the future list. And those bases that escaped closure this time would again be at risk of closure or realignment. Whether or not you support any given closure or realignment within BRAC 2005, I hope that all of my colleagues will recognize that the alternative, which is another round of BRAC in the near future, would be even worse.

My friends, I do not want to go through this again. Any of us who represent bases across this Nation do not want to continually go through this kind of agony. For all of these reasons, I will vote against H.J. Res. 65 and vote to allow the BRAC process to run its course.

Mr. Chairman, I reserve the balance of my time.

Mr. LAHOOD. Mr. Chairman, let me just speak for a minute or two. I thought there were going to be some other Members that wanted to speak in favor of the resolution; but until they arrive, let me just talk for a minute or two about some of the costs.

The BRAC Commission estimated that $35 billion would be saved over a 20-year period, but the $35 billion figure includes assumed cost savings due to military personnel actions. Both the BRAC Commission and the GAO believe the military personnel savings should be excluded from the overall savings figure.

Once those personnel savings are removed, the overall savings fall to approximately $15 billion over 20 years. There is a one-time up-front cost of $21 billion to implement the BRAC round, and the DOD claimed that the savings from military personnel are not savings at all. These costs do not disappear; they simply shift from one base to another, and those folks are still in the military, and we still have to pay for them.

For some Air Force recommendations, the military personnel cost savings represents 90 percent of the total savings. And in the case of the Air National Guard end strength, it remained mostly the same. Obviously, no savings come from simply moving positions around the country.

If we keep the same number of personnel, DOD spending levels will not actually be reduced. The BRAC Commission concludes that DOD savings estimates were vastly overstated and overestimated. And there is also a quote from the commission on page 330 of their report: "In fact, the commission is concerned that there is a likelihood that the 2005 BRAC round could produce only marginal net savings over the 20-year period."

Mr. Chairman, I reserve the balance of my time.

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Mr. SKELTON. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank my two very good friends, the gentleman from Missouri (Mr. SKELTON) and the gentleman from Illinois (Mr. LAHOOD) for yielding me time, and I thank the gentleman from Illinois (Mr. LAHOOD) for bringing forth this resolution, which I support because it is a resolution of disapproval.

Now, you should know where I am coming from, Mr. Speaker. In my congressional district there are almost 23,000 people being displaced because of BRAC. It is the equivalent of four major military bases. But we could accept that, and Senator WARNER, the chairman of the Senate Committee on Armed Services, has said as well we can accept that decision, but for the fact that it is inconsistent with the BRAC authorizing legislation which was designed to save money and to improve military effectiveness. It does neither.

Initially, its was supposed to save $48.8 billion over 20 years. The latest analysis tells us that it is actually going to save only $15.1 billion over 20 years, about $700 million per year, which, incidentally, is about as much as we spend in a day in Iraq now.

So the question is, why we would be disrupting the lives of so many thousands of people if we are going to save so little money. And, in fact, even this savings estimate is suspect because as the gentleman from Illinois (Mr. LAHOOD) has explained, it is based upon personnel savings, and all we are doing is moving the personnel around the country. That does not save any money.

In fact, what is going to happen based upon the surveys we have taken of the personnel that are going to be displaced from northern Virginia, as many as 50–75 percent of the employees are going to decide not to move, to leave the government. And who are these people?

Well, it turns out they are the most experienced, they are the most skilled, they are the very people that we need the most to lead our defense agencies. In other words, this is going to cause a brain drain, and it is one that we can ill afford at the Federal level. As many of you may know, because it applies to most urban metropolitan areas, with the cost of housing, both spouses have to be in the workforce, and it is very disruptive to tell families that one of the wage-earners has to move hundreds of miles away.

In this case, the Missile Defense Agency is a good example. About 2- to 3,000 people are going to be moving down to Alabama. Now, I like Alabama. I like the gentleman who represents that district, but the reality is not all of them are going to move, because they like our schools, their children are in the school system, their spouses have jobs here, and most of them have security clearances, which means they are going to be picked up by the private sector in a New York minute.

Is this in the national interest? I do not think so. I do not think it is in the national interest. I could see if we were going to save the money. I could see if we were going to follow the intent of the BRAC process, which was to improve military preparedness, but I do not know how we achieve that. We were supposed to take people that were in facilities that were overcrowded and move them to surplus facilities in other parts of the country. That is not being achieved.

Now, Senator WARNER, the chairman of the Senate Armed Services Committee, did a very extensive analysis, of the BRAC legislation because he happened to be the architect of it, and he shows that these decisions, are inconsistent with the intent of that authorizing legislation. That alone is reason to oppose the BRAC conclusions and support this resolution.

We are going to, in fact, have to spend billions of dollars on building new facilities, and the fact that that money is going to have to come out of the Military Construction, Quality of Life appropriations subcommittee where we need to be conserving money to pay for veterans health care for the thousands of veterans that are coming back from the Iraq and Afghanistan war, defies common sense.

I do not think this is in the national interest, Mr. Speaker. I think that this body should support this resolution of disapproval until we get recommendations that show us how we are actually going to save money and improve military effectiveness.

Now, Secretary Rumsfeld has improved new building standards, and that was the justification that the BRAC Commission used to move these people. And the building standards necessitate that you cannot be within 100 feet of the sidewalk where the public is allowed. You cannot be near a public transit station. You cannot have public underground parking. You cannot do any of the things that you have to do in a metropolitan area like northern Virginia or the Washington metro area, even though we have buildings that are right on the sidewalk that are just as important in Florida and Texas that were not touched. But in northern Virginia they made the decision to implement these building standards as they apply to any DOD agency no matter how unlikely a terrorist target that agency might be.

But there are very different building standards that apply to the Department of Homeland Security, the Department of Justice, the FBI, all of these other agencies that would be just as likely a terrorist target, so it does not seem to make sense. In fact, I question why we would have published the location of all of these defense agencies when terrorists did not know where they existed, could not even figure out the acronyms for the agencies.

But we have very different, inconsistent building security standards, one by the General Services Administration, which has the authorizing responsibility for building Federal buildings; and another by DOD, which is not supposed to be building its own buildings, but are requiring enormous restrictions that preclude a location in a metropolitan area anyplace in the country, and that are going to cost such a premium to build, they are going to make them prohibitive for any other activity to be in those buildings.

Mr. Speaker, I could go on at greater length on why I do not think that these recommendations make sense from a cost standpoint, from a military effectiveness standpoint, from just a common-sense standpoint. I will not do that, but I will summarize by again pointing out that these recommendations are going to cost billions of dollars to build new buildings for DOD money that we do not have, that we are going to have to take from veterans health care. It is not going to improve our military preparedness. It is going to cause a brain drain in terms of many of the agencies that we rely so much on for technological superiority and intelligence. And when you have a recommendation that causes such additional cost and is going to make it so much more difficult to implement our military mission, I think the right thing to do is to reject it.

That is what this resolution does. That is what I would urge my colleagues in this body to do, to vote for the resolution of disapproval that has been offered by the gentleman from Illinois (Mr. LAHOOD) so as to have the administration go back and tell us ways they can, in fact, save money, ways they can, in fact, improve the efficiency and effectiveness of our military mission.

The Acting CHAIRMAN (Mr. BONNER). The Committee will rise informally.

The SPEAKER pro tempore (Mr. HEFLEY) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of it clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3057. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3057) "Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCONNELL, Mr. SPECTER, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. BOND, Mr. DEWINE, Mr. BROWNBACK, Mr. COCHRAN, Mr. LEAHY, Mr. INOUYE, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1285. An act to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

The Acting CHAIRMAN. The Committee will resume its sitting.

DISAPPROVING THE RECOMMENDATIONS OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

The Committee resumed its sitting.

Mr. HEFLEY. Mr. Chairman, I yield 7 minutes to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Committee on Science.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, many of us who have been privileged to serve in this great institution for some time have been through this process many times. This is not the first or second or third. We have had BRAC after BRAC. But I could not agree more with my distinguished colleague from Colorado (Mr. HEFLEY) who observed this was the best BRAC of all. We are finally getting it right. This was the least political, most professional BRAC we have ever had. And that is a tribute to Chairman Principi and all of the distinguished members of the panel: Admiral Gehman; General Newton; former Congressman and colleague Jim Bilbray; Phil Coyle; Sam Skinner; General Turner; Jim Hansen, another former colleague who served with great distinction; and General Hill. This reads like a Who's Who list of distinguished Americans who are providing a very important service for our Nation.

The fact is DOD had too much physical inventory. It is costing DOD to maintain that physical inventory. It is costing the taxpayers. So understandably they wanted some realignment, adjustments; and there had to be winners and losers. As someone who has been on both sides of that issue, let me say I know what it is like. I can feel the pain of the losers. But I would say to those who are on the short end of the recommendation, one, you should have confidence that the recommendations were made once again by the least political, most professional BRAC we have ever had, a BRAC whose individual members, including the Chairman, were available not just to have a courtesy photo opportunity, but to hear out those of us who had presentations before that Commission.

They asked pertinent questions. They had on-site visits. They were very, very serious about their important work; and they were not alone. The highly dedicated and very competent professional staff of BRAC was even more accessible. You can understand when you get on the phone and you try to get a conversation with Chairman Principi or General So-and-So or Admiral So-and-So, a lot of people want to talk to them. I must say that I was fortunate to be able to talk to each and every one of them. I had quality time. But the fact of the matter is the staff followed through once again with on-site visits, and that was so very important.

The dedication and determination demonstrated by the Commission, its accessibility for individual members, their willingness to listen produced a product that I think we can all be proud of.

Let me once again address those who represent communities who are not treated favorably by the BRAC recommendations. I have been through that before with a magnificent Air Force base that dissolved back as a result of the 1993 Commission report, and in 1995 it actually closed down with a couple of exceptions. And there were some people in the community at large who wanted to write the economic obituary for that community, Rome, New York, and the surrounding areas. There were others, a lot of us, not just me, the mayor, the county executive, local officials, business communities, that were determined to make the best of a bad situation.

□ 1130

Today, that once-vibrant military installation, Griffis Air Force Base, is now a very vibrant business and technology park with upwards of 4,000 people gainfully employed there; but part of that installation involves an Air Force research laboratory which was set off as a containment area as a result of the decision to close the base in 1993, and the people at DOD and everywhere were wondering would this work.

It has worked in spades, and now the Air Force research laboratory, incidentally operating out of a $25 million state-of-the-art new facility, is the center of excellence for the entire Air Force in command, control, communications, and intelligence technology. It is an information directorate, and it not only services the Air Force well but it services a whole wide range of other activities. It is serving so well.

So BRAC looked at that and made the decision that some operations that had been located there should be transferred elsewhere in line with the overall scheme of the Air Force to consolidate like operations at a central facility. Some moved out; some moved in. The net result is maybe a gain of 15 to 25 jobs for Rome, New York. I am not supporting the BRAC because we have got 15 or 25 jobs. I am supporting the process and what it did and what it produced.

Let me tell my colleagues another story. At that same business and technology park, we now have a defense finance accounting service, and that employs exactly 382 people. DOD said, well, we want to consolidate, restructure. We do not need 26 locations all over the country. We want to go down to three locations. That did not really make a heck of a lot of sense; and when all was said and done, when the BRAC looked at that, they recognized that maybe the answer was somewhere in between. Instead of going from 26 to three, they went from 26 to about five or six, consolidating, saving money, improving efficiency.

Guess what. This facility at Rome, New York, which incidentally is operating and out of a new $10 million state-of-the-art facility, was examined very carefully. They did not just listen to me, and they did not make a decision that was posited with that because I had a scintillating personality or I had some influence down here. Influence down here did not make much difference in this process.

What they listened to were the facts, and the facts are that when they examined all of the DFAS operations, in 16 measurable categories where you could quantify, where you could measure, where you could compare the output of one against the other, this installation was at or near the top.

A final BRAC decision, not only are those 382 jobs preserved, 600 additional are coming.

So I say it from the perspective of a proud Member of a district who is gaining, and I say it as a proud Member of this institution who identified with creating a process that is serving our Nation well; and therefore, I would strongly oppose the resolution to disapprove and urge that the movement go forward.

Mr. LAHOOD. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman from Illinois both for introducing this resolution and for yielding me some time to speak in support of the resolution.

The stakes could not be higher. Of course, we should take steps, even if politically difficult, to cut waste and improve efficiency in the military. Let us look where we are.

The Pentagon has recommended closures through the BRAC Commission. The BRAC Commission has approved them. Now the House is going to stamp them approved before the Department of Defense has completed its force structure review. This is exactly the opposite of what was supposed to happen. The BRAC commissioners themselves pointed out when they began their hearings this summer that the entire process has the cart before the horse.

Also: the Overseas Basing Commission noted that the Pentagon had not factored in the impact of the return of tens of thousands of personnel from Europe to the United States in its BRAC recommendations; and even now, we are proceeding with the BRAC process before the Pentagon has even completed its periodic force review, which is supposed to be the blueprint for what we need for the 21st century.

So we will be closing bases, losing key personnel, diminishing critical capabilities, even before we have determined which of those capabilities we need in order to meet current and future threats. The process, Mr. Chairman, has been backwards.

I certainly can find fault with some of the specifics in here. I am very familiar with the excellent work done by the people at Fort Monmouth in central New Jersey where they do electronics, command, control, communications, computers. They have taken the lead in developing countermeasures to detect and disarm roadside bombs in Iraq. It is hard to think of anything that could be more important.

We know that a large number of these scientists, probably 70, 80 percent of these scientists and engineers and procurement experts will not make the move if Fort Monmouth is closed. That capability would be lost at a time that we cannot afford it.

The harm to the military, to the Army, and to the joint services effort, I can assure my colleagues, is much greater than the harm to New Jersey. That is why I am highlighting this example of the problems.

Let me be clear. I have nothing but great respect for each of the commissioners and their staffs. They worked for months a grueling schedule, reams of data, listening attentively, openly. In the end, however, the commission produced a series of recommendations that could not be right because the whole thing was flawed from the beginning. They got the cart before the horse.

In the resolution before us today, we have the means to stop this flawed and dangerous process, and it is apparent that the commissioners knew that they were not getting it right.

In the case of Fort Monmouth, for example, in their recommendations, they charged Congress, not that they are able to charge Congress, but nevertheless they did, to review their results with respect to Fort Monmouth to say do not go ahead with them if it might hurt the capabilities that we need to fight terrorism around the world, to support our troops in the field and Iraq and Afghanistan. They actually said that in their recommendations. They were acknowledging that they were not getting it right, or at least they thought they might not be getting it right.

They have got the cart before the horse. It is a flawed process. To give us a chance, I will urge my colleagues to vote for this resolution so that we can get it right. Our country's security depends on it.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentleman from Missouri (Mr. SKELTON) for the opportunity to be heard.

After a series of hearings and debates today, the House will vote on H.J. Res. 65, disapproving recommendation of the Defense Base Closure and Realignment Commission. I stand here in opposition to that resolution and support the BRAC process.

Since the Department of Defense released those dreaded base closure recommendations on May 13, 2005, elected officials, community leaders, and employees have come together to make the case for keeping their respective facilities open.

I respect the BRAC process. I understand that it is necessary for the Department of Defense to reconfigure its infrastructure into one where operational and support capacity is optimized for both war-fighting capability and efficiency. I also understand that the BRAC process assists the Department in maximizing joint utilization of defense resources and reallocates military personnel from supporting and operating unnecessary and underutilized infrastructure. However, I believe that the BRAC process should remain a fair process, allowing for every facility to be evaluated in a clear and consistent manner.

Let me state that I am extremely pleased that on August 26, 2005, the BRAC Commission decided not only to reverse its decision to close the Defense Finance Accounting Service in Cleveland, Ohio, but to expand and add jobs at this facility. This facility has earned the right to remain open and continue to provide A-plus services to its executive clients and, most importantly, the men and women serving in Afghanistan, Iraq, and around the world.

DFAS Cleveland is an integral part of the nerve center that supports our troops on the ground in Iraq and worldwide. It is the homesite of the Reserve pay center of excellence which processes payroll for the Army, Air Force, Naval Reserves and National Guard. It has a track record of innovation and success that has been recognized on more than one occasion.

I thank the entire BRAC Commission, particularly Chairman Principi and General Lloyd Newton, for their service. In addition, I would like to thank the gentleman from Ohio (Mr. LATOURETTE) who is seated on the floor and his staff for all the work they did in supporting DFAS, as well as the gentleman from Ohio (Mr. KUCINICH) for his tireless efforts.

Through our collaboration, we were able to outline to the commission the various discrepancies in the initial recommendation and make a good case for reversing the recommendation for removing the Cleveland DFAS office.

I want to thank also the Cleveland Partnership and its membership. Thanks to Carol Caruso behind the scenes and thanks to attorney Fred Nance, the managing partner of Squires, Sanders and Dempsey, who argued our case before the commission. He was brilliant.

Finally, I would like to say that this process has been a grueling process. In the city of Cleveland, we have lost so many jobs over the past 4 years. The thought that we would lose another 1,200 jobs if DFAS moved was just grueling, and we are thankful for the commission's recommendation. Again, I vehemently argue in opposition to H.J. Res. 65 and thank my colleagues for their support.

Mr. HEFLEY. Mr. Chairman, it is my pleasure to yield 5 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I thank the distinguished gentleman from Colorado for the time.

First, let me thank the BRAC Commission head Anthony Principi and all of the panel members for their hard work for listening to all of us, both at the regional hearings and in person, and with the staff and the Department of Defense who worked with so many of us in these very difficult decisions.

I rise in opposition to my colleague from Illinois's resolution, but I share some of his concerns. I would like to talk about a few of these.

In the State of Indiana, the previous round of BRAC, I was legislative director for the junior Senator from Indiana when we watched all of our active military bases get wiped out in the State of Indiana, one of the number one recruiting States in the United States.

My hometown in Fort Wayne, Indiana, is one of the major centers of defense electronics in the United States with ITT Aerospace, with Raytheon, Defense Electronics based there making many highly classified electronics, defense systems, with General Dynamics with a huge facility there, with BAE Systems with a huge facility there, with USSI with a huge facility there, with Northrop Grumman with a large and expanding facility there.

We have defense electronics and a very patriotic, one of the highest, if not the highest, congressional districts in America in military recruiting for Army, Navy, Air Force and all of the various Guard and Reserve groups.

We have an Air Guard base there in Fort Wayne, Indiana, that is gaining under this process. It was a very difficult process as to how we deal with the Guard and particularly the Air Guard, and it was a very stiff competition with the gentleman from Illinois' air base and the air base in Terre Haute, and we can argue the relative merits.

What I heard at the hearing is, look, I am very proud of our Air Guard. They are way over. They have the highest percent retention, actually overretention at 116 percent of their recruiting quota. They have won national outstanding unit award three times by the Air Force and recipient of the National Guard number one Air Guard unit in the United States.

But I also heard from the people in the capital region Air Guard unit and the people in the Terre Haute Guard unit. In fact, they were all high in recruitment, and they were all high in national awards.

□ 1145

The problem is the Air Force is cutting. The F-16s are aging and declining in quality and disappearing from our defense system, and the Air Force plans are to reduce the number of fighter planes by two-thirds. So where is this going to leave the Air Guard and the Reserve, and how do we work this through when we head into a BRAC process? I am very concerned where we are headed long term with this, not just this BRAC process but the next BRAC process.

It is clear we are leaning heavily on Guard and Reserve. Are we going to the point where Guard and Reserve and the Air Force are only going to be at active bases, and where does that leave the heartland of the United States as we move everything to the coast? Where does it leave us in homeland security?

The gentleman from Illinois (Mr. LAHOOD) raised a very difficult and interesting question that worked through the courts in this process, that it is pretty clear that the Department of Defense cannot close an Air Guard base, but they can move the airplanes. So we had one court ruling in Pennsylvania that said they could not close the base, but we have other rulings that said they could move the airplanes. What exactly is the role of an Air Guard base if it does not have any airplanes, and how are we going to work this through?

I believe there will be other types of defense systems in homeland security that hopefully will be located in Terre Haute and will be located in Springfield, Illinois, very important cities to homeland security and our national defense. We have to work this through.

I believe the BRAC Commission made the right decisions, but this does not necessarily give us much guidance as to where we are headed and how we are going to integrate and maintain the defense structure we have in the United States with our Air Guard, Army Guard, and all of our Reserve units around the country if we do not have an adequate base structure, if we do not have adequate training places and ways to do this.

I hope we can find, in addition to the fighter planes that are located in Fort Wayne, and the expansion of our base, for which I am very thankful, ways to work with Springfield, Illinois, with Terre Haute, Indiana, and other bases around the United States because we need all of those pilots. We need all of those Guard and Reserve people around the United States because we are strapped very thin. I hope this BRAC Commission report, while I strongly support it, will also be a launching point as to how we are going to work and build and keep this very diverse Armed Forces system in the United States.

Mr. LAHOOD. Mr. Chairman, I yield 4 minutes to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Chairman, I come here today to praise the men and women of the 118th Air Wing who fly out of Nashville, Tennessee. They have been mistreated by this BRAC process. I do not blame the BRAC Commission. I think the fault lies originally with the Pentagon recommendation because they simply did not take into account one of the best flying units in America. They are proven, they are ready, they have performed valiantly every time the Nation has called them to service. They have volunteered for extra duty. They fly C–130s. We have, and we soon will miss, those eight C–130 airplanes.

The bottom line for the Pentagon decision, did it really have anything to do with military judgment for value or cost savings? No. What did it have to do with? A political calculation on the part of the Pentagon that because Tennessee had a great air unit in Memphis with C–5s and a great air unit in Knoxville with KC–135s, that therefore, Nashville had to lose one of the best Air Guard units in the country.

Now, they did not close down our base entirely; they did not have the temerity to do that, but they took all our aircraft. They took the "air" out of the Air National Guard in Nashville, Tennessee.

Now, Members might say, well, I am just protecting a local interest. Look at the facts. First they came at us with wrong data because the Air Guard unit there does not own the runways; we only lease them from a fine commercial airport. We got no credit for that. So we addressed that problem.

Then they did not take into account the fact that we had some of the newest and best facilities in all of our military, the number one best hangar in America, brand new, barely opened, and it will probably never see an airplane. It won the top Air Force award for best hangar in the country, so why did American taxpayers pay $55 million for that hangar never to see it used?

Guess what, almost every other facility on that base is less than 2 years old, and we are taking away all of the aircraft. How does that make sense? It only makes sense if you look at the politics. Tennessee had three bases; they wanted to cut us down to two and distribute it more evenly around the country. So they can take our airplanes, are they going to train the new air crews at these other bases? Are they going to build them brand new and wonderful facilities and hangars? Will that save the American taxpayer money when we already had one of the top units in the country in Nashville performing perfectly?

If you ask Secretary Rumsfeld, he knows about the men and women from Nashville who have flown him wherever he needed to go, in the Middle East or other places in the world.

So I am in an ironic situation. I believe in the BRAC process. I do think Congress needs a restraint. We cannot just all protect our local bases, but the Pentagon's recommendation has to be based on sound military judgment, and at least in this one small case, it was not. Unfortunately, the BRAC commissioners did not have the temerity to override in this case, at least, the Pentagon recommendation.

If Members talk to top folks in the Pentagon, they will tell you that from the expected savings from the BRAC round, they are virtually gone, because the BRAC Commission did interfere in a lot of other bases, and some services, so 70 to 80 percent of the expected savings are not there. I think history will chalk this up as a failed BRAC round, not because of Nashville but because of larger issues.

So I hope and pray that when the next BRAC round comes around, we will do a better job starting with the Pentagon and through the BRAC Commission.

Mr. Chairman, I rise today in favor of H.J. Res. 65, which would reject the recommendations of the Defense Base Closure and Realignment Commission.

As a member of the House Armed Services Committee I initially supported the BRAC process. It is very important that the composition of our bases and infrastructure support the operational needs of the 21st century—a century that is emerging to be as dangerous and challenging as the 20th century. We must adapt to new threats and challenges. But our decisions concerning future base structure must be based on what best supports the national security of the United States. The BRAC decisions regarding the Air National Guard do not meet this test.

Consequently, I disagree with the Department of Defense's recommendations concerning the Air National Guard. Our citizen soldiers of the Air National Guard are a critical part of our defense structure. They have done heroic work since 9-11. We simply would not have been able to sustain the current pace of our operations without the Air National Guard.

The Air Force BRAC recommendations failed to fully consider the unique capabilities and civilian-military partnerships of many of our Air Guard facilities and the legitimate recruiting, training and retention concerns of the state adjutants. Moreover, the BRAC analysis did not address the potential impact of realignments on State homeland security missions. These ill considered recommendations generated almost unanimous opposition from State Adjutants. Despite the efforts of the commission, this entire process has done great harm to the vital relationships between the Air National Guard and the Air Force. This harms our national security.

Let me briefly discuss these flaws using the 118th Air Wing (AW) stationed in Nashville as an example. The decision regarding the realignment of the 118th AW, one of the premier C130H flying units in the United States, illustrates the nature of the flawed recommendations that grew out of a closed process.

First, the loss of aircraft from the Air National Guard and the movement of aircraft to fewer sites will have negative impact of the retention of our most experienced air crews and maintenance personnel. Unlike active duty airmen and pilots, Air National Guard personnel do not just pack up and relocate with their aircraft. It is highly unlikely that the majority of the 118th AW's highly experienced pilots and maintenance personnel will move with the C130H aircraft to new base locations.

Next, consider the airmen and airwomen left behind in enclaves. The realignment of the 118th and many similar units across the country essentially takes the "air" out of Air National Guard. Attracting and retaining highly motivated young men and women for a placeholder organization with no real mission will be difficult, if not impossible.

Third, rebuilding the deep operational experience and cohesion of units like the 118th AW, forged through multiple deployments and demanding combat missions that have continued through the rescue and recovery efforts associated with Hurricane Katrina will require many, many years. The direct and indirect personnel costs of realigning units like the 118th AW do not appear to have been considered in the BRAC process. It takes time and money to recruit, train and develop experienced pilots and co-pilots and highly skilled maintenance and support personnel. Indeed, duplicating the skill, experience and dedication of the 118th AW may be impossible.

Fourth, it appears that the Air Force failed to fully consider the military value of the Air National Guard facilities under consideration. For example, in Nashville, we have spent over $55 million over the last five years on military construction to include a new state of the art hangar/maintenance complex that won an Air Force design award. Yet it appears much of this new construction was not considered in the evaluation of the 118th AW's "Military Value." Consequently, these excellent facilities will remain in limbo—neither closed nor fully operational. Where is the efficiency, cost savings or operational advantage in this arrangement?

Finally, the overall BRAC savings are minimal. According to the Base Closure and Realignment Commission, the Department of Defense claimed that their recommendations would save $47.8 billion over twenty years. The Commission concluded that once one time up-front costs of $21 billion are subtracted and personnel costs are accurately calculated the total savings to the American taxpayer will only be $15 billion. This figure is likely high because costs for the retraining of pilots, air crews and mechanics are not factored into the up-front costs. This is extraordinary.

Consequently, I have concluded that the marginal fiscal benefits of these recommendations do not out-weigh the costs to our Air National Guard flying formations and our national security. I will vote "yes" on H.J. Res. 65.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I rise in opposition to this resolution because I believe the BRAC Commission has performed its job admirably. It wisely chose to remove from the closure list the Defense Finance and Accounting Services in Cleveland which was scheduled to lose 1,028 jobs. This came after a very strong community effort in Cleveland that was led by the Greater Cleveland Partnership and attorney Fred Nance, whose brilliant presentation at the BRAC Commission hearing was quite persuasive.

It also came as a result of work that was done by our colleague from Ohio (Mr. LATOURETTE). The gentleman from Ohio has demonstrated that a bipartisan cooperation and partnership can be quite successful in helping to strengthen a community's economic position.

We worked together, along with the gentlewoman from Ohio (Mrs. JONES), other Federal officials, and local officials to ensure that we made the best case possible as to why the people who do an admirable service at DFAS in Cleveland should be permitted to continue doing their work.

The 2005 Department of Defense recommendations put on the BRAC closure list inappropriately the Cleveland area, and they targeted Cleveland with over 1,000 job cuts. We made the case that those potential job losses were unjust and unfair and counterproductive to the interest of our Federal Government. The BRAC Commission reversal wound up adding 475 jobs, in addition to saving the current jobs. This means Cleveland will host 1,500 DFAS jobs and continue to be a major financial center for the Department of Defense.

The BRAC Commission showed independence from the Pentagon, which is a rare feat in Washington, D.C. and Cleveland is grateful for their independence. This shows all of us why independence in our government's decision-making process is a crucial ingredient to ensure that the right decisions are made. This is another opportunity to move our great city off the list of cities with the highest poverty rate. The commission accepted the argument that the Pentagon should not move jobs from Cleveland, a city with one of the highest poverty rates in the Nation, to other cities which ranked much lower in poverty.

So in all, I believe that the BRAC recommendations represented a very thoughtful, well-reasoned set of recommendations. I was honored to have the opportunity to participate and actually see the process at work, and I was also honored to work closely with my colleagues from the House of Representatives, the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Ohio (Mr. LATOURETTE).

Mr. HEFLEY. Mr. Chairman, I yield 3½ minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Chairman, I thank the gentleman for yielding me this time.

In one of the few times since 1995 when we arrived in the House together, I am going to disagree with the gentleman from Illinois and will vote against this resolution today.

I want to talk a little bit about the Cleveland experience and then the process and how we moved forward, which has been addressed by the gentleman from Ohio (Mr. KUCINICH) and the gentlewoman from Ohio (Mrs. JONES).

I understand why the gentleman from Illinois has brought this resolution here today because I remember the shudder that can go through a community when 1,200 jobs are being discussed, in some cases more, some cases less. In Cleveland's case, they were jobs that pay an average of $54,000 a year. You are not just talking about the loss of the tax base. You are also talking about individuals who have made lives, whether it be in Cleveland, Indiana, Colorado, Missouri or other parts of the country.

I had one grandmother who came up to me in Lake County, Ohio, after the decision was made to keep the facility open in Cleveland, and she said I want to thank you because it means my grandchildren will not be going to some faraway place. I can understand the shudder, and as the gentleman from Colorado said, maybe we should reexamine how we engage in this. But I want to talk about the process.

The process, although it was nerve-racking, was also healthy. It was healthy because it gave me the opportunity to work together with the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Ohio (Mr. KUCINICH). I am Republican and they are Democrats, and we all put our shoulders to the same wheel to get the same result. It was good to see the labor community and the business community in Cleveland all come together, because sometimes they have disagreements. It was encouraging to see the leadership of the city of Cleveland come together, with Mayor Campbell and others all working towards achieving this result. From bad news, good news took place.

But as the gentleman from New York (Mr. BOEHLERT) said, it was not because the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Ohio (Mr. KUCINICH) and I are so powerful. This was a process done on facts. Anthony Principi and the BRAC commissioners and the professional staff, and hats off to Marilyn Wasleski in particular, they took the time to look at the numbers and figure out that when the Pentagon came up with its original proposal, they had the numbers wrong. Just one small example: they overvalued the square footage that was being paid to the General Services Administration so Cleveland did not score as well.

It would have been easy to say we are not going to pay attention to that, but the BRAC commissioners paid attention. They paid attention to the arguments and observations; and at the end of the day, Cleveland did not win because Cleveland had more political muscle. Cleveland won on the facts and on objective standards.

Another thing that impressed me, the BRAC Commission not only looked at the numbers, they looked at the human cost. They considered the value of the 1,100 people that work in that building, the Celebrezze Federal building in the city of Cleveland, and they said to those Federal employees, you have value, you have worth. They recognized what they have accomplished in becoming centers of excellence, and they were rewarded for that. That is exactly what we would want to encourage.

The last thing I want to say, we have some force protection issues, antiterrorism protection for Federal properties are coming up in 2009. I understand that when it comes to the men and women who are serving in the active military, but the Cleveland facility is made up primarily of accountants. And I want to protect our men and women in uniform, but the folks in the Cleveland building are accountants, by and large. And I try to read all of the chatter from al Qaeda and everywhere else, and I do not hear a lot of chatter about taking out the accountants. I would argue that our civilian Department of Defense employees are valuable, but they are no more valuable than the people who work for the Social Security Administration or the U.S Marshal's Office. Before we make sure that we fortify and penetrate all of these buildings for DOD civilian employees' work, we should look at force protection for everybody who works for the Federal Government.

Mr. LaHOOD. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, I would like to thank the gentleman from Illinois for introducing this resolution. I will be voting today in favor of H.J. Res. 65 because I believe the BRAC Commission's recommendations should be overturned. I commend the commission for their thorough and diligent work. They certainly had a very difficult job.

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However, I believe that now is not the time to implement a BRAC round, considering the number of operations our armed services are currently engaged in around the world. I have great concern about the Pentagon's ability to adequately assess our needs and assets while there are so many soldiers abroad and while the Pentagon awaits the results of the Quadrennial Review.

I am also concerned about the Commission's recommendation to place Cannon Air Force Base in enclave status. This decision places Cannon in enclave status until 2009, or until a new mission can be identified for the base. I do view this recommendation as a partial victory for New Mexico since the Department of Defense initially slated Cannon for closure, but I firmly believe that Cannon should simply have been removed from the list altogether.

Cannon offers the Air Force and its pilots unrestricted airspace and training ranges just off its runways. This is a rarity in today's Air Force, as more bases experience increasing encroachment. This unparalleled airspace is in the process of being expanded, making the base even more valuable. When approved, the New Mexico Training Range Initiative would make Cannon's airspace wider and taller and allow for training at supersonic air speed.

I strongly believe we will be able to identify appropriate missions for Cannon Air Force Base to minimize the amount of time during which the base will remain in enclave status. Nevertheless, Cannon is too important to our national defense for it to be placed in enclave status.

I urge passage of H.J. Res. 65.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in permitting me to speak against this resolution. I understand the frustrations that have been expressed by some of our colleagues here on the floor about the BRAC safety valve. I understand their frustration. We were in the crosshairs in my community, and some of the issues that were raised earlier about the friction within the Pentagon, the inability to appropriately focus on the value of the Air Guard and there were some other issues that were at work here. I think this process is helping.

I appreciate the debate here on the floor. I hope that we are able to further clarify the role that the Guard, especially the Air Guard and Ready Reserve, play as opposed to the Pentagon.

The BRAC process in our case allowed us to make the case. We pulled together as a community. We were able to document that the transfer of the Air Guard actually would end up costing the taxpayer money, and we were able to demonstrate that it would leave a whole sector of the Northwest United States vulnerable, taking away critical air support that has loomed larger as we deal with the role of homeland security in our national defense.

I would hope that our friends on the Armed Services Committee would focus on adjustments that may need to be made to the BRAC process to allow a higher priority attached to homeland security in these decisions in the future. It was not as clear when the BRAC legislation was enacted almost 20 years ago. I think things have shifted. I think it is time to readjust it.

I would also hope that this would be an opportunity for us to focus on what we are leaving communities with after the bases are closed. I have come to the floor pleading for more support from Appropriations and more attention from the Armed Services Committee to unexploded ordnance and military toxins.

The problem we are facing right now, after the 1988 BRAC process, we still have a dozen communities where they have not finished cleaning up those bases. Indeed, the Mather Air Force Base in California, in Sacramento, closed in 1988. The cleanup is not going to be completed until 2072. That is not fair to communities where bases are closed.

While I support the BRAC process, I oppose the resolution. I think, in the main, BRAC has worked. I hope we are able to clarify the role of the Guard and the Ready Reserve as it relates to national security.

I do hope this is a wake-up call to what we are leaving communities with, and we can accelerate the cleanup process.

Mr. HEFLEY. Mr. Chairman, I reserve the balance of my time.

Mr. LaHOOD. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. EVANS) who represents one of the largest military installations in our State.

Mr. EVANS. Mr. Chairman, today I rise in support of H.J. Res. 65. I totally disagree with the Base Realignment and Closure Commission's decision pertaining to Rock Island Arsenal and other key installations across the Nation, including Springfield Air Base as well.

The BRAC process is seriously flawed. Both the Department of Defense and the BRAC Commission failed to follow the criteria established by Congress to base its decisions on military values and cost savings. I expected the DOD and the Commission to follow the criteria outlined in the BRAC legislation. It failed to do so.

The BRAC Commission stated it will actually cost the American taxpayer with no further expectation of future savings. The government will never receive a financial payback from this move.

The BRAC Commission recommended realignment of installations in the 17th Congressional District of Illinois, but failed to base its decision on military value criteria. Rock Island DFAS was rated number one in military value, but the Commission recommended consolidation at facilities rated substantially below Rock Island: Columbus, 7; Indianapolis, 9; Cleveland, 12; Limestone, 17; Rome 19.

The BRAC decisions regarding not only bases in Illinois, but throughout the Nation, are extremely frustrating because the Commission recognized the military value and cost savings provided streamlining of bases already undertaken on a local level.

I am a former marine, and I will not surrender this fight to save jobs at the Rock Island Arsenal. I will continue to work with the Quad City Development Group and local officials to strengthen the arsenal and to bring more jobs to the island.

Mr. Chairman, I want to thank the gentleman from Peoria, Illinois who has done an outstanding job in fighting this battle. I look forward to working with him on the cleanup of this process and hope that we do not have to go through it again. I appreciate his leading the charge on this bill today.

Mr. LaHOOD. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. DeLAY).

Mr. DELAY. Mr. Chairman, there is no shortage of valid complaints to be made of this round of the Defense Base Realignment and Closure Commission's work. I generally support the BRAC process. But what is important about the BRAC process is the process and how it is handled by the Commission itself. I feel that insufficient attention was paid to the role each individual base played in the United States national security, and, more importantly, the homeland security.

The recommendations seem to be based much more on bean counting than strategic value, nowhere more so than in the case of Ellington Field in Houston, Texas. Ellington Field is currently home to the Texas Air National Guard's 147th Fighter Wing, who just got back from Iraq and showed themselves to be exemplary not just in their efforts before going to Iraq, but in Iraq itself. They were absolutely exemplary in their efforts and in their service. We appreciate them in everything that they do.

But Ellington is also home to several other branches and resources of our armed services, all of whom are responsible for the protection of the entire gulf coast. Its national and homeland security facilities should be plain to anyone as in need of more personnel, greater maintenance and better military assets.

Yet the BRAC Commission has chosen to realign Ellington, removing its F-16 Fighter Wing and leaving the gulf coast, to my mind, in many ways more vulnerable than it is now. The Houston-Galveston region has all nine of the FBI targets. It is the only region in the entire United States that has all nine of those targets.

The Commission's Ellington decision was a bad one. I join with the proponents of this resolution and, for that matter, the two BRAC Commissions, including Chairman Principi who voted to save Ellington, in their frustration. The flawed methodology and dangerous implications of the Commission's work, particularly with regard to the Ellington Field decision, leave me no choice but to oppose the BRAC recommendations and support the resolution before us.

We should all support the work of the BRAC Commission to consolidate and improve the alignment of our military assets to strengthen our national security. This round of recommendations, in my view, does not accomplish that goal. I will continue to work on behalf of Ellington Field and to ensure national and homeland security interests of the gulf coast region.

Mr. HEFLEY. Mr. Chairman, I reserve the balance of my time.

Mr. LaHOOD. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I am proud to follow my neighbor from Texas (Mr. DeLAY). Ellington is in his district, but I am the next closest Member.

I rise to express my disapproval for the recommendations of the Defense Base Realignment and Closure and urge my colleagues to support the gentleman from Illinois' resolution, of which I am a proud cosponsor. This is the most ill-advised, ill-timed round in base closure history. We currently have men and women fighting in two countries, and we passed three large supplemental requests, and the fourth likely in the next few months. We are in the process of closing bases overseas and bringing them home. Given these uncertainties, we cannot know what our base needs or our threat needs will be for the next 5, 10 or 20 years.

Ellington is home to the 147th Air National Guard Wing, Texas Air National Guard Wing. Houston is the fourth largest city in our Nation. It is our home and has a huge petrochemical complex that accounts for nearly half of the Nation's base petrochemical production. The Houston ship channel in the Port of Houston handled more foreign tonnage than any other port. We have the Texas Medical Center and NASA's Johnson Space Center. One of the most vulnerable targets in the area is the petrochemical complex, along with these other assets. Yet the base closure commission on a close vote decided to close Ellington.

Now, what they are doing is they are saying that we are going to provide service from San Antonio, Texas. The problem is that is 23 minutes away. As we know, an airborne attack on a refinery complex could seriously disrupt our Nation's energy supply, causing major nationwide economic impacts. An attack on a chemical plant could result in a hazardous release and thousands of casualties.

Currently our 147th Air Wing provides air security in the area, and the solution from the Pentagon is rotating several planes to fly on alert out of Ellington, which provides a much smaller deterrent than having a full squadron. What would happen if we had multiple planes that are attacking different facilities?

I urge a "yes" vote on the resolution.

Mr. Chairman, I rise to express my disapproval with the recommendations made by the Defense Base Realignment and Closure Commission, and to urge my colleagues to support this resolution.

This is the most ill-advised and ill-timed round in the history of Base Realignments and Closures. We currently have men and women fighting in two countries, we have passed three of the largest supplemental requests in our Nation's history with a fourth likely in the next several months, and we are in the process of closing bases overseas and bringing troops home.

Given these uncertainties, we cannot begin to know what our basing needs will be 5, 10, or 20 years down the road. However, instead of postponing this round of closures for 2 or 3 years like many members of the House and Senate supported, one of the most contentious rounds of BRAC was pushed through.

Like many other communities across the country, the district I represent was affected by the Defense Department's plan to consolidate Air National Guard units, leaving one of the largest metropolitan areas in the country less prepared to respond to a terrorist attack.

Houston is the fourth largest city in the Nation, and is home to a petrochemical complex that accounts for nearly half of the Nation's base petrochemical production capacity. The Houston shipping channel and the Port of Houston handle more foreign tonnage than any other U.S. port. Also, we have NASA's Johnson Space Center, and the Texas Medical Center.

One of the most vulnerable targets in the area, and possibly the country, is the petrochemical complex; a tremendous complex that stretches the length of the Houston Ship Channel and continues along the coast through Beaumont, Texas. We have seen in the aftermath of Katrina and Rita the negative effects caused by disruptions in our oil supply and refining capacity, and leaving this area unprotected is leaving the door open to a terrorist attack on this critical infrastructure.

The Port of Houston is the second largest petrochemical complex in the world, and the largest in the Western Hemisphere, which produces over 35 percent of the Nation's gasoline at a great many refineries.

Numerous chemical plants also line the channel, producing a number of volatile compounds. According to the U.S. Coast Guard, 7,600 deep draft vessels arrive each year, and 60 percent of those ships carry sensitive oil/chemical cargos.

An airborne attack on the refinery chemical complex could seriously disrupt the Nation's energy supply, causing major nation-wide economic impacts. An attack on a chemical plant could result in a hazardous release with thousands of casualties.

Currently the 147th Fighter Wing of the Texas Air National Guard provides air security in the area and could respond to a threat on the complex or at the port in minutes because of the close proximity.

Rotating several planes to fly on alert out of Ellington, provides a much smaller deterrent than having a full squadron permanently stationed there, and would not provide enough planes to respond to multiple attacks on multiple targets in the area.

Meanwhile the closest full squadron would be in San Antonio, and would take approximately 23 minutes longer to respond to a threat than the F–16s at Ellington can currently provide.

In addition to providing security for the Houston area, the 147th is capable of providing precision strikes, close air support, offensive counter air, defensive counter air, and suppression of enemy air defenses.

The area around Ellington also provides the 147th with excellent training airspace, including over-water air-to-air training on the Gulf of Mexico allowing them to perform supersonic flights and lights out training from the surface to 50,000 feet.

Terrorists have proven their intent and capability to attack ground targets with multiple aircraft and retiring the 147th Fighter Wing's F-16s leaves Houston vulnerable to an attack.

The savings estimated in the DoD's BRAC report are minimal and do not justify moving the F–16s away from Ellington; while it is estimated that retiring the F–16s will save DoD $3.6 million over 20 years, an attack on any of the possible targets listed above, especially the petrochemical facilities and Port of Houston, would cost our national economy billions of dollars.

Mr. Chairman, this round of BRAC is ill-advised and ill-timed and I urge my colleagues to join me in supporting this resolution.

Mr. LaHOOD. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. HOBSON).

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Mr. HOBSON. Mr. Chairman, I rise reluctantly in support of this motion. I have always supported the BRAC. I have been here through three of these, and I always thought they were well reasoned before, win, lose or draw; and by the standards of win, lose or draw, I probably came out okay in a lot of ways in this, because four out of five facilities in my area did well. The Army did well in this BRAC.

But I always thought the BRAC was based upon numbers and savings and mission, and suddenly I find out that is not true. I am going to read something here in a minute about that. That is what troubles me in this one, because the Air Force set out on a plan to arrive at a number, and they destroyed, in my opinion, much of what one of their components does best, and that is the Air National Guard.

Let me give you an example. At Mansfield, Ohio, they realigned the base. "Realignment" means you do not technically get BRAC'ed, but you get no airplanes, so you have to find something else to do. Let me tell you, the soldiers that were in the Dome shortly after Katrina were Ohio Army Guardsmen. They were flown there in 130s out of Mansfield. The soldiers that were in Mississippi from Ohio were flown down by 130s from Mansfield. The soldiers that were in Texas from Ohio were flown in by 130s from Mansfield.

When BRAC gets done, there are not any airplanes at Mansfield. So how many days are we going to wait to come in and pick those people up and bring them down? Because we have still got a large Army Guard that can perform, and they have shown they can perform; but 2 years from now, that is not going to happen. That does not look smart to me.

If you look at the chart that shows the support in the hurricane by the Air National Guard, it is far superior to what the Air Reserve did or especially the active duty in response to these hurricanes. That is not going to be there 2 years from now.

Now, closer to home, my Springfield Air National Guard Base. It is a training base. I did not ask to do this mission. The Air Guard and the Air Force came to me and said, We screwed up. We have closed much of our flight training. We need another place to do this. Will your State take this on? My State said it will.

They came to me. I was chairman of the MILCON, if you wonder how they came to me. They said, Will you take this on at your Springfield F-16 base? We saluted and said, Yes, sir, we will do it.

We put in over $85 million to make this a first-class flight school. We have not even opened the $8.5 million tower yet. We just finished the fire station. We put in a $10 million pad. And what do we find out? We are being realigned. "Realigned" means you lose your airplanes; you lose your mission. What are we going to do? Now I find out there is another mission available for flight school, but they want to take it and possibly put it in another place, someplace else, and spend the money again and take these airplanes.

Let me tell you what the Commission's findings were regarding Springfield Air National Guard Base. I am upset because they always did this by the numbers in the past. This was not done by the numbers, and that is why I am so infuriated about what happened, because I do not mind a fair fight.

We thought we had this won, until the Air Force went to the commissioners at the last moment and said, Hey, you have got to change this, because they were going in the right direction the day before. The next day when they got up, I knew we were dead.

Let me read the commission findings: "The commission found that the Department of Defense recommendation to realign Springfield-Beckley Municipal Airport Air Guard Station should be supported even though the military value criteria were flawed and the realignment will be a cost instead of a savings to the Department."

I mean, give me a break. It is flawed and there is no savings; but, by the way, the mission is going away, and we are not going to train these pilots. This place is training pilots better than they were expected to do and more than they were expected to do, and yet it is being realigned. The airplanes are gone. If we are going to do this this way, this is wrong and we have to stand up and say it is wrong.

I think this happened in more instances than just mine, and that is why I am so upset about the way this was done. It was not done by the numbers; it was done to drive to a number that the Air Force had to get to to save some airplanes like the F-22 and some other things.

So I am just hoping the people will vote in support of the resolution.

Mr. Chairman, I rise today to support this resolution of disapproval on the Base Realignment and Closure Commission's (BRAC) recommendations that are now before Congress. This is not a decision that I have come to lightly. During this latest BRAC round, there were several recommendations made that will benefit the State of Ohio and the 7th Congressional District that I represent. However, I cannot in good conscience accept a process that was fundamentally flawed and very unfair in the decisions made with regard to our country's National Guard and Reserve.

I represent four military bases, including the Springfield Air National Guard Base (ANG), the Defense Supply Center Columbus (DSCC), Wright Patterson Air Force Base (AFB), and Rickenbacker International Airport. Each of these military installations has an exceptional workforce dedicated to the military missions assigned to them, whether it is logistical support for deployed troops, research and development, or pilot training.

Mr. Chairman, this is the third BRAC round that I have been through, so I understand the importance of community leaders and base officials doing the homework necessary to define the installation's military value, and the potential economic impact this process will have on communities where bases are located. During this latest round, I would argue that Ohio had some of the most hardworking and competent individuals working on behalf of our State's installations.

We testified at hearings in Buffalo and Washington, DC, and briefed BRAC Commissioners and staff during site visits to DSCC in Columbus and to Wright-Patterson. We also worked together in reviewing the numbers used by the Pentagon in making their BRAC recommendations.

Mr. Chairman, I think that I can speak for other delegations when stating that our efforts in getting information from the Air Force during this BRAC round did not start well. When we requested material on how they came to their recommendations, we didn't receive it for weeks. And when we did receive the data, it was inaccurate.

As I've already stated, I was very disappointed by the DOD and BRAC Commission's final recommendations with regard to the Air National Guard. This was especially true regarding their recommendations to redistribute the 178th Fighter Wing F–16 aircraft from the Springfield Air National Guard Base.

I have said all along that if the BRAC process had been fair and done "by the numbers", that I would accept the outcome, even if I didn't like it. But unfortunately, this was not the case.

First of all, the BRAC analysis material stated there is only one F–16 Formal Training Unit in the Air National Guard. This is wrong! There are two Air National Guard F–16 Formal Training Units, and one of them is at the Springfield ANG Base.

Second, I was asked several years ago if I would support Springfield taking on this training mission that would require specialized infrastructure to support it. I was the Chairman of the Appropriations Subcommittee for Military Construction at the time, and I agreed to support the Air Force in this effort. More than $75 million in federal funding has been invested in the Springfield base to support its F–16 training mission. Over the years, we have put in a new ramp to accommodate the plane, a flight simulator, a dining hall, an operations building, and a new control tower that is still under construction. Some of these assets are only now becoming operational.

Third, everyone agrees there are no cost savings achieved by realigning the Springfield ANG Base. In fact, the commission actually concluded in its report that DOD's "recommendation to realign the Springfield base should be supported even though the military value criteria were flawed and the realignment will be a cost instead of savings to the Pentagon."

Fourth, the Air Force lacks sufficient training capacity for F–16 pilots. If we further reduce this capacity through this proposed realignment, it even further diminishes this capability, especially since this unit is the highest F–16 pilot production unit in the Guard. The BRAC analysis on Springfield shows that operational personnel will begin to leave the base in 2007, while there are student pilots scheduled for training in 2008.

Mr. Chairman, there is also the issue of homeland security. Like some of my colleagues, I think it is fair for us to consider what these BRAC recommendations will mean for the future of the National Guard in responding to emergency situations. As we saw in the days following the recent hurricanes in the gulf coast region and on 9/11, the Air National Guard was a critical resource in transporting troops, supplies and protection. For example, the Mansfield, Ohio-based 179th Airlift Wing flew over 50 missions in support of Hurricane Katrina relief efforts. Yet, homeland security did not appear to be a major part of this BRAC process.

Overall, I was very disappointed in the process by which the Air National Guard decisions were made, particularly the flaws in the Air Force analysis. These flaws run throughout the entire BRAC process, from the consolidation of aircraft models, and the so-called right sizing of operations, to the poor or nonexistent analysis of the cost to replace the people from the locations that are being set aside. This doesn't even consider the recruiting and retention issues that we already face. And, it doesn't speak to the cost of personnel training to recreate this capability, and the loss of experience that will occur by the Air Force plans.

Finally, I was dismayed that there was absolutely no discussion by the BRAC commissioners or staff regarding the National Guard recommendations during the final considerations on August 26th. Until then, there was much talk about the lack of consultation and the quality of the recommendations by the Air Force throughout this BRAC round. There was even the suggestion that the entire set should have been thrown out by the BRAC commission.

On the day the BRAC Commission upheld their recommendation to realign the Springfield Air National Guard Base, I wrote a letter to each BRAC Commissioner to express my disappointment with the way they handled decisions regarding the National Guard. I pointed out that there was no discussion when, by the numbers, we had demonstrated the flaws in the Pentagon's proposal. I also asked for an explanation on how the commissioners arrived at their decision, and I received no answer.

Finally, in early September, I wrote to the President requesting the same information, and for his consideration to send the recommendations impacting the Air National Guard back to the BRAC Commission with instructions to use programmatic changes to reshape our state militia forces. Unfortunately, for the men and women in the Guard and Reserve, I am still waiting for a reply.

As I stated before, opposing the BRAC recommendations was not an easy decision. Overall, Ohio faired well during the commission's final proceedings. Wright-Patterson will keep over 2,000 information and technology jobs that were to be transferred to Hanscom, Massachusetts, and it will also keep a first-class post-graduate program known as the Air Force Institute of Technology (AFIT). In Columbus, the Defense Supply Center will maintain its 6,000 jobs, and is scheduled to receive many high-paying jobs.

But, Mr. Chairman, I think that in the years to come when the recommendations regarding the Guard and Reserve are set in motion, people will realize that this latest BRAC round was flawed, and consequently the wrong thing to do. It is for these reasons that I will stand here today and support this resolution to overturn the 2005 BRAC recommendations.

Mr. LAHOOD. Mr. Chairman, I yield 7 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I have come to the same conclusion as the great gentleman from Ohio (Mr. HOBSON). I have just probably been at it longer. Article I, section 8 of the Constitution gives Congress the responsibility to provide for the national defense. It does not make us generals; it does not make us admirals. We do not tell admirals how to sink ships; we do not tell generals how to takes hills. We do, hopefully, provide sound business decisions for them.

The whole concept of BRAC is taking that decision-making process away from the people who begged for the job and were given the job by the citizens and delegating it to some other people. I did not run for Congress to delegate my responsibilities. I take them very seriously.

The service Secretaries would come before our committee, for years they have come before our committee and said, We have too many bases. Every single service Secretary. The gentleman from Hawaii (Mr. ABERCROMBIE) and I would respond to the service Secretaries, Name one base that you want to close. Just one. The same service Secretaries who said they wanted to cancel the Crusader, who said they wanted to cancel the Arsenal ship, who wanted to cancel the Joint Strike Fighter, the same guys who have no hesitation on canceling things and making tough decisions, never named one base that they wanted to close.

We followed that up with a very simple question: In the three previous rounds of BRAC, can you name one weapons system that you have bought with those savings? Can you name one additional benefit that you have given to the troops? Can you name one good thing that came out of this? Never once could they answer that question.

You see, BRAC saves no money. What people miss in all of this is that when a base is closed, the local communities then come to Congress, as they should, and say, Look, you have just put all my folks out of work. We at least want the property back. And in every instance Congress has given that property back to the locals, so there is no savings of selling off the property.

As a matter of fact, it gets worse, because our Nation has to live by the same laws as everyone else. If an individual pollutes a piece of property, they have to clean it up before they can sell it. To date, our Nation has spent $15 billion cleaning up properties before we gave them away.

The gentleman from Ohio (Mr. HOBSON) makes an excellent point: every time you lose a base, you lose a capability. The worst of Hurricane Katrina hit my congressional district. I was very fortunate to be friends with Admiral Mullen, the Chief of Naval Operations. I was very fortunate to be friends with General Steven Bloom, the head of the National Guard Bureau. In my frantic calls to them in the aftermath of the storm begging for their help, their first response was, Where can I put my people? Name a barracks, name an airfield, name a place where I can put my people so they can help the people of Mississippi.

Every time you lose a base, you lose a place to put those people in the event weather, whether it is a tsunami in the Pacific, a hurricane in Mississippi, a flood or earthquake on the west coast, a flood in the Midwest, you lose a capability to help the American people.

We are at war. Goodness gracious, we have 140,000 Americans fighting and dying in Iraq. We have another 20,000-plus in Afghanistan. Did anyone see these wars coming? The truth of the matter is, in my time in Congress we have had a war in Panama that no one saw coming, we have had two wars in Iraq that we really did not see coming, we had a war in Bosnia that no one saw coming. So when you close a base, you close it forever and you lose that capability to respond to future contingencies.

Above all, when some new weapons system comes along, you lose a place to deploy it. Right now our Nation is buying 30,000 acres in North Carolina, and some people in North Carolina think it is a great idea and some people think it is a terrible idea. We are spending a heck of a lot of your money buying land in North Carolina so we can build a base to land F–18s, the newest version of the F–18, when they come off the carriers.

Then we have to buy the land and build a runway. And everyone who has served knows it does not end with the runway. You have to have a fire station, barracks for the enlisted, barracks for the single guys, family housing for the married folks, you have to have commissaries, you have to have fun things for the guys to do when they are off duty, because we are trying to attract young people like you to come serve our country. All of these things cost money, and we are going to build all these things in North Carolina at great expense to the public.

With you we already had all those things. We had all those things that we are getting ready to buy and build in North Carolina in Jacksonville, Florida. It was called Cecil Field. It had a 10,000-foot runway and three 8,000-foot runways. It had an excellent quality of life, and it was all paid for by the American taxpayer, and a previous round of BRAC closed that.

So, please, proponents of this, tell me how we are saving the taxpayers money, how we are making the Nation more secure, and, above all, if the service Secretaries cannot name a single base that they think is worthy of closing, why are we going to close so many bases in one fell swoop?

We were elected to follow the Constitution. The Constitution clearly gives Congress the responsibility to provide for the Army and the Navy. Let us do our job and let us not hide behind some commission to do our work for us. I urge Members to vote against the recommendations of this commission.

Mr. LAHOOD. Mr. Chairman, I thank the gentleman from Mississippi for his very articulate statement.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, let me say initially I do not believe in the BRAC. I have opposed every BRAC initially from the very beginning, and I have been here in Congress 18 years.

The reason I do not believe in BRAC was somewhat articulated by the previous speaker. I think it is a abrogation of Congress' responsibility. There is no reason why we cannot make these decisions, and to give these decisions to an independent commission, I think, is just a cop-out on our part. So I want to start out with that.

I also want to say in this particular round in 2005, I strongly disapproved of the BRAC even more so than in the past because we are in a war in Iraq. You do not shut down, in my opinion, military infrastructure at a time of war. I think this BRAC in particular is poorly timed and ill advised.

Now, the 2005 round of BRAC also was done hastily, in my opinion, with very little regard to the actual warfighter. A number of bases with great functional value are being shut down in the name of savings. I do not believe anyone at the Department of Defense or any member of the BRAC Commission actually believes that this round of BRAC will actually save us any money, and I listened to many of the BRAC hearings.

I am also truly disappointed because I believed that the BRAC ultimately would try to be an independent broker and that the commission would review each facility, analyze the data, and come to conclusions based on facts. I do not think that was the case. The opposite was the case. In the case of Fort Monmouth, which is the installation near my district, a lot of the people employed there live in my district. We successfully proved, myself, the two Senators and several other Congressmen, including the gentleman from New Jersey (Mr. HOLT), we successfully proved to the BRAC Commission, in my opinion, that the Army substantially deviated from six of the eight BRAC criteria. The BRAC actually said that, that the Pentagon deviated from six of the eight BRAC criteria.

But, even so, even though the BRAC was supposedly an independent commission tasked with ensuring that the DOD's recommendations would not hurt the warfighter, even though they admitted there was a serious concern about the warfighter and how in the days of Fort Monmouth the communications and electronics functions crucial to Iraq might be seriously hampered, they still decided to include it on the list.

Mr. LAHOOD. Mr. Chairman, I yield 4 minutes to my friend from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, I thank the gentleman for yielding me time.

Look, we are down here on the floor, it is empty. Maybe some folks are listening in their offices. I hope they are. I hope at least some of the staff, some folks may be paying attention.

☐ 1230

Our problem here is very, very simple. Over and over again our colleagues will say to us, well, I got out of this okay, or we have resolved that issue. I am one of those folks. I can say that. I have had people come up and say to me, well, why are you bothering? Pearl Harbor made it out of there.

Why was it taken up in the first place? I will tell you why. It is politics. This has nothing to do with whether or not there is some rational process that has been undertaken, and everybody in here knows it. For once, can we not come down on this floor and actually vote the way all of us really understand where our responsibilities are?

Pearl Harbor got brought up for a very simple reason. They were going to close a facility up in Maine, and the people in Maine in their panic said, do not take us, take Pearl Harbor instead. They started comparing some naval apples, some shipyard apples with some shipyard oranges, and they came up with, well, go get Pearl Harbor. It had nothing to do with it. I did not come back and say, no, no, no, not us; go back to Maine, go get them. What kind of a process is that where we try to devour each other? I said, let us keep all of them open. We need every shipyard facility that we can get in this country.

We are going to be going back out to Guam soon because of what is taking place in the Pacific right now, and having to recapitulate everything that got put under the water out there in Guam, billions of dollars is going to have to be put back into Guam in order for us to be able to protect and project our strategic interests in the Pacific.

We are under a review right now in the Armed Services Committee, and we do not even have the courage of our own convictions under our own jurisdictions in our committees.

It is not that I am right or Mr. LAHOOD is right or Mr. HOBSON is wrong or right, or Mr. TAYLOR. That is not the issue. The issue is are we meeting our responsibilities here? We are constantly admonished that no sacrifice is too great. We are constantly admonished that we have to honor the sacrifices that are being made by our fighting men and women all over the world right now. Yet we cringe from our own responsibilities as Members of Congress to meet those responsibilities and obligations with regard to bases.

Now, I have been told over and over again, well, that is all well and good, but people are going to come down here, and you are going to lose anyway. It happens occasionally some people come down and say, you know, I was going to vote the other way. Let us, for once, come down here, and I make this appeal out there to anybody who is thinking about coming to the floor. Vote for Mr. LAHOOD's recommendation.

We are not down here just to hear ourselves. When you come over here, search your conscience, and, for once, let us live up to what people expect of us in this Congress. For once let us not fulfill some stereotype that we are just going to roll over because we managed to make it out the door. That is not what we are here for.

If this is just a job to you, then do not run again. This is a calling. This is a vocation. It is supposed to be. That is the way I feel about it, and I know that is the way most Members feel about it. They want to be able to look in the mirror at night and recognize somebody with a little bit of integrity and walk into their homes justified.

If we are going to justify our job, everybody knows in their heart that we should not be voting for this, regardless of our good friends being on it, like Mr. Hansen and Mr. Bilbray, for example, who are colleagues and personal friends to many of us here. It is not a question of whether they did their job or did not do their job; it is whether we are doing our job, and we are meeting our obligations.

So I appeal to everybody on their way over here. Let us vote for RAY LAHOOD's resolution, and let us do the right thing by ourselves and the Nation.

Mr. LAHOOD. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, I rise today in strong support of the resolution and join the growing chorus of the Members of Congress who are coming down to the floor today disappointed in the recommendations of the Base Realignment Closure Commission.

I cannot understand why, in a time that we are fighting a global war on terror, a war where we are actively engaged on two fronts and obligated to also increase domestic defense against terrorism here at home, the Department of Defense has suggested, in fact recommended, that we close bases across the Nation.

More troubling is the fact that the Department of Defense has moved ahead in this BRAC round by applying a Cold War model to a post-Cold War security environment. Remember, the Department of Homeland Security has not been consulted, Mr. Chairman, on the impact these base closures pose to our domestic security.

Mr. Chairman, the world has changed enormously since the last BRAC round. Our threats are not static as they once were. Today we face an asymmetric threat from an enemy that knows no borders nor rules of warfare. The threat of international terrorism requires us to have the best tools available to respond to threats on our allies, our interests, and our homeland at a moment's notice, and I am afraid that the current BRAC recommendations hamper our ability to do so.

Take, for instance, the recommendation that the largest joint reserve base on the east coast should be closed. The Willow Grove Joint Reserve Base directly borders my district in Pennsylvania. Hundreds of my constituents rely on that base for their National Guard training. Thousands of my constituents rely on the customer traffic the servicemen and women stationed at Willow Grove provide for their local businesses that surround the base. And, on a larger scale, both my constituents and Americans from New York to Baltimore benefit from the base's protection. Willow Grove's strategic position allows its air assets to protect the ports of Philadelphia, Wilmington, and Baltimore. It serves as a FEMA alternative site, providing a staging ground so Federal resources can be distributed in the event of a natural disaster or a terrorist attack.

Militarily the base has a great track record of achievement by training combined arms jointly for over a decade, practically setting the standard for interoperability between branches of the armed services.

I urge my colleagues to support this resolution.

Mr. LAHOOD. Mr. Chairman, I believe I have the right to close. I have no other speakers, and if these gentlemen are ready, when they finish, I will close.

The Acting CHAIRMAN (Mr. BISHOP of Utah). The Chair will recognize for closing speeches in reverse order of opening. It will be the gentleman from Missouri (Mr. SKELTON), the gentleman from Illinois (Mr. LAHOOD), and the gentleman from Colorado (Mr. HEFLEY).

The Chair recognizes the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

Mr. LAHOOD. Mr. Chairman, I yield myself whatever time I have remaining.

Mr. Chairman, let me just pick up on a couple of the people that have spoken. I want to pick up on a point that Mr. DELAY made. He has an Air Guard unit returning to Ellington Air Force Base to a slap in the face, to essentially being told, you have done great work, thanks for what you did in Iraq; oh, by the way, we are closing your base. Now, what kind of a message is that? That was my point earlier on in my opening statement. We owe it to the people.

I ask Members to consider this: To the people who are doing the hard work in Iraq, the people that did the hard work in Afghanistan, this is not the way to say to them, job well done. It is not the way to say to them, you did a great job in standing up for democracy in Afghanistan and doing the hard work in Iraq. And, oh, by the way, there is no base to come back to, because your unit is being eliminated. Is that the message we want to send to the people who do the hard work, to the 130,000, 140,000 people now serving in Iraq, the citizen soldiers that have left their jobs and their families and left their communities? I do not think so.

The point that Mr. TAYLOR made, why not give Congress the responsibility, the Armed Services Committee the responsibility; why lay it off on somebody else? We should not be doing that. This is our responsibility. That is why we are elected, to make these decisions.

The report is flawed. You can say all you want about the great work that was done. I know people that serve on the base closing commission, and I know they spend a lot of time, but this work is flawed. This is a flawed report. This is our opportunity in the House to speak up and speak out. The Defense Department has had their say. The President had his say. The BRAC Commission had their say. Now it is the House's turn to say to the hard-working citizen soldiers, we appreciate your work, we are going to stand with you, we are going to allow these bases to remain open, we are going to vote for the resolution that says that this BRAC should not stand, that these recommendations should not stand. That is what the House should be saying today. I hope the majority of Members will do that.

I mentioned earlier, there is a law on the books, passed by Congress, that says that you cannot close air and Guard bases unless you get the authority from the Governors. We even had a report from one of the people that was working for BRAC that this law has standing. The BRAC ignored this. The Defense Department has ignored us on this. We should not be doing this. This is the wrong message. This is the wrong idea to send to our country, to send to the people who are doing the work and continue to do the work.

As I said earlier, I have supported the President and this administration and the Secretary of Defense, who is a friend of mine from Illinois, in everything they have wanted to do in Afghanistan and Iraq. I know a lot of Members have. The majority of the membership of this House has. Now we ought to say to them, we do not agree with your recommendations. We do not agree that we should be realigning bases, turning people away, turning out bases and shutting down bases where the good work has been done.

So based on that argument, based on the flawed BRAC report, based on a law that is on the books, a Federal law that says you cannot close these air and Guard bases without the authority of the Governor, I ask Members to speak up today, to be a voice for the people, to be a voice for the military, to be a voice that says, this BRAC is not right, and I urge Members to vote for the resolution.

Mr. Chairman, I yield back the balance of my time.

Mr. HEFLEY. Mr. Chairman, I yield myself the remaining time.

Several Members have spoken eloquently about the fact that this is our job. Mr. TAYLOR did an excellent job of that. Mr. ABERCROMBIE did an excellent job of that, that we ought to be making these decisions, that we should not turn it over to a commission. I would agree with that wholeheartedly, except this is a job that we simply cannot seem to do.

We did not close a major base in this country from the 1970s until the BRAC process began. I did not like supporting the BRAC process when the BRAC process was first introduced, but I saw it as the only way that we could ever deal with the question of excess inventory.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I might point out to the gentleman that we in Congress did pass the basic BRAC law which we are following today.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, I would like to remind the gentleman that this Congress closed the naval station at Roosevelt Roads without a BRAC.

Mr. HEFLEY. Mr. Chairman, reclaiming my time, we did, following the introduction of the BRAC process, but we did close that. But we basically do not have the power to do that, because if I have the power to close Mr.

SKELTON's base, he might vote to close my base, and we keep going around the room like that, and we are unable to do it.

So the BRAC process has worked for better or for worse. I see both sides of it. I chaired a committee that oversees the BRAC process. I do not want any more BRAC processes like this. But I would remind my colleagues again that if we vote for this resolution, and this resolution passes today, and we turn down this BRAC process, we will be back here in this room a year from now or 2 years from now, probably more like a year from now, we will be back in this room dealing with another BRAC process, and we will have the same arguments as we are having here today.

Now, it may be different people. Maybe some of the people that are dissatisfied today will be satisfied at the next round, but we would all have to go through this again next year or the next. And we would, all of our communities that have any base connected to them would have to go through this again. I am not sure we would get any better results, no matter what process we use, than we have today. Some would be happy, some would be unhappy, some would complain, some would want it to go just like it is. I think we would end up with the same kinds of results as we have today.

So while I agree that this is not a perfect process, I do not think we want to go through it again next year.

I would ask each of my colleagues to vote against this resolution, and let us proceed to make the best we possibly can out of this for the defense of this country.

Mr. MEEHAN. Mr. Chairman, as a member of the House Armed Services Committee, I reluctantly support the BRAC recommendations today, and oppose this motion of disapproval pending before the House.

I support these recommendations because I believe that the goals of BRAC are worthy—to maximize warfighting capability and efficiency for both traditional warfighting and counterterrorist efforts. An integrated military force able to communicate and coordinate effectively in response to conflict remains crucial to national security and the war on terrorism.

I am concerned by technical errors and the overall process used by the Pentagon and the Base Realignment and Closure—BRAC—Commission to reach the recommendations before us this evening, and it is my hope that in the future, significant improvements will be made on the current model when realignment and closure decisions are made.

However, within the current model, there are some successes to which we can point. For instance, the Pentagon and the BRAC Commission rightly highlighted the key role that Hanscom Air Force Base, located in my congressional district, plays in our national security efforts.

The process reaffirmed Hanscom's role as the military's pre-eminent development center for communication and intelligence technologies. Hanscom will clearly play a central role as we transform our military in the coming decades.

In its decisions on Hanscom, the BRAC process recognized that the success or failure of a base in fulfilling its mission relies on the availability of skilled and experienced personnel and the connections that develop in intellectual clusters.

Unfortunately, the Commission wrongly decided to move an estimated 200 jobs from Hanscom's Air Force Research Lab—AFRL—Space and Sensors Directorates. Those functions are best left at Hanscom to maintain existing synergies and human capital.

When the BRAC Commission held their New England Regional Hearing in Boston on July 6, I submitted testimony to the commission arguing that the decision to realign the AFRL at Hanscom was inconsistent with other aspects of the Pentagon's analysis of Hanscom, and could disrupt key programs operating there. I am deeply disappointed by the commission's decision to move these Directorates from their home at Hanscom.

I am concerned that the recommendation to realign the AFRL did not appropriately value the highly skilled workforce currently at these facilities, and that the expertise of many of these employees will be lost as the recommendations are implemented. The relocation of AFRL's Sensors and Space Vehicles Directorates will result in significant costs with few gains.

While I strongly protest this decision, I am pleased that overall, the commission's recommendations on Hanscom reaffirmed the value of the regional human capital capabilities in science and technology—and I am encouraged by the commission's indication that the Air Force will look to expand the mission at Hanscom outside of the BRAC process. I look forward to working with the Air Force as this process takes shape.

With respect to the overall BRAC process, I am concerned by flaws in the current model that led to a number of errors. For instance, questions remain unanswered about the Pentagon's failure to consult with State governors, State adjutants general, and the Department of Homeland Security on decisions related to the National Guard and key homeland security functions located outside the Pentagon's bureaucracy. These questions resulted in lawsuits against the Pentagon and the BRAC Commission by a number of States, including my home State of Massachusetts.

Additionally, a lack of organization was evident during the commission's consideration of the possible expansion of Hanscom, as well as the commission's overall recommendations related to Otis Air Force Base at Cape Cod.

While I support the 2005 BRAC recommendations, I am deeply concerned that these types of errors set a bad precedent for future BRAC rounds. The Pentagon must ensure that the Department of Homeland Security and other relevant stakeholders are appropriately included in their process, and that our Nation's homeland security needs are fully evaluated.

Mr. MICHAUD. Mr. Chairman, today, the House will likely vote not to reject the recommendations of the Base Realignment and Closure Commission, moving the BRAC process one step closer to an end. This has been a very difficult BRAC round for the State of Maine. When the list came out 5 months ago, all of Maine's three facilities were in great jeopardy, and few believed that we had a chance of saving any of them. But the entire delegation, the governor, and the communities came together and presented the best possible arguments in all three cases, and as a result, Maine did better than anyone thought we could. We saved Portsmouth Naval Shipyard and in a victory that would have been unthinkable only a few months before, we actually grew DFAS Limestone, bringing jobs to an area that desperately needs them. These two actions represent tremendous victories for the people of Maine.

I strongly disagree with the recommendation to close Naval Air Station Brunswick. It was the wrong decision and I have fought it every step of the way together with the whole Maine delegation.

Today's vote is difficult. I deeply believe that Naval Air Station Brunswick should not be closed. Yet, when this process began, Maine stood to loose everything, and now we have saved and expanded two of the three endangered facilities. The likely alternatives for the State were far worse. Indeed, if this resolution were to pass today and the BRAC process were to be reopened from scratch, there would be no guarantee of saving Brunswick, but Portsmouth could be closed and Limestone with its planned increase in jobs could be lost. That is why I am going to vote against the resolution to disapprove the BRAC list.

As we approach the end of this very difficult BRAC round, it is important that we remain focused on promoting the best interests of the entire State and that we continue to work as one Maine. I will do whatever I can to make sure that we build upon the successes of saving Portsmouth and growing DFAS Limestone, and that we make the best of a difficult situation by enabling the Brunswick community to build a bright future.

Ms. SCHWARTZ of Pennsylvania. Mr. Chairman, the base realignment process is designed to provide a more efficient and effective military structure. But, BRAC 2005 failed to meet these goals and that is why I will vote against implementing the recommendations of the Department of Defense and the Base Realignment Commission.

The base realignment recommendations fall short because they eliminate military resources and installations without producing meaningful cost-savings. And, the base realignment recommendations fall short because they call for the closure of Naval Air Station Joint Reserve Base Willow Grove, a military installation that plays a vital role in our Nation's security.

Mr. Chairman, at a time when we are fighting a global war on terror and facing new and very real threats, the Nation must be fully prepared. This BRAC round does not live up to the original goals of the process and, therefore, it should be rejected.

Mr. OXLEY. Mr. Chairman, I stand in support of House Joint Resolution 65, disapproving the recommendations of the Base Realignment and Closure Commission.

This will be my first vote against a BRAC list, and it is not a vote I take lightly. I support the BRAC process as a whole as a reasonable and apolitical method for evaluating our Nation's defense infrastructure needs, and recognize the necessity of this first BRAC round in a decade. But while I salute the hard work of the BRAC Commission members in their deliberations and recognize the difficulty of their task, this BRAC round took place in the context of flawed methodology as regarded Air National Guard bases.

It was my expectation that the Department of Defense would solicit input from all relevant sources in evaluating our Air National Guard requirements—most importantly, the adjutant general of each State. But at no time in the Pentagon's development of its Air Force BRAC recommendations did it ask the Adjutant General of Ohio or any of the other 53 adjutants general for input. I find this shocking, considering that the Army consulted the adjutants general when crafting its recommendations—and considering that 37 of the 42 Air Force BRAC proposals involved Air National Guard units.

For the past 24 years, I have had the privilege of representing the guardsmen of one of those units: the 179th Airlift Wing of the Ohio Air National Guard, located at Mansfield Lahm Airport. The 179th has been a vital part of Mansfield and Richland County since 1948, with an annual economic impact of roughly $70 million. Members of the airlift wing have served more than 195,000 days just since 9/11 in support of homeland defense and the global war on terror.

More recently, the guardsmen of the 179th have flown sorties to the gulf coast region, delivering much-needed supplies and transporting hundreds of troops to assist those affected by Hurricane Katrina. Relief missions such as this are nothing new for the men and women of the 179th, who have answered the call during past hurricane relief missions in Florida and other States, and have assisted with vital defense operations in Iraq, Saudi Arabia, Afghanistan, Kosovo, and elsewhere.

I was disappointed, therefore, at the inclusion of the 179th on the Pentagon's proposed closure list in May. As I said in a letter to President Bush last month in support of the 179th, the unit has always stood ready to accept any flying assignment, and represents a wealth of expertise and professionalism that Ohio and the Nation can ill afford to lose.

Contrary to national trends, the 179th has consistently excelled in recruiting and retention, currently standing at 105 percent of assigned strength. Mansfield draws from a rich recruiting base, boasting the best personnel strength figures of any Air National Guard C–130 unit. The men and women of the 179th are highly experienced, with an average of more than 12 years of service; Mansfield's aircrews have an average of 16 years of military aviation experience. In just the last few years, all Mansfield aircrew members have flown combat sorties in the Middle East and Asia, and have received 116 air medals for their bravery, courage, and skill.

In its final deliberations, the BRAC Commission found that closing Mansfield was "not supportable" and recommended instead that a "contiguous enclave" be established at Mansfield Lahm. The commission further acknowledged that the Air Force did not adequately consult with governors and State adjutants general with respect to its Air Guard recommendations. Had there been consultation, better decisions could have been made about Air Guard infrastructure in view of our national defense and homeland security needs.

In short, the Air Force would have done well to follow the Army's BRAC model, which stood as an example of good consultation among parties. When the Joint Systems Manufacturing Center—located in Lima in my congressional district—was placed on the BRAC list with a recommendation to reduce manufacturing space by 27 percent, top Army officials working on the BRAC staff made themselves available to meet with representatives of JSMC and the community. The JSMC delegation explained that such a reduction would impede operations at the plant, resulting in a higher cost to the government for the weapons systems the plant produces. As a result of these discussions, the BRAC staff recommended that the commission remove the JSMC proposal from its final list, which it did. The Army's deliberations on JSMC were an ideal example of how the BRAC process works well: when information is shared and all relevant parties are consulted.

Even with the commission's decision to reverse the JSMC proposal—and even with the partial reversal of the Mansfield decision and the encouraging possibilities for obtaining a new mission for the more than 1,000 guardsmen of the 179th—I will vote for this resolution of disapproval. By statute, the purpose of BRAC is to reduce excess infrastructure. The current BRAC round, though, is being used to implement operational policies and transfer Mansfield's C–130s from the Guard to the Active and Reserve Forces. Such complex issues should not be handled within the BRAC procedure.

Although I strongly oppose the transfer of Mansfield's planes, I welcome the opportunity to work with the Department of Defense and State officials to obtain a new mission for Mansfield, should the BRAC recommendations be upheld. In just the last 8 years, more than $20 million has been invested in the 179th's facilities at Mansfield Lahm. Thanks to the efforts of Mansfield Mayor Lydia Reid and other local officials, the city has made 163 acres adjacent to the airport available for Guard expansion or joint service activities. This significant investment and possibility for expansion should make Mansfield an even more attractive site for locating a new air-based mission.

Nonetheless, given Mansfield's solid track record as a C–130 unit and its many contributions to our Nation and world, I oppose the transfer of its planes. At a time when our troops are already stressed by operational tempos, and when our national recruiting and retention rates are reaching record lows, I fear any disruption to our well-equipped and well-manned Guard units. Our planes are only as good as the people who maintain and fly them, and our country cannot afford to lose their skills.

Mr. EVERETT. Mr. Chairman, I rise today in opposition to H.J. Res. 65, a resolution disapproving the recommendations of the Defense Base Realignment and Closure Commission.

It is clear that we have too much military infrastructure in this country, whose operations and maintenance compete for scarce resources needed by our warfighter and modernization efforts. This BRAC process has become the most effective way to rid the military of installations that provide minimal military value.

I am pleased that the commission recognized the importance of keeping the Operations and Sustainment Systems Group—OSSG—at Maxwell-Gunter AFB in Montgomery, Alabama. After an extensive review, the BRAC commissioners did not adopt the Department of Defense's recommendation to realign the OSSG and its 1,251 civilian and military jobs from Maxwell-Gunter AFB to Hanscom AFB.

The BRAC decision was due in large part to the world-class combat operational support provided by the OSSG to Air Force bases and DOD agencies around the world from Montgomery for more than 30 years. It did not need to be moved in order to continue to perform this critical national security mission. The OSSG is the only organization with experience fielding systems across the entire Air Force and DOD. Moreover, Gunter is home to one of four major Defense Information Systems Agency—DISA—nodes, which provide the backbone on which Air Force Systems run. The DISA presence, along with the OSSG, enables testing of enterprise-wide combat support software applications in an operational environment. With its extensive background, experience, and expertise, this organization is truly a one of a kind national resource and belongs in Montgomery.

While I intend to vote for the implementation of the commission's recommendations, I remain very troubled by some of the things the commission did not do. Specifically, I have trouble seeing the logic in overturning DOD's recommendation to move the Aviation Logistics School to Fort Rucker. I am disappointed that the commission failed to see the significance of co-locating the Aviation Logistics School with the aviation pilot training under one roof at Fort Rucker. This move would have consolidated Army Aviation training and doctrine development at Fort Rucker. I still hold the belief that consolidating aviation logistics training with the Aviation Center and School will foster consistency, standardization, and training proficiency. As the premier rotary wing aviation training center in the United States, this move would have completed the formation of the Army's decision to create an aviation branch in 1983. The benefit of being able to train the entire flight crew, from the maintainers to the pilots, is quite significant. A flight crew who must go to war as a team, should train as a team.

A second notable absence from the BRAC recommendations is consolidation of rotary wing pilot training at Fort Rucker. Although DOD did not make this recommendation, I believe a thorough review of the facts would have led the commission to include this in its final list. Currently, both the Army and Air Force conduct their rotary wing pilot training at Fort Rucker, which has sufficient capability to support Navy initial rotary wing pilot training as well.

Numerous reviews conducted by DOD and the GAD dating back to 1974 have been made regarding the relocation of this Navy mission.

In addition, when Colin Powell was chairman of the Joint Chiefs of Staff, he testified before the House Armed Services Committee that he supported this consolidation at Fort Rucker. Similarly, the overwhelming majority of the reviews have called for the Navy to move their operation to Fort Rucker for a number of reasons. Past studies have indicated that tens of millions of dollars per year could be saved by going through with this consolidation. Unit costs would be reduced for both aircraft maintenance and logistics. Additionally, both the Army and the Navy use the same training helicopter which would allow for further savings by using the Army's existing instructor pilots. This consolidation will also advance a key component of DoD's way ahead, jointness.

Finally, I was troubled to see that the commission supported the DOD recommendation to move the Aviation Technical Test Center—ATTC—to Redstone Arsenal. This issue is very close to me personally as I have been intimately involved with it for over 10 years. In the mid-90s, there was an effort made within the Pentagon to move the ATTC out of Fort Rucker. As is the case now, I was very disturbed by this, and began to investigate in an effort to determine if this would be best for the Army, highlighted by a personal meeting with the then-Secretary of the Army, Togo West. This culminated when my amendment was included in the House version of Fiscal Year 1996 National Defense Authorization Act—H.R. 1530—which blocked the Army's proposal to relocate the ATTC until an outside independent study of the proposal could be completed. After the Army reviewed this further, not only did the ATTC stay at Fort Rucker, but the Airworthiness Qualification Test Directorate was moved from Edwards AFB to Fort Rucker as well. I believe the arguments presented then still have substantial merit today.

At Fort Rucker, the ATTC is able to have their fleet of approximately 40 test aircraft maintained by the large maintenance and logistics operation that supports the training mission on post. A move to Redstone disregards these significant costs of keeping the test fleet flying. The vast pool of pilots and aircraft from the Aviation Center also facilitates the ATTC's ability to realize a greater return on the testing dollar invested.

Another problem with this recommendation revolves around airspace. As the home of Army Aviation, Fort Rucker is blessed with over 32,000 square miles of airspace to conduct its mission. This irreplaceable natural asset cannot be duplicated in Huntsville. A potential move also undermines the synergies that currently exist between the schoolhouse and the experimental pilots. Finally, with Fort Rucker being the Army proponent for unmanned aerial vehicles—UAVs, it is crucial that the ATTC be able to leverage the expertise associated with this proponency to conduct its tests on UAVs.

While I do not agree with all of the recommendations included in the commission's report, I do recognize that the BRAC process must go forward. At present, DOD has excess infrastructure which needs to be realigned or closed in order to achieve the billions of savings which will result from the implementation of these recommendations. As costs of weapons systems crucial to winning the war on terror continue to rise, it is important that we explore all avenues in order to find the money necessary to give the warfighter everything he or she needs to complete their mission. In conclusion, I would like to thank all of the commissioners and their staffs for their tireless efforts on one of the most thankless jobs in government. I urge a no vote on the resolution and yield back the balance of my time.

Mr. ALLEN. Mr. Chairman, I rise in support of H.J. Res. 65, to disapprove the recommendations of the Base Realignment and Closure Commission—BRAC.

Closing surplus military infrastructure makes sense, but only if it is done in a proper strategic context and through a rational, deliberative, and fair process. The 2005 base closure round does not meet these tests.

Secretary of Defense Rumsfeld proposed this BRAC in 2001, before September 11 and our occupation of Afghanistan and Iraq. The world changed, but the Defense Department's BRAC process did not.

I voted against this BRAC in 2001, on the grounds that it presumptively put infrastructure decisions before force structure decisions. At the time, I said that with "uncertainty about our future military needs in the new security environment, I believe that this is not the right time to add a new layer of uncertainty to our military communities in Maine by approving a new base closure round."

My view has been validated by the statements of the Base Realignment and Closure Commission itself. In its final report, the commission faulted the Department of Defense—DOD—for making infrastructure decisions prior to conducting a "comprehensive review of the underlying strategic issues that is to be set forth in the [2006] Quadrennial Defense Review [which] may have better informed and assisted the Commission in making its final recommendations."

The commission also criticized DOD for failing to provide necessary source data on its proposals for as long as a month after the DOD list was submitted. This delay hampered the ability of the commission to do proper analysis and hamstrung communities trying to defend their bases.

My view has been validated by the Overseas Basing Commission, which found that the "massive realignment of forces requires that the pace of events be slowed and reordered." It faulted the administration's plans to bring 70,000 troops home from overseas without a full analysis of the infrastructure to accommodate them.

My view has been validated by a recent revelation by BRAC Commissioner Phillip Coyle that information gathered to support some of DOD's BRAC recommendations were based largely on Google searches. The commission observed that several DOD plans to consolidate multiple military facilities were based not on in-depth analytic work but on Internet search engine queries used only to match facility names and functions.

Lastly, my view has been validated by the questions my constituents repeatedly asked me:

Why are we closing military installations when we are at war?

Why are we building new bases in Iraq while closing them in America?

Will our troops in Iraq and Afghanistan have the right facilities to come home to?

I don't have good answers to those questions, but neither does the Pentagon.

By pushing BRAC at the wrong time, our Nation risks losing key assets that can never be reconstituted. We jeopardize our security if we close infrastructure before we first come to consensus on an overall defense and homeland security strategy.

The BRAC Commission's decision to remove several major bases from DOD's list demonstrates that the Pentagon put the cart before the horse. For example, the commission voted to keep open the submarine base at New London, CT, and the Portsmouth Naval Shipyard, in my district. The commission expressed serious doubts about DOD's force structure plan and the submarine force's ability to confront uncertain future threats.

In addition, I object to this BRAC list due to the inexplicable and unwise closure of the Brunswick Naval Air Station—NASB. This facility is the last remaining fully operational military airfield in the northeast. Its loss will hamper our capability to perform homeland defense and maritime patrol missions in the region, leaving a vulnerable flank for the entire Nation.

NASB was the only major base closed by the commission that was not recommended for closure by DOD. I believe the commission failed to adequately justify its decision that the base was "not needed." The commission completely ignored the combined military value judgment of combatant commanders that Brunswick is a vital strategic asset. It failed to explain how, or at what monetary or mission cost, the military could perform essential maritime patrol missions in the northeast without Brunswick.

In closing NASB, the commission appeared to deviate from its own charter. It justified closing the base merely in order to "reduce excess capacity and result in significant savings," despite its own directive to seek a balance between the goals of realizing savings and rationalizing our military infrastructure to meet the needs of future missions.

I was pleased that the commission listened to the arguments put forth to them and voted to reject the closure of two facilities in Maine: the Portsmouth Naval Shipyard and the Defense Finance and Accounting Service in Limestone, where the commission also agreed to double the number of jobs. Despite these positive outcomes, however, the unjustified closure of Brunswick affirms my opposition to this BRAC list, as well as the underlying fact that this was the wrong time in our Nation's history for this BRAC.

The fundamental purpose of BRAC is to save money. Let's put its "savings" in perspective. The 20-year savings (approximately $800 million) from the closure of Brunswick Naval Air Station is the equivalent to half a week of operations in Iraq. The entire projected 20-year savings from the BRAC list—$36 billion—are exhausted by just 6 months in Iraq. The entire savings is also merely half that of the President's proposed tax cuts this year—$70 billion, and minuscule compared to the $4 trillion in Federal revenue losses from upper-income tax breaks passed since 2001.

The BRAC process is also a huge unfunded mandate on communities. I commend my congressional colleagues from Maine and New Hampshire, Governors John Baldacci and John Lynch, the employees, unions, management, local government officials, task force members and volunteers for the long hours devoted to defending Maine's defense facilities. While it was a worthy cause, I regret that we were forced to spend so much time on BRAC, rather than on new initiatives to improve our communities. The lost human productivity caused by BRAC, not only for communities but on DOD personnel as well, is something we must calculate if we ever debate a future BRAC round.

Again, I urge passage of H.J. Res. 65 to reject this BRAC list. In a time of uncertainty, we risk losing national assets we can never recover.

Mr. SIMMONS. Mr. Chairman, I stand in opposition today to H.J. Res. 65, a resolution to disapprove the recommendations of the Defense Base Closure and Realignment Commission. I oppose this resolution not because I support this BRAC round and the closure and realignment of these bases, but because the Department of Defense should not be authorized to execute another one anytime soon. A no vote on this resolution will spare the Armed Forces, our defense budget and our base communities the unnecessary stress of another BRAC round if the current recommendations are approved.

I opposed this BRAC round from the start for several reasons.

First and foremost, Mr. Chairman, we are—and remain—a nation at war. We have troops abroad fighting in Iraq, Afghanistan and globally as part of a broader war on terrorism. I argued that we need to focus all of our energy on supporting those troops in the field. We should not be distracted with the complicated burden of realigning our whole military base structure.

In October of 2003, I went to Iraq and learned that the troops desperately needed armor on their vehicles. In November of 2003 the Secretary of the Army said that getting armor into the field was a "top priority". And yet today there are still tens of thousands of vehicles that are still not armored.

Just last week the Armed Services Committee held a hearing on the issue. Chairman Hunter discovered that the Army was sitting on hundreds of armored humvees in Texas and Kuwait. Mr. Speaker, I wonder if Congress would have unearthed this hidden problem earlier had it not been faced with the time-consuming BRAC process.

I opposed BRAC because we need to recapitalize our aging defense platforms and our shrinking fleets. Our Armed Forces have been on a strict diet because of a procurement holiday that has been in effect since the end of the Cold war.

Mr. Chairman, the average age of an Air Force bombers is over 30 years old. The average pilot is younger than his aircraft. Yet there are planned procurement cuts to the F–22 program. We have been living on the Reagan buildup of the 1980s, but those systems are all nearing retirement. What's left from the 80s is old and undependable. This threatens our military readiness and the safety of our service members.

Mr. Chairman, this year the Navy planned on building only four ships—the same as Canada and less than most of our European allies. If we stay on this track, our fleet will shrink from a little under 300 to just 120. China is on no such diet. Its shipbuilding rates are so high that its fleet win overtake ours by about 2015. By that time, China will have twice as many submarines as the U.S.

I also opposed BRAC because our strategic environment remains in flux. The threats from North Korea, China and Iran are rising while we are still engaged in Iraq and Afghanistan. We benefited from neither the Quadrennial Defense Review nor the report of the Overseas Basing Commission because they were not yet delivered. How could we know, what our Nation's future basing requirements will be? We couldn't!

I opposed BRAC because DOD still maintained dozens of bases that were slated for closure that remain open. How could we target another 100 bases when we had a hundred waiting on death row? Closing bases costs billions of dollars in environmental clean up costs. The Department of Defense cannot dispose of this property until it is clean. But the investment of these "clean-up" dollars takes dollars away from our troops in the field during war.

I opposed this BRAC round because we have hundreds of thousands of troops in the Middle East, Europe and Korea that will hopefully return home soon.

Congress authorized the BRAC round anyway. The Department of Defense relatively little time to develop a set of recommendations for the President. Not surprisingly, some mistakes were made. The biggest mistake was the recommendation to close Naval Submarine Base New London, the world's greatest center of excellence for undersea warfare. My good friend, the Ranking Member of the Armed Services Committee, IKE SKELTON, noted that the BRAC round so suffered from secondary agendas designed to achieve policy outcomes under cover of base closure and realignment. I agree with him.

The BRAC Commission had even less time than the Pentagon, but was ultimately able to fix the largest mistakes. Chairman Anthony Principi's commission took New London and other bases off of the list after looking at the big picture. They looked at the overall effects on the Nation and the individual services. They listened to the arguments of outside experts. They considered the advice of key defense industry partners, senior retired officers, Members of Congress, and even a former U.S. president. In the end the BRAC Commission gave the President and Congress a good product given the circumstances.

So, Mr. Chairman, I will vote no on the resolution because the BRAC solution before us is the best of a bad situation. It would have been better never to have attempted this round of base closures. Our military is no better for it, and our Nation is no safer. Nevertheless, a vote for yes is a vote for another, painful and counterproductive BRAC round that will drain resources and time from the critical tasks at hand.

Mr. Chairman, our Nation faces great national security challenges right now. For this reason, I will vote to put BRAC behind us today and for the foreseeable future.

Mrs. CAPPS. Mr. Chairman, I rise in reluctant support of the resolution to reject the recommendations of the Base Closure and Realignment Commission.

I support the BRAC process and believe that over the years it has led to the orderly reorganization of our Nation's defense infrastructure.

I believe the Pentagon and the BRAC Commission made a good-faith effort to carefully examine every base.

Nonetheless, I continue to believe the Commission made a terribly shortsighted decision when it voted to uphold some of the Pentagon's recommendations for Naval Base Ventura County.

I am particularly disappointed the Commission voted to move some of the RDT&E missions away from the base.

In my view, the Commission ignored a number of important factors.

First, the Commission's vote went against the recommendation of its professional staff.

The staff correctly recognized that Naval Base Ventura County has significant military value, and its missions contribute to the readiness of our war fighter.

Second, relocating the vital functions performed by the personnel at the base will have lasting consequences for our national security.

The activities conducted at this site for the Navy, Air Force, Missile Defense Agency, and others cannot be replicated anywhere else in the Nation.

Moreover, the base's sea range is linked with other inland ranges in California—providing an unmatched capability to the Defense Department.

The realignment will diminish these existing operational capabilities and efficiencies and negatively impact the ability of our fighting men and women to get their jobs done.

The effect of this would be immediately felt in Iraq and Afghanistan.

Finally, realigning the base's missions will waste, not save, taxpayer dollars.

We cannot afford to spend a lot of money to move missions and personnel when there's no long-term savings involved.

Especially now that we're looking at spending more than $200 billion to help rebuild the Gulf Coast areas devastated by Hurricanes Katrina and Rita.

Mr. Chairman, the BRAC process must be logical and fair. I do not believe this round of closures met those criteria.

I continue to strongly believe the missions at Naval Base Ventura County are a critical element of our national security system and an important asset to our local community.

I urge my colleagues to join me in supporting the resolution of disapproval.

Mr. ORTIZ. Mr. Chairman, I rise in support of the bill before us to reject the BRAC recommendations; and I thank the gentleman from Illinois for his work on this bill.

While this process has proceeded during a global war, many of us in Congress—including me—have taken issue with the timing. Doing this during a war and before we establish our global military footprint through the Quadrennial Defense Review sends the wrong signal to our allies and to the soldiers and families who may depend on services at the bases we are closing.

I have fought this from the get-go. The BRAC list hit my South Texas district hard with the closure of Naval Station Ingleside in San Patricio County. It was a base into which the taxpayers of Nueces County and the State of Texas plowed $50 million to assist the Navy in bringing the base there.

The main thing that worries those of us in South Texas—and elsewhere along the Gulf Coast—is that after BRAC the Gulf of Mexico will be a less safe place for all of us. We have been concerned over the past couple of years about the illegal immigrants known as OTMs—other than Mexicans—that are routinely released by law enforcement into the U.S. population. Many law enforcement officers believe we have—or could be—releasing potential terrorists who will do us great harm.

Our nation's refining capability and trading lanes run through the Gulf of Mexico. For these reasons—and many more—we must have a Navy presence in the Gulf. After BRAC, there will not be a single surface Navy base in the entire Gulf. The Gulf holds the nation's bread basket and is the primary provider of petrochemicals and refined products to power the nation's cars, heaters, and other machines we depend upon hourly in our daily lives.

Those are my primary concerns. Now, the other concerns I have deal primarily with how the South Texas community I represent will recover from the economic devastation that is part of a base closure in local communities. As BRAC Chairman Principi said in an early statement, this will be a tsunami in South Texas.

So if the House chooses to support the BRAC list today, we will bear no ill will . . . and we will work very hard to make the transition as painless as possible.

While our community is less concerned about the disposition of the property itself—it should revert to the local port—we believe the local community should not have to pay a $200 million cost to retain the base. We are increasingly concerned about the enormous task before us in the coming years: how to deal with depressed property values after the base is to close . . . how to retrain the area workforce . . . and how our schools and housing market can recoup the losses we will most certainly feel in the coming years.

That will be the challenge before us in South Texas for probably the coming decade if the House today fails to adopt my colleague's bill to disapprove the BRAC recommendations.

Mr. FRELINGHUSEN. Mr. Chairman, I rise in strong opposition to House Joint Resolution 65—a resolution disapproving the recommendations of the Base Realignment and Closure Commission as approved by the President of the United States.

In total, the BRAC Commission recommended, and the President endorsed, the closure of 22 major military bases and the realignment of 33 others.

While I am deeply concerned about the recommendation to close the Army's Fort Monmouth, I note with pride the strong vote of confidence in the past, present, and future contributions to our warfighters of Picatinny Arsenal in Morris County, New Jersey.

With the support of the President, the Department of Defense and the BRAC Commission, Picatinny Arsenal will be the 'joint center of excellence' for guns and ammunition and the military's unparalleled leader for producing the latest and most advanced weaponry for our warfighters in Iraq and Afghanistan.

I strongly support this recommendation. It is well-founded on the facts and advances the DoD's "transformation."

Picatinny Arsenal is already home to: the "Single Manager for Conventional Ammunition for DoD"—PEO Ampmo; an armament engineering organization which provides fully integrated life cycle systems engineering for weapons and munitions; and 70 unique mission facilities with 16 state-of-the-art laboratories staffed by an adaptable, highly specialized workforce;

The DoD BRAC analysis found Picatinny to be the "center-of-mass" for DoD's guns and ammunition (research, development and acquisition.) It has a workload in this area more than an order of magnitude greater than any other DoD facility. It has the greatest concentration of military value in guns and ammunition (research, development and acquisition.)

Mr. Chairman, this BRAC Commission recommendation is transformational. It builds on the joint single manager for conventional ammo to create a robust guns and ammunition "joint center." It will provide for greater synergy and more efficient operations, all to benefit the warfighter—the young men and women who are protecting us at home and overseas. .

Mr. Chairman, I ask unanimous consent to enter into the RECORD important correspondence between the Chairman of the Base Realignment and Closure Commission, the Honorable Anthony Principi, and the Honorable Michael W. Wynne, Chairman of the Infrastructure Steering Committee of the U.S. Department of Defense.

I urge defeat of the resolution.

DEFENSE BASE CLOSURE
AND REALIGNMENT COMMISSION,
Arlington, VA, September 8, 2005.

HON. MICHAEL W. WYNNE,
Chairman, Infrastructure Steering Group, Defense Pentagon, Washington, DC.

DEAR SECRETARY WYNNE: I am sending this letter for clarification of language contained in BRAC amendments 186–4a and 186–4d concerning DoD Tech–19. Create an Integrated Weapons & Armaments Specialty Site for Guns and Ammunition.

The purpose of amendments 186–4a and 186–4d was to leave existing energetics activities in place at Picatinny Arsenal, Naval Surface Weapons Center Indian Head and Naval Air Weapons Station China Lake. The language included in the Commission's recommendation for Tech–19 does not intend to consolidate these activities in anyone location, nor is it the Commission's intent to create a separate "Center of Excellence" for energetics.

Picatinny Arsenal will become the DoD Gun and Ammunition "Center of Excellence" as described in the Dodd Tech–19 recommendation and as modified by our recommendations.

Sincerely,

ANTHONY J. PRINCIPI,
Chairman.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today in support of H.J. Res. 65, a resolution of disapproval of the 2005 base closure and realignment recommendations.

I am proud that my state delegation—commonly referred to back home as "Team Connecticut"—was successful in saving Sub Base New London from closure. Together our congressional delegation, Governor Rell, members of the New London community and military experts put together an airtight case for the survival of the base. As a result, the commission realized what Connecticut knew all along: That Sub Base New London is not only a critical asset to our State, but a vital part of our current and future national security.

The members of the 2005 BRAC Commission were given an extraordinary responsibility and performed their duties in a thoughtful and responsible manner. However, they were given the job of examining a flawed proposal based more on achieving the bottom line then ensuring the security of our Nation. If passed, H.J. Res. 65 would put an end to the current BRAC process—one that I have long believed to be the wrong process at the wrong time for our Nation.

Since 2002, I have voted in the Armed Services Committee and on the floor to either repeal or delay BRAC 2005 because I have felt all along that the process had serious flaws. With 150,000 of our men and women in uniform serving overseas in the Middle East, continued operations in Iraq and Afghanistan and failures to meet recruiting goals, now is not the time to close or realign major portions of our military infrastructure. We should not be closing and consolidating bases and infrastructure here in the States now, when in another two years we may be bringing a significant amount of troops and equipment back from Europe and other forward deployed locations and we would have to spend more money again to reopen or recreate space for them. We should not be closing or realigning before the completion of the Quadrennial Defense Review (QDR), which projects the threats our nation will face and guides our force structure for the next two decades. The Commission simply and rightly called conducting BRAC before the completion of the QDR "inverse" and "illogical." This is simply the wrong time for BRAC.

The final report before us for consideration includes a wide-ranging realignment of the Air National Guard that was completed without the input or consultation of our State Governors and Adjutants General. Rather than conducting an inclusive process—as in the case of the Army National Guard recommendations—the Pentagon chose to craft their Air Force proposal by shutting out the very people that both the law and common sense dictate need to be included in changes to State Guard units.

As a result the final Air Force recommendations disproportionately impact the Air National Guard, with 37 of the final 42 Air Force recommendations making changes to Air Guard units in States across the Nation. Governors and Adjutants General widely opposed this plan, citing the impact on recruiting and retention of Guard members, lack of consultation, and reduced availability of personnel for vital State emergency response and homeland security functions. Although the Commission ultimately approved a scaled down version of the Pentagon's Air National Guard plan crafted in the final days of their work, the final BRAC report states that the lack of coordination between the Pentagon, Governors and Adjutants

General "unnecessarily cost the Commission additional time and resources and damaged the previously exemplary relationship between the Air National Guard and the Air Force."

This misguided recommendation hits home in my district and State, where the 103rd Fighter Wing at Bradley Air National Guard base is slated to lose their A–10 Warthogs—leaving Connecticut as the only State in the Nation without an air national guard flying mission. In presenting our case to the Commission, our message was simple: The Pentagon not only used flawed data that did not take into account many of the unique capabilities of Bradley, but failed to consult our Governor in major changes to our State's militia. While Adjutant General Thaddeus Martin, the staff of the 103rd and the State delegation made a strong case for Bradley, the base was unfortunately included in the final realignment plan. The men and women of the "Flying Yankees," and indeed all the members of the Air National Guard, deserve better than an ad-hoc transformation plan that has the potential to seriously impact the future of these citizen soldiers and their mission.

In late August 2005, I joined Connecticut Governor Rell, Attorney General Blumenthal and Senators DODD and LIEBERMAN in filing suit to prevent the realignment of the Bradley Air National Guard base. We were forced to take this action because the law is simple and clear: the Bradley A–10s cannot be removed without the consent of our Governor. Regardless of the result of today's vote, Connecticut has the law on its side and I am confident that we will secure the future of the "Flying Yankees."

One of our most important duties is to provide for the defense of our Nation. We should not be closing and realigning our bases at a time when our nation is engaged in the Middle East and faces unprecedented threats from abroad. Rejecting BRAC 2005 is simply the right thing to do for our men and women in uniform, the security of our nation, and for the future of our Air National Guard. I urge my colleagues to support H.J. Res. 65.

Mr. SCOTT of Georgia. Mr. Chairman, I appreciate the opportunity to discuss this important' legislation as I make a final push to keep Forts Gillem and McPherson open by voting in support of a joint House resolution to reject the president's approval of the 2005 round of base realignments and closures. I cosponsored the measure, H.J. Res. 65, which disapproves the recommendations of the Defense Base Realignment and Closure Commission (BRAC) as submitted by the president to Congress on September 15, 2005. I am disappointed that H.J. Res. 65 failed to pass the House today by a vote of 85–324. Congress had until October 30, 2005 to pass a joint resolution of disapproval of the list.

Unfortunately, this round of base closings and realignments has failed to accomplish the military goals of shedding excess operations and facilities without seriously weakening our national security and homeland defense. I strongly oppose the president's recommendations to close Ft. Gillem and Fort McPherson, and I have tried to make a strong case in their defense at every opportunity available to me, including directly addressing members of the BRAC Commission and urging President Bush to consider their unmatched military value and unique strategic readiness for homeland defense.

My efforts to remove Forts Gillem and McPherson from the BRAC list of closings proved partly successful since I secured the extension of six Federal functions at an enclave at Ft. Gillem, blocking a complete closing of the military base. These functions include the U.S. Army Criminal Investigation Laboratory, Georgia Army National Guard, 3rd MEDCOM, SE Army Reserve Intelligence Center, FEMA, and Red Cross.

I am very disappointed by the outcome of today's vote and that Ft. Gillem and Ft. McPherson remained on the BRAC list for closure despite the vital role they continue to play in coordinating the deployment of troops abroad and Federal response to national disasters like this year's string of devastating hurricanes. Following today's vote, the Defense Department is now charged with carrying out the recommended closures and realignments. Therefore, I will work with defense officials and the Local Redevelopment Authority during the upcoming transition period for Forts Gillem and McPherson.

Mr. GREEN of Wisconsin. Mr. Chairman, first and foremost, the implementation of the Base Realignment and Closure (BRAC) Commission recommendations will provide badly needed cost savings to our Nation. With the current state of our Federal budget, the enormous estimated spending reductions of over $35 billion achieved through this new BRAC round are necessary to help put our fiscal house in order. These recommendations will also better enable our military services to confront the new threats our Nation faces today—increasing efficiency and effectiveness, and improving our national security.

That said, I still firmly disagree with some of the specific BRAC recommendations, such as the closure of the 440th Airlift Wing at General Mitchell Field in Milwaukee. The closure of the 440th is the wrong decision,. and I have done everything in my power to try and convince the BRAC Commission that keeping the 440th up and running is an important priority. The 1,100 brave men and women of this unit have proven themselves often in recent missions to Honduras, Haiti, Somalia, Rwanda, Kosovo, Afghanistan, Kuwait, and several trips to Iraq. I believe their continued operations would have enhanced the security of our country.

Today, however, we were faced with an up-or-down vote on the BRAC Commission recommendations as a whole. On balance, I found the recommendations to be worthy of approval, and voted—with some reservations—against the motion to disapprove the final BRAC report.

Ms. DEGETTE. Mr. Chairman, I rise in support of H.J. Res. 65, "Disapproving of the Defense Base Closure and Realignment Commission."

The BRAC Commission was tasked in the current round of base closures to target and eradicate inefficiency. Unfortunately, there was a host of friendly fire and significant collateral damage.

I strongly support our military's attempts to streamline its infrastructure and reduce its operating budget, especially considering the deficits this Administration is running up. However, base closures can not impede the ability of the United States of America to protect its people.

The Department of Defense; DOD, knows this, and rightly placed paramount emphasis on military value in its recommendations. The Secretary of Defense proposed to consolidate the Defense Finance and Accounting Service, DFAS, from an unnecessarily redundant twenty-six locations to three central sites. The DFAS center at Buckley Annex, housed in my district in Colorado, was chosen as one of these three sites in part due to its superlative performance on the military value test. In fact, when the BRAC Commission considered the DFAS realignment Denver's site ranked first in this category.

For reasons other than military value, the BRAC Commission recommended closing DFAS Denver and moving the Air Reserve Personnel Center to Texas.

Our city has suffered large base closures in past BRAC rounds. Now, despite a proud history of support for our nation's armed forces, Denver will have virtually no military presence left when these recommendations are executed. Mr. Chairman, given the carefully analyzed proposal submitted by the Secretary of Defense, this is a result that I simply cannot support.

I ask my colleagues to support this Joint Resolution, and show their disapproval of these inequitable and inefficient recommendations.

Mr. HOBSON. Mr. Chairman, I submit for the CONGRESSIONAL RECORD two items on the Base Realignment and Closure Commission's (BRAC) recommendations.

I am submitting pages 156–157 from the 2005 Defense Base Closure and Realignment Commission Report to the President that includes a summary of the flawed rationale used for the recommended realignment of the Springfield-Beckley Municipal Airport Air Guard Station.

Mr. Speaker, I also include a chart showing the strength and efficiency of the response time by members of the Air National Guard in response to the victims of Hurricane Katrina, especially relative to the active Air Force.

SPRINGFIELD-BECKLEY MUNICIPAL AIRPORT AIR GUARD STATION, OH

[Recommendation #10/ (Air Force 40)]

One-Time Cost	$30.8M
Annual Recurring Costs/(Savings)	($2.5M)
20-Year Net Present Value	($5.4M)
Payback Period	14 years

SECRETARY OF DEFENSE RECOMMENDATION

Realign Springfield-Beckley Municipal Airport Air Guard Station, OH. Distribute the 178th Fighter Wing's F–16 aircraft to the 132nd Fighter Wing, Des Moines International Airport Air Guard Station, IA (nine aircraft); the 140th Wing (ANG), Buckley Air Force Base, CO (three aircraft) and 149th Fighter Wing (ANG), Lackland Air Force Base, TX (six aircraft), but retain the wing's expeditionary combat support (ECS) elements, the 251st Combat Communications Group (ANG) and 269th Combat Communications Squadron (ANG) in place, and relocate the wing's firefighter positions, which will move to Rickenbacker Air Guard Station, OH.

SECRETARY OF DEFENSE JUSTIFICATION

The decision to realign Springfield-Beckley's F-16s and not replace force structure at Springfield-Beckley is based on considerations of military value and all other available information. Buckley (64) and Lackland (47) have higher military value than Springfield-Beckley (128), and Buckley has a role in the homeland defense mission. This recommendation optimizes the squadron size at Lackland, the only ANG F-16 Flying Training Unit. While not currently tasked with a homeland defense role, Des Moines (137) is located within the specified response timing criteria of a homeland security site of interest. The 132nd Fighter Wing, Des Moines International Airport Air Guard Station, will assume a role in the air sovereignty mission.

COMMUNITY CONCERNS

The Springfield-Beckley, OH, community criticized several Mission Compatability Index (MCI) scores, claiming Air Force use of a one-size-fits-all approach is inherently biased in favor of large active-duty bases and the base's status as an F-16 formal training unit (FTU) should have exempted it from data calls pertaining to standard weapons storage requirements. DoD's military value scores reflected neither the base's mission nor mission requirements. According to the community's analysis, accurate data reflecting pavement quality, range space, training capacity, and maintenance and logistics capacity would have resulted in a significantly higher score. In addition, community representatives argued DoD failed to account for costs associated with replacing pilots and maintainers who would not move to the proposed location. They contended DoD completely ignored their proximity to Wright Patterson Air Force Base and the possibility of a community-basing program at Beckley. They felt that if quantitative military value analysis results did not satisfy the Air Force, "military judgment" was arbitrarily applied to justify the BRAC proposal. Last, the community expressed concerns about the 291 direct and 149 indirect jobs that could be lost, adding that they knew the F-16 would go away at some point but questioned if it was prudent to retire it so soon.

COMMISSION FINDINGS

The Commission found that the Department of Defense recommendation to realign Springfield-Beckley Municipal Airport Air Guard Station should be supported even though the military value criteria were flawed and the realignment will be a cost instead of a savings to the Department. This unit is a training squadron for the F-16. There are currently two other Flying Training Units (FTUs) in the Total Force. The Commission agreed that with the total number of F-16s being reduced in the Air Force, the training requirements will be reduced commensurately. The Commission established an F-16 wing at Buckley AFB, Colorado and at Lackland AFB, Texas. This recommendation is consistent with the Commission's Air National Guard Laydown plan.

This recommendation directing aircraft movement and personnel actions in connection with Air National Guard installations and organizations is designed to support the Future Total Force. The Commission expects that the Air Force will find new missions where needed, provide retraining opportunities, and take appropriate measures to limit possible adverse personnel impact. The Commission's intent is that the Air Force will act to assign sufficient aircrew and maintenance personnel to units gaining aircraft in accordance with current, established procedures. However, the Commission expects that all decisions with regard to manpower authorizations will be made in consultation with the governor of the state in which the affected Air National Guard unit is located. Any manpower changes must be made under existing authorities, and must be made consistent with existing limitations. Some reclassification of existing positions may be necessary, but should not be executed until the Air Force and the state have determined the future mission of the unit to preclude unnecessary personnel turbulence.

COMMISSION RECOMMENDATIONS

The Commission found that the Secretary of Defense deviated substantially from final selection criteria 2 and 5, as well as from the Force Structure Plan. Therefore, the Commission recommends the following:

Realign Springfield-Beckley Municipal Airport Air Guard Station, OH. Distribute the 18 F-16 aircraft assigned to the 178th Fighter Wing (ANG) to meet the Primary Aircraft Authorizations (PAA) requirements established by the Base Closure and Realignment recommendations of the Secretary of Defense, as amended by the Defense Base Closure and Realignment Commission.

Establish 18 PAA F-16 aircraft at the 140th Wing (ANG), Buckley Air Force Base, Colorado.

Establish 18 PAA F-16 aircraft at the 149th Wing (ANG), Lackland Air Force Base, Texas.

Establish a contiguous enclave for the 178th Fighter Wing (ANG) sufficient to support operations of that unit, including flight operations, and compatible with joint use of the Springfield-Beckley Municipal Airport as a civilian airport.

If the State of Ohio decides to change the organization, composition and location of the 178th Fighter Wing (ANG) to integrate the unit into the Future Total Force, all personnel allotted to the 178th Fighter Wing (ANG), including the unit's Expeditionary Combat Support (ECS) elements, will remain in place and assume a mission relevant to the security interests of the State of Ohio and consistent with the integration of the unit into the Future Total Force, including but not limited to air mobility, C4ISR, Information Operations, engineering, flight training or unmanned aerial vehicles. Where appropriate, unit personnel will be retrained in skills relevant to the emerging mission.

This recommendation does not effect a change to the authorized end-strength of the Ohio Air National Guard. The distribution of aircraft currently assigned to the 178th Fighter Wing (ANG) is based upon a resource-constrained determination by the Department of Defense that the aircraft concerned will better support national security requirements in other locations and is not conditioned upon the agreement of the state.

The Commission found that this change and the recommendation as amended are consistent with the final selection criteria and the Force Structure Plan. The full text of this and all Commission recommendations can be found in Appendix Q.

OHIO NATIONAL GUARD—HURRICANE SUPPORT JOINT TASK FORCE BUCKEYE I

Unit	Mission	Missions/Quantities
ASSISTANCE PROVIDED		
Army Units:		
JTF Buckeye I	Patrols	363
	Distribution	84
	Outreach/Tailgate Distribution	93
	Traffic Control Points	64
	Static Security	65
	MRE Distribution	755,600 MREs
	Water Distribution	301,170 Gallons
	Louisiana Superdome Security	8,000 Evacuated
	Citizen Evacuation	52 Evacuated
	Deceased Identification	31 Deceased Identified

Unit	Missions	Sorties	Personnel Moved	Cargo Moved (tons)
Air Units:				
179th Air Lift Wing	44	116	1227	291
121st Air Refueling Wing	9	20	379	30
Total	53	136	1606	321

OHIO NATIONAL GUARD—HURRICANE SUPPORT JOINT TASK FORCE BUCKEYE II

Unit	Mission	Missions/Quantities
Assistance Provided		
Army Units:		
JTF Buckeye II	Distribution	101
	Meals (MREs/Box Meals).	3,725,568 Meals
	Water	2,862,872 Gallons
	Ice	3,694,080 pounds
	Escort Security	80

Unit	Missions	Sorties	Personnel Moved	Cargo Moved (tons)
Air Units:				
179th Air Lift Wing	3	8	75	31
121st Air Refueling Wing	3	6	96	11
Total	6	14	171	42

Mr. HEFLEY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for debate has expired.

The text of the joint resolution is as follows:

H.J. RES. 65

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the recommendations of the Defense Base Closure and Realignment Commission as submitted by the President on September 15, 2005.

The Acting CHAIRMAN. Pursuant to section 2908(d) of Public Law 101–510, the Committee rises.

☐ 1245

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. BISHOP of Utah, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution (H.J. Res. 65) disapproving the recommendations of the Defense Base Closure and Realignment Commission, pursuant to section 2908(d) of Public Law 101-510, he reported the joint resolution back to the House.

The SPEAKER pro tempore. Pursuant to section 2908(d) of Public Law 101-510, the question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. LAHOOD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on H.J. Res. 65 will be followed by 5-minute votes on motions to suspend the rules on H.R. 3945 and H. Res 368.

The vote was taken by electronic device, and there were—ayes 85, noes 324, answered "present" 1, not voting 23, as follows:

[Roll No. 548]

AYES—85

Abercrombie
Akin
Allen
Andrews
Barrow
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Capps
Cardoza
Carnahan
Clay
Cooper
Crowley
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
Dent
Doolittle
Drake
Edwards
Emanuel
Emerson
Evans
Fattah
Fitzpatrick (PA)
Forbes
Ford
Gallegly
Gerlach
Gingrey
Gordon
Green, Al
Green, Gene
Hinojosa
Hobson
Holt
Hostettler
Hulshof
Jackson (IL)
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
LaHood
Larson (CT)
Leach
Lewis (GA)
Lynch
Manzullo
McCaul (TX)
Menendez
Miller (FL)
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nussle
Ortiz
Oxley
Pallone
Pascrell
Paul
Pickering
Poe
Rothman
Rush
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Smith (NJ)
Stupak
Taylor (MS)
Udall (NM)
Watson
Weller
Wicker
Wilson (NM)

NOES—324

Ackerman
Aderholt
Alexander
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
Dicks
Dingell
Doggett
Doyle
Dreier
Duncan
Ehlers
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Flake
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Grijalva
Gutierrez
Gutknecht
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hoekstra
Holden
Honda
Hooley
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Olver
Osborne
Otter
Owens
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwarz (MI)
Serrano
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Cuellar

NOT VOTING—23

Boswell
Brown-Waite, Ginny
Cunningham
Diaz-Balart, L.
Diaz-Balart, M.
Foley
Gohmert
Hall
Harris
Hastings (FL)
Mack
Obey
Payne
Rangel
Reyes
Ros-Lehtinen
Roybal-Allard
Sensenbrenner
Shaw
Simmons
Tauscher
Thompson (CA)
Wexler

☐ 1310

Ms. LINDA T. SÁNCHEZ of California, Mrs. KELLY, Ms. McKINNEY, Ms. HART, and Messrs. CARTER, BONNER, RADANOVICH, BAIRD, WALSH, LUCAS and SULLIVAN changed their vote from "aye" to "no."

Mrs. EMERSON, Ms. EDDIE BERNICE JOHNSON of Texas, and Messrs. EVANS, FATTAH, DENT, JOHNSON of Illinois, JACKSON of Illinois and CARDOZA changed their vote from "no" to "aye."

Mr. CUELLAR changed his vote from "no" to "present."

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

Stated against:

Mr. THOMPSON of California. Mr. Speaker, on rollcall No. 548, I was off the floor meeting with consitutents and unfortunately missed the above listed rollcall vote. Had I been present I would have voted "no."

Mr. BROWN of Ohio. Mr. Speaker, during rollcall vote No. 548 on H.R. 65, I mistakenly recorded my vote as "yes" when I should have voted "no."

HURRICANE KATRINA FINANCIAL SERVICES RELIEF ACT OF 2005

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question of suspending the rules and passing the bill, H.R. 3945, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BAKER) that the House suspend the rules and pass the bill, H.R. 3945, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 549]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Boswell
Brown-Waite, Ginny
Cunningham
Diaz-Balart, L.
Diaz-Balart, M.
Foley
Gohmert
Hall
Harris
Hastings (FL)
Mack
Obey
Payne
Reyes
Ros-Lehtinen
Roybal-Allard
Sensenbrenner
Shaw
Simmons
Tauscher
Wexler
Whitfield

□ 1319

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A Bill to facilitate recovery from the effects of Hurricane Katrina by providing greater flexibility for, and temporary waivers of certain requirements and fees imposed on, depository institutions, credit unions, and Federal regulatory agencies, and for other purposes".

A motion to reconsider was laid on the table.

CONGRATULATING THE STATE OF ISRAEL ON THE ELECTION OF AMBASSADOR DAN GILLERMAN AS VICE-PRESIDENT OF THE 60TH UNITED NATIONS GENERAL ASSEMBLY

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 368.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and agree to the resolution, H. Res. 368, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 26, as follows:

[Roll No. 550]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.

Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—26

Boswell
Brown-Waite, Ginny
Culberson
Cunningham
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Foley
Garrett (NJ)
Gohmert
Hall
Harris
Hastings (FL)
Mack
Neal (MA)
Obey
Payne
Reyes
Ros-Lehtinen
Roybal-Allard
Sensenbrenner
Shaw
Simmons
Tauscher
Wasserman Schultz
Wexler

□ 1328

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 65.

The SPEAKER pro tempore (Mr. REHBERG). Is there objection to the request of the gentleman from Colorado?

There was no objection.

□ 1330

MOTION TO GO TO CONFERENCE ON H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

Mr. KOLBE. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. REHBERG). The question is on the motion offered by the gentleman from Arizona (Mr. KOLBE).

The motion was agreed to.

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the motion to instruct on H.R. 3057.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mrs. Lowey moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 3057, making appropriations for Foreign Operations, Export Financing, and Related Programs for the fiscal year 2006 be instructed to insist on the provisions of the Senate bill providing a total of $2,971,000,000 to combat HIV/AIDS, Tuberculosis and Malaria, including a total of $500,000,000 for a U.S. contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentlewoman from New York (Mrs. LOWEY) and the gentleman from Arizona (Mr. KOLBE) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this motion to instruct the conferees on the fiscal year 2006 foreign operations bill will ensure that the House is clearly on record to provide the highest possible funding level for HIV-AIDS, tuberculosis, and malaria in 2006.

The motion I offer today makes a simple point: Although other issues have overtaken the global AIDS pandemic as front-page news, the pandemic is still growing; and we still have a responsibility to face the challenges it presents head-on.

I was very pleased, as always, to work with the gentleman from Arizona (Mr. KOLBE) to provide robust funding to fight the AIDS pandemic, both for the Office of Global AIDS coordinator at the State Department and for the Global Fund to fight AIDS, TB, and malaria. With an allocation that was more than $2.5 billion below the President's request, we were able to provide full funding, and even a little bit more, for this key priority.

Fortunately, the Senate had even a higher allocation with which to work, and I am pleased that the Senate-passed bill significantly increased funding over the President's request for HIV-AIDS, including $500 million for the Global Fund, the premier multilateral mechanism for fighting AIDS and other infectious diseases.

As we approach conference on the fiscal year 2006 foreign operations appropriations bill, we must maintain our resolve to fund the fight against the global AIDS pandemic at the highest possible levels.

When the fiscal year 2006 bill finally passes, Congress will have provided more than $10 billion to fight AIDS since 2003. Our assistance has saved millions of lives, offered hope for a better future to those already infected with HIV, bolstered the institutional capacity of developing countries to deal with serious public health challenges, and offered comfort and safety to children orphaned by AIDS.

We have done so much. Still, the United Nations estimates indicate that $15 billion will be needed in the upcoming year to fight the pandemic, a need that dwarfs the approximately $6.1 billion available. While some have benefited from our largess and that of the international community, many millions more are being left behind.

Just yesterday, we saw reports of staggering statistics about the effect of the AIDS pandemic on children. Only one in 20 of the HIV-infected children worldwide who need life-prolonging drugs gets them. Only one out of 100 gets a cheap antibiotic that can save nearly half of the death rate from secondary infections like diarrhea and malaria. Fewer than one in 10 mothers infected with the HIV virus are given drugs that can stop transmission to their babies. And every minute of every day a child dies of an AIDS-related illness.

The facts speak for themselves. We can and must do better. I urge my colleagues to support this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. KOLBE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman from New York (Mrs. LOWEY) for her motion. It gives our subcommittee, and it gives me, as chairman of the subcommittee, an opportunity to highlight once again how critical this battle against HIV-AIDS is, and this is something that is critical not only to this Congress but to President Bush and his administration.

Funding from these accounts in this fight against HIV-AIDS and also tuberculosis and malaria, three of the great killers of our time, has increased significantly in the years that I have been chairman of this subcommittee.

In the first year we were appropriating about $615 million in the international fight. Today, in our bill, the level is $2.7 billion. That is four times greater in just 4 years of bills for the Foreign Operations Subcommittee.

The Senate level, at nearly $3 billion, is almost five times greater.

Our bill that we passed in the House would provide $400 million for the Global Fund. That is twice what the President requested. The Senate bill has another $100 million and puts that figure at $500 million. The emergency plan for AIDS relief has revolutionized the fight against HIV-AIDS. We have not turned the corner in this disease. We have certainly not reached the end nor maybe even the beginning of the end; but to paraphrase Winston Churchill, perhaps we are at the end of the beginning. We are clearly making great progress.

According to a number of public health experts, we are finally reaching the point where the focus countries in the President's emergency program, where these resources are not the limiting factor in addressing the spread of this disease, of HIV-AIDS. More than 200,000 people now receive life-sustaining AIDS treatment in Africa, and that is thanks to the generosity and caring of the United States taxpayers. For the first time, there is hope for these people. Training and the infrastructure now has to be the focus of our efforts.

It will take the concerted will of all countries and groups that are involved with this fight to sustain and build on the progress that we have made thus far.

So once again, I want to thank my colleague for her dedication to this very important issue and for her work to help craft a bill that I think is one that we can go into conference feeling very good about and that we can defend with vigor.

So I am pleased to be able to accept the motion to instruct; and I am committed, as the gentlewoman from New York (Mrs. LOWEY) is, to reaching the highest possible level in the conference in the struggle against HIV-AIDS, tuberculosis, and malaria.

Mr. Speaker, I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I applaud the gentleman from Arizona (Chairman KOLBE) and the ranking member of the subcommittee, the gentlewoman from New York (Mrs. LOWEY), for the bipartisan cooperation and collaboration that has been shown by this motion to instruct and the acceptance of it.

The bad news as it relates to foreign operations that seems to trickle into the American system is that we spend so much money for foreign operations and, therefore, are not addressing the domestic crises that we face. I think this bipartisan effort truly speaks to the fact that what we do and how we reach out in our collaborative work around the world, issues of democracy, issues dealing with tuberculosis, malaria, and HIV-AIDS, issues of constructing and helping in ways of creating a world friendship, is crucial to the domestic tranquility of America.

As I have worked with Ambassador Holbrooke who has cited the vast growing, although we have made strides, devastation of HIV-AIDS, the impact on children, the number of orphans that are facing life alone because of the loss of one or two parents, there is, I think, no level of giving that would be too much to try and face up to this terrible devastation. This accepting of the motion to instruct relates to that.

But I rise today to raise an additional concern, and I know this bill is not addressing it as we speak, but because of the difficulties that we have had with Hurricane Katrina and now Wilma and certainly Rita, and the eyes of Americans focused, if you will, on those tragedies, the eyes of America focused on the tragedies in Iraq and the constant bombing and the loss of 2,000 soldiers, it sometimes steers our attention away from the earthquake in the South Asian region, impacting Afghanistan to some extent, India, and Pakistan.

We know there are 79,000 dead from the earthquake. I would hope we would be able to prepare a supplemental to address those questions. We know there are appropriations for Pakistan and the South Asian region in this particular bill, but not enough due to the loss of life and the complete elimination of towns and villages.

I have met with many from the Pakistan-American community, doctors who are attempting to be of help, the Indian embassy that is helping as well; but focused resources are going to be crucial.

We know that the world family is looking at the kinds of resources that are needed, but we need the donor community joined with the United States to be part of this very important effort. We know that the United States has given $50 million. It is not enough. I have asked that we raise this question with the donor community so those dollars can continue to mount.

Here are the reasons why: certainly we know the medical crisis is going to be ongoing. But as I said earlier, major cities have been wiped out. People are living in tents, those who can get tents. There is a lack of food, lack of water, and a lack of how the government will rebuild the infrastructure. We realize it is in the Kashmir area, and that is a very difficult area. It is a difficult area politically and as it relates to the conflict, and so it is imperative that that area be rebuilt quickly and the infrastructure be brought into that area.

I ask my colleagues to support the motion to instruct, as I do. I want to again applaud the ranking member and the chairman of the subcommittee. I look forward to working with both of them on ways we can provide a more expedited and certainly a higher level of assistance; and, of course, I ask for the Secretary of State, Secretary Rice, and the President of the United States to consider requesting more dollars for assistance. I ask my colleagues to support the motion to instruct.

Ms. PELOSI. Mr. Speaker, I rise in strong support of the Democratic motion to support the Senate funding level of $3 billion for our global AIDS initiatives. The funding level includes $500 million for the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

Appropriations Foreign Operations Subcommittee Ranking Member NITA LOWEY and Chairman JIM KOLBE are to be commended for their leadership in the fight against the global AIDS pandemic. They are a model of bipartisan effectiveness and are leading the way in providing needed funding under tight budget constraints.

In 2003, President Bush and Congress took a bold step in authorizing $15 billion over five years toward AIDS prevention and treatment. The Senate funding levels in the Foreign Operations and Labor-HHS Appropriations bills would put the U.S. on track to meet this commitment in future years.

At this critical juncture in history, the U.S. has the opportunity and the responsibility to fully fund an ambitious global effort to combat AIDS. The statistics are staggering. Of the 40 million people currently living with HIV, 95 percent live in the developing world. This week, UNICEF released a report showing that 18 million children in Africa could be orphaned by AIDS by the end of 2010.

We know how to treat this devastating disease. Success stories can be found in every part of the world. In Uganda and Senegal, HIV rates have been brought down through effective prevention campaigns. In the past year alone, an estimated 350,000 African AIDS patients have received access to anti-retroviral drugs that will keep them alive to work and care for their families. Unfortunately, only 500,000 of the 4.7 million people in need of anti-retroviral drugs have them.

If we support what works, we can prevent nearly two-thirds of the 45 million new HIV infections projected by 2020. When we invest more resources, more people have access to life-saving drugs, more people learn how to protect themselves and their partners, more people have access to voluntary testing and counseling, and more pregnant women have services to prevent mother-to-child transmission. The longer we go without fully investing in stopping the AIDS pandemic, the further it will spread worldwide and the more expensive the bottom line will be.

The moral case is reason alone to fully fund our global AIDS initiatives, but it is also in our national security interest. As we have seen in the case of Afghanistan and Sudan, impoverished states can become incubators for terrorism and conflict. We must address the root causes of instability so that the "fury of despair" does not provoke more violence.

It is in this global context that I support the Senate funding levels for global AIDS. Let us all come together today to fully support our commitments to fight the global AIDS pandemic.

Ms. LEE. Mr. Speaker, I rise in strong support of the Democratic motion to instruct conferees to accept the Senate's funding level for our global HIV/AIDS appropriations.

I want to thank my colleague, the ranking member, Ms. LOWEY for offering this motion, and I want to thank the chairman, Mr. KOLBE for accepting it. Both of them have worked in a bipartisan spirit to increase funding for our global AIDS programs above what the President requested, and they should be commended for their leadership.

Earlier this month I sent a letter to Mr. KOLBE and Ms. LOWEY, along with 55 other Members of Congress, asking that they take this very action today and approve the Senate's funding level of $2.97 billion for global HIV/AIDS in the Foreign Operations Appropriations bill—$500 million of which would go towards the Global Fund to Fight AIDS, Tuberculosis and Malaria.

By adopting the Senate's higher level of funding, we are again asserting United States leadership in fighting this devastating disease.

But let us be clear, much more still needs to be done.

The United Nations Joint Programme on HIV/AIDS, UNAIDS, estimates that approximately 39.4 million people worldwide are currently living with HIV/AIDS, including about 2.2 million children under the age of 15. Since the first cases were identified in 1981, over 20 million people worldwide have died from AIDS.

While the United States is poised to provide about $3.6 billion to combat the disease this year, UNAIDS estimates that more than $15 billion is necessary to fight the disease this year alone. Next year that number is closer to $20 billion.

We know that the United States cannot fight this disease on its own. But we have a moral duty to at least contribute our fair share of funding to prevent the rapid spread of this disease and save the lives of millions of people around the world.

Although we may argue about money, we must not forget about those who are most vulnerable to this disease, the women and children throughout the developing world whose basic rights are frequently trampled upon.

I'm proud to say that over the last 2 weeks, Congress has taken an important step forward in trying to protect the rights of children who are affected by HIV/AIDS by passing my bill, H.R. 1409, the Assistance for Orphans and Vulnerable Children in Developing Countries Act of 2005.

I hope that the President will sign this legislation quickly and ensure a robust U.S. Government response to the needs of these children.

Mrs. LOWEY. Mr. Speaker, I yield back the balance of my time.

Mr. KOLBE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from New York (Mrs. LOWEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. LOWEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 420.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LAWSUIT ABUSE REDUCTION ACT OF 2005

The SPEAKER pro tempore (Mr. PUTNAM). Pursuant to House Resolution 508 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 420.

□ 1345

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 420) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes, with Mr. LATHAM in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. SMITH) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support H.R. 420, the Lawsuit Abuse Reduction Act of 2005.

Frivolous lawsuits bankrupt individuals, ruin reputations, drive up insurance premiums, increase health care costs, and put a drag on the economy.

Frivolous lawsuits are brought, for example, when there is no evidence that shows negligence on the part of the defendant. These nuisance lawsuits make a mockery of our legal system.

Of course, many Americans have legitimate legal grievances, from someone wrongly disfigured during an operation to a company responsible for contaminating a community's water supply. No one who deserves justice should be denied justice; however, gaming of the system by a few lawyers drives up the cost of doing business and drives down the integrity of the judicial system.

Let me give some examples. The chief executive officer of San Antonio's Methodist Children's Hospital was sued after he stepped into a plaintiff's hospital room and asked how the patient was doing. Of course, a jury cleared him of any wrongdoing.

A Pennsylvania man sued the Frito-Lay Company claiming that Doritos chips were "inherently dangerous" after one stuck in his throat. After 8 years of costly litigation, the Pennsylvania Supreme Court threw out the case, writing that there is "a commonsense notion that it is necessary to properly chew hard foodstuffs prior to swallowing." But, of course, the defendants had to absorb hundreds of thousands of dollars in legal fees.

In a New Jersey Little League game, a player lost sight of a fly ball hit because of the sun. He was injured when the ball struck him in the eye. The coach, who was forced to hire a lawyer after the boy's parents sued, had to settle the case for $25,000.

Today almost any party can bring any suit in almost any jurisdiction. That is because plaintiffs and their attorneys have nothing to lose. All they want is for the defendant to settle. This is legalized extortion. It is lawsuit lottery.

Defendants, on the other hand, can unfairly lose their lifetime savings, their careers, their businesses, and their reputations. This is simply not justice.

There is a remedy: the Lawsuit Abuse Reduction Act. It passed the

House last year by a margin of almost 60 votes. The bill applies to both plaintiffs who file frivolous lawsuits to extort financial settlements and to defendants who unnecessarily prolong the legal process. If a judge determines that a claim is frivolous, they can order the plaintiff to pay the attorneys' fees of the defendant who was victim of their frivolous claim. This will make a lawyer think twice before filing a frivolous lawsuit.

It is a problem that even the American Trial Lawyers Association has tried to address in its own code of conduct by declaring, "No American Trial Lawyers Association member shall file or maintain a frivolous suit, issue, or position." However, ATLA has not disciplined a single attorney for violation of this code of conduct in the last 2 years.

This legislation also prevents forum shopping. It requires that personal injury claims be filed only where the plaintiff resides, where the injury occurred, or the defendant's principal place of business is located. This provision addresses the growing problem of attorneys who shop around the country for judges who routinely award excessive amounts.

One of the Nation's wealthiest trial lawyers, Dickie Scruggs, has told us exactly how this abuse occurs. Here is what he says about forum shopping:

"What I call the magic jurisdiction . . . is where the judiciary is elected with verdict money. The trial lawyers have established relationships with the judges that are elected; they're State Court judges; they're populists. They've got large populations of voters who are in on the deal. They're getting their piece in many cases. And so it's a political force in their jurisdiction, and it's almost impossible to get a fair trial if you're a defendant in some of these places. The plaintiff lawyer walks in there and writes the number on the blackboard, and the first juror meets the last one coming out the door with that amount of money . . . Any lawyer fresh out of law school can walk in there and win the case, so it doesn't matter what the evidence or law is."

Forum shopping is a part of lawsuit abuse, and we must pass legislation to stop it from occurring. Even several largely recognized Democrats have acknowledged the need to end frivolous lawsuits. For instance, the John Kerry for President campaign endorsed national legislation in which "lawyers who file frivolous cases would face tough mandatory sanctions." And former Vice Presidential candidate Senator Edwards stated, "Lawyers who bring frivolous cases should face tough, mandatory sanctions."

The Lawsuit Abuse Reduction Act is sensible reform that will help restore confidence to America's justice system.

Mr. Chairman, the following organizations support H.R. 420: American Tort Reform Association, National Association of Home Builders, National Association of Manufacturers, National Restaurant Association, American Insurance Association, and the United States Chamber of Commerce. And this legislation is the top legislative priority of the National Federation of Independent Businesses.

Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose this bill because it will not reduce frivolous lawsuits, but will instead increase the cost of litigation at the State and Federal level, set back the fairness of civil rights litigation, and favor foreign corporate defendants at the expense of their domestic competitors. As a result of this misguided legislation, satellite litigation, costs and delays will result, and litigation abuses will not be reduced.

H.R. 420 makes significant changes to Rule 11 sanctions without following the statutory rulemaking process. The Association of Chief Justices of the States and the Federal Judicial Council have both criticized skipping the statutory rulemaking process. This bill would revert Rule 11 back to the 1983 version and unduly affects plaintiffs in civil rights cases. The current Rule 11 was adopted in 1993 specifically to correct abuses by defendants in civil rights cases. By rolling back this rule and requiring a mandatory sanctions system to civil rights cases, H.R. 420 will chill many legitimate and important civil rights actions.

Although the bill states that the proposed Rule 11 changes shall not be construed to "bar or impede the assertion or development of new claims or remedies under Federal, State, or local civil rights law," the language does not clearly and simply exempt civil rights and discrimination cases, as it should. Determining what a new claim or remedy is will be a daunting and complex issue for most courts and clearly does not cover all civil rights cases.

The Honorable Robert Carter, United States District Court Judge for the Southern District of New York, who was one of the pioneers in civil rights legislation and worked on the Brown v. Board of Education case, stated, "I have no doubt that the Supreme Court's opportunity to pronounce separate schools inherently unequal in Brown v. Board of Education would have been delayed for a decade had my colleagues and I been required, upon pain of potential sanctions, to plead our legal theory explicitly from the start." This is a good example of the dreadfully detrimental effect of this rule on civil rights cases.

Furthermore, this bill will operate to benefit foreign corporate defendants at the expense of their domestic counterparts. Section 4, the "forum shopping" provision, would operate to provide a litigation and financial windfall to foreign corporations at the expense of their domestic competitors. This is because instead of permitting claims to be filed wherever a corporation does business or has minimum contacts, as most State long-arm statutes provide, the bill permits the suit to be brought only where the defendant's principal place of business is located. In the case of a foreign corporation, that does not exist in the United States. If a U.S. citizen is harmed by a product manufactured by a foreign competitor, under this bill the injured U.S. citizen would have no recourse against a foreign corporation, whereas he or she would have recourse against the comparable U.S. corporation. This is unfair to both the U.S. citizen with no recourse and to all U.S. companies that must compete against the foreign firm. Consequently American employers and employees would be put at an unfair disadvantage vis-a-vis their foreign counterparts, not exactly what we would want to be doing not only from a standpoint of fairness, but from a standpoint of our economy.

Mr. Chairman, this bill has another deleterious effect. Because it provides for reasonable attorneys' fees in the case of a sanction, because many Rule 11 sanctions are minor, and in any complex case there are almost invariably going to be some, the current law, first of all, permits the judge discretion whether to impose sanctions or not. This makes it mandatory for even the most picayune infractions.

Second of all, the current law says that if it is pointed out to an attorney that he has done something that would fall under Rule 11, he has 21 days to correct it. If he does not correct it, he is subject to sanctions. This would say they have no time to correct it. They get automatic sanctions. That is unfair.

Thirdly, because under those circumstances this bill provides for attorneys' fees, they had better have their head examined if they want to sue a large corporation, because if they are the little guy, and they have one attorney, and he is paid a reasonable fee, and they can afford the litigation, they hope; but if they are suing the big company, and General Motors has 32 attorneys lined up over there, and they are all charging $800 an hour, then reasonable attorneys' fees are going to be a lot of money, and they have to anticipate, if they file that suit, that because of the mandatory nature of the Rule 11 sanctions that this bill would impose, because of the lack of an ability to correct it, because of the automatic sanctions and mandatory sanctions, they have to assume that they are going to have to pay those sanctions, and they are going to have to pay the mandatory attorneys' fees, so they had better not sue the big boys.

What this bill is really saying is big corporations shall be exempt from lawsuits by people who cannot afford to pay huge attorneys' fees of the big corporations, because we have to assume that will happen, and because this bill leaves no discretion to the judge.

It is no surprise that the United States Judicial Conference, the National Association for the Advancement of Colored People, the Alliance for Justice, Public Citizen, People for the American Way, the American Association of People with Disabilities, the Lawyers Committee for Civil Rights in Law, the American Bar Association, the National Conference of State Legislatures, National Partnership for Women, National Women's Law Center, the Center for Justice and Democracy, Consumers Union, the National Association of Consumer Advocates, and the NAACP Legal Defense Fund all oppose the bill.

In other words, if Members care about civil rights, if they care about the ability of the consumer to have justice with a large corporation, if they care about civil liberties, if they care about people being able to use the Federal or State courts, they must vote against this bill.

I urge my colleagues to vote against this poorly drafted and unfair legislation.

Mr. Chairman, I reserve the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Visitors in the gallery will refrain from showing approval or disapproval of proceedings.

Mr. SMITH of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. KELLER), a member of the Judiciary Committee.

Mr. KELLER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today as a cosponsor and strong supporter of the Lawsuit Abuse Reduction Act. I am going to tell the Members why I support this legislation and what the key components of this legislation is.

First, why do we need this legislation? We need tough mandatory sanctions to crack down on frivolous lawsuits. We need to care about each other more and sue each other less. We need to get back to the old-fashioned principles of personal responsibility and get away from this new culture where people play the victim and blame others for their problems. Most importantly, we need to protect those small business people who are out there creating 70 percent of all new jobs in America. These small business people work hard and play by the rules, but they cannot afford to defend themselves from meritless litigation.

For example, if they have a suit brought against them, to take it to trial to successfully win the suit, they often have to pay over $100,000 to a defense attorney. So what do they do? They have to pay about 10 grand to settle the case to get rid of it for strictly business reasons even though they did nothing wrong.

This bill will help crack down on these frivolous suits by doing three key things. First, it provides tough mandatory sanctions, not discretionary sanctions, if a judge finds that we have a violation of Rule 11, which may include the payment of the other side's attorneys' fees. Second, this bill has teeth in it by having a three-strikes-and-you're-out penalty. Three strikes and you're out means if a judge finds that they have violated Rule 11 bringing a frivolous claim on three separate occasions, they will be suspended from practicing law in that particular Federal court for 1 year and will have to reapply for practice there. That is a tough sanction. I happen to be the author of it. But it is key for Members to know that there is a bipartisan idea, three strikes and you're out.

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To my left here, you see a quote from Senator John Edwards, himself a lifelong well-known personal injury lawyer, a former Senator from North Carolina and former Vice Presidential candidate. He said in Newsweek magazine, December 15, 2003, "Frivolous lawsuits waste good people's time and hurt the real victims. Lawyers who bring frivolous cases should face tough mandatory sanctions with a three-strikes penalty."

Senator Edwards is not the only one who holds that view. You will see that Senator Edwards' running mate, Senator JOHN KERRY, told the Associated Press on October 10, 2004, "Lawyers who file frivolous cases would face tough mandatory sanctions, including a three-strikes-and-you're-out provision that forbids lawyers who file frivolous cases from bringing another suit for the next 10 years."

President George W. Bush, back when he was a candidate, February 9, 2000 said, "As President, I will bring common sense to our courts and curb frivolous lawsuits. If a lawyer files three junk lawsuits, he will lose the right to appear in Federal Court for 3 years. Three strikes and you're out."

The Austin American Statesman summarized President Bush's plan as saying, "Bush's plan includes stiffer penalties for lawsuits determined by judges to be frivolous, including a three-strikes-and-you're-out rule for lawyers who repeatedly file such claims."

On the day before we marked up this bill in the Judiciary Committee, May 24, 2005, I visited with President Bush in his personal residence and asked him, Mr. President, do you still stand by this policy that we need three strikes and you're out to crack down on frivolous lawsuits? He said, I absolutely do. That is the policy of the White House.

So we have the Democrat Presidential candidate, Mr. KERRY; the Democrat Vice Presidential candidate, Mr. Edwards; the President of the United States; and the Judiciary Committee on a voice vote adopted this three-strikes-and-you're-out provision.

The third key element of this Lawsuit Abuse Reduction Act is language to avoid forum shopping. It is the same language that we had in the class action legislation, which was approved on a bipartisan basis by both the House and the Senate and signed into law. Essentially, if there is an accident, the claim will be brought where the accident is or where the plaintiff resides or where the defendant resides.

For example, if you lived in Orlando, Florida, like I do, and you went to your local McDonald's and you slipped on a puddle of water, you could bring your suit in Orlando, where it should be. What you could not do is say, well, I know that Madison County, Illinois is a judicial hellhole, and there are lots of plaintiff-friendly judges, and McDonald's does business up in Madison County, Illinois. We are going to go file our suit there and do a little forum shopping. That is the kind of thing that is not going to be allowed here.

In short, this is a commonsense bill that provides tough mandatory sanctions to crack down on frivolous suits and includes provisions that enjoy bipartisan support. This bill has already passed the House. I urge my colleagues to vote "yes" on this important legislation.

Mr. NADLER. Mr. Chairman, I observe the gentleman tells us that President Bush assures us of the problem of frivolous lawsuits. President Bush assured us there were weapons of mass destruction in Iraq and a lot of other nonsense. So I do not give that too much credence.

Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member, and I thank my good friend and colleague from Texas (Mr. SMITH). There are many opportunities that we have to agree. I believe in his unabiding commitment to the integrity to the judicial system. That is why I rise to quote him when he says that there is a premise that we all deserve justice and that justice, in essence, should not be denied. He agrees with that, and I agree with that. Frankly, however, this legislation is not merely a denial of justice. It is an obliteration, a complete destruction of justice.

It is interesting in the backdrop of the United States promoting democratization in Iraq, challenging Iran, and now with the proceedings against Saddam Hussein and the very basis of our dependence upon a fair and impartial judicial system that will allow lawyers to be able to petition for their client or defend their client, that we would stand here on the floor of the House today and in essence create the lawsuit elimination legislation rather than the suggestion that we are preventing abuse.

Let me tell you what this legislation intends to do. This legislation intends to ride roughshod over States' rights, forcing State courts to enact burdensome procedures and even stripping their jurisdiction over certain cases. That means that, in essence, it forces State judges within 30 days of a case being filed to conduct an extensive and lengthy pretrial hearing to determine whether Federal Rule 10 must be imposed. We already know that Federal Rule 11 has given the court system an effective tool to ensure, if you will, that if there is frivolous activity in the courthouse, or a lawyer files a frivolous case, that lawyer can be sanctioned.

This now protects foreign corporations at the expense of consumers. Why? Because you may be able to sue in a State court, but the State court may not have jurisdiction over that foreign corporation, leaving the victim of products liability, the victim of a terrible heinous accident left without remedy in a State court.

It makes sanctions mandatory rather than discretionary. It undermines the Federal judiciary system and the court system. It says to our judges that although you have gone to the highest litmus test, confirmation on the Federal bench, elections and bar scrutiny, we are telling you that we are going to pierce your courtroom and we are going to take away the rights of Rule 11 where you have discretion and we are going to simply tell you to throw a lawyer out.

Then for myself as an African American and someone whose very existence is based upon the privileges that Thurgood Marshall had, and many other lawyers, to go into the courthouse, and at that time and era in the early 1940s and 1950s, speak language that could have been considered frivolous, I would suggest that just in a general sense, whether or not this particular legislation speaks particularly to that issue, there are many times in our history where lawyers may be considered frivolous because they are speaking a language that opposes society.

The question of an equal education under Brown v. Topeka might have been frivolous. I do not want to have a Federal law that suggests that you cannot go into the courthouse. This bill allows judges to order individuals to reimburse litigation costs, including attorneys' fees, by specifically stating that reasonable attorneys' fees should be taken into account when assessing the amount of the sanction. That means that the poorer client is going to be thrown out.

This is supposed to help small businesses. At the same time, it may be the small business that is a petitioner. They may think their case is legitimate.

For example, what about this lawsuit for one business against another. That is frivolous lawsuits, when you had Enterprise, a very big company, filed a lawsuit against Rent-A-Wreck of America, a tiny rental company, and Hertz Corporation and threatened to file lawsuits against several other rental car companies that used the phrase, "pick you up," claiming that "We'll pick you up" is Enterprise's slogan. Then there was a whole bunch of other lawsuits around who will pick you up, and who is not picking you up and why you are being picked up.

We could label frivolous lawsuits across the board. It should be left to the judges in Rule 11. This legislation removes the safe harbor provision of the rule which allows an attorney a period of 21 days to withdraw an objectionable pleading. That undermines justice. Maybe the lawyer made a mistake and therefore we do not have that opportunity.

Mr. Chairman, I would simply say this is a bill that has no basis in need, and we should unanimously defeat it.

Mr. Chairman, I rise in opposition to the base bill before the Committee of the Whole H.R. 4571, the Lawsuit Abuse Reduction Act of 2005 and state my support for the substitute offered by the Gentleman from California, Mr. SCHIFF.

As I mentioned during the Committee on the Judiciary's oversight hearing on this legislation during its iteration in the 108th Congress and reiterated in my statement for the markup, one of the main functions of the Congress before it passes legislation is to analyze potentially negative impact against the benefits that it might have on those affected. The base bill before the House today does not represent the product of careful analysis.

In the case of H.R. 4571, the Lawsuit Abuse Reduction Act, the oversight functions of the Judiciary Committee allowed us to craft a bill that will protect those affected from negative impacts of the shield from liability that it proposes. This legislation required an overhaul in order to make it less of a misnomer—to reduce abuse rather than encourage it.

The goal of the tort reform legislation is to allow businesses to externalize, or shift, some of the cost of the injuries they cause to others. Tort law always assigns liability to the party in the best position to prevent an injury in the most reasonable and fair manner. In looking at the disparate impact that the new tort reform laws will have on ethnic minority groups, it is unconscionable that the burden will be placed on these groups—that are in the worst position to bear the liability costs.

When Congress considers pre-empting State laws, it must strike the appropriate balance between two competing values—local control and national uniformity. Local control is extremely important because we all believe, as did the Founders two centuries ago, that state governments are closer to the people and better able to assess local needs and desires. National uniformity is also an important consideration In federalism—Congress' exclusive jurisdiction over interstate commerce has allowed our economy to grow dramatically over the past 200 years.

This legislation would reverse the changes to Rule 11 of the Federal Rules of Civil Procedure, FRCP, that were made by the Judicial Conference in 1993 such that (1) sanctions against an attorney whose litigation tactics are determined to harass or cause unnecessary delay or cost or who has been determined to have made frivolous legal arguments or unwarranted factual assertions would become mandatory rather than discretionary to the court, (2) discovery-related activity would be included within the scope of the Rule, and (3) the Rule would be extended to state cases affecting 'interstate commerce so that if a state judge decides that a case affects interstate commerce, he or she must apply Rule 11 if violations are found.

This legislation strips State and Federal judges of their discretion in the area of applying Rule 11 sanctions. Furthermore, it infringes States' rights by forcing state courts to apply the rule if interstate commerce is affected. Why is the discretion of the judge not sufficient in discerning whether Rule 11 sanctions should be assessed?

If this legislation moves forward in this body, it will be important for us to find out its effect on indigent plaintiffs or those who must hire an attorney strictly on a contingent-fee basis. Because the application of Rule 11 would be mandatory, attorneys will pad their legal fees to account for the additional risk that they will have to incur in filing lawsuits and the fact that they will have no opportunity to withdraw the suit due to a mistake. Overall, this legislation will deter indigent plaintiffs from seeking counsel to file meritorious claims given the extremely high legal fees.

Furthermore, H.R. 4571, as drafted, would allow corporations that perform sham and noneconomic transactions in order to enjoy economic benefits in this country. Therefore, I planned to offer an amendment that would preclude these entities from so benefiting.

The text of the amendment defined the term "Benedict Arnold Corporation" and proposed to prevent such companies from benefiting from the legal remedies that H.R. 4571 purports to offer.

The "Benedict Arnold Corporation" refers to a company that, in bad faith, takes advantage loopholes in our tax code to establish bank accounts or to ship jobs abroad for the main purpose of tax avoidance. A tax-exempt group that monitors corporate influence called "Citizen Works" has compiled a list of 25 Fortune 500 Corporations that have the most offshore tax-haven subsidiaries. The percentage of increase in the number of tax havens held by these corporations since between 85.7 percent and 9,650 percent.

This significant increase in the number of corporate tax havens is no coincidence when we look at the benefits that can be fund in doing sham business transactions. Some of these corporations are "Benedict Arnolds" because they have given up their American citizenship; however, they still conduct a substantial amount of their business in the United States and enjoy tax deductions of domestic corporations.

Such an amendment would preclude these corporations from enjoying the benefit of mandatory attorney sanctions for a Rule 11 violation. By forcing these corporate entities to fully litigate matters brought helps to put their true corporate identity into light and discourages them from performing as many domestic transactions that may be actionable for a claimant.

In the context of the Judiciary's consideration of the Terrorist Penalties Enhancement Act, H.R. 2934, my colleagues accepted an amendment that I offered that ensured that corporate felons were included in the list of individuals eligible for prosecution for committing terrorist offenses. The amendment that I would have offered for this bill has the same intent—to increase corporate accountability and to encourage corporate activity with integrity.

I ask that my colleagues support the Substitute offered by Mr. Schiff and defeat the base bill. We must carefully consider the long-term implications that this bill, as drafted, will have on indigent claimants, the trial attorney community, and facilitation of corporate fraud.

Mr. SMITH of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Constitutional Law Subcommittee of the Judiciary Committee.

Mr. CHABOT. Mr. Chairman, I want to first of all commend the gentleman from Texas for his leadership in this area. This is a very important piece of legislation. I think he does us all proud by pushing for this and ultimately, I believe, being successful in its passage.

I am pleased to be a cosponsor of H.R. 420, legislation that will help curtail frivolous lawsuits. It is reassuring to once again see that the Congress is taking measures to help rid our court system of lawsuits that are costly and hurt both consumers and businesses in our country. The legislation is aimed at enforcing the laws that govern attorneys in relation to filing frivolous lawsuits. The actual standard of what constitutes a frivolous lawsuit will not change. But consequences for such actions will.

In 1993, the Civil Rules advisory committee, an unelected body, decided that sanctions against attorneys who file frivolous lawsuits should be optional. Justice David Brewer once wrote: "America is the paradise of lawyers."

In my opinion, this "paradise" has resulted in increased prices for consumer goods and higher insurance premiums and a decrease in domestic manufacturing, which has been one of the things that we have heard more and more discussion about in this country, the loss of manufacturing jobs.

H.R. 420 seeks to rein in lawsuit-happy litigators by restoring mandatory sanctions for filing frivolous lawsuits, a violation of Rule 11 of the Federal Rules of Civil Procedure. This bill also prevents forum shopping by requiring that personal injury cases be brought only where the plaintiff resides, where the plaintiff was allegedly injured, or where the defendant's principal place of business is located.

Finally, the bill would apply a three-strikes-and-you-are-out rule, as we have heard, to attorneys who commit three or more Rule 11 violations in Federal district court. As a member of the House Judiciary Committee, as well as a member of the Small Business Committee, I have heard endless accounts of family-owned small businesses being led to financial ruin by the exorbitant cost of frivolous lawsuits.

According to the NFIB, the National Federation of Independent Businesses, small business owners ranked the cost and availability of liability insurance as the second most important problem facing small business owners today. Small business owners know that if they are sued, they are likely to have to choose between a long and costly trial or an expensive settlement. Either choice significantly impacts the operations of a business and the livelihood of its employees. This hurts the little guy because of these lawsuits.

Most business decisions today are made with this new reality in mind. This bill will help make American small businesses more competitive by lowering their unnecessary legal expenses, allowing business owners to focus on hiring new employees and expanding available products.

This bill will help make American businesses more competitive. It will allow business owners to focus on hiring new employees, which is really critical in this economy that we are faced with, and expanding the availability of products and services and improving the American economy.

Mr. Chairman, I again want to thank the gentleman from Texas for his leadership in introducing this important piece of legislation. It is time that we put an end to these frivolous lawsuits that are impacting the economy, that are hurting, especially, small businesses and are resulting in the loss of jobs of many, many Americans in this country.

Mr. NADLER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I thank my good friend from New York for yielding me the time.

Mr. Chairman, I rise in opposition to H.R. 420, legislation that would have a chilling effect on a plaintiff's ability to seek recourse in court. As I have listened to my colleagues on the floor talk about three-strikes-and-you-are-out with regard to a counsel, you would think this was a criminal situation. They took discretion away from judges with mandatory sentencing. They said, Judge, no matter what the facts are of the case, if this is the penalty, then you impose such penalty.

What is very interesting is, even though my colleague cited JOHN KERRY, John Edwards, President Bush, and the Judiciary Committee, not one of them have sat as a judge in a case, making decisions about Rule 11 cases.

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I am proud to say that I served as a judge for 10 years in the trial court in the State of Ohio and have had the ability to review complaints, review discovery decisions, review pleadings. And judges should be vested with the same discretion they are vested with in other situations and not be subjected to this Rule 11 sanctions piece that is being proposed by this legislation.

It is unconscionable that the claim that businesses get on with more business or they can hire more employees, to use that to play against the ability of a plaintiff to bring a lawsuit. What is going to make business do better in the United States of America is this country having a policy that encourages business. What is going to make people work better in the United States of America is having greater opportunity for business, and you cannot blame business not doing well on lawsuits, just as you cannot blame doctors running all over creation because of medical malpractice.

I encourage all of my colleagues to take a close look at what this legislation will do, to take a close look and listen to the arguments that are being made by my colleagues with regard to this legislation, and vote in opposition to H.R. 420.

Mr. SMITH of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

I will summarize in a few words what we are really talking about. There are frivolous lawsuits. There are also novel legal claims which some may consider frivolous, but which, in the fullness of time, yield legal progress. The claims against Plessy v. Ferguson were considered frivolous at first, but eventually the courts accepted them, and so with many other arguments.

The courts have Rule 11 sanctions available at their discretion. Any judge who thinks an attorney is being frivolous, is wasting the court's time, is wasting his adversary's time, can impose the sanctions today. The courts have not asked for further power. The courts have certainly not asked us to tie their hands and to mandate that they impose sanctions whenever they are requested and a technicality may have been violated. That is not justice, to enforce technicalities against the discretion of the judge.

The Association of State Chief Justices are not in favor of this. The Judicial Council of the United States is not in favor of this.

To mandate that attorneys be sanctioned on any technicality, to say that an attorney may not correct his own mistake, you must sanction him; to say that three sanctions on three technicalities means he cannot practice anymore is to tell attorneys, do not try novel legal arguments, do not argue new claims. To say that attorneys' fees, reasonable attorneys' fees, will be assessed mandatorily, whatever the judge thinks, whether he thinks or she thinks it is reasonable or not, is to say that you better not sue the big boys, that you better not sue General Motors, and a small business, a supplier cannot sue Wal-Mart lest the attorney violate some technicality and the attorneys' fees of Wal-Mart, with their 45 attorneys sitting there, be assessed against the small supplier.

This is not justice. What this bill is, Mr. Chairman, is another attempt, another in a series of attempts, the class action bills, the various other bills we have had here, to close the courts, to close the courts to anyone who would try to hold giant corporations accountable. That is what this is. This is a bill that says, do not try to use the courts for civil rights, do not try to use the courts to sue large corporations. We are going to make sure you do not. We are going to punish you if you do, and we are going to make sure you cannot find an attorney who will take the case because they are worried about draconian imposition of draconian attorneys' fees.

So I urge my colleagues to reject this bill. It should be rejected, because the courts ought to be opened to all people who need to use them. Otherwise there is no justice.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I was listening to the gentleman framing the question, and the gentleman framed the question I think in the way that we should ask our colleagues for them to give us an answer. I think what the gentleman has suggested in his very detailed and eloquent presentation, there is a judicial system in place that is functioning and functional. We should take the Boy Scouts' oath, make your camp better than you found it. Therefore, if there are issues that we can improve in the judiciary, let us do it.

But I am just looking at some information here that tells me that Federal litigation is, in fact, decreasing. A 2005 report issued by the U.S. Department of Justice says that the U.S. district courts in some areas, of course, fell 79 percent, fell 79 percent, the cases, the tort cases, between 1985 and 2003. According to the Administrative Office of the U.S. Courts, tort actions in the U.S. district courts went down from 29 percent from 2002 to 2003, so it fell 28 percent. In addition, over the last 5 years, Federal civil filings have not only decreased 8 percent, but the prefilings that are personal injury cases has also declined. State litigation is decreasing. The numbers show they are decreasing. Lawsuit filings are decreasing. As I said, tort filings have declined 5 percent since 1993. Contract filings have declined.

I do not particularly consider that a good omen. I would like people to legitimately feel they can go into the courts for their remedies. But the question is, it is not broken, and here we are putting heavier burdens on the court system that literally shuts the door closed to a number of individuals, and I think that is completely unacceptable for the responsibility of this Congress.

Mr. NADLER. Mr. Chairman, reclaiming my time, I thank the gentlewoman.

I think the gentlewoman has established not only that the system is not broken, but that any claim of an avalanche of frivolous litigation is absurd for these kinds of statistics of declining use of the courts, of declining caseloads, of declining filings. Again, the courts have not requested this, they have not said that there is any problem, there is any problem existing. This is an attempt again to shut the courthouse doors to people who need access to the courts, and on the most fundamental grounds of justice, this bill ought to be soundly rejected.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the scourge of frivolous litigation mars the fabric of our legal system and undermines the vitality of our economy. As President Bush has stated, "We have a responsibility to confront frivolous litigation head on." H.R. 420 would do exactly that.

Frivolous lawsuits have become a form of legalized extortion. Without the serious threat of certain punishment for filing frivolous claims, innocent people and small businesses will continue to confront the stark economic reality that simply paying off frivolous claims through monetary settlements is always cheaper than litigating the case until no fault is found. Frivolous lawsuits subvert the proper role of the tort system and affront fundamental notions of fairness that are central to our system of justice.

The effects of frivolous litigation are both clear and widespread. Churches are discouraging counseling by ministers. Children have learned to threaten teachers with lawsuits. Youth sports are shutting down in the face of lawsuits for injuries and even hurt feelings. Common playground equipment is now an endangered species. The Girl Scouts in the metro Detroit area alone have to sell 36,000 boxes of cookies each year just to pay for their liability insurance. Good Samaritans are discouraged. When one man routinely cleared a trail after snowstorms, the county had to ask him to stop. The supervisor of district operations wrote, "If a person falls, you are more liable than if you had never plowed at all."

Unfortunately, the times we are in allow for a much more litigious environment than common sense would dictate. A Federal lawsuit has even been filed against U.S. weather forecasters after the South Asian tsunami disaster.

Today results of frivolous lawsuits are written on all manner of product warnings that aim to prevent obvious misuse. A warning label on a baby stroller cautions, "Remove child before folding." A five-inch brass fishing lure with three hooks is labeled, "Harmful if swallowed." And household irons warn, "Never iron clothes while they are being worn."

Small businesses and workers suffer the most. The Nation's oldest ladder manufacturer, family-owned John S. Tilley Ladders Company near Albany, New York, recently filed for bankruptcy protection and sold off most of its assets due to litigation costs. Founded in 1855, the Tilley firm could not handle the cost of liability insurance, which had risen from 6 percent of sales a decade ago to 29 percent, while never losing an actual court judgment. The workers of John S. Tilley Ladders never faced a competitor they could not beat in the marketplace, but they were no match for frivolous lawsuits.

When Business Week published an extensive article on what the most effective legal reforms would be, it stated that what is needed are "Penalties That Sting." As Business Week recommends, "Give judges stronger tools to punish renegade lawyers."

Before 1993, it was mandatory for judges to impose sanctions such as public censures, fines, or orders to pay for the other side's legal expenses. Then the Civil Rules Advisory Committee, an obscure branch of the courts, made penalties optional. This needs to be reversed by Congress. Today, H.R. 420 would do exactly that.

Rule 11 of the Federal Rules of Civil Procedure presently does not require sanctions against parties who bring frivolous lawsuits. Without certain punishment for those who bring these suits and the threat of serious monetary penalties to compensate the victims of frivolous lawsuits, there is little incentive for lawsuit victims to spend time and money seeking sanctions for lawsuit abuse. In fact, as currently written, Rule 11 allows lawyers to entirely avoid sanctions for filing frivolous claims by withdrawing them within 3 weeks. Such a rule actually encourages frivolous claims because personal injury attorneys can file harassing pleadings secure in the knowledge that they have nothing to lose. If someone objects, they can always retreat without penalty.

H.R. 420 would restore mandatory sanctions and monetary penalties under Federal Rule 11 for filing frivolous lawsuits and abusing the litigation process. It would also extend these same protections to cover State cases that a State judge determines have interstate implications and close the loopholes of a tort system that often resembles a tort lottery.

The legislation applies to frivolous lawsuits brought by businesses as well as individuals, and it expressly precludes application of the bill to civil rights cases if applying the bill to such cases would bar or impede the assertion or development of new claims or remedies under Federal, State, or local civil rights law. The Class Action Fairness Act, which was recently signed into law after receiving broad support in both Houses, prohibits the unfair practice of forum shopping for favorable courts when the case is styled as a class action. The same policy should apply to individual lawsuits as well.

One of the Nation's wealthiest personal injury attorneys, Richard "Dickie" Scruggs, and I quoted him at length a while ago, but I will quote him a little bit shorter right now, described what he calls "magic jurisdictions" as "What I call the 'magic jurisdictions' is where it is almost impossible to get a fair trial if you are a defendant. Any lawyer fresh out of law school can walk in there and win the case, so it does not matter what the evidence or the law is."

America's system of justice deserves better, much better. H.R. 420 prevents the unfair practice of forum shopping by requiring that personal injury cases be brought only where there is some reasonable connection to the case; namely, where the plaintiff lives or was allegedly injured, where the defendant's principal place of business is located, or where the defendant resides.

The time for congressional action to close the loopholes that create incentives for frivolous lawsuits is now. Too many jobs have been lost and more will not be created if this legislation is not enacted into law.

I urge my colleagues to return a measure of fairness to America's legal system by passing the Lawsuit Abuse Reduction Act.

Mr. TERRY. Mr. Chairman, I rise in opposition of H.R. 420, the Lawsuit Abuse Reduction Act of 2005. This legislation runs roughshod over States' rights, forcing State courts to enact onerous procedures and stripping States' jurisdiction in certain cases. This bill would also force restrictive venue provisions on all State courts, which essentially tells State courts they do not have jurisdiction over certain claims brought by its own citizens. Let State legislatures and State judiciaries set their own Rules. And, by the way, a frivolous, meritless lawsuit is damaging to the system and the offending parties should be punished.

This bill also protects foreign corporations at the expense of consumers in that it unfairly dictates to States where their citizens can enforce legal right against a corporation based outside of the United States. While H.R. 420 allows a victim to file a claim in a court in his or her home State, because of existing jurisdictional rules that State may be unable to exercise power over the foreign corporation.

For example, a corporation in Mexico sells cribs in the United States and those cribs are shipped to Kansas and sold in Nebraska. The cribs turn out to be defective and one collapses on a baby in Nebraska, killing it. It may be impossible, under this proposed bill, for that Nebraska family to file a lawsuit in Nebraska. The family may have to file the suit in Kansas but would have to take the case to Mexico under H.R. 420. I cannot in good conscience support a bill preventing a family in this situation from filing a lawsuit in its own State.

Mr. STARK. Mr. Chairman, I rise in opposition to the so-called Lawsuit Abuse Reduction Act because it would hurt all Americans by exposing them and their attorneys to motions intended to harass them and slow down the legal process, a tactic often used by wealthy defendants in civil rights trials.

Prior to 1993, defendants in civil rights cases would file a crushing number of motions alleging frivolous actions on the part of the plaintiff in a blatant attempt to delay the case. In 1993, the rules were changed and judges were empowered to determine sanctions for frivolous lawsuits on a case-by-case basis, removing this delay tactic from wealthy defendants. However, since the Republican Party doesn't think judges have any business deciding how to run their courts, they want to repeal this change and revert back to the days of delayed justice.

This is one of many reasons why the U.S. Judicial Conference, headed by Chief Justice John Roberts, opposes this bill. Further, H.R. 420 is unconstitutional because it forces every State court to implement new court rules and procedures, even though Congress has no jurisdiction over State courts.

Justice delayed is justice denied and I am proud to stand up for our Constitution, judicial system, and all Americans by voting no on this bill. If that makes me a friend of the trial lawyers, then I proudly stand with the brilliant litigators Thurgood Marshall and Abraham Lincoln in opposition to political hacks like Karl Rove and George W. Bush.

Mr. UDALL of Colorado. Mr. Chairman, I am not opposed to changing Federal court rules to try to make it less likely that small business owners or other Americans will be forced to defend themselves against frivolous lawsuits. So, I could support many of the provisions of this bill. However, the bill has such serious flaws that I cannot support it in its current form.

Part of the bill would change Rule 11 of the Federal Rules of Civil Procedure in ways that would basically restore that rule as it was in 1992. As a result, lawyers filing frivolous lawsuits in Federal courts would face mandatory sanctions in the form of payments to those who were victimized by those lawsuits. I think that could be an effective deterrent, and can support it.

I also can support strong provisions to deter—and, if necessary punish—repeated violations of the rules against misuse of the courts through frivolous lawsuits. However, I am not enthusiastic about the idea of Congress's attempting to micro-manage the State courts or to take over the job of regulating the practice of law in State courts in the way that this bill would do.

And I am definitely opposed to changing the rules in ways that could make it impossible for people with valid claims to receive proper consideration of their cases.

For that reason, I must object to the provisions of the bill which, as the non-partisan Congressional Research Service explains, "would preclude litigation in United States courts that would be authorized under current law. For instance, [under current law] . . . if a corporation has stores, factories, offices, or property anywhere in the United States . . . a Federal suit might be brought against it in one of the judicial districts where . . . [an objectionable] activity occurs or property [is located. But] . . . enactment of H.R. 420 apparently could result in a plaintiffs being left without a judicial forum in the United States for his or her tort claim."

Leaving some Americans with no recourse to the courts even for valid claims would be bad enough. But I find it even more unacceptable that prime beneficiaries of these provisions could be American companies who have chosen to fly a foreign flag in order to escape paying their Federal taxes.

I voted for the Schiff-Kind amendment because I favor strong measures against frivolous lawsuits but oppose giving those fugitive corporations such an unfair advantage over truly American companies. Unfortunately, however, that amendment was not adopted—and as a result I must vote against this bill as it stands.

Mr. HONDA. Mr. Chairman, I rise in opposition to H.R. 420, a measure that purports to reduce frivolous lawsuits. While no one likes to see unnecessary, merit-less lawsuits clogging our court system, this bill only serves as an unneeded intrusion of Federal authority into State matters.

H.R. 420 substantially changes State court procedure by forcing State judges, within 30 days of a case being filed, to conduct an extensive and lengthy pre-trial hearing to determine whether Federal sanctions must be imposed in a State proceeding. This would require a judge to examine evidence in detail and even to make a pre-trial judgment as to what the outcome of a case might be. These requirements will only serve to add time and expense to the proceedings. Federal judges overwhelmingly agree that the Federal court rules operate more efficiently and fairly when they are discretionary rather than mandatory.

Mr. Chairman, States already have some version of the rule that is exactly or substantially similar to the federally available sanction. State courts should not be forced to spend scarce taxpayer money to conduct an expensive hearing in order to apply a Federal rule that mirrors a mechanism they already have in place.

Mr. MORAN of Virginia. Mr. Chairman, I rise in reluctant opposition to the Lawsuit Abuse

Reduction Act. As an advocate for reasoned and balanced reform to our American judicial system, I am afraid that today's bill overreaches and sets a dangerous precedent for future legislation. H.R. 420 treads unnecessarily on judicial independence and makes litigation overly burdensome for legitimate cases to have their fair day in court.

Primarily, this legislation encroaches on the judicial rulemaking process by changing the Federal Rules of Civil Procedure, over which Congress has no rightful jurisdiction. This rulemaking process is the responsibility of the Judicial Conference and the Supreme Court. Furthermore, the requirement that State courts apply these new Federal rules is an intrusion on State judicial authority.

I strongly believe that the integrity of the judiciary is in question if we impose our own set of rules on this independent body, particularly as Congress continues to limit judicial discretion. This action is wrong, and one of the reason that judges from across the Nation overwhelmingly oppose this legislation.

Furthermore, I believe this bill inhibits legitimate cases from having their day in court. Plaintiffs that have just cause for action, particularly in cases dealing with civil rights, may reconsider because of the threat of mandated sanctions and the elimination of the 21-day "safe harbor" rule. This chilling effect on meritorious legal claims does not offer honest Americans justice.

I also have concern that this bill will not deter frivolous lawsuits. Despite the anecdotes my colleagues have offered, there is no empirical evidence that Rule 11, which this bill seeks to change, is not working. In fact, recent studies indicate that frivolous litigation is declining.

Mr. Chairman, I will continue to approach tort reform with the objective of ensuring that any legitimate cases have their day in court. I don't believe the bill before us today meets this standard.

Mr. SHAYS. Mr. Chairman, I rise in support of H.R. 420, the Lawsuit Abuse Reduction Act.

The simple fact is, we have too many junk lawsuits being filed. It is imperative we reform our tort system, and it seems to me this legislation is an important step in this direction.

The House has passed several common sense bills that will help make our court system less prone to abuse and more fair for victims, such as medical malpractice reform and class action reform.

Today's legislation would restore mandatory sanctions on lawyers and law firms filing frivolous lawsuits and eliminate the current safe harbor provision that allows lawyers to avoid sanctions by quickly withdrawing meritless claims. The legislation also prevents forum shopping by requiring suits to be filed where a plaintiff resides, where an injury occurred, or where the defendant's principal place of business is located.

Tort reform will make American businesses more competitive and lower costs to consumers while ensuring true victims' rights to sue for damages. Frivolous lawsuits have discouraged product development, stifled innovative research and cost millions in insurance and legal fees—costs that often get passed on to consumers. Making the system less costly will increase job creation, benefiting businesses and consumers alike.

I support this legislation and encourage my colleagues to do so as well.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in strong opposition to H.R. 420, the so-called Lawsuit Abuse Reduction Act. The legislation will have a significant, adverse impact on the ability of civil rights plaintiffs to seek recourse in our courts.

This bill would remove a court's discretion to impose sanctions on attorneys for frivolous lawsuits under Rule 11 of the Federal Rules of Civil Procedure. By removing a court's discretion to impose sanctions, this bill would make Rule 11 sanctions mandatory.

Mandatory Rule 11 sanctions are a failed experiment. When they were mandatory—between 1983 until they were repealed in 1993—they were disproportionately used to harass civil rights plaintiffs bringing claims to enforce civil rights laws. It would be a mistake to turn back the clock on civil rights.

If such mandatory sanctions are reinstated, what can we expect? The movie, based on the first sexual harassment class action, North Country, perfectly illustrates the problem. North Country is based on the real life case of Lois Jensen, who in 1975 was a single mother on welfare and took a job working in the taconite mines of northern Minnesota. In that male-dominated work force, she endured extreme sexual harassment and her employer refused to do something about it. After 25 years and three trials, Jensen finally prevailed in 1998. Landmark litigation takes time. And landmark causes of action, often referred to as novel, should not be confused with frivolous claims.

If H.R. 420 passes, motions for Rule 11 sanctions will be disproportionately brought by big corporations against individual plaintiffs to harass, drag-out, and make the costs of their litigation more expensive.

It's important not to make landmark civil rights cases more difficult. Mandatory Rule 11 sanctions would make such compelling cases more difficult by allowing big companies even more opportunities to out-litigate the individual. H.R. 420 will require a mandatory sanctions regime that would apply to civil rights cases and massively skew the playing field against injured victims. I urge my colleagues to vote "no" on H.R. 420, and support the Democratic alternative.

Mr. SMITH of Texas. Mr. Chairman, I yield back the balance of my time.

□ 1430

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lawsuit Abuse Reduction Act of 2005".

SEC. 2. ATTORNEY ACCOUNTABILITY.

Rule 11(c) of the Federal Rules of Civil Procedure is amended—

(1) by amending the first sentence to read as follows: "If a pleading, motion, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the attorney, law firm, or parties that have violated this subdivision or are responsible for the violation, an appropriate sanction, which may include an order to pay the other party or parties for the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper, that is the subject of the violation, including a reasonable attorney's fee.";

(2) in paragraph (1)(A)—

(A) by striking "Rule 5" and all that follows through "corrected." and inserting "Rule 5."; and

(B) by striking "the court may award" and inserting "the court shall award"; and

(3) in paragraph (2), by striking "shall be limited to what is sufficient" and all that follows through the end of the paragraph (including subparagraphs (A) and (B)) and inserting "shall be sufficient to deter repetition of such conduct or comparable conduct by others similarly situated, and to compensate the parties that were injured by such conduct. The sanction may consist of an order to pay to the party or parties the amount of the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation, including a reasonable attorney's fee.".

SEC. 3. APPLICABILITY OF RULE 11 TO STATE CASES AFFECTING INTERSTATE COMMERCE.

In any civil action in State court, the court, upon motion, shall determine within 30 days after the filing of such motion whether the action substantially affects interstate commerce. Such court shall make such determination based on an assessment of the costs to the interstate economy, including the loss of jobs, were the relief requested granted. If the court determines such action substantially affects interstate commerce, the provisions of Rule 11 of the Federal Rules of Civil Procedure shall apply to such action.

SEC. 4. PREVENTION OF FORUM-SHOPPING.

(a) IN GENERAL.—Subject to subsection (b), a personal injury claim filed in State or Federal court may be filed only in the State and, within that State, in the county (or Federal district) in which—

(1) the person bringing the claim, including an estate in the case of a decedent and a parent or guardian in the case of a minor or incompetent—

(A) resides at the time of filing; or

(B) resided at the time of the alleged injury;

(2) the alleged injury or circumstances giving rise to the personal injury claim allegedly occurred;

(3) the defendant's principal place of business is located, if the defendant is a corporation; or

(4) the defendant resides, if the defendant is an individual.

(b) DETERMINATION OF MOST APPROPRIATE FORUM.—If a person alleges that the injury or circumstances giving rise to the personal injury claim occurred in more than one county (or Federal district), the trial court shall determine which State and county (or Federal district) is the most appropriate forum for the claim. If the court determines that another forum would be the most appropriate forum for a claim, the court shall dismiss the claim. Any otherwise applicable statute of limitations shall be tolled beginning on the date the claim was filed and ending on the date the claim is dismissed under this subsection.

(c) DEFINITIONS.—In this section:

(1) The term "personal injury claim"—

(A) means a civil action brought under State law by any person to recover for a person's personal injury, illness, disease, death, mental or

emotional injury, risk of disease, or other injury, or the costs of medical monitoring or surveillance (to the extent such claims are recognized under State law), including any derivative action brought on behalf of any person on whose injury or risk of injury the action is based by any representative party, including a spouse, parent, child, or other relative of such person, a guardian, or an estate; and

(B) does not include a claim brought as a class action.

(2) The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, but not any governmental entity.

(3) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and any other territory or possession of the United States.

(d) APPLICABILITY.—This section applies to any personal injury claim filed in Federal or State court on or after the date of the enactment of this Act.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in section 3 or in the amendments made by section 2 shall be construed to bar or impede the assertion or development of new claims or remedies under Federal, State, or local civil rights law.

SEC. 6. THREE-STRIKES RULE FOR SUSPENDING ATTORNEYS WHO COMMIT MULTIPLE RULE 11 VIOLATIONS.

(a) MANDATORY SUSPENSION.—Whenever a Federal district court determines that an attorney has violated Rule 11 of the Federal Rules of Civil Procedure, the court shall determine the number of times that the attorney has violated that rule in that Federal district court during that attorney's career. If the court determines that the number is 3 or more, the Federal district court—

(1) shall suspend that attorney from the practice of law in that Federal district court for 1 year; and

(2) may suspend that attorney from the practice of law in that Federal district court for any additional period that the court considers appropriate.

(b) APPEAL; STAY.—An attorney has the right to appeal a suspension under subsection (a). While such an appeal is pending, the suspension shall be stayed.

(c) REINSTATEMENT.—To be reinstated to the practice of law in a Federal district court after completion of a suspension under subsection (a), the attorney must first petition the court for reinstatement under such procedures and conditions as the court may prescribe.

SEC. 7. PRESUMPTION OF RULE 11 VIOLATION FOR REPEATEDLY RELITIGATING SAME ISSUE.

Whenever a party attempts to litigate, in any forum, an issue that the party has already litigated and lost on the merits on 3 consecutive prior occasions, there shall be a rebuttable presumption that the attempt is in violation of Rule 11 of the Federal Rules of Civil Procedure.

SEC. 8. ENHANCED SANCTIONS FOR DOCUMENT DESTRUCTION.

(a) IN GENERAL.—Whoever influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, a pending court proceeding through the intentional destruction of documents sought in, and highly relevant to, that proceeding—

(1) shall be punished with mandatory civil sanctions of a degree commensurate with the civil sanctions available under Rule 11 of the Federal Rules of Civil Procedure, in addition to any other civil sanctions that otherwise apply; and

(2) shall be held in contempt of court and, if an attorney, referred to one or more appropriate State bar associations for disciplinary proceedings.

(b) APPLICABILITY.—This section applies to any court proceeding in any Federal or State court that substantially affects interstate commerce.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109-253. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109-253 offered by Mr. SMITH of Texas:

Page 4, strike lines 8 through 11 and insert the following:

(a) IN GENERAL.—Subject to subsection (b), a personal injury claim filed in State or Federal court may be filed only in the State and, within that State, in the county (or if there is no State court in the county, the nearest county where a court of general jurisdiction is located) or Federal district in which—

Page 5, line 23, strike "and".

Page 5, line 25, strike the period at the end and insert "; and".

Page 5, after line 25, insert the following:

(C) does not include a claim against a debtor in a case pending under title 11 of the United States Code that is a personal injury tort or wrongful death claim within the meaning of section 157(b)(5) of title 28, United States Code.

Page, 7, strike line 16 and all that follows through the end of the bill and insert the following new sections:

SEC. 7. PRESUMPTION OF RULE 11 VIOLATION FOR REPEATEDLY RELITIGATING SAME ISSUE.

Whenever a party presents to a Federal court a pleading, written motion, or other paper, that includes a claim or defense that the party has already litigated and lost on the merits in any forum in final decisions not subject to appeal on 3 consecutive occasions, and the claim or defense involves the same plaintiff and the same defendant, there shall be a rebuttable presumption that the presentation of such paper is in violation of Rule 11 of the Federal Rules of Civil Procedure.

SEC. 8. ENHANCED SANCTIONS FOR DOCUMENT DESTRUCTION IN PENDING FEDERAL COURT PROCEEDINGS.

Whoever willfully and intentionally influences, obstructs, or impedes, or attempts to influence, or obstruct, or impede, a pending Federal court proceeding through the willful and intentional destruction of documents sought pursuant to the rules of such Federal court proceeding and highly relevant to that proceeding—

(1) shall be punished with mandatory civil sanctions of a degree commensurate with the civil sanctions available under Rule 11 of the Federal Rules of Civil Procedure, in addition to any other civil sanctions that otherwise apply; and

(2) shall be held in contempt of court and, if an attorney, referred to one or more appropriate State bar associations for disciplinary proceedings.

SEC. 9. BAN ON CONCEALMENT OF UNLAWFUL CONDUCT.

(a) IN GENERAL.—In any Rule 11 of the Federal Rules of Civil Procedure proceeding, a court may not order that a court record not be disclosed unless the court makes a finding of fact that identifies the interest that justifies the order and determines that that interest outweighs any interest in the public health and safety that the court determines would be served by disclosing the court record.

(b) APPLICABILITY.—This section applies to any record formally filed with the court, but shall not include any records subject to—

(1) the attorney-client privilege or any other privilege recognized under Federal or State law that grants the right to prevent disclosure of certain information unless the privilege has been waived; or

(2) applicable State or Federal laws that protect the confidentiality of crime victims, including victims of sexual abuse.

The CHAIRMAN. Pursuant to House Resolution 508, the gentleman from Texas (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bipartisan manager's amendment I am offering today reflects the important contributions of the gentleman from New York (Mr. NADLER) and the gentleman from Virginia (Mr. SCOTT). It incorporates into the base bill provisions imposing sanctions for the destruction of relevant documents in a pending Federal court proceeding, an amendment setting standards for a court's determination that certain court records should be sealed, and an amendment providing for a presumption on a Rule 11 violation when the same issue is repeatedly relitigated.

This manager's amendment also makes clear that in the antiforum-shopping provisions, if there is no State court in the county in which the injury occurred, the case can be brought in the nearest adjacent county where a court of general jurisdiction is located.

Finally, the manager's amendment makes clear that the legislation does not affect personal injury claims that Federal bankruptcy law requires to be heard in a Federal bankruptcy court. This reasonable request was made by the National Bankruptcy Conference Committee on Legislation.

I urge my colleagues to join me in supporting this bipartisan manager's amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member seek recognition in opposition?

Mr. NADLER. Mr. Chairman, I do not seek recognition in opposition to the amendment.

The CHAIRMAN. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. NADLER. Mr. Chairman, I am pleased that Chairman SENSENBRENNER has included in the manager's amendment two provisions that I offered in the Judiciary Committee markup of the bill, and I thank the chairman for his support.

The first amendment included in the manager's amendment provides for mandatory sanctions for destroying documents relating to a court proceeding. Delays during litigation provide ample opportunities for wrongdoers to destroy incriminating documents. Because this can result in the complete inability to hold these defendants accountable for their wrongful acts, parties who knowingly destroy relevant and incriminating documents should be severely sanctioned.

Secondly, the second amendment bans the concealment of unlawful conduct when the interests of public health and safety outweigh the interest of litigating parties in concealment. Very often in civil litigation, a company producing an unsafe product or an unsafe procedure will settle with the plaintiff.

The settlement will include a payment of a sum to the defendant, but will also often include an agreement that the records will be sealed and no one will ever talk about it. That is the condition that the defendant company puts on it.

So the defendant pays the money, the plaintiff gets the settlement, everybody keeps quiet. But meanwhile, hundreds of thousands of people may continue to be injured by that product in the future.

The defendant company forces the plaintiffs never to discuss the problems with anyone else, no one knows about it, and more people keep getting hurt because the product remains on the market.

When it comes to public health and safety, people must have access to information about an unsafe product, not only to protect themselves but also to serve as a deterrent against companies that may continue to place the public in harm's way.

Secrecy agreements should not be enforced unless they meet stringent standards to protect the public interest and the public health. This amendment prevents this harmful practice. The amendment says that an agreement to keep a settlement secret, the terms and conditions of settlement secret, cannot be approved by the court unless the court determines that the interests of the parties in secrecy, perhaps legitimate interests outweigh the interests of the public in knowledge of whatever it is.

If the court so determines, the court can order the secrecy upheld. But if the court determines that the interest and the public knowledge outweigh the secrecy, then the court must say that and disapprove the concealment agreement.

I support the manager's amendment because it includes these two amendments and other good ideas. But these changes are not enough for me to support final passage of what is still an egregious bill.

Again, I would like to thank Chairman SENSENBRENNER for working together in addressing these issues. I believe the manager's amendment provides some positive changes in what is otherwise an egregious bill.

I urge my colleagues to vote for the manager's amendment, but against the final bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SMITH).

The amendment was agreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 2 OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute No. 2 printed in House Report 109-253 offered by Mr. SCHIFF:

Strike all after the enacting clause and insert the following:

SECTION 1. "THREE STRIKES AND YOU'RE OUT" FOR ATTORNEYS WHO FILE FRIVOLOUS LAWSUITS.

(a) SIGNATURE REQUIRED.—Every pleading, written motion, and other paper in any action shall be signed by at least 1 attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. Each paper shall state the signer's address and telephone number, if any. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

(b) CERTIFICATE OF MERIT.—By presenting to the court (whether by signing, filing, submitting, or later advocating) a pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances—

(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a non frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

(3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are reasonable based on a lack of information or belief.

(c) MANDATORY SANCTIONS.—

(1) FIRST VIOLATION.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated, the court shall find each attorney or party in violation in contempt of court and shall require the payment of costs and attorneys fees. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, and sanctions plus interest, upon the person in violation, or upon both such person and such person's attorney or client (as the case may be).

(2) SECOND VIOLATION.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated and that the attorney or party with respect to which the determination was made has committed one previous violation of subsection (b) before this or any other court, the court shall find each such attorney or party in contempt of court and shall require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit and sanctions plus interest, upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(3) THIRD AND SUBSEQUENT VIOLATIONS.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated and that the attorney or party with respect to which the determination was made has committed more than one previous violation of subsection (b) before this or any other court, the court shall find each such attorney or party in contempt of court, refer each such attorney to one or more appropriate State bar associations for disciplinary proceedings (including suspension of that attorney from the practice of law for one year or disbarment), require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney, or client (as the case may be)) to pay a monetary fine. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, and sanctions plus interest, upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(4) APPEAL; STAY.—An attorney has the right to appeal a sanction under this subsection. While such an appeal is pending, the sanction shall be stayed.

(5) NOT APPLICABLE TO CIVIL RIGHTS CLAIMS.—Notwithstanding subsection (d), this subsection does not apply to an action or claim arising out of Federal, State, or local civil rights law or any other Federal, State, or local law providing protection from discrimination.

(d) APPLICABILITY.—Except as provided in subsection (c)(5), this section applies to any paper filed on or after the date of the enactment of this Act in—

(1) any action in Federal court; and

(2) any action in State court, if the court, upon motion or upon its own initiative, determines that the action affects interstate commerce.

SEC. 2. "THREE STRIKES AND YOU'RE OUT" FOR ATTORNEYS WHO ENGAGE IN FRIVOLOUS CONDUCT DURING DISCOVERY.

(a) SIGNATURES REQUIRED ON DISCLOSURES.—Every disclosure made pursuant to subdivision (a)(1) or subdivision (a)(3) of Rule

26 of the Federal Rules of Civil Procedure or any comparable State rule shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated. An unrepresented party shall sign the disclosure and state the party's address. The signature of the attorney or party constitutes a certification that to the best of the signer's knowledge, information, and belief, formed after a reasonable inquiry, the disclosure is complete and correct as of the time it is made.

(b) Signatures Required on Discovery.—

(1) In general.—Every discovery request, response, or objection made by a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated. An unrepresented party shall sign the request, response, or objection and state the party's address. The signature of the attorney or party constitutes a certification that to the best of the signer's knowledge, information, and belief, formed after a reasonable inquiry, the request, response, or objection is:

(A) consistent with the applicable rules of civil procedure and warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law;

(B) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and

(C) not unreasonable or unduly burdensome or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation.

(2) Stricken.—If a request, response, or objection is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the party making the request, response, or objection, and a party shall not be obligated to take any action with respect to it until it is signed.

(c) Mandatory Sanctions.—

(1) First violation.—If without substantial justification a certification is made in violation of this section, the court, upon motion or upon its own initiative, shall find each attorney or party in contempt of court and shall require the payment of costs and attorneys fees. The court may also impose additional sanctions, such as imposing sanctions plus interest or imposing a fine upon the person in violation, or upon such person and such person's attorney or client (as the case may be).

(2) Second violation.—If without substantial justification a certification is made in violation of this section and that the attorney or party with respect to which the determination is made has committed one previous violation of this section before this or any other court, the court, upon motion or upon its own initiative, shall find each attorney or party in contempt of court and shall require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine. The court may also impose additional sanctions upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(3) Third and subsequent violations.—If without substantial justification a certification is made in violation of this section and that the attorney or party with respect to which the determination is made has committed more than one previous violation of this section before this or any other court, the court, upon motion or upon its own initiative, shall find each attorney or party in contempt of court, shall require the payment of costs and attorneys fees, require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine, and refer such attorney to one or more appropriate State bar associations for disciplinary proceedings (including the suspension of that attorney from the practice of law for one year or disbarment). The court may also impose additional sanctions upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(4) Appeal; stay.—An attorney has the right to appeal a sanction under this subsection. While such an appeal is pending, the sanction shall be stayed.

(d) Applicability.—This section applies to any paper filed on or after the date of the enactment of this Act in—

(1) any action in Federal court; and

(2) any action in State court, if the court, upon motion or upon its own initiative, determines that the action affects interstate commerce.

SEC. 3. BAN ON CONCEALMENT OF UNLAWFUL CONDUCT.

(a) In General.—In any Rule 11 of the Federal Rules of Civil Procedure proceeding, a court may not order that a court record not be disclosed unless the court makes a finding of fact that identifies the interest that justifies the order and determines that the interest outweighs any interest in the public health and safety that the court determines would be served by disclosing the court record.

(b) Applicability.—This section applies to any record formally filed with the court, but shall not include any records subject to—

(1) the attorney-client privilege or any other privilege recognized under Federal or State law that grants the right to prevent disclosure of certain information unless the privilege has been waived; or

(2) applicable State or Federal laws that protect the confidentiality of crime victims, including victims of sexual abuse.

SEC. 4. ENHANCED SANCTIONS FOR DOCUMENT DESTRUCTION.

Whoever willfully and intentionally influences, obstructs, or impedes, or attempts to influence, or obstruct, or impede, a pending Federal court proceeding through the willful and intentional destruction of documents sought pursuant to the rules of such Federal court proceeding and highly relevant to that proceeding—

(1) shall be punished with mandatory civil sanctions of a degree commensurate with the civil sanctions available under Rule 11 of the Federal Rules of Civil Procedure, in addition to any other civil sanctions that otherwise apply; and

(2) shall be held in contempt of court and, if an attorney, referred to one or more appropriate State bar associations for disciplinary proceedings.

SEC. 5. ABILITY TO SUE CORPORATE FINANCIAL TRAITORS AND FOREIGN CORPORATIONS.

(a) General Rule.—In any civil action for injury that was sustained in the United States and that relates to the acts of a foreign business, the Federal court or State court in which such action is brought shall have jurisdiction over the foreign business if—

(1) the business purposefully availed itself of the privilege of doing business in the United States or that State;

(2) the cause of action arises from the business's activities in the United States or that State; and

(3) the exercise of jurisdiction would be fair and reasonable.

(b) Admission.—If in any civil action a foreign business involved in such action fails to furnish any testimony, document, or other thing upon a duly issued discovery order by the court in such action, such failure shall be deemed an admission of any fact with respect to which the discovery order relates.

(c) Process.—Process in an action described in subsection (a) may be served wherever the foreign business is located, has an agent, or transacts business.

(d) Definition.—In this section, the term "foreign business" means a business that has its principal place of business, and substantial business operations, outside the United States and its Territories.

SEC. 6. PRESUMPTION OF RULE 11 VIOLATION FOR REPEATEDLY RELITIGATING SAME ISSUE.

(a) In General.—Whenever a party presents to a Federal court a pleading, written motion, or other paper, that includes a claim or defense that the party has already litigated and lost on the merits in any forum in final decisions not subject to appeal on 3 consecutive occasions, and the claim or defense involves the same plaintiff and the same defendant, there shall be a rebuttable presumption that the presentation of such paper is in violation of Rule 11 of the Federal Rules of Civil Procedure.

(b) Exception.—Subsection (a) does not apply to a claim arising under the Constitution of the United States.

The CHAIRMAN. Pursuant to House Resolution 508, the gentleman from California (Mr. Schiff) and the gentleman from Texas (Mr. Smith) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. Schiff).

Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment in the nature of a substitute to H.R. 420, the Lawsuit Abuse Reduction Act of 2005, with the gentleman from Wisconsin (Mr. Kind).

I thank the Rules Committee for affording us this opportunity to offer and debate our substitute amendment on the floor today.

Mr. Chairman, the base bill certainly has an important and worthy stated goal of cracking down on the filing of frivolous lawsuits. As a former Federal prosecutor and a member of the bar, I strongly support this meritorious goal, as any responsible attorney should.

However, I am forced to oppose the legislation in its current form as it contains a number of serious deficiencies which I believe the substitute amendment will remedy. First, the legislation would revert to a failed regime that has been soundly criticized by those best equipped to comment on the proposed changes, the Federal judiciary.

Second, the legislation would inappropriately involve the States in the application of the Federal Rules of Civil Procedure. And, third, the legislation's forum-shopping provisions drastically change State venue laws to benefit foreign corporations over domestic corporations and victims, to say nothing of doing a great deal to damage States' rights.

Finally, the legislation would harm those seeking relief from civil rights violations. Instead, I ask my colleagues to support the Schiff-Kind substitute amendment, a proposal that would crack down vigorously on frivolous lawsuits. Members on both sides of the aisle agree that our laws and rules of procedure must prohibit frivolous litigation.

Our substitute amendment has a strong three-strikes-and-you-are-out provision for attorneys who file frivolous lawsuits. Unlike the base bill, these frivolous proceedings and pleadings could have been filed in any court. The mandatory sanctions begin after the very first violation; but after the third, the attorney shall be found in contempt of court and referred to the appropriate State bar associations for disciplinary proceedings, including suspension.

Unlike the base bill, the third sanction can also include disbarment.

Our substitute amendment also has strong three-strikes-and-you-are-out provisions for attorneys who engage in frivolous conduct during discovery, including causing unnecessary delay or needless increases in the costs of litigation. Again, mandatory sanctions begin after the first violation, and a third violation in any Federal court can include suspension and even disbarment.

Our substitute also limits the ability of wrongdoers to conceal any conduct harmful to the public welfare by requiring that such court records not be sealed unless the court finds that a sealing is justified. This important provision will help ensure that information on dangerous products and actions is made available to the public.

The Schiff-Kind substitute also includes tough enhanced sanctions for document destruction by parties punishable by mandatory sanctions under Rule 11 and referral to the appropriate State bars for disciplinary proceedings, including disbarment. We also include strong language to provide a presumption of a Rule 11 violation for repeatedly relitigating the same issue.

I am pleased that some of these important provisions have recently been added to the base bill. The venue provisions, however, in section 4 of the base bill would recast State and Federal court jurisdiction and venue in personal injury cases.

This section would actually operate to provide a litigation and financial windfall to foreign corporations at the expense of their domestic competitors. Instead of permitting claims to be filed wherever a corporation does business or has minimum contacts, as most State long-arm jurisdiction statutes provide, section 4 only permits the suit to be brought where the defendant's principal place of business is located.

This means that it would be far more difficult to pursue a personal injury or product liability action against a foreign corporation in the United States. In fact, this section could operate to make it impossible to sue a foreign corporation in this country, only further promoting the disturbing process of corporations in our country relocating their headquarters overseas to avoid U.S. taxes.

This is bad policy. And our substitute amendment includes language to ensure that jurisdiction for such legal actions is not limited in this manner.

Finally, by requiring a mandatory sanctions regime that would apply to civil rights cases, the base bill will chill many legitimate and important civil rights actions. This is due to the fact that much, if not most, of the impetus for the 1993 changes stemmed from abuses by defendants in civil rights cases, namely, the civil rights defendants were choosing to harass civil rights plaintiffs by filing a series of Rule 11 motions intended to slow down and impede meritorious civil rights cases.

A 1991 Federal judicial study found that the incidence of Rule 11 sanctions or sua sponte orders is higher in civil rights cases than in some other types of cases. Another study found that there is ample evidence to suggest that plaintiffs in civil rights cases, plaintiffs in particular, were far more likely than defendants to be the target of Rule 11 motions and the recipient of sanctions.

While the base bill purports to encourage that the provisions not be applied to civil rights cases, the fact of the matter is it does not explicitly exempt civil rights cases as our substitute does.

Mr. Chairman, this is a commonsense substitute. It cracks down on frivolous lawsuits in a tough fashion, but without jeopardizing civil rights claims or providing unnecessary shields to foreign corporations. It is a better bill, and I urge the House to adopt the substitute rather than the base proposal.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this substitute amendment. And I have to point out that this same substitute amendment was defeated in the last Congress. Mr. Chairman, where to begin. I will begin with the title of the first section of the substitute. It is entitled, "Three Strikes and You're Out." But the title of section 1 does not reflect the text it contains.

In fact, the substitute provides that following three violations of its provisions: "The court shall refer each such attorney to one or more appropriate State bar associations for disciplinary proceedings."

The substitute does not say the attorney shall be suspended from the practice of law. However, the base bill explicitly provides for such a sanction. Specifically, the base bill states that after three strikes: "The Federal district court shall suspend that attorney from the practice of law in that Federal district court."

The base bill contains a substantive three-strikes-and-you-are-out provision that will prevent attorneys who file frivolous lawsuits from getting into the courtroom. The substitute merely requires that repeat offenders be reported to State bar associations.

But it gets worse. Not only are filers of frivolous lawsuits not out after three strikes under the substitute, but the substitute even changes what constitutes a strike under existing law. Currently, Rule 11 contains four criteria that can lead to a Rule 11 violation.

The substitute references only three. Currently, Rule 11 allows sanctions against frivolous filers whose denials of factual contentions are not warranted on the evidence or are not reasonably based on a lack of information or belief.

The substitute removes this protection for victims of frivolous pleadings under existing law. In addition, the substitute for the first time without penalty allows defendants to file papers with the court that include factual denials of the allegations against them that are not warranted by the evidence and not reasonably based.

Instead, the substitute provides additional protection for defendants filing frivolous defenses that are not warranted by the evidence and not reasonably based.

□ 1445

This is a step backward for victims of frivolous lawsuits under both State and Federal law. So the substitute not only undermines the clarity of the three strikes and you're out rule, it purports to establish, it dramatically expands the potential for even more frivolous lawsuits.

Furthermore, the base bill provides that those who file frivolous lawsuits can be made to pay all costs and attorneys' fees that are "incurred as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation." The substitute does not include that critical language which is necessary to make clear that those filing frivolous lawsuits must be made to pay the full costs imposed on their victim by the frivolous lawsuit.

The proponent of this amendment claims that the anti-forum shopping standards in H.R. 420 regarding where a personal injury lawsuit can be brought are somehow unfair, even though they are the very same standards contained in the vast majority of State venue laws. In fact, the gentleman from California's own State venue law provides as follows: "If the action is for injury to person or personal property or for death from wrongful act or negligence, the superior court in either the county where the injury occurs or the injury causing death occurs or the county where the defendants, or some of them reside at the commencement of the action, is the proper court for the trial of the action."

Insofar as foreign corporations cannot be sued in some limited circumstances in this country, that is not the fault of H.R. 420, nor is it the fault of California's venue law. It is a result of the Supreme Court's interpretation of the Due Process Clause.

Mr. Chairman, the substitute does not provide for three strikes and you're out. It provides for three strikes and you get referred to a State bar association that can continue to let the offending attorney practice law.

The Democratic substitute weakens existing law that protects plaintiffs from defendants that file frivolous denials that are not warranted by the evidence and not reasonably based. This substitute amendment includes provisions that are unconstitutional and penalizes those who would challenge those unconstitutional rules. That is more than three strikes against the substitute, Mr. Chairman, and I urge my colleagues to return it to the bench and vote yes for the job-protecting and job-creating Lawsuit Abuse Reduction Act when it gets to final passage.

Mr. Chairman, I reserve the balance of my time.

Mr. SCHIFF. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the gentleman from California for yielding me this time and for the leadership that he has shown on the issue. I also commend the gentleman from New York (Mr. NADLER) for the important issues that he has raised in regards to this important legislation.

Mr. Chairman, I think we can all concede or stipulate that no one is in favor of frivolous lawsuits in this country. As a former special prosecutor, State prosecutor in Wisconsin, and as a young lawyer who used to handle corporate litigation in a large law firm, I saw firsthand some of the abuses that take place in the judicial process. But I believe that there is a right and a wrong way of moving forward in dealing with the frivolous lawsuit situation in the country.

Unfortunately, the majority base bill today, I think, is the wrong approach, whereas the substitute that we are offering here cures a lot of defects that the majority is offering and would put some substance behind cracking down on the filing of frivolous lawsuits. But first let us correct some of the facts.

There has been a lot of rhetoric from some of our colleagues here claiming that the real bane of the judicial system today are a bunch of trial attorneys running around chasing ambulances, filing needless personal injury cases, clogging the court system, driving up litigation costs, increasing the expenses of corporations, and that is what is to be blamed in regards to dealing with frivolous lawsuits, when, in fact, the facts indicate just the opposite.

A recent comprehensive study by Public Citizen has shown that the explosion in the filing of lawsuits has really rested with the corporations of this country, who have been filing four to five times more claims and lawsuits than individual plaintiffs in this country. Furthermore, when Rule 11 sanctions have been applied, they have been applied in 69 percent of the cases against corporations that are abusing the discovery process or filing needless lawsuits. So it is not these money-grubbing trial attorneys that so many want to believe that exist out there that are causing a lot of the problem in the judicial system; it is rather corporations that are increasing it. It is those who are most eager to support the majority base bill who are most likely to take advantages of the opportunities of filing lawsuits in our country. I find that a bit ironic.

But we are also today, and both of us, the majority and the substitute, is really usurping the Rules Enabling Act. When Congress passed that, it was a recognition that we here really do not have a lot of good expertise, and we are not in the trenches dealing with these rules every day. That is why the Judicial Conference looks at rules changes. They submit it to the Supreme Court for approval, who then finally submits it to Congress for our consideration to adopt or to revise at the end of the day. That whole process is being usurped.

Finally, and as the gentleman from California indicated, we have a short-term memory problem in this Congress. This has been tried between 1983 and 1993, and the rules were changed because it was not working, because we were taking away too much discretion from the judges in the application of Rule 11. It had a disproportionate impact on the filing of civil rights actions in this country. Our substitute bill cures that by exempting the filing of civil rights under this legislation.

This is significant, because as the gentleman from California pointed out that when there were attempts to stifle meritorious claims from going forward or increasing the litigation costs in lawsuits, it was usually in the civil rights actions that were taken during this period which led to the change and the reform of mandatory sanctions back to a discretionary system, allowing the judges to decide the application of the appropriate penalties based on the facts and circumstances of the case.

What is this debate about today? I would commend a recently released movie called "North Country" to all of my colleagues before they consider the final passage of this legislation. It is about a young mother of two who took a job in the Taconite Mining Company in northern Minnesota and entered an atmosphere and environment of pervasive sexual harassment that not only applied to her, but all the women that were working in that company. She was the first to file a class action suit on behalf of herself and the other women in the country and the Nation. Because she was meritorious, she prevailed in that lawsuit that lead to incredible changes in regards to the treatment of women in the modern workplace.

That is what is at stake in allowing the civil rights actions to at least go through. We allow that in the substitute, and I ask adoption of the substitute.

Mr. SMITH of Texas. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I want to point out to the gentleman from Wisconsin who just spoke that I could have saved him a lot of time. And I would like to remind him that he might want to take a look at the language of H.R. 420, that it applies just as much to businesses as it does individuals, despite statements to the contrary.

Mr. Chairman, I yield 3 minutes to the gentleman from Utah (Mr. CANNON), the chairman of the Administrative Law Subcommittee of the Judiciary Committee.

Mr. CANNON. Mr. Chairman, I rise in support of H.R. 420, the Lawsuit Abuse and Reduction Act, LARA, and I oppose the substitute amendment.

This bill, the underlying bill, continues the commitment of the House Republicans to grow our economy, help small businesses, and put a stop to abusive lawsuits. This bill does that and will help millions of small businesses combat some of the worst abuses by frivolous lawsuits.

In particular, LARA would make mandatory the sanctions and monetary penalties under Federal Rule 11 of the Federal Rules of Civil Procedure for filing frivolous lawsuits and abusing the litigation process. Or it would also abolish the free pass provisions that allow parties and their attorneys to avoid sanctions by withdrawing a suit within 21 days after a motion for sanctions has been filed.

It would also permit monetary sanctions including reimbursement of reasonable attorneys' fees and litigation costs in connection with frivolous lawsuits.

It would extends Rule 11's provisions to include State cases in which the State judge finds the case substantially affects interstate commerce.

Frivolous lawsuits have discouraged and stifled American businesses long enough. The more we control lawsuit abuse, the stronger our businesses will be, and the more jobs will be created.

This legislation protects the integrity of the judicial system by penalizing the bad actors in litigation, both plaintiffs and defendants, I might say.

Civil litigation was once a last-resort remedy to settle limited disputes and quarrels, but recent years have brought a litigation explosion. The number of civil lawsuits has tripled since the 1960s and has gripped the American citizens and small businesses with a fear of costly and unwarranted lawsuits.

The threat of abusive litigation forces businesses to settle frivolous claims, rather than to go through the expensive and time-consuming process of defending lawsuits from the discovery process all the way to trial. This is, in essence, legal blackmail and needs to be ended.

While it costs the plaintiff only a little more than a small filing fee to begin a lawsuit, it costs much more for a small business to defend against it, jeopardizing its ability to survive. LARA tells those attorneys who are intent on filing a lawsuit to take the responsibility to review the case and make sure it is legitimate before filing, or be ready for sanctions.

I would like to thank the gentleman from Texas, the chairman of the Subcommittee on Courts, the Internet, and Intellectual Property, for having prepared this legislation and moved it forward as he has. I urge my colleagues to support this legislation and oppose the substitute amendment.

Mr. SCHIFF. Mr. Chairman, before I recognize my colleague from Texas, I want to respond to a couple of points made by my other colleague from Texas; that is, comparing the strength of the three strikes and you're out provisions in the substitute and base bill. The three strikes language in the Democratic substitute would apply to frivolous proceedings that are filed in any court. The base bill, on the other hand, would apply the three strikes provision only to the specific court in which the violation occurred. That is a narrower provision of the base bill.

Similarly, my substitute provides for the referral to the appropriate State bars for disciplinary proceedings, including disbarment after the third strike. With the first violation there is the required payment of costs and attorneys' fees. With the second, the attorney is held in contempt with a monetary fine. And then the third provision of referral to the State bar for possible disbarment, compared to the base bill which calls for a 1-year suspension only in the specific court where the three violations occurred. The violations have to occur in the same court. If you move from one court where you are sanctioned to another to another, the base bill seems to have far less strength and applicability than the substitute.

Second, I wanted to rebut the claim that the substitute will somehow promote litigation more than the base bill. In fact, when you ask the judges who have operated under both systems, the one that is proposed by the base bill and the one that is proposed by the substitute, the courts were quite clear that the earlier form of Rule 11, which we would go back to in the base bill, spawned a cottage industry where someone would file a Rule 11 motion, the opposing counsel would file a Rule 11 motion on the Rule 11 motion, and then you would have litigation over whose Rule 11 motion should succeed.

In fact, in 1993, the Judicial Conference remarked that the experience with the amended rule since 1993, since we got away from what the base bill would take us back to, has demonstrated a marked decline to Rule 11 satellite litigation without any noticeable increase in the number of frivolous filings.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague from California for yielding me time.

I rise in opposition of H.R. 420 and in support of the substitute.

This bill would not do anything to reduce frivolous lawsuits. In fact, my concern about it is it is unnecessary, and it will infringe on States being able to manage their own court systems.

Rule 11 of the Federal Rules of Civil Procedure was amended in 1993 to its current state because it was being abused by defendants in civil rights cases who filed a series of Rule 11 motions to harass the men and women who challenged discrimination.

Until now there has been no demonstrated problems with the current version of the rule. Usually this type of change in civil procedure goes through a process of the Rules Enabling Act. But in this instance we have decided to circumvent the United States Judicial Conference and the United States Supreme Court. We have taken it upon ourselves to decide what is best for the judicial system.

The Lawsuit Reduction Act would amend Rule 11 of the Federal Rules of Civil Procedure and revert back to that pre-1993 status. By doing this, again, we take away States' discretion to impose sanctions on improper and frivolous pleadings.

This would eliminate the current safe harbor provision, permitting the attorneys to withdraw improper frivolous motions within 21 days after they have been challenged by an opposing counsel. Additionally, this bill dictates where plaintiffs can file a personal injury lawsuit against a corporation in a State court. Do we really want to get into the jurisdictional battles in our States?

Reverting back to the previous Rule 11 would make people less likely to challenge unjust laws because they are putting themselves at risk for being harassed. At the time some people thought Brown v. Board of Education was a frivolous lawsuit, but it did not look like it had a chance until the Supreme Court recognized that separate was not equal.

□ 1500

If we had this strict version of Rule 11 back then, maybe Brown v. Board of Education would have never made it to the Supreme Court.

This bill is another example of Congress intruding on States' rights. Our system of government is designed to keep our judicial system separate, particularly our State judicial system.

We simply do not have the right to tell State and county courthouses across the Nation how to enforce sanctions in their courtrooms or where the plaintiff may file a lawsuit in the State courts.

Mr. SCHIFF. Mr. Chairman, it gives me great pleasure to yield such time as she may consume to the gentlewoman from California (Ms. PELOSI), our minority leader.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me time, and I congratulate him and the gentleman from Wisconsin (Mr. KIND) for their leadership in proposing this good Democratic substitute.

Mr. Chairman, here we go again. The madness continues. Once again, the Republicans must prove that they are the handmaidens of the special interests by putting this bill on the floor today. Just when we should be talking about creating good jobs for the American people, expanding access to quality health care, broadening opportunity in education, having a strong national defense and doing it all in a fiscally sound way, the Republicans are wasting the time of this Congress and testing the patience of the American people with legislation that is frivolous. It is something that is, again, another reflection of the culture of cronyism that exists under the Republican leadership in Washington, DC.

This legislation before us again seeks to protect their friends. The outrageous venue provisions in the Republican bill give defendant corporations special advantages by overriding State minimum-contact provisions and limiting the locations in which a suit can be brought and could render foreign corporations out of reach of the American justice system.

Today, we will take the opportunity to address the Republican culture of cronyism. The gentleman from Georgia (Mr. BARROW) will be offering a motion to recommit to make sure that politically connected cronies and no-bid contractors that defraud and cheat the government in providing goods and service after a natural disaster will never again be able to use these special bids. They should never be used by government contractors that specifically intend to profit excessively from the disaster.

Mr. Chairman, I really want to congratulate the gentleman from Wisconsin (Mr. KIND) and the gentleman from California (Mr. SCHIFF) for putting together a really excellent substitute to get rid of loopholes in the Republican bill that favors big corporate interests and foreign corporations and to protect civil rights claims.

We all agree that if there are frivolous lawsuits, those who bring them should pay a price. That we will have three-strikes-you-are-out for doing that is a very important provision in the substitute. The substitute seeks to stop the madness that exists on the floor of this House when it is used as a venue to promote the special interests in our country.

We must stand up for the American people, not for the politically connected cronies who are getting a no-bid contract. Let us take a stand to end this culture of cronyism and corruption. Let us get back to the real issues that are affecting the American people.

We must vote for this substitute and send this bill back to ensure that no one who defrauds the American people during natural disasters is ever permitted to take undue advantage of our legal system.

We must, again, stop the madness by voting for the substitute that the gentleman from Wisconsin (Mr. KIND) and the gentleman from California (Mr. SCHIFF) have proposed. It has very excellent provisions and is worthy of the support of our colleagues.

Mr. SCHIFF. Mr. Chairman, I have no further speakers, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I believe I have the right to close, and I am the remaining speaker on this side, so I will reserve the balance of my time.

Mr. SCHIFF. Mr. Chairman, I just have a parliamentary inquiry. Does my colleague have the opportunity to close or does the offerer of the amendment?

The CHAIRMAN. The gentleman from Texas (Mr. SMITH) has the right to close the debate.

Mr. SCHIFF. Mr. Chairman, I know my colleague will close very well. How much time do I have remaining?

The CHAIRMAN. The gentleman from California (Mr. SCHIFF) has 3 minutes remaining, and the gentleman from Texas (Mr. SMITH) has 12 minutes remaining.

Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

In my concluding comments I want to reiterate some of the points that have been made with respect to the civil rights provisions and quote from the testimony of Professor Theodore Eisenberg, who testified before the House Committee on the Judiciary in the 108th Congress and said: "A Congress considering reinstating the fee-shifting aspect of Rule 11 in the name of tort reform should understand what it will be doing. It will be discouraging the civil rights cases disproportionately affected by the old Rule 11 in the name of addressing purported abuse in an area of law, personal injury tort, found to have less abuse than other areas."

I would also like to cite the testimony of the Honorable Robert L. Carter, U.S. District Judge for the Southern District of New York when he stated: "I have no doubt that the Supreme Court's opportunity to pronounce separate schools inherently unequal in Brown v. Board of Education would have been delayed for a decade had my colleagues and I been required, upon pain of potential sanctions, to plead our legal theory explicitly from the start."

We do not want to put off a Brown v. Board of Education civil rights case like that for a decade because of a Rule 11 that has been rejected by the Federal courts already.

The language in the substitute makes it clear that neither the sanctions approach we have taken in the substitute nor the sanctions approach taken in the base bill would apply in civil rights cases; and while there is some language of suggestion in the base bill, it is not definitive.

In fact, the NAACP wrote in respect to the language in the base bill: "While language nominally intended to mitigate the damage that this bill will cause to civil rights cases has been added, it is vague and simply insufficient in addressing our concerns."

So on the basis of a need not to chill civil rights legislation, which I think we have only seen the greater importance with, as Katrina ripped off the veneer of poverty and inequality in the country once again for all to see, as we consider that the base bill would implement a change that the courts themselves have rejected and found spawned a cottage industry in meritless Rule 11 litigation, and as the base bill has a stronger and I think more sensible three-strikes-and-you-are-out provision, I would urge my colleagues to support the Democratic substitute in preference to the flawed base bill.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentlewoman from California who spoke previously to the gentleman from California who just finished used a couple of words that I would like to return to and clarify. She used the word "madness," but anyone listening to this debate or anyone having a firsthand knowledge of frivolous lawsuits knows that the real madness is the filing of thousands of frivolous lawsuits across this country that unfairly tarnish the reputations of innocent citizens, that unfairly destroy the businesses of small business owners across the country. That is the type of madness that this bill addresses.

She also used the phrase "special interests," but again, I think anyone listening to this debate today and anyone knowing firsthand the agony and the losses and the destruction caused by frivolous lawsuits realizes that the special interests that this bill hopes to protect are really the special interests of the American people who have stuttered and staggered and been burdened by frivolous lawsuits too many times and much too often in our history.

The special interests, if there are any, involved in this legislation again are obvious to those who listened to the debate, the trial lawyers of America; and, Mr. Chairman, let me take a minute here just to dwell on that subject because I happen to believe the vast majority of trial lawyers or personal injury lawyers are honorable people and they are members of an honorable profession.

I think one of the aspects of the debate that most troubles me is, in fact, the lack of sanctioning lawyers who engage in frivolous lawsuits by the Trial Lawyers of America. Their own code of conduct reads as follows: "No ATLA member shall file or maintain a frivolous suit, issue or position." We checked and not a single member of the Trial Lawyers Association, not a single lawyer, had been sanctioned in the last 2 years; and, in fact, no one can even tell us when the last time any attorney was sanctioned for filing a frivolous lawsuit.

I think the trial lawyers would have a lot more credibility on this subject if, in fact, they had monitored their own ranks and, in fact, had sanctioned just a single trial lawyer for filing one of those tens of thousands of frivolous lawsuits that have been filed.

That, as I say, is discouraging; and I hope the Trial Lawyers of America will see fit in the future to sanction some attorney somewhere, somehow who has filed a frivolous lawsuit.

Mr. Chairman, anyone who is worried about what frivolous lawsuits will do to them, their family, their friends or their businesses ought to oppose this substitute amendment. It is an amendment that would do very little to prevent frivolous lawsuits. The underlying bill, however, will deter lawyers from filing those frivolous lawsuits.

Let me give some examples of actual suits that are frivolous, but that would be allowed under the Democratic substitute amendment.

A New Jersey man filed suit against Galloway Township School District claiming that assigned seating in a school lunchroom violated his 12-year-old daughter's right to free speech.

A Florida high school senior filed suit after her picture was left out of the school's yearbook.

An Arizona man filed suit against his hometown after he broke his leg sliding into third base during a softball tournament.

An Alabama person sued the school district after his daughter did not make the cheerleading squad, claiming that the rejection caused her humiliation and mental anguish.

The families of two North Haven, Connecticut, sophomores filed suit because of the school's decision to drop the students from the drum majorette squad.

A Pennsylvania teenager sued her former softball coach, claiming that the coach's incorrect teaching style ruined her chances for an athletic scholarship.

After a wreck in which an Indiana man collided with a woman who was talking on her cell phone, the man sued the cell phone manufacturer.

A Knoxville, Tennessee, woman sued McDonald's, alleging that a hot pickle dropped from a hamburger burned her chin and caused her mental injury.

A Michigan man filed suit claiming that television ads that showed Bud Light as the source of fantasies involving tropical settings and beautiful women misled him and caused him physical and mental injury, emotional distress, and financial loss.

A woman sued Universal Studios trying to get damages because the theme park's haunted house was too scary.

In every one of these instances and in thousands of others, the individuals sued were forced to spend considerable amounts of money, time and effort to defend themselves. This is a travesty of justice, and it is simply wrong.

H.R. 420 will end the filing of frivolous lawsuits. Unfortunately, the substitute amendment will still allow small businesses, churches, schools, hospitals, sports leagues, cities and others to be burdened with these meritless and frivolous claims.

This substitute amendment provides no disincentive to file a frivolous lawsuit. It would still subject small business owners to the cost of frivolous lawsuits and subject individuals to the cost of rising insurance premiums and health care costs that result from frivolous lawsuits.

In other words, Mr. Chairman, this substitute amendment does not provide any relief to those who would be unfairly targeted by frivolous lawsuits. The underlying bill would.

The substitute includes no real consequences for the attorney who repeatedly files frivolous lawsuits. The underlying bill does.

The substitute includes nothing to address the problem of forum shopping which is also a large part of the problem. The underlying bill does.

Mr. Chairman, I urge my colleagues to oppose the substitute amendment and vote "yes" on the underlying bill, which, in fact, would deter lawsuit abuse.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of substitute offered by the gentleman from California (Mr. SCHIFF).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SCHIFF. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 226, not voting 23, as follows:

[Roll No. 551]

AYES—184

Abercrombie
Ackerman
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Conyers
Cooper
Costa
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOES—226

Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
Dent
Doggett
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Manzullo
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—23

Blunt
Boswell
Brown-Waite, Ginny
Clyburn
Diaz-Balart, L.
Diaz-Balart, M.
Foley
Gingrey
Hall
Harris
Hastings (FL)
Mack
Marchant
Meeks (NY)
Obey
Reyes
Ros-Lehtinen
Roybal-Allard
Sensenbrenner
Shaw
Simmons
Tauscher
Wexler

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1536

Mr. SOUDER, Ms. ZOE LOFGREN of California, Ms. DEGETTE, and Mr. NUSSLE changed their vote from "aye" to "no."

Mr. MURTHA changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. LATHAM, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 420) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes, pursuant to House Resolution 508, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BARROW

Mr. BARROW. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BARROW. Yes, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BARROW moves to recommit the bill H.R. 420 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following:

SEC. . NOT APPLICABLE TO CLAIMS AGAINST DISASTER PROFITEERING BUSINESSES.

(a) IN GENERAL.—A claim against a disaster profiteering business may be filed in any court that has jurisdiction over the corporation, notwithstanding section 4.

(b) DEFINITIONS.—In this section—

(1) the term "business" includes a corporation, company, association, firm, partnership, society, and joint stock company, as well as an individual; and

(2) the term "disaster profiteering business" means any business engaged in a contract with the Federal Government for the provision of goods or services, directly or indirectly, in connection with relief or reconstruction efforts provided in response to a presidentially declared major disaster or emergency that, knowingly and willfully—

(A) executes or attempts to execute a scheme or artifice to defraud the United States;

(B) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(C) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

(D) materially overvalues any good or service with the specific intent to excessively profit from the disaster or emergency.

Mr. BARROW (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. BARROW) is recognized for 5 minutes on his motion.

Mr. BARROW. Mr. Speaker, if bills in this Chamber required names that accurately describe their consequences, this bill would best be called the Frivolous Litigation Proliferation Act and not the Lawsuit Abuse Reduction Act.

Many of us who oppose the underlying bill do so because it will actually increase the volume of frivolous litigation. For example, some sort of Rule 11 procedure exists in virtually every State in the country. To impose a new Federal law in every State court action will make State courts conduct a minilawsuit on Federal validity before conducting a minilawsuit on State law validity, before they ever get to the merits of the case. A lawsuit within a lawsuit within a lawsuit. Mr. Speaker, that is as absurd as it sounds.

If Members think that there are too many frivolous lawsuits against good, honest corporations, and the only way to fix this is to make it harder for everyone to sue anyone, and that this bill is the only way to do it, then vote for the bill.

But if there is one area where we do not have a problem with too many frivolous lawsuits, it is with lawsuits against price gougers. And if there is any area where we want to make it easier to get to the merits of the underlying claim, not harder, it is an area of lawsuits against Federal contractors who are engaged in defrauding the public.

Right now the government is awash in government contracts awarded on a no-bid basis. Whether it is disaster relief or the war on terror, we have never done so much of the public's business on a no-bid basis. There has never been more opportunity for waste, fraud, and abuse in the conduct of the public's business than right now.

This motion to recommit gives us one opportunity to protect our constituents from price gougers. The motion to recommit is simple. It says that Federal contractors, engaged in price gouging in disaster relief work can still be sued anyplace where they can be sued now, in any State where both the laws of the State and the U.S. Constitution says it is okay to sue them.

The underlying bill gives price gougers extra protections, the same benefits that we are extending to honest corporations. One such protection, the only one addressed by this motion to recommit, is the right to avoid lawsuits in States where the Constitution says it is okay to seek justice. Since price gougers do not deserve this protection, and since they do not need this protection, they should not get this protection.

This House has voted time and again to protect companies that are gouging consumers in the wake of natural disasters and national tragedies. If Members vote against this motion to recommit, they are voting to give the same special protections that we give to honest corporations to Federal contractors who are engaged in price gouging in public relief work.

Mr. Speaker, the folks I represent back home in Georgia want relief from price gougers, not relief for price gougers. For that reason I urge my colleagues to support this commonsense and limited motion to recommit.

Mr. SMITH of Texas. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Speaker, I oppose this completely irrelevant motion to recommit. First, nothing in H.R. 420, the Lawsuit Abuse Reduction Act, prohibits anyone from being sued for fraud to the full extent of Federal law. Second, the motion to recommit relates to contract claims when the section of the bill that it modifies relates only to personal injury claims.

There is no flaw in the bill that needs to be corrected, but even if there were, the motion to recommit fails to correct it because it relates to contract claims rather than personal injury claims.

☐ 1545

Mr. Speaker, I just received a statement of administration policy from the executive office of the President which I would like to read, because it provides a good summary of H.R. 420, the Lawsuit Abuse Reduction Act of 2005. This statement reads as follows:

"The administration supports House passage of H.R. 420 in order to address the growing problem of frivolous litigation. H.R. 420 would rein in the negative impact of frivolous lawsuits on the Nation's economy by establishing a strong disincentive to file such suits in Federal and State courts. Junk lawsuits are expensive to fight and often force innocent small businesses to pay exorbitant costs to make these claims go away. These costs hurt the economy, clog our courts, and are burdening the American businesses of America. The administration believes the bill is a step in the right direction toward the goal of ending lawsuit abuse."

Mr. Speaker, I urge my colleagues to oppose this absolutely irrelevant motion to recommit and support the underlying bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARROW. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 420, if ordered, and the motion to instruct on H.R. 3057.

The vote was taken by electronic device, and there were—ayes 196, noes 217, not voting 20, as follows:

[Roll No. 552]

AYES—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOES—217

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary G.
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Blunt
Boswell
Brown-Waite, Ginny
Clyburn
Diaz-Balart, L.
Diaz-Balart, M.
Foley
Hall
Harris
Hastings (FL)
Mack
Obey
Reyes
Ros-Lehtinen
Roybal-Allard
Sensenbrenner
Shaw
Simmons
Tauscher
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1605

Mr. LINDER changed his vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SMITH of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 184, not voting 21, as follows:

[Roll No. 553]

AYES—228

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Green (WI)
Gutknecht
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof

Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—184

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Chandler
Clay
Cleaver
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Manzullo
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—21

Blunt
Boswell
Brown-Waite, Ginny
Clyburn
Diaz-Balart, L.
Diaz-Balart, M.
Foley
Graves
Hall
Harris
Hastings (FL)
Mack
Obey
Reyes
Ros-Lehtinen
Roybal-Allard
Sensenbrenner
Shaw
Simmons
Tauscher
Wexler

☐ 1615

Mrs. LOWEY and Mr. DAVIS of Illinois changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GRAVES. Mr. Speaker, on rollcall No. 553 I was unavoidably detained. Had I been present, I would have voted "aye."

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H. Con. Res. 276. Concurrent Resolution requesting the President to return to the House of Representatives the enrollment of H.R. 3765 so that the Clerk of the House may reenroll the bill in accordance with the action of the two Houses.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 939. An act to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes.

MOTION TO GO TO CONFERENCE ON H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

MOTION TO INSTRUCT OFFERED BY MRS. LOWEY

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The pending business is the vote on the motion to instruct on H.R. 3057 offered by the gentlewoman from New York (Mrs. LOWEY) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 259, nays 147, not voting 27, as follows:

[Roll No. 554]

YEAS—259

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Beauprez
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Chocola
Clay
Cleaver
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Fossella
Frank (MA)
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Oberstar
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reichert
Reynolds
Rogers (AL)
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Shimkus
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)

Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NAYS—147

Akin
Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Berry
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Doolittle
Drake
Dreier
Duncan
Everett
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hoekstra
Hostettler
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Marchant
McCaul (TX)
McCrery
McHenry
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Putnam
Rehberg
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Schmidt
Sessions
Shadegg
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Walden (OR)
Walsh
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—27

Blunt
Boswell
Brown-Waite, Ginny
Castle
Clyburn
Diaz-Balart, L.
Diaz-Balart, M.
Foley
Ford
Gallegly
Granger
Hall
Harris
Hastings (FL)
Lynch
Mack
Obey
Reyes
Ros-Lehtinen
Roybal-Allard
Sensenbrenner
Shaw
Simmons
Smith (NJ)
Tauscher
Velazquez
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1625

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. Kolbe, Knollenberg, Kirk, Crenshaw, Sherwood, Sweeney, Rehberg, Carter, Lewis of California, Mrs. Lowey, Mr. Jackson of Illinois, Ms. Kilpatrick of Michigan, Messrs. Rothman, Fattah, and Obey.

There was no objection.

EXTENDING SPECIAL POSTAGE STAMP FOR BREAST CANCER RESEARCH

Ms. FOXX. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform, the Committee on Energy and Commerce, and the Committee on Armed Services be discharged from further consideration of the Senate bill (S. 37) to extend the special postage stamp for breast cancer research for 2 years, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The Clerk read the Senate bill as follows:

S. 37

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 2-YEAR EXTENSION OF POSTAGE STAMP FOR BREAST CANCER RESEARCH.

Section 414(h) of title 39, United States Code, is amended by striking "2005" and inserting "2007".

Mr. TOM DAVIS of Virginia. Mr. Speaker, S. 37, authored by Senator Feinstein of California, extends the special postage stamp for breast cancer research for 2 years.

Eight years ago, the Stamp Out Breast Cancer Act established the Breast Cancer Research Stamp Program and directed the U.S. Postal Service to issue a new breast cancer stamp with proceeds benefiting breast cancer research at the National Institutes of Health and the Department of Defense Breast Cancer Research Programs. The first semi postal stamp in U.S. history, it has raised nearly 44 million dollars for biomedical breast cancer research.

The legislation we are considering today reauthorizes the breast cancer research stamp program through the year 2007. The stamp marks the first time that a portion of the proceeds of stamp sales have gone to fund research. Funding is directed to prevention, detection, diagnosis arid treatment research projects.

A National Cancer Institute report estimates that about one in eight women in the United States will develop breast cancer during her lifetime. It is the most commonly diagnosed cancer in women, accounting for 30 percent of all cancers in women. When people choose to purchase the Breast Cancer Stamp, they turn that simple little act into a meaningful and effective way to participate in the fight against breast cancer.

Finally Mr. Speaker, on behalf of the Committee on Government Reform, I would like to thank Chairman Joe Barton of the Commerce Committee and Chairman Duncan Hunter of the Armed Services Committee, whose committees' share jurisdiction with the Government Reform Committee over this program for their support and for agreeing to expedite the consideration of this bill.

Mr. DAVIS of Illinois. Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in the consideration of S. 37, legislation extending the special postage stamp for breast cancer research for 2 years. This measure, which was sponsored by Senator Dianne Feinstein, was introduced on January 24, 2005, and unanimously passed by the Senate on September 27, 2005. On October 20, 2005, the Government Reform Committee unanimously reported S. 37.

The Stamp Out Breast Cancer Act, (Public Law 105–41) authorized a special Semi-postal stamp for first-class mail. The price of this class stamp is 45 cents, 8 cents above the regular rate of 37 cents. The authority to issue this stamp expires on December 31, 2005. S. 37, which was cosponsored by 69 members of the U.S. Senate would extend the program until December 31, 2007.

Sale. of the Breast Cancer Semi-Postal stamp, first issued in 1998, has raised more than $44 million for breast cancer research from more than 650.5 million stamps. By law, 70 percent of the net amount raised is given to the National Institutes of Health, and 30 percent to the Medical Research Program at the Department of Defense.

We owe our interest in semipostal stamps to Dr. Ernie Bodhai, chief of surgery at the Kaiser Permanente Medical Center in Sacramento, California, and former Representative Vic Fazio. Dr. Bodhai took his idea for a special breast cancer research fundraising stamp to Rep. Fazio, and in 1996, Rep. Fazio introduced the first semipostal bill, H.R. 3401, the Breast Cancer Research Stamp Act. He was subsequently joined in this effort by Senator Feinstein when she introduced identical legislation in the Senate the same year.

The following year, Representative Fazio and former Representative Susan Molinari sponsored H.R. 1585, Stamp Out Breast Cancer. This bill, which was subsequently enacted into law, authorized a breast cancer research stamp for two years and required the General Accountability Office (GAO) to evaluate the effectiveness and appropriateness of this method of raising funds. In 2000, GAO determined that the semipostal stamp was indeed successful and an effective and appropriate way to fundraise. The GAO also determined that the Postal Service do more to recover its costs associated with the breast cancer research stamp program.

To address health issues raised by semipostal legislation pending in Congress, Representatives John McHugh and Chaka Fattah, introduced H.R. 4437, the Semipostal Authorization Act. This act, which became law (PL 106–253) provided the Postal Service with discretionary authority to issue semipostal stamps, provided the revenue raised goes to federal agencies and is for medical research. This authority is similar to the discretion the Postal Service currently has in determining which commemorative stamps to approve and issue.

Mr. Speaker, every two minutes, a woman in the U.S. is diagnosed with breast cancer. And, excluding cancers of the skin, breast cancer is the most common cancer among women. This year, it is estimated that about 212,000 new cases of invasive breast cancer will be diagnosed, along with 58,000 new cases of non-invasive breast dancer. And, 40,000 women are expected to die from this disease.

It must be noted, that men get breast cancer too. According to the American Cancer Society, about 1200 new cases of breast cancer are diagnosed in American men each year.

Breast cancer is the leading cancer among white and African-American women. However, African-American women are more likely to die from this disease. And the incidence of breast cancer in women has increased from 1 in 20 in 1960 to 1 in 7 today.

Annually, nearly $7 billion is spent on the treatment of breast cancer. All the more reason to support the Breast Cancer Semipostal Stamp. Through the sale of this stamp, we are able to raise awareness of this disease and participate directly in raising money for needed research.

Mr. Speaker, I would like to thank Chairman TOM DAVIS and Ranking Member HENRY WAXMAN, as well as the chairmen and ranking members of the House Energy and Commerce and Armed Services Committees for moving quickly to get S. 37 to the House floor. It is wonderful to be able to approve this bill now, given that October is designated as "Breast Cancer Awareness Month."

I urge the swift passage of this bill.

Mr. BACA. Mr. Speaker, I rise in support of S. 37, Senator FEINSTEIN's companion bill to my H.R. 312. This bill authorities the Breast Cancer Research Stamp through 2007. Without this legislation, this successful program would end this year.

October is Breast Cancer Awareness Month. As it comes to a close it is important to reflect on what is being done in the way of prevention and treatment of breast cancer.

Senator FEINSTEIN and I have proposed to extend the deadline of the Breast Cancer Research Stamp, so that it will be available for purchase for two more years.

Senator FEINSTEIN and I have been collaborating to bring awareness to this ever-present disease and to help doctors and scientists fighting against it. I want to thank her for her unwavering dedication.

I also want to thank Dr. Ernie Bodhai, who developed the idea of the Breast Cancer Research Stamp and who has brought national awareness to the measure.

Dr. Bodhai inspired me to help support the Breast Cancer Research Stamp back when I served in the California State Assembly.

Senator FEINSTEIN and I introduced this bill for one reason: to save lives.

We have worked together to pass this important bill so researchers can gain more insight on the disease and in turn, prevent tragedies.

This year more than 200,000 women and men will be diagnosed with breast cancer. More than 40,000 Americans will die from the disease this year.

Breast cancer is the most commonly diagnosed cancer among women in every major ethnic group in the United States.

It does not discriminate. Whether you are white, black, Hispanic or whatever your race or ethnicity. Everyone is at risk.

More than two million women are living with breast cancer in America today, yet one million of them have not been diagnosed.

Breast cancer is a leading killer of American women. The disease claims another woman's life every 13 minutes in the United States.

That is why it is so important to increase funding for breast cancer research—and why we must continue sales of the stamp.

The Breast Cancer Research Stamp is among the most successful commemorative stamps of all time with 637 million stamps sold.

The stamp program has generated over 47 million dollars for breast cancer research. It has been a critical ally in generating the resources necessary to wage war on this terrible disease.

The stamp is a "semi-postal" stamp that can be voluntarily purchased by the public for 45 cents.

For each stamp sold, 8 cents goes to the National Institutes of Health and the Department of Defense Breast Cancer Research Program.

Working with Dr. Bodhai, Senator FEINSTEIN introduced the Breast Cancer Research Stamp bill In 1998 to help support the fight against breast cancer.

I am proud that Californians continue to lead the way in stamp purchases, providing roughly 21 percent of the money raised nationwide.

I ask my colleagues to support the Breast Cancer Research Stamp and all the women and men who will benefit from the money the stamp raises.

Senator FEINSTEIN and I have the support of 153 Members of Congress and 69 Senators who cosponsored the bills and of countless organizations like the American Cancer Society, the American Medical Association, the Breast Cancer Fund, WIN Against Breast Cancer, and the Susan G. Komen Breast Cancer Foundation.

By supporting reauthorization of this stamp, you are not only helping research but you are also helping to raise awareness.

Think about it! A customer purchases the stamp, a carrier delivers it, and a person receives it. That is three people who have seen the message saying: "breast cancer needs to be stamped out!"

Each time we use the stamp we raise additional funds for research and we send a message of hope that we will find a cure.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 37.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

PRAISING THE HOUSE LEADERSHIP

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I rise tonight to say thank you to our leadership, to Speaker HASTERT, to Mr. BLUNT, to Ms. PRYCE, to commend them for working through fiscal responsibility, budget control, for making it a priority and for standing firm as we move forward to reconciliation on the budget for this next fiscal year.

I also want to commend our committee chairmen who are working hard to find the savings that are necessary to reduce what the Federal Government spends. They are holding markups, hearings, working through this process; and they are focused. Our membership is focused.

The committee chairmen are to be commended for that work, and through this process the winners are going to be the American people. We are doing what they want, reining in government spending, being better stewards of their tax dollars. We have got a long way to go in the process. They are the winners. We are cutting back and terminating over 98 programs. These are first steps to economic stability and fiscal responsibility.

☐ 1630

NATIONAL LEAGUE CHAMPION HOUSTON ASTROS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the Houston Astros gave the State of Texas and the city of Houston one heck of a good ride. I just want to hold a little red card in my hand for lack of anything red this afternoon to be able to thank the Astros family, Drayton McLane, all of the players, the management, all the staff at Minute Maid Park, to be able to say a big thank you for a long, tedious season, but a hard-fought season. My hat is off.

Congratulations to the Chicago White Sox. But our little team of 42 years for the first time in the history of the State of Texas took Texas to the World Series. Not only did we take Texas to the World Series, but being in my congressional district, the Minute Maid Park, the Astros are my constituents, among many others. We gave our community just a heck of a lot of joy, as you heard the buzz going around the children, the young people, the elderly, season ticket holders and others. I cannot thank the Astros enough.

We still believe. We may not have made it this time around, but we still believe in the Houston Astros.

UNIFORM BUILDING CODES

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, I rise today to address an issue that is of great concern to me, the prudent spending of our precious Federal tax dollars. In an ever-difficult budget environment, we need to be more vigilant in determining how these funds are spent.

So far Congress has provided $61 billion in Federal funds for the recovery of the gulf coast. As we turn our attention to helping rebuild this area, any Federal funds for rebuilding should be spent according to a modern, uniform statewide building code. Did you know that Louisiana, Mississippi and Alabama do not have statewide building codes?

Today I will introduce a sense of Congress resolution that Louisiana, Mississippi, and Alabama should adopt modern, uniform statewide building codes so that their rebuilding is, quite frankly, up to code. Every other State on the eastern seaboard already has similar codes. The Gulf Coast States should, too.

I urge my colleagues to support this resolution. Quite frankly, it is a must.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PROTECT THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I have taken the floor previously to talk about the shortcomings of the administration's efforts in the area of homeland security.

As an expert in aviation security, I have criticized the fact that the Republican majority and the White House have seen fit to arbitrarily cut the number of screeners, which not only causes obvious inconvenience for passengers, but it creates the potential for security threats as the smaller number of screeners are under tremendous pressure to process a large number of people in a short period of time. And they are being asked to do it with 1980s equipment.

Now, you can do it one of two ways. You can have a lot of people with crummy equipment or a few people with state-of-the-art equipment. This administration is trying to do it on the cheap without enough people and with obsolete equipment that cannot detect plastic explosives at passenger checkpoints and often in carry-on bags or checked baggage or cargo.

Our ports, I have talked about that, a tremendous vulnerability, not doing radiological detection. Nobody is going to shoot a missile at us, the failed Stars Wars system notwithstanding, but they may well try and smuggle in a nuclear device in a container. Our ports and our borders are wide open to such smuggling with just a very few deployed radiological devices.

But Katrina brought home another lesson, which is we need to be ready both for unnatural disasters, terrorist attacks and natural disasters. And there is a looming natural disaster that this administration has ignored, and that is the potential of H5N1 flu, the bird flu, so-called, should it become easily transmissible between bird species and humans, and then human-to-human contact could perhaps spread the disease widely.

The numbers are absolutely shocking regarding the potential for loss of life because of this. The administration, the President apparently read a book, that is great, and the book was about the great pandemic, and suddenly he got excited about it. Except experts in his administration and worldwide have known since before he became President that there was a potential for species crossover with this flu, and a tremendous loss of life is potential from this.

This administration last year in preparation for this looming disaster, and it already infected and killed a number of humans at a rate of better than 50 percent in Asia last year, so last year in preparation for this they took some steps. They put more money in the budget for vaccines, antiviral drugs and basic research. Woo, yea for them.

But guess what? The total spending was $110 million, approximately half of what they spent on chastity education in America. That is how high this ideological administration put on the idea of protecting America against an influenza outbreak. They could spend almost as much money as they put together for abstinence-only education.

Now, that seems to be kind of a misplaced priority. Belatedly now they are talking about billions and accelerated research and stockpiling antiviral drugs. I gave a floor speech last summer calling upon the administration to begin to stockpile the drugs. Unfortunately, virtually every other country in the world is in line ahead of the United States of America, and the drugs are not manufactured here to buy those drugs, because those other countries have chosen to stockpile them to protect their people. Even though they do not work very well, they are the only thing we have now.

Now the administration is talking belatedly about a crash program to try to develop vaccines 2 or 3 or 4 years down the road in the hope that this crossover will not take place before then. This is yet another example of poor planning by this administration; the fact that they created this huge new bureaucracy, the Department of Homeland Security, that failed so miserably when Katrina occurred.

And, oh, by the way, Brownie, you did a heck of a job. That hack who failed so miserably is still on the Federal payroll. Can you believe that? The guy is pulling down over $100,000 a year sitting over there having failed so miserably. The President cannot even get rid of him, let alone other political cronies in this administration.

And they are failing us in other areas of security that I referenced earlier, and they are failing the American people in this critical health care component.

Much more robust steps must be taken quickly. The clock is ticking. It is already perhaps very, very late. We can only hope that this virus does not evolve too quickly through nature, and I know this administration does not believe in evolution, but that is how viruses happen. They do evolve. All it needs is a couple of small changes, and it will be transmissible. It will be a pandemic. We need to do more to protect the American people.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

EMINENT DOMAIN DISASTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, you can never satisfy government's appetite for land or money. They always want more.

Today the Federal Government has taken and controls over 30 percent of the land in this Nation. States and local governments and quasi-governmental units have taken and control another 20 percent. Tremendous amounts of land in my home area of east Tennessee have been taken by numerous Federal agencies and departments. Not all of this is bad, but people in government have never been sensitive enough about taking other people's property. They just do not seem to realize how much this can hurt a person or a family. In fact, very few people get concerned about this until it is their land or their home that is being taken.

Fortunately, this has not happened to me or my family, and I am not on some personal vendetta, but many people in east Tennessee have had this heartbreaking experience happen to them. These people were for the most part people like many of my ancestors, good, intelligent, hard-working people, often poor, often with not a lot of education, but people with common sense, and often smarter in reality than the elitist do-gooders who came in and used the power of the Federal Government to take their homes.

To show how much this can hurt, I would like to read a letter that was published in the Knoxville News this past Sunday from a man who no longer lives in my district, but whose family home was in my district. This is the letter from John Webb of Gainesville, Georgia, a man whom I have never met.

He wrote, "In the spring of 1964, there was a storm that hit Marion County, Tennessee, that resembled the recent storms of Katrina. It left behind people who were devastated and lives that were changed forever." He says, "I was only 12 years old at the time and was on a camping trip with the Boy Scouts when I was told that I had to go to the hospital to see my father. There was a good possibility that he would not live through the night.

"The name of the storm was the Tennessee Valley Authority; my father had a stroke during a battle with the government agency which had condemned his farm of 110 acres on the Tennessee River.

"A panel of judges decided during the next 12 months of deliberation that the offer made by TVA to purchase my father's farm for $240 per acre was indeed too low and that it should pay the outrageous sum of $400 per acre.

"Court records show that the TVA experts stated under oath that this property had no present or future value as anything but farmland."

Mr. Webb continues, "Even as my father lay in bed completely paralyzed on his left side from the stroke, unable to be present at proceedings, the court system granted TVA its wish, using the power of eminent domain.

"With the simple stroke of a pen, my father's farm was gone, completely against his will.

"Left behind was a woman with two teenagers to raise, a husband who required 24-hour medical care at home, and a future that looked as bleak as those victims of the hurricanes."

"For the next 3 years," Mr. Webb writes, "we learned a lot about bed sores, bed pans, and what it was like for a once proud man to lose his health and his humility.

"My father finally succumbed to pneumonia, and my mother lived for another 20 years with the aid of family, friends and Social Security.

"I still wonder about how all of our lives would have been different if it had not been for the power of politics and money. John E. Webb of Gainesville, Georgia."

Mr. Speaker, if we do not wake up and realize how important private property is both to our freedom and our prosperity, we are going to destroy our Nation. Politicians love to create parks, and this sounds so good, but when we continue to take more and more private property, we have to continually raise taxes on the property that remains in private hands, and we drive up prices on that remaining land. More and more young people cannot then afford homes, or they have to be jammed together in high-rises, condos or homes on postage-stamp-sized lots. In addition, the government cannot and does not take as good of care of land as private owners do.

We need to put more people in office who understand how hurtful it is when government takes property and takes people's homes and farms, and we need to put more people in office who will pledge to take better care of the land government already has and stop government land grants and give poor and lower-income people a chance to own property and appreciate this very important part of the American dream.

□ 1645

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2744, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109-257) on the resolution (H. Res. 520) waiving points of order against the conference report to accompany the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ORDER OF BUSINESS

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

URGING CONGRESS TO MAKE WISE BUDGET CHOICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, since 2000 this Congress has racked up more than $3 trillion in additional new debt, and by the year 2008, we will cross the $4 trillion mark. Why? It is trying to do something that no other Congress and no other President has ever tried in American history. It is trying to fight two wars with four tax cuts. This Congress has served as an ATM machine to the special interests, showering them with billions of tax breaks and tax shelters and handouts of the hard-working tax dollars of the American people.

Yet suddenly our Republican friends are finding themselves as fiscal hawks. In fact, right now the House is working to slash more than $50 billion from education, health care, environmental programs, all that are important investments for the American people. Why? So they can do another $70 billion in tax cuts for the wealthiest 1 percent in America.

At the same time that these so-called fiscal conservatives are complaining about the deficit, they are trying to add a total of another $100 billion in tax cuts to the special interests.

I ask my colleagues, are these the right choices for the American people? We are now paying $445 billion to date for the war in Iraq, $20 billion to rebuild Iraq. We just have a spanking new dam in Mosul, Iraq, with all of the levees, yet we cut the Corps of Engineers here in the United States, which affected the levee in New Orleans.

In fact, we built 110 primary health care centers in Iraq, vaccinated 3.2 million children in Iraq. This Congress cut $10 billion from Medicaid, cutting Medicare programs, cutting back community health care clinics in the United States and training of doctors.

In Iraq, we have rehabilitated 2,700 schools, trained 36,000 secondary teachers. What do they do in America? They cut $806 million from our schools and education programs, $6 billion from our Pell grants and other higher education programs.

We funded 3,100 community development projects in Iraq; yet the community development project investment fund here in the United States, cut by $250 million.

We are investing in Iraq and trying to provide Iraq a future that we are denying the American people. I have no problem. We made a decision on Iraq. We have an obligation, but we do not have an obligation to cut back on America's future. There is no choice in the sense of American children and their future playing second fiddle to those who are in Iraq.

If you go through American history, every President in the middle of a war has thought about how do I make sure America is stronger when we come back from that war and it ends? Abraham Lincoln, in the middle of the Civil War, thought of the land grant college systems. President Roosevelt during the middle of World War II thought of the GI bill and passed it 11 months before the war came to an end. President

Eisenhower, on the heels of Korea, funded the Interstate Highway System that built America and made it what it is today. President Kennedy, during the struggles of the Cold War and Vietnam, envisioned a man on the moon.

What does this President and what does this Congress offer America during the middle of the war on terrorism? Cuts in education, cuts in health care, cuts in our Corps of Engineers, cuts in our development and investments here in America.

Every President, every Congress thought about America after the war, thought about how we built a brighter future. They thought about not only what we did overseas, but how we were going to do it here at home and make sure that every American had a brighter future. Only this President and this Congress, because of their careless and reckless policy of trying to fight two wars and fund it with two cuts that has added $4 trillion to the Nation's budget.

Today we are thinking about cutting $806 million from our education investments, cutting $6 billion from our investments in higher education, eliminating investments in America's Amtrak system, cutting back our investments in the Corps of Engineers' program which invests in all of our infrastructure projects like what happened in New Orleans. No other President and no other Congress has thought of a future in which America is less after the war than it was before the war.

What is going on now? Families are facing an energy crisis where energy is now running about $3 a gallon. Home heating costs are going to go up 50 percent this winter. Inflation has increased at its fastest rate in 15 years. Hundreds of thousands of fellow citizens have lost everything in the gulf coast. Health care costs are running up at close to 15 percent, nearly four times inflation. Educational costs and higher educational costs are running at about a 10 percent annualized increase over inflation.

These are difficult times, and these times are when people look to their fellow citizens and their community and their government. What is this Congress doing? Rather than building up America, this Congress is cutting back on the investments we need to make America a stronger place tomorrow.

We can do better than we are doing today. We can make a change in the right choices for America. We should find ways to balance the budget without doing it on the backs of our children.

Mr. Speaker, it is time for Congress to change its tune. It is time for Congress to begin to represent the people's interests and the people's House rather than the special interests.

ORDER OF BUSINESS

Mrs. SCHMIDT. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

HONORING THE MEMORY OF CINCINNATI, OHIO, NATIVE MARINE CAPTAIN TYLER SWISHER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. SCHMIDT) is recognized for 5 minutes.

Mrs. SCHMIDT. Mr. Speaker, I rise today to honor the memory of a brave soldier who died in Iraq nobly defending our freedom and in the service of our country. Marine Captain Tyler Swisher was killed in a roadside bomb attack near Al Amariyah in Iraq on Friday, October 21, 2005.

Tyler is remembered as someone who overcame so many obstacles in his life. He was a small child, and as a child he struggled with a learning disability, but he would take on his school work with a gritty style of persistence, and he succeeded. He devoted himself to his work. Tyler's tough and determined style was something that he exhibited throughout his life.

In high school his small frame just hovering over 100 pounds did not keep him from doing what he loved, playing football, and while he spent much of his time at Mariemont High School on the sideline, he was still in the game.

He joined the Marines because he loved his country. He soon loved the Marines and chose to make it his career. He loved his country so much, he chose to serve not one, but three tours of duty in Iraq, just as in his youth he would not quit. He was so proud to be a Marine, but more proud to be an American. He really loved his country.

My community continues to be blessed with people like Tyler who unselfishly give their time and, in some cases, their life so that we may continue to enjoy the freedoms we hold so dear.

He loved his family. Tyler is survived by his wife Stephanie; his daughters Ashleigh and Madison; and a son Jacob; and his parents, who live in Pierce Township. All of us mourn Tyler's loss, and we are grateful, eternally grateful, for his braveness and his valor and his valiant service to our country.

I ask my colleagues to join me tonight and each and every night to pray for his family in their time of need. May Tyler rest in peace.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to claim my time out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

IRAQ AND THE REPUBLICAN DISSENTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, this morning we learned that Harriet Miers has withdrawn her nomination to the United States Supreme Court. The stated reason had to do with executive privilege for legal advice she had given to the President that she did not want to reveal, but I do not think you need to be an expert tea leaf reader to see that public support for Ms. Miers' appointment, particularly among conservatives, was scarce, actually absent. As a result, Ms. Miers decided to step aside.

Perhaps there is a lesson here that we can apply to another initiative, an initiative of the White House that is rapidly losing public confidence. Two-and-a-half years into the Iraq War, it could not be clearer that the President's policy is one with tragic consequences. It is time for the President to admit his mistake and change his course. Over 2,000 of our brave soldiers are dead. That is 2,000 too many.

The threat of terrorism has not diminished at all. We have lost respect and credibility with allies around the world. The insurgency remains as strong as ever and is further animated with every day that the American occupation continues.

We are pouring about $1 billion a week into this fiasco, and, by the way, the original rationale for fighting this war, weapons of mass destruction, turns out to be based on fabrications and deceptions.

What is the President waiting for? How much worse does it need to get? How many more casualties must we endure?

Look, you do not have to take my word for it. The White House would like you to believe that opposition to the war exists on the fringes only, but the fact is that 66 percent of our people, two out of every three Americans, has a negative opinion of the way the President has handled Iraq. Apparently included in that two out of every three are former members of the administration and Bush family loyalists.

Colonel Lawrence Wilkerson, who served as Colin Powell's Chief of Staff at the State Department, recently went public with his misgivings. He talks about a dysfunctional national security policymaking process, with decisions made secretively by a Cheney-Rumsfeld cabal that was given free rein by a President who, as Wilkerson put it, "is not versed in international relations and not too much interested in them either."

The latest issue of The New Yorker magazine features a profile of Brent Scowcroft, a close friend and adviser to the President's father and mentor to Condoleezza Rice. Scowcroft was considered the hawk of the first President Bush's national security team, but in this article he is frank about his disillusionment with the current Iraq policy. He notes that you cannot impose democracy by force, that the Iraq War is breeding terrorism, and that Saddam did not represent a threat to the United States of America.

Mr. Speaker, it is time to bring the troops home, and I feel even more strongly on this point after traveling to Iraq a few weeks ago.

There is no shortage of ideas for possible exit strategies. For example, there are at least four good proposals right here on the floor of the House of Representatives, and on the other side of the Capitol, Senator KERRY and Senator FEINGOLD have offered specific plans.

I held a hearing just last month where a broad range of experts discussed ways we could end the occupation while keeping Iraq secure and helping its people rebuild their country.

There is an important conversation going on about these issues. It would be nice if the President joined in, but to immediately insist that we stay the course is at this point irresponsible, insulting and demeaning to the American people.

I know this President does not like to admit his mistakes, but maybe it is time to eat a little crow. I think a little bruised pride is a small price to pay if it means more Americans will not have to die.

Mr. Speaker, let us return Iraq to the Iraqi people and our soldiers home to their families.

LIMITING THE GULF REGION REDEVELOPMENT TAX BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, every American was touched by stories of the people of the gulf region who lost so much as a result of the recent hurricanes. The American people have responded with overwhelming compassion with record donations of cash, food and clothing, and Congress, too, has a role in helping the people and the region to rebuild.

However, as Congress begins its work on the hurricane tax incentive package to help the gulf region rebuild, it needs to recall its long history of limiting the benefits of redevelopment tax breaks to certain businesses.

Regardless what section of the Tax Code is used to spur reinvestment and revitalization in the gulf region, Congress has limited the businesses that receive certain tax benefits. The history of targeting Federal tax breaks to certain businesses ought to continue.

□ 1700

This limitation makes sense, particularly in light of the tight budgets facing our Nation today. Congress's history of limiting Federal redevelopment tax benefits goes back more than 20 years.

Federal law pertaining to tax exempt benefits of small bonds prohibits tax benefits from being extended to "any private or commercial golf course, country club, massage parlor, tennis club, skating facility, including roller skating, skateboard, and ice skating, racquet sports facility, including any handball or racquetball court, hot tub facility, suntan facility or racetrack." Congress does not want to give money to the gambling industry to rebuild when we should be doing it to help the poor and the needy.

In the accompanying Senate committee report, the committee expressed concern with "the use of small issue industrial development bonds, IDBs, to finance a variety of types of facilities, from private recreational facilities to fast food restaurants, that generally may be less deserving of a Federal credit subsidy than other types of facilities."

A few years later, in Public Law 99-514, Congress qualified redevelopment bonds and expanded the list of businesses that would be prohibited from receiving tax benefits to include any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, racetrack or other facility used for gambling, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises.

When the Enterprise Zone tax structure was enacted, Congress once again prohibited the benefits from being extended to certain businesses following the limits laid out in 26 U.S.C. Sec. 144, which I will include for the RECORD.

Just as Congress expressed concern about allowing Federal tax benefits to flow to less deserving businesses more than 20 years ago, Congress today should again be concerned about the same issue as it works to assemble the Gulf Opportunity Zone tax package.

As Congress considers cuts to Medicaid, food stamps, the student loan program, foster care, child support, and other programs to offset the cost of hurricane recovery, we must be sure that tax incentives only go to worthy businesses. Federal tax dollars need to be focused on those who truly need the government's help like the poor, vulnerable, and elderly.

I believe fair-minded Americans would support tax incentives to spur business reinvestment along the hurricane-ravaged gulf coast to help victims there rebuild their lives; but I also believe the American people would draw the line, as Congress has historically done, in using taxpayer dollars to assist businesses such massage parlors, casinos, golf courses, and liquor stores.

Allowing gambling conglomerates, for example, which are reporting billion-dollar record profits to take advantage of tax breaks does not make sense. Gambling operators do not need any incentive to rebuild and according to press reports, have already vowed to come back "bigger and better" than before the hurricane.

Particularly when faced with tough budget choices, Congress ought not abandon its history of limiting tax benefits to more deserving businesses. Regardless of what section of the Tax Code is used to spur business investment in the region, bonds, Enterprise Zone tax credit zone, expensing and depreciation or any other tax incentive, Congress should target the limited Federal resources available to more deserving businesses.

Mr. Speaker, giving tax breaks to massage parlors, casinos, liquor stores and golf courses while we cut Federal programs for the less fortunate cannot be explained to the American people. Congress must be sure these tax benefits of the gulf rebuilding package do not go to massage parlors, casinos, liquor stores, and golf courses.

Every American was touched by stories of the people of the Gulf region who lost so much as a result of the recent hurricanes. The American people have responded with overwhelming compassion with record donations of cash, food and clothing. Congress, too, has a role in helping the people and region rebuild.

However, as Congress begins its work on the hurricane tax incentive package to help the Gulf region rebuild, it needs to recall its long history of limiting the benefits of redevelopment tax breaks to certain businesses. Regardless what section of the tax code is used to spur reinvestment and revitalization in the Gulf region, Congress has limited the businesses that receive certain tax benefits. This history of targeting federal tax breaks to certain businesses ought to continue. This limitation makes sense, particularly in light of the tight budgets facing our nation today.

Congress's history of limiting federal redevelopment tax benefits goes back more than 20 years. Federal law pertaining to tax exempt benefits of small bonds prohibits tax benefits from being extended to any private or commercial golf course, country club, massage parlor, tennis club, skating facility (including roller skating, skateboard, and ice skating), racquet sports facility (including any handball or racquetball court), hot tub facility, suntan facility, or racetrack. (26 USC Sec. 144(a)(8)(B))

In the accompanying Senate committee report, the committee expressed concern with "the use of small issue industrial development bonds (IDBs) to finance a variety of types of facilities, from private recreational facilities to fast food restaurants, that generally may be less deserving of a federal credit subsidy than other types of facilities." (Page 169 of Senate Report No. 97–494 for P.L. 97–248)

A few years later, in P.L. 99–514 Congress created qualified redevelopment bonds and expanded the list of businesses that would be prohibited from receiving tax benefits to include any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, racetrack or other facility used for gambling, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises. (26 USC Sec. 144(c)(6)(B)) When the Enterprise Zone tax structure was enacted, Congress once again prohibited the benefits from being extended to certain businesses following the limits laid out in 26 USC Sec. 144(c)(6)(B). (26 USC Sec. 1397C)

Just as Congress expressed concern about allowing federal tax benefits to flow to less deserving businesses more than 20 years ago, Congress today should again be concerned about the same issue as it works to assemble the Gulf Opportunity Zone tax package. As Congress considers cuts to Medicaid, food stamps, the student loan program, foster care, child support, and other social programs to offset the costs of hurricane recovery, we must be sure that tax incentives only go to worthy businesses. Federal tax dollars need to be focused on those who truly need the government's help, like the poor, vulnerable and elderly.

I believe fair-minded Americans would support tax incentives to spur business reinvestment along the hurricane-ravaged Gulf coast to help victims there rebuild their lives. But I also believe they would draw the line—as Congress has historically done—in using taxpayer dollars to assist businesses such as massage parlors, casinos, golf courses and liquor stores. Allowing gambling conglomerates, for example,—which are reporting billion dollar profits—to take advantage of tax breaks doesn't make sense. Gambling operators don't need any incentive to rebuild and, according to press reports, have already vowed to come back "bigger and better" than before the hurricanes struck.

Particularly while faced with tough budget choices, Congress ought not abandon its history of limiting tax benefits to more deserving businesses. Regardless of what section of the tax code is used to spur business investment in the region—bonds, enterprise zone tax credits, expensing and depreciation or any other tax incentive—Congress should target the limited federal resources available to more deserving businesses. Giving tax breaks to massage parlors, casinos, liquor stores and golf courses while we cut federal programs for the less fortunate cannot be explained to the American people.

Congress must be sure these tax benefits of the Gulf rebuilding package do not go to the massage parlors, casinos, liquor stores and golf courses.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DOGGETT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Mr. GEORGE MILLER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

OVER 2,000 FALLEN HEROES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, it has been a long, long, long slog, whether measured in lives or limbs lost.

So many days with no real plan for peace, no real plan for security for our families, so many tears shed by too many families. Too little armor and too little equipment for those who were too quickly placed in harm's way.

Over 2,000 fallen American heroes. Over 15,000 wounded Americans, and tens of thousands of Iraqi civilians who have died in this conflict. The administration is attempting to relieve itself from the duty to offer any strategy at all, even as it constantly recasts the purpose of its tragic go-it-alone invasion.

Like the President's wishful, staged declaration of "Mission Accomplished" on that aircraft carrier 2½ years ago, the Vice President blithely states that the insurgency is in its "final throes." Well, each day's news shows how out of touch he continues to be.

But for this administration, any sense of genuine accountability is certainly in it final throes. Its credibility is certainly in its final throes, and the patience of the American people with an administration that lacks any plans for success in Iraq is in its final throes.

And with each wasted week, other families with a son or daughter, with a husband or a wife in Iraq, who are seeing their first or second or maybe even their third tour of duty, they wait, they hope, they pray, and some toss and turn in the middle of the night fearing that knock on the door will ultimately come.

All who have fallen are heroes, and all who have lost their limbs, their lives, their sight, or their way of life because of this very unnecessary conflict are heroes to whom our Nation owes an enormous debt.

But we do not honor the memory of these fallen by building permanent bases in Iraq, by licensing the CIA or others to torture in the name of the United States, or by calling on the same military families to again and again send their loved ones into danger, even while the richest corporations and the wealthiest Americans are not asked to sacrifice a dime, but are rewarded with tax breaks and no-bid contracts and crony appointments in this administration.

More than any grim statistics can reveal, each of these unique losses is measured by the milestones of life missed by loved ones: births and baptisms, ball games and holidays, graduations, weddings, grandchildren, the natural journey of life, cut short or completely sacrificed in this administration's war of choice.

And even as this morass in Iraq worsens, more than 90 percent of the American deaths have come about since President Bush declared an end to major combat operations. The administration's plan, if it ever even had one, has simply failed to evolve. So the budget deficit soars, gas prices rocket, billions upon billions of taxpayer dollars that are needed here are sent there, and the numbing count of dead and wounded continues to soar.

Beyond the power of any prosecutor, it is history that will indict this administration.

EXCHANGE OF SPECIAL ORDER TIME

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. PAUL).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

EXXON'S EXTRAORDINARY PROFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tonight I would like to place on the RECORD the extraordinary profits of one corporation registered with the New York Stock Exchange by the name of Exxon.

Today, news reports indicate that Exxon, the world's largest publicly traded company, has posted the largest U.S. corporate profit in world history: nearly $10 billion. That is $10 billion in just 3 months.

We know where that money came from. It came from all of us. It came from the American people. Quarterly profits for Exxon are up 75 percent since last year. The revenue of this company alone will ring in at over $100 billion this year.

Now how big is $100 billion? Well, $100 billion is about one-quarter of what the U.S. Department of Defense spends in 1 year. But $100 billion is more than all of the following U.S. Departments spend in a year combined. The whole U.S. Department of Education, all of the student loans, all of the help for our school children around the country, it is a drop in the bucket compared to the profits of Exxon.

The U.S. Environmental Protection Agency, that is small potatoes compared to what Exxon earns.

The Department of Transportation, with all of those bridges across the United States that have to be fixed, some in rural areas, certainly in the big cities, crumbling infrastructure, well, Exxon's profits are a lot larger than the Department of Transportation spends in a year.

NASA, poor NASA, they only have about $16 billion a year to explore outerspace and the heavens beyond us.

If you add them all up: Department of Education, Environmental Protection Agency, Department of Transportation, and NASA, they do not equal the revenues of Exxon.

Now the interesting thing about Exxon, it is the world's largest publicly traded company, but it has a special deal. Guess where most of its oil comes from? Saudi Arabia. Have no doubt, with the special licensing agreement signed with that company, a lot of that money drawn off of this marketplace will not go to education of our children, it will not go to fix up our roads, it is not going to help clean up our environment, and it certainly will not take us as far as Saturn.

No, a lot of those dollars will be used to hire mercenaries to protect the Saudi oil interests, which is one of the major places this country imports petroleum from because we cannot figure out how to get it right here at home.

Mr. Speaker, $9.9 billion in one quarter. Think of what those funds could do if you did not put them in Exxon's pockets. Think what they could do in your community. Take a program, a teeny program like the Senior Farmers' Market Nutrition Program, which spends not $9.9 billion, but $15 million a year. That is pocket change to Exxon. It gives little coupons to senior citizens across our country who cannot afford to pay these rising gas prices and cannot afford to pay for their heating bills this winter. It gives them $20 a month in the summer to go to farmers' markets in their communities to purchase fresh fruits and vegetables. We cannot put it in all of the States. Only 28 States even have this program, and not in every county.

But if you ever watch one of these senior citizens take one of those farmers' market coupons and stand in front of fresh fruits and vegetables and struggle with the decision of whether they are going to buy raspberries for the first time in 25 years, what is more important, Mr. Speaker, more profits for Exxon or a little bit to help the senior citizens of America who want to buy fresh fruits and vegetables?

Seniors need that food so much that they literally buy it at the end of the day when the farmers reduce their price, and they turn it into soups and stews and put it in their freezers or their friends' freezers so they can have soups during the winter time made out of fresh vegetables that have been frozen.

Mr. Speaker, $9.9 billion. I am going to write a letter to the president of Exxon. I do not even know who the person is. I am going to ask if they would take $15 million out of the $9.9 billion in profits they just made to double the senior farmers' market nutrition program in our country. Would they even really miss it? How does Saudi Arabia use all of that money? And why do they need all of those mercenaries to protect their oil wells? Why is that country so unstable? Why do they have to take money out of our pockets through Exxon every single day?

It is really unbelievable that one corporation could make that much money off this marketplace in one quarter and this Congress does nothing.

□ 1715

30-SOMETHING WORKING GROUP: CALLING FOR AN INDEPENDENT KATRINA COMMISSION

The SPEAKER pro tempore (Mr. DUNCAN). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to come before the House. As the Members know, the 30-Something Working Group, we come to the floor to bring about not only good change for the Congress, but also for the country. And we try to promote legislation that the Democratic side is offering towards some of the issues that are facing the country, but at the same time talk about the responsibilities of the majority that are unmet.

Mr. Speaker, as the Members know, Hurricane Wilma hit not only my district, but many of the Florida delegation in southeast and southwest Florida, and we are constantly struggling with trying to make sure that we can provide for our constituents. And we come to the floor week after week, especially the 30-Something Working Group, talking about what happened in Hurricane Katrina, the lack of response in Hurricane Katrina and Rita by the Federal Emergency Management Agency, and also calling up House Resolution 3764, which has over 190 Democratic cosponsors. Unfortunately, last I checked, there are not any Republicans who have signed on to it, and that is very unfortunate because it is an identical commission to the 9/11 Commission that brought about great recommendations, some that have been met, others that we still have to make sure that we implement to secure our country. It was about not making the same mistake again, again, and again. And that is the reason why we are calling for an independent Katrina Commission.

And that is a piece of legislation that is not a Democratic plan, but it is an American plan. Eighty-one percent of Americans support it, and I think it is very important that we do not allow partisan committees that have been established here in the House to dictate the response to natural disasters and a possible terrorist attack.

We have to make things better to protect Americans. It is almost like I feel like an insurance salesman saying that we have to have insurance not after the fact, but before the fact. And if we know we have shortcomings, then we need to deal with that in a very effective way.

Being an "evacuee" of Hurricane Wilma due to the fact that there is very little power in south Florida, there are gas lines, Mr. Speaker. I hold up here the front page of the Washington Post that has many people here in south Florida, as a matter of fact in West Palm Beach, standing for hours for gas because we could not get the generators running at Port Everglades to be able to pump the gas to allow many of the stations to have gas and power. These are things that we need to work on.

Governor Bush jumped in front of the train because folks were getting upset with the Federal response once again as it relates to getting the simple things like ice, water, and food down to the affected area. There was a lot of chest-beating prior to the storm, saying, we have 2,000 FEMA personnel in place; we have a set number of trucks that are lined up in Florida, pre-positioned, to go in and provide ice water and food. And in many cases the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) showed that either there were very few, trucks were extremely late like 8, 7 hours. People there just went through a major hurricane waiting 8, 7 hours just for 1 bag of ice and 3 jugs of water, and in some cases nothing showed up, and folks had to go back home.

That is why we need an independent commission. We do not need officials that have relationships with the President to say, blame me, I am the State of Florida, blame me for the shortcomings of the response. We know in hurricanes, natural disasters, that there are going to be shortcomings. But as it relates to the very simple things that have to be provided, they must be provided. And the reason why they were not provided is that the supplies were not there, period, dot.

FEMA was in charge of making sure that those supplies made it to said location. The truck drivers were not hired by the State of Florida, but were hired by FEMA. And I think it is important that we look at it for what it is.

We do not have to have a commission for every natural disaster or event that takes place here in the United States, but we have a House resolution that, Mr. Speaker, will be part of a discharge petition here in the House, and I want to break that down so that everyone understands what a discharge petition is.

Basically, we are using the rules of the House to call this resolution up to the floor to discharge it, and we need a said number of signatures to be able to pull it up on the floor so that the House can take a vote. And if we do not have some Members of the majority side to see fit to have an independent Katrina Commission that 81 percent of Americans are in approval of, then we are failing to meet our obligations.

We know that we have problems. The Department of Homeland Security telling people in my district to be patient 72 hours after the storm, saying, we will get it right. Well, that is the reason why we have it. We are supposed to be prepared for these events, but we are not, and we are not even willing to correct ourselves. So that is in place as it relates to the Democratic response.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate his yielding to me. Just so that we can go back, and, obviously, he has outlined why we have a need for this independent commission. I think it is important that we go back and we explain what is actually happening here right now. We have been asking for this thing for how long now, months? Almost 2 months we have been asking for an independent commission. We want to go back, Democrats and Republicans, and look at what happened with Katrina so that we can stop and prevent these things from happening.

We are not doing a good job in this country of administering emergency services. And we have the Republicans in charge of the House and in charge of the Senate, in charge of the White House, in charge of FEMA, in charge of the whole executive branch, and we keep having these missteps and these failures, and no one is figuring out what in the heck we are doing wrong because the committee down here that the Republicans have appointed only gives subpoena power to the Republicans. So we have the Republicans overseeing the Republicans. And I think we might as well put Ed Gillespie in charge of the committee down here to oversee what is happening, the head of the RNC, because this has become political.

And what we want to say to the American people, Mr. Speaker, is that Democrats want an opportunity to govern this place because our friends on the other side do not know how to govern. They have been in charge now in the House since 1994. They have control of the Senate, they have control of the White House, and they do not know how to govern. And we need to be prepared for not only natural disasters, but potential terrorist attacks to the United States of America.

And we need to do what we did with the 9/11 Commission, an independent commission, independent of all of the nonsense that happens in this body that has gotten us to a point where the Republican majority does not know how to govern. Get an independent commission with an outside Democrat and an outside Republican, bipartisan, where they can subpoena people, oversee what happened for Katrina, oversee Wilma, oversee Rita, and figure out what we need to do, because at some point, at some point, something is going to happen in America that is going to be more tragic than these natural disasters, and we are not going to know how to respond. And our kids and our grandkids are going to look back and the American people are going to look to this body and say, What have you done to prevent this? What have you done to improve the emergency management execution in the United States of America? And we are saying on record here five times a week sometimes with the 30-something Group we want an independent commission. We do not want politics involved. Do the right thing.

And we are asking people at home to contact us, housedemocrats.gov/katrina, and become a citizen cosponsor of H.R. 3764, become a citizen cosponsor, and I think we have over 40,000 citizen cosponsors for this. Get on this Website, housedemocrats.gov/katrina, become a citizen cosponsor so that we can become prepared for a possible terrorist attack that may happen in the United States, another natural disaster that may happen in the United States. We will be ready, and then down the line we will be able to look back, and there is always room for improvement. We watch the game film the next day, and we see what we did right and what we did wrong, but at the end of the day, we can say we have done our job. We have put the microscope up to the problem. We have looked at it, put the sunshine on it, and figured out what we did wrong.

And it takes courage. I mean, it is not easy to be self-reflective. It is not easy to critique oneself. And that is what we are asking this Congress to do, have the courage to do the right thing: Get an independent commission here.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, it is not like we are by ourselves as it relates to calling for this independent commission. And the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and I were talking about an independent commission, and we have been going week after week here on this floor saying it is the responsible thing to do not only in natural disasters, but also in the aftermath of a terrorist attack. An independent commission will be able to look at the Federal response, the State response, and the local response and learn from either what was good or bad that took place in those events.

If we are not going to have an independent review of our capabilities, then something is wrong. If we are not going to have that, that means that without having it, people will lose their lives possibly because of the lack of response, because they definitely did in Katrina. We had people that were running out of medical supplies. We had people that needed insulin, could not get it because they were stranded and that we were not able to reach them. So I think that is very important.

There are a number of papers that have come out for an independent commission on Katrina: The USA Today; the Tennessean from Nashville, Tennessee; the News & Observer from Raleigh, North Carolina; also Capital Times, Madison, Wisconsin; the Atlanta Journal-Constitution in Georgia; the Courier-Journal in Louisville, Kentucky; the St. Petersburg Times in Florida; the Salt Lake Tribune in Utah; also the Denver Post in Colorado; and the San Antonio Express, obviously in Texas; and the Houston Chronicle of Texas.

There are a number of papers, and those are just the major ones, that have come out for an independent Katrina Commission.

We have talked about House Resolution 3764, but also as it relates to contracting fraud that may very well happen in Wilma because of a lack of oversight. We have called for House bill H.R. 3838, a bill to create an antifraud commission to prevent waste and fraud and abuse of Federal contractors as it relates to these emergency declarations or what have you. This is about saving money and making sure that we do not make the victims of a natural disaster or a potential terrorist attack victims all over again because we failed to have the proper oversight.

Mr. Speaker, I also want to add the fact that we have to continue to push. Once again I give the report. Every day I go on the White House Website. I have the Website page here. No mention of an independent or any evaluation of what the failures were during Hurricane Katrina, and we also have the Website that has not changed on the partisan committee that is here in the House. And I think it is important for us to identify that so that we do not have to continue to have Ground Hog Day all over again.

One last point, Mr. Speaker, while we are on this issue here. The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and I talked last night about the fact that we were here pushing for this commission week after week. I mentioned that. And we shared with not only the Members, but also Americans, Mr. Speaker, the fact that it could be them next, victims of a poor, short response or an inadequate response.

□ 1730

Little did we know at that time that we would be victims of the shortcomings of the fact that we say we are ready, but we are not really ready or really prepared; and in some cases some people question are we saying we have trucks in certain locations and they are not there, do we need to get prima facia proof that they were there? These are the questions that my constituents are asking.

So I want to share with Members that this independent commission is very important, to make sure that one day it may be you and your constituents going through this and you are going to say, Gee, you know, it is amazing that we cannot even get a truck to come in here with water.

We talked about last night the fact that the terrorists are not going to call up and say, Hey, I want you guys to get prepared. I am going to carry out an attack in another month or so, so you need to get together and pre-position.

That is the reason why the 9/11 recommendations need to be fully implemented. That is the reason why we need a Katrina Commission to look at the lack of response we had on the biggest natural disaster that took place on U.S. soil and the Federal, State and local response to that. That is very, very important. It is not an indictment document; it is a document to make sure that we prevent loss of life in the future.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will yield, he is absolutely right. I think the gentleman makes a great point. This is important. This goes beyond Katrina. The independent commission that we want goes beyond Katrina.

We had a situation in Ohio a year or so ago where a potential terrorist was planning an attack in Columbus. You are in the middle of Ohio, it was something about a shopping mall. The gentleman was stopped and held, and I do not even know what the status is right now. But this was in Ohio. It is not just the gulf States or Florida.

Katrina and the independent commission, these are all the editorials that have been written in support all over the country. I think a lot of the editorial boards understand what we are trying to say here, and they are being very supportive.

We talk about an independent commission. I want to read a little bit from the Houston Chronicle in Texas, a little bit of what they say about trying to fix the problem: "The most promising option is an independent commission along the lines of the September 11 problem. This is great, because this puts a little meat on the bone. It should be headed by national figures of unassailable independence and credibility such as former President Jimmy Carter, former Secretary of State Colin Powell and retiring Supreme Court Justice Sandra Day O'Connor."

We are talking about Republicans, but just to be independent of the day-to-day politics that go on in this Chamber. This is not something that needs to be compromised. This is an issue that has long-term ramifications, and we have an obligation.

We come here early in January every other year and we put our hand on the Bible and one up in the air. We have an obligation to make this government run effectively and efficiently. A lot of hard-working people pay a lot of tax dollars that come to us, and then we invest it to improve the quality of their lives.

Part of that is to make sure they are safe. So when we had all these problems with body armor, where their kids, their sons and daughters were going over, we wanted to make sure they have the proper body armor and the up-armored Humvees; and we fought through the 30-something Group and the Democrats and put enough pressure on where we finally got that problem fixed. It is a whole other issue why we went to war without the proper equipment.

But we have a responsibility here to make sure that this government runs efficiently. A component of that is emergency management services, which, as we found, became very apparent in the past few months. So we have this obligation; and we are trying, the 30-something Group, the Democratic Party, the gentlewoman from California (Ms. PELOSI), we are trying to move this committee out of politics into an independent commission, get Sandra Day O'Connor, get Colin Powell, get some good, solid Republicans who are going to be independent and do what is best for the country, because time and time again, unfortunately, my friend, the Republicans continue to prove their ineptness, their inability to govern; and we have a responsibility as the minority party, as the opposition party, to provide alternative views, and we want an opportunity to run the government.

We proved in 1993 with not one Republican vote that we could balance the budget and handle those difficult decisions, and that vote in particular led to the greatest economic expansion in the history of the United States of America.

Our friends on the other side are not only inept in trying to administer emergency services, because they appoint all their cronies to the top positions in FEMA, all friends of friends of a college roommate who gives a lot to the Republican Party, which led to poor execution of emergency services. Their party, the Republican Party, takes higher precedence for the people who govern this Chamber than the country, and they have proved that time and time again. Party over country. What the Democrats are trying to say is pick the country over the party.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, the gentleman is 110 percent right. I think every day Republicans want to see, and Democrats and Independents and even folks that are not voting in America, they want to see leadership. They want to see leadership on behalf of the country. Veterans want to see the flag that they fought for and that some of their friends and comrades died for, that it is not caught up in what we call this culture of corruption and cronyism.

We want to talk about cronyism for a minute, Mr. Michael "Brownie." I am not one to say it is his fault as it relates to staying on with FEMA for 60 days, and then the Secretary of Homeland Security extends his contract at the salary he was making as director of FEMA for another 30 days.

The reason given for doing that is that we need to learn from Director Brown, or Brownie, the President calls him Brownie, we need to learn from him so that we can know more about what happened in Katrina. Now, if you could not get it in the first 60 days, he was only in charge for about maybe 5 or 7 days, thanks to the fact that we were raising the question. The Democratic Leader first called for his resignation because we saw that we had someone that did not have the experience.

The fact he is on for 60 days, the Secretary of the Department of Homeland Security, I am waiting to have a conversation with him on why he would extend it for 30 more days at taxpayers' expense.

Now, folks went into their pockets and said, Well, we are going to help you out for another whole month. That is on them. I do not have a problem with that. I do have a problem with the fact that we are rewarding him in confidence and cronyism with the taxpayer dollar.

Mr. RYAN of Ohio. If the gentleman will yield further, Mr. Speaker, Brownie is still on the payroll. $100,000.

Mr. MEEK of Florida. $148,000.

Mr. RYAN of Ohio. $148,000. Talk about rewarding negative behavior. Do you do that with your kids? Your kids come home, they took a spelling test, got a D, do you throw them $20? Good job, Kendrick. Go out and get another one. That is what we are doing. We are reinforcing bad behavior.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time once again, well, I can tell you, the part that I am more concerned about is the fact that this is a high-profile individual within FEMA. What is happening on an everyday basis with someone that really is not competent in Federal Government and is known to the managers? I guess it is okay, because when you think about the culture of corruption and cronyism, if it comes from the top, then it must be okay. If it is all right with the Vice President, then it is okay. That means it is okay with the Department Secretaries and Under Secretaries and the regional directors. So that is the reason why we have to cut it off.

Mr. Speaker, do you know something? Not a mumbling word from the majority on this. Not a mumbling word. Better yet, we have folks coming to the floor, and we started talking about responding to the needs of Americans saying we have to have offsets in Medicaid, we have got to have offsets in possible Medicare, that is not off the table.

What I mean by "offsets" is the fact we have to take money from those programs to respond to the Katrina-Rita issue. We have to do that. But, better yet, we have an example of an individual that I think pretty much all Americans, and I am pretty sure that almost close to every Member of the House, agree with the fact that he did not know exactly what he was doing.

I do not blame Mr. Brown. I do not blame him. I blame the individuals that placed him in that position. I blame the managers that saw that he was not up to par and endorsed lackluster, leave-alone performance, lack of competence in doing that particular job. He is probably good somewhere else.

Mr. RYAN of Ohio. "You are doing a good job, Brownie."

Mr. MEEK of Florida. Yes, "You are doing a good job, Brownie," on national television, broad daylight. The world is watching.

Mr. RYAN of Ohio. The world is watching. You are not doing a good job. You are doing a bad job. In fact, you are fired. Get out. What do you mean, you are doing a good job.

Mr. MEEK of Florida. And we are going to give you a 60-day extension and have you on as a consultant, have you on so we can learn from your bad job. Maybe we can learn more. No, as a fat matter of fact, hey, you know, 60 days is not enough. Let us extend it 30 more days.

Mr. RYAN of Ohio. Maybe their plan was this: they said we will keep Brownie on, pay him $148,000, and when there is a situation, we will go to Brownie and ask, what do you think we should do? He will tell you. Then they do the complete opposite. Maybe that you is how they are using him, do you think?

Mr. MEEK of Florida. There are too many people around here paying taxes, folks running around here trying to put fiscal responsibility in the backdrop, saying we are conservatives. Meanwhile, the Secretary of the Department of Homeland Security is defending and extending contracts of a person that the front-page national publications say is incompetent and not in any way knowing what to do in a natural disaster. So this is beyond comprehension. And not a mumbling word.

I would say this: I do not blame him. I am not running around here saying I am disappointed in Michael Brown for accepting a 30-day extension on a $140,000 salary. I am not blaming him. He could not do that on his own.

No one from the White House called and said, You know something? Over at the Department of Homeland Security, I think you all are probably not playing with a full deck if you think it is okay to do this. Not a mumbling word. So I am concerned, leave alone as a Congressman, as a taxpayer, that this is okay.

Now, this is just a high-profile case. We talk about corruption and cronyism, a culture. People think, well, wow, they are just saying that because they can say it. No, this is a shining example, and we have been talking about this, and it has been in all of these publications, and they are still doing it, like it is okay.

The only people that can put this administration and set us on a new course and put this majority in check are the American people. But, unfortunately, they will not have an opportunity until late 2006, and on behalf of the country we cannot continue to sit idly by and watch this kind of activity take place.

I would feel a little uncomfortable saying that my colleagues on the majority side are not standing up to their responsibilities in oversight. The Secretary, as soon as he leaves from down in south Florida from Wilma, should be called on the carpet in some committee room saying please let us know what we can learn from Mr. Brown. Please let us know what we can learn from the Director of FEMA. Why do we have to continue to pay him and use the taxpayers' dollars? Someone needs to ask that question. It should be not only the Committee on Homeland Security; it should be congressional leaders calling and saying you need to reverse that.

So I do not even feel half uncomfortable about me being upset about this thing, because I can tell you right now, there are a number of people out there that are very upset; and it is time, it is time, that we cut out this culture of corruption and cronyism, because it is weakening this country. I am going to tell you that right now.

Folks might see little events, but I can tell you right now, I am concerned about clandestine operations that we have going on, especially in this culture of corruption and cronyism. I am concerned about taking people for face value when they say, well, this is what we have in place, and we find out later that it is really not.

I am concerned when we come to this floor and the clock opens up for 15-minute votes, and because the majority side is not prevailing or winning, they decide to hold the vote clock open for 90 minutes. I am concerned about these events taking place under lights, cameras, and action.

□ 1745

I am concerned about those events that are taking place in the back halls of Congress, in the White House, and in other Federal agencies that are not under lights and camera.

So this is the kind of boldness, cronyism, boldness and possible corruption in many places that takes place. And do not take it from me, just pick up your local paper or turn on the news. It is full of it. So if we do not hold ourselves in check, and if the majority is not willing to rise up and police this corruption and cronyism; because, Mr. Speaker, I used to be a State trooper, and we had what they call a game warden, and I always used to say, the game warden cannot be the lead poacher. You cannot be leading off the poacher saying that I am in charge of policing the poachers. So I think it is important that we have folks that will leader up and say, you know something, I know I have been told to be quiet on this, but I have a constitutional responsibility to make sure that we have oversight.

These are not personal decisions. Mr. RYAN; these are decisions that are affecting the governance of this country. So when we allow this kind of stuff to go on, it is making the country weaker versus stronger, because the Federal tax dollars are being spent in ways that they should not be spent, and we are not saving any money by allowing this kind of culture to continue.

Mr. RYAN of Ohio. Mr. Speaker, I think it really comes down to the fact that every decision that is made by this Congress, by the Republican-controlled Congress, by the Republican-controlled Senate, and by our Republican President is based on supporting and lifting up the Republican Party. I hate to break it to them, but this is not about the Republican Party: this is about America. This is about what is best for America.

You talk about violating basic House rules, and every time they have done that, every time they have kept the roll call open at 2:00 or 3:00 or 4:00 in the morning; I mean, last year, I cannot remember what vote it was, but we were here until 4:00 or 5:00 in the morning. It was on the prescription drug bill, because we had to kick over $700 billion to the pharmaceutical industry, one of the most profitable industries in the whole entire world, them and oil, and the reason is they put the Republican Party before the country.

Mr. MEEK of Florida. Mr. RYAN, I am sorry to cut in, sir, but I am going to tell you this: I know a lot of Republicans. A lot of Republicans are supporters of me. They vote for me, and some of them say, great job. I have some great friends on the other side of the aisle. I mean great friends. We do a lot together. We talk about things that are common interests. We are friends. My mother was here before me, and some of them are great friends of my mother, and, because of that relationship, we have a great bond.

But I can tell you this: I think this goes far beyond building up or doing something on behalf of the Republican Party, because some of these decisions that are made, it will turn the stomach of Republicans that I know. It would turn their stomachs. I know on the majority side, I know that there are some Republicans that go home, and they are sick. They are sick of what is going on here in this House. But you know something? If they were to stand up, unfortunately they would be knocked down politically. They will find themselves fighting the whole reason why we are here on this floor, fighting against them doing their jobs.

So I kind of feel that there is a purpose for what we are doing here, because as far as I am concerned, we could sit back and just say, well, let them do it, or let them look the other way, because the American people are going to see that they are not governing. But you know something? We are Americans, and we have an obligation to not only our constituents. When our constituents voted for us, they federalized us. So that means that we have to care about the entire country and what happens to the Federal dollar, which is the taxpayers' dollar. It is very unfortunate.

So, Mr. RYAN, I know that it is an influence of the special interests. Their pockets are full because of the relationships here on Capitol Hill that they have and in the White House. Guess what? The average Republican is paying more at the pump, the average Republican does not have health care; just like many of our constituents, there is no health care plan. The average Republican is going to have to bear the brunt, Mr. RYAN, and I am sorry for taking a little of your time here, but bear the brunt of taking away from Medicare, Medicaid, free and reduced lunches for poor people; taking away from projects that would go to local government to build communities; and all of these faith-based groups that are out there trying to bring about some change, it is going to take away from them.

But, meanwhile, when it comes down to saying to a billionaire that we probably cannot give you hundreds of thousands in tax cuts that we have given you over the last number of years, and I am going to reference a report here, a third-party validator, a little later on, to say that it is not working, they say, no, no, no, do not worry about it, do not say anything, millionaire. We have you. We have your back. We are going to protect you, but we are going to make sure that the average Republican, the average Democrat, the average Independent, that they bear the burden, that they send their children into conflict and war, that they pay higher gas prices; not you, special interest. No, no, we are here for you.

But see, the problem here, and we talked about it last night, Mr. RYAN, about the fact that this is the only legislative body on the other side of the aisle in the Senate, where you can be appointed by a Governor to the Senate if someone leaves office. But when someone leaves office here in the middle of a term, you have to be elected. You cannot be appointed to the House of Representatives. So that means that we are representatives of the people, not representatives of the special interests, not representatives of the billionaires of the world; we are representatives of everyday folk.

So I think this is important, because Democrats, we have budget alternatives like pay-as-you-go, saying that if you are going to do it, you are going to show how you are going to pay for it, okay? We have alternatives as it relates to dealing with Hurricane Katrina so that we do not continue to waste the taxpayers' dollars and also make the victims of the event victims all over again. So, Mr. RYAN, we have the alternatives.

I believe that this goes higher than the party. I believe that it goes right to this culture of corruption and cronyism, and I will tell you one thing: The American people will see us bring about great change if just one of the Chambers of the legislative body was to turn Democrat, because what you see right now, based on law enforcement agencies saying, listen, we need to have some level of oversight, this country is going down the drain, because they are dragging it down the drain, and we have to do this. Imagine if we had an oversight committee that would call some of these things into question before they get to the level to where they are now, Mr. RYAN.

Mr. RYAN of Ohio. Yes, no doubt about it. We maybe could have prevented, if we had been really on the stick and really open, we maybe could have prevented some of the things that are happening.

I think this really goes to the fact that the Republican majority believe that the government and the taxpayer dollars that we have here are just for them. It is for them to build their party up. It is for them to use it to build up the Republican Party.

I am sorry, but my citizens in my district do not pay taxes so that the leaders of the House, the Republican leaders of the House, can go out to Shake Down Street out there on K Street, just a cab ride away where all the lobbyists are, and go and shake down the lobbyists. I mean, when a Democrat applies for a job, and the leaders on the Republican majority say to the lobbyists, you cannot give that job to a Democrat because we will not do business with you then.

And when you come to the American people and you try to say with a straight face about fiscal discipline, but when we are here at 3:00 in the morning, and arms are getting twisted to pass a Medicare prescription drug bill, and the Republican majority does not have the courage to go to the pharmaceutical industry and say, listen, we want to pass a Medicare prescription drug bill, but we want to give the Secretary of Health and Human Services the opportunity, the power to negotiate on behalf of the Medicare recipients to get the costs under control. The Republicans put a provision in the Medicare bill that explicitly said the Secretary of Health and Human Services is not allowed to negotiate down the drug prices. Can you imagine that? Can you believe that? And then only 25 Republican Members voted against it.

Then you come to the energy bill, and with the energy bill, you have billions of dollars in there to subsidize the oil companies, and a major oil company comes out today and talks about 89 percent profits in the last quarter, $10 billion, and you are getting public tax dollars from middle-class Americans who live in Youngstown, Ohio, one of the poorest areas in the country, you are taking their tax dollars and you are giving it to the oil companies.

Now, a third-party validator, right here, Cal Thomas, one of the most conservative Republican columnists in the country right now, suggests to our friends on the other side, to the Republican majority, he is commenting on the offsets to pay for Katrina, and the Republican majority is taking the money from Medicaid, free and reduced lunch, and college students. Cal Thomas says, here is a suggestion: Do not start with the poor, start with the rich. That is Cal Thomas. That is not KENDRICK MEEK, that is not TIM RYAN, that is not DEBBIE WASSERMAN SCHULTZ, that is one of the most conservative Republican columnists in the country.

He also goes on to say, talking about using government as their own little sandbox that they can play in and as a welfare state for corporations, because this is corporate welfare. Cal Thomas, conservative Republican. Did I mention he is a conservative Republican?

Mr. MEEK of Florida. You mentioned it.

Mr. RYAN of Ohio. I appreciate that.

Quote: Seventy-two percent of farm subsidy money goes to 10 percent of recipients, the richest farmers, partnerships, corporations, estates, and other entities. Corporate welfare, my friend, to the oil companies, to the pharmaceutical companies, and to the big agribusinesses, and the Republican leadership in this Chamber goes out to Shake Down Street and tells all the lobbyists on K Street that they have to hire Republicans or they are not going to do business with the Republican majority.

Mr. MEEK of Florida. Mr. Speaker, let us just make sure that we are crystal clear so that everyone understands. Not just saying, well, let me check, let us see. Let us look at the people that apply for the job. Oh, there is a Republican. No. I want you to hire my right-hand staffer. I want you to hire him or her, put them in the position, okay, and so I can deal directly with them so that we can have a line of communications and we are not confused, because this person has my cell number, okay, and I want to make sure that that happens.

Now, we are not talking about something that the House Ethics Committee has not already dealt with, because of the fact that this issue was brought up and it was very public. It was not any kind of clandestine operation that was going on. You just pick up the paper. Yes, that is what we are doing. What is the problem? If they are going to do business up here, they are going to hire the people that they want hired, period, dot, with a straight face, under the lights with the cameras on and the press running.

That is a problem, Mr. RYAN, and I believe that when you start looking at the whole culture of corruption and cronyism, you have to look at these activities that are taking place under lights, camera, and on the front pages of newspapers. And you know something? The American people, Mr. Speaker, may feel, well, it is okay, because Congress is not calling any of these people in. Once again, you cannot be the game warden and the lead poacher at the same time. You just cannot do it. It is not physically possible. You cannot have a problem and be over the very thing that is the problem.

Once again, I said it last night, I will say it again. These are not personal decisions, Mr. RYAN. These are decisions that are affecting the policy of the country and the Treasury of the country. This is not someone that went off and made an individual bad decision and said, you know, I made a bad decision, it only really affected me, okay, and I am sorry. It will not happen again. No, it is not that; it is a whole Medicare program. It is an entire industry: Energy, we are going to give you what you want.

□ 1800

That is what is going on, and it is affecting the U.S. taxpayers.

Mr. RYAN of Ohio. We are going to give you public tax dollars for the energy companies, public, through subsidies, billions of dollars in the energy bill. You are going to raise money for Republican candidates. It is that simple. Go out and shake down K Street. That should be called not Operation K Street; it should be Operation Shakedown.

So the American people should be outraged at this, corporate welfare to the most profitable industries in the country with your tax dollars, and the Republican majority uses it to raise money for the Republican Party. They are putting their party, the Republican Party, before the country.

And that is when it has got to stop. You did not come to Congress to rubber-stamp this stuff. The people in my district did not send me here to rubber-stamp this stuff. They sent us here to end it, because the average worker, the average small business person in every single instance, health care, energy, gas prices, natural gas, pharmaceuticals, wages, on every single count they are forgotten.

They are forgotten because we spent so much, the Republicans spent so much time giving out public tax dollars, corporate welfare so that they can increase their campaign coffers and run 30-second ads. And they go out and shake down K Street. It is ridiculous.

Mr. MEEK of Florida. If you want to call it an energy bill, I will not, because it did nothing about true conservation. It did nothing about true price gouging. I mean, there was some language in there; but it was not there. We had, on this side of the aisle, a Democratic alternative that stopped price gouging, that put us on a track of alternative fuel and also protected the environment at the same time. We offered that.

That is the reason why the board, the voting board was open for 90 minutes, because it did something. Now, it did not do what the special interests wanted us to do. And you know many of them, I see them. It is not personal; it is just business. I see them. Hey, how are you doing? I am fine. Are you okay? I am doing just fine. Nice day out today. Okay.

But the bottom line is when it comes down to my constituents and it comes down to Exxon-Mobil coming out today saying, hey, guess what, wow, 75 percent up in profits, give me a high-five. What is unfortunate, I think some of the folks in this Congress are actually giving these special interest groups a high-five, and it is unfortunate because it is on the backs of Americans.

We are running around here paying more for gas than we have ever paid before, and there are record profits for the industry. I think there is something wrong there, and I think it is something that is clear as day. And guess what? It is happening under the lights. It is happening in front of the cameras. It is on the front page of the paper in print for historical preservation to the next election.

And what is unfortunate is that we could stand by and allow this to happen and say nothing and say, you know, the American people will respond in an appropriate way of making sure that we have the kind of leadership that is willing to lead. We are trying to lead. Guess what? We cannot prevail, because they are in the majority, and they have the majority of the Members in this House.

If given the opportunity, Americans will see a different kind of policy that is for the people and not for the special interests, not only in that case. You go back to no longer making mistakes in the Federal and State and local response after natural disaster/terrorist attacks.

Not only that, looking at House Resolution 3838, dealing with the issue on contractor fraud, why do we have to read it in the paper? Why do we have to watch television to see that we have not provided the kind of oversight so that contractors do not have cost overruns up to millions of dollars, in some cases billions?

Then we turn around, you want to talk about rewarding a culture of corruptión and cronyism? Over in Iraq we have contractors that are under investigation by our government, and the very same Departments of Defense and Homeland Security investigating them. Katrina goes down, hey, guess what? Come on over here. We have a multimillion-dollar no-bid contract for you. Sign right here. We ask no questions. There is no ceiling. There is very little oversight. And we will get around to that thing of oversight. But we are in an emergency so we know that you messed up before.

It is almost like someone going in a convenience store, taking out a gun, taking a couple of hundred dollars out of the cash register, unfortunately it is in the millions as it relates to the Federal taxpayer dollar, they run out of the store, the police catch them, they say, well, you know, not only do you not have to give me the money, but you do not even have to turn over your gun. Go back out there and rob another store. That is what is happening right now.

Mr. RYAN of Ohio. Well, let us look. My friend brings up Iraq, which is a perfect example. We just talked about corporate welfare to the oil companies; corporate welfare to pharmaceutical companies; tax cuts that go primarily to those people who make over a million dollars a year. And this President does not have the guts, and the Republican Congress, they do not have the guts to ask the wealthiest people in the country to contribute. Two wars and major natural disasters, poverty is increasing, the tuition cost has doubled over the last 4 or 5 years, and this Republican Congress, they do not have the guts to go ask the billionaires in the country to contribute.

But we are going to give them public tax dollars to support their corporations. But there is more welfare going on. Iraq has become a United States welfare state. Look what is going on here. 110 primary care centers built in Iraq with American tax dollars. Okay. 2,000 health educators trained with the American tax dollar.

3.2 million children vaccinated in Iraq with the American tax dollar. Great. Super. We went in there, we broke Iraq, we buy it. That is our responsibility. But back at the ranch, $10 billion-plus, as I have talked to a few of our friends on the Committee on Energy and Commerce, $10 billion-plus cuts in Medicaid for American kids. American citizens. $252 million cut for health care professionals; $94 million cut for community health centers in the United States of America.

Student loans. We are building 2,700 schools that have been rehabbed in Iraq; 36,000 teachers and administrators trained in Iraq. We are cutting student loans in the United States. Iraq is a welfare state. So if you are sitting on the couch listening to the 30-something Group right now, and these are all third-party validators, this is not us making this stuff up.

Cal Thomas, the conservative Republican columnist, agrees with us. You see a Republican-controlled government, one-party government spending your tax dollars, giving your tax dollars to the oil companies, to the pharmaceutical companies, to the billionaires in the world, and/or in the United States, and creating a welfare state in Iraq while you are cutting health care in education and research and development. Even the Centers for Disease Control, our conservative friends on the other side want to cut the Centers for Disease Control at a time when we have this bird flu epidemic waiting in the wings.

We can do a better job. The Democratic Party has proposals. We want to create a million new engineers and scientists in the next 10 years. We want to build magnetic levitation trains in the United States and connect the United States of America. We want to invest in the research and development and create alternative energy sources so we no longer have to worry about being dependent on foreign oil.

And that is part of the magnetic lev trains. We want arts and sports in all of our schools for all of our kids because we recognize in the 21st century that learning a musical instrument helps you with math. And when you are good at math, you become an engineer or a scientist, and you will go out and generate wealth. We make good investments. The Democratic Party makes good investments.

We balanced the budget in 1993 with not one Republican vote. And President Clinton made a lot of tough decisions, and the Democratic Congress made a lot of tough decisions. And, quite frankly, some Members lost their seat over it. But it led to the greatest economic expansion in the history of this country. And I do not think there is an American out there that would not say, boy, I would love to go back to the late 1990s. Boy would that not be great. Portfolio was up. Everything was up that should have been up. Everything was down that should have been down.

But meanwhile, our Republican friends keep this culture of corporate welfare and corruption and keep propping up the Republican Party, instead of propping up the United States of America, and being more concerned about shaking down the lobbyists on K Street, instead of propping up the United States.

The Democrats want to take this country in a new direction. We want to provide new leadership. We want to change the direction of the country, and we want to get rid of this culture of corruption and cronyism, and we want to prop up the country, not any one political party, and use the government to enhance opportunity for people in the United States of America.

Mr. MEEK of Florida. With that, there is nothing more that I can possibly say about where we stand, what we are trying to do in the minority right now, what we would like to do if we had the majority. So with that, sir, will you give the closing.

Mr. RYAN of Ohio. Our Web site is www.housedemocrats.gov/katrina. Become a citizen cosponsor to the independent commission so we can reform government the way it needs to be done.

And 30-somethingdems@mail.house.gov. We have been getting a ton of e-mails lately and a lot of support, over 40,000 citizen cosponsors for the independent commission for Katrina.

Help us change this government. Help us help the Democratic Party take this country in a new direction, a better direction, and help us get rid of this Republican-controlled government that does nothing but corporate welfare and create a welfare state in Iraq at the expense of the American worker and the American taxpayer.

Mr. MEEK of Florida. With that, Mr. Speaker, we would like to thank the Democratic leadership for allowing us to come here in the first Democratic hour. And like I say, it was an honor to address the House.

FISCAL RESPONSIBILITY AND THE REPUBLICAN PARTY

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BLACKBURN. Mr. Speaker, I appreciate the opportunity to come before the body and also to talk with the American people a little bit this evening about what we as a House majority are doing.

You know, I have been sitting here for the last few minutes listening to my colleagues talk about their plan and talk about what they were doing. And one of my colleagues was talking about we want this, we want that. I was beginning to think I was listening to one of my children name the Christmas list, got the we-wants.

And I will remind the American people that the we-wants are going to take a lot of your money. And I did not hear one single word mentioned about fiscal responsibility and spending less.

And I would encourage my colleagues to come and work with us, really to work with us on this issue, because we would appreciate having them choose to propose some spending cuts. They have been going through this process of trying to come up with a slogan for 2006.

And it has been interesting to watch them talk about this slogan. I think they are going with something like We Can Do Better, Together We Can Do Better, or something of that nature.

There again, we are not hearing anything about controlling spending and reining in government. I did a cable news show last week with a Member of the Democratic Party. He said, well, you know, they had not been invited to join in working on submitting spending reductions.

Mr. Speaker, if they are waiting for an invitation, I hope they consider this the invitation. It is in that spirit that I wanted to come down to the floor tonight and talk a little bit about the Republican security agenda and invite the Democrats to join us, because we are living in uncertain times. We are facing significant challenges, and the Republican majority has a clear plan on how we move forward on this.

We are focused on our national security, our economic security, our moral security, our retirement security. And we are going to talk a lot. We have been working already, the 108th, 109th Congress, and putting quite a bit of time and energy into continued tax relief, lowering energy costs, working toward affordable health care, and talking about preserving access to health care for all Americans.

You know, I am just going to have to correct one of things that one of my colleagues said. They were talking about Medicaid spending and how we were going to cut Medicaid spending. And I was kind of scratching my head. We have been sitting in the Committee on Energy and Commerce since 3 o'clock on Tuesday afternoon now working on many of these issues.

And all we are talking about doing is slowing the rate of growth of Medicaid from 7.3 percent a year to 7 percent a year.

□ 1815

I think a lot of my constituents in Tennessee have, they have kind of wised up to a lot of this Washington talk, and they know that any time you talk about reining in growth, any time you talk about bureaucrats and having to learn to live with less so that families in houses in communities can keep their money, that you are going to hear talk of a cut. You are going to hear talk of a cut. My people know and understand that.

They also were saying a little bit about energy over there. I have got to make a comment there, too, and they were talking about how glorious the '90s were. We probably would not be talking so much about energy right now if President Clinton had not vetoed drilling in ANWR in 1995. He had the opportunity to do something bold and visionary, and he chose not to. Democrats chose not to. And I think we need to remember that as we talk about energy costs.

When we talk about economic policies and the economic expansion, I think that my young colleague over there might do well to realize Ronald Reagan and his economic policies led to that economic expansion, and we fondly remember that President.

As I said, we are talking about the security agenda. We are focused tonight on the economic security agenda and some of the things that we have been able to accomplish. As I said, spending reductions, we are working on across-the-board cuts, tax relief and tax reform, it has been a big, big part of that. The death tax repeal, marriage penalty relief, reducing marginal rates, all of those things; the child tax credit, marriage penalty relief, our colleagues want to talk all of the time and just say, oh, corporations are not paying their fair share. We need to tax corporations more. And that is all Republicans talk about in tax reform and tax relief. And they are just so wrong.

They are just so wrong on that because thousands of families in my district appreciate having sales tax deductibility. They appreciate having the child tax credit. They appreciate having marriage penalty relief. And so many who have, they are trying to save family farms and small business that they have started, they want to make the death tax repeal permanent.

We are going to continue talking about these as we move forward, and we are going to be continuing to work on these spending issues, because when government is taxing too much and spending too much, you stifle economic activity, and that does affect economic security of this Nation. Republicans are not willing to let government stifle economic activities.

Jobs growth and jobs creation is something that needs to be happening. We have seen 3 million new jobs created. That has happened because of the correct economic steps. It has happened because of a push to reform government. We have 98 programs that are targeted for potential elimination, a good first step there.

Our leadership is to be commended by taking these steps, and this is going to yield $4.3 billion in savings, the budget that we passed. And I will remind my colleagues across the aisle did not get a single Democratic vote on this budget. It reduced $35 billion in savings; $35 billion dollars in that fiscal year 2006 budget, and now we are working to expand that. Not a single Democrat wanted to vote for that, but they wanted to spend more. And when they spend more, that is more money coming out of our taxpayers' pockets.

And, Mr. Speaker, our majority believes that we can do better, and I would certainly hope that our colleagues across the aisle will start to work with us on these spending reductions. We have got a great group of Members who are sick of having the liberals in this body tell us that there is no room to cut, and not a single Democrat has agreed to support even a 1 percent reduction. And they do not believe there is 1 percent of waste, fraud and abuse in government.

In fact, they have opposed our effort to get to that $35 billion in savings. And I think that the people in my district know that you can find 1 percent of waste, fraud and abuse; and they are encouraging us to move forward and go maybe even more, find even greater savings.

I have said many times that I think that government needs to be streamlined, and that it could stop behaving and spending like the overgrown, unproductive behemoth that it has become over 40 years of Democrat control with growing program after program after program, and it could start functioning a lot more like some of our Tennessee companies, maybe FedEx or Comdata or the Tractor Supply Company or any of the hundreds and thousands of small businesses and small business manufacturers that are located across our wonderful Seventh Congressional District.

We have got agencies that spend without results and then do not want to tell us how they spend. We have got program after program that was created during the Great Society, and those programs put very little stock in achieving results. The Republicans in this House are working to reshape that, and we are going to continue putting our focus on spending reduction, reducing a little bit more and a little bit more every single year. And we hope that our Democrat colleagues across the aisle are going to join us and assist us with this.

I am pleased to note also, Mr. Speaker, I will have to note this even though the Democrats do not want to join us with across-the-board spending and reducing even 1 percent out of spending, I am pleased to note that today the President expressed support for taking a look at across-the-board cuts.

I was joined by two of my colleagues, the gentleman from Virginia (Mr. CANTOR) and the gentleman from Texas (Mr. HENSARLING), in filing three bills, a 1 percent, a 2 percent, and a 5 percent across-the-board cuts. And also I will have to note that in our work to reduce what the Federal Government spends, Citizens Against Government Waste has sent a letter encouraging Members of Congress to support our across-the-board cuts because they know that as we work toward fiscal responsibility, as we work to achieve and continue economic security in this Nation, a big important part of this is looking at what the Federal Government spends.

Mr. Speaker, I am joined by some of my colleagues tonight. And at this time I would like to recognize one of our colleagues from Texas who is our vice chairman of the Republican Study Committee and has been a leader in looking at the fiscal responsibility of this body and of the Federal Government. The gentleman from Texas (Mr. HENSARLING) has taken a lead on this. He helped with our freshman class as waste, fraud and abuse became our class project. He came forward and helped found the Washington Waste Watchers so that we could begin to get inside these programs to target and look at specifically what was going on in these Federal programs, where the Federal Government spends its money, how it achieves its results.

The gentleman from Texas (Mr. HENSARLING) has worked on this issue for 3 years. And at this time I would like to yield to him for his comment about spending control and budget control and operations offset, having the Federal Government be accountable to the constituents.

Mr. HENSARLING. Mr. Speaker, well, I certainly thank the gentlewoman for yielding, and I certainly appreciate her leadership in this body and truly being one of the great leaders in trying to reform government, bring about accountability, and to help protect the family budget from the Federal budget.

Obviously, many good points were made about fiscal responsibility and the fact that somehow the Democrats, those on the other side of the aisle that we tried to work with, tell us there is no room for reform in the Federal budget, no room whatsoever; that somehow we have to spend even more and more money. Mr. Speaker, it begs the question how much is enough?

Mrs. BLACKBURN. Mr. Speaker, if the gentleman will yield, I mentioned that we were working on finding some appropriate levels of spending reduction in our Committee on Energy and Commerce, and I have been called back to this committee.

So at this point I am going to briefly yield the time to the Chair, who will yield it to the gentleman from Texas (Mr. HENSARLING) to control our hour of time.

FISCAL RESPONSIBILITY

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy, the balance of the majority leader's hour is reallocated to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, again it is obvious that those on the other side of the aisle, the Democrats that we are trying to work with, somehow believe that we do not have enough government, that somehow there is no room for reform in the Federal budget.

Again, this chart shows that beginning in 1990 up to the present, that Washington is now spending over $22,000 per household. This is for only the fourth time in the entire history of the United States of America that the Federal Government has spent this much money. It is the first time since World War II, yet the Democrats say there is no room for reform in the Federal budget; that instead we need to increase taxes on hard-working American families, or, even worse, that we somehow have to pass on more debt to our children.

Mr. Speaker, we can do better. And, Mr. Speaker, this simply amplifies the point, when you think about families, and I think about them in my district back in Dallas and in east Texas, who work hard for a living, some small businesspeople who have gone out to risk capital and start a new business and maybe employ three or four people, look at what has happened in the last 10 years.

You see the family budget, median family income for a family of four has risen from roughly $45,000 to $62,000. That is this line here, Mr. Speaker. But look at the same time what has happened to the Federal budget? We have gone from about $1.6 trillion in 10 years to almost $2.5 trillion.

In other words, the Federal budget is growing at least a third faster than the family budget in just the last 10 years. And yet our colleagues on the other side of the aisle, the Democrats, say, no, there is no place for reform. There is just no place for reform in the Federal budget, that somehow it is going to have to come out of the family budget instead.

But we reject this, Mr. Speaker, and I guess because it is getting close to Halloween, all of the sudden people are thinking about what costumes are they going to go wear for Halloween. I have got a 3½-year-old daughter who has decided to be Snow White. My 2-year-old son is going to become Superman. And now I have noticed that the Democrats want to don a mask called "fiscal responsibility." The American people are not going to buy into that costume, because their plans are simply to spend more and more money because they do not believe in reform.

Every time that we have passed a budget in the last 10 years, Mr. Speaker, they have gone back and offered an alternative budget that spends even more, yet they call that fiscal responsibility? Let us just look in the past several years; for example, let us look at the budget for fiscal year 2004. On June 25 they offered an amendment to add a half a billion dollars to the Interior bill. On the same day they offered an amendment to add $8 billion to our Labor-HHS appropriations bill; on July 16 an amendment for almost half a billion dollars to the Commerce bill.

Let us look at what happened last year. Well, on June 9, an amendment to increase subcommittee allocations by $14 billion; on June 23, an amendment to increase subsidies to businesses by $79 billion; and now for our physical fiscal 2006 appropriations process, an amendment to increase foreign aid by almost a half a billion dollars.

Mr. Speaker, I think the American people are seeing a pattern here. It is a pattern of increased spending.

□ 1830

Again, as all this spending is done, sooner or later, somebody has to pay the piper.

Mr. Speaker, right now, as the Democrats have tried to fight every reform that we have brought forth, we know what is happening to our budget. We know that it is spiraling out of control, growing at a huge multiple over the family budget that one day is going to cause a day of reckoning.

This chart, for example, shows what is going to happen over the next generation when we look at Medicare growing at 9 percent a year, Medicaid at 7.8 percent a year, when we look at Social Security growing 5.5 percent a year. We know when the economy grows at a pretty good pace, that might be 3.5 percent.

Look at this chart here. Right now, the amount of money that we are spending, roughly 20 percent of the economy on government, in just one generation, if we do not engage in this process of reform, using the Washington term "reconciliation," which is a process we started today, if we do not engage in this reform process, this is the future that the Democrat Party wants to provide us. That is a doubling of the size of government in one generation, and that is if they do not come up with anything new. That is just on the programs that we have today, Mr. Speaker. I believe that is simply going to be unconscionable.

Now, again, the Democrats tell us that there is simply no place that we can reform and that somehow reforms lead to massive budget cuts for the poor. Well, we think there is another way that we can help poor people in America, and we believe it has a lot more to do with a paycheck than a welfare check. We want to ensure that the social safety net is there; but, Mr. Speaker, there is something better, and that is a paycheck.

Under the economic policies of this administration and this Republican Congress, all of the sudden we have created now 4 million new jobs. Four million new jobs have been created. People have hope. They have opportunity. They can put food on the table. They can put a roof over their head, and that had everything to do with the policies of this administration and this Republican Congress.

So in many respects, Mr. Speaker, it is not a debate about how much money we are going to spend on housing, how much money we are going to spend on education and on nutrition; but it is a debate about who is going to do the spending.

The Democrat Party can only measure compassion in the number of welfare checks. We measure compassion in the number of paychecks. We are helping empower the American people to have their nutritional program, to have their educational program, to have their housing program.

Mr. Speaker, I am very honored that we have been joined by a couple of other colleagues here tonight who I know have a great insight into our programs for fiscal responsibility, into our programs to try to bring some accountability to the Federal Government, to engage in reforms that could help the American people and actually deliver better health care at a cheaper cost, better housing at a cheaper cost.

One of these Members that we have been joined by, who is a great leader in the freshman class and who is no stranger here to the floor of the House, is the gentleman from Georgia (Mr. PRICE), my colleague; and I would be very happy to yield to the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for yielding, and I just want to say how honored I am to join you this evening for what is such a contrast to what is being offered on the other side of the aisle. The calm and reasoned and logical and thoughtful approach that you and others have taken I think is just so wonderful and heartwarming, frankly, to all Americans to know that there are individuals that are as thoughtful and logical in their approach to, truly, the challenges that we have.

Before I begin, I do want to make a comment about what has seemed to become a nightly ritual, which is a level of personal attacks from the other side that frankly does a disservice to the discussion and the debate, and it really is a shame to see.

We have really a once-proud party on the other side of the aisle that has degraded into what may be known as the ABC game, which is accuse and blame and criticize, really with no positive outlook and no positive proposals for the future.

When they do offer alternatives, as my colleague from Texas just mentioned, what their alternatives do is significantly increase the tax burden on Americans, significantly increase the size of government and the scope of government; and as was mentioned, they have offered some significant increases just of late. So I would like to share with the Members, Mr. Speaker, a couple of graphics that will demonstrate that.

This demonstrates if the other side had their way, just so far this year in their proposals, for the next 5 years the amendments that they have offered would have added an increase in the amount of spending of over $67 billion. This is actually out of date a little bit because we have not got another bit to share with the Members something that happened today in committee, but $67 billion of increased spending.

What about the increase in taxes that they have proposed? As was mentioned, the only alternatives that they truly put on the table are an increase in the amount of spending and an increase in taxes, which certainly increases the size and scope of government. The amount of increased tax revenue that they have recommended to date, $392 billion. Even in Washington, that is a lot of money, and many of these taxes obviously come out of small business and other business, which means jobs.

I think it is important that people recognize and remember what happens daily here and what has happened during this session alone.

We had a really very lean budget that was adopted by Congress, without a single vote, without a single Member of the other side, the Democrat Party, voting in favor of that budget. In fact, they were instructed by their leadership not to support it, and one of the members of their leadership bragged, I guess in essence, quote, they will not get a single vote on this budget. Now that is the kind of leadership that they are offering.

The level of change that we have to fight for here, although it is significant because it is moving in the correct direction, is really not huge, and there is a great graph that I have. This graph I think says so much. Pictures really can say so much more than just words.

This is the proposal for Medicaid changes that we have recommended, the savings in Medicaid, frankly, that increase and empower individuals; but you see the blue line here is without reform. The reform measures that we adopted and recommended you see are the red line. That is the difference over a 5-year period. That is what their screaming is all about. That is the hyperbole that they refer to when they talk about the kind of reform that we offer.

Today, in the Committee on Education and the Workforce, we were struggling with how to provide appropriate moneys to allow the 300,000 students who have been displaced by hurricanes Katrina and Rita the opportunity to go to school wherever they may now find themselves. The proposal that we put on the table had about 7 to $9,000 per student, which is relatively consistent with the kinds of moneys being spent around the Nation. The Democrat proposal that they put on the table in our committee, and it was defeated, but the Democrat proposal was to spend over $26,000 per student, adding literally billions to the cost of government. I do not know anybody that believes that that is a reasonable amount to spend on something that is as needed; but certainly, we do not need to increase the size and scope of government to do so.

The record of fiscal responsibility of the Republican Caucus and this Republican government really is very, very strong. What that fiscal responsibility has done is cut the budget significantly.

This year alone, the fiscal year 2005, which is already done, this is not projection, this is already done, cut the budget by nearly $100 billion, cut the deficit by nearly $100 billion, from $412 billion to $319 billion. So it is a remarkable demonstration of the resolve that we have.

When we have the challenges that we have had with the hurricanes and the like, I think it is important for people to appreciate that the Republicans always return to principle. Always, and first and foremost in the area of government spending for our side, as a principle, is that the taxes that Washington collects are not government money. They are the people's money. So we need to be absolutely as responsible as we can be with that.

As I mentioned, we decreased in 2005 the deficit by nearly $100 billion. What other results are there that we can point to that demonstrate that fiscal responsibility? Nondefense, nonhomeland domestic discretionary spending this year in the House is on track to be below last year's level, and that is for the first time since the Reagan administration. That is true fiscal responsibility.

House Republicans have passed legislation trying to find 35, and hopefully 50, billion dollars in savings in the mandatory programs. This is the first time since 1997. House Republicans have recommended zeroing out the budget, the funding, for 98 Federal programs that are wasteful, that duplicate services, and that are out of date. Anybody in America, if they were to look at the kinds of programs that are offered, I am certain would agree that there are government programs that are certainly wasteful, that there are government programs that offer the same thing that another program does, and many, many programs are out of date.

We have identified 98 of those Federal programs, and we are trying to make it so that we zero the funding for that so those programs are no longer on the books and no longer have that government waste. These savings themselves would save about $4.3 billion.

For the first time since 1994, Congress has temporarily funded the government at the lowest level that is possible by law as we complete our work on the budget process; and last year we held the growth in nonsecurity discretionary spending to 1.4 percent, less than inflation.

So that is true, I believe, fiscal responsibility; and the record is clear. The record shows that the party of fiscal discipline is the Republican Party.

You say, well, what kind of results are we seeing in the economy with those kinds of policies? The gentleman from Texas alluded to many of the positive items that we are seeing in the economy.

Real GDP grew by 3.8 percent in the first quarter of this year, but what we are seeing is the strongest growth performance and one of the strongest growth performances in the past 20 years.

Payroll employment, that was mentioned, is up by nearly 3.7 million jobs in the past months. That is 3.7 million people that have employment that did not have it before.

The unemployment rate is down to 4.9 or 5.1, depending on the month, over the last quarter. We used to learn in economics that an unemployment rate of between 5 and 6 percent was full employment because you have got folks that are either moving or they are changing jobs or the like, make it so that 5 percent unemployment is essentially full employment. That 5 percent is less than the average for the decade of the 1970s, the 1980s, and the 1990s. Again, fiscal responsibility and true results from that kind of responsibility.

Manufacturing industrial production is up 3.4 percent over the past year and by 9.5 percent in the last 2 years.

Real business equipment investment has increased by 13.5 percent at an annualized rate over the past 2 years. That is the best sustained growth in over 6 years, truly a remarkable performance, and the economy is the beneficiary of the programs that have been put in place by this Republican Congress and this Republican administration.

□ 1845

One of the things that I think is so incredibly important, when we look at how does it get down to the community and down to those people on the street, what we are seeing in terms of personal homeownership, it is at an all-time record rate, 70 percent or thereabouts. That record rate stretches across all demographic categories of our society. So the results of this fiscal responsibility are very clear.

The results of the policies that have been put in place by this Republican Party, this Republican Congress, and this Republican administration have demonstrated clearly there is greater success for greater numbers of people.

So I am proud to stand before my colleagues tonight and to participate in this discussion of what is truly fiscal responsibility in a thoughtful and a reasoned and calm manner, and I commend the gentleman from Texas for organizing this hour. I look forward to being back to talk about these issues and more.

Mr. HENSARLING. Mr. Speaker, I appreciate the gentleman's leadership and sharing his insights with us. I would like to try to amplify a couple of his points.

Again, there is a big debate and all of a sudden the Democrats are claiming to be the party of fiscal responsibility. They are claiming something that they have claimed for 50 years, that somehow the Republicans when we try to reform government, that we are engaging in massive budget cuts that will hurt the poor.

Mr. Speaker, we are engaged in this process in Washington known as reconciliation, which is really a Washington term that means that we go back to our committees and say find a way to do it better. Let us be more accountable. Let us be more respectful of the family budget and figure out a way to do things better in the Federal budget. So we have something that is known as mandatory spending, which includes a lot of the welfare programs.

Mr. Speaker, as we attempt to reform a number of these programs, as we attempt to get better health care and better housing at a lower cost, look at what we are trying to do. In the next 5 years, if we are successful in this plan, and so far our colleagues on the other side of the aisle, the Democrats, have said that none of them are going to help us, at the end of the day what we call mandatory spending is going to grow at 6.3 percent a year instead of 6.4 percent a year. That is the massive budget cut?

First, there is no cut. Only a liberal Democrat or an accountant for Enron would call 6.3 percent increase in the growth of mandatory spending a cut. All we are trying to do is reform programs, make them more accountable to the American people, and slow the rate of growth. People are entitled to their own opinions, but they should not be entitled to their own facts. Even after we do this, we will end up spending more of the people's money next year than we did last year.

When you think about the charges that our colleagues on the other side of the aisle are lodging, we should also remember that these were the very same people who said that welfare reform would be horrible, that it would be the end of the world as we know it. We had such quotes like from the Democrat leader in the House at the time that a million children would be forced into poverty. One of the Democrat leaders in the Senate said that if we have welfare reform, we will have trauma that we have not known since the cholera epidemics, and the rhetoric went on and on and on.

Mr. Speaker, what happened? I can tell Members what happened. Case loads fell in half and millions and millions and millions found jobs, hope, and opportunity. The poorest 20 percent of single-mother families had a 67 percent increase in their earnings once we had welfare reform. Millions were able to leave the rolls. Child poverty fell when we reformed the welfare programs, and 1.4 million children have been lifted out of poverty due to welfare reform.

So we kind of have to check the source. Reforms can work, and they must work for the American people. There are so many different ways that we can improve health care and housing and do it in a way that saves American families money. Right now we could save $1.5 million a year in Medicaid if we just based drug payments on actual acquisition costs. We could save 2 to 3 billion a year if we would stop improper payments for States that do not qualify for the payments.

Mr. Speaker, if we would pass a simple, meaningful medical liability reform bill, we could save 5 to 10 percent on the cost of health care in America.

In 2003, the Federal Government can now not account for $24 billion that was spent, and yet the Democrats say we cannot reform government.

The Department of Housing and Urban Development in 2001 in the last year of the Clinton administration spent $3.3 billion paying out money to people who did not qualify for the program. That was 10 percent of their entire budget, yet the Democrats tell us there is no room for reform in the Federal budget.

The Advance Technology Program spends $150 million annually subsidizing private businesses, 40 percent of which goes to Fortune 500 companies. Yet the Democrats tell us there is no room for reform in the Federal budget.

There was a time quite recently when Medicare would spend five times as much on a wheelchair as the Veterans Administration. Same model and manufacturer. Why? Because one would competitively bid and the other would not, and so they just wasted that money. Yet the Democrats would tell us that somehow we are hurting Medicare recipients when we cease to pay five times as much for a wheelchair as we should have. Fortunately, we have caught that one, and we have remedied that; but we have 10,000 Federal programs spread across 600 agencies. There is so much room for reform.

When families are working hard to make ends meet, we need to be leaders in finding reforms in the Federal budget. I am very happy that tonight we are joined by one of the great deficit hawks and fiscal hawks that we have in the United States Congress, a real leader in helping root out a lot of the duplication and waste and fraud, a lot of the abuse that we find in the Federal budget.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I want to salute the gentleman from Texas (Mr. HENSARLING), the gentleman from Georgia (Mr. PRICE), and the gentlewoman from Tennessee (Mrs. BLACKBURN) for their being here tonight and focusing on the need to reduce spending.

I have heard from a number of citizens as we are discussing our budgetary situation facing this Congress, this Nation, and our country. Many have said, please, the problem is not taxes too low; the problem is spending too high.

The gentleman from Texas (Mr. HENSARLING) is vice chairman of the Republican Study Committee. The Chair is the gentleman from Indiana (Mr. PENCE). These gentlemen and others, the men and women that make up the RSC, were leaders in focusing on Operation Offset. Our Nation has faced expenditures this year that 6 months ago, 8 months ago were not expected. I believe that their focus on Operation Offset is a correct approach.

The first thing we need to do in looking at the aftermath of hurricanes Katrina, Rita, and Wilma and the other hurricanes that have hit the United States this year is do not spend unnecessarily in dealing with these tragedies.

After that, we need to focus on savings in any way we can to deal with those problems and to manage our fiscal affairs as best as possible.

One area that I think needs to be trimmed is foreign aid. Foreign aid for the last 3 fiscal years has hovered around $20 billion. In fiscal year 2005, it was between 19 and $20 billion. But that does not include the hundreds of millions that were in the supplementals that were passed in fiscal year 2005. We can look at across-the-board cuts in that area of appropriations and I think have very little negative impact on American citizens.

Another area that we need to focus on is stopping illegal immigration. This costs the United States taxpayers billions of dollars every year. Now, I have seen wide estimates on how much the cost is to the Federal Treasury each year because of illegal immigration. The Center for Immigration Studies has estimated $10 billion. The Federation of Americans for Immigration Reform estimates $45 billion. A few months ago, I heard Bill O'Reilly on Fox News state that the figure was $68 billion. There may be disagreement as to the exact figure, but there can be no disagreement that the cost is billions upon billions of dollars to the American taxpayer.

This Congress and the Republican conference have been very supportive of community health centers. They have gotten significant increases in their budgets each of the last several fiscal years. But they have a situation that confronts many other health care providers. When persons come in the door, they have to treat those persons. I believe that some of the governments of those countries south of us have steered their citizens to those entities and to our hospitals, and they know the ropes. Emergency care cannot be denied anyone, whether they are legally or illegally in the United States, particularly emergency room service. A person has to be served.

One way we can stop the influx of those who are not supposed to be in this country to our health centers, to our emergency rooms, to other health care providers is to stop them before they get here. I and others are working on legislation. Some would focus on a fence. I have a bill that would provide for a fence along the southern boundary. Other have suggested much tighter border enforcement, increased border patrol, while others say we need greater enforcement in the interior. We need to have the local sheriff and local chief of police, municipal officers, all have the authority to deal with this situation and have a partner with immigration services if they are detained or held at the local level, that they would be assured of cooperation and removal from the locality back to their home countries.

We also have an impact on social services, and that is billions of dollars. So one area where we could save a lot of money would be to simply enforce our laws against illegal immigration, stop it at the border and in the interior, remove those that are not here legally with a proper visa or proper green card or other proper work permit.

Another area of concern to me is the overuse of government credit cards. Another member of the RSC has proposed the Government Credit Card Sunshine Act. Following Hurricane Katrina, we had to raise the limit on credit card maximums. Now, I understand the need for our FEMA officials to have the use of credit cards, but in the Federal Government I believe we have overused credit cards. I know in my office, I do not use credit cards. Our congressional office is certainly not like FEMA, it is not like law enforcement, and it is not like the DEA. I know you have to have them in some situations, but I support the Government Credit Card Sunshine Act, which would require the posting, except in classified situations and certain law enforcement situations, of expenditures by government credit cards within 15 business days after the expenditure goes through.

□ 1900

A check of some of the credit card abuses involve payment for Ozzie Osborne concert tickets, tattoos, gambling, cruises, exotic dance clubs, car payments, and the like. This is an example of waste in the Federal Government that needs to be stopped, and I think this act would go a long way to stop that.

This evening I have covered areas where we can focus on that will reduce the amount of Federal expenditures. But I want to close by emphasizing something that the gentleman from Texas (Mr. HENSARLING), the gentleman from Georgia (Mr. PRICE), and the gentlewoman from Tennessee (Mrs. BLACKBURN) emphasized. We are focusing on the savings by curtailing the rate of growth. We are not even saying there shall be no growth. We are saying we just do not want the rate of growth to continue at such a rapid and accelerated pace. By curtailing the rate of growth, we can do a tremendous benefit for all of the taxpayers of the United States of America.

Mr. HENSARLING. Madam Speaker, reclaiming my time, I thank the gentleman for his comments, and I certainly thank him for his leadership.

Madam Speaker, we have now heard just example after example of waste that is in the Federal budget, fraud that is in the Federal budget, not to mention the duplication which is in the Federal budget.

We need to remember, Madam Speaker, that when it comes to paying for government, there are really only three different places where we can find money as we go forward and try to balance this budget.

Number one, we are either going to increase taxes on the American people, or we are going to continue to pass even more debt on to our children because we care more about the next election as opposed to the next generation, or we will engage in this process that we are engaged in today to find reforms in the government. And we have heard example after example after example.

Madam Speaker, I now would like to talk about really the tax side of the equation, because so many of our friends and colleagues from the other side of the aisle say the root cause of all of America's fiscal problems lie in tax relief, that tax relief somehow has caused and fueled all these deficits. We hear it speaker after speaker after speaker.

Well, Madam Speaker, first let me say this: If tax relief is the source of all of our problems, as we can see by this chart, let us assume for a moment that tax relief does absolutely no good, that all we are doing is wasting money when we allow small businesses and the American family to keep more of their hard-earned money. Even if that was true, Madam Speaker, we can see by this chart here that out of the budget we have passed, tax relief is less than 1 percent. Less than 1 percent. So even if Members accept the fact that all we are doing is taking this tax relief money and throwing it away, 99 percent of our challenges in fiscal responsibility actually sit on the spending side.

And this, Madam Speaker, is a very important chart because, again, we will hear from our friends on the other side of the aisle speech after speech about how tax relief is driving the deficit. Well, since we passed tax relief under President Bush and a Republican Congress, Madam Speaker, look at what has happened. Tax revenue has gone from $1.7 trillion in 2003 to $1.8 trillion in 2004, to $2.1 trillion in 2005. And, Madam Speaker, if people do not want to believe me, they should go to the United States Treasury report. Look it up. Individual tax revenues are up 15 percent. Corporate tax revenues are up almost 50 percent.

How is this happening? How do we cut tax rates and somehow get more tax revenue? It is pretty obvious to me, Madam Speaker. For example, I look at people in my district back in Texas, east Texas. I went to visit an industry called Jacksonville Industries. It is aluminum and dye cast business in Jacksonville, Texas. They employ 20 people. Prior to having the tax relief, due to competitive pressures they were on the verge of having to lay off two people, which in their case, a small business, was 10 percent of their workforce. But because of tax relief, Madam Speaker, they were able to go out and buy a huge new machine, and I do not remember what it is called. I could not even tell the Members what it does. But it is big, it is noisy, and it made them more competitive. And instead of having to lay off two people, they hired three new people.

Think about it, Madam Speaker. Listening to our friends on the other side of the aisle, they would say, wait a second, that is five people who could have been on welfare, and that is five people who could have, those are five people who could have been on food stamps, those are five people who could have been on a government housing program, and that is how they measure compassion: How many government checks do we write?

But, Madam Speaker, under our program, under the tax relief, not only do we have more tax revenue, but guess what? We have created jobs. Four million jobs across America. Got a few more in Jacksonville, Texas, at Jacksonville Industries. So instead of having five people on unemployment, five people on welfare, we have five people who have good jobs. They are able to put a roof over their head. They are able to put food on their table for their children.

Madam Speaker, that is what compassion is. Compassion is not measured by the number of welfare checks we write. It is measured by the number of paychecks we create.

So I just cannot believe how we continually hear this argument that somehow tax relief is driving the deficit, and somehow tax relief is causing all of America's fiscal woes. Madam Speaker, it is simply not true.

But, Madam Speaker, what is true, again, even if all of the big spending plans of the Democrats, if we are able to fight them back, even with the programs that we have on the books today, unless we reform, unless they will work with us in this reconciliation process, again look at what is going to happen. In just one generation, government is going to grow from 20 percent of our economy to almost 40 percent of our economy, in just one generation. We are on the verge of being perhaps the first generation in America to leave our children a lower standard of living because we cannot work together and reform some of these out-of-control programs that are growing way beyond our ability to pay for them.

Now, our friends on the other side of the aisle want to rail against our tax relief, but what they will not own up to are their own tax increases. In order to pay for all of this government, all of this out-of-control, growing government, this is what is going to have to happen: And that is these are tax increases needed to fund all of our current projected spending without deficits. They say they want to balance the budget, but they refuse to reform any government program, notwithstanding all the waste and fraud and abuse and duplication that we have pointed out this evening. They just refuse to join with us in that process.

So what is the consequence of their unwillingness to help reform government? Taxes are going to go up, on a family of four in just one generation, $10,000. We are going to have to double taxes on the American people just to balance the budget in 30 years, and it is going to go up and up and up.

And, Madam Speaker, that is why it is so critical that we come together, Democrat, Republican, Independent. This is the future we are looking at. It is like the Dickens of "Christmas Carol." This is the ghost of Christmas yet to come. There is still time to do something about this. Again, there are so many ways that we can get better health care, better housing, better nutrition at a lower cost. But we are going to have to come together as a Congress, as the American people, and find smarter, better ways to run a number of these programs.

We cannot simply measure compassion by the number of government checks that are written. True compassion is empowering people. True compassion is creating new jobs so that the American people can fund their housing program, their nutritional program, their education program.

Madam Speaker, it is not a debate, again, about how much money we are going to spend on these worthy goals, but it is a debate about who is going to do the spending. Democrats clearly want the government and government bureaucrats to do the spending. We want American families to do the spending, and that is the difference. It is really two different visions about the future of America. One wants more government and less freedom. Our vision is one of less government and more freedom and greater opportunity throughout this land, Madam Speaker.

So I think it is going to be a very important debate that takes place in the weeks to come. But, again, in order to avoid the future of either passing debt on to our children or doubling taxes on the American people, there is only one alternative, and that is to come together and reform these out-of-control programs before we leave the next generation a lower standard of living than we enjoy. That is unconscionable, Madam Speaker, and there can be a better, better future for all of our children if we will work together and reform out-of-control spending.

THE POOR, THE MIDDLE CLASS, AND THE WEALTHY

The SPEAKER pro tempore (Miss McMORRIS). Under the Speaker's announced policy of January 4, 2005, the gentleman from Vermont (Mr. SANDERS) is recognized for 60 minutes.

Mr. SANDERS. Madam Speaker, let me begin by suggesting that as the only Independent in the House of Representatives, my view of things is a little bit different than my Republican friend; in fact, some of my Democrat colleagues.

When I look out in America today, what I see that is important are not just statistics, but what is going on in the real lives of real people, of what is going on in the middle class in America, the vast majority of our people, what is going on in our communities. And in a broad sense, when I look at America today, I see an economic reality which includes the shrinking of the middle class, the reality that ordinary people in my State of Vermont and all over this country are working longer hours for lower wages. I look out at a time when in family after family it is absolutely necessary for two breadwinners to be working in order to pay the bills and often at the end of the week have less disposable income than a one-income family had 30 years ago.

So I look out and I see that despite a huge increase in worker productivity, a huge explosion in technology, which makes us a much more productive society, that at the end of the day, despite all of that, the middle class is shrinking.

And when I look out in my State and I look throughout this country, I see another phenomenon, and that is that poverty is increasing; that in the last 5 years alone, since George W. Bush has been President, over 5 million more Americans have entered the ranks of the poor. And when I look at what is happening in America today with the middle class shrinking, with poverty increasing, I see another reality, a reality, in fact, that is not talked about terribly much on the floor of this House or, in fact, in the corporate-owned media, and that is that the wealthiest people in America today have never had it so good. Poverty increasing, the middle class shrinking, and people on the top doing phenomenally well.

□ 1915

That is the economic reality of America today.

Madam Speaker, since President Bush took office, the average annual household family income has declined by $2,500, approximately 4.8 percent. Furthermore, earnings also declined last year. This decrease in earnings was the largest 1-year decline in 14 years for men, but women also saw a decline in income. So what we are seeing in America, despite all of the rhetoric, all of the statistics being thrown around, is that people are not keeping up with inflation.

Madam Speaker, a recent income analysis by the IRS showed that in 2003, the last year that they studied, only those Americans in the top 1 percent saw an increase in their income above inflation; and amazingly enough, it was not just the top 1 percent that did well. It was the top one-tenth of 1 percent that really made the increased income. Meanwhile, while the top 1 percent in 2003 was the only group to earn more money above inflation, 99 percent of the American people were unable to earn enough income to keep up with inflation. In fact, the IRS data shows us that the wealthiest one-tenth of 1 percent earned more income than the bottom one-third of American taxpayers.

So what we are seeing in our country today is a decline of the middle class, an increase in poverty, and a growing gap between the rich and the poor. In fact, with the exception of Russia and Mexico, the United States today has the greatest gap between the rich and the poor of any major country on Earth, and that gap today is substantially wider than it was at any time since the 1920s in this country.

When we talk about the growing gap between the rich and the poor, when we talk about increase in wealth among the very wealthiest people in our country, it is rather incredible to understand that the richest 400 Americans, the wealthiest 400 Americans, are now worth $1.1 trillion. Madam Speaker, that incredible amount of money among 400 families equals the annual income of over 45 percent of the entire world's population, or 2.5 billion people. On the one hand, 400 families have more wealth than is the income of 2.5 billion people in this world.

In 2004, when we talk about the growing gap between the rich and the poor, what we see is that in 2004 the President of the United States said, yes, we have a serious problem here. What is the answer?

Well, the answer is that in 2004, American families making more than $1 million a year received tax cuts averaging $123,000 a year. So we have a situation where the gap between the rich and the poor is growing wider, where the wealth of the upper-income people, the wealthiest people in this country, is getting bigger: and this White House and Republican leadership responds by giving those particular people huge tax breaks.

Madam Speaker, when we talk about what is going on in America, it is important to recognize that in 1980, the average pay of the CEOs of the largest corporations in America was 41 times larger than that of what blue collar workers then earned. By 2004, the average pay of those CEOs increased to 431 times larger. So in 2004 we have a situation where the CEOs of the largest corporations in America are now earning over 400 times what blue collar workers in this country are earning.

Is that what America is supposed to be about? Are we supposed to be a country in which the wealthiest 1 percent own more wealth than the bottom 90 percent, where the richest 13,000 families earn more income than the bottom 20 million families, where the people on top are able to use their wealth to make enormous political contributions that shape policy that benefits them, that the wealthiest people are able to own the media which describes reality for ordinary people in a way that benefits them? Is that what America is supposed to be about? I think not.

Madam Speaker, I am delighted that I have been joined by a very good friend of mine, in my view one of the outstanding Members of the United States Congress, a leader, fighting for the middle class, fighting for our environment, the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Madam Speaker, I thank the gentleman for yielding and appreciate being here tonight to talk about this important topic.

It was interesting, I watched a little bit of the hour before with the gentleman from Texas and others, and they were prattling on about the reckless spending of the Democrats. What they forget is that the last time the budget was balanced, there was a Democrat sitting in the White House. The last time we began to tax the rich fairly, to bring about a balanced budget, there was a Democrat in the White House and the Democrats controlled Congress. Yet they talk about the reckless spending of the Democrats.

The debt when George Bush took office was about $18,000 per American, the tiniest baby, oldest senior citizen, $5.6 trillion. In 5 short years, he has run the debt up to over $8 trillion, almost $27,000 per person on the President's watch. Yet they prattled on about the Democrats' reckless spending.

But what they are really trying to cover up here is their favoritism for a very small percentage of society, and the gentleman from Vermont was just talking about it. This is IRS data. Under the Bush administration, the IRS being steadily politicized by this President, still, the data shows that one-tenth of 1 percent of the people in this country, those who earn over $1.3 million a year, got an average income increase last year of $130,000, a dream to most of my constituents, to earn $130,000, principally due to tax cuts.

Here is what we are doing: collecting from working people, only people who earn salaries and wages who earn less than $94,000 a year paying Social Security taxes. They are paying on every dollar they earn, up to $94,000. Social Security will have a $180 billion surplus this year. The Republicans and the Republican President are borrowing every penny of that $180 billion surplus that is supposed to go to fund future retirement benefits for those Americans. They are borrowing it and they are spending it and they are replacing it with IOUs.

In part, and this is the ironic thing, in part, as the gentleman knows, that is going to finance tax cuts for the wealthiest among us, people who do not pay Social Security taxes, or pay at a tiny fraction of the rate. A person who earns, let us say $940,000 a year, their Social Security tax rate is one-tenth of that of someone who earns $30,000 a year. And many of them, since this administration values wealth over work, many people do not pay any Social Security tax, because they just live off their investments. Yet this administration says they need relief from taxes.

When they talk about the working people, they are not talking about giving tax relief to working families or help to working families. They today, and for the last week, have been talking about cutting student loans by $15 billion, cutting Medicare for senior citizens, Medicaid for senior citizens and the poorest of Americans, cutting food security, cutting foster care from the Federal Government, cutting all those programs under the guise of newfound fiscal responsibility on the part of the Congress, which is spending us into bankruptcy. And what are they going to do with it? They are going to finance more tax cuts for the wealthy, because they think what America needs is more trickle-down economics: give the money to the wealthiest among us and they will spend it in ways that will put other Americans to work.

Well, what if they spend it overseas? What if they invest it overseas, as more and more companies flee overseas? That does not put any Americans to work. The guy who runs Delphi auto parts has an answer for that. People are just going to have to take a little pay cut. He says Americans who work in these industries who are earning now good family wages should work for $10 an hour. I do not know what Mr. CEO of Delphi earnings; I bet it is a little more. The average CEO earns in the first 12 hours of the year what working people under their tutelage and in their industries earn in 365 days of hard labor.

But this administration values wealth over work, trickle-down economics over investments in our future, in education, in our kids, in health care and infrastructure above all. They are hollowing out America, and we should get to trade policy a little later to talk about that, they are hollowing out America, looting the Treasury, and they are getting ready to hand our kids and our grandkids the bill, a bill that they will have to pay on $10 an hour in wages. Now, this is not all going to hold together.

Mr. SANDERS. Madam Speaker, I thank my friend for his comments. My friend mentioned the Delphi Corporation, which is in Michigan, I believe. I want to say a word about that. It is not in my district. Why is it important, what is happening there?

In general, and we will get to the whole trade issue, the whole globalization that has been pushed on this country by corporate America in order to make the wealthiest people and the large corporations richer while working people see a decline in their standard of living, we will get to that in a moment. But what this attack on the workers, unionized workers, UAW workers at the Delphi Corporation is about is something of huge national significance.

As the middle class declines, it is absolutely not uncommon, from Maine to California, that workers see some decline in their wages; workers are forced to pay more for their health care; workers are losing some or all of their pensions. That is going on all over this country as we move in a race to the bottom.

But what this Delphi Corporation business is about is something more. That is not a slow decline in our standard of living; that is a precipitous collapse in the standard of living of working people. What I fear very much is that what happened at Delphi, that particular concept can spread all over this country.

What happened at Delphi, which recently filed for bankruptcy, is that the workers there had solid, middle-class incomes. They were doing well. They could send their kids to college; they had decent homes. They were making $25 or $30 an hour, solid, middle-class income.

The company files for bankruptcy, and what the CEO there says is you are not going to make $25 an hour anymore; you are going to make $10. You are going to go from the middle class to poverty, like that.

Then a fellow named Jerry Jasinowski, who is the president of the Manufacturing Institute at the National Association of Manufacturers, which, by the way, has been one of the leading forces in this country in pushing unfettered free trade and unfettered globalization on America, they push it on America, and then in responding to the attack on the workers at Delphi, this is what he says:

"From airline pilots to auto assembly workers, employees need to help reduce their costs. We can't afford to live with the very generous benefits we provided 10–15 years ago."

What he is saying in English is, if you are a working person, what is happening to the Delphi employees could happen to you, should happen to you. The rich get richer.

Last year the CEOs of major corporations earned a 54 percent increase in their compensation. The gap between the rich and the poor is growing wider, and what these people at the National Association of Manufacturers say is, hey, working people all over this country, tighten your belt.

□ 1930

We are taking it away from you. You thought you were in the middle class. You thought you could provide an education to your kids, have decent health care, have some security. Forget it. We are in a race to the bottom, and there are workers in China who are making 30 cents an hour. How dare you think you could earn $50,000 or $60,000 a year? Not anymore.

I yield to the gentleman from Oregon.

Mr. DEFAZIO. Madam Speaker, the gentleman raises an excellent point. The other technique that Delphi and other major corporations are employing is they are also sticking it to the U.S. taxpayer, because Delphi also is going to walk away from its pension obligations.

Now, we have a pension insurance fund backed by the Federal Government called the PBGC. Under George Bush's watch, it has gone from having an $8 billion surplus to an estimated $200 billion deficit in 5 short years of George Bush's watch. That is the future obligations of pension plans they have assumed. United Airlines pension plan and now Delphi is going to try to dump theirs on them, and other airlines.

So these major U.S. corporations declare bankruptcy and dump the pension plans on the taxpayers. Workers see a major reduction in pension, because they will not give you your promised pension; depending upon your age and what you were promised, you might get 30, 40 percent of what your pension was going to be. Ultimately the taxpayers are going to pick up the bill for this little maneuver as they take this company through.

Now, there are no future claims. This company goes through bankruptcy, reemerges and is sold for a huge profit, but the Federal taxpayers have no recourse. They cannot reclaim any of that money.

I asked a fellow from the PBGC about this, about the airlines. I said, so, you have taken an equity position in United Airlines as part of this deal of assuming their pensions. Could you not have a claim against future profitability of the airline or against future stock value to make the taxpayers and the PBGC whole? And he got really puzzled for a moment and he looked and said, well, I guess we could do that. Never thought of doing that.

So this has become the new technique: dump the obligations, dump the health care plans, dump the pension plans, the health care plans of people who either fall into the cracks; or, if they are old enough, they can get into Medicare, which this administration is also driving toward bankruptcy. And I do not know if we will have a chance to get to that tonight, but that is another topic of extraordinary concern. And then they become, you know, recovery champions when they turn Delphi around and when the company becomes worth a whole heck of a lot more money, and some turnover specialists capitalize it to come out of bankruptcy and make a fortune on the company. That is the way it works now. That is not a long-term, sustainable plan for this country.

I think now, if we could, we might move a little bit into trade now. Tax policies are a huge portion of this. We already talked about that to some extent. The other thing that is driving down wages and benefits and the working standards, the living standards in this country, is trade. As the gentleman said, it is a race to the bottom. We are saying to the American workers, well, you have to live at the standard of a Chinese worker.

Well, I do not think that that is going to work real well in the system. I mean, we are a consumer-based society. Housing is pretty expensive, cars, fuel, all of these sorts of things. How are you going to live on 3 bucks an hour or a buck an hour, raise a family, have a home, have a place to live and do those sorts of things? It will not work. This model will not work.

But we are also losing our entire manufacturing base. The first automobiles manufactured in China are going to be reimported next January. So goodbye, auto industry, it is gone. And they were pretty honest about that. There was actually an article, 1 day before we voted on special trade status for China, on the front page of the Wall Street Journal which said, this is the end of the manufacturing in America. It is all going to China. And Boeing, of course, wants to go, too. Then we will not make anything anymore. We will try and borrow money to buy things we used to make, but at some point they will probably stop lending us the money, or they will start demanding something in return that we are not going to want to pay.

Mr. SANDERS. If I might, let me just pick up on that point, because you are absolutely right. Let us be clear about what has happened here in the last 20 years.

Corporate America woke up one day and they said, hmm, why do we have to pay American workers American wages, provide health insurance, negotiate on occasion with unions, obey environmental laws, pay taxes in the United States of America? Why do we have to do that when you have billions of people in China, desperately poor people in Latin America, in other countries, who will work for us for almost nothing? Now, just because we, who are the heads of major corporations that grew grapes here in the United States because of American workers, who became profitable giants because of American consumers, well, we do not have to respect that. We do not owe any allegiance, in fact, to the United States of America. In fact, they say, we are not American corporations. Oh, yes, we are American corporations when we come to D.C. in order to get billions of dollars in corporate welfare from the American taxpayers. Oh, yes, we speak English well, and we are American corporations on those days. But on every other day, if we can throw American workers out on the street, move to China, hire desperate people there at 30 cents an hour, who go to jail if they try to form an independent union, who are breathing air that is highly polluted because the environmental standards are virtually nonexistent, we are international corporations. We are off and running.

And that was clearly what they had in mind at the very beginning of this whole debate on free trade, and that is, in fact, what they have done, and that is, in fact, what they are doing.

From their perspective, what globalization is about is telling an American worker, hey, shape up, fellow, because there are people over there who can work for 10 percent of what you are working for. And if you are not prepared to take cutbacks in health care, cutbacks in wages, give up your pension, we are picking up, we are going to China, and guess what? Because of permanent normal trade relations, which Congress passed, my goodness, they could bring those products back into this country without any tariff whatsoever. We do not need you anymore. So industry after industry, whether it is steel, whether it is furniture, whether it is textiles, whether it is footwear.

In fact, one of the interesting things, Christmas is coming soon, and during Christmastime people do an enormous amount of shopping, and they go to the stores and they look and they try to find products made in the United States of America, and they look and they look and they look. And as Mr. DEFAZIO mentioned, it is harder and harder to find products manufactured in America, because our corporations have essentially taken our manufacturing base and sent it to China.

As Mr. DEFAZIO indicated, this is really bad not just for the standard of living for American workers, it is very dangerous for the future of our country in a dozen different respects. How do you defend yourself as a nation in terms of national defense if you are not making products in this country anymore to be used by the military? How are you a great country when you are no longer producing real products, but are now engaged only in service industry-type work?

I yield to the gentleman.

Mr. DEFAZIO. Madam Speaker, I guess this is a little bit of a digression, but it is a case in point. I mean, there is this whole bizarre concept of free trade based on an economist who has been dead over 200 years that only the United States Government, under the tutelage of these multinational corporations is following, much to our detriment.

Our trade deficit this year is headed towards $700 billion. That means we are borrowing almost $2 billion a day from overseas, 40 percent of that from the Chinese, to buy things made in China and other countries that used to be made here. That is not a sustainable model. That ultimately undermines our standard of living. We are piling up huge overseas debts.

But even worse than that, and that is just all under these bizarre theories of free trade, the race to the bottom and all things are a result from that; we are not even really practicing what President Clinton and President Bush are so fond of calling rules-based trade. We are going to have rules. Well, there are rules. The rules say that the Chinese cannot pirate things. Guess what? The Chinese pirate millions of dollars a year worth of U.S. dollars.

The gentleman mentioned furniture. I have a little furniture manufacturer, a high-end furniture manufacturer, in my district. He called me up and said, I have a little trade problem. I thought, that is a little weird, but okay, and I went to visit. Well, it turns out the Chinese delegation came over to look at his plant, they liked his stuff, they offered him more money than he could ever imagine he would ever have to buy his company. The only condition was he had to unbolt all the machines and all the production lines, send 3 managers to China for 6 months, and then they would send him a 20 percent cut for the future. Of course, he would not have workers or a company anymore. He agonized, and he said no.

Well, the Chinese said, okay, fine. They went to Seattle and, from a furniture store there, bought a copy of everything he made, and the next year a Chinese Communist Government-subsidized company produced a clone of everything this company in Oregon makes and were selling it for 40 percent less at the furniture show. That has also happened to a high-tech company in my district.

My staff was in an extraordinary phone call with the Bush administration, the Commerce Department, saying, will you not help these companies fight the piracy? And they said, no, we will not do that. We are not interested. These are the people who cloak themselves with small business, except if the Chinese want to steal the small businesses, that is okay with us. We are not going to do anything about it, because it might upset some of the big deals going on between GM to move all of their manufacturing to China, or Boeing to move all of their manufacturing to China, or IBM; you know, the big companies. So small business gets written off.

So not only are we losing the big manufacturing firms; our small firms, our innovators, are being pirated by the Chinese. The administration will do nothing about it. We are borrowing almost $2 billion a day. This is a crazy thing we are doing to the future of our Nation, and they want to tell us how great it is.

Remember, it was the President's own economic advisor who, in the President's economic report a year ago January, said that outsourcing, that is, exporting U.S. jobs overseas like Delphi or GM or others, is yet just the latest and greatest new manifestation of the advantages of free trade.

Mr. SANDERS. I believe, roughly speaking, although I do not have the exact words in front of me, but what he said is something like, if a product can be made less expensively abroad than in the United States, it makes sense to do that. So essentially what he is telling us, and this is the President of the United States' economic adviser, what he is saying to every corporation in America is, hey, dummy, they pay 50 cents an hour there, $15 an hour here, where are you going to go? Go. So what you have is the Bush administration essentially telling corporate America that they should throw American workers out on the street and move abroad.

I remember a couple of years ago, one of the largest corporations in America is, of course, General Electric. The fellow who is head of that corporation is a guy named Jeff Immelt. Mr. Immelt spoke to some GE investors and he said, and I roughly quote here, not the exact quote, he said, when I look at the future of General Electric, I see China, China, China, China, and China. Why not? Why would you want to pay an American worker a decent wage? Why would you want to reinvest in Oregon or in the State of Vermont when you can hire people abroad for 50 cents an hour or $1 an hour, and they go to jail if they stand up for their political rights? It sounds like a great place to do business to me.

Mr. DEFAZIO. Remember how they have sold this, how they sold CAFTA, NAFTA? It was, we are opening up markets for U.S. workers and U.S. products. We want to put Americans to work. We want to create wealth in this country. NAFTA, Bill Clinton said, was going to bring 400,000 jobs to America. He was off by a few. It actually exported 1.2 million jobs from America to Mexico, so he was off by a little bit there.

Bill Clinton talked about how all the Mexicans were going to buy our goods. The total buying power of Mexico is less than the purchasing power of the people of New Jersey. If they spent every peso they earned on U.S. goods, which, of course, they have to eat and provide housing, they could not do that. The same thing with CAFTA and the same thing with China. These workers who work in the plants that are producing these products, they cannot afford to buy them.

Mr. SANDERS. Let me interrupt my friend and tell you, I do not know if you have been to Mexico to view this.

Mr. DEFAZIO. Yes, Machiadora.

Mr. SANDERS. I have been on several occasions to Machiadora, and what a sad sight it is. When you go there you see these modern factories, and then a mile away from these modern factories, not only by American interests, but European interests, Japanese interests, a mile away from those modern factories you see people literally living in cardboard shacks because their income is so low, their wages are so low that they cannot afford decent housing, even by Mexican standards, being exploited terribly.

But that is what we are seeing, a huge shift in manufacturing from the United States to China and to Mexico. And do you want to hear one of the ironies is that many of these corporations who have gone to Mexico are now leaving Mexico in order to go to China, because they do not want to pay Mexican workers $1 an hour. Go to China. You can pay people there 50 cents an hour.

It is a very serious problem currently existing in Mexico, and it is part of that whole race to the bottom.

□ 1945

American workers, that is where our competition is. That is what this President, this Congress has said. Your competition are desperate people earning pennies an hour and if you don't lower your standard of living, they are going there.

Is that a sensible policy for the middle class of this country? Obviously it is not. Nobody here is not concerned about the poor people in the world. We want to see those people being able to feed their kids, have decent jobs, have health care, have education. But you don't have to destroy the middle class of this country in order to improve the standard of living of poor people around the world. We can do both. We can raise the standard of living of American workers and improve the lives of poor people around the world rather than engage in this race to the bottom.

I would like to mention to my friend, we can stay on the trade issue, but I know he has been very involved and we have worked together on this issue of the greed and the rip-offs being perpetrated literally today by ExxonMobil and the other large oil companies. I think just today, if my memory is correct, ExxonMobil announced that in the last quarter, the last 3 months, they earned $10 billion in profits which as I understand it is more than any corporation in the history of the United States of America: $10 billion. They are not the only large oil company to be earning record-breaking profits. In my State of Vermont, which obviously gets very cold in the wintertime, we are seeing a lot of senior citizens, lower income people, middle-income people, who are going to be having a very, very difficult time heating their homes this winter because the price of home heating oil is soaring. What I see in my State, a very rural State, where it is not uncommon for workers to travel 100 miles to and from their jobs, paying now $2.60, $2.70 for a gallon of gas, that is what I see. Meanwhile, ExxonMobil has just earned more profits than any other corporation in the history of the United States and every other major oil company is also earning record-breaking profits.

I wonder why the President of the United States has not said to the CEOs of the major oil companies: Come on into my office. Let's go into the Oval Office and let's talk about how you're going to lower gas prices, lower home heating oil prices so the American people don't have to take their paychecks or their limited incomes and give it to the large corporations.

I know my friend has done a lot of work on this issue.

Mr. DEFAZIO. I have got to correct the gentleman. He exaggerated. Their profit was only $9.8 billion for the quarter because they had some markdowns. That is the largest corporate quarterly profit in the history of the world, not just the United States of America. Some would say, well, you know, it has to do with supply and demand and all that. The biggest increase in profits for ExxonMobil, whose profits are up 75 percent on the quarter, BP's profits up 34 percent on the quarter. I think their stockholders should be talking to them. How come they only went up 34 percent on the quarter? ConocoPhillips 89 percent on the quarter—that CEO is going to be getting a nice little bonus—is in their refining areas.

The Republican chairman, from Texas, stood up on the floor of the House and said, "We have closed 300 refineries in America in the last 10 years." If he is talking about "we," that is, if he identifies himself as an oil company executive, that is true. If he is talking about the government of the United States of America, the laws of the United States of America, environmental laws, tax laws, other things, no. The 300 refineries that were closed were closed because of hundreds of oil company acquisitions and mergers and a deliberate policy.

There has been uncovered a memo from Conoco to other major oil companies back in the mid nineties that said: We have a great idea. We're all only getting 27. 22 cents a gallon on refining. If we close down a bunch of refineries, we can drive up those margins. They have succeeded beyond their wildest dreams. Oregonians were paying three bucks a gallon on Labor Day weekend. We are not in the east coast supply train so it is a little hard to say it had something to do with Katrina. But we were paying three bucks, $3.05 a gallon for regular, I remember paying. That was because the refiners cut went from 22.7 cents a gallon to $1.11 a gallon, a 500 percent increase in profits for the refiners. In fact, there is a new company, a new kid on the block, the largest refiner in America now called Valero whose CEO when George Bush offered to let him build new refineries on closed military bases with no environmental restrictions, he basically said, why would I want to do that? It's working just great the way it is. They are making unbelievable profits price gouging. It is exactly the same thing that Enron did in California. Enron in California got ahold of a bunch of generating plants and then they would shut them down and they would say, oh my god, we've got to charge you 10 times as much for your electricity today because there's a shortage. They are doing the same thing with refineries. They shut them down and they say, Oh, there's a refinery shortage. Americans are just going to have to pay more. Those darn environmentalists. None of them were closed because of environmental reasons, and they haven't applied to build any new ones.

Yesterday the Republican leaders of Congress held a press conference, which was kind of pathetic, where they said, Pretty please. We don't care about your really high profits, but we've heard there might be some gouging going on and you better stop that. And pretty please use some of your profits to build refineries.

No. It doesn't fit their business model. They are making money hand over fist. Their production end where they pump the stuff out of the ground, their profits are only up a measly 50 percent. On the distribution end they are only up 5 percent. The retailers are up 2 percent. The Republicans the week before last did adopt some price gouging legislation. Who did they target? The refiners, whose profits are up 500 percent? No. The companies who are pulling it out of the ground, whose profits are up 50 percent? No. Even the distributors who are up 5 percent, not a big deal? No, they targeted the retailers whose profits are up 2 percent because it's those mom-and-pops who are responsible for those high prices, let me tell you. But the friends of small business target the retailers and let the price gougers, the refiners, off the hook. Then they say, oh, we need to open up more land, we have to do this, we have to do that. No. Plain and simple this business model is immensely profitable in the industry and until we go after them has no incentive to change that business model.

The gentleman is right. The target is now fixed on your people. They have turned it from price gouging my people on gasoline to price gouging your people on home heating oil. But next spring they will turn their sights back to gasoline. They cannot extort as high, economists call it rent or price for their excess products in gasoline in the wintertime because people don't drive as much. In the summer they can do that.

Mr. SANDERS. Just so that everyone remembers, one of the points that the President made during his campaign, he comes from an oil background. The Vice President comes from an oil background. They know about these things. So for all folks in America who are paying outrageously high prices for gas at the pump, outrageously high prices for home heating oil, well, we have a President and a Vice President who are very chummy with the oil industry which maybe helps explain why the oil industry is enjoying the highest profits they have ever seen while people all over this country are absolutely getting ripped off. While we talk about oil, I want to divert just a little bit and go back to the trade issue because I know you and I have worked on this one together as well. I always find it so amusing for folks who say, We're great free traders. We believe that competition is where it is.

As everybody in Congress and everybody in America knows, there is an organization called OPEC, Organization of Petroleum Exporting Countries. OPEC's very reason for existence, the reason they came together, was to be a cartel which could limit production and raise profits. That is what they are. They acknowledge it. This is a self-acknowledged cartel. So I find it just so curious that for an administration, for leaders here in Congress who tell us how much they believe in competition and the free market. I find it quite amazing that I have not heard one word from the White House about the need to take action at the World Trade Organization to break up OPEC so that we can see honest competition from different countries and companies in terms of the oil they are producing.

Have you heard the President, the great exponent of free enterprise and competition, raise that issue?

Mr. DEFAZIO. To be totally fair, the last administration was pathetic on this issue, too. I first uncovered this issue during the Clinton administration. I thought they would be happy to hear it. They could help American consumers. They were big rules-based trade guys. They said, no, no, they didn't believe it. I had further legal analysis done and the legal analysis said. Yes, you can clearly file a claim. They are clearly violating the rules of OPEC. You can't constrain supply of a commodity in international trade if you are in the World Trade Organization to drive up the price, only for conservation purposes. They certainly can't make that case.

But the Clinton administration would not do it. I have heard, well, maybe the Bush people, he understands oil, the Vice President understands oil, they will get tough and take on OPEC. They are tough guys. And so I contacted them. I have gotten a form response from the Trade Representative and the Commerce Department. I have introduced legislation here in the House which the Republican leaders refuse to schedule which would mandate the President file a complaint against OPEC.

Free trade, you have got to realize, only works one way. It only works to stick it to American workers. It doesn't work for American consumers. They are not going to use free trade rules to go after OPEC. They are not going to use free trade rules to go after the company in China that cloned my furniture company. They are make a little feint at it. They are saying, Oh, we're going to go to the WTO and ask them to look at whether the Chinese are pirating things. All they have to do is pick up the Trade Representative's report or Pat Choate's book and they can read page after page after page of documentation of the Chinese stealing American products and goods and jobs. But they have only filed one complaint. This administration, 5 years in office, has filed one trade complaint against China, to be totally fair, on behalf of a pharmaceutical company. That is the only one they have filed. The thousands of small businesses and big businesses are being ripped off, OPEC who is ripping off everybody and driving businesses out of the United States of America, they won't take them on, but they did file a complaint on behalf of the pharmaceutical industry in China.

Mr. SANDERS. The reason for all of that is obviously very clear. Virtually every piece of legislation that comes to this floor of the House is frankly bought and paid for. Why would you stand up to our China policy, which has now a $160 billion trade deficit, the loss of millions of jobs, the lowering of wages throughout this country, why would you stand up and try to fight that when you have corporate America investing tens of billions in China, donating huge amounts of money to the President and other political people, why would you stand up for American workers in the middle class when you could defend China and the large corporations that go to China?

When we speak about our trade policy, I don't want anybody to think that we are just talking about blue collar jobs. One of the major economic crises facing our country today is not just the loss of manufacturing jobs in the auto industry, the steel industry, textiles, furniture, et cetera, et cetera. That is hugely important. But what is happening now, in addition to the loss of manufacturing jobs, we are beginning to see the hemorrhaging of white collar information technology jobs. For many years, the rhetoric here in Washington was, well, don't worry too much if you're going to lose the blue collar jobs in your community because that's kind of old-fashioned economics. We're not into that anymore. The real trick is to make sure your kids get a college education and they can go out and get white collar, computer, information technology jobs, make 50, 60, $70,000 a year, good, clean, solid income. That's the future of America.

But what is happening there? What is happening now is corporations are beginning to understand the same thing. Information technology companies are understanding what manufacturing companies are understanding. And, that is, why do you want to hire American workers at 40 or $50,000 a year when there are people in India, China, Russia and elsewhere who can do information technology jobs very, very well for 10 percent of the wages paid in the United States? So what you are beginning to see now is a hemorrhaging of white collar information technology jobs which are impacting people who have college degrees, people who have graduate degrees. We are seeing this taking place at an increasing level. The answer is if we lose blue collar jobs that paid middle-class wages, if we lose white collar jobs that paid middle-class wages, what is left?

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Well, I guess it is Wal-Mart time. We have a situation now, in a company like Wal-Mart, which is far and away the largest employer in America today, a company which pays low wages, minimal benefits, virtually no pension plan, that is the future of America, lose good-paying blue-collar jobs, lose good-paying white-collar jobs and move towards the Wal-Mart-type job in which our standard of living becomes less and less.

Mr. DEFAZIO. Just to make a link there, remember, during the discussions here on this floor, and during the formulation of the China trade policy here, there were the special Wal-Mart provisions that were added to that legislation, China being the largest producer of products for Wal-Mart. Wal-Mart has been driving manufacturers out of America.

There was a fan company driven out of Ohio. Finally, they did not want to go. They wanted to keep making them here, but Wal-Mart said we can get them cheaper. You make them cheaper. The guy said, I can't make them any cheaper. This is really efficient. We are making great products here in the United States of America. I am paying these people a decent wage. They said, no, we know you can do it better. No more contract unless you go cheaper. We know where you can go, China.

They are doing that to business after business after business, driving them out of America, driving them to China. Yes, you can say short run, that is good. The products are cheaper. Well, the profit margins are a lot cheaper. The products are maybe a little cheaper, but people do not have jobs any more. People are buying things on credit.

Not only are we borrowing $675 billion this year, projected, to buy products made overseas, Americans are borrowing money to buy the products that we borrowed money to import from overseas that we used to make here, because they have lost their jobs, and they are living off the equity in their homes or other things. We have record levels of debt in this country. So there are a host of cascading problems that are falling out of this unsustainable rush toward the bottom.

Mr. SANDERS. My friend mentioned the argument in favor of the permanent normal trade relations agreement was this. China is a huge country, with enormous numbers of consumers. Think about the potential market that we are going to have by selling product to China, all the jobs that we are going to be creating. That was the argument.

Well, it turns out I was in China a couple of years ago. We actually met with, I believe the gentleman was the head of Wal-Mart China. We went to Wal-Marts, and we talked to a number of their executives including, I think, the head of Wal-Mart China. Somebody asked a question of them. They said, will you please tell us, we are in your store here, it is a huge store, and in many respects it looks like an American Wal-Mart store.

Somebody asked them, tell me, I am looking around, and I see all of these American products from soaps to basketballs to whatever it is. What percentage of the products here in Wal-Mart China are made in the United States of America and brought to China?

The guy was a little bit sheepish. He really did not want to hear that question. He said 1 percent. Now obviously why would anybody, any large corporation, make a product in the United States and send it to China when you can produce it in China with wages substantially less than they are here.

Mr. DEFAZIO. Let me tell you, I had a container board company in my district, major corporation. They closed it down. They had one candid executive who told the truth. He said, why would anybody make container board in the United States of America any more? The container board is made to package products. The products are all made in China. The container board industry is moving to China so they can make the container board in China for the products made in China to ship back to the United States of America, even basic industries like that.

I mean, it is extraordinary the breadth and the depth of the undermining that is going on here. When you ask them what is your long-term vision. Alan Greenspan, the chief economist hack of the country, likes to say, oh, this shows how much people have faith in us. They will lend us all this money. But then when you say is it sustainable to borrow $600 or $700 billion a year forever.

Well, no, no, no. This is a temporary situation that will be corrected. How is it going to be corrected? If the dollar went to Arrupe, how would it be corrected? It is not going to be corrected through the typical currencies. We are buying everything overseas. The Chinese have basically pegged their currency to ours. No matter how much the dollar goes down the products cost the same. Oil costs more because we are paying for it, and they are raising the price.

The old models of trade do not work any more. But this administration, because it is working well for a very few, for the corporate CEOs and for a few investors, are perpetuating the model to the point where they push America over the final edge. You talked about the CEO of General Electric. The former CEO of Boeing gave a speech where he said he could not wait until Boeing was not referred to as an American company anymore.

Think about it. If our Republican colleagues do not care about the middle class and small business, which they pretty clearly do not by perpetuating these policies, they at least ought to care about their number one thing they are supposedly tough on, national security. So, in 30 years, when we are in confrontation with China, we have no manufacturing base at all left in this country, we do not make airplanes any more. Like the year before, we predicted we would get into a potential conflict with China, say, over Taiwan. We will call them up and ask them to sell us weapons so we can defend ourselves against them.

How is this going to work? They won't need weapons. They have so many of our assets in their bank as of now. When George Bush took the presidency they had $60 billion in U.S. assets. As of the end of last year they had $242 billion of Treasury bonds. They are headed from being number 2 toward being number 1. They will eclipse Japan in a few years as the largest holder of our debt.

All they have to do is threaten to dump our debt on the market and crash the dollar, and they can control the United States of America.

They are putting us so much at jeopardy. If they do not care so much about the middle class, if they do not care about small business, they have to care about the national security implications of this, and the economic security implications of this. But they do not seem to. A few people are doing really well, and they consider themselves sort of stateless people, like the guy who owns a cruise line, who gave up his U.S. citizenship, lives in the U.S. but he took Bahamian citizenship so he would not have to pay taxes any more. He just lives here and all his customers are here. I mean, that is great. What a great model for the American people.

Mr. SANDERS. I think we are running out of time. Maybe we can just kind of wrap this up by saying this. This is a great, great country, and the concern that many of us have is that despite people working harder and harder, despite new technology being there that makes us more productive, for some of the reasons that we have discussed tonight, and many of the others that we have not discussed, what we are seeing in America is that the middle class is becoming poorer. Millions of American families today desperately want to be able to send their kids to college so that their kids will have a better income and standard of living than they do. They cannot afford to do that. What we are seeing is families being stressed out, because both husbands and wives are working incredible hours in my State in Vermont. It is not uncommon for people to be working two or three jobs trying to cobble together an income.

We did not touch on health care, and the disintegration of our health care system, 46 million Americans without any health insurance whatsoever, tens of millions more who are underinsured, people who are dying because they cannot accord to go to a doctor, and their illnesses become so severe that they are incurable by the time they walk into the doctor's office.

We did not touch on the greed of the pharmaceutical industry, which makes huge contributions to the political profession, mostly to the Republicans, and the result being that we end up paying by far the highest prices in the world for prescription drugs; and the passage of a Medicare prescription drug bill, which does not allow Medicare and 43 million recipients to negotiate with the drug company, so drug prices will go up and up.

The bottom line here is, in my view, that unless ordinary Americans, middle-class, working people, begin to stand up and fight back to reclaim this country from a handful of wealthy and powerful interests, who are using their power to make themselves wealthier at the expense of almost everybody else, unless we turn that around, the future of this country is not great for our kids and our grandchildren, everything being equal. Our kids will have a lower standard of living than we will.

I would like to let my friend from Oregon conclude.

Mr. DEFAZIO. The new CEO of Delphi said that very plainly. He said 10 bucks an hour. That is the future for manufacturing workers in America. As you mentioned, it will not be very long until they try to put the same squeeze on knowledge-based workers. They have done it to other skilled workers.

Just yesterday Northwest Airlines announced, or was it Continental, whichever one of those is currently in bankruptcy, they are both in bankruptcy. Anyway, one of those two airlines announced that they were going to outsource their flight attendant jobs because they can get cheaper jobs overseas. They want to do the same thing with pilots.

We are outsourcing the maintenance of our airplanes. More than half the heavy maintenance on our airplanes is now done overseas with very little supervision from the FAA. We are losing those jobs, too, because they can get a mechanic for $2 an hour in El Salvador, where they would have to pay a skilled mechanic in the United States of America maybe $25, $30 an hour. They do not want to pay those wages. The race to the bottom is going to end very, very poorly for most Americans. We have got to stop it.

Mr. SANDERS. We have got to stop it.

Mr. DEFAZIO. We have got to stop the trade policies, tax policies, the fiscal bankruptcy policies that we are doing. I don't mean by the bankruptcy bill, that was bad enough, written by the credit card companies, but the bankrupting, the looting of America that is going on with this administration.

It is just laughable when the Republicans parade down here and talk about the spending of the Democrats when they control everything and they have increased the debt by 62 percent in 5 years. How do you blame the Democrats for that when they are in charge of every branch of government?

Mr. SANDERS. The House and the Senate and the White House. They have it all.

Let me just conclude by thanking my friend from Oregon for being with me today.

THE PRICE OF ENERGY

The SPEAKER pro tempore (Mr. CONAWAY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 60 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise tonight to talk about an issue that is the most important and pressing issue facing the country today. That is number 1, the price of energy, and, number 2, in particular, natural gas.

I was not going to talk about what we just heard here, but I feel little bit compelled to talk from the last two previous speakers. They talked a lot about energy company profits, which are unfortunate, I think. But how can energy companies benefit from us in such a great way when things are so difficult for the users of energy in this country?

When you allow the marketplace to be short of gas or natural gas or oil, then you allow the traders in New York to bid up the price. When there is a shortage, the price goes up. The big companies that own millions of acres, great reserves and own it in the ground, when they produce it at $65 a barrel, they are going to make a lot more money than when they produce it at $35 a barrel. So if you want to beat them, you want to make sure that we have ample supply, that there is lots of gas, natural gas, that there is lots of oil to produce, that there is lots of coal. There is lots of all the energy portfolios.

Then they cannot make excessive profits because the oil they own, or the natural gas they own in the ground, is not two and three times more valuable than it really ought to be. Those are basic economics.

The one comment that I found interesting is this current administration has not worked to break up OPEC. I never heard anybody say that before. OPEC is a group of countries who have for years played a big influence in oil prices, because they sort of combine their resources, and decided how much oil they were going to put in the marketplace. At one time, they did have the ability to lower it by dumping millions more per day on the market or raising it by taking 1 million or 2 million a day off the market.

When the shortage started to show, the Wall Street traders could run the price up. They could get the high price for a while. When there was resistance from America, then they would bring it back down. In the meantime, they made a lot of money. The riches did not go to American companies, they went overseas.

Now, how government can break up organizations of governments that are sovereign countries, I mean, I do not understand how we have any role to play. Now, today, they do not have the same monopoly they did. With China and India becoming huge energy consumers, along with us, the marketplace is short. All the oil that can be pumped is being utilized. So there is no slack. I am told that they do not really have the ability to dump an extra 1 or 2 million barrels on the marketplace today that they used to have.

□ 2015

So they can take oil away and force the price up, but they cannot add extra oil and bring the price back down. I wished I knew how we could beat OPEC. I do know how we can beat OPEC.

But it is interesting, one of the Members that was here just speaking to us was in a committee meeting markup that I was in the other day. I will not mention any names but we had a debate on opening up Tar Sands in the West. My memory is he was opposed to it. We had an argument opening up ANWR. My memory was he voted against it. We had a discussion about opening up the OCS, that is, the Outer Continental Shelf. He was opposed to it.

Well, if those are the three ways that you bring energy to the marketplace, then we do not have to import as much energy, and we hopefully can get the price down. It is interesting the lack of understanding in this country who sets the oil prices, who sets the natural gas prices.

The issue I really wanted to talk about tonight is natural gas, and that is the clean fuel, the almost perfect fuel. There is almost no contaminants. When you burn it, it is a clean, blue flame. There is very little pollution, I think a fourth of the CO_2 if you consider that pollution, of fossil fuels, but today, it is $14.00 per 1,000. Yesterday, it was almost $15 all day long, and I guess that was the highest it stayed for one day in the history of this country. Five years ago, natural gas was a little over $3. Fifteen years ago, it was under $2.

Gasoline prices have dominated our news, and we have seen more newscasts about people at the pump and the price of gasoline because right after Katrina it did get up to $3, and most of us are not used to paying $3. Europe's been paying that for a long time, even more than that. We were not used to paying that. I know I shuddered at how much it cost me to fill up my wife's Cherokee, 6-cylinder engine, but it was close to $50, and that was sticker shock to fill up one vehicle and spend $50.

Natural gas, though, is the one that I believe has this country in serious potential economic trouble, and why do I say natural gas? Number 1, while gasoline prices almost doubled when they were at $3 there at about 155 or 160 percent of where they were 5 years ago now as they have come back down, but natural gas prices are 700 percent more than they were 5 years ago and maybe even a little higher percentage than that.

When this country buys $65 oil and produces it into products, the whole world does, but when we pay $14 per 1,000 for natural gas, we are all by ourselves. Natural gas is a product that I do not think a lot of people understand how we use it.

We heat our homes and cook our meals in not all households but many of them. We heat the majority of our schools and the hospitals and the YWCAs and YMCAs. Most of our small businesses use it to heat their places.

Then, in the industrial side, we melt steel with it. We melt aluminum with it. We bend steel and aluminum by heating it. The industry that has been hit the worst is fertilizer. Our farmers have really been hammered with fertilizer costs. Why would you need natural gas for that? Well, when you produce nitrogen fertilizer, that is the one that really makes plants grow fast, 71 percent of that cost is natural gas.

When you can buy gas in every country in the world cheaper than here, where do you think the fertilizer companies are going to make fertilizer? In the last 2 years, 44 percent of our fertilizer factories have left the States because of natural gas prices.

Going on down the list, petrochemicals, every chemical we buy at the hardware store and grocery store that we use to clean products with, they are all made from a natural gas base. Often half the cost of making petrochemicals is natural gas because it is an ingredient, and it is also fuel used to heat it and make the product.

Polymers and plastics, what do we have that does not have polymers and plastics in it? Almost nothing. Everything has polymers and plastics. Most of that has been made in this country, but polymers and plastics, when they are produced, they have both oil and a lot of natural gas in the production process and as an ingredient. So 40 to 45 percent of the cost of polymers and plastics come back to natural gas.

I was at a company in my district last week who makes the basic products for skin softeners, face creams and hand creams, and you know what one of the basic products is? A derivative of natural gas. Another company there made the mucilage for labels, largest company in the world making labels. What was the base product for making the glue that goes on labels? Natural gas.

I do not think a lot of Americans realize that, but from face creams to fertilizers to all kinds of chemicals and polymers and plastics, natural gas is the major ingredient, and the price of that natural gas has made us uncompetitive.

While we are at $14, Europe has been at $6 or $6.50. China, Taiwan, South Korea and Japan have been between $4.50 and $5. Those are our economic competitors making products, competing against us, and some of those countries have cheap labor. Now they have an energy that is used so extensively in the manufacturing process where they have almost a three-to-one advantage.

Then you go to the rest of the world, and most of the world's less than $2. So, if you are going to make petrochemicals and make a profit, you are going to make polymers and plastics, if you are going to melt steel and iron ore or make fertilizer, where are you going to do it? You are going to do it in a country where it is $14 or are you going to go do it where it is $6 or are you going to go to South America where it is $1.60?

At the current time, 120 chemical plants are being built in the world. One of them is in the States. 119 of them, many of that 119 are being built to displace American jobs because they can produce their products far more competitively in foreign countries.

How do we change this? We have to open up supply. It is interesting, about 10 years ago, this country, this Congress, made a decision that we would remove the prohibition of using natural gas to generate electricity. We used to only allow natural gas to be used as electric generation early in the morning when we had peak power needs and in the early evening when we went home and were eating our meals and the factories were still running and the lights were coming on and we used more power right then than at any other time of the day. At that time of the day, the electric companies have to produce more power than they do during the middle of the day or during the night when we are all sleeping.

So peak plants were allowed to use natural gas because it is cheaper to build them, and you can turn them off and on. It is hard to turn a nuclear plant off and on. It is hard to turn a coal plant off and on, but you can turn a natural gas plant off and on and you can use it for peak power needs.

When we changed that law and allowed natural gas to be used, 98 percent of all power generation in this country that is new and was built in the last decade is all natural gas. We now consume one-fourth of the natural gas that this country has to consume to make power, to make electricity. So that has made the marketplace very, very short.

The other problem is we have not opened up supply. I remember a number of years ago when I was attending breakfast as a new Member of Congress that the Edison Electric Institute was putting on, they showed this 12 or 15 years of time that we would use a lot of natural gas to make electricity, and then other sources would come back in line and take up the slack.

At the same time, I went over to a breakfast in the Senate with Daniel Yergin, who wrote the book on oil, a Pulitzer Prize book, and he talked about the oil industry. He stated that if we go down this road, as was being proposed, and we did not open up supply, it would cause severe economic problems in this country because natural gas prices would become unaffordable.

That is exactly what has happened. In my view, it is Congress and the last three administrations who are all equally at fault. Twenty-some years ago, a prohibition was placed in law by Congress and a moratorium was placed by the President at that time that you could not produce oil and gas on 85 percent of the Outer Continental Shelf, and the Outer Continental Shelf is the land offshore for the first 200 miles. The first three miles are controlled by the States. The next 197 miles are controlled by the Federal Government, the Federal waters. Then you go into international waters.

Why would we do that? I am not quite sure why they did it at that time. I was told it was done temporarily by the President, that we were going to have an inventory and find out where our best reserves were, and then we would know where to produce. That never happened.

The next President came in and he made it last to 2012, and the current administration has not dealt with it. So we have a presidential moratorium from producing there and we have a legislative moratorium.

I was here a number of years and voting on Interior appropriations bills unaware that every one of those bills I passed said you cannot spend a dime to lease land on the Outer Continental Shelf so it can be produced.

Why would this country do that? The argument is that you cannot do it and have clean beaches, that you cannot do it and have nice shorelines. Let me see what the rest of the world does.

We can go north to a country that is considered very environmentally sensitive, Canada. They produce oil both oil and gas right off of the main coastline in Canada and right above Washington, off that coastline, and they drill in our Great Lakes every day, and produce gas only, not oil, and sell it to us. In fact, we get 14 percent of our natural gas from Canada. We produce 84 percent of our own, and we get 2 percent from LNG, that is liquefied natural gas, and I will talk about that later. That is another issue.

So, Canada produces there. The United Kingdom, are they not a pretty environmentally sensitive country? I think so. How about Denmark, Sweden, Norway, New Zealand, Australia? They all produce on their Outer Continental Shelf. You go past 12-miles, you cannot see it, you do not know it is there. It is interesting, in the gulf, when the storms hit so hard there this year, the fishermen were saying to the oil companies now, if you are not going to produce here any longer, we want you to leave the rigs and the platforms because that is where the good fishing is. Every study has shown where we are producing oil and gas in the Outer Continental Shelf, there is a lot more aquatic life because they like the shade, they like the cover, and that is just where the good fishing is.

I want to read you an interesting article to prove that I think with today's technology oil and gas production both are not an environmental threat.

It says here: "The most cited reason is to protect 'the State's tourism dependent economy and environmentally sensitive shoreline.'" That is what States like Florida and California have been telling us.

"Objections which are based more on fear than fact. Of the hundreds of thousands of gas wells drilled in the U.S., not one has ever been declared or caused an environmental hazard," not one.

A natural gas well is a 6-inch hole in the ground. You put a steel casing down it, you cement the bottom and cement the top, and you let gas out.

"As for oil, the last environmental hazard was a spill in California over 36 years ago." Technology has really improved since then. "Light years away when you could consider the advances made in advanced drilling technology.

"To demonstrate how safe offshore energy production is today: there were 113 production platforms destroyed, 52 damaged, 8 drilling platforms destroyed and 19 damaged by Katrina and Rita. Yet there were no significant spills and no spills of any kind which resulted in contact with sensitive habitat."

We just know that this storm was one of the hardest to hit the gulf.

"Simply put, there is no basis in science or recent history to the claim that offshore energy production presents a real or potential environmental hazard to any State's shoreline. A fact accepted by countries such as Norway, Sweden, Denmark, Australia, United Kingdom and Canada noted 'green countries' which willingly drill off their coastlines.

"As for the problem of aesthetics, all production platforms can easily be placed away out of sight of even the tallest tourist by placing them no closer than 20 miles off shore."

In my view, this argument just does not cut water. Anyway, I have been one who has been proposing that we open up the Outer Continental Shelf. I have been involved in this natural gas issue for the last 5 years. For a number of years, I stood right back here in this aisle and argued with Members of Congress who are no longer here but who were in powerful positions, trying to convince them that all the charts and graphs put out by the Energy Department showed me that we were approaching a very big shortfall on natural gas in the future, and because it is so involved in our whole economic basis, it is so involved in heating our homes and running our businesses and making so many different products, that we could not afford to let natural gas prices excel to the point of where it would make this country noncompetitive.

□ 2030

Today it is at $14. Earlier I was talking on the phone to a gentleman who is the head of the Christian Youth Center in a community in my district. He said he just signed a contract. Last year they bought their gas for $7. He just signed a contract for $14. That means that organization is paying twice as much for heat this year. I have talked to all kinds of companies, and most are signing contracts for $14 and $15. They never dreamed they would pay that much. A couple short years ago, they were at $3 and $4.

When you are a company that bakes things, a company that heat treats metal, a company that uses huge amounts of natural gas, you are suddenly placed in a noncompetitive position with the rest of the world. That is where this country is at.

This is a government-caused shortage. We have decided to expand use of clean natural gas, but at the same time we have refused to produce it, and you cannot import it like you can oil, thank God. There are those who think importation is the answer. I do not think so. I think it can be helpful, but I hope it does not become our long-term policy.

Liquefied natural gas, you liquefy it at very low temperatures. You place it in the most expensive ships known to man, and then bring it into ports. Then you have to warm it back up, turn it back to a gas and have it injected into our system. The part I have not been able to get an answer on, we have four such ports that can receive liquefied natural gas and regassify it and put it into the system. The one I know about is Baltimore, and I was told they are at 63 percent capacity. When you can buy natural gas in foreign countries for $2, $3 and $4, I do not know why the ships are not lined up. There is something flat about this system because it is not being utilized to the capacity this country has.

Big oil would like us to go down that road. They would like to build the ships. They would like to build the ports and they have the money to do that. I think that is a flawed philosophy because who do we buy it from? We buy it from Libya, Algeria, Nigeria, and Russia, not exactly our friends, and unstable countries, countries that do not always treat us very fairly. For the short term, I think we should take all we can get, but I do not think we should build our long-term natural gas supply system that way. The chart that I saw recently showed by the year 2020, 38 percent of our natural gas would come from LNG. I do not think that we can make that happen. I hope we do not make that happen because we have trillions of cubic feet off our shores, all up and down our coastlines.

I have a map, and it shows 85 percent of our coastline, California coastline, and from Maine to Florida all locked up. The outer continental shelf is from 2 miles to 3 miles loaded with natural gas. My proposal is we open it up for natural gas. We give the shorelines 20 miles of protection so you would never see it, and then the States have the right to open it up for oil. We cannot drill our way out of our oil problem, but this country can be self-sufficient on natural gas. We can produce enough natural gas so our price is half of what it is today, maybe even lower than that, where our industries are competitive, where our seniors can afford to heat their homes, and where our YMCAs and churches and our schools can afford to pay their energy bills. This is going to hit education. Their energy bills this winter are going to double.

And at the same time I was talking to the refinery in my district who is very concerned about where the price of home heating oil is going to be this year because he has never been in the position where at this time of the year they did not have any in storage because they cannot produce enough home heating oil. Some schools and hospitals have dual tanks because if one is not available, they have the other. It is very important that you never lose heat in a hospital.

But home heating oil, this refinery said they did not have any in storage tanks. They have been making more gasoline because of the gasoline shortage, and home heating oil has been selling so fast they cannot produce enough to have any in storage. It will hit the fan on that issue in January and February. When cold weather is here and has a grip on us and there is a short supply, we will see prices for home heating oil that will make natural gas look like a bargain, if you can even buy it.

Mr. Speaker, this country is facing, I believe, the greatest pressure on our economy because of the price of energy and specifically natural gas. It is one we do not have to have. This has been by choice, and then by willingness of no one to face up to where we are at today and change it.

I propose to this Congress, and I have been promised we will have a discussion, I have a proposal that would open up the outer continental shelf all of the way around this country. We would open it up for natural gas. We would give the 20-mile cushion so it is out of sight, and we would allow the States the rights, and we would reward the States for those who produce and provide the energy this country needs.

I have asked our leadership, and I have been told it will happen, that we will have a debate in the Committee on Resources. And if I can get my bill out of there, and I am hopeful because we passed an amendment similar to that a few weeeks ago, and that bill got stalled because of great opposition from the Florida State government and the Florida delegation. So we did not deal with the issue on the floor. But I have asked that we have a clean up or down vote, that we have lengthy debate, that we tell the American people about how natural gas, and I believe natural gas, if we had ample supply, the use of it could be expanded.

We passed a bill last week to incentivize the expansion of refineries. Natural gas could be utilized in all of our school buses because a gasoline engine with a slight adjustment can burn natural gas. Our construction vehicles, city transit vehicles, we could have a large number of vehicles in this country that do not have to travel long distances and can be refueled every night use natural gas. Swan Delivery Company that sells ice cream and frozen products, they have advertised for years that they are the company that is green, they burn natural gas and not gasoline. Now they are paying a huge premium for that. That shows us it can be done.

I have a bus system at State College in my district, they are all natural gas. Today they are paying a premium for being good stewards of the environment burning the clean fuel.

And the West is full of natural gas, but that is not as obtainable because we have inadequate pipeline systems to get it out to the States. The outer continental where we have, I am told, over 400 trillion cubic feet, and many think it may be double that, that is a 50- to 70-year supply. We would not need to import any from Canada. We could use it for transportation. The first hydrogen cars would really be run on natural gas because that is how we can make hydrogen today most efficiently. So it can be the bridge to the future as we bring on renewables.

Mr. Speaker, $60 oil is going to make a lot of things work. We are working now on making fuels out of coal. We are making fuels out of grain. I have a company in my district that just bought a landfill, and they are going to make ethanol out of garbage. All kinds of things are going to work, but it is not quick. It is going to take time.

So an ample supply of the clean fuel that has no contaminants, that we can use in so many ways and is so much a part of our economy already, natural gas can be our bridge, but $14 natural gas has been the wall that this country is going to hit at a high rate of speed.

I was a retailer for 26 years. I vividly remember the late 1970s and early 1980s when we had very high natural gas prices, and we had extremely cold winters. I remember as a retailer it was always difficult to make a profit in January and February. You were lucky if you did not lose money, and then you started making profit in the spring and summer. But during those years, people were so far behind in their spending because they had spent so much money to heat their homes, and petroleum prices were up, too. Sometimes it was clear into May before business became normal again because people were spending so much.

This winter people are going to spend twice as much to drive their car, and almost twice as much to heat their homes. They are going to have a whole lot less money for spending, and 70 percent of Americans spend all of the money they earn every paycheck, so the marketplace is going to be very soft for retail business and commerce, in my view. It is all going to be caused because this country has been unwilling to realize that energy prices are a direct correlation of supply. And we are much more dependent on foreign oil. ANWR could be helpful, and other drilling would be helpful, but on natural gas, there is no valid reason that we have the highest natural gas prices in the world that makes our petrochemical companies uncompetitive, that makes our plastic companies and polymer companies uncompetitive.

Several weeks ago Alcoa Aluminum Company in Pittsburgh ran a release, and the headline did not say this, I had to read the whole article to pick it up, and I read it twice to make sure I was correct. It said in the article if energy prices persist to be consistently high as they are today in America, Alcoa Aluminum will have to, and it said especially natural gas, we will have to reconsider whether we can produce here.

Now, I thought that was a message that should have been the headline. I thought it should have read, "Alcoa said current natural gas prices may prevent us from doing business here." That was not the headline. I forgot what the headline was, but it was sort of an innocuous headline. Nobody read that and seemed to understand what it said. It said we have to reconsider whether we can produce here.

Mr. Speaker, I have had chemical companies and fertilizer companies tell me how it is almost impossible for them to continue being here, and they have told that to the leaders of Congress and I am sure they have told it to the administration. But for some reason we are here tonight and today and yesterday, and we have no real plan of action to bring on natural gas supplies that can allow Americans to heat their homes cost effectively or small businesses to operate efficiently. Or for the major companies, which are the best blue collar jobs that we have left in this country, to stay here and prosper here and be competitive in a global marketplace.

This is an issue that I do not think is complicated. I think it is quite simple. I have been concerned about it for 5 years. Unfortunately, all of my predictions have come true, and it is even worse than I expected. Tonight I urge my colleagues. I urge the people in this country, we have to open up the supply of energy in general but natural gas in particular. It is the fuel that can give us a strong economy, that can help us affordably live in our homes, small businesses stay profitable, and allow the large production companies that make all of the products that I have mentioned, whether it is bending, melting, smelting, cooking, you name it, if it uses natural gas, today they cannot do it competitively.

If we do what we should do and open up supply, America will continue to be the land of opportunity and we can compete with anybody because we have the best workforce.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. OBEY (at the request of Ms. PELOSI) for today on account of an important matter in the district.

Mr. REYES (at the request of Ms. PELOSI) for today on account of official business.

Mr. MACK (at the request of Mr. BLUNT) for today on account of traveling with the President of the United States to survey damage caused by Hurricane Wilma.

Mr. SENSENBRENNER (at the request of Mr. BLUNT) for today and October 28 on account of family business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. MCCOTTER) to revise and extend their remarks and include extraneous material:)

Mr. MCHENRY, for 5 minutes, November 3.

Mr. WOLF, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mrs. SCHMIDT, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 939. An act to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes; to the Committee on Transportation and Infrastructure.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1409. An act to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 172. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

ADJOURNMENT

Mr. PETERSON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Friday, October 28, 2005, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4807. A letter from the Congressioanl Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Stall Reservations at Import Quarantine Facilities [Docket No. 02-024-2] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4808. A letter from the Congressioanl Review Coordinator, Department of Agriculture, transmitting the Department's final rule — 2004 Dairy Disaster Assistance Payment Program (RIN: 0560-AH28) received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4809. A letter from the Assistant Secretary for Special Eductaion and Rehabilitative Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Disability and Rehabilitation Research Projects — received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4810. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Review, Department of Energy, transmitting the Department's final rule — Energy Conservation Standards for Certain Consumer Products and Commercial and Industrial Equipment (RIN: 1904-AB54) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4811. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Test Procedure for Residential Central Air Conditioners and Heat Pumps [Docket No. EE-RM/TP-97-440] (RIN: 1904-AA46) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4812. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Test Procedure for Residential Central Air Conditioners and Heat Pumps [Docket No. EE-RM/TP-97-440] (RIN: 1904-AA46) received October 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4813. A letter from the Acting Divison Chief, WCB, Federal Communications Commission, transmitting the Commission's final rule — Appropriate Framework for Broadband Access to the Internet over Wireline Facilities [CC Dkt 02-33]; Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services; 1998 Biennial Regulatory Review — Review of Computer III and ONA Safeguards and Requirements [CC Dkt 95-20, 98-10] ; Conditional Petition of the Verizon Telephone Companies for Forbearance with Regard to Broadband Services Provided Via Fiber to the Premises; Petition of the Verizon Telephone Companies for Declaratory Ruling or, Alternatively, for Interim Waiver with Regard to Broadband Services Provided Via Fiber to the Premises to the Committee on Energy and Commerce.

4814. A letter from the Regulations Coordinator, Food and Drug Administration, transmitting the Administration's final rule — Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 [Docket No. 2002N-0276] (formerly Docket No. 02N-0276) (RIN: 0910-AC40) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4815. A letter from the General Counsel, Office of Federal Procurement Policy, Office of Management and Budget, transmitting the Office's final rule — Capitalization of Tangible Assets; Correction—received July 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4816. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Revisions to the State Program Amendment Process (RIN: 1029-AC06) Recieved October 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4817. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Pacific Coast Population of the Western Snowy Plover (RIN: 1018-AT89) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4818. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Bull Trout (RIN: 1018-AJ12; 1018-AU31) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4819. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Arkansas River Basin Population of the Arkansas River Shiner (Notropis girardi) (RIN: 1018-AT84) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4820. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Southwestern Willow Flycatcher (Empidonax traillii extimus) (RIN: 1018-AT88) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4821. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackeral in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332- 5039-02; I.D. 092105D] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4822. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Areas 620 and 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 092105A] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4823. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 091205A] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4824. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 091605F] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4825. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 091505A] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4826. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Hana, HI [Docket No. FAA-2005-21166; Airspace Docket No. 05-AWP-4] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4827. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sheldon Municipal Airport, IA [Docket No. FAA-2005-22006; Airspace Docket No. 05-ACE-30] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4828. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wellington Municipal Airport, KS [Docket No. FAA-2005-22005; Airspace Docket No. 05-ACE-29] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4829. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Restricted Area R-3004; Fort Gordon, GA [Docket No. FAA-2005-22397; Airspace Docket No. 05-ASO-9] (RIN: 2120-AA66) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4830. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Legal Desription of Class E Airspace; Lincoln, NE [Docket No. FAA-2005-21707; Airspace Docket No. 05-ACE-22] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4831. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Norfolk, NE [Docket No. FAA-2005-21872; Airspace Docket No. 05-ACE-26] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4832. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Legal Description of the Class D and Class E Airspace; Salina Municipal Airport, KS [Docket No. FAA-2005-21873; Airspace Docket No. 05-ACE-27] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4833. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; and Revision of Class E Airspace; Big Delta, Allen Army Airfield, Fort Greely, AK [Docket No. FAA-2005-20643; Airspace Docket No. 05-AAL-13] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4834. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Golovin, AK [Docket No. FAA-2005-21448; Airspace Docket No. 05-AAL-16] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4835. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318-100, A319-100, A320-200, A321-100, and A321-200 Series Airplanes; and Model A320-111 Airplanes [Docket No FAA-2005-21189; Directorate Identifier 2005-NM-055-AD; Amendment 39-14279; AD 2005-19-14] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4836. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -400, -500, -600, -700, -700C, -800 and -900 Series Airplanes [Docket No. FAA-2005-20347; Directorate Identifier 2004-NM-226-AD; Amendment 39-14284; AD 2005-19-10] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4837. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. FAA-2005-21087; Directorate Identifier 2005-NM-019-AD; Amendment 39-14280; AD 2005-19-15] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4838. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320-111 Airplanes and Model A320-200 Series Airplanes [Docket No. FAA-2005-21861; Directorate Identifier 2005-NM-093-AD; Amendment 39-14281; AD 2005-19-16] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4839. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Model HS 748 Airplanes [Docket No. FAA-2005-22453; Directorate Identifier 2002-NM-139-AD; Amendment 39-14278; AD 2005-19-13] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4840. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-301, -321, -322, -341, and -342 Airplanes; and Model A340-200 and A340-300 Series Airplanes [Docket No. FAA-2005-22452; Directorate Identifier 2001-NM-336-AD; Amendment 39-14277; AD 2005-19-12] (RIN: 2120-AA4) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4841. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3 Airplanes [Docket No. FAA-2005-21344; Directorate Identifier 2004-NM-190-AD; Amendment 39-14283; AD 2005-19-18] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4842. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The New Piper Aircraft, Inc., Models PA-28-160, PA-28-161, PA-28-180, and PA-28-181 Airplanes [Docket No. FAA-2005-21174; Directorate Identifier 2005-CE-23-AD; Amendment 39-14285; AD 2005-19-20] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4843. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines (Formerly Textron Lycoming) AEIO-360, IO-360, O-360, LIO-360, LO-360, AEIO-540, IO-540, O-540, and TIO-540 Series Reciprocating Engines [Docket No. FAA-2005-21864; Directorate Identifier 2005-NE-29-AD; Amendment 39-14276; AD 2005-19-11] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4844. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arrius 2 F Turboshaft Engines [Docket No. FAA-2005-22430; Directorate Identifier 2005-NE-34-AD; Amendment 39-14275; AD 2005-19-10] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4845. A letter from the Department of Transportation, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PZL-Swidnik S.A. Models PW-5 "Smyk" and PW-6U Gliders [Docket No. FAA-2005-20802; Directorate Identifier 2005-CE-18-AD; Amendment 39-14282; AD 2005-19-17] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4846. A letter from the Regulations Coordinator, OFM, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program and State Children's Health Insurance Program (SCHIP) Payment Error Rate Measurement [CMS-6026-IFC] (RIN: 0938-AN77) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4847. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Condition of Participation: Immunization Standard for Long Term Care Facilities [CMS-3198-F] (RIN: 0938-AN95) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BUYER: Committee on Veterans' Affairs. H.R. 4061. A bill to amend title 38, United States Code, to improve the management of information technology within the Department of Veterans Affairs by providing for the Chief Information Officer of that Department to have authority over resources, budget, and personnel related to the support function of information technology, and for other purposes (Rept. 109-256). Referred to the Committee of the Whole House on the State of the Union.

Mr. PUTNAM: Committee on Rules. House Resolution 520. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-257). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. McCRERY (for himself, Mr. Jefferson, Mr. Brady of Texas, Mr. Lewis of Georgia, Mr. Lewis of Kentucky, Mr. Baker, Mr. Alexander, Mr. Jindal, Mr. Melancon, and Mr. Pickering):

H.R. 4155. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricane Rita, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Washington (for himself, Mr. Rangel, Mr. Cardin, Mr. Stark, Mr. Levin, Mr. McDermott, Mr. McNulty, Mr. Jefferson, Mrs. Jones of Ohio, Mr. Emanuel, Mrs. Tauscher, Mr. Kind, Mr. Davis of Alabama, Mr. Ackerman, Mr. Allen, Mr. Baird, Ms. Baldwin, Ms. Bean, Mr. Berman, Mr. Blumenauer, Mr. Boren, Mr. Boucher, Mr. Cardoza, Mr. Carnahan, Mr. Case, Mr. Costello, Mr. Crowley, Ms. DeLauro, Mr. Dicks, Mr. Dingell, Mr. Engel, Mr. Etheridge, Ms. Eshoo, Mr. Ford, Mr. Gonzalez, Mr. Al Green of Texas, Mr. Gene Green of Texas, Mr. Grijalva, Ms. Harman, Ms. Herseth, Mr. Higgins, Mr. Hinojosa, Mr. Holden, Ms. Hooley, Mr. Holt, Mr. Inslee, Ms. Eddie Bernice Johnson of Texas, Mr. Kildee, Ms. Kilpatrick of Michigan, Mr. Larsen of Washington, Ms. Lee, Mr. Lynch, Mrs. Maloney, Mr. Matheson, Ms. Matsui, Mrs. McCarthy, Ms. McCollum of Minnesota, Mr. McIntyre, Mr. Meeks of New York, Mr. Michaud, Ms. Millender-McDonald, Mr. Miller of North Carolina, Mr. George Miller of California, Mr.

Nadler, Mr. Owens, Mr. Price of North Carolina, Mr. Ryan of Ohio, Ms. Linda T. Sánchez of California, Mr. Sanders, Mr. Snyder, Ms. Solis, Mr. Strickland, Mr. Van Hollen, Mr. Wexler, Ms. Schwartz of Pennsylvania, and Mr. Ross):

H.R. 4156. A bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the service sector, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Energy and Commerce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Deal of Georgia, Mr. Blunt, Mr. Cantor, Mr. McCrery, Mr. Sam Johnson of Texas, Mr. Camp, Mr. Ramstad, Mr. English of Pennsylvania, Mr. Hayworth, Mr. Hulshof, Mr. Herger, Mr. Lewis of Kentucky, Mr. Weller, Mr. Ryan of Wisconsin, Mr. Beauprez, Mr. Upton, Mrs. Wilson of New Mexico, Mr. Bass, Mr. Terry, Mr. Murphy, Mr. Bradley of New Hampshire, Mr. Boehlert, Mr. Castle, Mrs. Emerson, Mr. Gerlach, Mr. Hobson, Mrs. Kelly, Mr. Jindal, Mr. Schwarz of Michigan, Mr. Shays, and Mr. Simmons):

H.R. 4157. A bill to amend the Social Security Act to encourage the dissemination, security, confidentiality, and usefulness of health information technology; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mr. Becerra, Mr. Costa, Mr. Gonzalez, Mr. Gutierrez, Mr. Menendez, Mr. Ortiz, Mr. Salazar, Ms. Loretta Sanchez of California, Ms. Solis, Mr. Israel, Mr. Ford, Mr. Cardoza, Mr. Cuellar, Mr. Grijalva, Mr. Hinojosa, Mrs. Napolitano, Mr. Reyes, Ms. Linda T. Sánchez of California, Mr. Serrano, Ms. Velázquez, Mr. Owens, Ms. Jackson-Lee of Texas, Mr. Ruppersberger, Mr. Michaud, Mr. Higgins, and Mrs. Jones of Ohio):

H.R. 4158. A bill to authorize the Secretary of Energy to establish a program of energy assistance grants to local educational agencies; to the Committee on Education and the Workforce.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. Neal of Massachusetts, and Ms. Jackson-Lee of Texas):

H.R. 4159. A bill to amend title 38, United States Code, to establish licensure requirements for employees and contractor personnel of the Department of Veterans Affairs performing orthotics services, pedorthics services, or prosthetics services in any State in which there is a State licensure requirement for persons performing those services in private practice; to the Committee on Veterans' Affairs.

By Mr. CASTLE (for himself and Mr. Gilchrest):

H.R. 4160. A bill to authorize the Secretary of the Army to evaluate, construct, operate, and maintain capital improvements to the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland (Chesapeake and Delaware Canal) for public recreation; to the Committee on Transportation and Infrastructure.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 4161. A bill to reiterate the responsibilities of FEMA with regard to the creation of an appeals process and the establishment of minimum training and education requirements under the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004; to the Committee on Financial Services.

By Mr. GALLEGLY:

H.R. 4162. A bill to provide for an exchange of lands between the Secretary of Agriculture and the United Water Conservation District of California to eliminate certain private inholdings in the Los Padres National Forest, and for other purposes; to the Committee on Resources.

By Mr. JINDAL (for himself, Mr. McCrery, and Mr. Melancon):

H.R. 4163. A bill to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under that Act; to the Committee on Transportation and Infrastructure.

By Mr. LYNCH:

H.R. 4164. A bill to amend chapter 89 of title 5, United States Code, and the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to require coverage of hearing aids under the Federal Employees Health Benefits Program and private group and individual insurance; to the Committee on Government Reform, and in addition to the Committees on Education and the Workforce, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MACK:

H.R. 4165. A bill to clarify the boundaries of Coastal Barrier Resources System Clam Pass Unit FL-64P; to the Committee on Resources.

By Mrs. McCARTHY (for herself and Mr. Schwarz of Michigan):

H.R. 4166. A bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROGERS of Michigan (for himself, Mr. Towns, Mr. Aderholt, Mr. Alexander, Mr. Andrews, Mr. Barrow, Mr. Bass, Mr. Beauprez, Mr. Berry, Mrs. Biggert, Mr. Bishop of Georgia, Mrs. Blackburn, Mr. Blunt, Mr. Boehlert, Mr. Boehner, Mr. Bonilla, Mr. Bonner, Mr. Boren, Mr. Boucher, Mr. Boustany, Mr. Boyd, Mr. Bradley of New Hampshire, Mr. Burgess, Mr. Calvert, Mr. Camp, Mr. Cannon, Mr. Cantor, Mrs. Capito, Mr. Cardoza, Mr. Carter, Mr. Chandler, Mr. Chocola, Mr. Coble, Mr. Conaway, Mr. Cramer, Mr. Crenshaw, Mr. Crowley, Mrs. Cubin, Mr. Davis of Illinois, Mr. Davis of Kentucky, Mrs. Jo Ann Davis of Virginia, Mr. Davis of Tennessee, Mr. Tom Davis of Virginia, Mr. Lincoln Diaz-Balart of Florida, Mr. Doolittle, Mr. Doyle, Mrs. Drake, Mr. Duncan, Mr. Ehlers, Mr. Emanuel, Mrs. Emerson, Mr. English of Pennsylvania, Mr. Etheridge, Mr. Ferguson, Mr. Foley, Mr. Gallegly, Mr. Gerlach, Mr. Gillmor, Mr. Gingrey, Mr. Goode, Mr. Goodlatte, Mr. Gordon, Ms. Granger, Mr. Graves, Mr. Green of Wisconsin, Mr. Hall, Ms. Hart, Mr. Hayes, Mr. Hensarling, Mr. Herger, Mr. Higgins, Mr. Hoekstra, Mr. Hulshof, Ms. Jackson-Lee of Texas, Ms. Eddie Bernice Johnson of Texas, Mr. Sam Johnson of Texas, Mr. Johnson of Illinois, Mr. Jones of North Carolina, Mrs. Kelly, Mr. Kennedy of Minnesota, Mr. Kingston, Mr. Kirk, Mr. Kline, Mr. Kolbe, Mr. Kuhl of New York, Mr. LaHood, Mr. Latham, Mr. LaTourette, Mr. Lewis of Georgia, Mr. Lewis of Kentucky, Mr. Linder, Mr. Lucas, Mr. Marchant, Mr. Marshall, Mr. Matheson, Mr. McCotter, Mr. McIntyre, Miss McMorris, Mr. Meeks of New York, Mr. Michaud, Ms. Millender-McDonald, Mr. Moore of Kansas, Mr. Moran of Kansas, Mr. Moran of Virginia, Mrs. Musgrave, Mrs. Northup, Mr. Norwood, Mr. Nunes, Mr. Ortiz, Mr. Osborne, Mr. Otter, Mr. Oxley, Mr. Pearce, Mr. Pence, Mr. Peterson of Minnesota, Mr. Pickering, Mr. Pitts, Mr. Pombo, Mr. Porter, Mr. Price of Georgia, Ms. Pryce of Ohio, Mr. Radanovich, Mr. Ramstad, Mr. Regula, Mr. Rehberg, Mr. Rohrabacher, Mr. Ross, Mr. Royce, Mr. Ruppersberger, Mr. Rush, Mr. Schwarz of Michigan, Mr. Sessions, Mr. Shadegg, Mr. Shimkus, Mr. Shuster, Mr. Simpson, Mr. Skelton, Mr. Sodrel, Mr. Souder, Mr. Strickland, Mr. Sullivan, Mr. Sweeney, Mr. Terry, Mr. Thompson of Mississippi, Mr. Tiahrt, Mr. Tiberi, Mr. Upton, Mr. Wamp, Mr. Weller, Mr. Westmoreland, Mr. Wicker, Mrs. Wilson of New Mexico, Mr. Wilson of South Carolina, Mr. Wynn, Mr. Whitfield, Mr. Sherwood, Mr. Jefferson, Mr. Davis of Alabama, and Mr. Manzullo):

H.R. 4167. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RYUN of Kansas (for himself, Mr. Wilson of South Carolina, Mr. Tancredo, Mr. Neugebauer, Mr. Daniel E. Lungren of California, and Mr. Forbes):

H.R. 4168. A bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself, Mr. Rangel, Mr. Conyers, Mr. Thompson of Mississippi, Mr. Jefferson, Mr. Frank of Massachusetts, Ms. Jackson-Lee of Texas, Mr. Paul, Ms. Eddie Bernice Johnson of Texas, Ms. Lee, Mr. Hastings of Florida, and Mr. Al Green of Texas):

H.R. 4169. A bill to suspend temporarily the application of laws which would deny certain federal benefits, entitlements, grants, and licenses to victims of Hurricane Katrina or

Hurricane Rita due to convictions for certain drug crimes; to the Committee on Financial Services, and in addition to the Committees on Ways and Means, Education and the Workforce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS (for himself, Mr. BOOZMAN, Mr. KUHL of New York, and Mr. DANIEL E. LUNGREN of California):

H.R. 4170. A bill to provide administrative subpoena authority to apprehend fugitives; to the Committee on the Judiciary.

By Mr. TAYLOR of North Carolina (for himself, Mr. JONES of North Carolina, Mr. MCHENRY, Ms. FOXX, and Mrs. MYRICK):

H.R. 4171. A bill to provide for the consideration of a petition for Federal Recognition of the Lumbee Indians of Robeson and adjoining counties, and for other purposes; to the Committee on Resources.

By Mr. BURTON of Indiana (for himself, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. MENENDEZ, Mr. BLUMENAUER, Ms. LEE, Mr. WEXLER, Mr. WELLER, Mr. GONZALEZ, Mr. MACK, Ms. HARRIS, and Mr. FORTUÑO):

H. Con. Res. 280. Concurrent resolution mourning the horrific loss of life caused by the floods and mudslides that occurred in October 2005 in Central America and Mexico and expressing the sense of Congress that the United States should do everything possible to assist the affected people and communities; to the Committee on International Relations.

By Mr. DAVIS of Illinois (for himself, Mr. SHIMKUS, Mr. HASTERT, Mr. RUSH, Mrs. BIGGERT, Mr. EMANUEL, Mr. WELLER, Mr. GUTIERREZ, Mr. KIRK, Mr. LIPINSKI, Mr. JOHNSON of Illinois, Mr. COSTELLO, Ms. SCHAKOWSKY, Mr. EVANS, Mr. MANZULLO, Ms. BEAN, Mr. LAHOOD, Mr. JACKSON of Illinois, and Mr. HYDE):

H. Con. Res. 281. Concurrent resolution congratulating the Chicago White Sox on winning the 2005 World Series; to the Committee on Government Reform.

By Ms. LEE:

H. Con. Res. 282. Concurrent resolution expressing the sense of the Congress that the tax give away since 2001 to the wealthiest 5 percent of Americans should be repealed and those monies instead invested in vital programs to relieve the growing burden on the working poor and to alleviate poverty in America; to the Committee on Ways and Means.

By Mrs. MCCARTHY (for herself and Mr. TURNER):

H. Con. Res. 283. Concurrent resolution honoring the heroic service and sacrifice of the 6,500 glider pilots of the United States Army Air Forces during World War II; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself and Mr. ACKERMAN):

H. Con. Res. 284. Concurrent resolution expressing the sense of Congress with respect to the 2005 presidential and parliamentary elections in Egypt; to the Committee on International Relations.

By Mrs. SCHMIDT:

H. Con. Res. 285. Concurrent resolution expressing the sense of the Congress that the States of Louisiana, Mississippi, and Alabama should adopt comprehensive, modern, and uniform statewide building codes; to the Committee on Transportation and Infrastructure.

By Mr. WILSON of South Carolina:

H. Res. 519. A resolution recognizing and saluting the Carolinas Independent Automobile Dealers Association; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself and Mr. BILIRAKIS):

H. Res. 521. A resolution expressing the sense of the House of Representatives that the Former Yugoslav Republic of Macedonia (FYROM) should cease its distribution of negative and nationalist propaganda and should work with the United Nations and Greece to find a mutually acceptable official name for the FYROM; to the Committee on International Relations.

By Mr. ROHRABACHER (for himself and Mr. LANTOS):

H. Res. 522. A resolution honoring the 600th anniversary of the birth of Gjergj Castrioti (Scanderbeg), statesman, diplomat, and military genius, for his role in saving Western Europe from Ottoman occupation; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. POE.

H.R. 65: Mr. MILLER of Florida.

H.R. 398: Mr. BLUMENAUER, Mr. DEFAZIO, Mr. ETHERIDGE, Ms. LORETTA SANCHEZ of California, and Mr. DICKS.

H.R. 445: Mr. HAYES.

H.R. 586: Mr. MCKEON and Mr. ROGERS of Kentucky.

H.R. 690: Mr. RUPPERSBERGER.

H.R. 735: Ms. ESHOO.

H.R. 752: Mr. BERMAN.

H.R. 791: Ms. BERKLEY and Mr. SHERMAN.

H.R. 910: Mr. SCOTT of Virginia and Mr. BRADY of Pennsylvania.

H.R. 949: Mrs. DAVIS of California and Mrs. MCCARTHY.

H.R. 986: Ms. WOOLSEY.

H.R. 1002: Mr. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BROWN of Ohio, and Mr. THOMPSON of Mississippi.

H.R. 1108: Mr. ENGEL, Mr. ANDREWS, Mr. LANTOS, Mr. BACA, and Mr. GORDON.

H.R. 1153: Mr. MEEHAN.

H.R. 1155: Mr. CLEAVER.

H.R. 1288: Mr. ROHRABACHER and Mr. LATHAM.

H.R. 1306: Miss MCMORRIS and Mrs. KELLY.

H.R. 1322: Mr. ISRAEL and Mr. LANTOS.

H.R. 1415: Mr. SERRANO and Mrs. TAUSCHER.

H.R. 1508: Ms. BEAN.

H.R. 1514: Mr. WALSH.

H.R. 1534: Mr. DEAL of Georgia.

H.R. 1535: Mr. DEAL of Georgia.

H.R. 1536: Mr. DEAL of Georgia.

H.R. 1565: Mr. SANDERS.

H.R. 1578: Mr. MARCHANT, Ms. HART, and Ms. Bean.

H.R. 1602: Ms. KAPTUR.

H.R. 1603: Mr. PAUL.

H.R. 1691: Ms. BERKLEY.

H.R. 1736: Mr. GINGREY.

H.R. 1823: Mr. LANTOS.

H.R. 1849: Mr. STARK.

H.R. 1951: Mr. BISHOP of Utah and Mrs. EMERSON.

H.R. 1973: Mr. UDALL of New Mexico, Mr. WU, Mrs. CAPPS, Mr. BARTLETT of Maryland, Mr. GILCHREST, Mr. MANZULLO, Mr. SHAYS, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. THORNBERRY, Mr. TURNER, Mr. UDALL of Colorado, Mr. KINGSTON, Mr. KIRK, Mr. DENT, Mr. PICKERING, Mr. PETRI, Mr. WALDEN of Oregon, Mr. SIMPSON, Mr. LEWIS of Georgia, Mr. RAMSTAD, Mrs. EMERSON, Mr. GERLACH, Mr. WATT, Mr. CARDIN, Ms. HOOLEY, Mr. EHLERS, Mr. DEFAZIO, Mr. UPTON, Mr. BOOZMAN, Mr. MCHUGH, Mr. VISCLOSKY, and Mr. MORAN of Kansas.

H.R. 2014: Mr. BERRY.

H.R. 2134: Mr. SCHIFF.

H.R. 2218: Mr. ABERCROMBIE.

H.R. 2669: Mr. WAXMAN, Mr. CROWLEY, and Mr. FERGUSON.

H.R. 2682: Mr. VAN HOLLEN.

H.R. 2803: Mr. UDALL of New Mexico.

H.R. 2808: Mr. MCDERMOTT, Mr. NEY, Mr. KANJORSKI, Ms. WASSERMAN SCHULTZ, and Mr. CLAY.

H.R. 2822: Mr. MILLER of Florida.

H.R. 2828: Mr. EVANS.

H.R. 3042: Mr. STRICKLAND.

H.R. 3049: Mr. KENNEDY of Minnesota.

H.R. 3142: Mr. PASTOR.

H.R. 3147: Mr. NEUGEBAUER.

H.R. 3267: Mr. VAN HOLLEN and Mr. BLUMENAUER.

H.R. 3301: Mr. CHOCOLA and Mr. DENT.

H.R. 3449: Ms. SCHAKOWSKY.

H.R. 3505: Mr. WELLER and Mr. SODREL.

H.R. 3506: Mr. SANDERS.

H.R. 3630: Mr. SHIMKUS.

H.R. 3698: Mr. HOYER.

H.R. 3702: Mr. CLAY and Mr. PETERSON of Minnesota.

H.R. 3721: Mr. HINCHEY.

H.R. 3743: Mr. FITZPATRICK of Pennsylvania.

H.R. 3804: Mr. LANTOS.

H.R. 3852: Mr. GONZALEZ, Ms. SCHAKOWSKY, Mr. CASE, Mr. BAIRD, and Mr. MOORE of Kansas.

H.R. 3857: Mr. BROWN of South Carolina.

H.R. 3861: Mr. JONES of North Carolina.

H.R. 3889: Mr. GIBBONS.

H.R. 3909: Ms. WASSERMAN SCHULTZ.

H.R. 3953: Ms. WASSERMAN SCHULTZ, Mr. LINCOLN DIAZ-BALART of Florida, Mr. STEARNS, and Mr. PUTNAM.

H.R. 3957: Mr. MCHUGH.

H.R. 4009: Ms. LORETTA SANCHEZ of California.

H.R. 4025: Mr. SCHIFF, Mr. MATHESON, Mr. SALAZAR, Mr. HOLDEN, Mr. CASE, Mr. HINCHEY, Mr. RYAN of Ohio, Mr. KENNEDY of Rhode Island, Mr. NEAL of Massachusetts, Mr. MCCOTTER, Mr. GUTIERREZ, Ms. BEAN, Mr. LEWIS of Kentucky, and Mr. RUPPERSBERGER.

H.R. 4042: Mr. SAM JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. FILNER, Mr. FRANK of Massachusetts, and Mr. SOUDER.

H.R. 4045: Mr. WEXLER.

H.R. 4061: Ms. BERKLEY, Mr. MICHAUD, and Ms. HOOLEY.

H.R. 4079: Mr. BARTLETT of Maryland.

H.R. 4093: Mr. FEENEY, Mr. OTTER, Mr. KELLER, Mr. COBLE, and Mr. BACHUS.

H.R. 4098: Mr. FORD, Mr. BARROW, Mr. TAYLOR of North Carolina, and Mr. BOREN.

H.R. 4145: Mr. SERRANO, Mr. ORTIZ, Mr. LEWIS of California, Ms. ESHOO, Mr. GONZALEZ, and Mr. SNYDER.

H.R. 4146: Mr. FRANK of Massachusetts.

H. Con. Res. 90: Mr. BRADY of Pennsylvania, Ms. MCCOLLUM of Minnesota, Mr. WOLF, and Mr. BURTON of Indiana.

H. Con. Res. 234: Mr. CROWLEY.

H. Con. Res. 235: Ms. CORRINE BROWN of Florida and Ms. HERSETH.

H. Con. Res. 251: Ms. WOOLSEY.

H. Con. Res. 260: Mr. FRANK of Massachusetts, Ms. SCHWARTZ of Pennsylvania, Ms. DELAURO, Mr. MCDERMOTT, Mr. KENNEDY of Rhode Island, Mr. EVANS, and Mr. MCGOVERN.

H. Res. 302: Mr. FRANKS of Arizona.

H. Res. 335: Mr. BRADY of Pennsylvania and Mr. PETERSON of Minnesota.

H. Res. 415: Ms. ZOE LOFGREN of California.

H. Res. 458: Ms. BERKLEY and Mr. HONDA.

H. Res. 466: Mr. BUTTERFIELD.

H. Res. 483: Ms. SCHAKOWSKY, Mr. ISRAEL, Mr. RUPPERSBERGER, Ms. JACKSON-LEE of Texas, Mr. LARSEN of Washington, and Mr. SHAYS.

H. Res. 515: Mr. JEFFERSON and Mr. AL GREEN of Texas.

H. Res. 517: Mr. BISHOP of New York, Mr. FOSSELLA, Mr. KING of New York, and Mr. ROTHMAN.

SENATE—*Thursday, October 27, 2005*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Alan Keiran, chief of staff of the Senate Chaplain's Office.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

O God of might and power, give our Senators today Your passion. Give them a passion for people that will bring liberty and hope. Give them a passion for justice that will empower them to become our Nation's conscience. Give them a passion for unity that will break down the barriers that divide us. Give them a passion for action that they may not shrink from the new or be satisfied with the comfortable inertia.

Give us all a passion for progress that will enable us to see what is not and dream what can be.

We pray in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3010, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Sununu amendment No. 2214, to provide for the funding of the Low-Vision Rehabilitation Services Demonstration Project.

Sununu modified amendment No. 2215, to increase funding for community health centers.

Thune further modified amendment No. 2193, to provide funding for telehealth programs.

Murray amendment No. 2220, to provide stop gap coverage for low-income Seniors and disabled individuals who may lose benefits or suffer a gap in coverage due to the implementation of the Medicare part D prescription drug benefit.

Harkin modified amendment No. 2283, to make available funds for pandemic flu preparedness.

Clinton/Schumer amendment No. 2313, to provide for payments to the New York State Uninsured Employers Fund for reimbursement of claims related to the terrorist attacks of September 11, 2001, and payments to the Centers for Disease Control and Prevention for treatment for emergency services personnel and rescue and recovery personnel.

Coburn amendment No. 2233, to prohibit the use of funds for HIV Vaccine Awareness Day activities.

Coburn amendment No. 2230, to limit funding for conferences.

Dayton amendment No. 2245, to fully fund the Federal Government's share of the costs under part B of the Individuals with Disabilities Education Act.

Dayton amendment No. 2289, to increase funding for disabled voter access services under the Help America Vote Act of 2002.

Santorum amendment No. 2241, to establish a Congressional Commission on Expanding Social Service Delivery Options.

Santorum amendment No. 2237, to provide grants to promote healthy marriages.

Durbin (for Boxer/Ensign) amendment No. 2287, to increase appropriations for after-school programs through 21st century community learning centers.

Bingaman (for Smith/Bingaman) amendment No. 2259, to provide funding for the AIDS Drug Assistance Program within the Health Resources and Services Administration.

Bingaman amendment No. 2218, to increase funding for advanced placement programs.

Bingaman amendment No. 2219, to increase funding for school dropout prevention.

Bingaman/Salazar amendment No. 2262, to increase funding for education programs serving Hispanic students.

Harkin amendment No. 2322, to prohibit payments for administrative expenses under the Medicaid program if more than 15 percent of applications for medical assistance, eligibility redeterminations, and change reports are processed by individuals who are not State employees meeting certain personnel standards.

Cornyn amendment No. 2277, to increase the amount of appropriated funds available for Community-Based Job Training Grants.

Landrieu amendment No. 2248, to increase appropriations for the Federal TRIO programs for students affected by Hurricanes Katrina or Rita.

Landrieu amendment No. 2250, to provide funding to carry out the Mosquito Abatement for Safety and Health Act.

Landrieu amendment No. 2249, to require that any additional community health center funding be directed, in part, to centers in areas affected by Hurricane Katrina or Hurricane Rita.

Collins/Feingold modified amendment No. 2265, to fund grants for innovative programs to address dental workforce needs.

Murray amendment No. 2285, to insert provisions related to an investigation by the Inspector General.

Ensign amendment No. 2300, to prohibit funding for the support, development, or distribution of the Department of Education's e-Language Learning System (ELLS).

The PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided between the majority and the minority.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the time until 10 a.m. will be equally divided for debate prior to the cloture vote. That cloture vote is scheduled to begin at 10 a.m. promptly. We will be on the Labor-HHS appropriations bill. We started that bill now 6 days ago, last Friday. Senators have had ample opportunity to debate and offer amendments. Therefore, I expect that we will invoke cloture this morning. Once cloture is invoked, the chairman can begin the process of bringing that bill to a close. If we work together and Members are reasonable with their requests for amendments, we will be able to finish the bill tonight. If we are unable to get passage of the bill tonight, then we would return to session tomorrow and stay on the bill with votes until completion. That gives added incentive for people to finish it today, but we will be here tomorrow to vote if we do not finish it tonight.

Today we may also receive the Agriculture appropriations conference report from the House, and I will be talking to the Democratic leader about the scheduling for consideration.

Finally, we have some Executive Calendar nominations ready for Senate action, including a couple of judges. We need to dispose of those nominations as soon as possible.

WITHDRAWAL OF NOMINATION OF HARRIET MIERS

Mr. FRIST. Mr. President, over the last several minutes, Harriet Miers has formally requested to withdraw as a nominee to serve as Associate Justice of the Supreme Court. I had a conversation with Ms. Miers early this morning, and she told me that it was last evening that she spoke to the President and formally requested her nomination to be withdrawn. She stated clearly to me this morning and in a letter, which I will refer to shortly, that she felt that withdrawal was in the best interest of the United States. She came to this decision on her own, based on what she has experienced and witnessed and with the requests that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

are currently being made and as she projected forward to the hearings, again, in the best interests of the country. This morning she was gracious and forthcoming, confident, expressed appreciation for all of the work that has been done to date in the Senate and asked me to express that to each of the Senators, asking me to say thank you for their individual courtesy over the past several days and weeks. As one may expect, she was disappointed but confident and upbeat.

Earlier this morning, following that, I did talk to the President. It is appropriate, because things are moving so quickly for me, to quote from her letter, again, to use Harriet Miers' own words. As this is addressed by the political pundits and the commentators over the course of today, I think it would be helpful for our colleagues to hear directly what Ms. Miers sent to the President.

> OCTOBER 27, 2005.
>
> Dear Mr. President: I write to withdraw as a nominee to serve as an Associate Justice on the Supreme Court of the United States. I have been greatly honored and humbled by the confidence that you have shown in me, and have appreciated immensely your support and the support of many others. However, I am concerned that the confirmation process presents a burden for the White House and our staff that is not in the best interest of the country.
>
> As you know, members of the Senate have indicated their intention to seek documents about my service in the White House in order to judge whether to support me. I have been informed repeatedly that in lieu of records, I would be expected to testify about my service in the White House to demonstrate my experience and judicial philosophy. While I believe that my lengthy career provides sufficient evidence for consideration of my nomination, I am convinced the efforts to obtain Executive Branch materials and information will continue.
>
> As I stated in my acceptance remarks in the Oval Office, the strength and independence of our three branches of government are critical to the continued success of this great Nation. Repeatedly in the course of the process of confirmation for nominees for other positions, I have steadfastly maintained that the independence of the Executive Branch be reserved and its confidential documents and information not be released to further a confirmation process. I feel compelled to adhere to this position, especially related to my own nomination. Protection of the prerogatives of the Executive Branch and continued pursuit of my confirmation are in tension. I have decided that seeking my confirmation should yield.
>
> I share your commitment to appointing judges with a conservative judicial philosophy, and I look forward to continuing to support your efforts to provide the American people judges who will interpret the law, not make it. I am most grateful for the opportunity to have served your Administration and this country.
>
> Most respectfully,
>
> HARRIET ELLAN MIERS.

Those are her words, and I think they are very direct. I did have a chance to talk to the President moments ago. He says that he accepted this withdrawal. Harriet Miers will continue as White House counsel, of course. And I believe that we can expect another nomination in the very near future. I will be talking to Chairman SPECTER a little bit later this morning.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

HARRIET MIERS

Mr. REID. Mr. President, I have heard, since I have been in Washington these many years, about what a tough town it is. I rarely have felt that in my work here. But today I feel what some have said. For Harriet Miers, this is a tough town.

Here is a fine woman, gentle and kind, has a lengthy career. Her record: First woman to become a member of a large law firm in Texas; first woman to be president of the Dallas Bar Association. The Dallas Bar Association is larger than most State bar associations. She followed that with being the president of the Texas Bar Association, one of the three or four largest bar associations in the United States. She has served in elective office for a short period. She has had extensive experience in the courts.

I was in Texas this past weekend with a bunch of Democratic lawyers, members of the Democratic Party. They all said the nicest things about Harriet Miers. She was a fine litigator.

It is no secret I thought she would be an appropriate nomination for the President. I suggested that to the President in a meeting that was attended by the distinguished majority leader. I believe the 35 to 40 percent of the people who have served on the Supreme Court with no judicial experience before getting there have been equally as good as those people who have come to the Court with judicial experience. I believe those Justices with whom I had lunch a few months ago, who said, we would like to have people with no judicial experience come to the Supreme Court—that is what they said—were right. I believe they are still right.

I have talked a little bit about Harriet Miers. She called me this morning. I agree with the distinguished Republican leader that she was upbeat, but she wasn't happy. She was very disappointed. It was obvious she was very disappointed. Who wouldn't be? In her experience as a lawyer, elected city councilperson, in her whole career she has shown that she has been a strong supporter for law firm diversity policies, a leader in promoting legal services for the poor. She made statements, written and otherwise, where she spoke her beliefs on basic fairness.

I believe, without any question, that when the history books are written about all this, it will show that the radical rightwing of the Republican Party drove this woman's nomination right out of town. Apparently, Ms. Miers didn't satisfy those who want to pack the Supreme Court with rigid ideologists. The only voices heard in this process were the far right. She wasn't even given a chance to speak for herself before the Senate Judiciary Committee. Her credentials, which are excellent, weren't good enough for the rightwing. They wanted a nominee with a proven record of supporting their skewed goals.

I hope our President, in choosing a replacement for his lawyer—and that is what she is—will not reward the bad behavior of his rightwing base. President Bush should reject the demands of these extremists and choose a Justice who will protect the constitutional rights of all Americans. The President should listen to all Americans, not just extreme elements of his own party.

I repeat what the distinguished Senator from Maryland said, Ms. MIKULSKI, that she sensed a whiff—I think that is a direct quote—of sexism in all of the attacks on this nominee.

Mr. President, it is over with. She has given her withdrawal to the President. I don't think it is a good day for our country.

The PRESIDENT pro tempore. Who yields time?

Mr. REID. I yield to the distinguished Senator from New York.

How much time do we have, Mr. President?

The PRESIDENT pro tempore. Eight minutes 11 seconds.

Mr. REID. And that is equally divided; is that right?

The PRESIDENT pro tempore. The majority has 7 minutes 42 seconds.

Mr. REID. While the distinguished majority leader is here, Mr. President, through you to the distinguished Republican leader, we had a half hour set aside and I took more than my share. You didn't take much time. I ask unanimous consent that there be 30 minutes for morning business and the vote at 10 o'clock be scheduled at 10:15.

I understand the Senator from New York is not talking in morning business. I withdraw my request. I yield to her whatever time she may consume.

The PRESIDENT pro tempore. The Senator from New York is recognized.

AMENDMENT NO. 2313

Mrs. CLINTON. I thank the Chair. I ask unanimous consent that at the conclusion of my brief remarks my colleague, Senator SCHUMER, be recognized.

The PRESIDENT pro tempore. Subject to the control of the time, yes.

Mrs. CLINTON. I thank the Chair.

Mr. President, I believe amendment 2313 is pending before the Senate; is that correct?

The PRESIDENT pro tempore. Pending before the Senate is H.R. 3010.

Mrs. CLINTON. Is amendment 2313 at the desk?

The PRESIDENT pro tempore. The amendment is the pending amendment, the one we go on in regular business.

Mrs. CLINTON. Mr. President, parliamentary inquiry: Will we be going to regular business before the cloture vote?

The PRESIDENT pro tempore. We are on the bill at this time.

Mrs. CLINTON. Then if we are on the bill at this time, I wish to speak briefly about amendment 2313 and ask that it be pending before the Senate.

The PRESIDENT pro tempore. The Senator has the right to make that amendment the regular order if she desires.

Mrs. CLINTON. I do desire, Mr. President, to make amendment 2313 the regular order.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. CLINTON. I thank the Chair.

Mr. President, this amendment addresses a problem that is quite unprecedented with respect to the funds that were appropriated originally from this body following the attacks of September 11. The funds were part of the original emergency appropriation passed by the Congress and signed by the President. The money addressed in this amendment is intended for use for medical services and related matters on behalf of first responders, construction workers, and others who worked at Ground Zero, who were in a variety of ways injured, whose health was impacted, often leading to employment-ending disabilities. The people who gave so much in the immediate aftermath of those attacks include, of course, those who lost their lives and also those who as part of the rescue and recovery operations suffered long-lasting physical and mental damage.

A number of those people have not been able to return to work. They are suffering from ailments ranging from physical disability, loss of limbs, loss of the use of limbs. They have suffered an incredible range of lung-related and breathing diseases—asthma, respiratory dysfunction. Others have suffered greatly from the stresses they confronted, particularly working on what was called "the pile" day after day after day; some who worked out at Freshkills, the formerly very large landfill on Staten Island where the remains of so many who lost their lives, including the debris from the cleanup, were taken and deposited. Detectives worked there hour after hour after hour recovering evidence, and often that evidence included, tragically, body parts. Many of these people who were directly impacted continued to work as long as they could. They tried to return to some semblance of normalcy. Unfortunately, they often could not continue.

The money that was directed to be used for their medical and employment-related needs was caught up in some of the efforts to deal with the budget currently, and an unprecedented rescission of these funds previously appropriated was called for.

On both sides of the aisle, in the Senate as well as the House, we have a number of our colleagues who understand completely the need for these funds to be reinstated and available for the purposes they were intended. Certainly, the Governor of our State, the mayor of our city, along with representatives of many of the workers, the police officers, detectives, the firefighters, the construction workers, and others who were adversely impacted because they responded to the need for their services and their heroic efforts, are all united in our effort on both sides of the aisle at all levels of Government to make sure that what was promised is fulfilled.

I greatly appreciate the chairman of the committee and the ranking member working with us over the last weeks to make sure we correct this unprecedented rescission. I believe the amendment has been agreed to by the chairman and ranking member. I hope we are able to move forward with that expeditiously today.

This is a righting of an inadvertent wrong. I don't think the full intent and understanding of what these funds were for was perhaps appreciated, but there seems to be a great willingness, which I greatly appreciate, on behalf of the majority——

The PRESIDENT pro tempore. The Senator's time has expired.

Mrs. CLINTON. And so, Mr. President, let me, if I could——

The PRESIDENT pro tempore. There is no further time for the minority to yield.

Mrs. CLINTON. Mr. President, may we have unanimous consent to use the leader time?

The PRESIDENT pro tempore. The leadership time is reserved. The leadership is to use that time.

Mr. SCHUMER. Mr. President, I ask unanimous consent that I be given 2 minutes. It can be deducted from the Republican time.

The PRESIDENT pro tempore. Without objection, that request can be agreed to.

Mr. SCHUMER. I thank the Chair. I want to add my voice in support of this amendment on behalf of Senator CLINTON and myself.

We all know the help this country has generously offered those who put their lives on the line—some survived, some did not—after 9/11. Many emerged wounded. I want to add one other element here. When we negotiated with the President for the $20 billion, there was a great moment of unity. When this Congress stood up, it was a great moment of unity. I have to say the President has never wavered in his commitment of the $20 billion. In fact, the White House has been generous in granting us flexibility—seeking to take $2 billion of the tax dollars and move them to transportation.

This one rescission is the only mark where there has been a wavering in the commitment made to New York in those bleak weeks right after 9/11. We don't know how it came about. I doubt it came from the President—maybe somebody in OMB. But removing this rescission rights that wrong and keeps the ledger unblemished about this Nation's commitment to $20 billion to New York.

I thank Senator SPECTER and Senator COCHRAN for understanding that need, and Senator CLINTON and I look forward to the fact that this amendment, which will now be in the Senate bill, will prevail in the House and that the White House will help us make that happen.

The PRESIDENT pro tempore. The Senator's 2 minutes have expired.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the remainder of the time be allocated to Senator SCHUMER and myself.

The PRESIDENT pro tempore. Without objection, it is so ordered. There is 5 minutes 44 seconds remaining.

Mrs. CLINTON. Mr. President, as you can tell from both Senator SCHUMER and myself, we are very grateful for this understanding and pending action that will give us a chance to right this wrong. Again I think it is difficult to trace how it happened. I believe it is in the rush of trying to figure out how to maybe make things balance a little bit more that this was seized upon.

I ask unanimous consent that letters from Governor Pataki and Mayor Bloomberg be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE CHAMBER,
STATE CAPITOL,
Albany, NY, October 21, 2005.

Hon. THAD COCHRAN,
Chair, Appropriations Committee, Senate Dirksen Office Building, Washington, DC.

Hon. ROBERT C. BYRD,
Ranking Member, Appropriations Committee, Senate Hart Office Building, Washington, DC.

DEAR SENATORS COCHRAN AND BYRD: I would like to voice my strong concerns over a provision in the House Labor-HHS Appropriations bill which would rescind $125 million from the New York State Workers' Compensation Board sent to New York as part of the response to the September 11, 2001 terrorist attacks. As the Senate considers its own Labor-HHS appropriations bill, I would ask that this rescission not be included. If it is not feasible to reverse the rescission, then I would respectfully ask that you support passage of a new emergency appropriation.

Under P.L. 107-117, Congress provided New York a total of $175 million for the Workers' Compensation Board. The funding was for paying benefits to the volunteers who responded to Ground Zero or the Staten Island Landfill and to pay claims to the employees of uninsured employers. These funds were made available "until expended."

Consistent with Congressional intent, I am requesting that all funds from the initial appropriation remain available to ensure that the continuing needs of affected individuals are met.

I appreciate that you have incredibly difficult decisions to make given the funding constraints under which you must pass the Labor-HHS bill. However, the aftermath of 9/11 continues to manifest itself with responders' illnesses emerging late and lasting longer than expected. To rescind the funding provided to deal with these needs would be turning our back on the very people who stepped up to the plate in the wake of a national emergency.

Thank you for your attention to this critical issue.

Very truly yours,

GEORGE E. PATAKI.

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, NY, October 24, 2005.

Hon. THAD COCHRAN,
Chairman, Senate Appropriations Committee, Capitol Building, Washington, DC.
Hon. ARLEN SPECTER,
Chairman, Senate Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies, Dirksen Senate Office Building, Washington, DC.
Hon. ROBERT C. BYRD,
Ranking Member, Senate Appropriations Committee,
Capitol Building, Washington, DC.
Hon. TOM HARKIN,
Ranking Member, Senate Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMEN COCHRAN AND SPECTER AND RANKING MEMBERS BYRD AND HARKIN: In the aftermath of the attacks on the World Trade Center (WTC), the Federal Government promised to appropriate $20 billion to help New York City in its recovery efforts. As you are aware, $125 million of that Federal funding has been rescinded. I am asking your support for an amendment to be offered by Senators Clinton and Schumer to restore these funds to meet the ongoing needs of those harmed by the September 11th attacks and (their aftermath. The funds in question were originally to be used to process workers' compensation claims, but have not proven necessary for that purpose.

It is impossible to predict exactly the needs of the governments, businesses and individuals hurt by such a crisis. Jurisdictions affected by major disasters, be they man-made or from natural causes, should get the benefit of hindsight to make full and proper use of allocated funds. Thus it is important that the Congress allow these jurisdictions to come back to Congress to make revisions in the federal assistance provided.

In New York, there is still a need for New York State to retain $50 million of the aforementioned $125 million, but we are writing you about the remaining $75 million. New York has significant, ongoing needs for continued monitoring and possible medical treatment as a result of the September 11th attacks.

It is our understanding that Senators Clinton and Schumer will be offering an amendment to restore this $75 million so it can be used to administer baseline and follow-up screening and clinical examinations and long-term medical health monitoring, analysis, and treatment for emergency services personnel and rescue and recovery personnel through the FDNY Bureau of Health Services and Counseling Services Unit, the NYPD, Project Cope, the Police Organization Providing Peer Assistance (POPPA), the World Trade Center Health Registry and the Mount Sinai Center for Occupational and Environmental Medicine working with the State and City of New York.

The New York City Fire Department (FDNY) estimates that this funding would enable the World Trade Center (WTC) Medical Monitoring Program, that the Department's Bureau of Health Services runs in partnership with Mt. Sinai Medical Center, and the FDNY Medical Treatment Program to continue for several more years, although additional funds would be needed beyond that time period. The WTC Medical Monitoring Program monitors and treats the WTC rescue and recovery workers and volunteers affected by environmental contaminants and other exposures at the WTC site. It is the only long-term, national program that provides periodic medical monitoring exams, as well as short- and long-term medical treatment, for the approximately 12,000 FDNY rescue workers and 12,000 other responders who could be at risk for WTC-related illnesses as a result of their efforts in rescue and recovery, service restoration or debris removal and clean up at the WTC site. Federal and private funding is due to expire in 2009 for the monitoring program and 2007 for the treatment program. This is a much-needed amendment that would continue this federal partnership for several more years.

The FDNY's workforce was the most severely affected by September 11, 2001. On that day alone, the Department suffered 343 fatalities, and 200 of our responders needed medical treatment—some for life-threatening injuries. In all, more than 12,000 FDNY rescue workers performed rescue and recovery efforts from September 11, 2001 through July 2002. Since then, nearly 4,000 have developed respiratory and/or mental health-related illnesses. Potentially disabling conditions that our rescue workers face include asthma, chronic bronchitis, chronic sinusitis, gastroesophageal reflux disorders and psychological distress as a result of their repeated exposures to the injured, the dying, the dead, human remains, potentially life-threatening situations for themselves and other traumatic events. Our FDNY rescue workers are also concerned about other potential exposures to environmental toxins. More than 500 firefighters have qualified for early retirement disability.

This funding would also provide critical support for the New York City WTC Health Registry. The WTC Health Registry, operated by the NYC Department of Health and Mental Hygiene, tracks many highly affected subgroups present on 9/11, including Lower Manhattan residents, children, building survivors and visitors, as well as rescue workers and rescue/clean-up volunteers. The Registry has enrolled 71,000 persons, including those who were contacted from known employer and building listings, as well as eligible individuals who voluntarily enrolled. The Registry is designed to maintain contact with and systematically document potential health effects related to 9/11 through periodic monitoring of mental and physical health conditions over the course of the next 20 years. To benefit participants and others affected by the disaster, the Registry provides immediate information on health and mental health outcomes, as well as available resources and treatment options. It is a unique resource open to health experts around the country conducting more in-depth health investigations. Special studies by a number of academic institutions have already begun, with the Registry providing a means to contact interested participants. The findings of these studies will benefit individuals affected by 9/11 and physicians concerned with their care.

The Registry provides one of the few opportunities to conduct future population-based assessments of WTC health effects on different affected populations. It was established with funding provided through the federal Agency for Toxic Substances and Disease Registry (ATSDR). The cost of this program is modest and provides a platform to monitor the public health consequences of the WTC attacks and develops essential health and emergency preparedness information. This amendment will ensure that the Registry receives funding for several more years. It is also essential that the federal government keep faith with the 71,000 WTC survivors who enrolled by ensuring the stability and long-term survival of this crucial project.

Thank you for all you have done to help us on behalf of those affected by September 11.

Sincerely,

MICHAEL R. BLOOMBERG,
Mayor.
NICHOLAS SCOPPETTA,
Commissioner, Fire Department of the City of New York.
THOMAS R. FRIEDEN,
M.D., M.P.H., Commissioner, Department of Health and Mental Hygiene.

FIRE DEPARTMENT OF NEW YORK—MT. SINAI PARTNERSHIP

To continue the existing medical monitoring and treatment program, the FDNY needs federal assistance for a 30-year medical monitoring program that to date has been funded by the Centers of Disease Control and Prevention (CDC) and the National Institute of Occupational Safety and Health (NIOSH). This would allow the FDNY Bureau of Health Services to continue to provide comprehensive periodic follow-up monitoring exams to FDNY WTC rescue workers (active and retired) at periodic (e.g., 18-month) intervals, thereby maintaining needed services and medical continuity for this group.

Based on current patient enrollment and the anticipated health/economic needs of this population, the FDNY needs federal assistance to support the medical treatment for the FDNY WTC rescue workers (active and retired). This funding would support necessary medical and mental health treatment programs already in place for what we estimate to be, conservatively, 30 percent of the FDNY WTC responder population. Funding for these monitoring and treatment programs would allow the FDNY to provide to our WTC rescue workers the same level and number of medical and mental health services as Mount Sinai plans for the non-FDNY WTC responders.

The FDNY treatment program, treating an estimated 3,000 patients, has a current budget of $15 million annually. The Mt. Sinai portion of this program has a similar budget. Funding for these programs is uncertain after 2007. The FDNY monitoring and evaluations program, treating an estimated 12,000 patients, has a current budget of $5 million per year. Funding for this program is uncertain after 2009.

WORLD TRADE CENTER REGISTRY (WTCHR)

The World Trade Center Health Registry is designed to monitor the physical and mental health of the 71,000 enrollees for 20 years. The Registry is the only systematic way to document and verify the possible long-term consequences of the WTC disaster in groups most directly affected by the attacks, such as residents, children, building survivors, visitors, and rescue/recovery workers and volunteers. This is the largest effort ever in the U.S. to systemically monitor the health of persons exposed to a large-scale disaster.

The Registry has developed a comprehensive resource guide, which is updated regularly, to help WTC-affected persons find physical or mental health services and other 9/11-related assistance. It is the only comprehensive and updated resource directory for people affected by the attack. To accompany this, the Department is collaborating with Mt. Sinai Medical Center to develop a set of clinical guidelines for physicians treating patients affected by 9/11.

An average cost of $46 per enrollee per year is required to support the registry for its 20 year life span—a modest cost to monitor the health consequences of this major disaster and to develop essential health and emergency preparedness information. Average annual and recurring support of $3.31 million is needed to support the registry. A cooperative agreement between ATSDR and the New York City Department of Health and Mental Hygiene (DOHMH) provides partial and declining support only through 2007, leaving a shortfall averaging $2.2 million through that date. After 2007, no funding has been committed to support the $3.31 million need. New York City is working with our federal partners and representatives to secure long-term funding for WTCHR.

Mrs. CLINTON. This money has been counted on to meet the needs of so many of these workers, through the workers comp system, through the health care system. We fought very hard to make sure there was a sufficient amount of money for the diagnosis of the various physical and mental ills that people suffered after 9/11. I was very grateful we were able to do that. People are being diagnosed. They are being given some help. Unfortunately, without this money, that help cannot continue. After 9/11, we learned that many of the people who were involved in the horrible bombing in Oklahoma City years before were finally coming to ask for help, that they had been suffering in silence. Often there had been terrible memories that interfered with their ability to continue working. This is something that we know from experts is, unfortunately, a very long-term, slow-moving problem, that not everybody suffers the same way immediately. There are those for whom it takes longer to come to grips with what has happened. We are seeing that. We are seeing still people who for the first time go to a physician, for the first time ask for help. I have worked closely with the fire department over the last 4 years and they have been absolutely superb in trying to make sure that help was available, people knew about it, but they are the first to tell you not every one of the firefighters was ready to ask for it. They had to be convinced it was OK to do.

So having this money reinstated will fulfill the promise we have made to all of these men and women that we are not going to forget them, we are going to take care of them; that when they are ready to ask for help, they will get help, and that the resources will be available for them to get that help.

It is very heartening, and I obviously understand we are going to have a challenge in the conference committee, but all of our colleagues on both sides of the aisle in the House, particularly those who serve on the Appropriations Committee, are part of this team and are working hard to make sure their leadership understands what our leadership does, which is that this is keeping faith with the people who kept faith with America, a lot of brave and heroic and very extraordinary human beings who ran toward danger instead of away from it. I am very grateful that this will be in the Senate bill and we will be able to go with a united front on behalf of the Senate joining with those in the majority and minority in the House to make sure we provide this funding as soon as possible.

I appreciate all the hard work we have seen from the chairman and the chairman's staff, from the ranking member and the ranking member's staff. This was a challenge they undertook because they supported what we were trying to do and understood how significant it was to correct this situation.

I also appreciate the chairman of the full committee and the ranking member of the full committee who have similarly been very supportive in helping us work out a solution to this issue.

I can only hope that when we get to conference the House will understand and accept how we have worked this out and give us a chance to make our case. I believe it is a worthy case. It has bipartisan support. I think the House will see that and understand it.

I am grateful to everyone who has helped us get to this point.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VITTER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, on behalf of the chairman of the subcommittee, Senator SPECTER, I want to state that this amendment restores $125 million previously appropriated to New York as part of the emergency supplemental bill under chapter 11, relief and recovery, passed by the Congress and signed into law by President Bush on January 10, 2002.

The funds would be used for such purposes as mental health treatment and long-term health monitoring of rescue and recovery personnel.

The amendment is fully offset.

I ask for a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2313.

The amendment (No. 2313) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mrs. CLINTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I call for the regular order.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 3010: The Labor-HHS appropriate bill.

Bill Frist, Arlen Specter, Thad Cochran, Michael Enzi, Wayne Allard, Jon Kyl, Rick Santorum, Richard Lugar, Mike DeWine, Craig Thomas, Mel Martinez, Sam Brownback, Kay Bailey Hutchison, John Thune, Orrin Hatch, Robert Bennett, Mike Crapo.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 3010, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 2006, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE, and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The yeas and nays resulted—yeas 97, nays 0, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—97

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts

Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—3

Corzine
Lott
Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 0. Three-fifths of the Senators duly sworn and chosen, having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The remarks of Mr. OBAMA and Mr. DURBIN are printed in today's RECORD under "Morning Business.")

AMENDMENT NO. 2193

Mr. SPECTER. Mr. President, before moving ahead to the amendments on the flu pandemic, there are some amendments which have been cleared and which have been accepted on both sides.

I call up Thune amendment No. 2193.

This amendment provides $10 million for the telehealth programs within the Department of Education. The amendment is fully offset. I believe it has been agreed to by my distinguished ranking member, Senator HARKIN.

Mr. HARKIN. We have no objections on this side.

Mr. SPECTER. I urge its agreement.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2193), as modified, was agreed to.

AMENDMENT NO. 2265

Mr. SPECTER. Amendment No. 2265, the Collins dental health workforce needs amendment, provides funding which will grant innovative programs an opportunity to move forward to address the dental workforce needs. The amendment has been cleared.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2265) was agreed to.

AMENDMENT NO. 2269

Mr. SPECTER. Amendment No. 2269, the Lautenberg amendment, provides for a prohibition for the use of funds for abstinence education information that has proved medically inaccurate. Again, it has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. LAUTENBERG, proposes an amendment numbered 2269.

The amendment is as follows:

(Purpose: To prohibit the use of funds to provide abstinence education that includes information that is medically inaccurate)

At the appropriate place, insert the following:

SEC. ____. None of the funds made available in this Act may be used to provide abstinence education that includes information that is medically inaccurate. For purposes of this section, the term "medically inaccurate" means information that is unsupported or contradicted by peer-reviewed research by leading medical, psychological, psychiatric, and public health publications, organizations and agencies.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2269) was agreed to.

AMENDMENT NO. 2214, AS MODIFIED

Mr. SPECTER. Mr. President, I call up the Sununu amendment numbered 2214, as modified.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 2214), as modified, is as follows:

After section 221, insert the following:

SEC. 222. For carrying out the Low-Vision Rehabilitation Services Demonstration Project by the Secretary of Health and Human Services, an additional $5,000,000: *Provided*, That both accounts made available on page 137, line 9 are reduced by $5,000,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2214), as modified, was agreed to.

AMENDMENT NO. 2308, AS MODIFIED

Mr. SPECTER. Now the Alexander amendment 2308, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. ALEXANDER, proposes an amendment numbered 2308, as modified.

The amendment (No. 2308), as modified, is as follows:

At the end of title III (before the short title), add the following:

SEC. ____. (a) There are appropriated, out of any money in the Treasury not otherwise appropriated, $7,000,000 to the National Assessment Governing Board for the purposes of implementing a National Assessment of Educational Progress test in United States history.

(b) On page 192, line 20, strike $418,992,000 and insert $411,992,000 in lieu thereof.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2308), as modified, was agreed to.

AMENDMENT NO. 2219, AS MODIFIED

Mr. SPECTER. Mr. President, I call up the Bingaman amendment numbered 2219, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. BINGAMAN, proposes an amendment numbered 2219, as modified.

The amendment (No. 2219), as modified, is as follows:

At the end of title III (before the short title), insert the following:

SEC. ____. (a) In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $4,900,000 to carry out part H of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6551 et seq.).

(b) Notwithstanding any other provision of this Act, the amount made available under the heading Health Resources and Services Administration for construction and renovation is further reduced by $4,900,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 2219), as modified, was agreed to.

AMENDMENTS NOS. 2220, 2241, 2237, AND 2249, EN BLOC

Mr. SPECTER. Mr. President, I ask unanimous consent it be in order to make a germaneness point of order against the following amendments en bloc: Senator MURRAY, 2220; Senator SANTORUM, 2241; Senator SANTORUM, 2237; Senator LANDRIEU, 2249. I now raise a point of order that the amendments are nongermane.

The PRESIDING OFFICER. Without objection, the Senate may make a point of order, en bloc.

Mr. SPECTER. Technically, I raise a point of order that the amendments are nongermane.

The PRESIDING OFFICER. The point of order is sustained. The amendments fall.

Mr. HARKIN. Mr. President, what is the pending amendment or business before the Senate?

The PRESIDING OFFICER. The pending amendment is the Ensign amendment No. 2300.

AMENDMENT NO. 2283

Mr. HARKIN. I ask unanimous consent to set the pending amendment aside and return to amendment No. 2283.

The PRESIDING OFFICER. Without objection, the matter before the Senate is amendment 2283.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, before I talk about this amendment that has to do with avian flu, I add my congratulations to the Chicago White Sox for a sterling performance—four straight games in the World Series—to congratulate the team, and to congratulate their owner, Jerry Reinsdorf. The last time the Chicago White Sox won the World Series was 1917. Of course, they were the Black Sox at that time. And the outstanding performer during that 1917 classic was a guy by the name of Joseph Jefferson Jackson from Greenville, SC. Baseball fans and aficionados perhaps may not recognize his real name, but they will recognize the name Shoeless Joe Jackson.

In 1999, along with Senator Thurmond and Senator Hollings, we introduced a sense-of-the-Senate resolution. It was accepted by the Senate. Commissioner Selig agreed to review the Shoeless Joe Jackson case to reinstate him to baseball. However, 6 years have passed and Mr. Selig has done nothing.

With the winning of the World Series by the Chicago White Sox, it is time to revisit this issue. In that regard, Senator DEMINT from South Carolina and I have submitted a resolution. We will be talking about it later today at an appropriate time when Senator DEMINT and I can both be on the Senate floor. I want Senators to know we have a sense-of-the-Senate resolution that Senator DEMINT and I will be submitting similar to the one we offered in 1999 once again trying to honor one of baseball's all-time great players who suffered a great injustice at the hands of the then Commissioner Landis, Kenesaw Mountain Landis, who was a commissioner of baseball for almost 40 years. It was Commissioner Landis who banned Shoeless Joe Jackson from baseball, and robbed him of his rightful place in the Baseball Hall of Fame. We will have more to say about that later today.

I congratulate the Chicago White Sox on a great victory and thank my colleague and my friend from South Carolina for working to get this new resolution. Hopefully, we will take it up in the Senate this afternoon and pass it sometime this afternoon.

Mr. President, we have an amendment before the Senate that is crucial to maybe even our most basic survival as a nation, perhaps crucial to the survival of our economy and the future. I know that sounds like overblown rhetoric, but everyone has probably been reading lately about the threat of an avian flu pandemic. It has been on all the news magazines and all the news shows. Newsweek magazine last week had a very comprehensive exposé or at least a delineation of the flu, how it is spread, how virulent it is, and what it can do to us. So I don't think it is overblown to say this perhaps could be the biggest threat our country has faced in the last 100 years.

As has been pointed out in numerous articles and I think elsewhere in the Newsweek article I referred to earlier, what this pandemic could do to us as a people is even more threatening than what a few terrorists could do and, as they point out, even a few terrorists with a nuclear-type device. This pandemic could literally—estimated by the experts, not by me—cause the death of anywhere from 200,000 to 2 million Americans, with tens of millions of Americans hospitalized without any capacity to take care of them. This would cause a disruption in our economy the likes of which we have probably never seen.

I have been involved in looking at avian flu for the last several years, tracking it and keeping in close contact with the National Institutes of Health and the Centers for Disease Control and Prevention in Atlanta. I always try to be careful we do not unduly alarm people. I don't want to put myself nor do I think we should put ourselves in the position of unduly alarming or generating a phobia that paralyzes our country, but alarm bells must be rung. The warning signs are there. We have to start preparing. The time for planning and thinking about it has passed. We have to do something immediately.

The amendment we are debating allows the United States to dramatically step up emergency preparations for an avian flu pandemic. Last month, I offered on the Defense appropriations bill a similar amendment that provided $3.9 billion to prepare for such a pandemic. At that time, we did not know when or if the Labor-HHS bill would ever come to the Senate. Obviously, this is the appropriate place for it since this appropriations subcommittee under the leadership of Senator SPECTER has jurisdiction over both the Department of Health and Human Services and also the Centers for Disease Control and Prevention and also the National Institutes of Health.

Between last month when this amendment was adopted on the Defense appropriations bill and now, I have gone back to NIH, the Centers for Disease Control and Prevention, and a number of drug companies involved in either vaccine production or the production of antivirals to get a better handle on what it is we need to do. Just what is it?

I will admit that in the first amendment, which I offered on the Defense appropriations bill, we were missing some information. But now we have that information. So the amendment we have before us today is a more robust version of that earlier amendment we had on the Defense appropriations bill which was adopted by the Senate. This version is based on more and better information.

There is a broad consensus in the scientific community as to the steps we need to take to get ready for a potential pandemic. Reflecting that scientific consensus, this amendment will do four broad things.

One, as our first line of defense, it will dramatically step up international surveillance of avian flu outbreaks overseas.

Two, it will ramp up our vaccine production infrastructure here in the United States.

Three, it will give us resources to build up both stockpiles of vaccines currently believed to be effective against avian flu as well as stockpiling antiviral medications that you take if, in fact, you get infected.

Fourth, this amendment will strengthen our public health infrastructure at the Federal, State, and local levels, which today is simply not equipped to cope with a major pandemic.

Some have suggested that we be patient and we wait for the administration to put forward a plan to fight avian flu. We have already waited too long. I am not saying we don't need a plan. We do need an action plan. But we have been warned for years. The first warning came in 1997 that an avian flu pandemic was not just possible but likely, just as we were warned for years that the levees in New Orleans would fail in the case of a major hurricane. Yet the Federal Government did not come forward with any plan of action. I am not saying this Government under President Bush. It was previous Federal Governments. We did not heed the warnings. As I might even say, we were warned in 1997 about a coming avian flu pandemic. Well, nothing was done then either. There is a lot of blame to go around. I am not blaming anyone. I am saying, look, we have turned a blind eye and a deaf ear to our warnings. Now we have to take action.

Within the last year, the threat of a pandemic has become even more urgent and immediate. The alarm bells are ringing at full volume, and we in Congress cannot in good conscience wait any longer. We need to act. If the administration offers a plan at a later date, that is fine. It will almost certainly have to include the elements we have in our amendment. We are all talking to the same people, after all.

But here is the thing. I do not know when they are going to come up with their plan. I do know at least there is talk around here that we are going to adjourn by Thanksgiving, finish our business, be out of here by Thanksgiving. Well, if the administration comes up with a plan next week, or the week after, and we are out of here, what happens in terms of needing the resources, the money? That is what we have.

Our responsibility as appropriators is to come up with the money. That is what this amendment does, so that if the administration does come up with a good action plan, we will not have lost any time. The money will be there, and we can move ahead as rapidly as possible.

There is no question the United States is woefully unprepared for a major outbreak of human-to-human transmitted avian flu. We have had clear warnings, as we did prior to 9/11, prior to Katrina, but, again, the Federal Government did not do anything. Now we have been warned in no uncertain terms about avian flu, but, again, under two administrations, nothing has happened.

As many of my colleagues know, avian flu—or H5N1, as it is called in the scientific community—has passed from bird to bird and from birds to humans.

We know of one specific case—we know of one specific case—where it went from human to human. Now, there may be others, but we do know of them. And we do know that 50 percent of the humans who have been infected with avian flu have died—50 percent. It has a 50-percent mortality rate. We also know another thing: Every chicken, every member of the poultry family that has been infected with avian flu dies—100 percent. This is a very virulent strain.

Experts in virology at the Department of Health and Human Services say it is only a matter of time before the virus mutates and human-to-human transmission becomes both widespread and sustained. That has not happened yet. We have had some cases of the avian flu jumping from a bird to a human. As I said, we have had one known case of it going from one human to another; and, I might add, both died. We have had no cases where the transmission is both sustained and pervasive, widespread, but the virologists say it is only a matter of time before that happens.

An outbreak in China, Vietnam, Cambodia, or anywhere such as that, could trigger within weeks a worldwide outbreak, facilitated by air travel, the mass movement of people across borders. As I said, 50 percent of the individuals who have been infected have died. You can envision a nightmare scenario, a kind of 21st century "Black Death" that is not difficult to picture. Indeed, most experts say it is not a matter of if but when.

Let me quote from an article that was in the recent Newsweek magazine of October 31, an article by Fareed Zakaria, entitled "A Threat Worse Than Terror":

> "A flu pandemic is the most dangerous threat the United States faces today," says Richard Falkenrath, who until recently served in the Bush administration as deputy Homeland Security adviser. "It's a bigger threat than terrorism. In fact it's bigger than anything I dealt with when I was in government."
>
> One makes a threat assessment on the basis of two factors: the probability of the event, and the loss of life if it happened. On both counts, a pandemic ranks higher than a major terror attack, even one involving weapons of mass destruction. A crude nuclear device would probably kill hundreds of thousands. A flu pandemic could easily kill millions.

Mr. President, I ask unanimous consent that the Newsweek article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsweek]

A THREAT WORSE THAN TERROR

(By Fareed Zakaria)

"A flu pandemic is the most dangerous threat the United States faces today," says Richard Falkenrath, who until recently served in the Bush administration as deputy Homeland Security adviser. "It's a bigger threat than terrorism. In fact it's bigger than anything I dealt with when I was in government." One makes a threat assessment on the basis of two factors: the probability of the event, and the loss of life if it happened. On both counts, a pandemic ranks higher than a major terror attack, even one involving weapons of mass destruction. A crude nuclear device would probably kill hundreds of thousands. A flu pandemic could easily kill millions.

Whether this particular virus makes the final, fatal mutation that allows it to move from human to human, one day some virus will. The basic factor that is fueling this surge of viruses is China's growth. (China is the natural habitat of the influenza virus.) As China develops, it urbanizes, and its forests and wetlands shrink. That forces migratory birds to gather closer together—and closer to human habitation—which increases the chances of a virus spreading from one species to the next. Also, growth means a huge rise in chicken consumption. Across thousands of homes in China every day, chickens are slaughtered in highly unhygienic ways. "Every day the chances that this virus or another such virus will move from one species to another grow," says Laurie Garrett, author of "The Coming Plague," who has been writing brilliantly on this topic for years.

Nobody really disputes that we are badly unprepared for this threat. "If something like this pandemic were to happen today," says Falkenrath, "the government would be mostly an observer, not a manager." The government can't even give intelligent advice to its citizens because it doesn't actually know what to say. We don't know whether people should stay put, leave cities, stay home or go to the nearest hospital. During the cold war, hundreds of people in government participated in dozens of crisis simulations of nuclear wars, accidents and incidents. These "tabletop exercises" were conducted so that if and when a real crisis hit, policymakers would not be confronting critical decisions for the first time. No such expertise exists for today's deadliest threat.

Beyond short-term measures for this virus—mainly stocking up on Tamiflu—the only credible response to the development of countermeasures. The best response would be a general vaccine that would work against all strains of the flu. That's a tall order, but it could be achieved. The model of the Manhattan Project is often bandied about loosely, but this is a case in which it makes sense. We need a massive biomedical project aimed at tackling these kinds of diseases, whether they're natural or engineered by terrorists.

The total funding request for influenza-related research this year is about $119 million. To put this in perspective, we are spending well over $10 billion to research and develop ballistic-missile defenses, which protect us against an unlikely threat (even if they worked). We are spending $4.5 billion a year on R&D—drawings!—for the Pentagon's new joint strike fighter. Do we have our priorities right?

The final sense in which we are unprepared is that we have weak global organizations to deal with pandemics. The bird flu is a problem that began in Guangdong, China, and spread to Indonesia, Russia, Turkey, Romania and now possibly Iran. It may move next into Africa. Some of these governments are competent; others are not. Some hide information from everyone; others simply refuse to share it with the United States. We need a system that everyone will follow. The World Health Organization should become the global body that analyzes samples, monitors viruses, evaluates cures and keeps track of the best practices. Yet the WHO leads a hand-to-mouth existence, relying on the whims and grants of governments. A year ago its flu branch had five people. Now it has 12. It needs a much, much larger staff and its own set of laboratories around the world that would allow it to fulfill this clearinghouse function. Countries have finally agreed to a new set of conventions that give the U.N. and the WHO some of the authority they need. And Kofi Annan has appointed one person to coordinate the global efforts to fight pandemics.

Many people believed that globalization meant that government would become less important. But as we see, today's world has actually made government more crucial. Only government can tackle a problem like this one, not by being big but by being smart and effective. And we need good governance not just at home but beyond. Without effective .international coordination, we are doomed to failure. John Bolton once said that you could chop off 10 floors of the United Nations and we'd all be better off. Let's hope that the scientists fighting global diseases aren't on any of those floors.

Mr. HARKIN. We have to ask some very tough questions now. Where do our preparedness efforts stand? What can we do better? We are facing a threat, a huge threat. We are doing nothing. We can do better. We must do better for the American people to prepare for an avian flu pandemic.

First, let's look at the issue of global surveillance, which is No. 1 in terms of the first part of our amendment that we have addressed.

The Centers for Disease Control and Prevention is doing a great job working in cooperation with the World Health Organization and governments in affected regions to detect the disease and to help stop its spread. Dr. Gerberding, the head of the Centers for Disease Control and Prevention in Atlanta—I don't know if she is getting any sleep now because this is topmost on their agenda. They are on the case.

Surveillance can alert us to an outbreak, and governments can then take measures to isolate the disease. This is our first line of defense. The sooner we identify and contain an outbreak of human-to-human transmitted avian flu virus, the better off we will be. To coin a well-worn phrase: It is better to fight them over there than to fight them here. It is better to stop H5N1, isolate it, contain it where it might break out, rather than having it transmitted and brought to other countries and brought to America.

Again, the Centers for Disease Control and Prevention know how to do this. We had success with surveillance during the SARS outbreak a couple years ago. The Centers for Disease Control and Prevention managed to control its spread. It never got to America. I think the closest it got, if I am not mistaken, was Toronto. But we also learned some invaluable lessons from the SARS episode. We learned we have to be prepared, that our surveillance efforts have to be more than they have been in the past.

Secretary Leavitt, who I know has also been on top of this, recently took a tour of Southeast Asia. He took Dr. Fauci, the Director of the National Institute of Allergy and Infectious Diseases, Dr. Gerberding, and others. I know they met with people in various parts of the governments of several countries in Southeast Asia.

What I heard back from that is, while the governments are willing to work with us, and to report and survey, a lot of times they do not have the capacity, they do not have the knowledge, they do not have the wherewithal of the Centers for Disease Control and Prevention. They could use our help. Many of these outbreaks of avian flu in those countries are in remote locations, and the central government may not have a lot of control over that.

If you take a small village where they have a lot of poultry, and maybe that is one of their major sources of livelihood, and where they do not understand the dimensions of avian flu and what it means, well, maybe they do not report it, or it may be reported in a minor way. We need people there on the ground who can move rapidly to the sites to see whether a case of avian flu has broken out.

As I understand it, the governments of these countries are willing to work with us to allow us to do that, but we do not have the resources to do that right now because the Centers for Disease Control and Prevention simply does not have the money. That is what is in our amendment: to give the Secretary of Health and Human Services the money to be able to respond and get CDCP action prone, right now, in those countries.

Secondly, what is the status of our capacity to produce vaccines here in the United States? Unfortunately, the news is almost all bad. It is astonishing that the United States has one plant—one plant—capable of manufacturing flu vaccines. That plant happens to be in the State of our distinguished chairman, Pennsylvania. It is a great company. They do great work. I have met with them. They use one technology. It is egg-based technology. That is basically the technology we have been using for a long time in which to grow vaccines from a virus strain.

So since we only have that one plant right now, in the event of a worldwide pandemic, the U.S. would have to rely on imported vaccines, vaccines other countries may not be willing to ship to us. In other words, the first responsibility of any government is to protect its own people. If this pandemic ever breaks out, I doubt any other government is going to be willing to ship us vaccines. They are going to want it for their own people.

We are very vulnerable. We need to play some catch-up ball. The Federal Government needs to help private industry develop more vaccine manufacturing capacity. These should be next-generation cell-based facilities, which would then be capable of producing vaccines at twice the rate of egg-based facilities.

This is the only way we are going to be able to produce enough vaccine rapidly enough to deal with a major outbreak. Right now it is all egg-based. As I understand it, the manufacturing plant I mentioned is in the process of enlarging its capacity for egg-based vaccines. That is all well and good, but that still will not be enough to protect us in the future. It will not be sufficient to take a strain of the virus and develop a vaccine specifically for that virus in a short period of time. Some say it would take 2 to 3 years to produce a nonegg-based production capacity. I don't accept that. This is a matter of incredible urgency. We have already given one grant to a company—it is public, I can mention it—Sanofi Pasteur, which is the company based in Pennsylvania that already has a cell-based vaccine manufacturing plant which they are increasing. The Government has already given them a grant—it was under a competitive bid situation—to build a cell-based plant. That is all well and good. But we have to do a lot more than that. We need two or three on line being built now, not just one.

Our goal should be to have the research and production capacity to isolate a virus, convert it to a vaccine, produce enough vaccine for the American populace, all within a timeframe of 3 to 6, maybe 9 months at the most. We can do that. That can be done. We don't have the capacity to do it right now, and we are a long way from reaching that goal.

Again, keep in mind that H5N1, the strain of the virus that is there now, we have a vaccine for that. The National Institutes of Health, under the great leadership of Dr. Zerhouni and Dr. Fauci at the National Institute of Allergy and Infectious Diseases—Dr. Fauci got a strain of the virus earlier this year. They then began a crash program to develop a vaccine. They have. That vaccine is now in clinical trials. It looks as though it is going to be pretty good against H5N1. But we have been warned by experts that H5N1 may not be the strain that comes here. It could be H5N2, N3, N4, N5, something else just as virulent. Experts believe the vaccine being developed will have some effect, perhaps, on different strains, but they can't be sure.

What we need is a vaccine manufacturing capacity, cell-based, so you can manufacture a vaccine in a hurry, so if a different strain were to hit here, we could again isolate the virus, develop the vaccine, and have a vaccine within 6 to 9 months, not just developed but also manufactured in sufficient capacity to vaccinate our people. That is also in our amendment.

I hasten to add that in our amendment, we don't specify exactly how this is to be done. We will leave that up to the Secretary—hopefully, working with us in a collaborative effort—to figure out the best way of doing it. The point is to get the money out there now, to know it is there, that we can move ahead with contractual relationships, cost-share agreements, guaranteed purchases, whatever it takes to get these facilities constructed in the shortest possible timeframe.

The third part of our amendment, we need an aggressive program of purchasing and stockpiling vaccines and antivirals. I just talked about vaccines. Vaccines are what you take to prevent getting the illness. Antivirals are what would you take if you get the illness so you don't get very sick. The World Health Organization a few years ago recommended that nations stockpile enough antiviral medication to cover at least 25 percent of the population. Guess where we are right now. One percent. We have enough antiviral medication to cover 1 percent of our people. Again, we have to play catch-up ball. Antivirals are the medications one would take if they get sick. It will prevent a lot of people from dying, help them get through the illness.

I had Senator KENNEDY prepare this chart, which illustrates how unprepared we are. These are the stockpiles of antiviral medicine. Australia has enough for 20 percent of the population; Great Britain has enough for 25 percent, the World Health Organization recommendation; France has 25 percent; Japan is rapidly building up, they are at 17 percent. The U.S.A. is at 1 percent stockpile of medications. Again, if the pandemic hits here, are we going to go to Britain and say: Send us some of yours, or Japan or France or some other place? No. They are going to keep their antivirals for their own people. That is why we need to put the money out right now to begin the purchase of antivirals and to stockpile them. It has a long shelf life so we don't have to worry about it. That is the antivirals.

As for vaccines, we are facing a catch-22 situation. We won't be able to produce a vaccine until we actually see what the variant is, H5N1, H5N3, whatever it might be that causes the outbreak. Scientists at NIH have developed a vaccine for H5N1. They believe it will be effective against some of the future variants, but we don't know exactly how effective. It is the best we have. It will at least provide some protection. We should be stockpiling it now.

The fourth part of our amendment is the public health infrastructure. Right now our public health infrastructure is simply not capable of dealing either with an avian flu pandemic or even a major act of bioterrorism. Let's assume we build up adequate stocks of the vaccine. Let's say we are able to get a crash course and we can get up to 25 percent, like Great Britain, in our antivirals. Let's say we can do that in a short period of time. I believe we can, if we put the funds out there. Let's say we have all that. It is going to go for naught if we don't have a public health infrastructure to deliver it, to identify the people who need it, to make sure these drugs and antivirals and vaccines get out there.

One thing I am upset about—the President's budget for fiscal year 2006 proposed to cut $120 million from State public health agencies. That is the wrong way to go. Our amendment doesn't just restore that; it goes a lot further. It is not enough just to restore the funding. That funding would basically take care of "normal" illnesses people get around the country. It wouldn't even come close if we had an outbreak of avian flu. We need to hire more public health professionals, epidemiologists, physicians, lab technicians, others. We need people who are trained and educated to recognize, to know how to isolate, to know how to put the rings around populations if avian flu breaks out, and how to distribute it, who gets these, who is the first line of individuals.

Someone is detected having avian flu; let's say they do get H5N1. How do we find out who that person came in contact with in the last 48 hours, track them down, get them the vaccines immediately, or the antivirals? Did the person work in a building that had central air-conditioning that could have taken the virus and spread it around? Who works there? Get them the antivirals and the vaccines immediately. This takes expertise. This takes people. This takes a knowledge base and education.

The Centers for Disease Control and Prevention know how to do it. They can do it for minor outbreaks now. But something this big, we need to do more to build up that public health infrastructure. In consonance with the public health infrastructure, we need to dramatically increase the surge capacity of hospitals all across the country. Most hospitals right now have trouble coping if we have a bad flu season with what we call ordinary flu. They would be overwhelmed by an avian flu pandemic.

Dr. Rick Blum, president of the American College of Emergency Room Physicians, recently said:

> We have pumped billions of dollars into preparedness since 9/11, but virtually none of that has gone to the one place where we know 80 percent of patients go first, [the emergency room].

For example, most victims of avian flu would need ventilators to help them breathe. Right now there are only 105,000 ventilators in the entire United States, three-quarters of them in use on any given typical day. So we have to prepare for surge capacity. Where do the tens of millions of Americans go? Don't take my word. Ask the experts. That is what they are saying: a million to as high as maybe 10 million hospitalizations.

We have our work cut out for us. We face enormous technical and logistical challenges. We have no time to waste. This amendment would provide for nearly $8 billion for a comprehensive national effort to prepare in the ways I have outlined. More specifically, the total is divided up as follows: $3.080 billion would be allocated for stockpiling antivirals and the necessary medical supplies to deal with a pandemic once it has broken out; $3.3 billion would go to stockpiling flu vaccines, expanding the U.S. flu vaccine manufacturing capacity and for vaccine-related research; $600 million in additional grants to State and public health agencies for their own emergency preparedness; $750 million to improve hospital preparedness and surge capacity—where is the overflow going to go—and for health technology information networks; $60 million for stepped-up global surveillance—this would quadruple the current level of surveillance we have right now, our first line of defense—$75 million allocated for communication and outreach to the public in case of an avian flu pandemic.

Again, this is where you have to tread lightly. You want to get people informed. People should be understanding of this. If a case of avian flu were to break out in this country, we don't want panic to ensue. People need to be adequately informed and advised. This has to do with communications and outreach.

Lastly, $100 million will be channeled into research and CDC lab capacity related to an avian flu pandemic.

Now, this is about double what we had in the Defense appropriations bill almost a month ago. And the reason for that is simply because in the meetings we have had with Government officials, with drug companies, and others, it has become clear that the big gap in the amendment we offered earlier was the $3.3 billion in stockpiling flu vaccine and getting money out there to rapidly build cell-based technology through vaccine-manufacturing plants. We have to do that right away.

I know the analogy may not be correct, but when people say you can't do that in a big hurry, I say just think about the Pentagon over here, how big it is. Have you ever seen the Pentagon? We built the Pentagon in 9 months during World War II, by the way. Now, I know that vaccine manufacturing is not the same but, come on, we can do it. We can build the facilities. A lot of it is in equipment. But if the money is there, we know we can get the equipment built. Maybe we can't do it in 9 months, but don't tell me we can't do it within a year and a half, or at least have a couple on line within a year. That is really the big difference between this amendment and the one that was offered a month ago on the Defense appropriations bill.

Let me again sum up by saying this is the proper bill for it to be on. If we had had Labor-HHS earlier, we would have offered the amendment to that. This is the proper place for it. We do have the jurisdiction. It ought to be here. And, again, we are not tying the hands of the Secretary or anyone else. We are not being absolutely specific on how you do things in the amendment. We want the money to be there. When the administration comes up with their plan and they want to move ahead, it is there. We have 3 more weeks—I don't know how many weeks. Everybody tells us 3 more weeks. Let's face it, there are a lot of things happening in the administration—Supreme Court Justices, other things that are bouncing around here that divert attention. We cannot divert our attention. We cannot. We have to get this money out there and get it appropriated.

I will have more to say perhaps later on. I know there are other Senators who wish to speak on this amendment and about the threat of an avian flu pandemic. So I will yield the floor at this time and just say I hope we can have a strong vote or have this amendment accepted as we did under the Defense appropriations bill that was taken up earlier. And, again, this is emergency funding—emergency funding. It ought to be emergency funding. It is something we have to do. We just cannot wait any longer.

So I will yield the floor and ask any Senators who want to speak on this amendment to come over and speak.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I commend my distinguished colleague from Iowa for his leadership on this very important issue. I spoke briefly yesterday about the matter and expressed my agreement with the basic thrust of what the Senator from Iowa is seeking to accomplish. There is no doubt that we face a tremendous potential problem with the impact, which could be devastating, as Senator HARKIN has outlined.

We have been awaiting a plan from the administration because in the normal course of events, with the expertise at the Department of Health and Human Services and the Centers for Disease Control, we would look to the administration to give us an appraisal as to what their plans are, what their evaluation has been, and how much money they think they need.

Senator HARKIN has gone over a number of facts and factors, but the executive branch has more at its disposal than does the Congress, at least at this stage. Our subcommittee has scheduled a hearing on this issue. It is fair to say that we have been under a heavy workload in preparing this bill, and we have had other very heavy commitments, most notably in the confirmation proceedings which were recently concluded for Chief Justice Roberts, and the confirmation hearings which have been intense for Ms. Harriet Miers until her withdrawal this morning.

We have been in touch with the executive branch and have sought to get information from them as to what they would like to have done. And I have a call in to Secretary Leavitt at the moment, the Secretary of Health and Human Services, to get as much information as we can from the executive branch.

We have been exploring an alternative and are in the process of modifying the amendment from the Senator from Iowa to call for the disbursement of these funds at the discretion of the President after consultation with certain designated Members of the Congress. We are now talking about the breadth of what we have in mind: The chairmen and ranking members of the Appropriations committees of both Houses, perhaps adding the chairmen and ranking members of the Appropriations subcommittees on labor, health and human services and education. Also, the suggestion has been made about having the chairmen and ranking members of the committees on health, education, labor, and pensions. We are trying to sort through that now to have a workable consultation but leaving the judgment to the President.

We are well aware of the very substantial sum of money which is in this amendment, in the range of $8 billion. We are also well aware of the scope and magnitude of the problem. It would have to receive 60 votes to have an emergency designation but, again, with the expenditures in the hands of the President, there is about as good an assurance as you can have it would be wisely disbursed.

At any rate, we are in the midst of trying to work this through. If the Congress does not act—we are not too far away from adjournment—the funding will not be present. The President can't spend money without the appropriation coming from the Congress. If there is to be an emergency supplemental, all of that takes time. And once you go through a supplemental, then there is the risk of it becoming a Christmas tree with many other items being included.

So when we have the appropriations for the Department of Health and Human Services and this subcommittee working with that Department and with the Centers for Disease Control, we are the logical subcommittee to take up the issue and to grapple with it. We, obviously, are very concerned about the responsibility for appropriating this kind of funding.

So that is where we stand. I note the senior Senator from Illinois has come to the floor, and Senator HARKIN and I would urge anyone else who wants to speak to come to the floor now because we are going to be moving for a vote on this subject in the immediate short timespan.

Mr. HARKIN. Will the Senator just yield for a minute?

Mr. SPECTER. I do.

Mr. HARKIN. I want to respond by thanking the chairman and my good friend from Pennsylvania for his great leadership on this issue. You said it about me, but you have been the chairman. You have led this subcommittee. You know what is needed. You have been first and foremost in insisting that we get the funds necessary for both CDC and for NIH for this research.

I might just say again for public knowledge, obviously our chairman, the Senator from Pennsylvania, has to wear other hats. As chairman of the Judiciary Committee he has been tied up a lot on Supreme Court nominees, and I recognize he has had to deal with that on his side, in chairing that committee. It is an awesome responsibility, and I commend him for the work he has done, by the way. I thought the hearings on Judge Roberts were superb, and I commend my friend for his leadership in chairing that committee.

So we find ourselves in the situation now where we have asked for information in the past, but things happen around here and we move on and our focus gets diverted a little bit on this and that. That is human nature. I understand that. I hope we can hear back from the administration.

I say to my friend from Pennsylvania that I have no problem in modifying the amendment or whatever it might be that would say that the money is there. In fact, the amendment does not say how they would spend it. It would be there for them. If there is any way we can modify that, if they have some other ways on what to do, that is fine with me. I do not mind that at all. I am just concerned that we have it there so that we don't have to come back at some point and they can't say, well, we would do it, but Congress didn't appropriate the money.

I sure do not want to have that sitting on our plate, I say to chairman.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in support of the amendment being offered by the Senator from Iowa. It might not be this winter, it might not be next winter, but it is going to happen. The virtual certainty of a pandemic flu is what public health leaders are telling us we as a country need to be prepared for. So are we prepared? The obvious answer is no.

Last week, HCD Research polled 846 doctors from across the country about their sense of how well prepared America is to face a pandemic flu. Four out of five of the doctors surveyed said America is not prepared for a public health crisis that we have been told is virtually certain to occur.

When it comes to public health challenges, America can do better. What is our national leadership on this issue? We still do not have a national pandemic preparedness plan. The administration has been working on a plan, literally, for years.

As we head into this flu season, still there is no plan coming from this administration. Communities need Federal guidance. This is not an issue where every village, every town, every State can make its own policy.

California's State health officer said:

> While state and local officials have been taking what steps they can to prepare for avian flu, they've been eagerly anticipating a national preparedness plan to tell them how to seal up those gaps. And where is that plan? The administration tells us to expect one sometime soon but it is long, long overdue.

Japan has had its national pandemic preparedness plan in place since 1997. Canada, Austria, Great Britain, all have a national preparedness plan in place. We look forward to seeing this plan from this administration.

In the meantime, I am joining Senators HARKIN, OBAMA, and KENNEDY to offer this pandemic flu amendment. Senator HARKIN has been our voice and our leader on this issue. Senator KENNEDY has made a lifetime of public service devoted to public health issues. Senator OBAMA, my new colleague from the State of Illinois, was one of the first to speak out in our State and bring this to my attention and the attention of so many Members. I salute all three of them for their extraordinary leadership.

This proposal would make $8 billion available to immediately ramp up preparation for the flu pandemic, whether it is the H5N1 strain now rampant in birds or another virulent strain that might threaten us. We know this pandemic is virtually inevitable, in the words of Dr. Gerberding of the Centers for Disease Control.

What does this amendment do? It gives the Federal health agencies what they need to move immediately and aggressively to get this country ready for a global pandemic flu.

Let's start with hospitals. That is an important line of defense for people sick with flu. Communities and hospitals need to develop surge capacity to figure out how to take care of people when the beds are filled and the emergency room is overwhelmed and the neighboring counties face similar situations. The Trust for America's Health anticipates U.S. hospitals will swell by more than 2 million people if we face this flu pandemic. But Health and Human Services Secretary Leavitt has worried aloud that communities haven't even prepared for this surge in hospital admissions.

The American College of Emergency Physicians President Rick Blum says:

> We've pumped billions of dollars into preparedness since 9/11 but virtually none of that has gone to the one place where we know that 80 percent of the patients go first.

Whether it is a terrorist attack, a natural disaster, or a public health disaster, hospitals are stretched now to have staff to handle the daily flow of patients. They are already operating with a real shortage of nurses and other health professionals.

Realistically, aren't a significant percentage of those health care workers going to get sick themselves if we have a new pandemic or stay away from the clinical setting once the pandemic hits?

These are serious and important questions we need to ask, answer, and be prepared to face.

The Harkin amendment provides $750 million for communities to prepare for additional hospital beds and working with shortages of doctors, nurses, and other health professionals.

The amendment also provides $3 billion so the Federal Government can get in line to buy antiviral medicines to have on hand for an outbreak of flu. Until there is cash in hand to purchase the drugs, the Government cannot contractually commit to buy them; they cannot even get in line to buy them.

The United States has about 2.3 million courses of antiviral medications stockpiled—2.3 million for a nation of our size. We expect another 2 million by the end of next month. That is enough to treat about 2 percent of the U.S. population, far short of the international standard of 20 to 25 percent.

Senator FRIST has asked the Secretary to try to increase that stockpile to ensure treatment so that we could treat 50 percent of America. Our amendment would provide Secretary Leavitt with the resources he needs to make it happen. We go beyond political rhetoric to political reality.

Our amendment also provides $3.3 billion so we can intensify our search for a vaccine that could protect Americans from contracting flu in the first case. If we can develop and manufacture a vaccine that is effective against the pandemic flu, we might be able to stop this flu epidemic in its tracks. Testing drugs is expensive. It is time consuming. We have to invest in it and invest in it now.

The amendment also adds $60 million for global surveillance. I heard one public health official describe this as "situational awareness." Margaret Chan, who leads the pandemic flu planning efforts for the World Health Organization, estimates there is a window of only "20 to 21 days" in which a local outbreak could be controlled before it is turned loose on the world.

Fareed Zakaria, in the recent issue of Newsweek on this particular issue of the flu pandemic, wrote as follows:

> Many people believed that globalization meant that government would become less important. But as we see, today's world has actually made government more crucial. Only government can tackle a problem like this one, not by being big but by being smart and effective. And we need good governance not just at home but beyond. Without effective international coordination, we are doomed to failure.

If we hope to contain this flu, we have to know where and when the first outbreak occurs, and we can only do that if we step up the work we are doing with other countries to monitor contagious diseases.

Karen Hughes, a confidante of President Bush, now with the State Department, recently spoke about the $5.5 million the United States has spent on technical assistance to other countries—$5.5 million. That is not enough, and we know it.

Secretary Leavitt concluded his trip to seven Asian countries with this observation:

> Right now, the world's surveillance is not adequate to protect us.

Many people in the Bush administration are acknowledging the problem. What we want them to do is acknowledge the solution, the Harkin-Kennedy-Obama amendment. We need this money. Americans deserve Federal leadership. We need leadership that prepares us for a disaster, not just telling us it is coming but doing something. America can do better to make our individuals and families safe from these public health threats.

A few weeks ago, President Bush praised John Barry's book, "The Great Influenza," a historical account of the 1918 pandemic flu. If you read the book, you will find John Barry was critical of the role of Government in that influenza outbreak. He blamed lack of preparation in this country on Congress. Here is what he said:

> They cut every budget request in half.

Are we facing the same thing today? Are we doomed to repeat that same mistake when it comes to this avian influenza? We will not be if we take the leadership initiative of Senator HARKIN. We are not seeing the leadership from the White House at this moment that the country needs. It is time for Congress to move decisively, to enact this amendment, to provide direction in funding and progress to prepare the United States for the virtual certainty of a pandemic flu outbreak.

Senator FRIST has made it clear he wants the Senate to finish its business and go home by Thanksgiving, but unless and until we address the avian flu pandemic, we should not go home. We should go home to an America that gives thanks that its leaders in Congress—in the House and the Senate—had the vision and determination to deal with this public health challenge. Our work will not be completed until we do.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

WITHDRAWAL OF THE NOMINATION OF HARRIET MIERS

Mr. KENNEDY. Mr. President, the Harriet Miers confirmation process has been one of the most unusual and troubling Supreme Court nominations in our modern history.

The loudest voices heard in this process were the voices of the extreme factions of the President's own political party.

They had a litmus test, and they decided Harriet Miers didn't meet that test even before giving her a fair chance to have her own voice heard. That is not what the confirmation process is about, and their litmus test is not what the Supreme Court is about.

The more Ms. Miers's record indicated that she might in fact be personally committed to the basic constitutional rights and liberties that make our country what it is for all Americans, the more committed those extreme groups and their partisan voices in the media became to prevent her nomination from being confirmed by the Senate.

Most of us in the Senate were ready to give Harriet Miers a fair chance and a fair hearing. We wanted to have a dignified process in which the evidence would come first, and then the decision, and Harriet Miers deserved that chance.

It is disingenuous for the President to suggest that Senators' insistence on White House records was somehow responsible for the withdrawal of the Miers' nomination. If the President were willing to stand up to the extremists in his party, a realistic compromise could easily have been found on this issue.

The fact that the White House and Senate Republicans were not willing to stand up for principle and fairness against the extremists in their midst should be disturbing to all Americans. But now we have all seen that fringe of our society at its worst, and we know that their agenda is not the Nation's agenda.

President Bush has an opportunity now to unite the country. In choosing the next nominee, he should listen to all Americans, not just the far right.

If he does, we can have a smooth and dignified confirmation process and avoid the kind of harsh battle that the extremists on the right seem bent on provoking.

President Bush should take whatever time is necessary to find a consensus nominee to fill Justice O'Connor's seat on the Court.

Justice O'Connor is willing to serve the Court and the Nation for as long as it takes, so there is no need to rush to send a new nominee to the Senate. Hopefully, the next selection will share

Justice O'Connor's values and her commitment to the Nation's progress in achieving equal rights for all.

We are reminded that the nomination of Justice O'Connor was sent to the Senate by President Reagan and had a unanimous vote in the Senate. She has served with great distinction and eloquence and is a beloved figure in the United States.

That kind of nomination brought the country together. It certainly is an opportunity now for the President to follow what President Ronald Reagan did in bringing the country together on a Supreme Court nominee. It seems to me that would best serve the country, best serve the Constitution, and best serve the Supreme Court.

AMENDMENT NO. 2283, AS MODIFIED

Mr. President, I thank my friend from Iowa, Senator HARKIN, for his extraordinary leadership on the issue of avian flu. I thank my other colleagues in the Senate—Senator REID, Senator BARACK OBAMA, Senator DURBIN, and others—who have been important voices in helping us focus the attention of this body on the issue of avian flu.

I also acknowledge the support that has been given to the Harkin proposal by the chairman of the appropriations subcommittee dealing with health, Senator SPECTER. I also acknowledge and commend the work of my colleagues and friends, the chairman of our Health, Education, Labor, and Pensions Committee, Senator ENZI, and Senator BURR, the chairman of the Subcommittee on Bioterrorism and Public Health Preparedness. He has spent a great portion of his time in the Senate, working on biodefense and related public health threats, and the challenges in developing countermeasures, vaccines and antivirals to deal with new public health challenges.

We are at a very important step. We are on an issue which is of such central importance to health care that we have seen the Senate come together. There are a lot of issues that are divisive, but it seems that we are making remarkable progress in this area.

Our legislation is timely. I remind the Senate that this issue, pandemic flu, has been a concern of the world community for some time. This chart says, "The U.S. Missed the Warning Signs of the Flu Pandemic." The Institute of Medicine warned us about this in 1992; then we had the General Accounting Office warning us in November of 2000. This is what the General Accounting Office had stated:

> Influenza pandemic. Plan Needed for Federal and State Response, November 2000.

Despite these warnings, we still do not have a plan.

The warnings continue: In the year 2001, we had the warning of the European Commission, and in 2002 the World Health Organization. And then we have had recent outbreaks take place in South Korea and Vietnam.

The current avian flu strain poses a deadly threat. If you have this virus, this chart displays the chances of survival. One can see from this chart that there is only a 50-percent chance of survival. Granted, there have only been several dozen cases in each of these countries, but nonetheless, this figure, of 50 percent, does show that we are in great danger if there is a pandemic.

We have seen other countries move ahead: Japan released its pandemic plan in October 1997; Canada, February 2004; the Czech Republic, April 2004; Hong Kong, February 2005; Britain, March 2005; and the United States, we're still waiting.

What is important here is the fact that we are taking three major approaches to preparing for a pandemic.

One, we are going to have an important commitment to stockpiling antivirals and vaccines. That is going to be enormously important, particularly given the fact that we have such an inadequate stockpile today. We've stockpiled antivirals for only 1 percent of the population. This is incredibly low in comparison to other countries. With this amendment, we will have the opportunity to stockpile what is needed.

Secondly, we will be supporting efforts to detect the potential spread of the virus globally and in the United States, and we provide resources to contain it and improve our surge capacity, which is enormously important.

I know there are some differences with our friends and colleagues on the other side about the public health aspects of this. And I know Senator BURR is strongly committed to doing a review of the entire public health system and making a series of recommendations—which I think are going to be enormously important, and I look forward to joining him—but this is a small downpayment to ensure we begin making progress in the area of pandemic preparedness and public health.

A review of any other country's pandemic preparedness plan will show that it is not only the stockpiling of the vaccines and antivirals that's needed, but also the public health component. So this has that dimension, which is very important: improving the public health system, and stockpiling antivirals and vaccines.

The third aspect, which will be included in the proposal by Senator ENZI and Senator BURR and others, will deal with the incentives that will be made available to industry to develop countermeasures and vaccines, and also, hopefully, some compensation, for example, for first responders who might take a particular vaccine or antiviral that might not have gone through the complete safety process at the FDA and still, as a first responder, be committed and dedicated to protecting the public. We want to make sure that if those individuals, who are committed to protecting the public, suffer from an adverse reaction to the vaccine or antiviral, they won't be left high and dry. They deserve protection for themselves and for their families.

This is a complex issue, but I think the Senate has come together and will come together with the succeeding legislation in a very important way.

The final dimension is where the administration, HHS, will be in terms of their plan. We eagerly await its release. We understand it will be forthcoming in a very short period of time, but we don't have it yet.

We have seen examples of national pandemic plans, for example, the Canadian plan which was issued in 2004, that talks about what does this plan address? Who is responsible for pandemic planning? It goes into the roles and responsibilities of all of the different governmental agencies.

Why is this an important health issue? It goes into great detail about what is going to be communicated to the public, the legal considerations, the ethical considerations, and then it goes into what preparations are being made. It addresses specific components of the preparation: surveillance, vaccine, antivirals, health service, emergency planning, emergency service, public health interests, communications, and then what needs to happen to ensure a comprehensive response. It goes into a whole series of recommendations and details what will be involved in the recovery.

This plan is very thorough. I think the American people are entitled to that kind of plan in order to protect their health and safety.

I thank Senator HARKIN, Senator SPECTER, my friend and colleague Senator ENZI, Senator BURR, and others who have been involved. I think this is going to be an enormously important and historic action by the Senate when it is completed.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Wyoming.

Mr. ENZI. Mr. President, I express my appreciation for the comments of Senator KENNEDY, Senator HARKIN, and others on the floor, discussing the importance of this biodefense legislation in the overall response to bird flu and other potential infectious diseases.

I express special thanks to Senator BURR and Senator KENNEDY for their help on the subcommittee that has been in charge of this, for the extensive hearings they have had, which have included a number of meetings many of us attended with experts from around the world who deal with these problems, and for coming up with a comprehensive solution that will address whatever happens to come up, whether it is avian flu, SARS, or some other pandemic we have not envisioned yet.

We have a bill that was reported out of the committee a little over a week ago that deals with that comprehensive response. I am hoping everybody will take a look at the work we did on that. Again, I want to express my thanks to Senator BURR for his work and the leadership he has provided.

One of the key principles of that legislation is that our response activities must be more broadly focused, not focused solely on the latest, newly emerging disease. So that, even if bird flu never becomes a pandemic, we will be prepared for the next infectious disease, as I mentioned, perhaps even a new SARS outbreak. The money spent will not be wasted because the process that will be set up will be able to handle a wide range of things.

Given that, I believe the additional funding for a potential flu pandemic should be focused on broader response activities. In examining the initial amendment proposed by Senator HARKIN, and as Senator KENNEDY discussed on the floor yesterday, the overall funding was intended for stockpiling antivirals, strengthening public health responses, increasing global health surveillance, dramatically increasing the vaccine infrastructure, improving hospital preparedness, including surge capacity and health information technology systems, and other key elements.

These elements are broader than bird flu. If targeted appropriately and implemented properly, it will mean that we Americans will be better prepared for whatever new infectious disease comes our way, not just bird flu. That is why I have worked with Senator HARKIN to come up with an amendment that clarifies we are going for the broader picture that all of us worked on in committee.

I was pleased with the unanimous response we had for getting it out of committee. So rather than the funding provided in the Labor, HHS bill being for a very limited thing, we want to focus on the broader context we have all worked on and agreed on, for the most part. We will be bringing a bill to the floor, I hope, to cover this in great detail and then a second bill that will deal with public health.

I appreciate the work Senator HARKIN has done on this and the way he has brought it to the attention of the American public. I appreciate the work of Senator BURR on this to have a bill that actually does this comprehensively. I also appreciate the way people are working together to come up with a safe, secure United States.

I particularly thank the Senator from Texas for her indulgence, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I do thank the Senator from Wyoming for the great leadership he is providing for our Nation to start preparing us for the different types of flu viruses that might come our way. I know he has worked very hard on this in his chairmanship of the Health, Education, Labor, and Pensions Committee. I certainly was pleased to hear his comments on this very important issue. It is one that is important for all of us to assure that our country is ready if we have the kind of pandemic that could happen. It reminds me of Y2K when many were concerned that computers would crash all over America when we turned into the next century, and because we were prepared, there was no crisis. That is what I hope is the result of our addressing the potential flu strains that may be making their way across the world and could affect Americans in the future.

HARRIET MIERS

Mr. President, I particularly will talk today about my friend Harriet Miers. All of us were stunned this morning—I certainly was—when I heard she had submitted her resignation as a nominee to the Supreme Court because I have total confidence in her. I have total confidence she would have been a superb Justice of the Supreme Court of the United States. I have that confidence because I know her.

Many people were making judgments before they knew her. They were not giving her the benefit of the opportunity to come into an open forum and talk about her views.

She wrote today to the President: As you know, Members of the Senate have indicated their intention to seek documents about my service in the White House in order to judge whether to support me. I have been informed repeatedly that in lieu of records I would be expected to testify about my service in the White House to demonstrate my experience and judicial philosophy. While I believe that my lengthy career provides sufficient evidence for consideration of my nomination, I am convinced the efforts to obtain executive branch materials and information will continue.

This is a letter that was written by a woman who cares more about our country, more about our President and his role and the respect for his role under the separation of powers in the Constitution, than she cares about a wonderful cap for a wonderful career, and that is her career. I admire her even more, if that is possible, for the decision she has made. I have to say I am disappointed in that decision because I know she would have been a superb Justice. She would have been a strict constructionist. She would have been a judge who knew the place of a judge, not to make law, which is a requirement and responsibility for those elected for that purpose. She would have been a Justice who looked at and interpreted the law.

I will tell my colleagues what else Harriet Miers would have done that I think is very important. She would have known what it was she could do on the Supreme Court to give guidance to legislatures, to Members of Congress, to clients who are being represented by lawyers throughout the country, about how the law should be interpreted. She would have given the guidance to legislatures about what the constitutional requirement would be.

When one is giving tests for discrimination, for instance, the Supreme Court has said there are varying tests for discrimination. There are rigid tests in some circumstances, there are more moderate tests in other circumstances. I would like to have had someone on the Court with real-world experience to more clearly define those tests so that Congress, so that legislatures, would know when they pass a law more how the Court would interpret that law in light of a more clear path to the right result.

I would have liked someone who has had the experience of living in a part of the country that is different from other members of the Court. I think we need diversity of geography. I think there are different issues in eminent domain, in business and commerce, in regard for private property rights, in States that have a lot of Federal lands versus States that do not have a lot of Federal lands. There are different approaches to these issues by people who live in different parts of the country and I think that kind of diversity is important.

This is a woman who has been a leader in the legal field. She worked her way through SMU Law School. She was also case notes editor of the Southwestern Law Journal, which is now the SMU Law Review. She became one of the first women to be hired by a major Dallas law firm as an associate. She then rose to lead that law firm, to be the managing partner, the first woman to do so in the State of Texas. She worked in the leadership of the bar association, which is the legal organization that sets the standards of ethics, propriety, and practice for our lawyers in this country. She rose to be the first woman president of the Dallas Bar Association and later the first woman president of the State Bar Association.

I graduated from law school about the same time she did. I graduated from the University of Texas. She graduated from SMU. I know how hard it was to get a job. I know the obstacles she faced. I know she did not have the door opened for her with her outstanding record at SMU that many of our male colleagues in law school had. Yet, she attacked those barriers with a positive attitude and spirit. She knew if she proved herself, she would be rewarded as anyone else. She never gave up.

She caught the eye of a Governor of Texas, and she had been a Democrat. I think everyone knows she was a Democrat in the early years. Most people in

Texas were. In 1989, she made a decision that she wanted to support a Republican, George W. Bush. That changed her views in many things. I think some of the things that were being brought up from before she changed her views and her support have been used to indicate she is not firm in her views. Well, I think she is firm in her views. I think she is firmly a strict constructionist, a person who has proven herself intellectually in business, in experience, and in leadership. She would have been a terrific Justice. I do not think she was given her due.

I am disappointed, but I do not question her decision because I know she made the decision on the right points and for the right reasons. She wanted to protect the Presidency from invasion of the rights of the President.

Can you imagine if a President had to stop and think—before asking advice from his legal counsel or his top staff as he is trying to make an important decision for our country: If I ask this question in writing, is that going to be recoverable in the public arena? Do I then have to temper what I say?

A President cannot talk to each of his staff members all day. He has many other responsibilities, so he has to communicate in writing. I think he should be able to communicate with his key staff people as he is in the decision making process, and I think he should not have to worry that it is going to, all of a sudden, be misconstrued in the public arena when it was part of his decision making process.

That is what Harriet Miers is also trying to protect. She is giving up probably something she never dreamed she would be, because it is the pinnacle of a legal career to be a Justice on the Supreme Court. She is giving that up because she believes that right of the President would either be invaded or it would be made a cause celebre, and that would not be healthy for our country or for the President. So she gave up what could have been a dream of hers, to do what is right for our country.

I want to reaffirm my view that she would have been an excellent Supreme Court Justice, that she had the right background and experience, that she would have brought a viewpoint that is a very important viewpoint to the Court. You know, if we didn't want diversity of experience in making these important decisions, we would have one Justice of the Supreme Court; we wouldn't have to have nine. Our Founding Fathers decided to have nine. I think they were right, as they are in so many parts of the Constitution that they thought would be important for the Constitution to last over 200 years. I think diversity of experience and background is very helpful for a Court of nine Justices.

I am disappointed today, but I am very supportive of her decision because it was her decision and because she made it for the right reasons. I wish her well and I am very pleased she is going to stay as White House Counsel, one of the most important jobs in the White House. She will continue serving our country. When I talked to her this morning she was upbeat, she was positive, she was strong, and I know she will be a great contributor to the United States of America and to the President she serves. I commend her today, with all that she has gone through, for the grace with which she has gone through it.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I understand there are other speakers who wish to be heard on the pandemic amendment. I urge them to come to the floor now. We still have quite a list of amendments to deal with. It is Thursday afternoon. I know that is a signal of Members' special interest.

To those who have amendments they want to have heard and disposed of before we go to third reading and final passage, I urge them to come to the floor at this time.

In the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I rise to address the issue which is being debated here relative to the amendment by Senator HARKIN regarding the avian flu and how we are going to address this very serious potential pandemic. We all recognize this is a threat of dramatic proportions, not only to our society but to the world generally. As a Congress, we have tried to begin to address this matter relative to other issues that could have an equal impact, involving biologics that could be used against our society in a terrorist attack.

Three years ago I authored a bill called the BioShield bill. Along with a number of Members of this Senate, including Senator KENNEDY, who was the ranking member of the committee I chaired at that time, the HELP Committee, we put together a package which basically created a structure which we hoped would lead to development of vaccines to address the threat which was posed by the use of biological weapons against our country, specifically things such as smallpox, anthrax, botulism, and plague.

That proposal, the BioShield bill, was funded at $5.6 billion, which is a lot of money. The reason we put that much money in the pipeline was because we wanted to create an incentive for the pharmaceutical industry and for start-up biological companies to begin to develop vaccines.

Our country, regrettably, has seen basically a devastation of the vaccine industry. We used to have 30 to 40 companies that were involved in the production of vaccines. Regrettably, that number is down to three or four. The reason we have seen this dramatic reduction in companies that are willing to invest in research and then develop vaccines is pretty simple. The return on investing in a vaccine is significantly less than the cost of investing in that vaccine as looked at through the eyes of a pharmaceutical company or those of a biological company, because of the threat of lawsuit.

The fact is, the potential liabilities created by doing a vaccine are so huge that no amount of projected return on investment, from an investment standpoint, ever justifies creating a vaccine. So the vaccine companies have essentially contracted in this country and the assets which were being used to develop vaccines historically are now being used to develop other types of pharmaceuticals.

The second reason there has been a contraction, at least in these areas, is there is no use for these vaccines unless an event occurs because there is no smallpox in this world right now, thank goodness, and vaccines against smallpox would not be necessary unless there were a smallpox outbreak. And there could not be a smallpox outbreak unless there were a terrorist event that uses smallpox as a weapon. It is a fact that you cannot have a smallpox outbreak in this world today unless there were an intentional decision to spread the smallpox by somebody who had a terrorist intent. So for a company to go in and develop a vaccine for that means they would be developing a vaccine which has no market.

The BioShield theory was: Put a lot of money in the pipeline to create an economic incentive for companies and researchers and biological groups to pursue creation of vaccines only in those areas where there is no vaccine today or there is limited vaccine availability today and where the threat is not a common threat that would be spread in a way other than through terrorism.

We listed the top six threats. No. 1 being smallpox, No. 2 anthrax, followed by things such as botulism and plague spread by a terrorist event, and said we would use this $5.6 billion to try to develop these vaccines.

We thought we had therefore moved the issue along and started to resolve the issue. It turns out we did not. It turns out the BioShield bill, even though it had $5.6 billion behind it, has not energized the market or research atmosphere we hoped for. It turns out that only $1 billion has been spent on purchasing smallpox capability, the known manufacturing process for which had already existed. So we have learned a fairly significant lesson here which needs to be applied to the avian flu issue, and that is why it is important. The lesson is this: Even though you put a lot of money in the pipeline, you are not going to resolve the problem—the problem being resolved, of course, by having scientists being willing to develop ways to address these types of disease threats—unless you also put in place the mechanisms to create the atmosphere for the production of the vaccine.

So last week or 2 weeks ago the HELP Committee passed a creative and strong bill, which was authored primarily by the Senator from North Carolina, Mr. BURR, which attempted to address the entire issue in a packaged way of how you energize the American creative spirit to produce responses and vaccines which will protect us from not only terrorist threats but things such as avian flu.

One of the key elements of that is money. But another key element of that is the liability protection. So I came to the floor today to make it clear that even though it is correct that we need to put a significant amount of money in place, and put it in place soon—the amendment offered by the Senator from Iowa relative to the Defense bill, I think is the right approach. This amendment as an emergency supplemental, if it is put in place with the defense money being considered and in the context of what the administration is going to send up here as a proposal, probably within the next week, also may well be the right course. But all this money that is going to be put on the table is not going to solve the problem unless we are also sensitive to the fact that there are other forces out there that are limiting the willingness of the research community and the vaccine development community to pursue solutions. We have to take all those hurdles out of the way, not just one of them out of the way.

It is critical that we do a comprehensive approach to this. I understand within a week or so the White House is going to send us a comprehensive approach. It is critical that we get that type of leadership on this. But we, as a Senate, at least, have already proposed a comprehensive approach through the proposal of Senator BURR, and we should make sure any movement in this area be tied to the proposal of Senator BURR and the HELP Committee, which was reported out, and the much more comprehensive amendment of Senator ENZI.

This is a much more complex problem than putting money into it. We already know from our personal experience through the BioShield that putting money into it is not going to get the type of response we need. It has to be more than dollars; it has to be policy.

Some of the specific things we need to do, beyond reforming the liability structure so we have people willing to participate in the vaccines, is to purchase a vaccine where it is available. Some obviously are available now, but the vaccine for avian flu is limited. Tamiflu has some serious limitations in its applicability, although there are other things in development which may work a lot better.

We also have to have research capacity to handle an event like this in basic things such as surgical masks and hypodermic needles and bed capacity.

All this has to be put together in a comprehensive structure, and there has to be a clearer form of how we would execute were we to be hit with a pandemic, with the responsibility being allocated and people knowing who they would be reporting to and how we would get action taken.

There are a lot of things in play here to effectively address the avian flu issue, much of which is being addressed as a Congress, but much of which has to be addressed also by the administration and which we expect to see in the next few weeks from the administration—and dollars are only part of it.

I wanted to put that caveat on the table. If we were to simply vote for the proposal from Senator HARKIN and say we have done our job, we need to pass the Burr language. And we need to make sure the administration is aggressively pursuing a comprehensive and orderly approach to how they will deal with it, should an outbreak occur. I know they are. Every State is. My own State has already set up a very sophisticated approach of how they are going to deal with the necessity of potentially isolating people, and with the potential of having to ration the vaccine. These are going to be very difficult questions of how you deal with bed capacity and things such as that. There is a lot more to do. I wanted to discuss this in the context of the BioShield bill and what we need to do. This is more than a dollars issue.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, this is a quote:

> A flu pandemic is the most dangerous threat the United States of America faces. It's a bigger threat than terrorism. In fact, it's bigger than anything I dealt with when I was in government.

This is not a quote from me or from the Presiding Officer. These are the words of Richard Falkenrath, who until very recently served as President Bush's Deputy Homeland Security Adviser. He is not alone in this assessment. Administration officials and public health experts have warned the next flu pandemic is not a question of if but a matter of when. If we don't take action now, the consequences of a global flu pandemic could be devastating. And perhaps that is even an understatement.

A respected U.S. health expert has concluded that 1.7 million Americans could die in the first year alone of an outbreak. Remember, in 1918, the last flu pandemic, as many as 60 million people died in the world. The world's population was one-third of what it is now.

In addition to the 1.7 million Americans who could die during the first year, according to health experts, the economic costs would be enormous.

Every week, the possibility of this threat grows closer. It is now in Croatia. Anyone who watches the news knows that the bird flu is sweeping much of the globe.

When we started debating a possible flu pandemic here in the Senate, the bird flu was contained in parts of Asia. Now it has moved into Turkey, and even as far west as Great Britain. Anyone who watches the news knows scientists recently determined that the last flu pandemic outbreak in 1918 started in birds, and it made its way into humans.

It has not been shown without any fault, any degree of being wrong, because it could be wrong—because the birds are dying from avian flu doesn't mean it will get to us, but it did in 1918. Will the virus jump to humans? That is the question. Shouldn't we be prepared if in fact that is the case?

I read one news account of a friend in Congress who said we don't want to spend a lot of money for something that might not happen. We have to be prepared. We have to be prepared. We should do everything we can to make sure Americans are prepared and protected—and we are not prepared.

Despite repeated promises, this administration has yet to release the President's Pandemic Influenza Response and Preparedness Plan. We have written letters; no response. I don't know why.

The World Health Organization deems such a plan essential to proper readiness. A draft of this plan was ready months ago, but no final plan has been released. At least we were told it wasn't.

As a result, preparations for a pandemic have been needlessly delayed and the Federal Government is ill prepared to handle such a pandemic. We don't have the capacity to rapidly manufacture vaccines in mass quantities. We lack an adequate stockpile in antiviral medications, and our health care infrastructure is woefully unprepared.

We are already behind nations such as Canada, Britain, and Australia, and we are falling further behind these nations each day we fail to act. Some nations finalized their avian flu plans months ago. They are implementing the protections, and we are still waiting for this administration to give us something as basic as a plan. America can do better. In fact, America must do better.

Senate Democrats have provided leadership on this issue. We have added much needed resources for pandemic preparedness in the Senate appropriations bill we passed nearly a month ago. We have offered legislation, the Pandemic Preparedness and Response Act. That would build on our commitment to preparing our Nation for the possibility of a pandemic. Unfortunately, the funding remains tied up in a conference with the House and the Senate, and we haven't acted on this comprehensive legislation.

The recent spread of bird flu to Europe proves we can't afford to drag our feet. The Senate must act immediately so we can limit the human and economic costs of a potential avian flu pandemic. That is why I am cosponsoring Senator HARKIN's amendment to provide $7.9 billion for a comprehensive national effort to prepare for an avian flu pandemic. The amendment will allow us to take the following steps to prepare our Nation for a potential pandemic:

No. 1, quadruple our funding for global surveillance relating to avian flu so we may rapidly detect the emergence of a new strain of flu; dedicate more than $3 billion to vaccine research and improving our domestic infrastructure.

We are woefully unprepared to do this.

We must increase our hospital surge capacity and funding for State and local health agencies so the American people can be assured there will be an adequate supply of health care providers and institutions to care for them in the event of a pandemic.

The legislation calls for conducting an outreach program to health care providers and to the American public.

With this legislation, we must stockpile effective antivirals adequate to treat at least 50 percent of the population and other medical supplies.

Finally, it calls for improving research and lab capacity related to an avian flu pandemic. This, to me, is the most important.

I congratulate the ranking member of this subcommittee, Senator HARKIN of Iowa, for this legislation. It is badly needed. I hope there will be a bipartisan vote to support this amendment.

I understand there are efforts being made to weaken this so-called second-degree amendment to give the President the authority to do all of this, and he would be obligated to do it only if he saw it was necessary. We are looking at that second-degree amendment now to see if there is any way we can work with the majority, who are offering this amendment.

The avian flu pandemic may be inevitable, but the devastating consequences are not. We need to heed warnings and take action now. I hope my colleagues will join in supporting us by making the investments necessary to make sure this Nation does everything possible to protect Americans from the threat of the global flu pandemic.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

HARRIET MIERS

Mr. SPECTER. Mr. President, I respect Ms. Harriet Miers' decision to withdraw from consideration for the Supreme Court. At the same time, I do regret our constitutional process was not complete. Instead of a hearing before the Judiciary Committee and a debate on the Senate floor, Ms. Miers' qualifications were subject to a one-sided debate in news releases, press conferences, radio and TV talk shows, and the editorial pages.

I acknowledge the rights of everyone to express themselves as they see fit, but that should not have precluded Ms. Miers from getting basic due process. There was a decisive imbalance in the public forum, with the case for Ms. Miers not heard because of the heavy decibel level against her.

I have repeatedly noted her excellent work in handling complex civil cases. Had the constitutional process been followed with a hearing, she would have had an opportunity to establish that her intellect and capabilities demonstrated in her 35-year professional career could be carried over in the field of constitutional law and the work of the Court. Whether she would have been confirmed remains an open question, but at least she would have had the major voice in determining her own fate.

Ms. Miers did deliver late yesterday evening, on time, her responses to the committee request for supplemental information on her questionnaire. Eight large boxes are in the committee's possession, but now there is no reason to read or analyze those responses.

The Judiciary Committee carefully did not intrude on the President's executive privilege. The committee studiously avoided asking what advice Ms. Miers gave to the President, and that limitation would have been continued in any hearing, with an adequate range of questions available to enable the committee to decide on her qualifications for the Court.

We must guard against having the Miers proceedings become a precedent for the future.

I ask unanimous consent that the text of an op-ed piece which I had submitted to the Washington Post yesterday and the Washington Post agreed to publish be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. I thank the Chair.

I note Senator BYRD is here.

EXHIBIT 1

WASHINGTON POST-ACCEPTED OP-ED REFERENCED ON THE FLOOR

Just over three weeks ago, President Bush nominated White House Counsel Harriet Miers to fill retiring Justice Sandra Day O'Connor's seat on the Supreme Court. Since then, political pundits and outside groups have loudly expressed their opinions, one way or the other, on the nomination. There has been a great eagerness in some quarters, outside the Senate, to prejudge the nomination.

Fortunately, the Constitution does not leave the disposition of Presidential nominations to pundits or outside groups. The question whether to confirm a President's nominee is left to the careful consideration of the Senate, where we have an established process for examining a nominee's fitness for the bench. That process will begin on November 7, when the Judiciary Committee begins its hearings on Ms. Miers.

Confirmation hearings offer a nominee the opportunity to introduce herself to the Senate and the American people. The hearings allow Committee members to ask questions of the nominee, to develop a record, and to present an informed recommendation to the full Senate. In order to receive a favorable vote in the Committee, Ms. Miers will have to demonstrate her qualifications to serve on the bench. A crucial qualification to serve on the Supreme Court is the aptitude to decide difficult legal issues, including important Constitutional questions, and to explain those decisions in opinions.

It is true that Ms. Miers has not had deep experience in Constitutional law, but that is far from a disqualification for the bench. Few lawyers, aside from sitting federal judges or a few Constitutional law practitioners, have such experience.

Thus, while Ms. Miers needs a crash course in constitutional law to prepare for the hearings, the same could be said for virtually any nominee to come before the Senate Judiciary as a Supreme Court nominee. In the past century, we have had many justices without constitutional law experience, who never the less brought the legal acumen and intellectual abilities to tackle the vital and challenging work of the Supreme Court. These include, for example, Sandra Day O'Connor, who had never served on a federal court or practiced Constitutional law. Similarly, Justice Hugo Black, before his election to the

Senate, specialized in labor and personal injury law. Yet, he is regarded as one of the greatest justices of the 20th century.

Moreover, the Supreme Court's docket is not limited exclusively to Constitutional law issues. Roughly 40% of the Court's docket tends to involve constitutional issues. Business and commercial law issues, with which Ms. Miers is well acquainted, make up another 20% of the Court's docket.

As Chairman of the Judiciary Committee, I have known and worked with Ms. Miers closely. As White House Counsel, she plays an important role in advising the President on complicated legal and policy issues.

Consequently, I work with Ms. Miers on nearly all the matters that come through our committee, from nominations to legislation, from the USA PATRIOT Act to asbestos liability reform.

Based on my personal experience, there is much to recommend her.

She is, as all acknowledge, a good and decent woman with whom it is a pleasure to work. She has a logical, disciplined, and sharp mind. She will bring to the bench, if confirmed, the knowledge of a practicing trial attorney—a perspective sorely lacking among the current Justices. As the President has observed, Ms. Miers had a wealth of practical experience as a lawyer in private practice. I have reviewed her record and found that she has handled a wide range of complex cases.

She is also a woman who fought up through the ranks. She went to law school at a time when women were discouraged from joining the field, yet she rose to manage a 450-person firm and became head of the Texas Bar Association. Ms. Miers comes to the Committee with many strengths and an accomplished record.

This is not to say that it is all easy sailing for Ms. Miers. I have not made up my mind. Nor have most of my colleagues. Like every Supreme Court nominee in recent times, Ms. Miers still has the burden of demonstrating the depth of her substantive knowledge on constitutional issues, issues such as the intersection of the First Amendment's guarantees of free speech and freedom of religion, the scope of Congress's powers to legislate under the Commerce Clause and Section 5 of the Fourteenth Amendment, the scope of executive power, and the criminal defendant's protections found in the Bill of Rights.

Like every Supreme Court nominee in recent times, Ms. Miers bears burden of proving she has the aptitude to address the complex issues that will come before the Court. She deserves, and she will receive, a full and fair hearing at which she will have the opportunity to demonstrate her fitness for the bench.

Until then, I hope that the American people and my colleagues will keep an open mind.

The PRESIDING OFFICER. The Senator from West Virginia.

SENSE OF FOREBODING

Mr. BYRD. Mr. President, the American people enter this fall season with apprehension, trepidation, and a somber sense of foreboding. Gasoline prices, which peaked above $3 per gallon in September, now seem stuck at levels once thought absurd. Gas prices in West Virginia hover around $2.57 per gallon and can vary significantly in some areas, rising precipitously at times.

Heating costs are projected to soar this winter, with many households expected to pay an additional $350 to heat their homes with natural gas and heating oil. It makes one shiver, thinking of winter in those mountains of Appalachia.

People are already struggling with inadequate wages, are being forced to curtail everyday expenses simply to buy gasoline, to fill up their tanks. Senior citizens on fixed incomes are already forced to choose between prescription drugs and food. That is a tough choice. They must now confront life-threatening heating costs. This winter is coming. I can feel it in the air.

This winter, with energy costs rising, the Federal safety net will be needed to provide essential support for countless Americans. Many are watching with incredulity the fraying of that safety net.

On the farms and in the cities, in rural and urban neighborhoods, Americans have been shaken by the Government's inability to respond effectively to Hurricane Katrina while the Government focused on tax cuts for the wealthy and massive spending requests to rebuild Iraq—what a shame; we should never have gone there, no; it was no threat to our national security, and I said so at the time—massive spending requests to rebuild Iraq. Our Nation's infrastructure was weakening from neglect at home while all this was happening. Katrina highlighted that erosion, focused our attention on that erosion and the high cost of forgoing critical infrastructure repairs.

Just a few days ago, that erosion was further highlighted as Americans watched the wooden 173-year-old Whittenton Dam threaten to give way in Taunton, MA, forcing the evacuation of yet another American city.

This winter, the country must confront the threat of an avian flu pandemic as public health officials warn that our Nation's health infrastructure remains woefully inadequate. Remember the influenza? Remember the flu of 1917 and 1918? I don't remember it exactly, but I had it. My mother died in that pandemic. I was less than a year old. She said to my father: Give "the baby" to the Byrds. One of my father's sisters had married a Byrd, Titus Dalton Byrd. They did not have any children. They had a child prior to my birth, but their child had died—his name was Robert Madison—so they had no children left. My mother's wish that my father give me, the "baby," to Mr. and Mrs. Titus Dalton Byrd, the "Mrs." being my father's sister. Yes, that is why I am here today. It was their wish that my father give me, the baby—there were three older brothers and a sister—give them all to somebody, but give the baby to the Byrds. They took me in, changed my name, and brought me to West Virginia, away from North Carolina. And here I am.

Earlier this week, Hurricane Wilma pummeled southern Florida, causing heavy flooding and power outages. The cleanup costs could be enormous.

Rather than addressing these weaknesses and providing the American people with some reassurance, the Congress incredibly and inconceivably is looking for ways to further siphon funds away from our safety net and domestic investments. It is as if we have learned nothing—absolutely nothing—from Hurricane Katrina.

A hope and belief seem to exist, and fingers are crossed all across this town, that no one will connect how the budget cuts being considered will affect those hurting from high energy prices.

Eight Senate committees—eight Senate committees—have drafted reconciliation legislation to cut domestic investments in order to prefund $70 billion in additional tax cuts, many of which will not take effect for several years. They are backloaded. Now, get that: tax cuts. Oh, it is so easy. Ah, how I love to vote for tax cuts. That is easy. It does not take any courage to do that. Tax cuts. I have been in politics now 60 years next year, in various and sundry legislative branches, and the easiest vote I ever cast was for tax cuts.

Some of these spending cuts are coming from the very same programs that are providing essential disaster relief to the victims of Hurricanes Katrina and Rita, such as those used to provide temporary health services. They comprise much of the safety net for our Nation's most vulnerable, as well as for Americans afflicted by disaster.

The reconciliation process has been touted as a means to contain the budgetary costs of Katrina, but that is a specious, spurious argument. The reconciliation process would worsen—worsen now; not improve—our fiscal position. With $70 billion in new tax cuts and an estimated $39 billion in spending cuts, the result is a deficit that increases by $31 billion—$31 for every minute since Jesus Christ was born; $31 for every minute—oh, the clock is ticking; that clock is ticking—$31 for every minute since Our Lord Jesus Christ was born. Under the process being considered, Katrina costs would continue to mount, without offsets, while the safety net is further worn away.

The argument for reconciliation makes even less sense when you consider that Katrina costs are one-time, unforeseen emergency expenditures. Meanwhile, no action, none, no action has been taken to pay for trillions of dollars—trillions. How long would it take to count a trillion dollars at the rate of $1 per second? How long would it take to count a trillion dollars at the rate of $1 per second? Man, can you imagine that? How long would it take? Thirty-two thousand years? These young pages who have quick minds can figure that out. Thirty-two thousand, I am not sure about that figure. If it is not 32,000, it is 34,000 or 36,000. Thirty-two thousand years—I will stick with that figure for now—at a minimum, at the rate of a dollar per second. Can you believe it?

There are trillions of dollars of tax cuts. No action has been taken to pay for those trillions of dollars of tax cuts or the hundreds of billions of dollars of costs for Iraq—a war that we should have never been in. We should never have gone. And they are still struggling to find a reason why we went. Too late now. I said then I don't believe there are weapons of mass destruction. I think there have been in some years gone by but not now. And have they been found? No. And I and 22 others—yes, 22 others; one Republican among the 23; one Senator who is now dead and gone; he died in a plane crash—23 souls, including my own, said: No. No, we won't go. We are not going to vote to give this power to declare war to this President or any President. We are not going to do it. Twenty-three of us. But there we are. We are there.

So with the hundreds of billions of dollars of costs for Iraq, no action has been taken to pay for that, even though these costs are as plain and obvious as any in the Federal budget. I simply cannot fathom why the administration believes that reconstructing Baghdad does not have to be paid for, while reconstructing Mississippi and Louisiana and Alabama requires offsets.

Can you imagine that? Reconstructing Baghdad does not have to be paid for, while reconstructing Mississippi and Louisiana and Alabama requires offsets. It does not make sense. It does not make good sense. It does not make common sense.

Nor has any action been taken to find savings elsewhere in the bloated—bloated—Federal budget. The Defense Department's budget comprises one-sixth of the Federal budget and surpasses the total discretionary budgets of every other agency and office of the Federal Government combined. The Pentagon is not even able to pass a standard audit. How about that. The Pentagon is not even able to pass a standard audit, and it has not been able to for some years. I will say that again. The Pentagon is not even able to pass a standard audit or to conduct effective oversight of military expenditures in Iraq. May God help us.

Government auditors have found substantial sums of defense contractor waste and fraud. Astonishingly, the Department of Defense pulled its inspector general out of Iraq last fall. Yet the Defense Department has not been asked to examine its $450 billion annual budget.

All of the savings, all of the deficit reduction is supposed to come from the safety net for working families—people who work with their hands or at their desks—and from essential domestic investments that have been dangerously—dangerously, dangerously—foolishly neglected for too long. The sacrifice, too often, is being asked of working families, while others remain blissfully exempt.

The budget reconciliation process at this point in the year and under these circumstances is ill-conceived. We are missing an opportunity to ferret out real waste in the Federal budget and to reform programs that could yield real budgetary savings. And worse, we are opening the door to a dangerous process.

Yesterday, the House Ways and Means Committee—I believe it was yesterday—included in its reconciliation package language that would repeal the Continued Dumping and Subsidy Offset Act. This is a critically important law. It allows Customs to distribute to American companies and their workers the duties that it collects on unfairly traded, meaning "dumped," imports. Yes. I am the daddy of that. Yes. I am the daddy of that child. It is called the Byrd Rule. There are several things that are called the Byrd Rule, but that is the one we are talking about.

It allows Customs to distribute to American companies and their workers the duties that it collects on unfairly traded, meaning "dumped," imports. The funds go only to those—now listen; the funds—I say the fines for these violations go only to those who have been injured by foreign producers who violate our trade laws.

The funds go to crawfish producers in Louisiana. Hear me now. They go to shrimp producers throughout the Gulf States. Hear me. They go to our lumber industry. That is a big industry. They go to raspberry growers. They go to honey producers and beekeepers. They go to garlic growers in California, to makers of pasta, to makers of steel, to makers of steel bearings and other products manufactured all across our Nation.

Companies in nearly every State of the Union receive funds under this law, and the funds are essential. They enable our industries to invest in their facilities and in their workers, to upgrade their equipment and technology. What could be wrong with that? That is a good law. The World Trade Organization doesn't like this law, but the WTO is wrong. The WTO doesn't like this law, but the WTO is wrong, wrong, wrong, I say to the four corners, the four winds of the Earth—wrong. The WTO ruling in this case was created out of whole cloth. Nothing in the WTO agreements prohibits us from reimbursing U.S. industry with duties collected—how and from what—on unfairly traded imports. If the trading partners didn't violate the law, they wouldn't have to pay these fines. They violate the law, yes.

The administration was directed by Congress in both the fiscal year 2004 and 2005 Omnibus Appropriations Acts to negotiate a solution to this WTO dispute in ongoing trade talks. The Appropriations Acts explicitly—plainly, clearly—state that U.S. negotiations shall be conducted within the World Trade Organization to recognize the right of WTO members to distribute moneys collected from antidumping and countervailing duties as they deem appropriate. The WTO cannot infringe on the sovereign right of the Congress to legislate. They can't do that. The United States needs to keep this important trade law on the books. Keep it on the books.

I have talked to the President. I have talked with the administration about that. I have talked with our Trade Representative. Keep it on the books. They first said they would fight for it. After Katrina, we send a terrible message by continuing with this flawed reconciliation process. You watch how it works. I helped to write that law. The reconciliation process was never intended by those of us on both sides of the aisle—we are about all gone now, who created that process—to be used as it is being used. We send a terrible message when the American people call for deficit reduction and instead we lead them erroneously into more debt.

I hope the Congress will take the time to reconsider the flawed assumptions underlying this reconciliation process. It needs to do so before the process gets even further out of hand.

I thank all Senators. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HARRIET MIERS

Mr. BYRD. Mr. President, as the administration searches for a new nominee for the Supreme Court, I hope the White House will not retreat to a political corner and choose a nominee who will only serve to divide the Nation and divide this Senate. I urge the President—hear me now—to select a nominee cut from the same cloth as the new Chief Justice of the United States—moderate in approach, steeped in thought and experience, and committed to the protection of the U.S. Constitution, which I hold in my hand. In partnership, the President and the Senate must do all that they can to avoid rancor and extreme partisanship. That begins with real consultation and a nominee who can bridge the gap between political philosophies.

I found it noteworthy—I did—that questions about Harriet Miers' nomination came from Senators, organizations, and individuals from diverse political philosophies. It does not matter who is asking the questions about a nomination; these questions serve the long-term interest of the Nation, those people out there, the American people who are watching us through those lenses.

Unfortunately, in this age of partisan politics dominating all else, questions too often are labeled as obstructionism. You remember that? Obstructionism. If you ask questions, you are an obstructionist. Get that, I say to these fine young pages. Nothing could be further from the truth. No.

Republican Senators—yes, the Senators who sit over on that side of the aisle—and Democratic Senators, who sit over here, had serious questions concerning the judicial philosophy of this nominee. Asking questions and insisting upon answers from judicial nominees helps to make certain that the American people have faith in their courts. Asking questions is not something to be labeled as obstructionist. How many times have I said that? Rather, it is patriotic to ask questions. Asking questions is part of my duty, part of your duty, Mr. President, part of each Senator's duty as citizens.

I think now would be a good time for the Senate to consider a proposal first put forward by Senator SPECTER in which I joined in the 105th Congress. We introduced legislation to establish a formal advisory mechanism for the Senate in the selection of Supreme Court Justices. Under that proposal, the Senate Judiciary Committee would establish a pool of possible Supreme Court nominees for the President to consider based on suggestions from Federal and State judges, distinguished lawyers, law professors, and others with a similar level of insight into the suitability of individuals for appointment to the Supreme Court. The President would, of course, be free to ignore the pool if he chose to do so, but the advice required by the Constitution would be formally available and the President would know that the individuals in the pool had received a bipartisan nod from the Senate committee required to do the vetting.

Senator SPECTER and I have talked about reintroducing this legislation in the coming days in an effort to guarantee that a broad spectrum of individuals are nominated for the Supreme Court and that the Senate is able, more fully, to fulfill its constitutional role. I am glad there are 14 Senators, ladies and gentlemen, Republican and Democrat, evenly divided, who joined together and who saved the Senate from a terrible blunder called the nuclear option. Some call it the constitutional option. There is nothing constitutional about it. It is unconstitutional on its face, the so-called nuclear option. What a shame that would have been. But the 14 Senators, Republican and Democrat, saved the Senate. That was a historic moment.

I say the President was right when he called Senators, when he sought the advice of Senators, when he sent Judge Roberts' name up here. Yes, for once he called me and asked what I thought. I complimented him on calling Senators, seeking their advice. The phrase is advice and consent, not just the word "consent." It also has the word "advice." So I said, and the 14 said, we want to be in on the takeoff as well as on the landing. So seek our advice. Yes.

Mr. President, seek our advice. Say to us, Lend me your ears, and I will lend you mine. He did that. The President did that. I complimented him on it. I hope he will do that now. I hope he will not send up a lightning rod, somebody who will just polarize the country and attract bows and arrows.

Mr. President, listen to the advice and consent clause in this hallowed document, the Constitution of the United States. Read it. It says "advice." Hear me, Mr. President. Call Senators again. Don't send up someone who will divide the Senate, who will cause a filibuster, and then some would seek to cut off the freedom of Senators to speak. Be careful, Mr. President, please call. Please call me. If you don't call me, call somebody else. Call Senators. Ask them what they think. You can discard our viewpoint if you wish. You don't have to accept our advice. I don't have anybody particularly in mind, but call me. Will you do it, Mr. President? I hope you will.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Mr. FEINGOLD. Mr. President, I certainly appreciate the words of the Senator from West Virginia. In that light, let me point out that last night the Senate adopted a unanimous consent agreement to resume consideration of the Department of Defense authorization bill. Under the agreement, each side would be allowed to offer 12 amendments to the bill, all of which must relate to the bill or the jurisdiction of the Armed Services Committee.

Let me start by congratulating the Democratic leader for working tirelessly to bring this bill back before the Senate. Senator REID recognizes that Congress has a responsibility to the American people and to our brave men and women in uniform to debate and pass a responsible Department of Defense authorization bill. I thank him for his efforts.

Congress has an additional responsibility, and that is to put our Iraq policy right and return the focus of our country to our top national security goals. That policy, and particularly the failure of the administration to offer a reasonable, flexible timetable for bringing home our troops, is making us weaker. It is making us less safe, and it is making our enemies stronger. The perception of a massive, indefinite American troop presence in Iraq is feeding the very insurgency that we are trying to defeat. That is why I now call upon the majority and minority leaders to agree that they will allow the Senate to debate and vote upon an amendment calling for a flexible timetable for returning our troops home. This doesn't have to be exactly the resolution I introduced in June, or it doesn't have to include the December 31, 2006, target date for completion of the primary military mission that I proposed back in August.

There are plenty of Members deeply concerned about Iraq whose leadership has been and will continue to be crucial, people such as Senators LEVIN, KERRY, and DODD. Senators BYRD and KENNEDY have also been vocal about their concerns. There are plenty of Members on the other side, also, with whom I have spoken and shared some of my concerns about our Iraq policy. I welcome the opportunity to work with my colleagues on both sides of the aisle to come up with a reasonable amendment that will finally start the process of getting our Iraq policy and our broader national security strategy on track.

Obviously, I do not have to remind anyone here that the United States suffered its 2,000th casualty in Iraq this week, and there have been more since then. Every one of our servicemembers in Iraq and their families deserve clarity about the mission they are serving and the timeframe for that mission. And the American people and the Iraqi people, too, need to know that we have a plan to complete our military mission and draw down our troops in Iraq.

Mr. President, the Senate needs to do its job. When the Senate finally resumes consideration of the Defense authorization bill, and I hope that will be very soon, we need to finally address and put our Iraq policy right. The Senate will consider up to 24 amendments at that time. Clearly, this should be one of them. I hope my colleagues agree with me and that we can work together to ensure that we live up to our responsibilities.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO 2279, AS MODIFIED

Mr. FEINGOLD. Mr. President, I rise today with my colleague from Maine, Senator COLLINS, to offer an amendment to fund the Automatic Defibrillation in Adam's Memory, the ADAM Act. But first I would like to thank the Senator from Pennsylvania and the Senator from Iowa and their staffs for the hard work that obviously went into drafting this bill in the face of tight budget restraints.

Mr. President, in 2001, I learned about Adam Lemel, a 17-year-old high school student and a star athlete in southeastern Wisconsin. Tragically, during a timeout while playing basketball at a neighboring Milwaukee high school, Adam suffered sudden cardiac arrest and died before the paramedics were able to arrive.

After his death, his friend, David Ellis, joined forces with the Children's Hospital of Wisconsin to initiate Project ADAM to bring CPR training and public access defibrillation into schools, to educate communities about preventing sudden cardiac deaths, and to save lives. The ADAM Act called for the establishment of a national Project ADAM clearinghouse. Such a clearinghouse would provide schools with the "how to" and technical advice to set up public access defibrillation programs. This clearinghouse responds to a growing number of schools that have the desire to set up such a defibrillation program but often do not know where to start.

The ADAM Act was signed into law in 2003—and we are very pleased with that—but it has yet to be funded. The amendment Senator COLLINS and I offered would simply fund the ADAM Act clearinghouse with $800,000 for fiscal year 2006.

Mr. President, at this time, I would like to call up my amendment and ask that it be modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2279), as modified, is as follows:

At the appropriate place in title II, insert the following:

SEC.   . In addition to amounts appropriated under this Act, out of any money in the Treasury not otherwise appropriated an additional $800,000 to carry out section 312 of the Public Health Service Act (42 U.S.C. 244). The amounts on page 137, line 9 shall be further reduced by $800,000.

Mr. FEINGOLD. I understand that the amendment will be accepted, and I want to thank the managers in advance for that as well.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

AMENDMENT NO. 2283

Mr. OBAMA. Mr. President, I rise first to commend Senators SPECTER and HARKIN for their diligence and hard work on what is an enormous bill, particularly given the tight budget they had to work with. I also personally thank Senators SPECTER and HARKIN for adopting an amendment into the managers' bill relating to scholarships for low-income and minority students and for expansion of positive behavioral interventions and support within schools to encourage better discipline. I thank them and their staffs for working with us on this amendment.

In addition, it is my understanding that there has been a meeting of the minds between the two sides of the aisle around what may end up being the most significant aspect of the Labor H appropriations bill.

Yesterday, I joined Senators HARKIN, KENNEDY, and a number of my colleagues in introducing an avian flu amendment. I know we had been able to attach an amendment to the DOD appropriations bill that made significant headway in funding the work that needs to be done to prepare this nation for pandemic flu. Obviously, this Labor H bill was the more appropriate vehicle to fund preparedness activities. The fact that Senator SPECTER and Senator HARKIN have agreed to work something out on this issue is extremely important.

I will mention a couple of things that I believe make this avian flu amendment so significant. A number of Senators have talked on the Senate floor very eloquently about the threat of avian flu and the lack of preparedness and relative inactivity in the United States compared to our European and Asian allies. In the United States, we do not have a national preparedness plan for a pandemic. We do not have a stockpile of antivirals. Our public health system is weak, and the vaccine infrastructure is fragile. All of these areas desperately need attention, and the amendment that I hope will be adopted unanimously will provide the funding to do just that.

I am not going to rehash what was discussed earlier, but instead I wanted to spend a few minutes on the non-health aspects of avian flu, because it is important to fully understand the scope of the potential problems that a pandemic might cause. Obviously, the health concerns should be our immediate focus, and the Harkin amendment and the avian flu bill I introduced back in April do just that. However, we cannot ignore the economic and social implications of the pandemic flu. They deserve our urgent attention.

As Dr. Michael Osterholm has warned us, the arrival of a pandemic flu would trigger a reaction that would change the world overnight. We know that a vaccine would not be available for at least 6 months after the pandemic started. We also know that we only have enough antivirals in our stockpile to treat 1 percent of the Nation's population. As such, if an avian flu pandemic hits, foreign trade and travel would be reduced or even suspended in a desperate but fruitless attempt to stop the virus from entering new countries. This is not speculation. Some will recall that Hong Kong's Secretary for Health, Welfare and Food has already threatened to close the border with the Chinese mainland if the H5N1 strain of avian influenza moves into the human population.

Domestically, transportation would also be significantly curtailed as States or communities seek to keep the disease contained, and unaffected areas try to keep infection out. Such efforts at self-protection would have a devastating effect on the world economy, which relies on the speedy distribution of products. There would be major shortages of food, medicines, light bulbs, gasoline, and spare parts for military equipment. Potentially, we would have shutdowns in the production of microchips that fuel so much of our technology.

To use just one example, currently, two U.S.-based companies supply most of the protective face masks for health care workers around the world. Neither company would be able to meet increased demand during a pandemic, in part because the companies depend on multiple suppliers in multiple countries for the parts to make the masks.

Businesses today rely on the world's real time economy, and have not established alternative supply chains nor emergency plans for production and distribution. In a time of pandemic, the labor source could be severely affected as well, compounding the supply chain problem.

Our Government officials also have not yet addressed the social implications of a pandemic. We had a taste of that in what tragically happened with Hurricane Katrina. We witnessed desperation and confusion as people scrambled to survive and to find their loved ones. We are going to have to develop protocols and plans now so we can prepare the public for whatever public health measures may be needed, including possible quarantine or isolation.

The closest the world has come to this scenario in modern times was the SARS epidemic in 2003. Over a period of 5 months, about 8,000 people were infected and about 10 percent of those infected died. Once SARS emerged in China, it spread to 5 countries within

24 hours, and to 30 countries on 6 continents within several months. The economic consequences of SARS were staggering. The 6-month epidemic costs to the Asian-Pacific region alone were estimated at over $40 billion.

As avian flu is significantly more contagious and more deadly, you can only imagine the potential scope of economic devastation that we might face. Senator HARKIN has mentioned that the warning bell is ringing and we need to heed its urgent call to action. Time is running out and this administration must act now if it is to prevent the severe economic, security, and health consequences from pandemic flu.

Let me close with one last comment. I heard some colleagues in discussions, both in the media and on the floor of the Senate, suggest that we should not succumb to panic. I know at one point an analogy was drawn between what we are calling for with respect to investments in pandemic flu preparedness and Y2K.

Let me just make two points. No. 1, we are absolutely certain that some form of pandemic will occur in our lifetime. We do not know if it will be caused by a H5N1 virus that mutates and spreads by human-to-human contact, similar to the 1918 pandemic. But unless history has completely taught us the wrong lessons, we can expect some form of pandemic that has severe consequences, and right now, we do not have the infrastructure to deal with it.

What that means is whatever investment we make now—for example, in developing a cell-based technology rather than an egg-based technology to develop vaccines—that is a sound investment even if we are lucky and this H5N1 virus does not end up mutating in such a way that it can cause a pandemic, because we will now be prepared for whatever pandemic occurs. We will have the infrastructure to rapidly produce the sort of vaccines that are necessary. This is a smart investment for us to make on the front end. The second point is one that, again, I think has been highlighted by what happened in New Orleans and the gulf coast. Sometimes the costs of doing nothing are so high that in the same way that you or I buy catastrophic health insurance hoping that we never have to use it, this is one of those situations where we have to devote the dollars to prepare and develop a plan, hoping that we never have to use it.

I am extraordinarily grateful that Senator HARKIN, Senator SPECTER, and other leaders on this committee have been able to come to an agreement that should allow us to finally fund the preparedness and readiness activities that are going to be necessary for us to meet the challenge of avian flu.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2218, AS MODIFIED

Mr. BINGAMAN. Mr. President, I send to the desk a modification of amendment 2218, and ask unanimous consent that it be so modified.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 2218), as modified, is as follows:

AMENDMENT NO. 2218, AS MODIFIED

(Purpose: To increase funding for advanced placement programs)

At the end of title III (before the short title), insert the following:

SEC. ____. (a) In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $7,000,000 to carry out part G of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6531 et seq.).

(b) On page 183, line 15, strike "$1,057,385,000" and insert "$1,050,385,000" and on line 21 strike "$417,924,000" and insert "$410,924,000".

Mr. BINGAMAN. Mr. President, this is an amendment that the Senator from Texas, Mrs. HUTCHISON, and myself are offering to add an additional $7 million to the funding for advanced placement instruction in our schools. This is an issue she and I have pursued for many years.

It is my strong belief one of the clearest ways we can improve the quality of education in our school system is to encourage more students to take advanced placement courses, to encourage more teachers to get the training necessary to teach those advanced placement courses. Those are courses the college board has identified as specified standards nationwide.

It is clear to anybody who is involved in secondary education in this country that a student is advantaged in their later education and in their career if they have the opportunity and take advantage of the opportunity to take these advanced placement courses in high school. There are many high schools in my State of New Mexico that do not offer advanced placement courses to their students. I think that is a shame in this day and time. I think it is very unfortunate we do not make this opportunity available nationwide to more students and encourage it.

A recent report which the Presiding Officer and I have requested from the National Academy of Sciences talks very extensively about the importance of developing the scientific and technical building blocks we need for this country to strengthen our economy. They recommend in that National Academy of Sciences report that we can do a variety of things to improve the quality of education from kindergarten through the 12th grade, in addition to doing various things at the university level and, of course, doing a variety of things with research and development as well.

One of their recommendations is directly applicable to this amendment which we sent to the desk. The recommendation is that we set out to quadruple the number of students in advanced placement math and science courses by the year 2010. There are approximately 1.2 million students who take those courses today. The suggestion is that in the next 4 or 5 years we should increase that to 4.5 million students. That is an enormous undertaking. That is an easy thing to say but a very hard thing to do.

The recommendation in the appendix attached to the National Academy of Sciences report indicates that the estimate they have would cost something in the range of an additional $350 million per year for us to be able to achieve this kind of improvement. We are not asking for that $350 million in this amendment. We are asking for $7 million. We are asking to get closer to what the President requested in the budget he sent to the Congress earlier this year. We are asking to go up to $40 million for advanced placement instruction.

That is a very modest request, but we are informed it is all that is possible, given the budgetary constraints under which this bill is operating.

I think it is an extremely good amendment. It is a very important focus for us to have as we try to begin to focus on an agenda that will make this country more competitive in world markets. I know the Presiding Officer feels this needs to be a very high priority for this country. I certainly do, as well as the Senator from Texas.

I hope our colleagues will support this amendment.

I yield the floor so Senator HUTCHISON can explain her views on the issue.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank my colleague, Senator BINGAMAN. We have been working on increasing the amount put in the advanced placement program for years. Together, we actually started the Federal funding for this program. It has been a phenomenal success.

In fact, in a recent study on the lack of emphasis in science in our country in high schools and colleges, one of the recommendations made by the commission, which I think the Presiding Officer of the Senate sitting in the chair today is familiar with, * * *

One of the recommendations is increasing the Advanced Placement Program. That is exactly what we are doing with this amendment.

The Advanced Placement Program allows students to pursue college-level studies while still in high school. It is celebrating its 50th anniversary and it is now in 15,000 schools around the world, including 60 percent of high schools in America. Through these programs, students experience a rigorous college level curriculum and have the chance to earn college credit, advanced placement, or both.

According to a U.S. Department of Education study, participation in advanced placement courses is a stronger predictor of success in college than test scores or grade point averages. A 2002 study by the University of Texas at Austin showed that among students with the same SAT scores and class rank, advanced placement students scoring three or higher on the exams performed better in advanced college courses than students who participated in concurrent enrollment or who did not skip any college courses at all.

Research has also shown that 61 percent of students who take two or more advanced placement exams graduate from college on time. By contrast, only 29 percent of other college students earn a degree within 4 years.

When you consider the average total charges at a 4-year public institution in the 2005 school year were more than $12,000 per year and $29,000 per year for private colleges, graduating within 4 years becomes a very important objective.

While much growth has occurred in advanced placement participation, a vast gap still exists between the 57 percent of the class of 2004 who embarked on higher education last fall and the 13 percent of the class of 2004 who were prepared to succeed in college by having mastered an AP course in high school. Currently, 40 percent of students entering 4-year colleges and universities are requiring some remedial education while 63 percent of students at 2-year institutions do. This is a significant concern. One or more remedial courses, particularly in math or reading, negatively influence the likelihood that a student will obtain that bachelor's degree.

Last year, a fellow Texan and current Assistant Secretary of Education, Tom Luce, wrote a book entitled "Do What Works: How Proven Practices Can Improve America's Public Schools." Among other programs, the book highlighted the importance of advanced placement courses in educating today's students. In his book, Secretary Luce states:

> Advanced Placement courses are increasingly viewed as a key to driving higher educational achievement by all students, particularly economically disadvantaged and minority students.

Secretary Luce dedicated his book to Edith and Peter O'Donnell, two great Americans who know and understand the importance of educating our youngsters. Peter O'Donnell recently sat on the Commission of National Academies which published a report entitled "Rising Above The Gathering Storm: Energizing and Employing America for a Brighter Economic Future."

The report outlined a number of recommendations to strengthen America's competitiveness with the ultimate goal of creating new, high-quality jobs. One of the recommendations was to train additional advanced placement instructors to teach advanced courses in mathematics and science. Some ways we can do this are by subsidizing test fees for low-income students who are enrolled in AP classes and plan to take an AP test, and by expanding teacher training and participation in online courses.

President Bush requested $51 million in his budget for this program. That would be an increase of $22 million from last year.

This amendment I am cosponsoring with Senator BINGAMAN would accomplish the President's funding goal by adding an additional $7 million. It is very important we do this. It does have offsets.

I particularly thank Senator SPECTER and Senator HARKIN and their staffs for helping find the offsets, realizing the importance of this program.

My friend Peter O'Donnell was certainly on the mark when he suggested advanced placement would start our students in a higher echelon of academic programs to better prepare them for college. These programs will also help them get through college within a 4-year period, which is becoming more and more of an issue in public and private universities around our country.

I thank Senator BINGAMAN for being a partner with me on this. Since 1998 we have worked on this together. If we can continue to increase the program and, therefore, increase the number of participants, we will see the college students who perform better having more opportunities for science and math careers, which is very important for the future of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague very much for her strong advocacy for this amendment and this program. I also say a word of commendation about Peter O'Donnell and the work he has done in this area. He was very generous in giving of his time to brief me and my staff on progress that has been made in the State of Texas in expanding advanced placement through the private foundation he has established there. It is a very impressive model the whole country needs to emulate. This modest amendment will be a step toward helping more to happen around the country.

I ask unanimous consent Senator REID of Nevada, Senator BOXER, and Senator FEINSTEIN be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. As I understand it, we are ready for a vote on this amendment at this time unless the managers would like to postpone it.

Mrs. HUTCHISON. A voice vote would be fine with us.

The PRESIDING OFFICER. If there is no debate, the question is on agreeing to the amendment.

The amendment (No. 2218) was agreed to.

Mr. HARKIN. I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mrs. HUTCHISON. I ask unanimous consent at 3 o'clock today the Senate proceed to executive session and to consecutive votes on the following nominations: No. 386, John Smoak, to be United States District Judge for the Northern District of Florida; and No. 384, Susan Neilson, to be United States Circuit Judge for the Sixth Circuit.

I further ask unanimous consent there be 2 minutes of debate equally divided prior to each vote; further, that following those votes the President be immediately notified of the Senate's action and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

AMENDMENT NO. 2244 WITHDRAWN

Mr. HARKIN. Mr. President, I ask consent to withdraw amendment numbered 2244.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2262

Mr. BINGAMAN. Mr. President, last evening I called up for consideration amendment 2262 and then had it laid aside. I call it up again.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, this is an amendment that is very important. I hope we can get a vote before the afternoon is over. The amendment would invest an additional $60 million in our Nation's future by strengthening 8 programs: the Migrant Education Program, the English Language Acquisition Program, the High School Equivalency Program, the College Assistance Migrant Program, the Dropout Prevention Program, the English as a Second Language Program, the local family information centers, and also the Hispanic-serving institutions.

The funding additions this amendment calls for add up to the total $60 million. This is an amendment that is strongly supported by the Congressional Hispanic Caucus, by the National PTA, and by the Hispanic Education Coalition, which is an ad hoc coalition of national organizations dedicated to improving educational opportunities for the more than 40 million Hispanics who live in this country today.

The Migrant Education Program is the first item. The title I Migrant Education Program was established to provide a compensatory education program designed to deal with the difficulties encountered by children of migrant families. Some of the children attend three or four schools in a single school year.

They have a great need for coordination of educational services among the States and local districts where they live, often for short periods of time. The MEP builds the support structures for migrant students so that they can achieve high levels of success both in and outside of school.

The U.S. Department of Education reports that more than 750,000 students were identified as eligible for the program in Fiscal Year 2001. Additional funds are necessary to ensure that these children are able to meet the challenges mandated by the No Child Left Behind Act. This amendment will provide an additional $9.6 million in needed funding.

This amendment would also increase funding to States and local school districts in order to ensure that as many of the 5.5 million children with limited English skills as possible learn English, develop high levels of academic attainment, and meet the same challenging State academic standards as all children.

Title III is a formula grant program that distributes funding to all 50 States based on the number of limited English proficient LEP and recent immigrant students. The funds are used for developing effective language acquisition programs; training for bilingual/ESL teachers and regular teachers and educational personnel; parent involvement; and providing services for recently arrived immigrant students. This amendment requests an additional $10.3 million for Language Acquisition Grants, which restores the program's funding to its Fiscal Year 2003 level.

This amendment would provide modest increases for the High School Equivalency Program HEP and the College Assistance Migrant Program CAMP. The HEP helps migrant students who have dropped out of high school earn a GED. The CAMP assists migrant students in their first year of college with both counseling and stipends. These programs provide farmworker migrant students with education opportunities and support that will help them to become productive members of society.

Migrant students are among the most disadvantaged youth in this Nation. Current estimates place the dropout rate for migrant youth at between 50 and 60 percent. Before CAMP, there was no record of a child of migrant farm workers ever having attended college. Both programs have been very successful in helping migrant students become productive members of society.

According to the Department of Education, in 2003–2004, almost 10,000 students were served by HEP CAMP, and 63 percent of the HEP participants received a GED, and 84 percent of CAMP students completed their first year of college in good standing. This amendment provides an additional $5.7 million for these programs.

The Dropout Prevention program help States and school districts to implement research-based, sustainable, and coordinated school dropout prevention and re-entry programs in order to raise student achievement. At a time when schools are focused on narrowing achievement gaps between differing subgroups of students, it seems that Congress would want to retain Dropout Prevention, a program specifically aimed at providing schools with the tools to help students achieve a high school degree.

Support for dropout prevention is even more significant when considering that the primary source of Federal funding for public schools, authorized through the No Child Left Behind Act NCLB, focuses mainly on elementary schools. More than 90 percent of title I funds—the principal NCLB program—are directed to elementary schools. Such an emphasis on elementary education is necessary and appropriate, but equally important is continuing an investment of resources throughout the education continum in order to meet the needs of middle level and high school students.

The Dropout Prevention Program is the only Federal program actively working to reduce the Nation's dropout rates, and, as recent headlines tell us, it is a problem that is far more severe than previous data indicated.

A report by the Urban Institute finds that only 68 percent of all students in the public high school class of 2001 graduated. Furthermore, it states that only 5 of all black students and 50 percent of all Hispanic students grate. Nearly half of all black and Hispanic students do not graduate from high school. This is a problem that has reached enormous proportions. The Dropout Prevention Program was eliminated in this legislation. This amendment restores $5 million to this program.

The Local Family Information Centers Program was authorized under the No Child Left Behind Act to provide parents of title I students, including English language learners, with information about their children's schools so that they can help their children to meet the high standards we have set under NCLB.

The Local Family Information Centers also help parents to hold their local and State school officials accountable and become more involved in their children's education. This amendment would increase funding for these centers by $13 million.

The need for increased funding for English as a Second Language ESL is evident by the growing demand for services and the lack of resources to meet that need.

Enrollment in Adult ESL has increased 105 percent over the past 10 years, yet there is a lack of programs and funding to ensure that all who desire to learn English have access to appropriate services.

Currently, community-based organizations must piece programs together with volunteer labor and facilities. The need for more targeted services is overwhelming. Demand for English-language instruction far outweighs supply, waiting lists for classes typically range from several months to years, and many States do not have the capacity to meet the demand.

The current $70 million in funding is insufficient to meet the enormous demand for ESL services. As the labor market continues to require English-proficient labor, investing in ESL programs will strengthen the labor pool and return a more versatile productive workforce. This amendment provides an additional $6.5 million for ESL programs.

Currently, 35 percent of Hispanics are under the age of 18. The Educational Testing Service has projected the U.S. higher education system will grow by 3.5 million additional students by 2015 and that nearly 40 percent of these new students will be Hispanic. HSIs serve the largest concentrations of the Nation's youngest and largest ethnic population.

The impending emergence of more than 100 new HSIs mostly in CA, TX, FL, NM, IL, in the next few years and the rapid growth of the Hispanic college-age population underscore urgency for immediate, major, and sustained increases in title V funding.

At a time when the current labor force is reaching retirement age in substantial numbers, Hispanics already represent one of every three new workers joining the U.S. labor force, according to the U.S. Bureau of Labor Statistics. By 2025, the Bureau projects that one of two new workers joining the U.S. labor force will be Hispanic. This amendment would provide an additional $9.9 million in assistance to these great institutions.

We must do everything possible to provide every child with the best education we can. This amendment would provide small but much-needed increases to programs that can make a difference in the lives of millions of children. I urge my fellow Senators to support these greatly needed programs by providing them with the proper resources.

This is a very worthwhile amendment. It puts resources to use where they are most needed—not just in my State but throughout this country.

The fastest growing minority population in our country is the Hispanic community. We need to ensure these young people growing up are well educated, are prepared for the challenges for the 21st century. This legislation helps greatly with that effort.

AMENDMENT NO. 2259

Mr. BINGAMAN. Mr. President, let me briefly describe one other amendment at this point. I called this amendment up yesterday, as well, amendment 2259, dealing with the Drug Assistance Program, an amendment Senator SMITH and I have worked together on to add additional funding for the AIDS Drug Assistance Program, or ADAP.

We had an amendment voted on last night by Senator COBURN to shift funding to this function by taking funding from the Centers for Disease Control. Our amendment does not do that. Our amendment provides $74 million in much-needed funding. It would be emergency funding for the AIDS Drug Assistance Program.

This is a very meritorious amendment. It is an amendment I hope all colleagues will support. Some Members of this body voted against the amendment of the Senator from Oklahoma in anticipation of supporting this very important amendment I am talking about now.

The AIDS Drug Assistance Program provide life-saving assistance to over 136,000 uninsured or underinsured HIV-infected individuals each year. As the number of people living with HIV/AIDS has increased, largely due to advances in HIV treatment, the importance of and demand for ADAP has grown so that, as of September 2005, a total of 2,187 individuals were on ADAP waiting lists in nine States.

As the National ADAP Monitoring Project says:

> When an individual is on a waiting list, they may not have access to HIV-related medications.

We are talking about life-extending and life-saving medications. In fact, it has been reported that patients on ADAP waiting lists in West Virginia and Kentucky have passed away.

Furthermore, as of March 2005, due to funding shortfalls, 21 States have some sort of cost containment measures in place, including waiting lists, that often impede access to care. This includes increased cost-sharing, reductions in eligibility income limits, and limitations on covered treatments.

We as a Nation, are rightfully committed to providing billions of dollars of support for HIV/AIDS care and treatment services to those living with HIV in nations across the world and we should be. However, here at home, it is unforgivable that there are Americans with HIV dying because they are on waiting lists for life-saving drugs or having life-saving medications rationed to them in various forms.

A story entitled "Dying for AIDS Drugs" documents some of the stories of those who have lost ADAP coverage or are on waiting lists. As the story reads:

> Margaret Nicholson, a Springfield, Oregon, homecare attendant who survives with her mother and husband on less than $20,000 a year, lost her ADAP coverage because she couldn't afford the new co-pays; she has now gone 4 months without seeing a doctor and is scraping by on pill samples. In North Carolina, HIV doctor Aimee Wilkin says some of her waiting list patients, forced to seek medicines through drug company charity programs, have faced multiple treatment interruptions, the result of bureaucratic delays, exposing them to the risk of HIV drug resistance. In Kentucky, caseworkers are so desperate they're asking churches to pass the hat to sponsor someone's pills for a few weeks at a time.

In our great Nation, this is unacceptable and should end. This amendment, sponsored by Senator SMITH and myself, would go a long way to address the ADAP shortfall and I urge its passage.

I hope we can also have a rollcall vote on this amendment.

I ask for the yeas and nays on Senate amendment 2262 at this time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BINGAMAN. Mr. President, I also ask for a rollcall vote on Senate amendment 2259.

The PRESIDING OFFICER. Without objection, it is in order to request that at this time.

Mr. BINGAMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BINGAMAN. I yield the floor.

EXECUTIVE SESSION

NOMINATION OF JOHN RICHARD SMOAK TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA

The PRESIDING OFFICER. Under the previous order, the hour of 3 o'clock having arrived, the Senate will go into executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of John Richard Smoak, of Florida, to be United States District Judge for the Northern District of Florida.

The PRESIDING OFFICER. Who yields time?

The Senator from Florida.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to be recognized for 2 minutes to speak on behalf of the nominee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I rise to speak on behalf of Richard Smoak, who has been nominated by President Bush to fill a vacancy in the Northern District of Florida as a Federal district court judge.

I would like to have the record reflect Mr. Smoak is a man of great integrity, a person who will distinguish himself on the bench, as he has in every other aspect of his life.

He is from Panama City, FL, where he has practiced law in a very distinguished fashion for quite a number of years. He is one of those people who folks speak about in superlative terms. And one can understand why.

Mr. Smoak graduated from the University of Florida in 1972, with a law degree; after having gone to the U.S. Military Academy at West Point, graduating in 1965. From 1965 to 1970, Mr. Smoak was an infantry officer, serving extensively in Vietnam, where he distinguished himself by receiving a Silver Star medal and a Bronze Star medal, among other military awards he received for his distinguished service to his Nation.

Mr. President, better than I, I think I should quote from among those who have known him and have practiced law with him, and those who have been in the community with him.

I will quote from Mr. Paul Anderson of Panama City, who speaks of Mr. Smoak in this fashion:

> Dick Smoak is simply one of the finest lawyers and finest men I have ever had the privilege of knowing. Describing Dick requires the use of words such as integrity, character and professionalism. As a legal practitioner, Dick knows the law and applies it logically to each case he handles.

Mr. President, in addition to that, one of those things I believe I like about Mr. Smoak that speaks so highly of him is that Mr. Anderson speaks about the fact that he does not compromise his principles.

With that, Mr. President, I urge my colleagues to vote favorably on this nomination of Mr. Richard Smoak to serve as a Federal district court judge for the Northern District of Florida.

Mr. NELSON of Florida. Mr. President, I urge my colleagues to vote in favor of John Richard Smoak for appointment to the United States District Court for the Northern District of Florida. Mr. Smoak has long served his Nation, from his highly decorated service in Vietnam to his efforts to improve the judiciary system in Florida.

He has resided and has practiced civil law for over the last 30 years in Panama City, FL. During that time, he represented a wide variety of clients from doctors to small business owners to truckdrivers to national corporations in many areas of the law. This broad experience will serve him well as a Federal judge.

Mr. Smoak is a well-regarded and highly qualified attorney. I, along with Senator MARTINEZ, believe he will make a great addition to the Federal bench and urge our colleagues to vote in support of his nomination.

The PRESIDING OFFICER (Mr. COLEMAN). Is all time yielded back?

Mr. MARTINEZ. Mr. President, I yield back the remainder of my time.

Mr. FRIST. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of John Richard Smoak, of Florida, to be United States District Judge for the Northern District of Florida? The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—97

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—3

Corzine
Inouye
Rockefeller

The nomination was confirmed.

NOMINATION OF SUSAN BIEKE NEILSON TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Susan Bieke Neilson, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Mr. SPECTER. Mr. President, I ask unanimous consent that this vote be 10 minutes, with a 5-minute extra.

The PRESIDING OFFICER. The yeas and nays have not yet been ordered.

Mr. SPECTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that this next vote be taken on a voice vote.

Mr. REID. Mr. President, reserving the right to object, Senator LEAHY is not on the floor; therefore, we would have to object.

Mr. LOTT. I thank the Chair.

The PRESIDING OFFICER. Is time yielded back? If so, the question is, Will the Senate advise and consent to the nomination of Susan Bieke Neilson to be United States Circuit Judge for the Sixth Circuit? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 277 Ex.]

YEAS—97

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—3

Corzine
Inouye
Rockefeller

The nomination was confirmed.

The PRESIDING OFFICER. The President is notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate returns to legislative session.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006—Continued

AMENDMENT NO. 2283, AS FURTHER MODIFIED

Mr. HARKIN. Mr. President, I ask unanimous consent to call up amendment No. 2283.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent to send to the desk a modification of that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I ask that the amendment be so modified.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 2283), as further modified, is as follows:

On page 169, line 18, strike "$183,589,000: *Provided*, That $120,000,000 of amounts available for influenza preparedness" and replace with "$8,158,589,000: *Provided*, That these funds shall be distributed at the discretion of the President, after consultation with the Chairmen and Ranking Members of the House and Senate Committees on Appropriations, the Chairmen and Ranking Members of the House and Senate Subcommittees on Labor, Health and Human Services, and Education Appropriations, the Chairmen and Ranking Member of the Senate Health, Education, Labor, and Pensions Committee, and the Senate Majority and Minority Leaders, *Provided further*, That $8,095,000,000 of amounts available for influenza and other potential pandemics preparedness is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006 and"

Mr. HARKIN. Mr. President, I also would ask that Senator SPECTER be made a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, this is the amendment that a lot of us talked about earlier that provides funding for a possible avian flu pandemic. We have worked a lot on both sides of the aisle. I especially thank our chairman, Senator SPECTER, for his guidance and leadership on this amendment, for working this out and, again, ensuring that we can move ahead to make sure this country is ready with the funds we need to provide for better global surveillance, to provide for stockpiling of antivirals and vaccines, for money that is going to be needed for building flu vaccine manufacturing plants and for making sure our public health infrastructure is adequate and that we have the surge capacity in hospitals. That is all in this amendment.

Again, I thank Senator SPECTER for his leadership on this amendment in working it out so that we can move to a voice vote on this amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, very briefly, Senator HARKIN is due great credit for this very important amendment, having taken the lead in establishing the fund. We have structured it, after consultation with a number of our colleagues, so that funds will be expended at the discretion of the President, after consultation with certain named Members of both the House and the Senate. This is in anticipation of the administration sending over a proposal in which we should have ample time to give due consideration before the conference.

This is a very significant step forward so that we do not face a crisis where the administration wants something done, but only the Congress, under the Constitution, has the authority to appropriate the funds.

I salute my colleague, Senator HARKIN, and all those who worked on the amendment.

We jointly urge its adoption.

AMENDMENT NO. 2283, AS FURTHER MODIFIED

Mr. LIEBERMAN. Mr. President, I would like to take this opportunity to congratulate Senator SPECTER and Senator HARKIN and their staff on moving the avian influenza amendment forward in a bipartisan manner. They have done a tremendous job on coming to an agreement.

Senator HARKIN and Senator SPECTER's amendment includes my proposal for funding for migratory wild bird surveillance which I would like to take a moment to outline more thoroughly.

As we all know, the potential for an influenza pandemic is increasing as the H5N1 virus has now moved swiftly across Asia, Russia, Turkey and now the EU, killing millions of domesticated poultry and over 60 humans to date. History and science tell us that wild birds are the ones that spread deadly avian influenza viruses. It happened before during the 1918 influenza epidemic that killed an estimated 40 million people worldwide. We must act now to ensure that this does not happen again. We have the tools. We just need to increase and strengthen them.

My proposal seeks to provide funds supporting an early warning system for global influenza that starts with wild birds. This is a major gap in our flu tracking system. The proposed warning system would track and monitor avian viruses and their mutations carried by wild birds by expanding the Centers of Disease Control's wild bird surveillance efforts which are currently not extensive. The CDC's efforts must be tied together with the network of global organizations, including nongovernmental organizations that have the capacity to expand and comprehensively collect and disseminate these tracking data from around the world.

Just as we track hurricanes as they begin as a tropical storm, we must track wild birds and the viral storms they carry over oceans and continents and share that data with the world.

The purposes of my proposal are to support efforts: to more rapidly and efficiently detect, verify, and report on the presence of H5N1 and other highly pathogenic avian influenzas and infectious diseases in migratory wild birds and waterfowl; to use information on viral strains found in wild birds to better delineate any mutations in the virus; to use information on when and where highly pathogenic avian influenza viruses and other infectious diseases are identified in migratory birds to better guide preparedness in the U.S. and around the world, to carry out a comprehensive migratory bird surveillance program that will provide early warning to specific areas to enhance poultry biosecurity and surveillance, and other human protective measures as necessary; to create an open access database where information on highly pathogenic avian influenza viruses and other infectious diseases identified in migratory birds are shared in as close to real time as possible; to protect the health and safety of U.S. citizens and officials traveling and living abroad; and to protect the economic interests of the U.S. and its partners from threats to health, agriculture, and natural resources.

It is the intent of my proposal that within 90 days of the appropriation, the Centers for Disease Control's influenza branch enter into a contract with one or more nongovernmental organizations chartered in the U.S. with extensive global wildlife health experience in tracking disease in wild birds, including free-ranging, captive, and wild bird species, with a proven ability in identifying avian influenza in birds, and with accredited zoological facilities in the U.S.

The influenza branch and the contracting nongovernmental organization(s) will collaborate with appropriate Federal and State agency partners, including the Department of Agriculture acting through the Agricultural Research Service and the Animal and Plant Health Inspection Service, the U.S. Geological Survey, and the U.S. Fish and Wildlife Service; various U.S. State wildlife agencies, multilateral agency partners, including the Food and Agriculture Organization, the World Health Organization, the Office International des Epizooties, and the World Conservation Union; conservation organizations with expertise in international and domestic bird monitoring surveillance; accredited colleges of veterinary medicine; and other national and international partners, as necessary.

The contracting nongovernmental organization, in coordination with the influenza branch of the CDC, shall manage an international surveillance program in which all partners named above are encouraged: to monitor and test for the presence or arrival of avian influenza and other significant avian pathogens at important bird areas around the world and in marketplaces with intense trade in wild birds; to use trained professionals to collect samples and other data and send samples to appropriate diagnostic centers; to use the international surveillance network to conduct disease surveillance activities on migratory birds worldwide, domestic and international field investigations on migratory birds, training and capacity-building activities related to the relationships between human health, domestic and animal health, and wildlife health, and research on methods and approaches for the detection and enhanced surveillance of highly pathogenic avian influenza and other infectious diseases in migratory birds; and to send samples for avian influenza testing to certified laboratories that meet internationally established methods standards. These certified laboratories are located at the influenza branch of the CDC, the Office International des Epizooties, the Food and Agriculture Organization, the National Veterinary Services Laboratory of the Department of Agriculture, and the Agricultural Research Service. These findings should be reported back to the contracting nongovernmental organization and the international surveillance network partners.

The CDC's influenza branch and the eligible organization, in coordination with the partners of the international surveillance network, will use surveillance reports and other formal and informal sources of information to identify and investigate local disease outbreaks of avian influenza; will develop a long-term baseline of regional data related to highly pathogenic avian influenza and pathogens in migratory birds for analysis between and across sites to create a system to identify when and where outbreaks might occur and paths of dispersal; will provide technical assistance for disease prevention and control programs based on a scientific understanding of the relationships between wildlife health, animal health, and human health; will provide analytic disease findings regularly to the influenza branch of the CDC and other international network surveillance partners to prevent and combat diseases; and will conduct other activities as necessary to support the international network and its partners. The surveillance network will be coordinated from the headquarters of the contracting nongovernmental organization.

The CDC's influenza branch and the contracting nongovernmental organization, manage, map, and make available an online database containing all the results and information gathered through the international surveillance network. The database shall provide geographic data on wild bird populations and the movements of the populations. The laboratory test results will be available for viewing by any Federal agency, foreign country, multilateral institution, organization, or individual.

The CDC's influenza branch and the contracting nongovernmental organization, will request accredited colleges of veterinary medicine and other partners of the international surveillance network to monitor important bird areas around the world and to test for the presence or arrival of avian influenza and other significant avian pathogens of zoonotic concern.

Expanding the CDC's efforts by supporting an international surveillance network, allows us to focus limited resources and prepare communities in the infected wild birds' flight path. If we have this information, our menu of interventions can include: providing available antivirals or vaccines to those at-risk, protecting poultry farms, preparing hospitals to take on thousands of patients, and even keeping people indoors. By tracking wild birds we may even be able to produce an avian flu vaccine faster by understanding which influenza virus is the killer. The current H5N1 virus is not the one that could cause widespread devastation to humans because it hasn't led to sustained human to human transfer, yet.

This amendment provides $10,000,000 in 2006 to the CDC to work with U.S. and international partners to strengthen a global wild bird surveillance system. Ten million dollars is a small sum in comparison to the tens of billions of dollars for vaccine research and antiviral stockpiling. Vaccines and stockpiling are our current focus and we should be thinking about them, but it is equally important to think about being prepared for outbreaks and trying to keep a pandemic from ever hitting. This funding would enable the CDC's influenza branch to contract with one or more expert organizations with the capacity to quickly put into place the tracking and analytical systems we need.

As we speak, some countries and organizations have started to collect information in the U.S. and the world. But while we are collecting data, they are not being stored in any kind of organized manner to make it available for easy study and response.

To summarize, we have a major gap now in avian flu preparedness. We are not adequately tracking the wild birds that will be the flu transfer agents. We need to have a stronger and much better tracking system right now. Second, we have to do a much better job collecting and analyzing the information we have and will get so we can prepare our communities.

I thank Senators HARKIN and SPECTER and their staff for their work preparing our Nation for a possible pandemic. My proposal, which they have incorporated into their amendment, is relatively small but addresses a big gap that no one is thinking about. It's the big bird in the room.

Mrs. CLINTON. Mr. President, today I rise to discuss an important flu amendment that Senator HARKIN and I and several of our colleagues are offering to increase the amount of funding for the Centers for Disease Control and Prevention and their efforts to help our Nation prepare for both pandemic and seasonal influenza.

Since December 2004, 77 cases of avian influenza have been confirmed in Indonesia, Vietnam, Thailand and Cambodia, and 30 of these cases have been fatal. In countries across Asia and Europe, farmers have been culling their poultry stocks because of fears of infection.

We need to prepare for the moment when—not if, but when—avian influenza hits our shores.

What is particularly worrisome to me, when thinking about our Nation's ability to face the threat posed by pandemic or avian influenza, is the fact that we aren't even prepared to deal with the seasonal influenza epidemic that we face every year. Our efforts to prepare for pandemic influenza should be linked to efforts to reform and rebuild our Nation's seasonal flu vaccine infrastructure.

Approximately 36,000 Americans die of the flu each year, with another 200,000 people requiring hospitalization because of the flu. These deaths are largely preventable. We could stop them if we had a secure vaccine market, if we could improve our communications between the Government and our State and local public health partners, if we could better distribute and track vaccines, and if we made sure that everyone understood the importance of getting their annual flu shot.

Since 2000, our Nation has had three shortages of flu vaccine, which resulted in senior citizens lining up for hours to obtain flu vaccine, unscrupulous distributors attempting to sell scarce vaccine to the highest bidder, and millions of Americans delaying or deferring necessary flu shots.

In order to address these issues, we need to increase the resources that we are committing to our public health infrastructure.

The amendment Senator HARKIN is proposing will provide nearly $8 billion to the CDC, allowing us to respond to the threat posed by avian influenza and our seasonal flu outbreaks.

It will increase funding for stockpiling of vaccine and antivirals, and improve our domestic production capacity to produce these items.

It will allow us to upgrade our public health infrastructure with additional funding for hospital surge capacity and grants enabling State and local health departments to prepare for public health emergencies like vaccine shortages and pandemic outbreaks.

And it will provide funding so that we can increase our global and domestic surveillance around pandemic and seasonal flu, including improvements to our health information technology infrastructure.

Yet while this amendment provides the CDC with much needed resources for our public health infrastructure, it does not diminish the need for legislation to reform our Nation's vaccine production and delivery infrastructure.

In response to the delays in distribution of this year's vaccine, CDC director Julie Gerberding has indicated that the agency is unable to obtain real-time data on vaccine shipments and delivery, citing concerns over disclosure of proprietary information.

Having an adequate supply of vaccine does us no good if it can't get to the people who need it. In last season's epidemic, we had problems matching existing stocks of vaccine to the high priority populations, like senior citizens, who were in need of vaccine. It took weeks before we could determine how much vaccine was actually in communities, and where it was needed. We wasted lots of time and resources, valuable public health resources, in trying to track this vaccine.

Earlier this month, Senator ROBERTS and I introduced the Influenza Vaccine Security Act, legislation that contains many of the provisions that would be funded through the Harkin amendment.

Complementing this amendment, the Influenza Vaccine Security Act would further give the Department of Health and Human Services the authority to track vaccine distribution in a manner that addresses concerns about the protection of proprietary information, allowing providers to vaccinate patients without the current uncertainties over supply.

While there is no vaccine shortage expected this year, delays in production have resulted in diminished supplies for many providers, who are unable to carry out full vaccination of their high priority populations, let alone any other patients who are in the habit of seeking an annual flu shot.

Because we have no tracking system, we can't tell the providers and patients who are looking for flu shots when vaccines might be available in their local area.

So it is clear that we need not only increased funding, provided through this amendment, for our public health infrastructure, but increased authority for our public health officials to ensure that our system of vaccine outreach, delivery and distribution for both pandemics and seasonal flu can operate as smoothly as possible.

There is a clear need to implement legislation like the Influenza Vaccine Security Act that will allow our Government to plan for flu outbreaks, instead of scrambling to address shortages and epidemics once they have already occurred. We have done too much of that already, in the three shortages we have faced since 2000.

I would urge my colleagues to not only pass the Harkin amendment today, but to work to bring legislation on seasonal and pandemic flu to the floor as quickly as possible, so that we can make needed reforms before our next vaccine shortage.

Ms. MIKULSKI. Mr. President, I rise today in support of the pandemic flu preparedness amendment that my colleague from Iowa, Mr. HARKIN, has offered to the fiscal year 2006 Labor/Health and Human Services/Education appropriation bill.

I thank Senator HARKIN for taking the lead in addressing the important issue of pandemic flu on the floor of the Senate. Over the past few months, we have heard from leading public health experts such as Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases, at the National Institutes of Health, and Dr. Julie Gerberding, Director of the Centers for Disease Control and Prevention that it is no longer a question of if a pandemic flu will occur, but instead when the threat does occur will we be prepared as a nation. Public health experts have warned that an avian influenza outbreak could ignite a worldwide pandemic that would threaten the lives of millions of Americans. The consequences of a pandemic could be far reaching, impacting every sector of our society and our economy.

Past influenza pandemics have led to high levels of illness, death, social disruption, and devastating economic losses; the 1918 "Spanish Flu", took the lives of more than 500,000 Americans, the 1957 "Asian Flu" caused more than 70,000 American deaths and the 1968 "Hong Kong Flu" is attributed to more than 34,000 American deaths.

Our Nation is facing a major health threat. Experts have told us that the next pandemic has the potential to be every bit as devastating as what the world witnessed over 100 years ago. With the rapid travel around the globe compared to 1918, and the interdependence of our economic markets compared to 1918, the potential human and economic costs of the next pandemic are unimaginable.

We must take the necessary steps to adequately prepare for a potential pandemic. We must heed the warning we have been given. That is why I support Senator HARKIN's pandemic flu amendment. Senator HARKIN's amendment provides necessary funding that would be used to expand and strengthen efforts at the Centers for Disease Control and Prevention, as well as at the State and local level related to pandemic flu and public health preparedness. The amendment would provide additional funding to expand CDC's global disease surveillance capabilities, provide additional support for State and local public health facilities, increase hospital surge capacity and scale up vaccine manufacturing to make sure the American people are protected against pandemic threats.

First, the amendment provides additional funding to expand and support the strategic national stockpile to ensure antivirals, as well as necessary drugs, vaccines and other supplies are secured to respond to a pandemic flu and/or other pandemic threats.

Second, this amendment provides additional funding to build up and support one of the most important components to public health and threat assessments, which is global disease surveillance. One of the best first defenses to limiting the scope and consequences of any outbreak within a short turn around is to rapidly detect and contain the spread of a new influenza strain.

Third, this amendment funds research efforts to discover new vaccine treatments to deal with pandemic flu infections. Currently, there is no vaccine available to protect humans against a pandemic influenza. There is some vaccine development underway, but these efforts need to be strengthened, sustained, and tested to protect our Nation against pandemic flu.

Lastly, this amendment provides additional funding for State and local public health preparedness initiatives. If a pandemic were to spread in the United States, State and local health departments would be on the front lines. However, State and local entities are woefully unprepared. Additional funds are needed for terrorism response planning, training, strengthening epidemiology, and surveillance, upgrading lab capacity and communications systems and other related activities. They must be given adequate resources. We must take the lessons learned from Hurricanes Katrina and Rita. It was evident that our country's public health infrastructure was not adequately prepared to address the needs of the people affected by Hurricanes Katrina and Rita. We cannot let that happen again. We can do better, and we must do better.

Our Nation's public health experts have done their jobs—they have told us what needs to be done. We must heed their warning. Again, I thank Senator HARKIN for his work on this important issue, and I support the amendment as a cosponsor.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2283, as further modified.

The amendment (No. 2283), as further modified, was agreed to.

Mr. SPECTER. I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, we are now in a position to move to a number of amendments on which there is agreement. As we review the bidding here, there are prospects for several more rollcall votes. It is, as usual, impossible to tell whether we will need the rollcall votes. We are calling the Senators rather than identifying them on the floor—identifying them on the floor is the next step—but Senators know who they are, where they are on the prospect of rollcall votes, and they ought to come to the Chamber because we have had many inquiries as to when we are going to conclude this bill. We are getting very close.

AMENDMENT NO. 2324

Mr. SPECTER. Mr. President, I call up amendment No. 2324 on behalf of Senators Warner and Allen. This amendment expresses the sense of the Senate that the Administrator of the Centers for Medicare and Medicaid Services work with the Commonwealth of Virginia to resolve their Medicaid issues.

I urge adoption of the amendment. It has been cleared with Senator HARKIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. ALLEN, for himself, and Mr. WARNER, proposes an amendment numbered 2324.

The amendment is as follows:

(Purpose: To express the Sense of the Senate concerning the treatment of physician costs in the calculation of the Medicaid disproportionate share hospital uncompensated cost limit by the State of Virginia)

On page 178, after line 25, add the following:

SEC. 222. (a) FINDINGS.—The Senate makes the following findings:

(1) Hospitals cannot provide patient care without physicians.

(2) It is particularly difficult for hospitals to provide patient care to uninsured patients.

(3) Medicaid disproportionate share hospital (DSH) payments provide payments to hospitals to provide care to uninsured patients.

(4) Hospitals that provide a large volume of care to uninsured patients incur significant costs.

(5) Since there is no other source of reimbursement for hospitals related to these costs, some States have permitted reimbursement of these physician costs through Medicaid DSH.

(6) The State of Virginia has approved the inclusion of physician services costs as hospital costs for Medicaid DSH purposes.

(7) Fifty percent of all indigent care in the State of Virginia is provided by its 2 academic medical centers.

(8) The financial viability of these academic medical centers is threatened if these costs cannot be included in Medicaid DSH reimbursement.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate is aware of an issue regarding the definition of "hospital costs" incurred by the State of Virginia for purposes of Medicaid reimbursement to that State and urges the Administrator of the Centers for Medicare & Medicaid Services to work with the State to resolve the pending issue.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2324.

The amendment (No. 2324) was agreed to.

AMENDMENT NO. 2279, AS MODIFIED

Mr. SPECTER. Mr. President, I now call up Senator FEINGOLD's amendment No. 2279, as modified.

The PRESIDING OFFICER. The amendment is pending.

The question is on agreeing to amendment No. 2279, as modified.

The amendment (No. 2279), as modified, was agreed to.

AMENDMENT NO. 2299

Mr. SPECTER. Mr. President, I now call up amendment No. 2299, proposed by Senator COCHRAN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. COCHRAN, proposes an amendment numbered 2299.

The amendment is as follows:

(Purpose: To provide additional public health funding)

At the end of title II (before the short title), add the following:

SEC. . ADDITIONAL PUBLIC HEALTH FUNDING.

(a) MINORITY PUBLIC HEALTH.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $10,000,000 for the Office of Minority Health.

(b) SICKLE CELL DISEASE.—From amounts appropriated under the title for the Office of the Secretary of Health and Human Services, such Secretary shall make available and amount not to exceed $2,000,000 of such amounts to provide funding for grants under paragraph (1) of section 712(c) of Public Law 108-357 (42 U.S.C. 300b-1 note).

(c) OFFSET.—Notwithstanding any other provision of this Act, amounts made available under this Act under the heading Program Management for the Centers for Medicare and Medicaid Services shall be reduced, on a pro rata basis, by an additional $12,000,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2299.

The amendment (No. 2299) was agreed to.

AMENDMENT NO. 2301

Mr. SPECTER. Mr. President, I now call up amendment No. 2301, proposed by Senator OBAMA, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Obama, for himself, Mr. DURBIN, Mr. KERRY, Mrs. CLINTON, Mr. DODD, and Mr. CORZINE, proposes an amendment numbered 2301.

The amendment is as follows:

(Purpose: To increase funds to the Thurgood Marshall Legal Educational Opportunity Program and the Office of Special Education Programs of the Department of Education for the purpose of expanding positive behavioral interventions and supports)

At the end of title III (before the short title), insert the following:

SEC. ____. THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM AND POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS.

(a) INCREASES.—In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $3,500,000 for subpart 3 of part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.), and an additional $1,000,000 to the Office of Special Education Programs of the Department of Education for the expansion of positive behavioral interventions and supports.

(b) OFFSET FROM CONSULTING EXPENSES.—

(1) Notwithstanding any other provision of this Act, each amount provided by this Act for consulting expenses for the Department of Health and Human Services shall be reduced by the pro rata percentage required to reduce the total amount provided by this Act for such expenses by $4,500,000.

(2) Not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a listing of the amounts by account of the reductions made pursuant to paragraph (1).

(c) REPORT ON THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.—Not later than September 30, 2006, the Secretary of Education shall prepare and submit to Congress a report on the evaluation data regarding the educational and professional performance of individuals who have participated, during fiscal year 2006 or any preceding year, in the program under subpart 3 of part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.).

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2301.

The amendment (No. 2301) was agreed to.

AMENDMENT NO. 2327

Mr. SPECTER. Mr. President, I now call up amendment No. 2327, proposed by the distinguished Senator from Minnesota, Mr. COLEMAN, and the distinguished Senator from New Mexico, Mr. BINGAMAN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. COLEMAN, for himself, and Mr. BINGAMAN, proposes an amendment numbered 2327.

The amendment is as follows:

(Purpose: To develop a strategic plan for increasing the number of foreign students attending institutions of higher education in the United States)

On page 191, line 2, strike "may be used" and all that follows through "dissemination activities:" on line 4 of such page and insert "may be used for program evaluation, national outreach, and information dissemination activities, and shall be used by the Secretary of Education to develop, through consultation with the Secretaries of State, Commerce, Homeland Security, and Energy, institutions of higher education in the United States, organizations that participate in international exchange programs, and other appropriate groups, a strategic plan for enhancing the access of foreign students, scholars, scientists, and exchange visitors to institutions of higher education of the United States for study and exchange activities: *Provided further*, That the strategic plan described in the preceding proviso shall make use of the Internet and other media resources, establish a clear division of responsibility and a mechanism of institutionalized cooperation between the Departments of Education, State, Commerce, Homeland Security, and Energy, and include streamlined procedures to facilitate international exchanges of foreign students, scholars, scientists, and exchange visitors:".

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2327.

The amendment (No. 2327) was agreed to.

AMENDMENT NO. 2248, AS MODIFIED

Mr. SPECTER. Mr. President, I now call up amendment No. 2248, as modified, for Senator LANDRIEU.

The PRESIDING OFFICER. The amendment is pending.

The question is on agreeing to amendment No. 2248, as modified.

The amendment (No. 2248), as modified, was agreed to, as follows:

(Purpose: To increase appropriations for the Federal TRIO programs)

At the end of title III (before the short title), add the following:

(a) In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $5,000,000 to carry out the Federal TRIO programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a-11 et seq.).

(b) On page 190, line 3 strike "$2,104,508,000" and insert "$2,099,508,000".

AMENDMENT NO. 2250, AS MODIFIED

Mr. SPECTER. Mr. President, I now call up amendment No. 2250, as modified, proposed by Senator LANDRIEU.

The PRESIDING OFFICER. The amendment is pending.

The question is on agreeing to amendment No. 2250, as modified.

The amendment (No. 2250), as modified, was agreed to, as follows:

(Purpose: To provide funding to carry out the Mosquito Abatement for Safety and Health Act)

At the end of title II (before the short title), add the following:

SEC. ___. MOSQUITO ABATEMENT FOR SAFETY AND HEALTH ACT.

From amounts appropriated under this Act for the Centers for Disease Control and Prevention for infectious diseases-West Nile Virus, there shall be transferred $5,000,000 to carry out section 317S of the Public Health Service Act (relating to mosquito abatement for safety and health).

AMENDMENT NO. 2215, AS FURTHER MODIFIED

Mr. SPECTER. Mr. President, I call up amendment No. 2215, as further modified, proposed by Senator SUNUNU.

The PRESIDING OFFICER. Without objection, amendment No. 2215, as further modified, is agreed to.

The amendment (No. 2215), as further modified, was agreed to, as follows:

(Purpose: To increase funding for community health centers)

At the appropriate place in title II, insert the following:

SEC. . Amounts appropriated in this title for community health center programs under section 330 of the Public Health Service Act (42 U.S.C. 254b) shall be increased by $50,000,000. The amount appropriated for Facilities Construction funded by the Health Resources and Services Administration is further reduced by $50,000,000.

AMENDMENT NO. 2276, AS MODIFIED

Mr. SPECTER. Mr. President, I now call up amendment No. 2276, as modified, proposed by Senator DOMENICI.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. DOMENICI, proposes an amendment numbered 2276, as modified.

The amendment is as follows:

(Purpose: To provide appropriations for the National Youth Sports Program, a private, nonprofit organization to provide recreational activities for low-income youth, primarily in the summer months, which employs college and university athletic facilities)

On page 165, strike line 2 and insert the following:

for a study of the system's effectiveness: *Provided further*, That the total amount made available under this heading shall be increased by $10,000,000, which shall be for carrying out the National Youth Sports Program under the Community Services Block Grant Act.

On page 137, line 9, both of the amounts are further reduced by $10,000,000.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, if my colleagues will withhold for just a second, I do not seem to have that amendment in front of me.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I do not have any objection to this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2276, as modified.

The amendment (No. 2276), as modified, was agreed to.

AMENDMENT NO. 2262, AS MODIFIED

Mr. SPECTER. Mr. President, I now call up amendment No. 2262, as modified, proposed by Senator BINGAMAN.

The PRESIDING OFFICER. The amendment is pending.

The yeas and nays have been ordered on this amendment, so it cannot be adopted by a voice vote.

Mr. HARKIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Is that on amendment No. 2262?

The PRESIDING OFFICER. Yes.

Mr. HARKIN. I believe in my conversations with both Senator BINGAMAN and Senator HUTCHISON that they agreed to a voice vote on this amendment. So I ask unanimous consent to vitiate the yeas and nays on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I rise to lend my support to amendment No. 2262 to the Labor, Health and Human Services and Education Appropriations Act for fiscal year 2006. I am proud to be cosponsor of this amendment, which was introduced by Senator BINGAMAN. The amendment adds $60 million to key education programs that are critical to improving Hispanic educational opportunities. If approved, the money will be put to good use by State and local entities to invest in our country's most precious resource: Our youth.

The Hispanic community is an integral component of our American workforce. By ensuring that the 8.7 million Hispanic youth enrolled in our Nation's schools succeed in education, we make a down payment on our Nation's future economic security.

I note that the Hispanic Education Coalition, a group of diverse national education, civil rights, and Hispanic organizations, supports amendment No. 2262.

The amendment will restore $5 million in funding to the School Dropout Prevention Program that was authorized by the No Child Left Behind Act, and long championed by my colleague Senator BINGAMAN. It increases funding for civics and English as a Second Language, ESL, programs by $6.5 million for parents, workers and citizens who want to learn more about our country's history and enhance their language skills in English, the language of opportunity in America and throughout the world.

In addition, funding for two small but incredibly effective programs, the High School Equivalency Program, HEP, and the College Assistance Migrant Program, CAMP, would be reinstated to their Fiscal Year 2004 levels. As a product of rural America, I have known and met many migrant worker families. They work hard to provide the wonderful grains, vegetables, and fruits we eat at our dinner table. In Colorado and other parts of the country, HEP–CAMP works to keep migrant students in high school through graduation, with the ultimate goal of sending them off to college.

This amendment also provides an additional $13 million in funding for Parent Assistance and Local Family Information Centers. The Colorado Parent Information and Resource Center in Denver uses this funding to help low income parents understand and navigate the school system and encourages their involvement in the school community. Parental involvement is critical to children's success and I strongly support efforts that engage parents in their children's education.

Finally, there are modest increases for our Nation's Hispanic-Serving Institutions and for bilingual and migrant education.

I urge the Senate's support of amendment No. 2262 because I believe we will all reap the benefits of increasing Hispanic educational achievement.

Mr. OBAMA. Mr. President, I rise today to support an amendment introduced by Senator BINGAMAN to increase funding for education programs for Hispanic students. This important group of Americans has long been underserved by our public schools, and the actions proposed in this amendment are an important remedy.

In America, the promise of a good education for all makes it possible for any child to rise above the barriers of race or class or background and achieve his or her potential. We live in a world where the most valuable skill you can sell is knowledge. Yet we are denying this skill to too many of our children.

This denial has grave consequences, with those consequences falling inequitably on children of color. Of every 100 white kindergartners, 93 graduate from high school, and 33 earn at least a bachelor's degree. But for every 100 Hispanic kindergartners, only 63 graduate from high school, and only 11 obtain that college degree. The school age population of Hispanic students is growing five times faster than the student population at large. If we fail to do better in educating deserving Hispanic youth, this failure will have grave consequences for us all, not just with increased unemployment but in missed opportunities for innovation and competitiveness.

This failure of our education system is not easy to address. There is no single, simple solution. This amendment recognizes this fact by proposing a variety of programs to help Hispanic students. Among these programs, Support for Hispanic Serving Institutions will help those colleges that now grant diplomas to over 50 percent of all Hispanic graduates. Language Acquisition Grants address those students who struggle to learn because they do not yet have full fluency in English, a number which includes nearly half of the Hispanic students in our public schools. The School Dropout Prevention Program addresses one of the most significant problems for children of color. In Illinois, only 53 percent of Hispanics graduate from high school, compared with 83 percent of whites.

We must do better. We must not lower our standards. Instead, we must increase our support for those students who are eager to succeed. In many situations, it is clear that children of color, when provided appropriate support and effective teachers, can rise to meet our expectations and fulfill their hopes and the dreams of their families. I am proud to support Senator BINGAMAN in this effort.

The question is on agreeing to amendment No. 2262, as modified.

The amendment (No. 2262), as modified, was agreed to, as follows:

(Purpose: To increase funding for education programs serving Hispanic students)

At the end of title III (before the short title), insert the following:

SEC. . INCREASED FUNDING FOR EDUCATION PROGRAMS SERVING HISPANIC STUDENTS.

(a) MIGRANT EDUCATION.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $4,800,000 for the education of migratory children under part C of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6391 et seq.).

(b) ENGLISH LANGUAGE ACQUISITION.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $7,650,000 for English language acquisition programs under part A of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6811 et seq.).

(c) HEP/CAMP.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $2,850,000 for the High School Equivalency Program and the College Assistance Migrant Program under section 418A of the Higher Education Act of 1965 (20 U.S.C. 1070d–2).

(d) ESL/CIVICS PROGRAMS.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $3,250,000 for English as a second language programs and civics education programs under the Adult Education Act (20 U.S.C. 9201 et seq.).

(e) PARENT ASSISTANCE AND LOCAL FAMILY INFORMATION CENTERS.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $6,500,000 for the Parent Assistance and Local Family Information Centers under subpart 16 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7273 et seq.).

(f) HISPANIC-SERVING INSTITUTIONS.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $4,950,000 for Hispanic-serving institutions under title V of the Higher Education Act of 1965 (20 U.S.C. 1101 et seq.).

(g) OFFSET.—The first amount on page 123, line 15 and the amount on line 21 are further reduced by $30,000,000.

AMENDMENT NO. 2259

Mr. HARKIN. Mr. President, I ask unanimous consent to bring up amendment No. 2259.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, amendment No. 2259 is an amendment that was offered by Senator BINGAMAN and Senator SMITH. This amendment funds money for the AIDS Drug Assistance Program. It was mentioned earlier. I know that Senator BINGAMAN and others wanted a rollcall vote on amendment No. 2259. I believe all debate has transpired. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment provides for an additional $75 million from the AIDS Drug Assistance Program. The bill currently contains $797,521,000. It has an increase of $10 million over last year. As is the case with so many of the items, it is a very good program. We would like to have more money, but we simply do not have an offset.

If the sponsors of the amendment have some offset and want to talk about priorities, we will be glad to listen, but on this state of the record, we are constrained to oppose the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2259. The yeas and nays have been ordered. The clerk will call the roll.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I strongly support the amendment offered by Senator BINGAMAN to provide $60 million to strengthen programs critical to the success of Hispanic children and youth in our schools, community colleges, and universities.

The No Child Left Behind Act laid a new foundation for our commitment to a quality education for all children. That landmark legislation, enacted 3 years ago, contained the formula for success for all students: well-qualified teachers, effective instruction, especially for children with limited English skills, additional assistance for students who fall behind in school, and the accountability essential to ensure that no child is in fact left behind. But none of those reforms can succeed without the resources necessary to make them possible.

The bill before us falls far too short of delivering the educational opportunity promised to Hispanic students in the No Child Left Behind Act. We can clearly do more to enable Hispanic children to have access to the best possible education. The Bingaman amendment before us will add urgently needed funds and restore the integrity of key Hispanic programs that have been eliminated or underfunded in the bill.

Hispanic children are the Nation's fastest growing student population. The number of Hispanic students in America's classrooms has grown by 61 percent since 1990. Despite this growth, too many of these children are being denied the support they need to succeed in school. In fact, Hispanic students drop out of high school at an unacceptable rate of 52 percent.

The Bingaman amendment restores funding for the School Dropout Prevention Program, which helps States and school districts implement research-based, sustainable dropout prevention programs and re-entry programs to help students who fall behind academically. At a time when we are working to narrow achievement gaps, this important program is more essential than ever, and is geared to ensure that all children graduate with a high school diploma. By contrast, the underlying bill eliminates this program entirely and is an insult to every Hispanic child in America.

The amendment also invests an additional $10 million to restore title III and expand its services to an additional 16,000 English-language-learners throughout the Nation. This year, we are adequately serving only 1 in every 5 of these students under title III. All English language-learners deserve access to good bilingual programs, with well-qualified teachers to help them learn English and meet high academic standards.

The Bingaman amendment also provides funds for another provision in the No Child Left Behind Act, the Parent Information Resource Centers and Local Family Information Centers programs. The amendment adds $13 million for Parent Information Resource Centers, bringing total funding to $55 million. Because Local Family Information Centers can be funded only if funds for the parent centers are over $50 million, the Bingaman amendment enables the local centers to receive funding for the first time ever. The $5 million that the amendment provides for the Local Family Information Centers is an important step in involving parents in their children's education, and is especially important for parents of English-language-learners who may need more assistance in navigating the school system.

The amendment also benefits the 750,000 children of migrant farmworkers, by providing an additional $9 million for the Migrant Education Program. These children face many obstacles to their education, including dire poverty, geographic and cultural isolation, and outright bigotry. The Migrant Education Program was created in 1966 to reduce these obstacles, coordinate educational services to migrant children, and lay the foundation for them to succeed in school and in life. This amendment will provide a range of supplemental support services to migrant students, including the assurance that their school records will follow them from school to school as their families relocate to new areas of the region of the Nation.

The Bingaman amendment will also help migrant students go to college and complete college, by investing an additional $5 million in the High School Equivalency Program and the College Assistance Migrant Program. These two programs are lifelines of college opportunity for migrant students. They use proven strategies to help migrant students complete high school and graduate from college. They provide instruction and counseling for those who have dropped out of school to get back on track, and they provide valuable guidance to migrant high school graduates in their first year of college.

By contrast, the bill before us freezes funding for these two programs at this year's levels of $18.7 million for the high school program and $15.5 million for the freshman college program. It carries forward a cut of $4.4 million from last year, which resulted in the elimination of five parts of the high school program. We need to do more, not less, to help migrant students succeed in school and college. Reductions in these valuable programs should be unacceptable to us all.

Finally, the Bingaman amendment provides an additional $9.9 million to support the nearly 250 colleges and universities across the country designated as Hispanic Serving Institutions. Over half of all Hispanic students enrolled in higher education are served by these colleges and universities. They enable tens of thousands of Hispanic students every year to continue their education and obtain a college degree.

Investing in the education of Hispanic children is a vital part of assuring the future strength and well-being of our Nation. I strongly urge the Senate to support the Bingaman amendment.

Mr. KOHL. Mr. President, I rise today in strong support of the Bingaman amendment. This amendment provides $74 million in much needed additional support for the AIDS Drug Assistance Program.

Yesterday, the Senate overwhelmingly defeated an amendment by Senator COBURN that would have increased ADAP funding at the expense of the Centers for Disease Control construction and renovations account. CDC buildings and labs haven't been updated in years, and in some cases decades. Today, we are asking CDC to do more to protect public health than ever before, especially in light of important priorities like avian flu preparedness and combating bioterrorism. It doesn't make sense to cut the funds that would help them build the facilities to do it, which is why I could not support the Coburn amendment.

The Bingaman amendment will help provide additional funding for life-saving medications to nearly 150,000 low-income, uninsured or underinsured people in the United States. And it does not cut other important public health programs to do it. The CDC estimates that over 212,000 people in the U.S. who have been diagnosed with HIV are not receiving treatment, making this additional ADAP funding a critical priority. I urge my colleagues to help those not receiving treatment by supporting this important amendment.

Mr. SMITH. Mr. President, I would like to talk briefly about the importance of the AIDS Drug Assistance Program, or ADAP. ADAP is a vital resource for low-income individuals who are living with HIV/AIDS. It helps get medications to those who most need them so that they can stay healthy and avoid more costly health care treatments that are required if their condition worsens. To date, ADAP has been a successful partnership between Federal and State governments, but it is rapidly buckling under the strain of budget shortfalls and rising demand for services.

Currently, there are over one million individuals living with HIV in the United States, many of whom rely upon expensive medications to stay alive. While we have made significant strides in stabilizing the spread of HIV in recent years, it is the most vulnerable individuals who are unable to afford medications to treat their condition. These are the people that ADAP helps. They are not eligible for Medicaid—as most State programs only cover those individuals who have been disabled by full-blown AIDS. They are individuals who simply cannot afford to purchase all the medications required to keep them healthy and active members of the community and the workforce.

Each year, ADAP caseloads increase by 7,000 to 8,000 people. Yet funding has not kept pace with that growth. It has been estimated that ADAP would need an additional $100 million each year to keep pace with increased demand. While increases in drug rebates or State funding could contribute to part of that need, they will by no means cover the entire amount. The Federal Government must also step up its financial commitment to ensure that all individuals, including those new to the program, get the care they need.

Unfortunately, we have not met the new demand. In the budget we are debating today, ADAP has only received a $10 million increase over amounts appropriated in 2005, the same amoun recommended by the House. In 2004, funding for ADAP only increased by $34 million. Year after year, ADAP goes underfunded, which means more and more low-income individuals are unable to access medications that may keep them alive. In my opinion, that is simply wrong.

In response to funding shortfalls, many states, struggling with their own budgetary difficulties, have been forced to create waiting lists, implement additional cost sharing requirements or create restrictive formularies that create barriers for many individuals to access treatment. Other states with lower than average eligibility guidelines have been unable to extend coverage to individuals who live in poverty because they do not meet restrictive income and asset tests.

The State of Oregon has done its best to keep ADAP service levels constant, with the support of organizations like Cascade AIDS. But it is becoming increasingly more difficult to meet the rowing need for assistance. Oregon's ADAP has been forced to implement priority service ran kings and may have to consider additional cost-sharing requirements next year. Our income eligibility guidelines have also been lowered, a change which means more individuals are going to go without the medications they need. Oregon is not alone.

Currently, 2,185 low-income individuals are on waiting lists for ADAP nationwide. Some of these individuals have been fortunate enough to receive temporary assistance through an emergency initiative launched last year by the President. However, that program expired in September and will be entirely phased out by the end of the year. Individuals on waiting lists are sick and in most cases they only get sicker while they wait for treatment.

Sadly, individuals on waiting lists in Kentucky and West Virginia died while waiting for acceptance into their States drug assistance programs. In a nation with wealth such as ours, it is unacceptable that individuals face the threat of dying from AIDS because we do not adequately fund the programs such as ADAP. Now is the time for Congress to act so further tragedies like these do not occur again.

Apart from these unfortunate examples, others who are on waiting lists are only likely to see their conditions worsen, which means they may one day require more costly health care treatment. It is not good fiscal policy to continually fail to invest in medical treatments that could prevent HIV cases from progressing to full-blown AIDS. It is a fact that treating AIDS is much more expensive than treating HIV. The more we can do to keep individuals healthier, longer, the better, not only in terms of cost savings for the government, but in extending the chance that those living with HIV/AIDS can live to see a cure for their illness.

As a matter of fiscal and moral responsibility, Senator BINGAMAN and I are offering an amendment today that would increase funding to ADAP programs by $74 million in the 2006 budget. That amount, combined with the new funding already in the bill, should just barely cover the costs associated with new caseload growth in the coming year. I know it will not be enough to address past funding inequities, but it is a start. We have to act now to do something to address ADAP waiting lists and support those States—like Oregon—that have fought to keep their programs whole, but often at the expense of imposing increased cost-sharing and additional access barriers.

I understand there are enormous demands on the Federal budget, but this isn't an issue of increased spending, but of priorities. ADAP has the potential to save lives and must be a priority of this Congress. For too many years, appropriations have not kept pace with new case growth, and the situation is becoming unsustainable. We must act now to better support some of our most vulnerable citizens who live with HIV and that is why I am asking you to support my amendment.

I realize I do not have an offset for my request and I respect Chairman SPECTER's position to keep the pending bill in balance. But at the same time, there are some issues that are of such great importance that they require us to commit new funding, regardless of whether it was accounted for in our original spending plan. ADAP is one of them. In a bill that appropriates almost $150 billion, I don't believe $74 million is too much to ask, especially if it could save someone's life.

Mr. SPECTER. Mr. President, I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation under the fiscal year 2005 concurrent resolution on the budget.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from North Carolina (Mr. BURR).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 50, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Chafee
Clinton
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Smith
Stabenow
Talent
Wyden

NAYS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Carper
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—4

Burr
Corzine
Inouye
Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, the Senator from Massachusetts has an amendment which Senator HARKIN and I have discussed with him. I believe it is acceptable. I yield now to Senator KERRY so he can state his amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2216

Mr. KERRY. Mr. President, I ask the pending amendment be set aside and amendment No. 2216 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 2216.

Mr. KERRY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a limitation on funds)

At the end of title II (before the short title), add the following:

SEC. ___. None of the funds made available in this Act may be used to implement any strategic plan under section 3 of Executive Order 13335 (regarding interoperable health information technology) that lacks a provision that requires the Department of Health and Human Services to give notice to any patient whose information maintained by the Department under the strategic plan is lost, stolen, or used for a purpose other than the purpose for which the information was collected.

Mr. KERRY. Mr. President, very quickly, this is an amendment that makes clear as we gather this gigantic database of information, medical information, that we apply the same privacy rights to that information we have applied with respect to banking information, so if indeed it were either hacked or there were a theft or loss of that information, any individual whose information is contained therein would be notified so they would be aware of it and able to take any steps necessary to protect themselves.

I thank the distinguished chairman and ranking member for being willing to accept this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2216) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, again we are very close to finishing up this appropriations bill. There may be one or two other amendments. I am hopeful. Please come. I have been deceived by people saying they have a plane to catch, they have this or that. But those who have any amendments, if they haven't been over here—otherwise, I defer to my distinguished chairman.

Mr. SPECTER. Mr. President, will the Senator yield for a question?

Mr. HARKIN. I will.

Mr. SPECTER. We have an amendment by the Senator from California, Mrs. BOXER, who is on the floor and ready to go with her amendment. My suggestion would be—we have culled the list, we have called everyone, we know of no other rollcall votes—that we move to third reading when we conclude the Boxer amendment.

We have had continuous requests, multiple requests. Senators want to know when we are going to conclude. We are very close to concluding. Let us, if it is agreeable to my ranking member, take up the Boxer amendment, and then have an interlude for anybody else who has an amendment. Then we will go to third reading and final passage.

As previously announced, Senator BOXER is next. Then we have the amendment of the Senator from Nevada, Mr. ENSIGN. We will have two back-to-back rollcall votes on Senator BOXER's amendment and Senator ENSIGN's amendment. Then we will be in a position to have some additional voice votes on about half a dozen amendments. Then we are in a position to go to final passage. Our colleagues can be informed that we are moving right along. That should conclude the bill.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my friend from Pennsylvania and my friend from Iowa for being courteous as we tried to work something out. It appears we are going to have to vote on this amendment. I urge my colleagues to support afterschool programs.

I send a modification to amendment No. 2287 to the desk and ask for immediate consideration of the modified amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is so modified.

The amendment (No. 2287), as modified, is as follows:

AMENDMENT NO. 2287, AS MODIFIED

(Purpose: To increase appropriations for after-school programs through 21st century community learning centers)

At the appropriate place, insert the following:

SEC. . 21ST CENTURY COMMUNITY LEARNING CENTERS.

(a) FUNDING INCREASE.—In addition to amounts otherwise appropriated under this Act, there is appropriated $51,900,000 for 21st century community learning centers under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.).

Mrs. BOXER. Mr. President, I will use a very short amount of time, knowing colleagues are anxious to get moving on this bill.

I feel heavy in my heart because this Senate is such a wonderful institution when we authorize afterschool programs in the United States of America. We did that, and we have had a very sad response in terms of the funding that does not match the authorization.

I think my colleagues know full well the FBI says there is no program that does more to keep our kids out of trouble than afterschool programs. That is why Senator ENSIGN and I teamed up originally to get the first of afterschool programs authorized by this Congress. But it has been very sad.

I know the Senator from Pennsylvania supports this program. I know the Senator from Iowa, who heads this important subcommittee, supports these programs. Most Senators support these programs. But right now is a moment when we have to stand up for our kids.

Look at what has happened. Despite the fact we are supposed to be going toward $2.25 billion, we are actually now funding afterschool at less than $1 billion—less than we were in 2002 because the afterschool programs have not been exempted from across-the-board cuts.

What we will do today with this amendment is add back—this is very important—$51.9 million, which will get it back to the $1 billion area. At least we will take it back to where it was in 2002.

This is a very sad day.

I want to say something to my friend from Pennsylvania, the chairman of the subcommittee and someone whom I admire greatly, Senator SPECTER. What we have here is a real sadness for our children. We have a situation where we are actually cutting the funding of afterschool programs year after year after year while our children cry out for attention after school. The FBI tells us this is the best.

The Bush administration's Drug Enforcement Agency takes taxpayer money and places ads all over America's televisions that say, It is 4 o'clock in the afternoon. Do you know where your children are? It is 3 o'clock, 5 o'clock. Make sure you know where your children are. They spend taxpayer dollars with one hand warning our families to take care of their kids after school and with the other hand we and they are complicit in cutting the afterschool programs.

We are covering 1.3 million children. There is another couple million to 3 million who need afterschool care. The least we can do is add roughly $51 million to protect this program from inflationary costs and at least get it back to where it was in 2002.

For the sake of our children, for the sake of our families—I am talking here about our poor families, our working poor families, our middle-class families, and our upper middle-class families, and, yes, frankly, even our wealthier families who also support these programs, I urge you to please vote aye on this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, I commend the Senator from California for offering this amendment on afterschool funding. I agree with her about the importance of the program. It is a line of community support which I have recognized for several decades since I was district attorney for Philadelphia, since I saw firsthand the high incidence of crime committed during the hours between the time students leave school and the time they see their parents. Senator HARKIN and I have been very solicitous about this program and have made very substantial increases going back to 1998 when we added $39 million; in 1999, we added $160 million; in 2000, we added $253 million; in 2001, we added $392 million; in 2002, we added $154 million. We took a program which was funded at $40 million in 1998 and we brought it right up to the billion dollar mark. It is a tremendous program.

One of the grave difficulties of managing this bill is to oppose so many amendments which are good. We had to oppose Senator BYRD's $5 billion for title II, Senator KENNEDY's addition to Pell grants, Senator DODD on daycare, Senator CLINTON on special education, and so it goes. If you want to amass a terrible voting record, be chairman of the Appropriations Subcommittee on Labor, Health and Human Services and Education. It is a great place to do it.

I wish we had more of an allocation. I know how sincere the Senator from California is about this program. I very much regret being constrained to oppose it.

Mrs. BOXER. Mr. President, will the Senator yield briefly?

Mr. SPECTER. I do.

Mrs. BOXER. I know the Senator is a big supporter of the afterschool program because I remember when the President was looking to cut it in half. He and I were looking at this together, and we spoke. I think it was teaming up with Members on both sides of the aisle to help. I want to point out to my dear friend that when Senator ENSIGN and I got together and wrote the authorization part which you have been so wonderful to fund, we were very clear in our authorization—and everyone supported it—that, my God, to actually reduce the funding of this program is a big mistake.

I say to my friend, getting this program to $1 billion occurred because we all worked together on the authorization, and we were fortunate to have appropriators who agreed with us.

But in 2002, even with the best efforts of my friend, we haven't even protected this program from inflation from 2002 to today and to 2006. We actually have a cut in real dollars to the program below inflation. It is tragic that we will lose children from this program which the FBI says is so important.

I want to make one more plea to my friend. I am not asking for $1 billion, which in fact we should have if we follow the authorization. All I am asking for is enough funding—such a small sum that it is an asterisk in this budget—to please add $51.9 million. That is all. We will at least bring it back up to $1 billion, because we haven't been protected from across-the-board cuts.

I make a plea to my friend. I know everything around here is precedent setting, to do this or that or the other. These are real kids. There is real stuff going on out there, and they need these afterschool programs.

I yield the floor and thank my friend very much for yielding to me.

Mr. SPECTER. We will keep a sharp eye on this program in conference. If there is any way to increase the funding to any extent, Senator HARKIN and I will be very sympathetic.

Mr. HARKIN. Mr. President, I thank the Senator from California for offering this amendment and for being, if she doesn't mind my term, the watchdog. We all get wrapped up in a lot of things here. But I can't think of anything more important than what Senator BOXER is talking about right now. We know what is happening in this country. We know more and more people are being squeezed by the fact that we can't raise the minimum wage. They are being squeezed by the lack of adequate housing. They are being squeezed by entry-level jobs that they cannot get. There are all kinds of pressures on families.

We passed a law 10 years ago, Welfare to Work, to get people off of welfare to go to work. We always knew that the one big component we never answered was, what do you do with the kids? It is both daycare and afterschool funding because these parents get home right away—usually single parents. We need the funding for the afterschool programs. If we want to cut down on teen crime and teen drugs, teen pregnancies, this is the way to do it. Senator BOXER is absolutely right. It is a shame we do not have the money for it. We should have.

I thank the Senator for offering this amendment. I hope, with the concurrence of our chairman, we can somehow find the money for this. I don't know where. It is tight. I know we have a tight situation. I cannot think of anything more worthy than this program.

I thank the Senator from California.

Mr. SPECTER. Mr. President, with reluctance, I have to raise a point of order. This will push us over the brink. Under section 302(f) of the Budget Act, this amendment would create a situation where the authority and outlays would be in excess of the subcommittee 302(b) allocation for the fiscal year 2006. I expect the Senator from California to move to waive.

Mrs. BOXER. Mr. President, I appreciate that my friend is reluctant to raise this. I look forward to the conference, where perhaps we can find enough money to protect some of these kids.

Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of the act for purposes of the pending amendment.

I ask again for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, we will now proceed to the amendment of the Senator from Nevada. It is the anticipation of the managers following that amendment that we will have two rollcall votes.

I ask unanimous consent that after the yeas and nays have been ordered, the first rollcall vote be 15 minutes plus 5 and the second a 10-minute rollcall vote, 10 minutes plus 5.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

The Senator from Nevada.

AMENDMENT NO. 2300

Mr. ENSIGN. Mr. President, I call up amendment No. 2300.

The PRESIDING OFFICER. The amendment is pending.

Mr. ENSIGN. Mr. President, before I speak on my amendment, briefly I will comment about Senator BOXER's amendment.

Senator BOXER and I have worked long and hard on afterschool programs, something in which I passionately believe. We worked to try to have this program increased without adding to the deficit, so we had an offset. It was unfortunate the offset was not accepted. I will continue to work with Senator BOXER because it is a program in which I believe. However, I also believe in staying within the budget. So reluctantly, I will have to vote against Senator BOXER's amendment. I say reluctantly. It pains me to do so. To be consistent with my voting record this year, I have voted consistently to stay within the budget. I will reluctantly oppose that amendment.

Getting to my amendment, this is a very simple amendment, and I will not speak long because I know everyone needs to get home. I will keep it as simple as possible.

My amendment will stop the Department of Education from competing against private companies in the United States that are developing software to teach Chinese students to speak the English language.

Normally, one would think that would be a good thing, for the Department of Education to be able to help the Chinese students learn English—English is an international language—that would be a good thing, and we all applaud those efforts. The problem is, there are at least five companies in the United States and probably many more that already have invested their research dollars and created jobs in the United States to produce this very same software. This software exists today and these companies in the United States would like to sell to the Chinese market.

I don't think our Government should be in the business of competing with the private sector. We are all worried about jobs in the United States, and here we have the Department of Education contracting to develop software that they can give to the Chinese so they can teach their kids English.

There are very effective programs out there that have been developed. We have letter after letter after letter from these companies opposing what the Department of Education is doing. They have asked for help.

What this amendment is about is protecting jobs in the United States, protecting those software engineers, those high-value, high-quality jobs in the United States, and to help them be able to sell to other countries—in this case, especially to the Chinese.

The Council for Citizens Against Government Waste is supporting my amendment and is going to consider this vote in their ratings. If you believe in fiscally conservative principles, we hope you vote for the Ensign amendment.

I don't want to take up more time other than to reemphasize this point: Protect jobs in America. We have all voted on trade issues here. With trade issues, the premise behind those is we open markets in both places. We all know that the Chinese and low-cost labor have brought a lot of products into the United States. Here we have products that have been developed in the United States that could be sold in China. That is how trade is supposed to work. While we are doing free-trade agreements, we should not cut off the very jobs created in America to sell to the people in China.

I urge passage of our amendment and encourage all of my colleagues to protect jobs in America and vote for this valuable amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I appreciate what the Senator from Nevada is seeking to do, but let me see if I can put his amendment in a broader perspective.

I agree, as a general rule, we ought to prevent the Government from directly competing with the private sector for a variety of reasons, but the E-Language Learning System is a unique case, and we ought to treat it as such. There are three reasons.

This is not just some program somebody cooked up and put in the budget; this is a program that was initiated directly by President Bush as a result of a summit meeting with President Jiang Zemin in China in October of 2001. This was a President Bush and Jiang Zemin summit proposal from 2001.

The President announced the intent of our Government to implement this program at the APEC summit in Shanghai after meeting with President Jiang. Secretary Powell reiterated the importance of the program at the APEC summit 1 year later.

We do a lot of talking around here about the importance of public diplomacy, how do we do a better job getting the American image, the American voice, the American culture and values seen around the world. This is an important part of our public diplomacy since it will help Chinese children learn English and learn more about the United States of America.

Of all of the foreign "aid" we have ever promoted since World War II, the most effective has been in education where their students study here or our students study there. This can be utilized to help American children learn Chinese and other critical foreign languages in the future, something that is important to our national security, according to the Hart-Rudman Report and the 9/11 Commission Report.

This is the first and most important point, this agreement between the President of the United States, George W. Bush, and the President of China. It is in our national interests.

The other two points, quickly. There has been some argument that the contract awarded to implement this program that was agreed upon by the Presidents of our two nations is somehow unfair. It is important for my colleagues to know that this contract was openly competed and conforms to the research and development requirement of the STAR schools legislation following the same rules followed on similar programs for the last 17 years. It was awarded in open competition to Northrop Grumman and subcontracted to a company called Little Planet, a company in Nashville, TN. That is how I happened to know about it.

Some of the unhappy companies, I am told, met with the Department of Education to talk about how to cooperate with the program and are now complaining. Mr. President, $2.5 million of the taxpayers' dollars have already been spent in this program, more than one-third of the total contract. So we will be pulling the plug and wasting $2.5 million of taxpayers' dollars a third of the way through a program that was agreed to by the President of the United States and President Jiang Zemin of China and flushing the money right down the drain.

Finally, this fairly awarded contract was the result of the agreement between the leaders of our country and China and is being managed so it will help, not hurt, the private sector. In an effort to prevent unfair competition with the private sector, the Department of Education tells me it has agreed to share the results of its research to promote further development of the language software. In fact, the Department hopes the private sector will "adopt [the program's] unique and advanced feature that [the Department is] researching and carefully testing, including authentic voice recognition, gaming, and research-based learning environments delivered through low-cost web-based technology." So the goal is, in the long run, to help the private sector.

In conclusion, while the amendment is well-intentioned, and I understand the Senator's point, it is the wrong approach. It is wrong because it stops a program agreed to by the leaders of two countries, a commitment that is in our national security interest, a commitment that is part of our public diplomacy. It was arrived at fairly. It was competed. A third of the money has already been spent. And the Department of Education has agreed to share the results of its research with the private sector.

I hope my colleagues will oppose this amendment and support it because it is in the national security interest of our country.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Very briefly. I will clarify a couple of points.

One, that this was a bid process.

To use an example, say, for instance, that the Government, the Department of Education, wanted to give away printers to China, so they sent out several bids. They had an open bidding process and selected one company. Even though it was fairly bid, would we want the Federal Government using taxpayer dollars to buy from one company so they could give that product to the Chinese? I think not because that would be a disadvantage for other companies in the United States who should be able to compete to sell their products in China.

On the second point the Senator from Tennessee raised, he said the Department of Education is willing to share research on some of the innovations that are trying to develop. Looking through the details of what the Department of Education has asked for the software companies to develop, there are at least five software companies that already meet those specifications. They already have developed the features the Department of Education is attempting to develop.

Once again, I urge agreement of the amendment.

Mr. ALEXANDER. China is a pretty big country. There are several hundred million children there who might have an opportunity to learn English.

If our President, George W. Bush, in a meeting with the leader of China, thinks it is a good idea to bid out a $9 million contract to improve the ways we help Chinese children learn English, if he believes that is in our national security, I don't think we ought to pull the plug on it a third of the way through it. There is plenty of opportunity for the private sector in the United States to help hundreds of millions of Chinese children learn English, and I hope they will do that.

I hope my colleagues will vote against this amendment.

Mr. SPECTER. Mr. President, at the request of Senator ENSIGN, I ask unanimous consent that his name be taken off as a cosponsor of the Boxer amendment because there was a change in the modification.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, my comments will be very limited as to the pending amendment.

Last year, in the conference report, there was a direction that the Department not fund any grant that will compete directly with the private sector, and further that the Department report to the Committees on Appropriation of the House and the Senate on the activities undertaken on this project. It is my understanding that no funds were used on this project last year.

It is a little hard to evaluate the factual basis as I listen to the arguments of the Senator from Tennessee and the Senator from Nevada. However, my own judgment in looking at the record is that it is unlikely any funds are going to be spent which would—we will include the same kind of conference language next year, this year, that we had, which should maintain and should respond to the concerns about any grant which will compete with the private sector, and it leaves the Department of Education at their discretion to use this system if they conclude it will help Chinese students of any age to learn English.

On the basis of a very limited record, my vote will be cast with the Senator from Tennessee.

In the absence of further debate, can we proceed to two amendments?

Mr. ENSIGN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the plan at this point, under the unanimous consent agreement already reached, is to have a 15-minute plus 5 rollcall vote on the Boxer amendment, a 10-minute rollcall vote plus 5 on the Ensign amendment, and then we will be very close to final passage.

The concern has been to submit the colloquies and have a few voice votes now, but I want to be sure when our colleagues come to vote on these two amendments we know the lay of the land, in case anybody has not been notified and wants to have a further consideration. But it would be the anticipation of the managers, following these two votes, there would be a very brief period of time, and then we would go to final passage and conclude the bill.

I yield the floor.

VOTE ON AMENDMENT NO. 2287, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to the Boxer amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), and the Senator from West

Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 56, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—41

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—56

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—3

Corzine
Inouye
Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. SPECTER. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 2299

Mr. TALENT. Mr. President, I rise in strong support of an amendment that the Senate has agreed to, the amendment offered by Senator COCHRAN adding $12 million for health care for historically underserved communities, including $2 million to help fund the Sickle Cell Treatment Act that was passed last year.

I thank Senator COCHRAN for his concern and sensitivity on the issue of funding the Sickle Cell Treatment Act. I thank Senators Specter and Harkin for similarly showing sensitivity to the importance of funding this bill and funding health care in historically underserved areas. With this additional $2 million, we will be able to get the program off the ground, begin designating sickle cell disease outreach centers, and provide additional grants for medical treatment, education, and other health care services for sickle cell patients.

I can't emphasize enough how much the leadership of these Senators means to the community of people who are affected by this disease, not just the 70,000 Americans who have it, not just the 2.5 million Americans who have the trait, but their families and friends who struggle every day with this disease. I thank the bill managers for accepting the amendment and thank Senator COCHRAN for offering it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2300

Mr. SPECTER. Mr. President, I ask unanimous consent to move to the vote on the Ensign amendment.

The PRESIDING OFFICER. The pending business is the Ensign amendment No. 2300.

The question is on agreeing to amendment No. 2300.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (MR. INOUYE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 56, as follows:

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—41

Allard
Allen
Bayh
Bennett
Brownback
Burr
Chambliss
Coburn
Cornyn
Craig
Crapo
DeMint
Dole
Dorgan
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kohl
Kyl
Lott
Martinez
Nelson (NE)
Roberts
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Sununu
Talent
Thune
Vitter
Warner
Wyden

NAYS—56

Akaka
Alexander
Baucus
Biden
Bingaman
Bond
Boxer
Bunning
Burns
Byrd
Cantwell
Carper
Chafee
Clinton
Cochran
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Domenici
Durbin
Feingold
Feinstein
Frist
Hagel
Harkin
Jeffords
Johnson
Kennedy
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Specter
Stabenow
Stevens
Thomas
Voinovich

NOT VOTING—3

Corzine
Inouye
Rockefeller

The amendment (No. 2300) was rejected.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleagues. That last 15-minute vote was 14 minutes. We now have a very brief period for colloquies and some agreed-to amendments. Senator HARKIN and I wanted to be sure that we hadn't missed anybody, so we did not do this in advance of the last two votes, but we will take only a few minutes and I anticipate that we will start this vote before 6 o'clock, which is not too bad for Labor-HHS on a Thursday afternoon.

AMENDMENT NOS. 2322, 2285, 2277, AND 2233, WITHDRAWN

Mr. SPECTER. Mr. President, I ask unanimous consent that amendment Nos. 2322, 2285, 2277, and 2233 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2230, AS MODIFIED

Mr. SPECTER. Mr. President, I urge adoption of the Coburn amendment No. 2230, as modified.

The PRESIDING OFFICER. Will the Senator send the modification to the desk?

Without objection, the amendment is modified.

The amendment, as modified, is as follows:

At the appropriate place insert the following:

SEC. LIMITATION ON TRAVEL AND CONFERENCES.

The appropriations for travel, conference programs and related expenses for the Department of Health and Human Services are reduced by $15,000,000.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

AMENDMENT NO. 2282

Mr. SPECTER. Mr. President, Senator LEVIN's amendment No. 2282 provides for the Secretary to undertake a family unification effort. No funding is involved. It is language only. It has been cleared by Senator HARKIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. LEVIN, proposes an amendment numbered 2282.

The amendment is as follows:

(Purpose: To create a national family reunification initiative)

On Page 165, before the period on line 5, insert the following:

: *Provided*, That the Secretary shall undertake a family reunification effort in concert with national non-profit organizations engaged in similar efforts.

Mr. LEVIN. Mr. President, the Promoting Safe and Stable Families program has successfully carried out activities and services that support family reunification, family preservation, community-based family support, and other services for children in need.

My amendment builds upon the success of this program, through an enhanced, coordinated effort to reunite children with their families, by directing the Secretary to undertake a family reunification initiative in concert with national non-profit organizations engaged in similar efforts. The goal is to ensure that the most effective methods are utilized to achieve family reunification expeditiously. This can be achieved by collecting, tracking and coordinating information maintained by national non-profit organizations that are also engaged in family reunification efforts.

It is quite evident why such a coordinated effort is needed. Over the past several months, we learned a lot about displacement. After nearly 2 months have passed since Hurricane Katrina, thousands are still seeking family members. Of the 2,000 foster children who fled New Orleans due to Hurricane Katrina, 37 are still unaccounted for.

Overall, there have been 4,878 reports of missing children and over 1,600 not yet resolved. There have been 12,754 adults reported as missing. Of these cases, 6,562 remain unresolved. We have all witnessed rescues from the rooftops in New Orleans. It was the norm rather than the exception in many instances for intact families to be separately rescued and subsequently sent to many different places, all across the country.

Some have miraculously reconnected with one another. Far too few. We cannot depend on miracles; we need a coordinated system that will help unite family members who seek one another. It is for the social good to bring families together, when possible. Family matters. The strength of the family is greater than its parts. The stress of losing your home, your job, your community, does not compare to losing your family.

I am pleased that the managers of the bill have agreed to support this amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. HARKIN. Parliamentary inquiry. The amendment is No. 2282 or No. 2280?

The PRESIDING OFFICER. Amendment No. 2282.

Is there further debate? If not, the question is on agreeing to amendment No. 2282.

The amendment (No. 2282) was agreed to.

AMENDMENT NO. 2289, AS MODIFIED

Mr. SPECTER. Mr. President, I call up amendment No. 2289, as modified, proposed by Senator DAYTON.

The PRESIDING OFFICER. The amendment is pending.

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 178, after line 25, insert the following:

SEC. _____. (a) In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $15,121,000 for activities authorized by the Help America Vote Act of 2002, of which $13,500,000 shall be for payments to States to promote access for voters with disabilities, and of which $8,621,000 shall be for payments to States for protection and advocacy systems for voters with disabilities.

On page 137, line 9, both amounts should be further reduced by $7,000,000.

Mr. DODD. Mr. President, I Support Senator DAYTON's amendment to increase the funding for disability access grants mandated under the Help America Vote Act of 2002 (HAVA).

Senator DAYTON's amendment to H.R. 3010, the fiscal year 06 Labor-HHS Appropriation bill, provides a $7 million dollar increase to the HHS provisions. Specifically, Senator DAYTON's amendment would increase the HHS appropriations by $7 million for disability access grants and protection and advocacy services for voting purposes and ensuring full participation in the elections process by individuals with disabilities.

I support the outstanding work of Senator DAYTON. Congress has failed to fully fund HAVA disability grants. To date, with respect to the disability access grants, Congress authorized a total of $100 million but has appropriated only $33 million, roughly a third of the funding required to ensure our Americans with disabilities have equal access to the franchise for voting purposes in the upcoming Federal elections in 2006, a few months away. With respect to the protection and Advocacy grants, Congress authorized a total of $40 million but has appropriated only $12 million, roughly a fourth of the funding required to ensure our Americans with disability have equal access to voter registration and polling places in the 2006 Federal elections. As a result, the disability grant programs have a combined total HAVA funding shortfall of $95 million in Federal funds for election administration requirements.

Senator DAYTON's amendment for $7 million is offset by administrative expenses under "other services" which received a $599 million increase over the fiscal year 05 level.

January 1, 2006 is the effective date for two of the most important Federal requirements mandated by HAVA: The voluntary voting system standards and the state-wide computerized voter registration list. Both requirements are designed to ensure that individuals with disabilities can exercise their right to an accessible ballot.

In light of the above, it is essential that Congress does not fail to honor our commitment to the disability communities. If we fail to provide adequate funding, we may jeopardize the opportunity of States to implement the most historic election reforms in America and the opportunity to voters, including the disability communities, to fully exercise their franchise in the upcoming 2006 Federal elections. It is time to fulfill our promise to the disabilities communities.

I thank Senator DAYTON for his leadership on this HAVA issue and I commend the Chairman, Senator SPECTER, and the ranking member, Senator HARKIN, for accommodating this increase.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 2289, as modified.

The amendment (No. 2289), as modified, was agreed to.

AMENDMENT NO. 2295, AS MODIFIED

Mr. SPECTER. Mr. President, I call up Senator ENZI's amendment No. 2295, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. ENZI, proposes an amendment numbered 2295, as modified.

The amendment is as follows:

On page 115, strike lines 15 and 16, and insert the following:

under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary of Labor to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005 or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 2295, as modified.

The amendment (No. 2295), as modified, was agreed to.

AMENDMENT NO. 2234, AS MODIFIED

Mr. SPECTER. Mr. President, I call up Senator COBURN's amendment No. 2234, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. COBURN, proposes an amendment numbered 2234, as modified.

The amendment is as follows:

On page 222, between lines 5 and 6, insert the following:

SEC. ___. DEPARTMENT OF HEALTH AND HUMAN SERVICES AND DEPARTMENT OF EDUCATION RISK ASSESSMENT.

(a) ESTIMATE.—The Secretary of Health and Human Services and the Secretary of

Education shall estimate improper payments pursuant to section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note, Public Law 107-300) under—

(1) in the case of the Secretary of Health and Human Services, the Temporary Assistance for Needy Families Program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the Foster Care and Adoption Assistance Program under part E of title IV of such Act (42 U.S.C. 670 et seq.), the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.), the State Children's Health Insurance Program under title XXI of such Act (42 U.S.C. 1397aa et seq.), and the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.); and

(2) in the case of the Secretary of Education, title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services, in the case of the programs specified in subsection (a)(1), and the Secretary of Education, in the case of the program specified in subsection (a)(2), shall report to Congress on the specific actions taken under each such program to comply with section 2 of the Improper Payments Information Act of 2002, including a schedule for full compliance with such Act within fiscal year 2006.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 2234, as modified.

The amendment (No. 2234), as modified, was agreed to.

AMENDMENT NO. 2280, AS MODIFIED

Mr. SPECTER. Mr. President, I call up Senator HARKIN's amendment No. 2280.

Mr. HARKIN. Mr. President, I have a modification to 2280, which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 2280, as modified.

The amendment is as follows:

On page 178, after line 25, insert the following:

SEC. 222. (a) Section 1310.12(a) of the Code of Federal Regulations shall not apply before June 30, 2006, to any agency or its designee that provides transportation services for children enrolled in a Head Start program or an Early Head Start program if such agency or designee places such children in child restraint systems (as defined in section 571.213 of the Code of Federal Regulations).

(b) Section 640(i) of the Head Start Act (42 U.S.C. 9835(i)) is amended—

(1) by striking "(i) The" and inserting the following:

"(i) TRANSPORTATION SAFETY.—

"(1) REGULATIONS.—The"; and

(2) by adding at the end the following:

"(2) WAIVER AUTHORITY.—

"(A) IN GENERAL.—The Secretary may waive, for a period of up to one year, the requirements of regulations promulgated under paragraph (1) of this subsection and section 1310.12(a) of the Code of Federal Regulations for one or more vehicles used by the agency or its designee in transporting children enrolled in a Head Start program or an Early Head Start program if—

"(i) such requirements pertain to child restraint systems and bus monitors;

"(ii) the agency demonstrates that compliance with such requirements will result in a significant disruption to the Head Start program or the Early Head Start program; and

"(iii) the waiver is in the best interest of the child.

"(B) RENEWAL.—The Secretary may renew a waiver under subparagraph (A).".

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 2280, as modified.

The amendment (No. 2280), as modified, was agreed to.

AMENDMENT NO. 2272

Mr. SPECTER. Mr. President, I call up amendment No. 2272, proposed by Senator NELSON of Nebraska.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. NELSON of Nebraska, proposes an amendment numbered 2272.

The amendment is as follows:

(Purpose: To express the sense of the Senate that the Secretary of the Treasury should ensure that existing Federal employment preferences for disabled veterans and Federal policies promoting opportunities for other disabled persons are carried forward as a part of any tax collection contract program)

On page 222, between lines 5 and 6, insert the following:

SEC.   . (a) Congress makes the following findings:

(1) The American Jobs Creation Act of 2004 permitted the outsourcing or privatization by the Internal Revenue Service of collection of unpaid and past due federal income taxes.

(2) The Internal Revenue Service is about to issue to private-sector debt collection companies tax collection contracts that will create up to 4,000 well paying private-sector jobs.

(3) If the same tax collection activities were conducted by Federal employees, Federal law would give preferences in employment to disabled veterans in filling those federal jobs.

(4) By enacting legislation to improve the Internal Revenue Service's tax collection efforts and outsourcing or privatizing those efforts, Congress did not intend to curtail the Nation's long-standing commitment to creating meaningful job opportunities for disabled veterans and other persons with severe disabilities.

(5) The contracts the Internal Revenue Service will execute with private-sector debt collection companies provide a unique opportunity for the Federal government to stimulate the creation of well paying jobs for disabled veterans and other persons with disabilities.

(b) It is the sense of the Senate that—

(1) the Secretary of the Treasury should, to the maximum extent practicable, ensure that existing Federal employment preferences for disabled veterans and Federal policies promoting opportunities for other disabled persons are carried forward as a part of any tax collection contract program carried out under section 6306 of the Internal Revenue Code of 1986, as added by the American Jobs Creation Act of 2004, and

(2) the criteria applied by the Internal Revenue Service in awarding contracts to private-sector tax collection companies under such program should incorporate a preference for companies hiring disabled veterans and other disabled persons.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 2272.

The amendment (No. 2272) was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to amendment No. 2283: Senator REED, Senator CORZINE, and Senator CONRAD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, if no other Senator has any amendment to offer, we are now ready for final passage.

I yield to Senator FRIST.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I congratulate both the chairman and ranking member for a tremendous job. This next vote is on passage of the Labor-HHS appropriations bill, the very last of our series of appropriations bills that have come before the Senate. Again, congratulations to Chairman COCHRAN and Senator BYRD and again the chairman and ranking member on this bill.

We will be in session tomorrow. However, we will have no rollcall votes. On Monday, we will begin consideration of the deficit reduction bill, and we are working on a schedule of debate for that measure. I do not expect to have votes on Monday. We will not have votes on Monday, but Senators should be aware that next week will be a busy week on the deficit reduction bill.

Senator SPECTER has set a high mark with rollcall votes, and people have come to the floor on time. We are going to continue to encourage—in fact, require—that. I encourage Senators to be ready for quick rollcall votes throughout next week.

This is the last vote tonight. There are no votes tomorrow and no votes on Monday.

Mr. SPECTER. Mr. President, as a final word, Senator HARKIN and I thank our very devoted staff: Bettilou Taylor, Ellen Murray, Jim Sourwine, Mark Laisch, Sudip Parikh, Lisa Bernhardt, Candice Rogers, Rachel Jones, Erik Fatemi, and Adrienne Hallett.

I notice Senator GRASSLEY is waving his arm. He is here 6 minutes early. Let the record show it is 5:53.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, very quickly, this is a very big bill. It is very important for millions of people in this country. The management of this bill has been spectacular. Senator SPECTER and Senator HARKIN should be congratulated. They did a very good job in a short timeframe. We should all recognize the outstanding job the two of them did.

MATHEMATICS AND SCIENCE EDUCATION

Mr. VOINOVICH. I rise today to discuss and bring to my colleague's attention an issue that I believe must become one of our Nation's top education priorities. As the world's economy becomes more interconnected, our Nation's economic edge will continue to depend on our ability to innovate. We cannot remain competitive without a workforce full of educated and motivated young Americans.

We must invest in our children and enable them to fully develop their God-given talents in order to compete in a knowledge-based, global economy. This means we have to place more emphasis on careers in science, engineering and math. Right now, we are not getting the job done.

Globally, the United States ranks 17th in the proportion of the college-age population earning science and engineering degrees, down from 3rd place several decades ago.

While China graduated 600,000 engineers and India graduated 350,000 last year, only 70,000 students earned degrees in engineering here in the United States.

In fact, the percentage of 24-year-olds with science or engineering degrees is now higher in many industrialized nations. Countries including England, South Korea, Germany, Australia, Singapore, Japan and Canada all produce a higher percentage of science and engineering graduates than the United States.

Is the chairman aware of these startling statistics?

Mr. SPECTER. I say to my colleague that I am aware of these examples and I share his concern.

Mr. VOINOVICH. I thank the chairman for his attention to the issue and the opportunity to briefly discuss the importance of science and math education today. I know there are other Senators, especially Senators ALEXANDER and BINGAMAN, who care a great deal about this issue. In fact, as many of my colleagues know, Senator ALEXANDER and BINGAMAN asked the National Academy of Science to compile a report on the top 10 actions the Federal Government can take to enhance our ability to compete in our global economy. And while the academy provided a variety of recommendations, from the crucial need for energy independence and investment in research infrastructure—which are in their own right extremely important—a great deal of their recommendations focus on the need to improve our Nation's math and science coursework and establish a workforce of qualified teachers who will prepare our students for futures in highly innovative careers.

Has the chairman seen this report?

Mr. SPECTER. I have. And I say to the Senator that the bill before us provides funding for a number of programs that are consistent with the academy's report. One such program I know my colleague is familiar with is the Mathematics and Science Partnership, MSP, program that provides grants to improve basic student performance in math and science through a variety of programs and activities. Many of the program's allowable activities, like summer institutes for teacher training, are specific activities the National Academy recommends we pursue in order to enhance our children's development in science and math. The committee has provided a total of $178.5 million for mathematics and science programs in fiscal year 2006. The House-passed bill includes $190 million for this program.

We are, of course, working under a tight budget with this bill, but I want my colleague to know that as we move to conference, I will work to ensure this program, and other similar math and science programs receive the highest possible amount of funding.

Mr. VOINOVICH. I thank the chairman. I have heard from my State's superintendent that MSP grants have gone a long way in Ohio to support programs the Ohio Science Institute, which is a statewide professional development opportunity for science teachers of grades 3–10, and the Ohio Mathematics Academy Program, which is a statewide professional development opportunity for mathematics teachers in similar grades.

As the chairman and many of my colleagues are aware, I am a fiscal conservative and understand the deficit and funding constraints we face.

Yet, in light of the National Academy's report and other studies that point to our Nation's declining rank in science and math students, I don't know of too many other programs that deserve our focus and investment more than those that will prepare our children to compete in the global marketplace.

I thank the chairman for his commitment to science and math education programs as we move to conference on this appropriations bill. I hope his commitment to quality science and math education will extend even further down the road, as we prepare our budgets for the next fiscal year.

CDC'S ARTHRITIS PROGRAM

Mr. ISAKSON. Mr. President, I want to thank the chairman and Senator HARKIN for all of their work on this bill. Mr. President, as you know, arthritis is the Nation's leading cause of disability, and it impacts the lives of 44 million Americans including 300,000 children. Very few people know, however, that people with rheumatoid arthritis die 5 to 10 years earlier than those without arthritis. In 2003, arthritis claimed the lives of 9,500 Americans.

In response to this national epidemic, the CDC, and over 90 national organizations developed the Nation's first ever public health blueprint to fight arthritis—the National Arthritis Action Plan. Following release of the plan in 1998, the committee, under your leadership, established an arthritis program at the CDC and supported a cooperative relationship between the agency and its partners. This partnership has supported several significant elements of the NAAP and continues to play an instrumental part in reducing the pain and disability of arthritis for millions of Americans. It is my understanding that the committee has included sufficient funds in the fiscal year 2006 appropriation for the CDC to sustain this collaboration with its partners at the same level.

Mr. SPECTER. I thank my good friend from Georgia for his remarks. I am very proud of the role the committee has played in establishing and expanding the arthritis program at CDC. I believe deeply in the vital role of the CDC and its partners in this important battle and, yes, the committee has provided funds to sustain this cooperative relationship.

Mr. HARKIN. I want to thank my friends, the distinguished Senator from Georgia and the chairman, for their words and just take a moment to add my endorsement for this important program I am very proud of the role this subcommittee has played in the reduction of the arthritic pain and suffering experienced by so many Americans.

Mr. ISAKSON. I thank the chairman.

COMMUNITY-BASED JOB TRAINING GRANTS

Mrs. DOLE. Mr. President, I first want to thank Chairman SPECTER and Ranking Member HARKIN for their diligent work on the Labor-HHS Appropriations bill. Budgets are very tight these days and I appreciate how well the chairman and the ranking member were able to address so many of the important issues in this bill. With all of this in mind, I want to enter into a colloquy to clarify a key issue concerning this measure.

Our Nation's community colleges are critical to our economy. So many men and women across our country have lost their jobs, and our traditional manufacturing industries have been hit especially hard. In the midst of this economic transition, community colleges have been a real beacon of hope. In North Carolina, for example, workforce development programs at Piedmont Tech and Forsyth Community College, are training former tobacco and textile workers for new, well-paying jobs in health care and biotechnology. Community colleges are leading the way training workers for the high growth, high demand jobs of the 21st century.

I am so grateful, as I know the community colleges across the Nation are as well, for Chairman SPECTER's efforts to fully fund the President's request for Community-Based Job Training Grants in last year's appropriations process. Unfortunately, having reviewed the provisions contained in the House-passed Labor-HHS Appropriations bill, the Department of Labor and I are very concerned about the future of this program.

The House bill designates $125 million in funding for fiscal year 2006 while at the same time rescinding $125 million of fiscal year 2005 funding for the program. This cuts the program in half for both fiscal years and dramatically reduces the number of dislocated workers our community colleges can train. Achieving the greatest possible funding amount for this program must be a top priority. I know that Senator CORNYN is strongly supporting increased funding for this program and I thank him for his efforts to help community colleges.

The Community-Based Job Training Grant Program is providing much-needed funding for community colleges across our country and in my home State of North Carolina. Just last week, the Labor Department announced grants for 70 community colleges in 40 States, exhausting the $125 million pot of available money allocated for this program. Nationwide, 388 colleges applied for this funding, and in North Carolina, just one of the 16 applicants, Haywood Community College, was selected to receive this funding. We all know that grant programs are very competitive; still, this funding is clearly not coming close to meeting the needs of our community colleges. They are on the front lines, training workers and helping grow our economy, and we can and should do better to assist them in this endeavor.

Can the chairman assure me of his commitment to the funding of this program for fiscal year 2006?

Mr. SPECTER. I thank the senior Senator from North Carolina for her continued interest in this critical program. I want to assure her that the Senate Appropriations Committee strongly opposes the House rescission to the Community-Based Job Training Grants, and we are committed to funding the program at the highest level possible within the existing budgetary constraints. I thank the senior Senator from North Carolina.

Mrs. DOLE. I thank the chairman for his work on this critical issue.

OFFICE OF MEN'S HEALTH

Mr. CRAPO. I want to express my appreciation for the chairman's efforts, and those of the subcommittee ranking member, Senator HARKIN, in working to ensure the health and well-being of Americans everywhere. As you know, a silent health crisis is currently affecting America's men. On average, American men live shorter and less healthy lives than American women. Men lead in each of the 15 major of death in America except Alzheimer's and have a life span of almost 6 years shorter than their female counterparts. While this health crisis is of particular concern to men, it is also a concern for women whose fathers, husbands, sons and brothers feel the physical, financial and emotional effects of poor health. Men's health is also a concern for employers who pay the costs of medical care, and lose productive employees. In addition Federal, State and local governments must often absorb the enormous costs of premature death and disability, including the costs of caring for dependents left behind.

There are a number of ailments of particular concern to men. Prostate cancer is the most frequently diagnosed cancer in the United States among men, accounting for 33 percent of all cancer cases. An estimated 230,000 men will be newly diagnosed with prostate cancer this year alone, and approximately 30,000 will die. Prostate cancer, unfortunately, is not the only health threat facing men. Over 8,000 men, ages 15 to 40, will be diagnosed this year with testicular cancer, and 390 of these men will die of this disease in 2005.

Fortunately, many of these conditions are treatable if detected early enough. I was diagnosed with prostate cancer in 2001 and thanks to early detection and treatment was able to beat the disease. I had prostate specific antigen, PSA, tests and other recommended tests every 3 to 6 months after my surgery. Last year, my doctors detected a slight rise in PSA, and I underwent successful radiation treatment. Because I caught and treated the onset of this disease early on, I was able to beat it, again. Appropriate use of tests such as PSA exams and blood pressure, blood sugar, and cholesterol screens, in conjunction with clinical exams and self-testing, can result in the early detection of many problems and in increased survival rates.

Unfortunately, many men are not taking the steps necessary to protect themselves and their families from these devastating conditions. Statistically, women visit the doctor far more often than men. Too often, men fail to get routine checkups or health counseling, and they often ignore symptoms or delay seeking medical attention when sick or in pain. In addition, when men do seek care, embarrassment can often prevent them from openly discussing health concerns with their physicians.

To increase men's health awareness I have introduced legislation to establish an Office of Men's Health under the Department of Health and Human Services. This office would be based on the Office of Women's Health, currently operating within HHS, which has done a fantastic job of assisting women in identifying and battling many conditions common to women. Educating men, their families, and health care providers about the importance of early detection of male health problems can result in reducing rates of mortality for male-specific diseases, as well as improve the health of America's men and its overall economic well-being. While an Office of Men's Health is not a cure-all, it will assist men to focus on many health problems that can be treated successfully if diagnosed early. Prevention and early detection can only happen with increased public awareness, something the proposed office hopes to provide. I yield to the distinguished chairman to elaborate on this point.

Mr. SPECTER. I, too, recognize the importance of correct information, prevention, and early detection in health care. Clearly, efforts must be made to encourage men to address their health problems in a confident, timely, and meaningful manner. I encourage the administration to work with my distinguished colleague to establish an Office of Men's Health within the Department of Health and Human Services.

Mr. CRAPO. I thank the Senator.

Mr. INHOFE. I have filed an amendment at the desk which I had hoped the Senate would vote on prior to passage of this bill. Unfortunately given the current parliamentary situation, the only way for a vote to occur on the important issue of fiscal responsibility is by suspending the rules. My amendment would not be in order at this time and therefore my option is to move to suspend rules XVI and XXII. Although clearly that motion is within my rights as an individual Senator, I do not believe that is the best way for this body to proceed. Our rules and precedents govern how we operate on these appropriations, bills and I think that we should work within that framework. Therefore, I am not going to make that motion because it is not an appropriate way for the Senate to address this amendment. I will say, however, that the Senate will vote on this issue. I will be back on this floor at the first opportunity available to this Senator and the Senate will work its will on this language.

Mr. FRIST. I greatly appreciate the Senator's commitment to this issue. It is imperative that this Congress exercise fiscal discipline and I concur that an important step must be to control spending, while securing our Nation's defense. Next week, the Senate will do just that as we act on the first deficit reduction package in a decade. I am certain that the Senator from Oklahoma will continue to pursue his efforts. There will be ample opportunities, including the deficit reduction bill, for him to exercise his rights to do so, in a manner that does not violate the spirit of the Senate rules. I look forward to him bringing this important issue before the Senate in the future.

RADIATION EXPOSURE COMPENSATION ACT

Mr. CRAPO. Mr. President, I rise today to discuss with the distinguished subcommittee chairman the need to amend the Radiation Exposure Compensation Act, RECA.

Mr. SPECTER. I yield to the Senator.

Mr. CRAPO. As my colleagues are aware, the National Academy of Sciences, NAS, released a report on April 28 of this year calling on Congress to establish new scientific criteria for decisions about awarding Federal compensation to people who have developed specific diseases, including certain cancers, as a result of exposure to radioactive fallout from U.S. nuclear weapons tests. I wholeheartedly agree with them.

When Congress passed RECA 15 years ago, an important first step was taken to provide compassionate assistance to those directly affected by nuclear testing conducted by the United States. However, it soon became clear that a legislative remedy which was bound by geographic restrictions, and not scientific evidence, was not sufficient to fully rectify the problem at hand. This was confirmed in 1999, when Senator HATCH introduced his amendments to expand RECA and include affected counties in Arizona.

Today, the NAS has determined that residents in counties and States far from the original Nevada Test Site were not only exposed to radiation, but may even have been exposed to much higher levels than those in currently eligible areas. In fact, there are areas in my native Idaho that have demonstrably higher incidence of thyroid dosage of radiation than any other county currently covered by RECA. It seems unconscionable to me that people living in these areas are not currently eligible for compensation.

Those affected are not asking for special treatment, they are simply asking for fairness. As R. Julian Preston, director of the Environmental Protection Agency's Environmental Carcinogenesis Division, stated, "To be equitable, any compensation program needs to be based on scientific criteria and similar cases must be treated alike. The current geographic limitations are not based on the latest science."

To rectify this inequity, I think it is of utmost importance that Congress take up my legislation, S. 998 to include the State of Idaho as an affected area under the Radiation Exposure Compensation Act.

Additionally, it is incumbent upon Congress to address the long-term challenges faced by the RECA program. The NAS report makes several specific recommendations, chief among them that Congress should establish a new process for reviewing individual claims, based on probability of causation, or "assigned share," a method which is used in the courts and other radiation compensation programs. It also recommends that the RECA program be expanded to include workers involved in uranium milling and ore transportation. I urge you to join me in implementing these suggestions of the NAS into legislation.

Mr. SPECTER. I appreciate the Senator's interest in this issue and recognize that he has legislation pending in Congress to address the needs of affected Idahoans. I say to my friend and colleague that I will work with him to identify necessary improvements and to respond to findings contained in the NAS report. I also urge the administration to work diligently to help those still in need.

Mr. CRAPO. I thank the distinguished chairman.

THIMEROSAL

Mr. LIEBERMAN. Addressing my distinguished colleagues from Pennsylvania and Iowa, the subcommittee Chairman and ranking member, I wanted to talk with you about the need to study further the issue of thimerosal in vaccines and whether there is any association with autism and other autism spectrum disorders. As you know, autism is a neuro-developmental disorder characterized by severe impairments in language development and socialization. The American Academy of Pediatrics, AAP, says that currently 1 in 166 children has autism or an autism spectrum disorder. Some in the autism community attribute this rise to changes in the vaccine schedule which began in 1990. Three of the four vaccines between 1990 and 2000 given to American children at the 2,4, and 6 month doctor visit contained thimerosal which is a vaccine preservative that is 50 percent mercury by weight. Mercury of course is a known neurotoxin.

Mr. HARKIN. I am aware of this issue.

Mr. SPECTER. I am aware of this issue too. I note that thimerosal has been out of childhood vaccines since 2001. I understand that the AAP doesn't think there is a link between thimerosal and autism and that an Institute of Medicine, IOM, report indicated that the committee didn't believe thimerosal caused autism. Of course, this does not mean there isn't an association. We should recognize that few diseases have direct causes attributed to them.

Mr. LIEBERMAN. I believe that we must at least consider an association between thimerosal exposure and autism. I understand the rate of autism has risen perhaps 800 percent since 1990 and although there could be a number of reasons including better diagnostics, this coincided with an increased exposure to thimerosal in vaccines, which again is 50 percent mercury by weight.

I have talked to Director Gerberding at the Centers for Disease Control and Prevention, CDC, which is our Nation's premier public health organization. She said that there is room for further study. I note that thimerosal is still in our influenza vaccine. And we want people to get that vaccine.

Mr. HARKIN. What does the Senator propose?

Mr. LIEBERMAN. Under the Senator's distinguished leadership, the committee has increased the NIH budget to 29.4 billion dollars, an increase of over $1 billion from last year. I applaud those efforts. Accordingly, under his leadership the budget of the National Institute of Environmental Health Sciences, NIEHS, has increased from $644 to $667 million.

I would ask that the NIEHS lend its expertise in heavy metal toxicity and to work in cooperation with the CDC to study, using respected expert independent researchers, whether there is any association between thimerosal and autism.

I note that we now have a Vaccine Safety Datalink, VSD, a computerized CDC database that has followed 7 million vaccinated children in 7 managed care organizations throughout the United States from 1990 on to see if they develop diseases of any type, including neuro-developmental disorders. Some experts suggest this database could provide answers regarding the thimerosal-autism link. The Institute of Medicine, IOM, regards the VSD as a unique data base with which the public should become familiar. I would expect that the VSD would be used in further studies.

My staff and I have talked with two former NIEHS directors. They support additional effort to study the association between thimerosal and autism. They assure me that NIEHS would be able to administer a grant for carefully selected expert independent researchers to join in the study of the VSD with the CDC. And because transparency of research has been an issue in this debate, NIEHS cooperating with CDC would be able to put together a panel of toxicologists, doctors, expert representatives from the autism community, and public health advocates to advise the study. They did this with the NIEHS' Breast Cancer Research Centers Program. That is, they involved the affected community.

Mr. SPECTER. I agree we should make an additional effort to resolve this issue.

Mr. HARKIN. Yes, I also agree we need to make progress through a study on this issue. It certainly is not going away.

Mr. LIEBERMAN. If this issue is resolved it will be because all sides are comfortable with the science and epidemiology of thimerosal and autism. The science and epidemiology of thimerosal and autism is not clear up to this point.

Can I have assurance that the chairman and ranking member will work to insert report language in conference that urges NIEHS to fund collaborative studies on the VSD between outside researchers and the CDC?

Mr. SPECTER. I will work hard to make this happen.

Mr. HARKIN. I too will work hard to make this happen since this is an issue important to the Senator and the Nation.

Mr. LIEBERMAN. I thank the Senators.

Mr. FEINGOLD. Mr. President, I will vote in favor of final passage of the Senate version of the fiscal year 2006 Labor, Health and Human Services, and Education appropriations bill. This legislation is an improvement over the House-passed bill and over the President's request in many areas. However, it still vastly underfunds a number of crucial programs. I commend the chairman and the ranking member of the subcommittee for their work to produce this bill under tight fiscal constraints. However, we can and should do better for the many Americans who depend on the programs that are funded by this important appropriations bill.

I am pleased that the Senate adopted two amendments I worked on. One was an amendment I cosponsored that the Senator from Maine, Ms. COLLINS, offered, to provide much-needed funding to improve access to dental health in rural and underserved areas, and the other was an amendment I offered to increase public access to automatic external defibrillators in schools. I have worked with my colleague from Maine, Ms. COLLINS, for a number of years to secure funding for these important programs, and I hope to see these provisions carry through to the conference report.

I regret that the Senate missed a number of opportunities to improve this bill, including by rejecting amendments that would have increased funding for a number of elementary and secondary education programs, including title I, after-school programs, and special education. Year after year, Congress and the President fail to provide the promised funding for these and other education programs as local school districts continue to struggle to make ends meet under shrinking State and local education budgets. The President's budget requests for each of the fiscal years since the No Child Left Behind Act was enacted have fallen far short of what was authorized by this law. And while Congress has improved upon these budget requests and provided funding for a number of the programs that the President proposed to cut, NCLB programs are still funded at far less than their authorized levels.

Yet despite our broken promises to these school districts, we still require them to comply with a variety of Federal mandates. And during this school year, the stakes have been raised even further because the 2005–2006 school year is the first under which schools are required to implement the NCLB mandate to test students in grades three through eight in reading and math. It is past time that we hold up our end of the equation and give States and school districts the resources they need to ensure that every child has the opportunity to succeed.

With regard to higher education, I was proud to support the amendment offered by Senator KENNEDY from Massachusetts that would have increased the Pell Grant maximum by $200 to $4,250 per year. This would have been a good down payment on the ultimate goal of increasing the maximum to $9,000 by the 2010–2011 school year, as I proposed with Senator COLLINS earlier this year. While Senator KENNEDY's amendment was not successful, I will continue to work toward this goal of increasing grant aid and reducing the burden of debt to keep the doors of higher education open to as many Americans as possible.

While funding for other higher education programs were not as generous as I would have hoped, I was encouraged that the Appropriations Committee rejected the harmful cuts proposed in the President's budget. The President had proposed eliminating or cutting important programs that prepare disadvantaged students for college, support their successful completion of college, and provide financial assistance to help them afford higher education, such as the Leveraging Educational Assistance Partnership, LEAP, program; TRIO programs; the Gaining Early Awareness and Readiness for Undergraduate Programs, GEAR UP; the Carl D. Perkins Career and Technical Education program; and Perkins loans. I consistently opposed these reductions during both the budget and appropriations processes, and I am pleased that this bill preserves funding for all of these programs.

Another reservation I have about this bill is its failure to adequately provide a much needed increase in funding for the Low Income Home Energy Assistance Program, LIHEAP—an increase that would simply bring the funding level up to the fully authorized amount. Despite predictions that home energy costs this winter will increase between 30 and almost 70 percent, for the third time in a month, the Senate failed to help working families and seniors afford skyrocketing home energy costs when it defeated Senator REED's efforts to increase LIHEAP funding. The lack of higher LIHEAP funding is greatly troubling and I will continue pursuing opportunities to help people in Wisconsin and across the country receive the assistance they need to stay safe and warm this winter.

While this bill is far from perfect, I will support it, and I very much hope that the final version of this bill will provide adequate funding for the many important programs contained in it.

Mr. COBURN. Mr. President, today the Senate accepted two modified amendments that I authored.

Amendment 2230, as modified, will reduce the amount appropriated for travel, conference programs and related expenses at the Department of Health and Human Services, HHS, by $15 million. Currently $68 million is available for these activities.

The $15 million saved by this revised amendment would ensure sufficient funding for travel and conference expenses that may be necessary while recognizing that the current amount spent on these activities by HHS is excessive and can be reduced.

In 2005 alone, HHS spent $68.5 million on conferences. This is a 50 percent increase in conference spending during a 5-year period. At a time when our Nation is fighting a global war against terrorism, recovering from the most expensive natural disaster in our history, and facing an ever growing debt that now surpasses $8 trillion, we must be more frugal with the taxpayers' dollars we have been entrusted and prioritize how they are spent.

This amendment ensures that a greater amount of Federal health dollars will actually be spent on health care, which should be the goal of HHS.

In the context of the $2.5 trillion Federal budget, $15 million may not seem like much until you put it into a real world perspective.

According to the American Institute of Preventative Medicine, the average doctor visit costs $55. The $15 million saved by this amendment could be made available to pay for nearly 273,000 doctors visits in the next year.

The 2004 Census Bureau report on Income, Poverty, and Health Insurance in the United States shows that 45 million Americans are without health insurance.

The annual premium that a health insurer charges an employer for a health plan covering a family of four averaged $9,950 in 2004. For single coverage is $3,695 annual average premium.

The $15 million saved by this amendment could provide 1,500 American families of four or 4,060 single Americans with health insurance for a year.

HHS spends significantly more on conferences than any other Federal department. In fact, the total spent on conferences by HHS in 2005 is comparable to the amount spent by the Energy Department, Education Department, Environmental Protection Agency, Department of Housing and Urban Development, Labor Department and Transportation Department combined.

In 2002, HHS spent $3.6 million on a single conference, the International AIDS Conference, held in Barcelona, Spain, to which 236 HHS employees traveled to attend. Then-Secretary

Tommy Thompson was among the HHS employees who traveled across the globe for this conference and was scheduled to speak. Yet he was prevented from doing so by activists that turned what was intended to be a scientific gathering into a political statement.

Members of Congress rightfully were outraged that the Secretary was treated so rudely at a conference that cost the U.S. taxpayer millions of dollars.

In a May, 2003, letter to members of Congress, Secretary Thompson reassured that HHS "will work to further reduce our costs associated with that event, while continuing to assure essential scientific personnel can attend this meeting." He went on to note that "the Department is currently revising the HHS travel manual, which will formalize international and domestic travel policies to ensure frugal use of taxpayer money. My staff is taking unprecedented steps to ensure American taxpayers will no longer be asked to foot the bill for wasteful HHS spending, including in the area of travel. . . . Every trip proposal is . . . evaluated on an individual basis by a member of my staff to guarantee that taxpayer money is not wasted."

Despite this pledge, HHS has continued to spend more and more on conferences and to send hundreds of employees to participate in the same conferences.

In 2004, HHS sent 100 or more employees to at least 59 conferences, including 1,036 to a conference in Orlando, Florida.

Just this past August, HHS was listed as a primary sponsor of the 2005 conference of the Harm Reduction Project, an organization that supports tacit legalization of drugs. Among the sessions at this federally supported conference was "We Don't Need a 'War' on Methamphetamine" and the discussion groups include "Tweaking Tips for Party Boys." "Tweaking" is the most dangerous stage of meth abuse. A tweaker is a meth addict who probably has not slept in days, or weeks, and is irritable and paranoid.

HHS officials later denied "sponsoring" the conference, although the Department provided taxpayer dollars for it and sent six employees to participate.

As a practicing physician, I believe that Federal funds expended to support this conference would have been far better spent providing treatment to those suffering from addiction.

This is just one example of taxpayer dollars that have been misspent on conferences.

The bottom line remains that at a time when important health care programs are faced with financial difficulties, we do not have the luxury for excessive spending on conferences. While Congress is trying to control the growth of spending on important health programs like Medicaid and Medicare, we should first impose restraints on nonessential spending at HHS including conferences.

Conferences may provide interesting opportunities for bureaucrats and others to network and exchange information in person, but they do not make people well or provide life saving health care.

Furthermore, in the modern telecommunications era, it is unnecessary to spend time and resources to finance so many conferences. Teleconferences and video conferencing, for example, can save money while allowing the same type of interaction and information sharing at a mere fraction of the cost.

The second amendment, No. 2336 as modified, directs the Secretary of HHS and the Secretary of Education to estimate improper payments as required by the Improper Payments Information Act of 2002 and report to Congress on specific actions taken to estimate improper payments within 60 days of this bill being signed into law.

The Improper Payment Information Act was enacted in November 2002 for the purpose of finding and eliminating payments that should not have been made, or were made for incorrect amounts, by government agencies.

This law requires that all agencies, at the very least, perform a risk assessment of all programs and activities to determine whether or not a program is at risk of making "significant" improper payments.

"Significant" as defined by the Office of Management and Budget means at least 2.5 percent of all payments made are improper, and the absolute dollar figure associated with that 2.5 percent or more, totals at least $10 million.

Federal programs and activities deemed to be at "significant" risk of making improper payments their respective agencies are required under the Improper Payments Information Act to first, develop a statistically valid estimate of improper payments; and second, develop a corrective action plan for all programs where the improper payment estimate exceeds $10 million annually. This corrective action plan must also contain annual targets for reducing improper payment levels.

At the end of each fiscal year, agencies are to report the results of the Improper Payments Information Act activities in their Performance and Accountability Report PAR; and submit them to Congress. The Improper Payments Information Act exempts no agency from compliance.

Improper payments—which include inadvertent, fraudulent, and irresponsible payments—are costing the taxpayers at the very least, over $45 billion each year. Even worse, this $45 billion represents only 17 of 70 agencies that are currently reporting improper payment information as required under law.

The Medicare program, which is already reporting, makes up nearly half—$21.7 billion—of the government's $45.4 billion reported improper payments for fiscal year 2004.

The magnitude of the Government's improper payment problem is not yet known because some of the largest programs are not reporting, as required by law.

Medicaid, with outlays that exceed $175 billion annually, is one of the programs that is not reporting. The Medicaid program has been required to report improper payments under the Office of Management and Budgets, OMB, A-11 Circular requirements since 2001; and under the Improper Payments Information Act since 2002, yet it still has made no estimate of its improper payments.

In its November 2002 Performance and Accountability Report, Centers for Medicare and Medicaid Services reported that it would be able to report improper payments for the Medicaid program by 2006; however, they have pushed that date back to 2008—six years after the date by which they were to have begun reporting improper payments.

Similarly, the Temporary Assistance for Needy Families, TANF, program has not even been able to estimate when it will be able to report improper payments for a law that has existed since 2002.

TANF spent over $17 billion in fiscal year 2005 ($18.6 in outlays).

Foster Care spent $6.4 billion in fiscal year 2005.

State Children's Insurance Program spent $5.129 billion in fiscal year 2005.

Child Care Development Fund spent $4.9 billion in fiscal year 2005.

Title I, within the Department of Education, spent $22.916 billion in fiscal year 2005, fiscal year 2005 outlays: $21.18 billion.

This amendment does not debate the merits of any of these programs, it simply demands compliance with transparency and accountability measurements for expenditures already in existing law.

After all, eliminating improper payments ensures more funds actually reach those who are intended to benefit from these programs while protecting the taxpayer. However, we must first understand the magnitude and source of the problem to correct it. We can only do this if all agencies are monitoring and reporting their improper payment information.

Together these amendments make small, yet important steps, towards making federal agencies more fiscally responsible and accountable.

I thank Chairman SPECTER for accepting these amendments and his commitment to fight for inclusion of these provisions in conference with the House of Representatives.

Mr. GRASSLEY. Mr. President, I rise today to express my extreme disappointment at the acceptance of amendment 2315 to the Labor and HHS Appropriation yesterday. My disappointment stems from the fact that I objected to considering amendment 2315 both verbally and by letter. And my objection was ignored.

Senator SPECTER, the manager of the bill, acknowledged the mistake and promised to respect the Finance Committee's jurisdiction. However, a Member on the other side refused to allow the mistake to be rectified, an unfortunate and unfair action.

For the past several Congresses, I attempted to work with the appropriators and other Senators to ensure that they do not encroach upon the jurisdiction of the Finance committee.

Unfortunately, the practice continues as it did yesterday.

These provisions are not without consequence. They are often written without clear knowledge of all the relevant facts. As a result, problems often occur as they are implemented.

I really appreciate the fact that Senator SPECTER is willing to work with me on this issue and I fully expect that the provision will be taken out during conference.

Ms. SNOWE. Mr. President, yesterday, a majority of Senators, 54 in fact, voted for an increase in funding for the Low Income Home Energy Assistance Program, or LIHEAP, to bring the funding to the authorized level of $5.1 billion we approved in the 2005 Energy bill. But because it was a procedural vote requiring 60 votes, this very important amendment failed.

I want to thank my colleagues who voted with me as the days are relentlessly marching toward winter . . . the clock is ticking as the thermometer edges ever downward . . . snow and cold have already come to my State or Maine, raising the stakes for those who may have to choose between heating their homes and the other necessities of life. It would be unconscionable for Congress to adjourn for the year without providing critical, additional assistance for LIHEAP at a time of skyrocketing fuel because of the disruption of a vast amount of our energy infrastructure caused by disastrous hurricanes in the Gulf. I will continue to work with the White House to secure funding in the next supplemental appropriations bill.

There should be no mistake—this is an emergency and a crisis we know is coming, and it would be an abrogation of our responsibility to stand by and allow it to occur. It does not take a crystal ball to predict the dire consequences when home heating oil in Maine is $2.52 per gallon, up 59 cents from a year ago . . . and kerosene prices average $2.95 a gallon, 75 cents higher than this time last year. Some projections have a gallon of heating oil reaching $3.00! And we are now informed that even rolling blackouts on very cold days this winter may be a possibility because of a high demand for electricity.

So, understandably, we are already hearing the mounting concern—"how will I pay for home heating oil when it's 30 percent more than last year, and I struggled to make ends meet then?" "How will I afford to pay half again as much for natural gas?" People need to know now that they can count on us for assistance.

This is a necessity of life—so much so that 73 percent of households in a recent survey reported they would cut back on, and even go without, other necessities such as food, prescription drugs, and mortgage and rent payments. Churches, food pantries, local service organizations—they are all hearing the cry, and the leaves have barely fallen from the trees. The fact is, countless Americans, many on fixed incomes, don't have room in their budget for this sudden surge in home heating oil and natural gas prices but, surely, in looking at our national priorities, we can find room in our budget to help Americans stay warm this winter.

Because of the supply disruptions caused by the hurricanes at a time when prices were already spiraling up, prices have been driven even higher and are directly affecting low income Mainers and how they will be able to pay for their home heating oil, natural gas, propane and kerosene this winter. A recent Wall Street Journal quoted Jo-Ann Choate, who heads up Maine's LIHEAP program. Ms. Choate said, "This year we've got a very good chance of running out."

Mr. President, 84 percent of the applicants for the LIHEAP program in my State use oil heat. Over 46,000 applied for and received State LIHEAP funds last winter. Each household received $480, which covered the cost of 275 gallons of heating oil. The problem this winter is that the same $480 will buy only 172 gallons, which a household will use up in the first 3 to 4 weeks. What will these people do to stay warm for the 4 or 5 months left of winter? The water pipes will freeze and then break, damaging homes. People will start using their stoves to get heat. The Mortgage Bankers Association elects that the steep energy costs could increase the number of missed payments and lost homes beginning later this winter. My State is expecting at least 48,000 applicants this winter season, so there will be less money distributed to each household unless we can obtain higher funding for the LIHEAP program.

Ms. Choate says that Maine plans to focus on the elderly, disabled, and families with small children, and is studying how to move others to heated shelters. This is why our efforts are so very important. And it isn't just Maine, it is going to happen in all of the Nation's cold weather States. Quite simply, without increased funding, we are forcing the managers of State LIHEAP programs to make a Solomon's choice.

The Federal Department of Energy has predicted that homeowners who use oil for heat and propane will spend 30 percent more this year than last, and natural gas users will spend 48 percent more. According to the National Energy Assistance Directors Association, heating costs for the average family using heating oil are projected to hit $1,666 for the upcoming winter. This represents an increase of $403 over last winter's prices and $714 over the winter heating season of 2003–2004.

For families using natural gas, prices are projected to hit $1,568, which is an increase of $611 over last year's price and $643 over 2003–2004. This is the largest increase in home heating prices in over 30 years. This is why passing our amendment was so very important.

Congress recently passed an Energy bill which is now law. In that bill, we authorized $5.1 billion for the LIHEAP program. My goal is to see that this is totally funded. We simply have to show that we meant what we asked for—and totally fund the LIHEAP program.

The facts are that LIHEAP is projected to help 5 million households nationwide this winter. But that's only about one-sixth of households across the country that qualify for the assistance. So this is a perennial fight we wage even when prices aren't as high as today. And now, that battle becomes all the more pivotal. The cold weather won't wait—and neither should we when it comes to helping citizens survive through the winter.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the Labor, Health and Human Services, and Education Appropriations bill is the last of the regular fiscal year 2006 appropriations bills to come before the Senate for consideration.

Last year, seven of the regular appropriations bills, including the Labor, Health and Human Services bill, were not debated individually by this body but rather they were inserted into one large, unamendable omnibus package. As I have said on many occasions, the processing of regular appropriations bills in such a manner is not the way the Senate is supposed to operate. I am always very disappointed when the Senate resorts to appropriating by omnibus bills. We are the Senate. This is the Senate. A deliberative body it is supposed to be.

Last year, the Labor, HHS, and Education Appropriations bill was included in the omnibus package. This is a different year now. This year, the Labor, Health and Human Services, and Education Appropriations bill was fully debated here on the floor and amended as a stand-alone bill. What a difference.

This bill has been on the floor all week, and Senators have enjoyed their right to debate and amend such important language.

I thank the distinguished manager of the bill, and the distinguished Senator who acts on this side of the aisle to help manage this bill, Senator SPECTER and the distinguished Senator from Iowa, Senator HARKIN.

This is such a comprehensive bill. It covers a lot of programs and activities of the Government—three Departments, and the Social Security Administration. When you include mandatory spending, this bill funds nearly 25 percent of the Federal budget. This bill impacts every citizen in this country in one way or another. Just think about it: labor issues, health issues, human services issues that provides basic humanitarian services for the neediest of our citizens, as well as education issues.

As we complete our debate on the Labor, HHS, and Education Appropriations bill, I want to extend my appreciation to the subcommittee chairman, Senator SPECTER, and the ranking member, Senator HARKIN. They are a good team on this bill. They have been working together on this subcommittee for so long that they seem to sometimes complete each other's sentences. They hold numerous hearings throughout the year. They gather knowledge from a wide array of experts throughout the country. That is what they do. This subcommittee pours over the testimony, over the reports, the studies, and other related data throughout the year, and its recommendations are reflective of that careful and thorough review.

I have never seen a chairman of a committee more fair than Senator SPECTER has been. Every Senator who wanted to call up an amendment had an opportunity to do so. Senator SPECTER did not seek to cut off any amendments. No. He was very fair, very considerate, very courteous. And look what a wonderful job he and Senator HARKIN have done on this committee. My thanks, my congratulations to both of them.

I also extend my thanks to their fine staff. Those staffers worked hard. I appreciate their dedicated service to the Appropriations Committee and to the Senate.

I will take 1 minute, or maybe a little longer, to comment briefly about the upcoming supplemental request which I understand the White House will be transmitting to the Congress tomorrow. This will be the third disaster relief supplemental related to Hurricanes Katrina and Rita. This request is expected to include $17 billion for various programs and agencies on top of the $62 billion Congress has already approved.

In the immediate aftermath of Hurricane Katrina, the Congress approved both of the President's supplemental requests. In each case, Congress approved the bill within 1 day of receiving the request, with no debate and no amendment. Of course, disastrous emergency situations such as that which occurred in the gulf coast region require immediate action by the Congress. However, the White House has waited 7 weeks to send up its third request. The White House should not assume that the Congress will simply rubberstamp their request.

I hope the Senate leadership will commit to the Senate that we will have an opportunity to debate and amend the third disaster relief supplemental bill. A $17 billion supplemental should not simply be shoved into an unamendable conference report. There should be an opportunity to debate such issues as whether low-income energy assistance should be provided to all States impacted by increased fuel prices, prices that continue to grow as a result of Hurricane Katrina. The Senate should also have an opportunity to debate how the Katrina supplemental will be paid for. I hope Senators will be afforded this opportunity.

I thank the chairman of the Appropriations Committee, my very good friend from the State of Mississippi, THAD COCHRAN. What a decent man, what a decent chairman he is. What a good job he has done this year processing these appropriations bills. All 11 of the fiscal year 2006 appropriations bills have been debated individually and separately by the Senate. Why is this? This is due in large part to the steadfast determination of the chairman, Senator COCHRAN. He is a very determined man. He did not give up. He did not give in. He kept on pushing ahead.

That reminds me of two frogs that fell over the rim of the crock in which there was milk. The milk was in the crock. Two frogs fell off into that. One immediately kicked a couple of times, turned over on his back with his belly up, gave up, that was all. That frog was gone. But the other, what did it do? It began kicking, kicking, and he kicked and kicked and kicked until there was a little ball of butter. And he kicked a little more, and the ball grew bigger, larger. So the frog then climbed upon the ball of butter and jumped out. It jumped out.

That goes to show that if you keep on kicking, you will churn the butter. How about that?

Chairman COCHRAN didn't give up. He just kept on kicking, and he churned the butter. He just kept on pushing forward.

That determination of his paid off. I congratulate Senator COCHRAN for his success in getting all of the regular appropriations bills processed through to the floor, individually and separately.

So let me say it again.

What a job Chairman COCHRAN has done this year.

I also thank the joint leadership of the Senate, Senator FRIST and Senator REID, for working with Chairman COCHRAN and with me in scheduling the necessary floor time which enabled us to get on with these bills and debate them.

Chairman COCHRAN has worked with the House Appropriations Committee chairman in determining a schedule for completion of all the conferences on our regular appropriations bills by November 18. I think that is a realistic schedule. I am encouraged that we will be able to reach that goal.

While I am not pleased that the appropriations bills significantly underfund critical domestic programs for education, for homeland security, for health care, and for our crumbling infrastructure, I am pleased that the Senate at least had the opportunity to fully debate these issues.

I thank the distinguished Senator who sits in the Chair this evening, presiding over the Senate with a degree of dignity and aplomb that is so reminiscent of a day in June when the distinguished Senator's father sat in this Chamber also. I liked him. I like him, too.

So I say to the Senator from Rhode Island who presides over the Senate this evening, keep on doing good work, Excelsior, ever up. I thank the Senator. He is a good Presiding Officer. He is a good Senator. He used to be my neighbor. He is a good neighbor, too.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. CHAMBLISS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 281 Leg.]

YEAS—94

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback

Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—3

Conrad
Ensign
Inhofe

NOT VOTING—3

Corzine
Inouye
Rockefeller

The bill (H.R. 3010), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I know the distinguished Senator BYRD wants to speak for a while. I want to take a couple of minutes again to thank the staff, both Senator SPECTER's staff and my staff. They have worked together. I know Senator SPECTER mentioned them earlier, but I will mention them by name again because they should be mentioned: Bettilou Taylor, Jim Sourwine, Sudip Parikh, Mark Laiseh, Lisa Bernhardt, Candice Rogers, and Rachel Jones on the minority side. On the majority side: Ellen Murray, Erik Fatemi, and Adrienne Hallett.

They do a wonderful job, and they have done so this year, putting this bill together. I know staying up long nights and weekends, working this out.

Someone once remarked that Senators were a constitutional impediment to the smooth functioning of staff. Our staffs function very smoothly. They do a great job, and I hope we have not impeded them too much.

Last, I want, again, to pay my respects to our chairman, Senator SPECTER, who has done a magnificent job of putting a lot of competing interests together. This is a big bill. This covers the Department of Labor, the Department of Health and Human Services, Department of Education, and a lot of independent agencies—the Centers for Disease Control and Prevention, the National Institutes of Health.

By the way, I especially want to thank Senator SPECTER for bringing us up on the National Institutes of Health by $1 billion more than what was in the President's budget. I think we met our obligations there.

I say to my friend and my chairman, it has been an honor and privilege to work with him all these years. We go back, I think, about 15 years now, working together. I could not ask for a better chairman of this committee. I could not ask for a better working relationship. Senator SPECTER has always been open and aboveboard to make sure we all know what is going on. It has been a real pleasure, a real joy to work with Senator SPECTER. I thank him for that and look forward to many more fruitful years of working together on issues that really matter.

Someone once said the Defense Appropriations Committee is the committee that defends America. The committee that funds Health and Human Services and Education and Labor is the committee that defines America. I happen to believe that this committee does define America, defines who we are, and what we are about as a people.

Mr. BYRD. Yes. The Senator is right about that.

Mr. HARKIN. Under the able chairmanship of the Senator from Pennsylvania, we have defined, once again, that we are going to meet our obligations in those areas that make us a caring and compassionate and decent people. That is what is in this bill. Again, I thank Senator SPECTER for his great leadership.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I very much appreciate those very generous remarks by Senator HARKIN, and I appreciate even more his cooperation and leadership on this important subcommittee, working with health and education, the two major capital assets of Americans, and labor and related agencies. It is an important bill, and I think we have crafted it about as well as you can, given the limitations of the resources.

There is a lot more I could say, but Senator BYRD is waiting to speak, so I will just reference the appointment of conferees.

I ask unanimous consent that the Senate insist on its amendments to H.R. 3010, request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

There being no objection, the Presiding Officer appointed Mr. SPECTER, Mr. COCHRAN, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. DEWINE, Mr. SHELBY, Mr. DOMENICI, Mr. HARKIN, Mr. INOUYE, Mr. REID, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, Mr. DURBIN, and Mr. BYRD conferees on the part of the Senate.

Mr. SPECTER. I thank my distinguished colleague, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Does the distinguished Senator from Michigan wish to speak?

Ms. STABENOW. Mr. President, if I might ask, before my very distinguished colleague and friend from West Virginia speaks, I wonder if I might simply make a statement for just a moment about a unanimous consent request that I had intended to offer. I understand there will be an objection to it, but with my colleague's consent, I appreciate having 2 minutes to be able to make a comment.

Mr. BYRD. Mr. President, I yield to the distinguished Senator, if I may, for up to 5 minutes, if she so desires, without losing my right to the floor.

ROSA PARKS FEDERAL OFFICE BUILDING

Ms. STABENOW. Mr. President, I wish to go on record this evening with my great disappointment at not being able to bring up under unanimous consent a version of the bill that would name a Federal office building in Detroit for Rosa Parks. This had originally been offered by my colleague, Congresswoman CAROLYN C. KILPATRICK of Detroit, a longtime friend and colleague of Rosa Parks.

Originally, last evening, we passed my version of the bill along with an amendment, agreed to, of Senator WARNER. This evening it is my desire to pass the House version of that with Senator WARNER's amendment, the very same amendment that we have already passed last evening, but to place it into the House bill so we could then send it back to the House. It would be like the Senate bill that we passed.

To my understanding, there is an objection on the other side of the aisle to doing that. If not, I would proceed to do that. It is the very same thing we did last evening, but it would put it into the House bill.

My House colleague, who is the originator of the proposal on the Federal office building, would like very much to have us pass the House bill and have that be the bill that is sent on to the President. That is the bill that I was hoping we would pass here in the same form with the Warner amendment that we passed last evening.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am not fully conversant with all of the details on the issues raised by the Senator from Michigan. I have been asked by staff to lodge an objection.

I was present yesterday when we took up that issue. I have not seen the level of confusion in this Chamber in the 25 years I have been here that was present when the Senator from Michigan asked unanimous consent, the Senator from Virginia asked to add on, and then the Senator from New Mexico ultimately spoke about holds. It was utter confusion in the midst of rollcall votes, trying to move this bill along.

I respect the standing of the Senator from Michigan to make this unanimous consent request, but I suggest she defer it until next week when the Senators are on the floor who understand what the issues are. You have jurisdiction on the Committee on Environment and Public Works, I believe, and Senator INHOFE and I were talking about it today. I do not want to stop whatever the Senator from Michigan wants to accomplish, but the proper Senators ought to be here to address the issue.

I am the last Mohican around here for Republicans, although they could have gotten the Chair, Senator CHAFEE, to raise an objection. The Presiding Officer could suggest the absence of a quorum and raise the objection. In fact, I might just refer to him to raise the objection.

However, having said what I said, I do object, and it is my hope the Senator from Michigan will give notice to the Senators who are involved and know what is going on, give them notice and a chance to hear what you have to say and then the matter can be resolved.

But I do object.

Ms. STABENOW. Mr. President, if I might just respond to my distinguished colleague, notice was given. That is how I know there is an objection. So I am not rising to make the unanimous consent request. I understand there is an objection on the other side of the aisle. I am simply standing this evening to indicate my disappointment that we have not been able to resolve this here and be able to, in fact, include Senator WARNER's amendment and be able to send it back to the House of Representatives.

Hopefully, we are going to be able to resolve it another way and be able to accomplish what we all wish to accomplish.

I support Senator WARNER's desire and the gentleman he is wishing to honor with the naming of a building. Also, certainly it is my goal and the goal of my colleague in the House to be able, in fact, to pass a bill to send to the President, giving the great civil rights champion of our country and the world, Rosa Parks, the respect and honor she deserves. It is our hope to have that done prior to her funeral.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am somewhat troubled. Not more than 10 minutes ago, I say to my colleague, you sat right here and I sat right there. We struck an understanding that tomorrow we would rejoin on the floor to explain the situation. I said, by that time, as it was my understanding that the House would likely have acted upon the measure which was passed by the Senate last night, sponsored by the distinguished Senator from Michigan, who accepted my amendment. I am not sure why we are here at this time discussing this matter. My understanding was very clearly we would take it up tomorrow morning. Just by chance I caught the screen when I walked back to my office.

Would you kindly advise the Senator from Virginia what took place in the 10-minute interval since we left here?

Ms. STABENOW. I will be happy to. This has been a confusing situation, I say through the Chair to the distinguished Senator from Virginia. After speaking with you, I spoke with the Congresswoman who was concerned about which bill would be going to the President's desk. So I was simply rising, not to offer a motion but just to express my concern about the dilemma that we are in at the moment.

Mr. WARNER. Mr. President, but we solved, basically, the procedure. What troubles me is that the Senate took considerable time last night to resolve this issue—in favor of the Senator from Michigan and in favor of the Senator from Virginia.

Ms. STABENOW. That is correct.

Mr. WARNER. There is a perfectly adequate bill sitting on the desk at the House of Representatives. It can be passed in 5 minutes if not less.

The PRESIDING OFFICER. The time that the Senator from West Virginia has allotted has expired.

Mr. WARNER. If my distinguished colleague will kindly grant me a few more minutes?

Mr. BYRD. I yield, without losing my right to the floor.

Mr. WARNER. I repeat, there is a bill that has been acted upon unanimously by the Senate. It is at the House desk.

This morning was the first time I ever heard that the Congresswoman, in whose district this courthouse is, desires to have her bill—not your bill. Is that my understanding?

Ms. STABENOW. That is correct.

Mr. WARNER. Why can't the CONGRESSIONAL RECORD of the debate, the traditional report language that accompanies the bill, explain, give her full credit or whatever she desires? But to continually come back and forth and raise the specter that people are trying to interfere with this important legislation in this Chamber, it seems to me, is not fair.

Ms. STABENOW. Mr. President, if I might, in no way was this meant to show disrespect for the Senator from Virginia. We have worked very properly together. I was simply rising this evening to indicate that the original way to resolve this by including the Senator's amendment in the House bill is not something that is acceptable to other colleagues. That was the desire of the Congresswoman whose idea it was to name the building in her district. She feels very strongly about this, and I was indicating that for the RECORD. I don't wish to have more confusion.

I very much appreciate the Senator from West Virginia allowing me a moment. But in no way was this meant to show disrespect for my colleague. We have worked very well together.

Mr. WARNER. This is a matter that is being followed with great interest because of the magnificent Rosa Parks, and the outpouring of empathy and sympathy, and so forth. I don't wish to have the institution of the Senate appear that it has not acted promptly. It did so last night. There is a perfectly legitimate bill at the House desk which could be passed in a matter of 5 minutes and be sent to the President for signature to honor both Mrs. Parks and Judge Bryant. In report language the Senator from Michigan and the good Congresswoman can solve it in any way they may wish as to allocate the credit.

I think to keep coming back to the Senate implying that we can't use the bill this body passed yesterday evening is, in a way, diminishing the previous action of this institution. It is my understanding that tomorrow the House of Representatives will take up and pass the Senator from Michigan's bill, as passed by the Senate, to name a federal building in Michigan for Rosa Parks and name the new courthouse annex here in Washington for Judge William Bryant.

I must tell you, I have been very patient about this matter. But I hope that we understand the agreement between the two bodies to proceed in this manner. It has been cleared by both the House and the Senate and, as such, is the appropriate course of action.

For the past three years I have been working with my colleagues, Congresswoman ELEANOR HOLMES NORTON and Senator LEAHY to name the new annex to the Prettyman Courthouse here in Washington, DC for Judge William Bryant. As I have stated numerous times before, there are rules in the Senate Environment and Public Works Committee that prohibit moving through that Committee naming bills for individuals that are still living. Prior to the current Chairman of the Committee, the rule was waived in certain instances and I certainly feel that the case of Judge Bryant warrants such discretion. The Senate spoke yesterday that both Rosa Parks and William Bryant are deserving of this great honor.

I wish to share with the Senate again the story of this distinguished jurist, Judge William Bryant.

A product of Washington, DC public schools, William B. Bryant graduated from Howard University in 1936, a classmate of Thurgood Marshall and Appellate Judge Spotswood Robinson. He graduated from Howard Law School first in his class and then, with no real opportunities for African-American attorneys in the District of Columbia, served as chief research assistant to Ralph Bunche, who later won the Nobel Prize. From 1943 to 1947, he was in the Army and rose to the rank of lieutenant colonel during World War II. He was a criminal defense attorney, Assistant U.S. Attorney, the first African American ever to be an Assistant U.S. Attorney in the Nation's Capital. I was privileged to be in the U.S. Attorney's Office during some of his tenure there and worked with him. He was a teacher to me and many others. He was appointed to the U.S. District Court in 1965. In 1977, he was appointed the first African American to be chief judge of the U.S. District Court.

Now at the age of 94, Judge Bryant is serving as a Senior Judge on the United States District Court for the District of Columbia. This man, like Rosa Parks, suffered from discriminatory practices and persevered, therefore breaking new ground for African-Americans to come. When he first began trying cases as an Assistant U.S. Attorney in 1951, the Bar Association of D.C. did not allow African-American members. William Bryant, while trying cases in District Court was unable to access the law library at the Courthouse like his white colleagues. Despite the obstacles, William Bryant succeeded.

Over the years this man has been a fixture at that courthouse, first trying cases, and for the past 40 years, hearing them as a judge. The D.C. Bar and his colleagues have unanimously endorsed the legislation I offer today as a tribute to this man's truly extraordinary life, legendary career, and service to this nation's judicial system. I wish at this point to print into the RECORD a September 2004 article from the Washington Post about Judge Bryant and our efforts to name this new annex in his honor:

A Lifetime of Faith in the Law: At 93, Senior Judge William Bryant Still Wins Plaudits for Dedication to Justice, Carol Leonnig, Washington Post Staff Writer—September 16, 2004

A few days after the new U.S. District Courthouse opened on Constitution Avenue in the fall of 1952, Bill Bryant walked in to start work as a recently hired federal prosecutor.

More than a half-century has passed, and Bryant's life remains centered on that stately granite building in the shadow of the U.S. Capitol. It's in those halls that he became a groundbreaking criminal defense attorney, a federal judge, and then the court's chief judge—the first African American in that position.

Today, at the age of 93, U.S. District Court Senior Judge William Bryant still drives himself to work at the courthouse four days a week and pushes his walker to his courtroom.

At a recent birthday party for Bryant hosted by Vernon Jordan, fellow Senior U.S. District Court Judge Louis Oberdorfer remarked that there were "only two people in the world who really understood the Constitution" and how it touched the lives of real people.

"That's Hugo Black and Bill Bryant," said Oberdorfer. He had clerked for Justice Hugo L. Black, who retired as an associate justice in 1971 after serving on the Supreme Court for 34 years.

To honor Bryant's life's work, his fellow judges this past spring unanimously recommended that a nearly completed courthouse annex be named for him. The $110 million, 351,000-square-foot addition will add nine state-of-the-art courtrooms and judges' offices to the courthouse and is designed to meet the court's expansion needs for the next 30 years. It is slated to open next spring.

In urging that the building be named for Bryant, his supporters cite his devotion to the Constitution and his belief that the law will produce a just result.

During a rare interview in his sixth-floor office in the federal courthouse, Bryant reached out for a pocket version of the Constitution covered in torn green plastic lying on the top of his desk. Holding it aloft in his right hand, he told stories of his struggling former clients and made legal phrases—"due process" and "equal protection"—seem like life-saving staples.

Though he needs his law clerk's arm to get up the steps to the bench, he is a fairly busy senior jurist. He handled more criminal trials than any other senior judge last year and still surprises new lawyers with his sharp retorts.

"I feel like I'm part of the woodwork," Bryant said. "I have to think hard to think of a time when I wasn't in this courthouse."

He started down his career path inspired by a Howard University law professor who believed that lawyers could make a difference in that time of racial segregation and discrimination. Bryant said he remains convinced today that lawyers can stop injustice whenever it arises.

"Without lawyers, this is just a piece of paper," Judge Bryant said, gesturing with the well-worn Constitution. "If it weren't for lawyers, I'd still be three-fifths of a man. If it weren't for lawyers, we'd still have signs directing people this way and that, based on the color of their skin. If it weren't for lawyers, you still wouldn't be able to vote.

The most important professions are lawyer and teacher, in my opinion," he said.

Some lawyers complain that Bryant is so rooted in his criminal defense training that he shows some distrust of the prosecution. And his practice of presiding over trials, but asking other judges to sentence the people convicted, has spurred some curiosity. He won't elaborate on the reason, but his friends say he found the new federal sentencing guidelines inflexible and harsh.

A 1993 study found Bryant was reversed 17 percent of the time by appellate judges—the average reversal rate for the trial court.

Chief Judge Thomas F. Hogan presented the proposal to name the annex after Bryant to Del. Eleanor Holmes Norton and Sen. Patrick Leahy (D-Vt.) earlier this year, and they are now trying to get Congress to approve the naming this fall. One member, Sen. James M. Inhofe (R-Okla.), has tried to block it, with his staff pointing to a D.C. policy that buildings not be named after living people.

Norton said numerous courts around the country have been named in honor of living judges, and she said she looks forward to meeting with Inhofe in person to convince him of the wisdom of naming this building, designed by renowned architect Michael Graves, after a barrier-breaking judge.

"This is no ordinary naming," she said. "This is a truly great African American judge whose accomplishments are singular. First African American assistant U.S. attorney. First African American chief judge."

E. Barrett Prettyman Jr., the son of the jurist for whom the federal courthouse in Washington is named, also applauds the proposed annex naming. He said his father "admired Judge Bryant tremendously" and would have endorsed it, too.

"Whenever it's discussed, people brighten right up and think it's a great idea," said Prettyman, himself a former president of the D.C. Bar Association. "I'm sorry it's hit this snag. . . . If you were going to have an exception, my personal opinion is you could not have a better exception than for Judge Bryant."

William Benson Bryant is hailed as a true product of Washington. Though he was born in a rural town in Alabama, he moved to the city soon after turning 1. His grandfather, fleeing a white lynch mob, relocated the extended family here, including Bryant's father, a railroad porter, and his mother, a housewife. They all made their first home on Benning Road, which was then a dirt path hugging the eastern shore of the Anacostia River.

Bryant attended D.C. public schools when the city's black children were taught in separate and grossly substandard facilities. Still he flourished, studying politics at the city's premier black high school, Dunbar, then going on to Howard University. While working at night as an elevator operator, he studied law and met his future wife, Astaire. They were married for 60 years, until her death in 1997.

He and his law classmates—the future civil rights movement's intellectual warriors—worked at their dreams in the basement office of their law professor, Charles Houston. Houston promised the group, which included the future Supreme Court Justice Thurgood Marshall and appellate judge Spottswood Robinson, that lawyers armed with quick minds and the Constitution could end segregated schools and unjust convictions of innocent black men.

"I kind of got fascinated by that," he said. "We all did."

But when Bryant graduated first in his class from Howard's law school, there were no jobs for a black lawyer. He became a chief research assistant to Ralph Bunche, an African American diplomat who later was awarded the Nobel Peace Prize, on a landmark study of American race relations; he then fought in World War II and was discharged from the Army as a lieutenant colonel in 1947.

His first step was to take the bar exam, then hang out a shingle as a criminal defense lawyer in 1948. His skills soon drew the attention of prosecutors in the U.S. Attorney's Office, who liked him even though they kept losing cases to him, and they recommended that their boss hire him. During a job interview, Bryant made a request of George Fay, then the U.S. attorney: "Mr. Fay, if I cut the mustard in municipal court, can I go over to the big court like the other guys?"

No black prosecutor had ever practiced in the federal court—or "big court," as it was called—but Fay agreed. Bryant signed on in 1951 and was handling grand jury indictments in the new federal courthouse the next year.

Bryant vividly recalls a case from that time involving an apartment building caretaker who was on trial on charges of raping the babysitter of one tenant's family.

"I went for him as hard as I could," Bryant said, squaring his shoulders. "I didn't like him, and I didn't like what he did to that girl."

So the young prosecutor sought the death penalty, an option then for first-degree murder and rape. He left the courtroom after closing arguments "feeling pretty good about my case" and awaited the jury's verdict in his third-floor court office. But when a marshal later called out, "Bryant, jury's back," the judge said. "I broke out in a sweat."

He peeked anxiously into the court, saw the jury foreman mouth only the word "guilty." Bryant learned seconds later that the jurors had spared the man's life.

"I was so relieved," he said. "When you're young, you don't know anything. . . . Now I think, murder is murder, no matter who is doing it."

He left the prosecutor's office in 1954 and returned to criminal defense with fellow classmate William Gardner in an F Street law office later bulldozed for the MCI Center. They were partners in Houston, Bryant and Gardner, a legendarily powerful African American firm. Ten judges would eventually come from its ranks.

In those days, Bryant chuckled, he didn't feel so powerful. Judges who remembered his prosecution work kept appointing him to represent defendants who had no money. That was before the 1963 Supreme Court's Gideon decision requiring that indigent defendants be represented by a lawyer—at public expense, if necessary.

The judge would say, "Mr. So and So, you say you don't have any money to hire an attorney?" Bryant recalled. "Well, then, the court appoints Mr. Bryant to represent you."

Some paid $25 or $50. Some paid nothing.

"There were weeks we paid the help and split the little bit left over for our groceries," he said.

Bill Schultz, Bryant's former law clerk, said Bryant took the cases "out of this sense of obligation to the court and legal system. He was very aware of discrimination, and he always fought for the criminal defendants."

At the time, blacks were barred from the D.C. Bar Association and its law library. Bryant went in anyway, and the black librarian let him.

One of his pro bono clients was Andrew Roosevelt Mallory, a 19-year-old who confessed to a rape after an eight-hour interrogation in a police station. Mallory was convicted and sent to death row. Defending Mallory's rights, a case Bryant took all the way to the Supreme Court in 1957, made him both nervous and famous.

He said he fretted constantly about his client facing the electric chair during the two years the case dragged on. "You talk about worried," he said. "It's something I can't forget."

But the Supreme Court agreed with Bryant that a man accused of a crime is entitled to be taken promptly before a magistrate to hear the charges against him. The court overturned Mallory's conviction and handed down a landmark decision on defendants' rights.

U.S. District Judge Paul Friedman, a longtime fan of Bryant's, said Bryant's legal talents are on display every day in his courtroom, but lawyers are still taken aback by his factual resolve and clear logic when hearing an audiotape recording of his Supreme Court argument in the Mallory case.

"He's clearly a terrific lawyer, but he's mostly a terrific human being," Friedman said. "He sees the best in people, and he really cares about what happens to people."

Bryant remembers that when President Lyndon B. Johnson nominated him to be a judge, he felt elated, confident he had earned his opportunity. But Bryant said a different feeling came over him the day he donned the robes.

"I was sworn in in the morning that day, and Oliver Gasch was sworn in that afternoon," Bryant recalled. "I told Oliver, 'You know, I've been a lawyer for many years, but putting on this robe, I don't feel so sure. This is a serious responsibility.'"

Gasch smiled: "Bill, I don't think it's going to be that hard for you. You know right from wrong."

Bryant oversaw some famous cases, and he freely shared his thoughts when he thought something was wrong.

After presiding over the 1981 trial of Richard Kelly, a Republican congressman caught on videotape taking money from federal agents in a sting operation, Bryant complained that the FBI had set an "outrageous" trap for the Florida representative by stuffing cash in his pocket after he'd refused the bribe several times. He set aside Kelly's conviction.

"The investigation . . . has an odor to it that is absolutely repulsive," Bryant said then. "It stinks."

In handling the longest-running case in the court's history, a 25-year-old case about inhumane and filthy conditions in the D.C. jail, the judge chastised city leaders in 1995. He said he had been listening to their broken promises to fix the problems "since the Big Dipper was a thimble."

In weighing the case of a group of black farmers with similar discrimination complaints against the U.S. Department of Agriculture in 2000, Bryant warned a government lawyer that his argument against a class-action discrimination suit wasn't working: "Either you're dense or I'm dense," he said.

Schultz said the judge simply trusted the combination of facts and the law.

"He always said, 'Don't fight the facts,'" Schultz said. "He thought most of the time the law would end up in the right place."

Bryant acknowledges it's hard sometimes to see lawyers struggle to make their arguments when they have the law and the facts on their side.

"A judge has a stationary gun, and he's looking through the sights," he said. "Unless the lawyer brings the case into the bull's-eye, the judge can't pull the trigger. Good lawyers bring the case into the sights."

Bryant said he was preceded by many great lawyers, which is why the new plan to put his name on a piece of the courthouse gives him conflicting feelings.

"I was flattered, but I thought they shouldn't have done it," Bryant said. "There are so many people who were really giants. I stand on their shoulders."

I hope that henceforth there is senatorial courtesy—when we decide to proceed in a specific manner as we discussed, we would do it in the morning. I relied on that, and was about to go handle another matter when I noticed that the Senator was on the floor. I am somewhat concerned about that.

I wish to thank the Senator from Michigan for her courtesy in combining these two tributes and look forward to the action of the House tomorrow. It is truly a wonderful opportunity for the Congress to honor two American pioneers, Rosa Parks and Judge William Bryant both deserve to be recognized for their lives and contributions our nation's heritage. I have no objection to this bill moving forward as amended and look forward with great pride to both buildings being named shortly for these two pillars of the civil rights movement that brought so much to our country.

I yield the floor.

Ms. STABENOW. Mr. President, thank you for the courtesy. I am sure we will be able to move forward in a prompt way.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BREAST CANCER AND ENVIRONMENTAL RESEARCH ACT OF 2005

Mr. HATCH. Mr. President, I rise today in support of S. 757, the Breast Cancer and Environmental Research Act of 2005.

This month marks the 21st year of National Breast Cancer Awareness Month, a campaign that provides a special opportunity to offer education about the important association between early detection and survival. National Breast Cancer Awareness month also salutes the more than 2,000,000 breast cancer survivors in the United States and the efforts of victims, volunteers, and professionals who combat breast cancer each day.

According to the American Cancer Society, breast cancer is the leading cause of death among women between the ages of 40 and 55; and one out of every eight women who live to the age of 85 will develop breast cancer in her lifetime. But the disease is not limited by gender. In 2005, approximately 1,700 new cases of invasive breast cancer will be diagnosed among men in the United States. In my home State of Utah, as indicated by the Utah Cancer Registry, breast cancer has the highest incidence rate of the ten leading cancer types. This disease has an impact on nearly every American's life.

Breast cancer death rates have been dropping steadily since 1991; however, challenges still remain. The bottom line is that we still do not know what causes this disease, or how to prevent it. Less than 30 percent of breast cancers are explained by known risk factors. There is general belief within the scientific community that the environment plays a role in the development of breast cancer, but the extent of that role has been less-examined.

Research has investigated the effect of isolated environmental factors such as diet, pesticides, and electromagnetic fields; but, in most cases, there has been no conclusive evidence. In-depth study of these potential risks could provide invaluable information in understanding the causes of breast cancer, and could lead to new prevention strategies. Clearly, more research needs to be done to determine the impact of environmental factors on breast cancer.

Along with Senators CHAFEE, REID, CLINTON, and TALENT, I have introduced S. 757, the Breast Cancer and Environmental Research Act of 2005, to address this palpable need for research. Specifically, the bill would authorize the National Institute of Environmental Health Sciences, NIEHS, to award grants for the development and operation of up to eight centers for the purpose of conducting research on environmental factors that may be related to breast cancer. This legislation is modeled after the highly successful and promising Department of Defense Breast Cancer Research Program, DOD BCRP, which operates under a competitive, peer-reviewed grant-making process that involves consumers.

Isolated studies have been conducted to look at suspected environmental links to breast cancer; but these studies are only a small step toward the broad strategic research that is required. What is needed is a collaborative, comprehensive, nationally focused strategy to address this oversight, a strategy like the one outlined in S. 757.

As this year's National Breast Cancer Awareness Month comes to a close, I urge my colleagues to support this important bill. This Federal commitment is critical for the overall, national strategy and the long-term investments required to discover the environmental causes of breast cancer so that we can prevent it, treat it more effectively, and, ultimately, cure it.

DOMESTIC VIOLENCE AWARENESS MONTH

Mr. BIDEN. Mr. President, yesterday the Senate passed S. Res. 282, which recognizes October as Domestic Violence Awareness Month and establishes a sense of the Senate that the Congress should raise awareness of domestic violence in the United States and its impact on our Nation's families. I am thankful to the 32 co-sponsors of this resolution and to my colleagues for its unanimous passage.

We have made substantial progress in combating domestic violence since 1994 when we passed the Violence Against Women Act. Since the Act's passage, domestic violence has dropped by almost 50 percent. Incidents of rape are down by 60 percent. The number of women killed by an abusive husband or boyfriend is down by 22 percent and more than half of all rape victims are stepping forward to report the crime.

Despite this record of success, we still have so much more to do. According to the Department of Justice, more than three women are murdered by their husbands or boyfriends every day. More than 2.5 million women are victims of violence each year and nearly one in three women experiences at least one physical assault by a partner during adulthood. Reports also indicate that up to ten million children experience domestic violence in their homes each year, and nearly 8.800.000 children in the United States witness domestic violence each year.

This is unacceptable. The impact this has on our Nation's families and on the fabric of our society as a whole is clear. What is lesser known is the impact that domestic violence has on our Nation's pocketbook. The Centers for Disease Control and Prevention recently found that violence against women costs our country in excess of $5.8 billion each year; $4.1 billion of this is spent on direct medical and mental health care services. Since 1994, we have invested $15.50 per woman to implement the Violence Against Women Act, but it is estimated that this investment has saved $159 per woman, with a net overall savings of $14.8 billion. I bring this up to remind my colleagues that even in this time of budget deficits, investing in programs to halt domestic violence is not only the right thing to do, but it ultimately saves money.

It is fitting that this year's National Domestic Violence Awareness Month is the month that the Senate passed the Violence Against Women Act of 2005. This bill will reauthorize critical components of the original act, and it will establish further protections for battered immigrants and victims of human trafficking in order to additionally combat domestic violence and sexual assault. The legislation takes the critical next steps to helping victims become safe, secure, and self-sufficient. I would like to point out that this bill had 57 co-sponsors and passed unanimously. This is in stark contrast to the original Act, which took many, many years to get passed. We have changed the paradigm on this issue and we have come a long way. But, we need to do more. The Violence Against Women Act of 2005 will help do this, and I look forward to the House-Senate conference on this bill and getting the bill passed into law.

In addition to the work that we are doing in the Senate, National Domestic Violence Awareness Month gives us a chance to acknowledge the hard work of so many individuals and groups that have tackled this issue head-on. These advocates talk the talk and they walk the walk. They help ensure a better life for so many battered women and children, and they remind Congress what is at stake and what remains to be done. We all owe a debt of gratitude to the advocates, lawyers, service providers, judges, police, nurses, shelter directors, and the many others who have dedicated their lives to this cause.

Again, I thank my colleagues for acting on this important resolution, and I look forward to working with them in the coming months and years to address the problem of domestic violence in our Nation.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On July, 17, 2004, a 32-year-old gay man left a local Austin, TX, bar with two men, and walked home. The two men, Donald Bockman and Darren Gay, returned to the victim's home later that evening where they proceed to beat him and sexually assault him. Police say the two men dragged, tied-up, beat, cut, then sexually assaulted the victim. According to police, this attack was motivated by the victim's sexual orientation.

I believe that our Government's first duty is to defend its citizens, in all circumstances, from threats to them at home. The Local Law Enforcement Enhancement Act is a major step forward in achieving that goal. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

YOUNG PEOPLE AND GUN VIOLENCE

Mr. LEVIN. Mr. President, last Thursday, in the midst of National Safe Schools Week, a student was nearly shot to death inside a Michigan high school. This tragic incident further underscores the need to do more to combat youth violence, especially gun violence.

According to published newspaper reports of the shooting, around noon last Thursday, a tenth grade student fired as many as three shots at another student in a crowded high school hallway. The 15-year-old victim was struck once in the chest by a .380 caliber bullet, which missed his heart by less than an inch. Fortunately, he is expected to live.

The suspect, who is also 15 years old, allegedly used a stolen .380 caliber pistol in the shooting and now faces life in prison after being charged as an adult. Reportedly, the suspect also has a previous conviction involving a firearm violation. The shooting last Thursday came less than a month after two other students were injured in a drive-by shooting outside the same high school. Unfortunately, youth gun violence continues to threaten communities, destroy families, and change the lives of too many young people forever.

Only a day before last Thursday's shooting, thousands of young people across the country observed a Day of National Concern About Young People and Gun Violence, which was designed to empower children and teenagers to do what they can to eliminate gun violence in their communities. In many communities, students were given the opportunity to sign a voluntary pledge against gun violence. Since the first Day of National Concern About Young People and Gun Violence in 1996, more than 7 million students have signed the pledge. Here is what the pledge says:

> I will never bring a gun to school; I will never use a gun to settle a dispute; I will use my influence with my friends to keep them from using guns to settle disputes. My individual choices and actions, when multiplied by those of young people throughout the country, will make a difference. Together, by honoring this pledge, we can reverse the violence and grow up in safety.

I applaud the organizers and students who participated in this year's Day of National Concern About Young People and Gun Violence for their efforts to reduce gun violence. The thousands of students who signed the pledge this year, and the millions before them, have promised to do what they can to prevent tragedies like last week's school shooting in Michigan. Congress should do its part by adequately funding important law enforcement programs and by passing commonsense gun safety legislation.

BREAST CANCER ENVIRONMENTAL RESEARCH ACT

Mr. WYDEN. Mr. President, October is National Breast Cancer Awareness Month and 2005 marks more than 20 years that National Breast Cancer Awareness Month has educated women about early breast cancer detection, diagnosis, and treatment.

Yet, more than three million women currently live with breast cancer and the causes of this disease are still mostly unknown. While we have made significant advances in treatment, so much more needs to be done when it comes to prevention of this often fatal disease.

The Breast Cancer Environmental Research Act, S. 757, would enhance breast cancer environmental research across the country. This bill which is modeled after the Department of Defense Breast Cancer Research Program, would over 5 years, invest $30 million through a peer-reviewed grant process to establish a multi-disciplinary approach.

At this time, four research centers study prenatal-adult environmental exposures that may cause breast cancer. And while this is a good start, we need a nationally focused, collaborative and comprehensive strategy to approach this and the Breast Cancer Environmental Research Act would do just that.

This country has great resources when it comes to medical and scientific research. I believe this bill would provide an efficient and effective strategy for developing research in the environmental causes of this tragic disease.

ADDITIONAL STATEMENTS

RECOGNIZING SIXTY-FIVE YEARS OF FACTS ON FILE

• Mr. ENZI. Mr. President, it doesn't seem all that long ago that one of our most popular television shows featured a detective with a catch phrase that soon became part of our national vocabulary. When questioning someone who was offering more opinions than observations he would often interrupt and say, "Just the facts." Those few words sum up the history of a publication that has grown from an in-depth look at World War II to an incredible collection of all forms of data that covers just about everything from the beginnings of recorded history to the exploration of the furthest ranges of our universe.

Sixty-five years ago, Facts on File World News Digest was founded in 1940 by three emigrants from Hitler's Europe who knew there would be a need for a publication devoted to the issues of World War II. They had witnessed the rise of Nazism in the 1930s and recognized the need for a U.S.-based publication that focused on both world and domestic news events in the years leading up to World War II. Their first issue dealt with the presidential race between Roosevelt and Wilkie and their first bound volume of the events of the day was written, as described in the forward, as an effort to provide a clear and concise guide to help the reader navigate through a "hopeless maze of thousands of facts."

Nowadays, by comparison, we are deluged by tens of millions of facts and other pieces of data from around the world almost every day. Through it all, Facts on File has continued to sift the trivial from the significant and put together volume after volume of written information placing the facts about a myriad of subjects online and at our fingertips.

Facts on File World News Digest was originally conceived as a source of information for radio and news journalists. Today, it serves an ever widening group of people who need quick and easy access to the basic facts about an endless list of items. Teachers rely on the publications for their lesson plans. Students rely on the easy access their database provides them for help with their homework, background for their papers, or just to encourage a genuine curiosity about the history of the world around them and how things work.

Weekly Reader, which is now a part of the Facts on File family, took a poll of its readers recently. They discovered that almost 70 percent of today's students reported that they look for and find most of the facts they need for their homework on the Internet. Their use of the latest technology was the good news. The bad news was they often do not question the material they find or use another source to double check it. They just assume what they have found is correct.

That is why it is so vitally important that we make sure our children, students and researchers have access to online materials on the web that put a premium on facts—not opinions. For that reason and so many more, Facts on File World News Digest will continue to be a priceless treasure trove of information, providing access to its databases and the wealth of knowledge they store with students, teachers, and government entities across the country.

As the old adage says so well, we're entitled to our own opinions, we're just not entitled to our own facts. Facts on File has been working for 65 years to make sure the record is clear so that those who use their publications as a source get it right the first time.

As the Chairman of the Senate Committee on Health, Education, Labor and Pensions, I like to say that education is our middle name. Facts on File, and the family of publications it includes, has been a very valuable component of our education system for some time. I appreciate and congratulate them on a remarkable record of success. It's good to know that a resource exists that can provide our children with the data they need to supplement their studies, a resource that does its best, like the detective I referred to earlier, to provide "just the facts."•

(At the request of Mr. SARBANES, the following statement was ordered to be printed in the RECORD.)

• Mr. CORZINE. Mr. President, in Greek communities around the world, Oxi Day celebrates the fateful day, October 28, 1940, when Greece said "NO" to Mussolini's demand for immediate free passage of Italian army troops through Greece, and thereby changed the course of World War II. When Greece refused, Mussolini invaded, expecting no serious resistance to his much larger and better-equipped army. In fact, the outnumbered Greek forces offered such stiff resistance that Mussolini was soon thrown on the defensive and the Italians retreated into Albania.

The Greeks held the Axis forces at bay for months, forcing Hitler to divert to Greece, forces that had been intended for the invasion of the Soviet Union, which in turn caused a delay in the invasion. Within months, the German armies were bogged down in the harsh winter conditions from which they were never able to recover.

In the brutal campaign that Hitler's armies waged in Greece, nearly 16,000 Greeks were killed and more than 300,000 taken prisoner, but from that campaign emerged the determined and courageous Greek resistance. In World War II, Greece and the United States were partners in the struggle against fascism as today they are partners in the effort to build a free, democratic and prosperous world.

In Greek communities everywhere, Oxi Day is a time to celebrate Greece's stunning defeat of Mussolini's armies and the Greek role in assuring the Allied victory in World War II. It is also a time to reflect on the democratic spirit that inspired that victory, a spirit Greece gave to the world more than two millennia ago. Today, I join our Greek American friends in recognizing a momentous day in which we are reminded that tyranny will always be defeated by the enduring light of freedom. ●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination and two treaties which were referred to the appropriate committees.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:48 a.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 172. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

The message also announced that the House has passed the following bill, with amendments:

S. 1713. An act to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments.

ENROLLED BILL SIGNED

At 12:08 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1409. An act to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 12:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2967. An act to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 276. Concurrent resolution requesting the President to return to the House of Representatives the enrollment of H.R. 3765 so that the Clerk of the House may reenroll the bill in accordance with the action of the two Houses.

At 2:40 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3945. An act to facilitate recovery from the effects of Hurricane Katrina by providing greater flexibility for, and temporary waivers of certain requirements and fees imposed on, depository institutions, credit unions, and Federal regulatory agencies, and for other purposes.

At 6:26 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 37. An act to extend the special postage stamp for breast cancer research for 2 years.

The message also announced that the House disagree to the amendments of the Senate to the bill H.R. 3057 making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, and agree to the conference asked by the Senate on the disagreeing vote of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. KOLBE, Mr. KNOLLENBERG, Mr. KIRK, Mr. CRENSHAW, Mr. SHERWOOD, Mr. SWEENEY, Mr. REHBERG, Mr. CARTER, Mr. LEWIS of California, Mrs. LOWEY, Mr. JACKSON of Illinois, Ms. KILPATRICK of Michigan, Mr. ROTHMAN, Mr. FATTAH, and Mr. OBEY.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4433. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a monthly report on the status of the Commission's licensing activities and regulatory duties for August 2005; to the Committee on Environment and Public Works.

EC-4434. A communication from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds" (RIN1018-AT76) received on October 21, 2005; to the Committee on Environment and Public Works.

EC-4435. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut; VOC RACT Orders for Hitchcock Chair Co., Ltd.; Kimberly Clark Corp.; Watson Laboratories, Inc.; and Ross and Roberts, Inc." (FRL7967-2) received on October 21, 2005; to the Committee on Environment and Public Works.

EC-4436. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana" (FRL7981-8) received on October 21, 2005; to the Committee on Environment and Public Works.

EC-4437. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; Consumer Products Regulation" (FRL7982-4) received on October 21, 2005; to the Committee on Environment and Public Works.

EC-4438. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Massachusetts; Negative Declaration;" (FRL7986-6) received on October 21, 2005; to the Committee on Environment and Public Works.

EC-4439. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Guidance on Fees Charged By States to Recipients of Clean Water State Revolving Fund Program Assistance" (FRL7983-7) received on October 21, 2005; to the Committee on Environment and Public Works.

EC-4440. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Miscellaneous Revisions to EPAAR Clauses" (FRL7986-2) received on October 21, 2005; to the Committee on Environment and Public Works.

EC-4441. A communication from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled

"Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Bull Trout" (RIN1018–AU31) received on October 21, 2005; to the Committee on Environment and Public Works.

EC–4442. A communication from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Arkansas River Basin Population of the Arkansas River Shiner" (RIN1018–AT84) received on October 21, 2005; to the Committee on Environment and Public Works.

EC–4443. A communication from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Pacific Coast Population of the Western Snowy Plover" (RIN1018–AT89) received on October 21, 2005; to the Committee on Environment and Public Works.

EC–4444. A communication from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Southwestern Willow Flycatcher (Empidonax traillii extimus)" (RIN1018–AI49) received on October 21, 2005; to the Committee on Environment and Public Works.

EC–4445. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Announcement of Contract Awards" (RIN2700–AD18) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4446. A communication from the Secretary of Transportation transmitting, pursuant to law, the Department's Fiscal Year 2004 Annual Report on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Commerce, Science, and Transportation.

EC–4447. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Rule, Texas)" (MM Docket No. 01–219) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4448. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Laredo, Texas)" (MB Docket No. 03–156, RM–10721) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4449. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hutchinson and Haven, Kansas)" (MB Docket No. 04–376) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4450. A communication from the Acting Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Communications Assistance for Law Enforcement Act and Broadband Access and Services" (FCC 05–153) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4451. A communication from the Acting Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Appropriate Framework for Broadband Access to the Internet over Wireline Facilities; Universal Service Obligations of Broadband Providers" (FCC 05–150) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4452. A communication from the Director, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation: Exceptions to Taking Prohibitions for Endangered Sea Turtles" (RIN0648–AS57) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4453. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska: Pollock in Statistical Areas 620 and 630 of the Gulf of Alaska" (I.D. No. 092105A) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4454. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area" (I.D. No. 092105D) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4455. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason Retention Limit Adjustment" (I.D. No. 091405F) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment:

H.R. 797. A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians (Rept. No. 109–160).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 485. A bill to reauthorize and amend the National Geologic Mapping Act of 1992 (Rept. No. 109–161).

S. 761. A bill to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes (Rept. No. 109–162).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1170. A bill to establish the Fort Stanton-Snowy River National Cave Conservation Area (Rept. No. 109–163).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 166. A bill to amend the Oregon Resource Conservation Act of 1996 to reauthorize the participation of the Bureau of Reclamation in the Deschutes River Conservancy, and for other purposes (Rept. No. 109–164).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 251. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a water resource feasibility study for the Little Butte/Bear Creek Sub-basins in Oregon (Rept. No. 109–165).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 213. A bill to direct the Secretary of the Interior to convey certain Federal land to Rio Arriba County, New Mexico (Rept. No. 109–166).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment and an amendment to the title:

S. 592. A bill to extend the contract for the Glendo Unit of the Missouri River Basin Project in the State of Wyoming (Rept. No. 109–167).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 819. A bill to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes (Rept. No. 109–168).

S. 891. A bill to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska (Rept. No. 109–169).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment:

S. 1338. A bill to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes (Rept. No. 109–170).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 777. A bill to designate Catoctin Mountain Park in the State of Maryland as the "Catoctin Mountain National Recreation Area", and for other purposes (Rept. No. 109–171).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1101. A bill to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California (Rept. No. 109–172).

By Mr. WARNER, from the Committee on Armed Services, with amendments:

S. 1803. An original bill to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 109–173).

By Mr. GREGG, from the Committee on the Budget, without amendment:

S. 1932. An original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

William Anderson, of Connecticut, to be an Assistant Secretary of the Air Force.

John G. Grimes, of Virginia, to be an Assistant Secretary of Defense.

A. J. Eggenberger, of Montana, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2008.

John J. Young, Jr., of Virginia, to be Director of Defense Research and Engineering.

Michael W. Wynne, of Florida, to be Secretary of the Air Force.

Donald C. Winter, of Virginia, to be Secretary of the Navy.

Delores M. Etter, of Maryland, to be an Assistant Secretary of the Navy.

Air Force nomination of Lt. Gen. William T. Hobbins to be General.

Air Force nomination of Lt. Gen. Lance L. Smith to be General.

Air Force nomination of Maj. Gen. Michael W. Peterson to be Lieutenant General.

Air Force nominations beginning with Brigadier General Eugene R. Chojnacki and ending with Colonel Robert J. Yaple, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Army nomination of Gen. Burwell B. Bell III to be General.

Army nomination of Maj. Gen. Michael D. Maples to be Lieutenant General.

Army nominations beginning with Colonel Daniel B. Allyn and ending with Colonel Terry A. Wolff, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2005.

Army nominations beginning with Brig. Gen. Thomas D. Robinson and ending with Col. Luis R. Visot, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Army nomination of Brig. Gen. Michael J. Diamond to be Major General.

Navy nomination of Rear Adm. Patrick M. Walsh to be Vice Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of John S. Baxter to be Colonel.

Army nomination of Jose R. Rael to be Colonel.

Army nominations beginning with Suzanne R. Avery and ending with James Fikes, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Army nominations beginning with Donna J. Dolan and ending with Deborah F. Simpson, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Army nominations beginning with Paul F. Abbey and ending with Warren A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Army nominations beginning with Paul S. Astphan and ending with Brinda F. Williamsmorgan, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Army nominations beginning with Lynn S. Alsup and ending with Carol L. Zieres, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Army nominations beginning with James W. Agnew and ending with David A. Yeropoli, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Marine Corps nomination of Darren W. Milton to be Major.

Marine Corps nominations beginning with Christopher J. Aaby and ending with Richard B. Young II, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Navy nomination of William D. Fuson to be Captain.

Navy nominations beginning with Daniel Albrecht and ending with Johnny Won, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE:

S. 1926. A bill to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror; to the Committee on the Judiciary.

By Mr. WYDEN:

S. 1927. A bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. BROWNBACK, Mr. COBURN, Mr. DEMINT, Mr. GRAHAM, Mr. MCCAIN, Mr. SUNUNU, and Mr. CORNYN):

S. 1928. A bill to reduce mandatory and discretionary spending in order to offset the cost of rebuilding the Gulf Region in the wake of Hurricane Katrina and Hurricane Rita; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LIEBERMAN (for himself, Mr. HATCH, and Mr. COCHRAN):

S. 1929. A bill to reduce health care disparities and improve health care quality, to improve the collection of racial, ethnic, primary language, and socio-economic determination data for use by healthcare researchers and policymakers, to provide performance incentives for high performing hospitals and community health centers, and to expand current Federal programs seeking to eliminate health disparities; to the Committee on Finance.

By Mr. REID (for himself and Mr. COCHRAN):

S. 1930. A bill to expand the research, prevention, and awareness activities of the National Institute of Diabetes and Digestive and Kidney Diseases and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD (for himself, Mr. BAUCUS, Mr. BURNS, Mr. DORGAN, Mr. ENZI, Mr. SALAZAR, and Mr. THOMAS):

S. 1931. A bill to state the policy of the United States on the intercontinental ballistic missile force; to the Committee on Armed Services.

By Mr. GREGG:

S. 1932. An original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); from the Committee on the Budget; placed on the calendar.

By Mr. MARTINEZ:

S. 1933. A bill to provide for the inclusion of Department of Defense property on Santa Rosa and Okaloosa Island, Florida, in the Gulf Islands National Seashore if the property is ever excess to the needs of the Armed Forces; to the Committee on Armed Services.

By Mr. SPECTER (for himself, Mr. BIDEN, Mr. BROWNBACK, Mr. TALENT, Mr. DEWINE, Mr. CORZINE, Mr. BINGAMAN, Mr. KYL, Mr. SANTORUM, and Mr. OBAMA):

S. 1934. A bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 1935. A bill to authorize appropriations for fiscal years 2006 and 2007 for United States contributions to the International Fund for Ireland, and for other purposes; to the Committee on Foreign Relations.

By Mr. LOTT:

S. 1936. A bill to strengthen the national flood insurance program, encourage participation in the program, and provide owners of properties not located in flood hazard zones a one-time opportunity to purchase flood insurance coverage for a period covering such hurricane; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DEWINE (for himself, Mr. NELSON of Florida, Mr. LUGAR, Mr. BIDEN, Mr. COLEMAN, Mr. DODD, Mr. HAGEL, Mr. DURBIN, Mr. MCCAIN, Mr. LIEBERMAN, Mr. MARTINEZ, Mr. BINGAMAN, Mr. SUNUNU, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. CHAFEE, Mr. VOINOVICH, and Mr. SMITH):

S. 1937. A bill to expand certain preferential trade treatment for Haiti; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEMINT (for himself, Mr. HARKIN, Mr. GRAHAM, and Mr. FEINGOLD):

S. Res. 289. A resolution expressing the sense of the Senate that Joseph Jefferson "Shoeless Joe" Jackson should be appropriately honored for his outstanding baseball accomplishments; considered and agreed to.

By Mr. SALAZAR (for himself, Mr. BINGAMAN, Mrs. CLINTON, Mrs. FEINSTEIN, Mr. KERRY, Mr. LIEBERMAN, Mr. OBAMA, Mr. REID, Mrs. BOXER, Mr. PRYOR, Mr. DURBIN, and Mr. REED):

S. Res. 290. A resolution honoring the life and expressing the deepest condolences of Congress on the passing of Edward Roybal, former United States Congressman; considered and agreed to.

By Mr. OBAMA (for himself and Mr. DURBIN):

S. Res. 291. A resolution to congratulate the Chicago White Sox on winning the 2005 World Series Championship; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. SMITH, Mr. DODD, Mrs. DOLE, Mr. NELSON of Florida, Mr. CORZINE, Mr. SALAZAR, Mr. FEINGOLD, Mr. LEVIN, Mrs. CLINTON, Mr. COLEMAN, and Mrs. FEINSTEIN):

S. Res. 292. A resolution calling on the President to condemn the anti-Israel sentiments expressed by the President of Iran, Mahmoud Ahmadinejad, on October 26, 2005; considered and agreed to.

By Mr. MCCAIN (for himself, Mr. BIDEN, Mr. SUNUNU, Mr. BAYH, Mr. LEAHY, Mr. SMITH, Mr. GRAHAM, and Mr. LIEBERMAN):

S. Res. 293. A resolution calling for a free and fair presidential election in the Republic of Kazakhstan; to the Committee on Foreign Relations.

By Mr. FRIST (for himself, Mr. REID, Mr. DODD, Mr. DEWINE, Mr. LEVIN, Mr. BROWNBACK, Ms. STABENOW, Mr. SANTORUM, Mr. OBAMA, Mr. TALENT, Mrs. CLINTON, Mr. ALLEN, Mr. KENNEDY, Mr. HARKIN, Mr. BIDEN, Mrs. BOXER, Mr. PRYOR, Mr. JEFFORDS, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. SCHUMER, Mr. CORZINE, Mr. DORGAN, Mr. ROCKEFELLER, Mr. BAYH, Mr. LIEBERMAN, Mr. LEAHY, Mr. DURBIN, and Mr. AKAKA):

S. Con. Res. 61. A concurrent resolution authorizing the remains of Rosa Parks to lie in honor in the rotunda of the Capitol; considered and agreed to.

ADDITIONAL COSPONSORS

S. 113

At the request of Mrs. FEINSTEIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 113, a bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust.

S. 380

At the request of Ms. COLLINS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 380, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 408

At the request of Mr. DEWINE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 417

At the request of Mr. DORGAN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 417, a bill to amend the Internal Revenue Code of 1986 to provide for a refundable wage differential credit for activated military reservists.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 484

At the request of Mr. WARNER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 632

At the request of Mr. LUGAR, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 632, a bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes.

S. 633

At the request of Mr. JOHNSON, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 801

At the request of Mr. MARTINEZ, his name was added as a cosponsor of S. 801, a bill to designate the United States courthouse located at 300 North Hogan Street, Jacksonville, Florida, as the "John Milton Bryan Simpson United States Courthouse".

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1191

At the request of Mr. SALAZAR, the names of the Senator from Montana (Mr. BURNS) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1191, a bill to establish a grant program to provide innovative transportation options to veterans in remote rural areas.

S. 1215

At the request of Mr. GREGG, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1215, a bill to authorize the acquisition of interests in underdeveloped coastal areas in order better to ensure their protection from development.

S. 1264

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 1264, a bill to provide for the provision by hospitals of emergency contraceptives to women, and post-exposure prophylaxis for sexually transmitted disease to individuals, who are survivors of sexual assault.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1462

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 1462, a bill to promote peace and accountability in Sudan, and for other purposes.

At the request of Mr. BROWNBACK, the names of the Senator from Florida (Mr. NELSON), the Senator from North Dakota (Mr. DORGAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Rhode Island (Mr. REED) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1462, supra.

S. 1571

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 1571, a bill to amend title 38, United States Code, to establish a comprehensive program for testing and treatment of veterans for the Hepatitis C virus.

S. 1587

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1587, a bill to amend title XXI of the Social Security Act to permit qualifying States to use a portion of their allotments under the State children's health insurance program for any fiscal year for certain medicaid expenditures.

S. 1800

At the request of Ms. SNOWE, the name of the Senator from California

(Mrs. BOXER) was added as a cosponsor of S. 1800, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit.

S. 1808

At the request of Mr. BINGAMAN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Michigan (Ms. STABENOW) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1808, a bill to amend title XIX of the Social Security Act to improve the qualified medicare beneficiary (QMB) and specified low-income medicare beneficiary (SLMB) programs within the medicaid program.

S. 1824

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1824, a bill to amend the Internal Revenue Code of 1986 to strengthen the earned income tax credit.

S. 1860

At the request of Mr. DOMENICI, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1860, a bill to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, and for other purposes.

S. 1922

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1922, a bill to authorize appropriate action if negotiations with Japan to allow the resumption of United States beef exports are not successful, and for other purposes.

S. 1925

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1925, a bill to provide for workers and businesses during the response to Hurricane Katrina and Hurricane Rita, and for other purposes.

S.J. RES. 1

At the request of Mr. ALLARD, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. CON. RES. 46

At the request of Mr. BROWNBACK, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. Con. Res. 46, a concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

S. RES. 219

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 219, a resolution designating March 8, 2006, as "Endangered Species Day", and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

AMENDMENT NO. 2070

At the request of Ms. SNOWE, her name was added as a cosponsor of amendment No. 2070 proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2193

At the request of Mr. THUNE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2193 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2218

At the request of Mr. BINGAMAN, the names of the Senator from Nevada (Mr. REID), the Senator from California (Mrs. BOXER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 2218 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2219

At the request of Mr. BINGAMAN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 2219 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2249

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 2249 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2250

At the request of Ms. LANDRIEU, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 2250 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2255

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KERRY), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Connecticut (Mr. DODD), the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 2255 intended to be proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2257

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 2257 intended to be proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2258

At the request of Mr. DOMENICI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of amendment No. 2258 intended to be proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2259

At the request of Mr. BINGAMAN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of amendment No. 2259 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2262

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 2262 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2276

At the request of Mr. DOMENICI, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 2276 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2283

At the request of Mr. HARKIN, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Rhode Island (Mr. REED), the Senator from New Jersey (Mr. CORZINE) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of amendment No. 2283 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2287

At the request of Mr. SPECTER, the name of the Senator from Nevada (Mr. ENSIGN) was withdrawn as a cosponsor of amendment No. 2287 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 2287 proposed to H.R. 3010, supra.

AMENDMENT NO. 2289

At the request of Mr. DAYTON, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 2289 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2299

At the request of Mr. TALENT, his name was added as a cosponsor of amendment No. 2299 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2301

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 2301 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2308

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 2308 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2327

At the request of Mr. COLEMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2327 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 1927. A bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am proposing a Fair Flat Tax Act that will finally provide real tax relief to America's hurting middle class. It will do so by making the tax system simpler, flatter and fairer. And at the same time, it will begin to reduce the deficit that is destabilizing our economy, our security and our future.

This tax reform proposal is simpler because it's easier to understand and use. My legislation will include a new, simplified 1040 form that is one page, 30 lines, for every individual taxpayer.

This plan is flatter because it collapses the current system of six individual tax brackets down to three—15, 25 and 35 percent—and creates a flat corporate rate of 35 percent.

Ultimately, this plan is fairer because it changes the laws that disproportionately favor the most affluent Americans and corporations at the expense of the middle class. Instead, it provides a major middle-class tax cut—paid for by the elimination of scores of tax breaks in the individual and corporate income tax breaks, and by repealing the Bush tax cuts that favored the most fortunate few at the expense of the many.

This plan is fairer for American taxpayers because it treats work and wealth equally.

This is a radical statement about tax law: America can do better than a two-tier system which forces a policeman to pay a higher effective tax rate than an investor who makes his income on capital gains and dividends.

Under the current Federal Tax Code, all income is not created equal in this country. Americans who work for wages, in effect, subsidize the tax cuts and credits and deferrals of those who make money through unearned income—the dividends from investments. It's time to treat all taxpayers the same.

Let me be clear: I am not interested in soaking investors. I am a Democrat who believes in markets, and creating wealth. But what our country is all about is equality, and our Tax Code should treat everyone's income more equally too.

My legislation, The Fair Flat Tax Act of 2005, adapts the flat tax idea to help reduce the deficit instead, through fewer exclusions, exemptions, deductions, deferrals, credits and special rates for certain businesses and activities, and through the setting of a single, flat corporate rate of 35 percent. On the individual side, it ends favoritism for itemizers while improving deductions across the board: The standard deduction would be tripled for single filers from $5,000 to $15,000 and raised from $10,000 to $30,000 for married couples. Six individual rates are collapsed into three progressive rates of 15 percent, 25 percent and 35 percent, and income from all sources is taxed the same.

Several deductions used most frequently by individuals, those for home mortgage interest and charitable contributions, and the credits for children, education and earned income are retained. No one would have to calculate their taxes twice: this proposal eliminates the individual Alternative Minimum Tax (AMT), which could snare as many as 21 million American taxpayers in 2006.

This proposal would eliminate an estimated $20 billion each year in special breaks for corporations, and direct the Treasury Secretary to identify and report to Congress an additional $10 billion in savings from tax expenditures that subsidize inefficiencies in the health care system. Eliminating these breaks would sustain current benefits for our men and women in uniform, our veterans and the elderly and disabled—as well as breaks that promote savings and help families pay for health care and education.

What makes the Fair Flat Tax Act truly unique is that it corrects one of the most glaring inequities in the current tax system: regressive State and local taxes. Under current law, low and middle income taxpayers get hit with a double whammy: compared to wealthy Americans, they pay more of their income in State and local taxes. Poor families pay more than 11 percent and middle income families pay about 10 percent of their income in State and local taxes, while wealthier taxpayers only pay five percent. And because many low and middle income taxpayers don't itemize, they get no credit on their Federal form for paying State and local taxes. In fact, two-thirds of the Federal deduction for State and local taxes goes to those with incomes above $100,000. Under the Fair Flat Tax Act for the first time the Federal code would look at the entire picture, at an individual's combined Federal, State and local tax burden, and give credit to low and middle income individuals to correct for regressive State and local taxes.

Repealing some individual tax credits, deductions and exclusions from income—along with some serious changes to the corporate Tax Code—enables larger standard deductions and broader middle-class tax relief.

The deductions most important to most Americans remain in place: the home mortgage deduction stays, as do child credits and charitable contributions, higher education and health savings.

What all this means for American taxpayers is—the vast majority of taxpayers will see a cut, particularly the middle class. Congressional Research Service experts tell us that middle class families and families with wage and salary incomes up to $150,000 will see tax relief.

On the corporate side—this plan does something that may not be popular, but it's right.

Each of us, including America's corporations, need to pay our fair share. Corporations that have used tax loopholes to avoid paying their fair share of taxes are going to see those loopholes close and they're going to contribute.

This legislation makes concrete progress toward deficit reduction. There's a long way to go to stop the hemorrhaging in the Federal budget, but this legislation makes a real start by whittling the deficit down approximately $100 billion over five years.

Some may wonder if what I am proposing today is a response to the President's Tax Reform Advisory Panel. To date, the Panel hasn't officially released its recommendations. I can't respond to something that hasn't been introduced yet. But I am troubled by the fact that the recommendations trickling out from the Panel would continue to twist the Tax Code away from equal treatment of all income, widening the chasm between people who get wages and people who collect dividends.

I am introducing The Fair Flat Tax Act of 2005 today to provide Americans a plan based on common-sense principles that can make the Tax Code work better.

Making the Tax Code simpler and flatter is going to make it fairer. My legislation is going to provide real relief to the middle class. It will treat work and wealth equally. It will make a start at reducing the deficit. I am ready to get to work with my colleagues and move it forward.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fair Flat Tax Act of 2005".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Purpose.

TITLE I—INDIVIDUAL INCOME TAX REFORMS

Sec. 101. 3 progressive individual income tax rates for all forms of income.
Sec. 102. Increase in basic standard deduction.
Sec. 103. Refundable credit for State and local income, sales, and real and personal property taxes.
Sec. 104. Earned income child credit and earned income credit for childless taxpayers.
Sec. 105. Repeal of individual alternative minimum tax.
Sec. 106. Termination of various exclusions, exemptions, deductions, and credits.

TITLE II—CORPORATE AND BUSINESS INCOME TAX REFORMS

Sec. 201. Corporate flat tax.
Sec. 202. Treatment of travel on corporate aircraft.
Sec. 203. Termination of various preferential treatments.
Sec. 204. Elimination of tax expenditures that subsidize inefficiencies in the health care system.
Sec. 205. Pass-through business entity transparency.

TITLE III—TECHNICAL AND CONFORMING AMENDMENTS; SUNSET

Sec. 301. Technical and conforming amendments.
Sec. 302. Sunset.

SEC. 2. PURPOSE.

The purpose of this Act is to amend the Internal Revenue Code of 1986—

(1) to make the Federal individual income tax system simpler, fairer, and more transparent by—

(A) recognizing the overall Federal, State, and local tax burden on individual Americans, especially the regressive nature of State and local taxes, and providing a Federal income tax credit for State and local income, sales, and property taxes,

(B) providing for an earned income tax credit for childless taxpayers and a new earned income child credit,

(C) repealing the individual alternative minimum tax,

(D) increasing the basic standard deduction and maintaining itemized deductions for principal residence mortgage interest and charitable contributions,

(E) reducing the number of exclusions, exemptions, deductions, and credits, and

(F) treating all income equally,

(2) to make the Federal corporate income tax rate a flat 35 percent and eliminate special tax preferences that favor particular types of businesses or activities, and

(3) to partially offset the Federal budget deficit through the increased revenues resulting from these reforms.

TITLE I—INDIVIDUAL INCOME TAX REFORMS

SEC. 101. 3 PROGRESSIVE INDIVIDUAL INCOME TAX RATES FOR ALL FORMS OF INCOME.

(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—The table contained in section 1(a) is amended to read as follows:

"If taxable income is:	The tax is:
Not over $25,000	15% of taxable income.
Over $25,000 but not over $120,000.	$3,750, plus 25% of the excess over $25,000
Over $120,000	$27,500, plus 35% of the excess over $120,000".

(b) HEADS OF HOUSEHOLDS.—The table contained in section 1(b) is amended to read as follows:

"If taxable income is:	The tax is:
Not over $16,000	15% of taxable income.
Over $16,000 but not over $105,000.	$2,400, plus 25% of the excess over $16,000
Over $105,000	$24,650, plus 35% of the excess over $105,000".

(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS.—The table contained in section 1(c) is amended to read as follows:

"If taxable income is:	The tax is:
Not over $15,000	15% of taxable income.
Over $15,000 but not over $70,000.	$2,250, plus 25% of the excess over $15,000
Over $70,000	$16,000, plus 35% of the excess over $70,000".

(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—The table contained in section 1(d) is amended to read as follows:

"If taxable income is:	The tax is:
Not over $12,500	15% of taxable income.
Over $12,500 but not over $60,000.	$1,875, plus 25% of the excess over $12,500
Over $60,000	$13,750, plus 35% of the excess over $60,000".

(e) CONFORMING AMENDMENTS TO INFLATION ADJUSTMENT.—Section 1(f) is amended—

(1) by striking "1993"in paragraph (1) and inserting "2006",

(2) by striking "except as provided in paragraph (8)" in paragraph (2)(A),

(3) by striking "1992" in paragraph (3)(B) and inserting "2005",

(4) by striking paragraphs (7) and (8), and

(5) by striking "PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET;" in the heading thereof.

(f) REPEAL OF RATE DIFFERENTIAL FOR CAPITAL GAINS AND DIVIDENDS.—

(1) REPEAL OF 2003 RATE REDUCTION.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking "December 3, 2008" and inserting "December 31, 2005".

(2) TERMINATION OF PRE-2003 CAPITAL GAIN RATE DIFFERENTIAL.—Section 1(h) is amended (after the application of paragraph (1)) by adding at the end the following new paragraph:

"(13) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2005.".

(g) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 1 is amended by striking subsection (i).

(2) The Internal Revenue Code of 1986 is amended by striking "calendar year 1992" each place it appears and inserting "calendar year 2005".

(3) Section 1445(e)(1) (after the application of subsection (g)(1)) is amended by striking "(or, to the extent provided in regulations, 20 percent)".

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 102. INCREASE IN BASIC STANDARD DEDUCTION.

(a) In General.—Paragraph (2) of section 63(c) (defining standard deduction) is amended to read as follows:

"(2) Basic standard deduction.—For purposes of paragraph (1), the basic standard deduction is—

"(A) 200 percent of the dollar amount in effect under subparagraph (C) for the taxable year in the case of—

"(i) a joint return, or

"(ii) a surviving spouse (as defined in section 2(a)),

"(B) $26,250 in the case of a head of household (as defined in section 2(b)), or

"(C) $15,000 in any other case.".

(b) Conforming Amendment to Inflation Adjustment.—Section 63(c)(4)(B)(i) is amended by striking "(2)(B), (2)(C), or".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 103. REFUNDABLE CREDIT FOR STATE AND LOCAL INCOME, SALES, AND REAL AND PERSONAL PROPERTY TAXES.

(a) General Rule.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

"SEC. 36. CREDIT FOR STATE AND LOCAL INCOME, SALES, AND REAL AND PERSONAL PROPERTY TAXES.

"(a) Allowance of Credit.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 10 percent of the qualified State and local taxes paid by the taxpayer for such year.

"(b) Qualified State and Local Taxes.—For purposes of this section, the term 'qualified State and local taxes' means—

"(1) State and local income taxes,

"(2) State and local general sales taxes,

"(3) State and local real property taxes, and

"(4) State and local personal property taxes.

"(c) Definitions and Special Rules.—For purposes of this section—

"(1) State or local taxes.—A State or local tax includes only a tax imposed by a State, a possession of the United States, or a political subdivision of any of the foregoing, or by the District of Columbia.

"(2) General sales taxes.—

"(A) In general.—The term 'general sales tax' means a tax imposed at one rate with respect to the sale at retail of a broad range of classes of items.

"(B) Application of rules.—Rules similar to the rules under subparagraphs (C), (D), (E), (F), (G), and (H) of section 164(b)(5) shall apply.

"(3) Personal property taxes.—The term 'personal property tax' means an ad valorem tax which is imposed on an annual basis in respect of personal property.

"(4) Application of rules to property taxes.—Rules similar to the rules of subsections (c) and (d) of section 164 shall apply.

"(5) No credit for married individuals filing separate returns.—If the taxpayer is a married individual (within the meaning of section 7703), this section shall apply only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

"(6) Denial of credit to dependents.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(7) Denial of double benefit.—Any amount taken into account in determining the credit allowable under this section may not be taken into account in determining any credit or deduction under any other provision of this chapter.".

(b) Technical Amendments.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting "or from section 36 of such Code" before the period at the end.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 36 and inserting the following:

"Sec. 36. Credit for state and local income, sales, and real and personal property taxes.
"Sec. 37. Overpayments of tax.".

(c) Report Regarding Use of Credit by Renters.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives recommendations regarding the treatment of a portion of rental payments in a manner similar to real property taxes under section 36 of the Internal Revenue Code of 1986 (as added by this section).

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 104. EARNED INCOME CHILD CREDIT AND EARNED INCOME CREDIT FOR CHILDLESS TAXPAYERS.

(a) In General.—Subsection (a) of section 32 (relating to earned income) is amended to read as follows:

"(a) Allowance of Earned Income Child Credit and Earned Income Credit.—

"(1) In general.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year—

"(A) in the case of any eligible individual with 1 or more qualifying children, an amount equal to the earned income child credit amount, and

"(B) in the case of any eligible individual with no qualifying children, an amount equal to the earned income credit amount.

"(2) Earned income child credit amount.—For purposes of this section, the earned income child credit amount is equal to the sum of—

"(A) the credit percentage of so much of the taxpayer's earned income for the taxable year as does not exceed the earned income limit amount, plus

"(B) the supplemental child credit amount determined under subsection (n) for such taxable year.

"(3) Earned income credit amount.—For purposes of this section, the earned income credit amount is equal to the credit percentage of so much of the taxpayer's earned income for the taxable year as does not exceed the earned income limit amount.

"(4) Limitation.—The amount of the credit allowable to a taxpayer under paragraph (2)(A) or (3) for any taxable year shall not exceed the excess (if any) of—

"(A) the credit percentage of the earned income amount, over

"(B) the phaseout percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds the phaseout amount.".

(b) Supplemental Child Credit Amount.—Section 32 is amended by adding at the end the following new subsection:

"(n) Supplemental Child Credit Amount.—

"(1) In general.—For purposes of subsection (a)(2)(B), the supplemental child credit amount for any taxable year is equal to the lesser of—

"(A) the credit which would be allowed under section 24 for such taxable year without regard to the limitation under section 24(b)(3) with respect to any qualifying child as defined under subsection (c)(3), or

"(B) the amount by which the aggregate amount of credits allowed by subpart A for such taxable year would increase if the limitation imposed by section 24(b)(3) were increased by the excess (if any) of—

"(i) 15 percent of so much of the taxpayer's earned income which is taken into account in computing taxable income for the taxable year as exceeds $10,000, or

"(ii) in the case of a taxpayer with 3 or more qualifying children (as so defined), the excess (if any) of—

"(I) the taxpayer's social security taxes for the taxable year, over

"(II) the credit allowed under this section for the taxable year.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under subpart A and shall reduce the amount of credit otherwise allowable under section 24(a) without regard to section 24(b)(3).

"(2) Social security taxes.—For purposes of paragraph (1)—

"(A) In general.—The term 'social security taxes' means, with respect to any taxpayer for any taxable year—

"(i) the amount of the taxes imposed by section 3101 and 3201(a) on amounts received by the taxpayer during the calendar year in which the taxable year begins,

"(ii) 50 percent of the taxes imposed by section 1401 on the self-employment income of the taxpayer for the taxable year, and

"(iii) 50 percent of the taxes imposed by section 3211(a)(1) on amounts received by the taxpayer during the calendar year in which the taxable year begins.

"(B) Coordination with special refund of social security taxes.—The term 'social security taxes' shall not include any taxes to the extent the taxpayer is entitled to a special refund of such taxes under section 6413(c).

"(C) Special rule.—Any amounts paid pursuant to an agreement under section 3121(l) (relating to agreements entered into by American employers with respect to foreign affiliates) which are equivalent to the taxes referred to in subparagraph (A)(i) shall be treated as taxes referred to in such paragraph.

"(3) Inflation adjustment.—In the case of any taxable year beginning in a calendar year after 2005, the $10,000 amount contained in paragraph (1)(B) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $50.".

(c) Conforming Amendment.—Section 24(d) is amended by adding at the end the following new paragraph:

"(4) Termination.—This subsection shall not apply with respect to any taxable year beginning after December 31, 2005.".

(d) Certain Treatment of Earned Income Made Permanent.—Clause (vi) of section 32(c)(2)(B) is amended to read as follows:

"(vi) a taxpayer may elect to treat amounts excluded from gross income by reason of section 112 as earned income.".

(e) REPEAL OF DISQUALIFIED INVESTMENT INCOME TEST.—Subsection (i) of section 32 is repealed.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 105. REPEAL OF INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 55(a) (relating to alternative minimum tax imposed) is amended by adding at the end the following new flush sentence:

"For purposes of this title, the tentative minimum tax on any taxpayer other than a corporation for any taxable year beginning after December 31, 2005, shall be zero.".

(b) MODIFICATION OF LIMITATION ON USE OF CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY.—Subsection (c) of section 53 (relating to credit for prior year minimum tax liability) is amended to read as follows:

"(c) LIMITATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part, over

"(B) the tentative minimum tax for the taxable year.

"(2) TAXABLE YEARS BEGINNING AFTER 2005.—In the case of any taxable year beginning after 2005, the credit allowable under subsection (a) to a taxpayer other than a corporation for any taxable year shall not exceed 90 percent of the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 106. TERMINATION OF VARIOUS EXCLUSIONS, EXEMPTIONS, DEDUCTIONS, AND CREDITS.

(a) IN GENERAL.—Subchapter C of chapter 90 (relating to provisions affecting more than one subtitle) is amended by adding at the end the following new section:

"SEC. 7875. TERMINATION OF CERTAIN PROVISIONS.

"The following provisions shall not apply to taxable years beginning after December 31, 2005:

"(1) Section 44 (relating to credit for expenditures to provide access to disabled individuals).

"(2) Section 62(a)(2)(D) (relating to deduction for certain expenses of elementary and secondary school teachers).

"(3) Section 67 (relating to 2-percent floor on miscellaneous itemized deductions).

"(4) Section 74(c) (relating to exclusion of certain employee achievement awards).

"(5) Section 79 (relating to exclusion of group-term life insurance purchased for employees).

"(6) Section 104(a)(1) (relating to exclusion of workmen's compensation).

"(7) Section 104(a)(2) (relating to exclusion of damages for physical injuries and sickness).

"(8) Section 107 (relating to exclusion of rental value of parsonages).

"(9) Section 119 (relating to exclusion of meals or lodging furnished for the convenience of the employer).

"(10) Section 125 (relating to exclusion of cafeteria plan benefits).

"(11) Section 132 (relating to certain fringe benefits), except with respect to subsection (a)(5) thereof (relating to exclusion of qualified transportation fringe).

"(12) Section 163(h)(4)(A)(i)(II) (relating to definition of qualified residence).

"(13) Section 165(d) (relating to deduction for wagering losses).

"(14) Section 217 (relating to deduction for moving expenses).

"(15) Section 454 (relating to deferral of tax on obligations issued at discount).

"(16) Section 501(c)(9) (relating to tax-exempt status of voluntary employees' beneficiary associations).

"(17) Section 911 (relating to exclusion of earned income of citizens or residents of the United States living abroad).

"(18) Section 912 (relating to exemption for certain allowances).".

(b) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 90 is amended by adding at the end the following new item:

"Sec. 7875. Termination of certain provisions.".

TITLE II—CORPORATE AND BUSINESS INCOME TAX REFORMS

SEC. 201. CORPORATE FLAT TAX.

(a) IN GENERAL.—Subsection (b) of section 11 (relating to tax imposed) is amended to read as follows:

"(b) AMOUNT OF TAX.—The amount of tax imposed by subsection (a) shall be equal to 35 percent of the taxable income.".

(b) CONFORMING AMENDMENTS.—

(1) Section 280C(c)(3)(B)(ii)(II) is amended by striking "maximum rate of tax under section 11(b)(1)" and inserting "rate of tax under section 11(b)".

(2) Sections 860E(e)(2)(B), 860E(e)(6)(A)(ii), 860K(d)(2)(A)(ii), 860K(e)(1)(B)(ii), 1446(b)(2)(B), and 7874(e)(1)(B) are each amended by striking "highest rate of tax specified in section 11(b)(1)" and inserting "rate of tax specified in section 11(b)".

(3) Section 904(b)(3)(D)(ii) is amended by striking "(determined without regard to the last sentence of section 11(b)(1))".

(4) Section 962 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(5) Section 1201(a) is amended by striking "(determined without regard to the last 2 sentences of section 11(b)(1))".

(6) Section 1561(a) is amended—

(A) by striking paragraph (1) and by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively,

(B) by striking "The amounts specified in paragraph (1), the" and inserting "The",

(C) by striking "paragraph (2)" and inserting "paragraph (1)",

(D) by striking "paragraph (3)" both places it appears and inserting "paragraph (2)",

(E) by striking "paragraph (4)" and inserting "paragraph (3)", and

(F) by striking the fourth sentence.

(7) Subsection (b) of section 1561 is amended to read as follows:

"(b) CERTAIN SHORT TAXABLE YEARS.—If a corporation has a short taxable year which does not include a December 31 and is a component member of a controlled group of corporations with respect to such taxable year, then for purposes of this subtitle, the amount to be used in computing the accumulated earnings credit under section 535(c)(2) and (3) of such corporation for such taxable year shall be the amount specified in subsection (a)(1) divided by the number of corporations which are component members of such group on the last day of such taxable year. For purposes of the preceding sentence, section 1563(b) shall be applied as if such last day were substituted for December 31.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 202. TREATMENT OF TRAVEL ON CORPORATE AIRCRAFT.

(a) IN GENERAL.—Section 162 (relating to trade or business expenses) is amended by redesignating subsection (q) as subsection (r) and b inserting after subsection (p) the following new subsection:

"(q) TREATMENT OF TRAVEL ON CORPORATE AIRCRAFT.—The rate at which an amount allowable as a deduction under this chapter for the use of an aircraft owned by the taxpayer is determined shall not exceed the rate at which an amount paid or included in income by an employee of such taxpayer for the personal use of such aircraft is determined.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 203. TERMINATION OF VARIOUS PREFERENTIAL TREATMENTS.

(a) IN GENERAL.—Section 7875, as added by section 106, is amended—

(1) by inserting "(or transactions in the case of sections referred to in paragraphs (21), (22), (23), (24), and (27))" after "taxable years beginning", and

(2) by adding at the end the following new paragraphs:

"(19) Section 43 (relating to enhanced oil recovery credit).

"(20) Section 263(c) (relating to intangible drilling and development costs in the case of oil and gas wells and geothermal wells).

"(21) Section 382(l)(5) (relating to exception from net operating loss limitations for corporations in bankruptcy proceeding).

"(22) Section 451(i) (relating to special rules for sales or dispositions to implement Federal Energy Regulatory Commission or State electric restructuring policy).

"(23) Section 453A (relating to special rules for nondealers), but only with respect to the dollar limitation under subsection (b)(1) thereof and subsection (b)(3) thereof (relating to exception for personal use and farm property).

"(24) Section 460(e)(1) (relating to special rules for long-term home construction contracts or other short-term construction contracts).

"(25) Section 613A (relating to percentage depletion in case of oil and gas wells).

"(26) Section 616 (relating to development costs).

"(27) Sections 861(a)(6), 862(a)(6), 863(b)(2), 863(b)(3), and 865(b) (relating to inventory property sales source rule exception).".

(b) FULL TAX RATE ON NUCLEAR DECOMMISSIONING RESERVE FUND.—Subparagraph (B) of section 468A(e)(2) is amended to read as follows:

"(B) RATE OF TAX.—For purposes of subparagraph (A), the rate set forth in this subparagraph is 35 percent.".

(c) DEFERRAL OF ACTIVE INCOME OF CONTROLLED FOREIGN CORPORATIONS.—Section 952 (relating to subpart F income defined) is amended by adding at the end the following new subsection:

"(e) SPECIAL APPLICATION OF SUBPART.—

"(1) IN GENERAL.—For taxable years beginning after December 31, 2005, notwithstanding any other provision of this subpart, the term 'subpart F income' means, in the case of any controlled foreign corporation, the income of such corporation derived from any foreign country.

"(2) APPLICABLE RULES.—Rules similar to the rules under the last sentence of subsection (a) and subsection (d) shall apply to this subsection.".

(d) DEFERRAL OF ACTIVE FINANCING INCOME.—Section 953(e)(10) is amended—

(1) by striking "2006" and inserting "2005", and

(2) by striking "2007" and inserting "2006".

(e) DEPRECIATION ON EQUIPMENT IN EXCESS OF ALTERNATIVE DEPRECIATION SYSTEM.—Section 168(g)(1) (relating to alternative depreciation system) is amended by striking "and" at the end of subparagraph (D), by adding "and" at the end of subparagraph (E), and by inserting after subparagraph (E) the following new subparagraph:

"(F) notwithstanding subsection (a), any tangible property placed in service after December 31, 2005.".

(f) EFFECTIVE DATE.—The amendments made by subsections (b), (c), and (d) shall apply to taxable years beginning after December 31, 2005.

SEC. 204. ELIMINATION OF TAX EXPENDITURES THAT SUBSIDIZE INEFFICIENCIES IN THE HEALTH CARE SYSTEM.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives recommendations regarding the elimination of Federal tax incentives which subsidize inefficiencies in the health care system and if eliminated would result in Federal budget savings of not less than $10,000,000,000 annually.

SEC. 205. PASS-THROUGH BUSINESS ENTITY TRANSPARENCY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the implementation of additional reporting requirements with respect to any pass-through entity with the goal of the reduction of tax avoidance through the use of such entities, In addition, the Secretary shall develop procedures to share such report data with State revenue agencies under the disclosure requirements of section 6103(d) of the Internal Revenue Code of 1986.

TITLE III—TECHNICAL AND CONFORMING AMENDMENTS; SUNSET

SEC. 301. TECHNICAL AND CONFORMING AMENDMENTS.

The Secretary of the Treasury or the Secretary's delegate shall not later than 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the purposes of the provisions of, and amendments made by, this Act.

SEC. 302. SUNSET.

(a) IN GENERAL.—All provisions of, and amendments made by, this Act shall not apply to taxable years beginning after December 31, 2010.

(b) APPLICATION OF CODE.—The Internal Revenue Code of 1986 shall be applied and administered to taxable years described in subsection (a) as if the provisions of, and amendments made by, this Act had never been enacted.

By Mr. REID (for himself and Mr. COCHRAN):

S. 1930. A bill to expand the research, prevention, and awareness activities of the National Institute of Diabetes and Digestive and Kidney Diseases and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I rise today to introduce legislation focused on a devastating condition known as inflammatory bowel disease (IBD). I am pleased that Senator COCHRAN has once again joined me in the fight against this painful and debilitating disease.

Crohn's disease and ulcerative colitis, collectively known as inflammatory bowel disease, are chronic disorders of the gastrointestinal tract which afflict approximately 1.4 million Americans, 30 percent whom are diagnosed in their childhood years. IBD can cause severe abdominal pain, fever, and intestinal bleeding. Complications related to the disease include; arthritis, osteoporosis, anemia, liver disease, growth and developmental challenges, and colorectal cancer. Inflammatory bowel disease represents a major cause of morbidity from digestive illness and has a devastating impact on patients and families.

In the 108th Congress I was proud to sponsor bipartisan legislation focused on IBD that attracted 36 co-sponsors. Several important provisions of that bill were incorporated into legislation known as the "Research Review Act" which was signed into law by the President last November. Specifically, the "Research Review Act" called on the Government Accountability Office and the Centers for Disease Control and Prevention to submit reports to Congress on three issues of critical importance to the IBD community, 1. Social Security Disability, 2. Medicare and Medicaid coverage, and 3. the epidemiology of the disease in the United States.

The legislation I am introducing today builds upon the progress made last year by calling for an increased Federal investment in biomedical research on IBD. The hope for a better quality of life patients and families depends on basic and clinical research sponsored by the National Institute of Diabetes and Digestive and Kidney Diseases at the National Institutes of Health (NIDDK). The "Inflammatory Bowel Disease Research Act" calls for an expansion of NIDDK's research portfolio on Crohn's disease and ulcerative colitis in order to capitalize on several exciting discoveries that have broadened our understanding of IBD in recent years. By increasing our investment in this area, we will maximize the possibility that we will be able to offer hope to millions of Americans who suffer from this debilitating disease. At the same time, progress in this area could also mean we would save millions of dollars in net health care expenditures through reduced hospitalizations and surgeries.

In addition to biomedical research, this legislation also calls on the Centers for Disease Control and Prevention to develop a "National Inflammatory Bowel Disease Action Plan." This plan will provide a comprehensive approach to addressing the burden of IBD in the United States, including strategies for raising awareness of the disease among the general public and health care community, expanding epidemiological research focused on the prevalence of IBD, and preventing the progression of the disease and its complications.

The Crohn's and Colitis Foundation of America, an organization that has been a leader in the battle against IBD, has strongly endorsed this legislation. In addition to CCFA, the following organizations have endorsed this bill: The North American Society for Pediatric Gastroenterology, Hepatology and Nutrition, the American Gastroenterological Association, the American Society for Gastrointestinal Endoscopy, the Digestive Disease National Coalition, the Society of Gastroenterology Nurses and Associates, and the Pennsylvania Society of Gastroenterology.

I urge all Senators to join Senator COCHRAN and me in this important cause by co-sponsoring the "Inflammatory Bowel Disease Research Act."

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1930

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Inflammatory Bowel Disease Research Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Crohn's disease and ulcerative colitis are serious inflammatory diseases of the gastrointestinal tract.

(2) Crohn's disease may occur in any section of the gastrointestinal tract but is predominately found in the lower part of the small intestine and the large intestine. Ulcerative colitis is characterized by inflammation and ulceration of the innermost lining of the colon. Complete removal of the colon in patients with ulcerative colitis can potentially alleviate and cure symptoms.

(3) Because Crohn's disease and ulcerative colitis behave similarly, they are collectively known as inflammatory bowel disease. Both diseases present a variety of symptoms, including severe diarrhea; abdominal pain with cramps; fever; and rectal bleeding. There is no known cause of inflammatory bowel disease, or medical cure.

(4) It is estimated that up to 1,400,000 people in the United States suffer from inflammatory bowel disease, 30 percent of whom are diagnosed during their childhood years.

(5) Children with inflammatory bowel disease miss school activities because of bloody

diarrhea and abdominal pain, and many adults who had onset of inflammatory bowel disease as children had delayed puberty and impaired growth and have never reached their full genetic growth potential.

(6) Inflammatory bowel disease patients are at high risk for developing colorectal cancer.

(7) The total annual medical costs for inflammatory bowel disease patients is estimated at more than $2,000,000,000.

SEC. 3. NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES; INFLAMMATORY BOWEL DISEASE RESEARCH EXPANSION.

(a) IN GENERAL.—The Director of the National Institute of Diabetes and Digestive and Kidney Diseases shall expand, intensify, and coordinate the activities of the Institute with respect to research on inflammatory bowel disease, with particular emphasis on the following areas:

(1) Genetic research on susceptibility for inflammatory bowel disease, including the interaction of genetic and environmental factors in the development of the disease.

(2) Research targeted to increase knowledge about the causes and complications of inflammatory bowel disease in children.

(3) Animal model research on inflammatory bowel disease, including genetics in animals.

(4) Clinical inflammatory bowel disease research, including clinical studies and treatment trials.

(5) Expansion of the Institute's Inflammatory Bowel Disease Centers program with a focus on pediatric research.

(6) Other research initiatives identified by the scientific document entitled "Challenges in Inflammatory Bowel Disease" and the research agenda for pediatric gastroenterology, hepatology and nutrition entitled "Chronic Inflammatory Bowel Disease".

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—For the purpose of carrying out subsection (a), there are authorized to be appropriated $75,000,000 for fiscal year 2006, $85,000,000 for fiscal year 2007, and $100,000,000 for fiscal year 2008.

(2) RESERVATION.—Of the amounts authorized to be appropriated under paragraph (1), not more than 20 percent shall be reserved for the training of qualified health professionals in biomedical research focused on inflammatory bowel disease, including pediatric investigators.

SEC. 4. CENTERS FOR DISEASE CONTROL AND PREVENTION; NATIONAL INFLAMMATORY BOWEL DISEASE ACTION PLAN.

(a) IN GENERAL.—

(1) PREPARATION OF PLAN.—The Director of the Centers for Disease Control and Prevention, in consultation with the inflammatory bowel disease community, shall prepare a comprehensive plan to address the burden of inflammatory bowel disease in both adult and pediatric populations (which plan shall be designated by the Director as the "National Inflammatory Bowel Disease Action Plan").

(2) REPORT TO CONGRESS.—Not later than 12 months after the date of the enactment of this Act, the Director of the Centers for Disease Control and Prevention shall submit the Plan referred to in paragraph (1) to the Committee on Energy and Commerce and the Committee on Appropriations in the House of Representatives and to the Committee on Health, Education, Labor and Pensions and the Committee on Appropriations in the Senate.

(b) CONTENT.—

(1) IN GENERAL.—The National Inflammatory Bowel Disease Action Plan shall address strategies for determining the true prevalence of inflammatory bowel disease in the United States, and the unique demographic characteristics of the patient community through the expansion of appropriate epidemiological activities.

(2) CERTAIN REQUIREMENTS.—The Plan referred to in paragraph (1) shall—

(A) focus on strategies for increasing awareness about inflammatory bowel disease within the general public and the health care community in order to facilitate more timely and accurate diagnoses; and

(B) address mechanisms designed to prevent the progression of the disease and the development of complications, such as colorectal cancer, and other strategies and activities as deemed appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated such sums as may be necessary for fiscal year 2006.

By Mr. SPECTER (for himself, Mr. BIDEN, Mr. BROWNBACK, Mr. TALENT, Mr. DEWINE, Mr. CORZINE, Mr. BINGAMAN, Mr. KYL, Mr. SANTORUM, and Mr. OBAMA):

S. 1934. A bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to introduce, along with Senators BIDEN and BROWNBACK, the Second Chance Act of 2005: Community Safety through Recidivism Prevention. This legislation is designed to reduce recidivism among adult and juvenile ex-offenders. Never before in our history have so many individuals been released from prison and never before in our history have so many ex-offenders been is prepared to reenter their communities. Each year, more than 650,000 individuals are released, which roughly equates to about 1,700 individuals returning communities each day. This number is expected to grow in the near future as more inmates complete their prison terms. For most offenders, the transition back into their communities is difficult because many lack the necessary skill to ensure a successful reentry. Many suffer from serious substance abuse addictions and mental health issues. Many have difficulty securing a job or adequate housing and often find themselves lured back to a life of crime. A study conducted by the Bureau of Justice Statistics reported that over two-thirds of released prisoners were rearrested within three years and one-half of those rearrested were convicted and re-incarcerated. This high rate of recidivism devastates our towns and communities and puts an enormous strain on state and local budgets.

The Second Chance Act reauthorizes the Adult and Juvenile Offender Reentry Demonstration projects, authorizing the Attorney General to make grants to States and local governments to establish offender reentry projects, with an enhanced focus on job training, housing, substance abuse and mental health treatment, and working with children and families. It also creates a new grant program available to nonprofit organizations for the purpose of providing mentoring and other transitional services essential to reintegrating ex-offenders. The Second Chance Act encourages new community partnerships to help educate, train, and employ these individuals who might otherwise return to a life of crime.

Many ex-offenders are often stigmatized by their incarceration, and must face the reality that many employers are reluctant to hire them. A National Adult Literacy Study determined that a majority of prisoners are either illiterate or have marginal reading, writing, and math skills. Following the repeal of Pell Grant eligibility for incarcerated individuals, I worked to create the Grants to States for Workplace and Community Transition Training for Incarcerated Youth Offenders program. This program is aimed at providing post-secondary education, employment counseling, and workplace and community transition training for incarcerated youth offenders while in prison, which continue for up to one year after the individual is released. The current program limits expenditures per youth offender to $1,500 for tuition and books, and only allows an additional $300 for other related services. The Second Chance Act builds upon my earlier efforts by increasing State's flexibility and accountability within the grant program. It removes the cap and raises the allowable expenditure permitted for each youth offender to the maximum level of Pell Grants. One of the keys to preventing recidivism is access to education an in recognizing the impact that education an job training can have on incarcerated offenders. It is my sincere hope that this legislation will encourage incarcerated individuals to achieve their independence and to gain the necessary skills to become productive members of society.

Another crisis that we'll face is the growing populations of prisoners who are parents. More than half of those currently incarcerated are parents of minor children. Female incarceration rates are increasing faster than those men, totaling 7 percent of the prison population. Of those incarcerated, 80 percent are mothers with, on average two dependent children. What is most troubling is that two-thirds of their children are younger the the age of 10. The incarceration of a parent can have a tremendous impact on childhood development. Prison presents a unique opportunity to improve a prisoner's ability to become a better part once they are released. Unfortunately, many of our prisons do not employ such programs, due to fiscal constraints as well as a shift in priorities. The Second Chance Act of 2005 encourages the creating of programs that facilitate visitation, if it is in the best interest of the child. It also directs the Secretary of Health and Human Services to establish services to help preserve family units, with special attention paid to the impact on the child of an incarcerated parent.

There is ample evident that well-designed reentry programs reduce recidivism. Programs such as aftercare for substance abusers and adult vocational education have shown to reduce recidivism up to 15 percent. These programs pay for themselves by reducing future correction costs associated with rehousing these individuals upon their return back into the institution. The revolving door of prisons not only hurts those who are caught up in the process, but hurts their families and our communities. If we fail to address this problem, 1e are burdening our communities not only with greater expenditures, but in the risk of increased crime and unsafe neighborhoods. The more we can do to prepare these individuals when they return home, the better off we will all be. I urge my colleagues to join me in cosponsoring this legislation, and urge its swift adoption.

Mr. BIDEN. Mr. President, Senator SPECTER, Senator BROWNBACK, and I introduce today the Second Chance Act of 2005, which takes direct aim at reducing recidivism rates for our nation's ex-offenders and improving the transition for these offenders from prison back into the community.

All too often we think about today, but not tomorrow. We look to short-term solutions for long-term problems. We need to have a change in thinking and approach. It's time we face the dire situation of prisoners reentering our communities with insufficient monitoring, little nor no job skills, inadequate drug treatment, insufficient housing, lack of positive influences, a pap city of basic physical and mental health services, and deficient basic life skills.

The bill we introduce today is about providing a second chance for these ex-offenders, and the children and families that depend on them. It's about strengthening communities and ensuring safe neighborhoods.

Since my 1994 Crime Bill passed, we've had great success in cutting down on crime rates in this country. Under the Community Oriented Policing Services, COPS, program, we've funded over 100,000 officers all across the country. And our crime rate has plummeted.

But there's a record number of people currently serving time in our country—over 2 million in our federal and state prisons; with millions more in local jails. And 95 percent of all prisoners we lock up today will eventually get out. That equals nearly 650,000 being released from federal or state prisons to communities each year.

If we are going to continue the downward trend of crime rates, we simply have to make strong, concerted, and common-sense efforts now to help ex-prisoners successfully reenter and reintegrate to their communities.

And right now, we're not doing a good enough job. A staggering two-thirds of released State prisoners are expected to be rearrested for a felony or serious misdemeanor within 3 years of release. Two out of every three. You're talking about hundreds of thousands of reoffending, ex-offenders each year and hundreds of thousands of serious crimes being committed by people who have already served time in jail.

And, unfortunately, it's too difficult to see why such a huge portion of our released prisoners recommit serious crimes. Up to 60 percent of former inmates are not employed; 15–27 percent of prisoners expect to go to homeless shelters upon release; and 57 percent of federal and 70 percent of state inmates used drugs regularly before prison, with some estimltes of involvement with drugs or alcohol around the time of the offense as high as 84 percent.

These huge numbers or released prisoners each year and the out-of-control recidivism rates are a recipe for diaster—leading to untold damage, hardship, and death for victims; ruined futures and lost potential for re-offenders; and a huge drain on society at large. One particularly vulnerable group is the children of these offenders. We simply cannot be resigned to allowing generation after generation entering and reentering our prisons. This pernicious cycle must come to an end.

My 1994 Crime Bill recognized these extraordinarily high rates of recidivism as a real problem. My bill, for example, created innovative drug treatment programs for State and Federal inmates to help them kick their habit.

But this is only one piece of the puzzle. I introduced a bill in 2000 that would have built on my 1994 Crime Bill—the "Offender Reentry and Community Safety Act of 2000" (S. 2908). This bill would have created demonstration reentry programs for Federal, State, and local prisoners. These programs were designed to assist high-risk, high-need offenders who served their prison sentences, but who posed the greatest risk of reoffending upon release because they lacked the education, job skills, stable family or living arrangements, and the health services they needed to successfully reintegrate into society.

While we have made some progress on offender reentry efforts since 1994, much more needs to be done. In the current session of Congress, I am pleased that colleagues of mine—from both sides of Capitol Hill and from both sides of the aisle—are also focusing their attention and this vital issue.

Senators SPECTER and BROWNBACK have been dedicated and tireless leaders on crime and public safety issues throughout their careers, and I am proud to join efforts with them today. Other Senators have also taken a leadership role on these issues, including Senators LEAHY, KENNEDY, BROWNBACK, HATCH, SPECTER, GRASSLEY, FEINSTEIN, DEWINE, SANTORUM, LANDRIEU, BINGAMAN, COBURN, DURBIN, and OBAMA.

The Second Chance Act of 2005 provides a competitive grant program to promote innovative programs to this out a variety of methods aimed at reducing recidivism rates. Efforts would be focus on post-release housing, education and job training, substance abuse and mental health services, and mentoring programs, just to name a few.

Because the scope of the problem is so large—with 650,000 prisoners being released from state and federal prisons each year—our bill provides $100 million per year in competitive grant funding . This isn't being wasteful with our scarce federal resources, it's just an acknowledgement of the scope of the problem we're faced with.

A relatively modest investment in offender reentry efforts compares very well with the alternative, building more and more prisons for these ex-offenders to return to if they are unable to successfully reenter their communities and instead are rearrested and reconvicted of more cries. We must remember that the average cost of incarcerating each prisoner exceeds 20,000 per year, with expenditures on corrections alone having increased from $9 billion in 1982 to $60 billion in 2002. We simply can't be penny-wise but pound-foolish.

The Second Chance Act of 2005 also requires that federal departments with a role in offender reentry efforts coordinate and work together; to make sure there aren't duplicative efforts or funding gaps; and to coordinate reentry research. Our bill would raise the profile of this issue within the executive branch and secure the sustained and coordinated federal attention offender reentry efforts deserve.

We also need to examine existing Federal and State reentry barriers—laws, regulations, rules, and practices that make it more difficult for former inmates to successfully reintegrate back into their communities; laws that confine ex-offenders to society's margins, making it even more likely that they will recommit serious crimes and return to prison.

Turning over a new leaf and going from a life of crime to becoming a productive member of society is tough enough. We shouldn't have Federal and

State laws on the books that make this even more challenging. That's not say that we don't want to restrict former drug addicts from working in pharmacies, for example, or to bar sex offenders from working it day care centers. But many communities across the country currently exclude ex-prisoners from virtually every occupation requiring a state license, like chiropractic care, engineering, and real estate. Lifting these senselessly punitive bans would make it easier for ex-offenders to stay out of prison.

Our bill provides for a roust analysis of these federal and state barriers with recommendations on what next steps we need to take. And these reviews are mandated to take place out in the open under public scrutiny.

The Second Chance Act also spurs state-of-the-art research and study on offender reentry issues. We need to know who is most likely to recommit crimes when they are released, to better target our limited resources where they can do the most good. We need to study why some ex-offenders who seem to have the entire deck stacked against them are able to become successful and productive members of our society. We need to know what, works and how we can replicate what works for others.

Our bill also provides a whole slew of common-sense proposals in the areas of job training, employment, education, post-release housing, substance abuse, and prisoner mentoring—efforts and changes in law that we can do now.

Our Second Chance Act is a next, natural step in our campaign against crime. Making a dent in recidivism rate is an enormous undertaking: one that requires action now and continued focus in the future. I commit to vigorously pushing this legislation as well as keeping an eye on what steps we need to take in the future. We need to realize that the problems facing ex-offenders are enormous and will need sustained focus. The safety of our neighbors, our children, and our communities depends on it.

I am proud today to join with Senator SPECTER and Senator BROWNBACK in introducing the Second Chance Act and ask our colleagues to join with us in this vital effort.

Mr. BROWNBACK. Mr. President, I am please to join with Chairman SPECTER and Senator BIDEN today as we introduce a bill that will have a dramatic and positive effect in the lives of individuals re-entering society after incarceration. The Second Chance Act: Community Safety Through Recidivism Prevention is a bill that will not only protect our Nation's citizens but will more importantly help to reduce recidivism in our Nation.

A hallmark of any just society lies in its ability to protect the interest of all its citizens and I am proud that the United States is a leader in this regard. Yet, while we continue to strive toward this lofty goal, we must realize that there are areas in which we, as a society and as government, must do more to improve. No where is that more apparent than in our Nation's pension system.

Today, we have challenges within the prison system that range from high recidivism rates to budgetary and safety concerns. With this bill, we will be able to address this pressing problem within our society. Already we have seen innovative and model programs within the states and the faith community, and I am proud to say that Kansas is a leader in this regard, as well a such faith organizations as Prison Fellowship Ministries, Catholic Charities U.S.A., and the Salvation Army. However, we must stimulate innovation in this area on a national level and that is what this bill will accomplish. It is paramount that we ensure the safety of our communities and ensure that those incarcerated have the tools necessary to succeed after they rejoin society.

With this bill, we will be able to combat the extremely high recidivism rates plaguing the prison system, currently as high as 70 percent, as well as address the financial burdens that hinder many of our state penitentiaries. State prison operating expenditures totaled $28.4 billion in fiscal year 2001, or a nationwide average annual operating cost of $22,650 per inmate. Today, it is more likely than ever that a person released from prison will be rearrested—two-thirds of state prisoners are rearrested within 3 years of release. Depending of the expert consulted, between one-third and two-thirds of all prison re-admissions are related to probation or parole violations and at least half of those violations are technical.

We must stop subsidizing programs that do not work and that lead, in turn, to negative behavior.

I am confident that the bill we are putting forward today will indeed take the much needed steps to reduce the recidivism rate in this Nation, which will in turn help those incarcerated make positive changes within their lives so that when they do rejoin society, they will be able to do so with the confidence of knowing that they can contribute to society in a positive manner. As an added incentive to recidivism reduction, each grant application submitted under this program must have as its strategic plan a goal to reduce recidivism by 50 percent in 5 years and in order to receive continued funding under this program, each granted must show a reduction in the recidivism rate of participants by 10 percent over 2 years.

Specifically, this bill facilitates change within our current correctional system, and promotes coordination with the Federal Government to better assist those returning to our communities after incarceration their children. The bill reauthorizes the Re-Entry Demonstration Project with an enhanced focus on jobs, housing, substance abuse treatment, mental health, and the children and families of those incarcerated. The bill authorizes $200 million over a period of two years to fund these demonstration programs and creates performance outcome standards and deliverables. It will also encourage states to enhance their re-entry services and systems with grants to fund the creation or enhancement of state re-entry councils for strategic planning and review the state barriers and resources that exit.

Additionally, the bill creates a Federal interagency taskforce to facilitate collaboration and identify innovative programs initiatives. The taskforce will review and report to Congress on the Federal barriers that exist to successful re-entry.

Furthermore, the bill creates a $50 million 2 year mentoring program geared toward reducing recidivism and the societal costs of recidivism. This mentoring program will help ex-offenders re-integrate into their communities. This initiative will specifically harness the resources and experience of community-based organizations in helping returning ex-offender.

Finally, the bill amends the Workplace and Community Transition Training for Incarcerated Youth Offenders Act by improving the existing grants to States under this program and provides $60 million for the administration of the program. This youth program calls for expanding the eligibility age from 25 to 35 years, increases accountability by requiring State correctional education agencies to track specific and quantified student outcomes referenced to non-program participants, and increases the allowable expenditure per youth offender up to the level of the maximum Federal Pell Grant award for tuition, books and essential materials; and related services, such as career development.

We have an incredible opportunity to re-shape the way in which this nation's prison systems operate. Much like welfare reform in the mid 1990s, we have a chance to make real and effective change in an area where change is sorely needed. I look forward to pushing this legislation forward.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 289—EXPRESSING THE SENSE OF THE SENATE THAT JOSEPH JEFFERSON "SHOELESS JOE" JACKSON SHOULD BE APPROPRIATELY HONORED FOR HIS OUTSTANDING BASEBALL ACCOMPLISHMENTS

Mr. DEMINT (for himself, Mr. HARKIN, Mr. GRAHAM, and Mr. FEINGOLD) submitted the following resolution; which was considered and agreed to:

S. RES. 289

Whereas Joseph Jefferson "Shoeless Joe" Jackson, a native of Greenville, South Carolina, and a local legend, began his professional career and received his nickname while playing baseball for the Greenville Spinners in 1908;

Whereas "Shoeless Joe" Jackson moved to the Philadelphia Athletics for his major league debut in 1908, to the Cleveland Naps in 1910, and to the Chicago White Sox in 1915;

Whereas "Shoeless Joe" Jackson's accomplishments throughout his 13-year career in professional baseball were outstanding—he was 1 of only 7 Major League Baseball players to ever top the coveted mark of a .400 batting average for a season, and he earned a lifetime batting average of .356, the third highest of all time;

Whereas "Shoeless Joe" Jackson's career record makes him one of our Nation's top baseball players of all time;

Whereas in 1919, the infamous "Black Sox" scandal erupted when an employee of a New York gambler allegedly bribed 8 players of the Chicago White Sox, including Joseph Jefferson "Shoeless Joe" Jackson, to lose the first and second games of the 1919 World Series to the Cincinnati Reds;

Whereas in September 1920, a criminal court acquitted "Shoeless Joe" Jackson of the charge that he conspired to lose the 1919 World Series;

Whereas despite the acquittal, Judge Kenesaw Mountain Landis, baseball's first commissioner, banned "Shoeless Joe" Jackson from playing Major League Baseball for life without conducting any investigation of Jackson's alleged activities, issuing a summary punishment that fell far short of due process standards;

Whereas the evidence shows that Jackson did not deliberately misplay during the 1919 World Series in an attempt to make his team lose the World Series;

Whereas during the 1919 World Series, Jackson's play was outstanding—his batting average was .375 (the highest of any player from either team), he set a World Series record with 12 hits, he committed no errors, and he hit the only home run of the series;

Whereas because of his lifetime ban from Major League Baseball, "Shoeless Joe" Jackson has been excluded from consideration for admission to the Major League Baseball Hall of Fame;

Whereas "Shoeless Joe" Jackson died in 1951, after fully serving his lifetime ban from baseball, and 85 years have elapsed since the 1919 World Series scandal erupted;

Whereas Major League Baseball Commissioner Bud Selig took an important first step toward restoring the reputation of "Shoeless Joe" Jackson by agreeing to investigate whether he was involved in a conspiracy to alter the outcome of the 1919 World Series and whether he should be eligible for inclusion in the Major League Baseball Hall of Fame;

Whereas it has been 6 years since Commissioner Selig initiated his investigation of "Shoeless Joe", but there has been no resolution;

Whereas the Chicago White Sox are the 2005 American League Champions, and will compete in the World Series for the first time since 1959;

Whereas "Shoeless Joe" Jackson helped lead the Chicago White Sox to their last World Series Championship in 1917; and

Whereas it is appropriate for Major League Baseball to remove the taint upon the memory of "Shoeless Joe" Jackson and honor his outstanding baseball accomplishments: Now, therefore, be it

Resolved, That it is the sense of the Senate that Joseph Jefferson "Shoeless Joe" Jackson should be appropriately honored for his outstanding baseball accomplishments.

SENATE RESOLUTION 290—HONORING THE LIFE AND EXPRESSING THE DEEPEST CONDOLENCES OF CONGRESS ON THE PASSING OF EDWARD ROYBAL, FORMER UNITED STATES CONGRESSMAN

Mr. SALAZAR (for himself, Mr. BINGAMAN, Mrs. CLINTON, Mrs. FEINSTEIN, Mr. KERRY, Mr. LIEBERMAN, Mr. OBAMA, Mr. REID, Mrs. BOXER, Mr. PRYOR, Mr. DURBIN, and Mr. REED) submitted the following resolution; which was considered and agreed to:

S. RES. 290

Whereas Edward Roybal was born on February 10, 1916, in Albuquerque, New Mexico, and moved at the age of 6 with his family to the Boyle Heights barrio of Los Angeles;

Whereas his pioneering efforts in the Congress for civil rights and social justice on behalf of the elderly, Hispanics, and others has inspired generations of Americans;

Whereas Edward Roybal attended public schools, graduating from Roosevelt High School in 1934, and subsequently studying at the University of California in Los Angeles and Southwestern University;

Whereas Edward Roybal is a distinguished veteran who served in the United States Army during World War II;

Whereas Edward Roybal worked as a public health educator for the California Tuberculosis Association, and eventually served as Director of Health Education for the Los Angeles County Tuberculosis and Health Association until 1949;

Whereas Edward Roybal founded the Community Service Organization in 1947 with Fred Ross and a group of Mexican Americans forging a partnership between the Mexican-American and Jewish communities of East Los Angeles , and as the President of the organization, fought against discrimination in housing, employment, voting rights, and education;

Whereas Edward Roybal was elected to the Los Angeles City Council in 1949 and, as the first Hispanic to serve on the city council in more than a century, served for 13 years;

Whereas on November 6, 1962, Edward Roybal became the first Hispanic elected from California to serve in the House of Representatives since 1879, and served for 30 years;

Whereas during his 3 decades of service in the House of Representatives, Roybal worked to protect the rights of minorities, the elderly, and the physically-challenged;

Whereas during his tenure in the House of Representatives, Congressman Roybal served on several important congressional committees, including the Committee on the Post Office and Civil Service, the Committee on Foreign Affairs, the Committee on Veterans' Affairs, and as the Chair of the Select Committee on Aging;

Whereas in 1971, Congressman Roybal was selected to serve on the Committee on Appropriations, where he remained for the rest of his tenure in the House of Representatives and eventually chaired the Subcommittee on Treasury, Postal Service, and General Government in 1981;

Whereas, while serving as a member of the Committee on Appropriations, Edward Roybal was a powerful advocate for the funding of education, civil rights, and health programs and was 1 of the first members of Congress to press for and obtain funding for HIV and AIDS research;

Whereas Congressman Roybal was committed to providing opportunities for Spanish-speaking Americans, helped establish a Cabinet Committee on Opportunities for Spanish-speaking people in 1968 with the goal of improving education, housing, and employment opportunities for Spanish-speaking Americans, and authored the first education bill to provide local school districts with assistance with special bilingual teaching programs;

Whereas in 1976, the County of Los Angeles opened the Edward R. Roybal Clinic in East Los Angeles;

Whereas in 1976, Congressman Roybal was 1 of the founding members and became the first chair of the Congressional Hispanic Caucus, a legislative service organization of the House of Representatives that today is comprised of 21 Representatives;

Whereas Congressman Roybal was instrumental in the establishment of several national nonprofit organizations dedicated to advancing and promoting a new generation of Latino leaders, such as the Congressional Hispanic Caucus Institute and the National Association of Latino Elected and Appointed Officials; and

Whereas Congressman Roybal received numerous honors and awards, including two honorary doctor of law degrees from Pacific States University and from Claremont Graduate School, as well as the prestigious Presidential Citizens Medal of Honor from President William Jefferson Clinton; Now, therefore, be it

Resolved, That the United States Congress honors the trail-blazing life and pioneering accomplishments of Congressman Edward Roybal and expresses its condolences on his passing.

SENATE RESOLUTION 291—TO CONGRATULATE THE CHICAGO WHITE SOX ON WINNING THE 2005 WORLD SERIES CHAMPIONSHIP

Mr. OBAMA (for himself and Mr. DURBIN) submitted the following resolution: which was considered and agreed to:

S. RES. 291

Whereas, on October 26, 2005, the Chicago White Sox baseball club won the 2005 World Series;

Whereas this is the first championship for the White Sox since 1917, when Woodrow Wilson was president and the United States was fighting in World War I;

Whereas this is the first World Series appearance for the White Sox since 1959;

Whereas the White Sox posted a regular season record of 99-63 and dominated their opponents during the playoffs, compiling 11 wins and only 1 loss, and finishing with an 8-game win streak that included a sweep in the Fall Classic;

Whereas the White Sox joined the 1990 Cincinnati Reds and the legendary 1927 New York Yankees as the only teams who have swept a World Series after playing every game of the regular season while in first place;

Whereas the White Sox pitching staff tied a Major League playoff record of 4 straight complete game wins and did not allow a single run in the last 15 innings of the World Series;

Whereas Manager Ozzie Guillen, General Manager Kenny Williams, and owners Jerry Reinsdorf and Eddie Einhorn have put together and led a great organization;

Whereas all 25 players on the playoff squad, whose sole goal was winning the World Series rather than chasing individual glory, contributed to the victory, including World Series Most Valuable Player, Jermaine Dye, as well as Scott Podsednik, Tadahito Iguchi, Joe Crede, Aaron Rowand, Paul Konerko, Juan Uribe, A.J. Pierzynski, Carl Everett, Freddy Garcia, Geoff Blum, Willie Harris, Timo Perez, Chris Widger, Pablo Ozuna, Mark Buehrle , Jose Contreras, Neal Cotts , Jon Garland, Dustin Hermanson, Orlando Hernandez, Bobby Jenks, Damaso Marte, Cliff Politte, and Luis Vizcaino;

Whereas other players, such as Frank Thomas and Brandon McCarthy, made important contributions to get the White Sox to the playoffs, but were unable to be placed on the playoff roster;

Whereas this current group of White Sox players follows in the giant footsteps of the great players in White Sox history who have had their numbers retired, players such as Nellie Fox (#2), Harold Baines (#3), Luke Appling (#4), Minnie Minoso (#9), Luis Aparicio (#11), Ted Lyons (#16), Billy Pierce (#19), and Carlton Fisk (#72);

Whereas the city of Chicago and White Sox fans have faithfully stuck by their team during the decades it spent in baseball's wilderness;

Whereas a new generation of young fans in Chicago and around Illinois are discovering the joy of world championship baseball; and

Whereas the Boston Red Sox, the Los Angeles Angels of Anaheim, and the Houston Astros proved worthy and honorable adversaries and also deserve recognition, and: Now, therefore, be it

Resolved, that the Senate—

(1) congratulates the Chicago White Sox on winning the 2005 World Series Championship;

(2) commends the fans, players, and management of the Houston Astros for allowing the Chicago White Sox and their many supporters to celebrate their first World Series title in 88 years at Minute Maid Park, the home field of the Houston Astros; and

(3) respectfully directs the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the 2005 Chicago White Sox baseball club;

(B) White Sox owners, Jerry Reinsdorf and Eddie Einhorn.

SENATE RESOLUTION 292—CALLING ON THE PRESIDENT TO CONDEMN THE ANTI-ISRAEL SENTIMENTS EXPRESSED BY THE PRESIDENT OF IRAN, MAHMOUD AHMADINEJAD, ON OCTOBER 26, 2005

Mr. LAUTENBERG (for himself, Mr. SMITH, Mr. DODD, Mrs. DOLE, Mr. NELSON of Florida, Mr. CORZINE, Mr. SALAZAR, Mr. FEINGOLD, Mr. LEVIN, Mrs. CLINTON, Mr. COLEMAN, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 292

Whereas, on October 26, 2005, the President of Iran, Mahmoud Ahmadinejad, said that Israel must be "wiped off the map" and that "[a]nybody who recognizes Israel will burn in the fire of the Islamic nations' fury";

Whereas the Department of State has designated Iran as a state sponsor of terrorism that has repeatedly provided support for acts of international terror;

Whereas the Government of Iran sponsors terrorist organizations such as Hezbollah, Hamas, Islamic Jihad, the al-Aqsa Martyrs Brigades, and PFLP-GC by providing funding, training, weapons, and safe haven to such organizations; and

Whereas the outrageous statements of Mr. Ahmadinejad are not in accord with the expressions of the Palestinian leadership in the peace process: Now, therefore, be it

Resolved, That the Senate—

(1) thoroughly repudiates the anti-Israel sentiments expressed by the President of Iran, Mahmoud Ahmadinejad, on October 26, 2005; and

(2) calls on the President, on behalf of the United States, to thoroughly repudiate, in the strongest terms possible, the statement by Mr. Ahmadinejad.

SENATE RESOLUTION 293—CALLING FOR A FREE AND FAIR PRESIDENTIAL ELECTION IN THE REPUBLIC OF KAZAKHSTAN

Mr. MCCAIN (for himself, Mr. BIDEN, Mr. SUNUNU, Mr. BAYH, Mr. LEAHY, Mr. SMITH, Mr. GRAHAM, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 293

Whereas the Republic of Kazakhstan is scheduled to hold a presidential election on December 4, 2005;

Whereas Kazakhstan freely accepted commitments on democracy, human rights, the rule of law, and other fundamental freedoms and rights when it joined the Organization for Security and Cooperation in Europe (OSCE) as a participating state in 1992;

Whereas the United States supports the promotion of democracy and transparent, free, and fair elections in Kazakhstan, consistent with that country's OSCE commitments;

Whereas the OSCE declared that, while the 2004 parliamentary elections in Kazakhstan reflected improvement over past parliamentary elections, the election process "fell short of OSCE commitments and other international standards for democratic elections in many respects";

Whereas the OSCE election monitoring mission documented a number of shortcomings in the parliamentary elections in Kazakhstan, including the government's barring of 2 opposition leaders from running, a lack of transparency in the work of the Central Election Commission, discrepancies in voter lists, a lack of political balance in the composition of election commissions, a strong media bias in favor of pro-presidential parties, pressure placed on voters to support pro-presidential parties by local government officials and workplace supervisors, and other shortcomings;

Whereas in April 2005, Kazakhstan amended its election law to ban political demonstrations in the period between the end of election campaigns and the announcement of official election results;

Whereas on September 9, 2005, President Nursultan Nazarbaev issued a decree directing state authorities to undertake actions, which, if fully implemented, could improve on many of the shortcomings found in previous elections;

Whereas other elements of Kazakhstan's stated commitments to OSCE principles and to fulfilling the goals of democracy remain unfulfilled;

Whereas there is currently no representation of the opposition in either the Majilis or the Senate, the lower and upper houses of the Kazakh Parliament, respectively;

Whereas some independent media exists in Kazakhstan, but self-censorship is common due to fears of official reprisal;

Whereas the Department of State concluded in its Country Reports on Human Rights Practices for 2004 that "the [Kazakhstan] Government's human rights record remained poor, and it continued to commit numerous abuses";

Whereas a transparent, free, and fair presidential election process in Kazakhstan would mark an important step in that country's progress toward its integration into the democratic community of nations;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and opportunity to exercise their civil and political rights, free from intimidation, undue influence, threats of political retribution, or other forms of coercion by national or local authorities or others; and

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the Government of Kazakhstan to hold an orderly, peaceful, free, and fair presidential election in December 2005, in accordance with all Organization for Security and Cooperation in Europe (OSCE) guidelines;

(2) calls upon the Government of Kazakhstan to guarantee the full participation of opposition figures and parties in the upcoming election, and to permit the return of political exiles;

(3) believes that it is vital that the December election be viewed by the people of Kazakhstan as fully free and fair, and that all sides refrain from violence or intimidation before, during, or after election day;

(4) calls upon the Government of Kazakhstan to guarantee unimpeded access to all aspects of the election process for election monitors from the Office for Democratic Institutions and Human Rights of the OSCE, Kazakh political parties, representatives of candidates, nongovernmental organizations, and other private institutions and organizations, both foreign and domestic;

(5) urges the international community and domestic nongovernmental organizations to provide a sufficient number of election observers to ensure credible monitoring and reporting of the December presidential election;

(6) calls upon the Government of Kazakhstan to guarantee freedom of speech and assembly; and

(7) calls upon the Government of Kazakhstan to meet all of its freely accepted OSCE commitments on democracy, human rights, and the rule of law.

SENATE CONCURRENT RESOLUTION 61—AUTHORIZING THE REMAINS OF ROSA PARKS TO LIE IN HONOR IN THE ROTUNDA OF THE CAPITOL

Mr. FRIST (for himself, Mr. Reid, Mr. Dodd, Mr. DeWine, Mr. Levin, Mr. Brownback, Ms. Stabenow, Mr. Santorum, Mr. Obama, Mr. Talent, Mrs. Clinton, Mr. Allen, Mr. Kennedy, Mr. Harkin, Mr. Biden, Mrs. Boxer, Mr. Pryor, Mr. Jeffords, Mr. Feingold, Mr. Lautenberg, Mr. Schumer, Mr. Corzine, Mr. Dorgan, Mr. Rockefeller, Mr. Bayh, Mr. Lieberman, Mr. Leahy, Mr. Durbin, and Mr. Akaka) submitted the following concurrent resolution; which was considered and agreed to:

Resolved by the Senate (the House of Representatives concurring), That, in recognition of the historic contributions of Rosa Parks, her remains be permitted to lie in honor in the rotunda of the Capitol from October 30 to October 31, 2005, so that the citizens of the United States may pay their last respects to this great American. The Architect of the Capitol, under the direction and supervision of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2335. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 2280 proposed by Mr. Harkin to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 2336. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2234 proposed by Mr. Coburn to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2337. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2285 submitted by Mrs. Murray to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2338. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2319 submitted by Mrs. Clinton and intended to be proposed to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2339. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2340. Mr. MARTINEZ (for Ms. Collins (for herself, Mr. Martinez, Mr. Lott, and Mr. Nelson, of Florida)) proposed an amendment to the bill S. 939, to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes.

SA 2341. Mr. MARTINEZ proposed an amendment to the bill S. 939, supra.

SA 2342. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2283 proposed by Mr. Harkin (for himself Mr. Kennedy, Mr. Reid, Mr. Durbin, Mr. Obama, Mr. Bayh, Mr. Kohl, Ms. Mikulski, Mrs. Clinton, Mr. Johnson, and Mr. Dayton) to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 2343. Mr. McCONNELL (for Ms. Snowe (for herself, Ms Cantwell, Mr. Stevens, and Mr. Inouye)) proposed an amendment to the bill S. 1280, to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes.

SA 2344. Mr. McCONNELL (for Mr. Inouye) proposed an amendment to the bill S. 1280, supra.

TEXT OF AMENDMENTS

SA 2335. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 2280 proposed by Mr. Harkin to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Sec. 222. (a) Section 640(i) of the Head Start Act (42 U.S.C. 9835(i)) is amended—

(1) by striking "(i) The" and inserting the following:

"(i) Transportation Safety.—

"(1) Regulations.—The"; and

(2) by adding at the end the following:

"(2) Waiver authority.—

"(A) In general.—The Secretary may waive for a period of up to one year the requirements of regulations promulgated under paragraph (1) for one or more vehicles used by the agency or its designee in transporting children enrolled in a Head Start program or an Early Head Start program if—

"(i) such requirements pertain to child restraint systems and bus monitors;

"(ii) the agency demonstrates that compliance with such requirements will result in a significant disruption to the Head Start program or the Early Head Start program; and

"(iii) the waiver is in the best interest of the child.

"(B) Renewal.—The Secretary may renew a waiver under subparagraph (A).".

(b) Section 1310.12(a) of the Code of Federal Regulations shall be effective beginning on the date that is 120 days after the first reauthorization of the Head Start Act occurring after the date of enactment of this Act.

SA 2336. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2234 proposed by Mr. Coburn to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 222, between lines 5 and 6, insert the following:

SEC. ___. DEPARTMENT OF HEALTH AND HUMAN SERVICES AND DEPARTMENT OF EDUCATION RISK ASSESSMENT.

(a) Estimate.—The Secretary of Health and Human Services and the Secretary of Education shall estimate improper payments pursuant to section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note, Public Law 107-300) under—

(1) in the case of the Secretary of Health and Human Services, the Temporary Assistance for Needy Families Program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the Foster Care and Adoption Assistance Program under part E of title IV of such Act (42 U.S.C. 670 et seq.), the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.), the State Children's Health Insurance Program under title XXI of such Act (42 U.S.C. 1397aa et seq.), and the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.); and

(2) in the case of the Secretary of Education, title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(b) Report.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services, in the case of the programs specified in subsection (a)(1), and the Secretary of Education, in the case of the program specified in subsection (a)(2), shall report to Congress on the specific actions taken under each such program to comply with section 2 of the Improper Payments Information Act of 2002, including a schedule for full compliance with such Act within fiscal year 2006.

(c) Failure to Report.—If the Secretary of Health and Human Services, in the case of a program specified in subsection (a)(1), or the Secretary of Education, in the case of the program specified in subsection (a)(2), fails to report to Congress on specific actions taken to estimate improper payments under such a program by the date described in subsection (b), none of the funds made available in this Act for that program shall be obligated or expended after such date until a report regarding the program that contains the information specified in subsection (b) is submitted to Congress.

SA 2337. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2285 proposed by Mrs. Murray to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 5 of the amendment, strike the period and insert ", and a review of the approval process under section 314.510 of title 21, Code of Federal Regulations, of the drug known as RU-486.".

SA 2338. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2319 submitted by Mrs. Clinton to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 3 of the amendment, between lines 5 and 6, insert the following:

(c) Conscience Protection.—Nothing in this section shall be construed to require any hospital that receives Federal funds or any individual to offer, provide, refer for or administer any treatment that has as its effect the destruction or interference with the implantation of a newly conceived human embryo if the offering, provision, referral or administering of such treatment is contrary to the religious beliefs or moral convictions of such hospital or individual.

SA 2339. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

In the amendment strike all after the first word and insert the following:

. SURVIVORS OF SEXUAL ASSAULT; PROVISION BY HOSPITALS OF EMERGENCY CONTRACEPTIVES.

(a) In General.—No Federal funds appropriated in this Act may be provided to a hospital under any health-related program, unless the hospital meets the conditions specified in subsection (b) in the case of—

(1) any woman who presents at the hospital and states that she is a victim of sexual assault, or is accompanied by someone who states she is a victim of sexual assault; and

(2) any woman who presents at the hospital whom hospital personnel have reason to believe is a victim of sexual assault.

(b) Assistance for Victims.—The conditions specified in this subsection regarding a hospital and a woman described in subsection (a) are as follows:

(1) The hospital promptly provides the woman with medically and factually accurate and unbiased written and oral information about emergency contraception, including information explaining that—

(A) emergency contraception does not cause an abortion; and

(B) emergency contraception is effective in most cases in preventing pregnancy after unprotected sex.

(2) The hospital promptly offers emergency contraception to the woman, and promptly provides such contraception to her on her request.

(3) The information provided pursuant to paragraph (1) is in clear and concise language, is readily comprehensible, and meets such conditions regarding the provision of the information in languages other than English as the Secretary may establish.

(4) The services described in paragraphs (1) through (3) are not denied because of the inability of the woman or her family to pay for the services.

(c) Definitions.—For purposes of this section:

(1) The term "emergency contraception" means a drug, drug regimen, or device that—

(A) is used postcoitally;

(B) prevents pregnancy by delaying ovulation, preventing fertilization of an egg, or preventing implantation of an egg in a uterus; and

(C) is approved by the Food and Drug Administration.

(2) The term "hospital" has the meanings given such term in title XVIII of the Social Security Act, including the meaning applicable in such title for purposes of making payments for emergency services to hospitals that do not have agreements in effect under such title.

(3) The term "Secretary" means the Secretary of Health and Human Services.

(4) The term "sexual assault" means coitus in which the woman involved does not consent or lacks the legal capacity to consent.

(d) Effective Date; Agency Criteria.—This section takes effect upon the expiration of the 180-day period beginning on the date of enactment of this Act. Not later than 30 days prior to the expiration of such period, the Secretary shall publish in the Federal Register criteria for carrying out this section.

SA 2340. Mr. MARTINEZ (for Ms. Collins (for herself, Mr. Martinez, Mr. Lott, and Mr. Nelson of Florida)) proposed an amendment to the bill S. 939, to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Debris Removal Act of 2005".

SEC. 2. EXPEDITED PAYMENTS.

(a) Expedited Payments Authorized.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (including any regulation promulgated pursuant to that Act), the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, shall pay to an eligible applicant, in accordance with subsection (b), 50 percent of the Federal share of assistance that the applicant is eligible to receive under section 407 of that Act (42 U.S.C. 5173).

(b) Date of Payment.—A claim described in subsection (a) shall be paid not later than 60 days after the date on which the applicant files an eligible claim for assistance.

SEC. 3. DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL FROM EMERGENCY ACCESS ROADS.

(a) Definition of Emergency Access Road.—In this section, the term "emergency access road" means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service after a declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

(b) Reimbursement Authorized.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for clearing and removing debris may include reimbursement for clearing, removing, and disposing of debris from any emergency access road.

SEC. 4. INCLUSION OF DEBRIS REMOVAL AS ELIGIBLE CLAIM FOR FEDERAL ASSISTANCE.

Section 408(c)(2)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)(A)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by inserting after clause (ii) the following:

"(iii) the removal of debris and wreckage resulting from a major disaster from owner occupied private residential property, utilities, and residential infrastructure (such as a private access route) as necessary for a safe and sanitary living or functioning condition.".

SEC. 5. COST SHARE.

For a period of not less than 180 days after the date of declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) during the period beginning on August 25, 2005 through December 31, 2005, the Federal share of assistance provided to eligible applicants for debris removal under section 407 of that Act (42 U.S.C. 5173) shall be 100 percent.

SEC. 6. GUIDELINES FOR REIMBURSEMENT.

In light of concerns regarding inconsistent policy memoranda and guidelines issued to counties and communities affected by the 2004 hurricane season, the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness and Response, shall provide clear, concise, and uniform guidelines for the reimbursement to any county or government entity affected by a hurricane of the costs of hurricane debris removal.

SEC. 7. APPLICABILITY; TERMINATION OF AUTHORITY.

This Act and the authority provided by this Act (including by any amendment made by this Act) shall—

(1) apply to each major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during calendar year 2005; and

(2) terminate on the date that is 1 year after the date of enactment of this Act.

SA 2341. Mr. MARTINEZ proposed an amendment to the bill S. 939, to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes; as follows:

Amend the title so as to read: "To expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes.".

SA 2342. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2283 proposed by Mr. Harkin (for himself, Mr. Kennedy, Mr. Reid, Mr. Durbin, Mr. Obama, Mr. Bayh, Mr. Kohl, Ms. Mikulski, Mrs. Clinton, Mr. Johnson, and Mr. Dayton) to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and or other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, strike "$183,589,000: Provided, That $120,000,000 of amounts available for influenza preparedness" and replace with "$8,158,589,000: Provided, That $8,095,000,000 of amounts available for influenza preparedness is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006 and"

SA 2343. Mr. McCONNELL (for Ms. Snowe (for herself, Ms. Cantwell, Mr.

STEVENS, and Mr. INOUYE)) proposed an amendment to the bill S. 1280, to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes; as follows:

On page 2, strike the item relating to section 211 and insert the following:

Sec. 211. Undocumented Maine fish tenders.

On page 2, after the item relating to section 217, insert the following:

Sec. 218. Distant water tuna fleet.
Sec. 219. Automatic identification system.

On page 3, after the item relating to section 410, insert the following:

Sec. 411. Conveyance of decommissioned Coast Guard Cutter MACKINAW.

On page 8, line 17, strike "2006." and insert "2006 and as of September 30, 2007.".

On page 8, beginning in line 18, strike "fiscal year 2006," and insert "each of fiscal years 2006 and 2007,".

On page 9, beginning in line 3, strike "fiscal year 2006" and insert "each of fiscal years 2006 and 2007".

On page 18, strike lines 6 through 24 and insert the following:

SEC. 211. UNDOCUMENTED MAINE FISH TENDERS.

Not withstanding any other provision of law, a vessel that is ineligible for documentation under chapter 121 of title 46, United States Code, because it measures less than 5 net tons, may transport fish or shellfish within the coastal waters of the State of Maine if—

(1) the vessel transported fish or shellfish pursuant to a valid wholesale seafood license, issued under the authority of section 6851 of title 12 of the Maine Revised Statutes prior to December 31, 2004; and

(2) the vessel is owned by an individual or entity meeting the citizenship requirements necessary to document a vessel under section 12106 of title 46, United States Code.

On page 19, line 18, insert "(a) IN GENERAL.—" before "The".

On page 20, after line 25, insert the following:

(b) INDEPENDENT ANALYSIS OF REVISED DEEP WATER PLAN.—Within 180 days after the date of enactment of this Act, the Commandant of the Coast Guard may execute a contract with an independent entity—

(1) to conduct an analysis of the Coast Guard's revised Deepwater Plan; and

(2) to assess whether—

(A) the mix of assets and capabilities selected as part of that plan will meet the Coast Guard's criteria of—

(i) performance; and

(ii) minimizing total ownership costs; or

(B) additional or different assets should be considered as part of the plan.

On page 22, strike lines 13 through 18, and insert the following:

"(c)(1) No vessel without a registry endorsement may engage in—

"(A) the setting or movement of the anchors or other mooring equipment of a mobile offshore drilling unit that is located over the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.c. 1331(a))) whether or not attached to the outer Continental Shelf; or

"(B) the movement of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is—

"(i) not attached to the seabed; or

"(ii) attached to the seabed on the outer Continental Shelf but not exploring for oil and gas resources from the outer Continental Shelf.

"(2) Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12106 of this title.".

On page 22, between lines 18 and 19, insert the following:

SEC. 218. DISTANT WATER TUNA FLEET.

(a) MANNING REQUIREMENTS.—United States purse seine fishing vessels transiting to or from, or fishing exclusively for highly migratory species in, the Treaty area under a fishing license issued pursuant to the 1987 Treaty of Fisheries Between the Governments of Certain Pacific Islands States and the Government of the United States of America may utilize non-United States licensed and documented personnel to meet manning requirements for the 48 month period beginning on the date of enactment of this Act if, after timely notice of a vacancy, no United States-licensed and documented personnel are readily available.

(b) LIMITATION.—Subsection (a) applies only to vessels operating in and out of American Samoa.

(c) WAIVER.—The citizenship requirements of sections 8103(a) and 12110 of title 46, United States Code, are waived for vessels to which subsection (a) applies during the 48-month period.

SEC. 219. AUTOMATIC IDENTIFICATION SYSTEM.

(a) PREVENTION OF HARMFUL INTERFERENCE.—The Secretary of the Department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, may, within 60 days of the enactment of this Act, transfer $1,000,000 to the National Telecommunications and Information Administration of the Department of Commerce for the purposes of awarding, within 120 days after the date of enactment of this Act a competitive grant to design, develop, and prototype a device that integrates a Class B Automatic Identification System transponder (International Electrotechnical Commission standard 62287) with an FCC-approved wireless maritime data device with channel throughput greater than 19.2 kilobits per second to enable such wireless maritime data device to provide wireless maritime data services, concurrent with the operation of such Automatic Identification System transponder, on frequency channels adjacent to the frequency channels on which the Automatic Identification System transponder operates, while minimizing or eliminating the harmful interference between such Automatic Identification System transponder and such wireless maritime data device. The design of such device shall be available for public use.

(b) IMPLEMENTATION OF AIS.—It is the Sense of the Senate that the Federal Communications Commission should resolve within 60 days after the date of enactment of this Act the disposition of its rulemaking on the Automatic Information System and licensee use of frequency bands 157.1875-157.4375 MHz and 161.7875-162.0375 MHz (RM-10821, WT Docket Number 04-344). The implementation of this section shall not delay the implementation of an Automatic Identification System as required by the Maritime Transportation Security Act of 2002 and international convention.

On page 30, line 5, strike " 'Members'; " and insert " 'The'; ".

On page 30, line 7, insert "(1)" before "The".

On page 30, line 12, strike the closing quotation marks and the second period.

On page 30, between lines 12 and 13, insert the following:

"(2) Any motorized vehicle placed at the disposition of the Coast Guard and utilized to carry out its functions under paragraph (1) shall be considered to be a 'motorized vehicle utilized under section 826(b)' as that term is used in section 830.".

On page 35, between lines 4 and 5, insert the following:

SEC. 411. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER MACKINAW.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter MACKINAW, the Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to that vessel to the City and County of Cheboygan, Michigan, without consideration, if—

(1) the recipient agrees—

(A) to use the vessel for purposes of a museum;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) the recipient has funds available that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in an amount of at least $700,000; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—Prior to conveyance of the vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel to a suitable mooring in the local area, in its present condition, on or about June 10, 2006, and no later than June 30, 2006. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function for purposes of a museum.

SA 2344. Mr. MCCONNELL (for Mr. INOUYE) proposed an amendment to the bill S. 1280, to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes; as follows:

On page 3, after the item relating to section 601, insert the following:

TITLE VII—HURRICANE KATRINA

Sec. 701. Sense of the Senate on Coast Guard response to Hurricane Katrina.
Sec. 702. Supplemental authorization of appropriations.
Sec. 703. Report on the use of vessels.
Sec. 704. Use of maritime safety and security teams.

Sec. 705. Temporary authority to extend duration of merchant mariner licenses and documents.
Sec. 706. Temporary authority to extend duration of vessel certificates of inspection.
Sec. 707. Preservation of leave lost due to Hurricane Katrina operations.
Sec. 708. Reports on impacts to Coast Guard.
Sec. 709. Reports on impacts on navigable waterways.

On page 44, after line 10, add the following:

TITLE VII—HURRICANE KATRINA

SEC. 701. SENSE OF SENATE ON COAST GUARD RESPONSE TO HURRICANE KATRINA.

(a) FINDINGS.—The Senate makes the following findings:

(1) The response of the Coast Guard to Hurricane Katrina was exemplary.

(2) The Coast Guard strategically positioned its aircraft, vessels, and personnel the day before Hurricane Katrina made landfall and launched search and rescue teams within hours after Hurricane Katrina struck.

(3) The impacts of Hurricane Katrina were unprecedented, and the Coast Guard rose to meet the challenges presented by such impacts.

(4) The Coast Guard moved its operations in areas threatened by Hurricane Katrina to higher ground and mobilized cutters, small boats, and aircraft from all around the United States to help in the response to Hurricane Katrina.

(5) The Coast Guard rescued more than 33,000 people affected by Hurricane Katrina through the air and by water, including evacuations of hospitals, and has been at the center of efforts to restore commerce to areas affected by Hurricane Katrina by clearing shipping channels, replacing aids to navigation, and securing uprooted oil rigs.

(6) The Coast Guard has been at the forefront of the Federal response to the numerous oil and chemical spills in the area affected by Hurricane Katrina.

(7) As an indication of the effectiveness of the Coast Guard in a time of emergency, the Chief of Staff of the Coast Guard was placed in charge of coordinating all response operations relating to Hurricane Katrina.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Coast Guard should play a major role in the event of any future national emergency or disaster caused by a natural event in the United States in a coastal or offshore area.

SEC. 702. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts provided to the Coast Guard from another Federal agency for reimbursement of expenditures for Hurricane Katrina, there are authorized to be appropriated for fiscal year 2005 to the Secretary of the department in which the Coast Guard is operating the following amounts for nonreimbursed expenditures:

(1) For the operation and maintenance of the Coast Guard in responding to Hurricane Katrina, including, but not limited to, search and rescue efforts, clearing channels, and emergency response to oil and chemical spills, and for increased costs of operation and maintenance of the Coast Guard due to higher than expected fuel costs, $200,000,000.

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, and vessels and aircraft, including equipment related thereto, related to damage caused by Hurricane Katrina, $300,000,000.

(b) CONSTRUCTION WITH OTHER FUNDING.—The amounts authorized to be appropriated by subsection (a) are in addition to any other amounts authorized to be appropriated for fiscal year 2005 to the Secretary of the department in which the Coast Guard is operating under any other provision of law.

(c) AVAILABILITY.—The amounts authorized to be appropriated by subsection (a) shall remain available until expended.

SEC. 703. REPORT ON THE USE OF VESSELS.

(a) IN GENERAL.—The Inspector General of the Department of Homeland Security shall review any contract valued at $10,000,000 or more entered into by or on behalf of the United States Government with an owner, charterer, managing operator, agent or person in charge of a vessel in response to Hurricane Katrina to determine whether—

(1) the contract price, as modified, was appropriate and reasonable, and based on current, accurate, and complete cost and pricing data;

(2) information other than certified cost or pricing data was relied upon;

(3) applicable procurement laws and regulations were followed to the extent practicable throughout the award and contract administration process; and

(4) there were any irregularities or deviations in the award and subsequent oversight and administration of the contract.

(b) REPORT.—No later than 9 months after the date of enactment of this Act, the Inspector General shall transmit a report of results of the review with findings and recommendations, including possible legislative or regulatory changes, or improvements to the contracting process immediately following a disaster, to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 704. USE OF MARITIME SAFETY AND SECURITY TEAMS.

Section 70106 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(d) IMPLEMENTATION OF COAST GUARD MISSIONS.—The Secretary may also use maritime safety and security teams to implement any other mission of the Coast Guard.".

SEC. 705. TEMPORARY AUTHORITY TO EXTEND DURATION OF MERCHANT MARINER LICENSES AND DOCUMENTS.

(a) MERCHANT MARINER LICENSES.—The Secretary of the department in which the Coast Guard is operating may temporarily extend the expiration date of any merchant mariner license issued pursuant to chapter 71 of title 46, United States Code, when such action is deemed appropriate and necessary.

(b) MERCHANT MARINER DOCUMENTS.—The Secretary of the department in which the Coast Guard is operating may temporarily extend the expiration date of any merchant mariner's document issued pursuant to chapter 73 of title 46, United States Code, when such action is deemed appropriate and necessary.

(c) SCOPE OF AUTHORITY.—Any extension under subsection (a) or (b) may be granted to individual mariners or to specifically identified groups of mariners.

(d) EXPIRATION OF AUTHORITY.—The authorities provided in this section shall expire on September 30, 2007.

SEC. 706. TEMPORARY AUTHORITY TO EXTEND DURATION OF VESSEL CERTIFICATES OF INSPECTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may temporarily extend the expiration date or validity of any Certificate of Inspection or Certificate of Compliance issued pursuant to subtitle II of title 46, United States Code.

(b) EXPIRATION OF AUTHORITY.—The authority provided in this section shall expire on September 30, 2007.

SEC. 707. PRESERVATION OF LEAVE LOST DUE TO HURRICANE KATRINA OPERATIONS.

(a) PRESERVATION OF LEAVE.—Notwithstanding section 701(b) of title 10, United States Code, any member of the Coast Guard who serves on active duty for a continuous period of 30 days, who is assigned to duty or otherwise detailed in support of units or operations in the Eighth Coast Guard District area of responsibility for activities to mitigate the consequences of, or assist in the recovery from, Hurricane Katrina, during the period beginning on August 28, 2005, and ending on January 1, 2006, and who would otherwise lose any accumulated leave in excess of 60 days as a consequence of such assignment, is authorized to retain an accumulated total of up to 90 days of leave.

(b) EXCESS LEAVE.—Leave in excess of 60 days accumulated under subsection (a) shall be lost unless used by the member before the commencement of the second fiscal year following the fiscal year in which the assignment commences, in the case of a Reserve members, the year in which the period of active service is completed.

SEC. 708. REPORTS ON IMPACTS TO COAST GUARD.

(a) REPORTS REQUIRED.—

(1) INTERIM REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an interim report on the impacts of Hurricane Katrina and the response of the Coast Guard to such impacts.

(2) FINAL REPORT.—Not later than 180 days after the date of the date of the submittal of the report required by paragraph (1), the Secretary of the department in which the Coast Guard is operating shall submit to the committees of Congress referred to in that paragraph a final report on the impacts of Hurricane Katrina and the response of the Coast Guard to such impacts.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) A discussion and assessment of the impacts of Hurricane Katrina on the facilities, aircraft, vessels, and other assets of the Coast Guard, including an assessment of such impacts on pending or proposed replacements or upgrades of facilities, aircraft, vessels, or other assets of the Coast Guard.

(2) A discussion and assessment of the impact of Hurricane Katrina on Coast Guard operations and strategic goals.

(3) A statement of the number of emergency drills held by the Coast Guard during the five-year period ending on the date of the report with respect to natural disasters and with respect to security incidents.

(4) A description and assessment of the lines of communication and reporting within the Coast Guard, and between the Coast Guard and other departments and agencies of the Federal Government and State and local governments, as well as the interoperability of such communications, during the response to Hurricane Katrina.

(5) A discussion and assessment of the financial impact on Coast Guard operations during fiscal years 2005 and 2006 of unbudgeted increases in prices of fuel.

SEC. 709. REPORTS ON IMPACTS ON NAVIGABLE WATERWAYS.

(a) Reports Required.—

(1) Interim report.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall, in consultation with the Secretary of Commerce, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the impacts of Hurricane Katrina on navigable waterways and the response of the Coast Guard to such impacts.

(2) Final report.—Not later than 180 days after the date of the submittal of the report required by paragraph (1), the Secretary of the department in which the Coast Guard is operating shall, in consultation with the Secretary of Commerce, submit to the committees of Congress referred to in that paragraph a report on the impacts of Hurricane Katrina on navigable waterways with respect to missions within the jurisdiction of the Coast Guard and the response of the Coast Guard to such impacts.

(b) Elements.—Each report required by subsection (a) shall include the following:

(1) A discussion and assessment of the impacts, and associated costs, of Hurricane Katrina on—

(A) the navigable waterways of the United States;

(B) facilities located in or on such waterways;

(C) aids to navigation to maintain the safety of such waterways; and

(D) any other equipment located in or on such waterways related to a mission of the Coast Guard.

(2) An estimate of the costs to the Coast Guard of restoring the resources described in paragraph (1) and an assessment of the vulnerability of such resources to natural disasters in the future.

(3) A discussion and assessment of the environmental impacts in areas within the Coast Guard's jurisdiction of Hurricane Katrina, with a particular emphasis on any releases of oil or hazardous chemicals into the navigable waterways of the United States.

(4) A discussion and assessment of the response of the Coast Guard to the impacts described in paragraph (3), including an assessment of environmental vulnerabilities in natural disasters in the future and an estimate of the costs of addressing such vulnerabilities.

(c) Navigable Waterways of the United States.—In this section, the term "navigable waterways of the United States" includes waters of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing on October 31, 2005, entitled "Corruption in the United Nations Oil-for-Food Program: Reaching a Consensus on UN Reform."

The October 31 hearing will be the fourth hearing the Permanent Subcommittee on Investigations has held on the United Nations' Oil-for-Food Program ("OFF Program"). The Subcommittee's first hearing on the OFF Program laid the foundation for future hearings by describing how the OFF Program was exploited by Saddam Hussein. A second hearing examined the operations of the independent inspection agents retained by the United Nations in the OFF Program and examined issues related to inadequate management, audit, and procurement oversight. The hearing also examined issues related to why the U.S. and U.N. did not interfere with Iraq's open exports of oil to Jordan and Turkey, in violation of U.N. sanctions. The Subcommittee's third hearing detailed how Saddam Hussein manipulated the OFF Program to win influence and reward friends in order to undermine sanctions. In particular, the hearing presented evidence detailing how Saddam rewarded foreign officials with lucrative oil allocations that could be converted to money. The hearing also examined the illegal surcharges paid on Iraqi oil sales, using examples involving the recently indicted U.S. company, Bayoil. In addition, more detailed information was provided on the nature and extent of the 2003 Khor al-Amaya incident in which oil tankers loaded a large amount of Iraqi oil circumventing U.N. sanctions.

The Subcommittee's October 31 hearing will address: 1. The findings of the Subcommittee's October 25, 2005, Oil-for-Food Program Report covering illegal payments to individuals; 2. the findings of the October 27, 2005 final report of the Volker Independent Inquiry Committee (IIC) on the United Nations Oil-for-Food Program; 3. a Government Accountability Office (GAO) status report on two Subcommittees requested investigations of the United Nations Office of Internal Oversight Services (OIOS) and the United Nations Procurement System; 4. the findings of a supplemental Minority report on Bayoil oil diversions; and 5. progress toward implementing United Nations management reforms resulting from the September 2005 UN Summit on Reform. The hearing will also examine the oversight by the U.S. Office of Foreign Assets Control (OFAC) to stop misconduct by U.S. persons doing business under the OFF Program.

The Subcommittee hearing is scheduled for Monday, October 31, 2005, at 1:00 p.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd, III, Staff Director and Chief Counsel to the Permanent Subcommittee on Investigations, at 224-3721.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on October 27, 2005, at 9:30 a.m., in closed session to mark up S. 1803, the Intelligence Authorization Act for fiscal year 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 27, 2005, at 10 a.m., to conduct a hearing on "Issues Regarding the Sending of Remittances and the Role of Financial Institutions."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, October 27 at 10 a.m. The purpose of this hearing is to receive testimony from the administration on hurricane recovery efforts related to energy and to discuss energy policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, October 27, 2005, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting on the following bills:

(1) S. 1057, the Indian Health Care Improvement Act amendments of 2005.

(2) S. 1003, The Navajo-Hopi Land Settlement amendments of 2005.

(3) S. 692, A bill to provide for the conveyance of certain public land in northwestern New Mexico by resolving a dispute associated with coal preference right lease interests on the land.

(4) S.______, A bill to extend the statute of limitations for breach of trust claims.

(5) S. 1219, A bill to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association, Inc.

Those wishing additional information may contact the Indian Affairs Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, October 27, 2005 at 9:30 a.m. in Senate Dirksen Office Building room 226.

Agenda:

I. Nominations:

Wan Kim, to be an Assistant Attorney General, Civil Rights Division; Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel; Sue Ellen Wooldridge, to be an Assistant Attorney General, Environment and Natural Resources Division; and Thomas O. Barnett, to be an Assistant Attorney General, Antitrust Division.

II. Bills:

S. 1088, Streamlined Procedures Act of 2005, Kyl, Cornyn, Grassley, Hatch;

S. 1789, Personal Data Privacy and Security Act of 2005, Specter, Leahy, Feinstein, Feingold;

S. 751, Notification of Risk to Personal Data Act, Feinstein, Kyl;

S. 1699, Stop Counterfeiting in Manufactured Goods Act, Specter, Leahy, Hatch, DeWine, Cornyn, Brownback, Feingold, Durbin;

S. 1095, Protecting American Goods and Services Act of 2005, Cornyn, Leahy;

H.R. 683, Trademark Dilution Revision Act of 2005, Smith—TX;

S. 1787, Relief to Victims of Hurricane Katrina and Other Natural Disasters Act of 2005, Vitter, Grassley, Cornyn, DeWine;

S. 1647, Hurricane Katrina Bankruptcy Relief and Community Protection Act of 2005, Feingold, Leahy, Durbin, Kennedy, Feinstein; and

S.J. Res. 1, Marriage Protection Amendment, Allard, Sessions, Kyl, Hatch, Cornyn, Coburn.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, October 27, 2005, for a committee hearing titled "The Rising Number of Disabled Veterans Deemed Unemployable: Is the System Failing? A Closer Look at VA's Individual Unemployment Benefit." The hearing will take place in room 418 of the Russell Senate Office Building at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 27, 2005 at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Forestry, Conservation, and Rural Revitalization be authorized to conduct a hearing during the session of the Senate on Thursday, October 27, 2005, at 10 a.m. in room 328A, Senate Russell Office Building. The purpose of this subcommittee hearing will be to conduct oversight of the Forest and Rangeland Research Program of the USDA Forest Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRADE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Trade be authorized to meet during the session on Thursday, October 27, 2005, at 2 p.m., to hear testimony on "The Status of World Trade Organization Negotiations."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Tec Chapman be allowed to be on the floor during the remainder of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

REENROLLMENT OF H.R. 3765

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 276, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 276) requesting the President to return to the House of Representatives the enrollment of H.R. 3765 so that the Clerk of the House may reenroll the bill in accordance with the action of the two Houses.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 276) was agreed to.

DEBRIS REMOVAL ACT OF 2005

Mr. MARTINEZ. Mr. President, I ask unanimous consent to proceed to immediate consideration of S. 939.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 939) to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under that Act.

There being no objection, the Senate proceeded to consider the bill to which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments.

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Disaster Recovery Act of 2005".

[SEC. 2. EXPEDITED PAYMENTS OF FEDERAL ASSISTANCE FOR DEBRIS REMOVAL AND EMERGENCY PROTECTIVE MEASURES.

[(a) DEFINITIONS.—In this section:

[(1) ELIGIBLE APPLICANT.—The term "eligible applicant" means—

[(A) a State government;

[(B) a local government;.

[(C) a private nonprofit organization or institution that owns or operates any private nonprofit educational, utility, emergency, medical, or custodial care facility, including a facility for the aged or disabled, or any other facility providing essential governmental services to the general public, and such facilities on Indian reservations; and

[(D) an Indian tribe or authorized tribal organization, or an Alaska Native village or organization (other than an Alaska Native Corporation), the ownership of which is vested in a private individual.

[(2) ELIGIBLE CLAIM FOR ASSISTANCE.—The term "eligible claim for assistance" means—

[(A) a claim for the clearance, removal, or disposal of debris (such as trees, sand, gravel, building components, wreckage, vehicles, and personal property), if the debris is the result of an emergency or major disaster and the clearance, removal, or disposal is necessary—

[(i) to eliminate an immediate threat, as determined by the Secretary of Homeland Security, to human life, public health, or safety;

[(ii) to eliminate an immediate threat, as determined by the Secretary, of significant damage to public or private property;

[(iii) to ensure the economic recovery of the community affected by the emergency or major disaster to the benefit of the community and any other community, as determined by the Secretary; or

[(iv) to ensure the provision of temporary public transportation service in the community affected by the emergency or major disaster pursuant to section 419 of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5186);

[(B) an action taken by an applicant before, during, or after an emergency or major disaster that is necessary—

[(i) to eliminate or reduce an immediate threat, as determined by the Secretary of Homeland Security, to human life, public health, or safety; or

[(ii) to eliminate or reduce an immediate hazard, as determined by the Secretary, that threatens significant damage to public or private property; or

[(C) any other claim that the Secretary of Homeland Security determines to be appropriate.

[(3) EMERGENCY.—The term "emergency" has the meaning given the term in section 102 of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5122).

[(4) MAJOR DISASTER.—The term "major disaster" has the meaning given the term in section 102 of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5122).

[(b) EXPEDITED PAYMENTS AUTHORIZED.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (including any regulation promulgated pursuant to that Act), the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, shall pay to an eligible applicant, in accordance with subsection (c), 50 percent of the Federal share of assistance that the applicant is eligible to receive under section 403(b), 407(d), or 503 of that Act (42 U.S.C. 5170b(b), 5173(d), 5193).

[(c) DATE OF PAYMENT.—A claim described in subsection (b) shall be paid not later than 60 days after the date on which the applicant files an eligible claim for assistance.

[SEC. 3. REQUIREMENT TO ENSURE DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL FROM EMERGENCY ACCESS ROADS.

[(a) DEFINITION OF EMERGENCY ACCESS ROAD.—In this section, the term "emergency access road" means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service after a declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

[(b) REQUIREMENT.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for clearing and removing debris shall include reimbursement for clearing, removing, and disposing of debris from any emergency access road.

[SEC. 4. INCLUSION OF DEBRIS REMOVAL FROM PRIVATE LAND AS ELIGIBLE CLAIM FOR FEDERAL ASSISTANCE.

[Section 408(c)(2)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)(A)) is amended—

[(1) in clause (i), by striking "and" at the end;

[(2) in clause (ii), by striking the period at the end and inserting "; and"; and

[(3) by inserting after clause (ii) the following:

["(iii) the removal, clearance, and disposal of debris from private property that is the result of an emergency or major disaster.".

SECTION 1. SHORT TITLE.

This Act may be cited as the "Debris Removal Act of 2005".

SEC. 2. EXPEDITED PAYMENTS.

(a) EXPEDITED PAYMENTS AUTHORIZED.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (including any regulation promulgated pursuant to that Act), the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, shall pay to an eligible applicant, in accordance with subsection (b), 50 percent of the Federal share of assistance that the applicant is eligible to receive under section 407 of that Act (42 U.S.C. 5173).

(b) DATE OF PAYMENT.—A claim described in subsection (a) shall be paid not later than 60 days after the date on which the applicant files an eligible claim for assistance.

SEC. 3. DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL FROM EMERGENCY ACCESS ROADS.

(a) DEFINITION OF EMERGENCY ACCESS ROAD.—In this section, the term "emergency access road" means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service after a declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

(b) REIMBURSEMENT AUTHORIZED.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for clearing and removing debris may include reimbursement for clearing, removing, and disposing of debris from any emergency access road.

SEC. 4. INCLUSION OF DEBRIS REMOVAL AS ELIGIBLE CLAIM FOR FEDERAL ASSISTANCE.

Section 408(c)(2)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)(A)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by inserting after clause (ii) the following:

"(iii) the removal of debris and wreckage resulting from a major disaster from owner occupied private residential property, utilities, and residential infrastructure (such as a private access route) as necessary for a safe and sanitary living or functioning condition.".

SEC. 5. APPLICABILITY; TERMINATION OF AUTHORITY.

This Act and the authority provided by this Act (including by any amendment made by this Act) shall—

(1) apply to each major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during calendar year 2005; and

(2) terminate on the date that is 1 year after the date of enactment of this Act.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the amendments at the desk be agreed to, the committee-reported amendment, as amended, be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2340) in the nature of a substitute was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Debris Removal Act of 2005".

SEC. 2. EXPEDITED PAYMENTS.

(a) EXPEDITED PAYMENTS AUTHORIZED.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (including any regulation promulgated pursuant to that Act), the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, shall pay to an eligible applicant, in accordance with subsection (b), 50 percent of the Federal share of assistance that the applicant is eligible to receive under section 407 of that Act (42 U.S.C. 5173).

(b) DATE OF PAYMENT.—A claim described in subsection (a) shall be paid not later than 60 days after the date on which the applicant files an eligible claim for assistance.

SEC. 3. DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL FROM EMERGENCY ACCESS ROADS.

(a) DEFINITION OF EMERGENCY ACCESS ROAD.—In this section, the term "emergency access road" means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service after a declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

(b) REIMBURSEMENT AUTHORIZED.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for clearing and removing debris may include reimbursement for clearing, removing, and disposing of debris from any emergency access road.

SEC. 4. INCLUSION OF DEBRIS REMOVAL AS ELIGIBLE CLAIM FOR FEDERAL ASSISTANCE.

Section 408(c)(2)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)(A)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by inserting after clause (ii) the following:

"(iii) the removal of debris and wreckage resulting from a major disaster from owner occupied private residential property, utilities, and residential infrastructure (such as a private access route) as necessary for a safe and sanitary living or functioning condition.".

SEC. 5. COST SHARE.

For a period of not less than 180 days after the date of declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) during the period beginning on August 25, 2005 through December 31, 2005, the Federal share of assistance provided to eligible applicants for debris removal under section 407 of that Act (42 U.S.C. 5173) shall be 100 percent.

SEC. 6. GUIDELINES FOR REIMBURSEMENT.

In light of concerns regarding inconsistent policy memoranda and guidelines issued to counties and communities affected by the 2004 hurricane season, the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness and Response, shall provide clear, concise, and uniform guidelines for the reimbursement to any county or government entity affected by a hurricane of the costs of hurricane debris removal.

SEC. 7. APPLICABILITY; TERMINATION OF AUTHORITY.

This Act and the authority provided by this Act (including by any amendment made by this Act) shall—

(1) apply to each major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during calendar year 2005; and

(2) terminate on the date that is 1 year after the date of enactment of this Act.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The amendment (No. 2341) was agreed to, as follows:

Amend the title so as to read: "To expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes.".

The bill (S. 939), as amended, was read the third time and passed.

Mr. LOTT. Mr. President, I know that the distinguished chairman and the ranking member want to move forward on this legislation. I do not want to delay their proceedings, but I will take just a moment. I will take advantage of the opportunity to put a statement in the RECORD.

I think it is important that we acknowledge the importance of this relatively small bill as we try to recover from the hurricanes we are dealing with.

I think we must give credit to the chairman of the Governmental Affairs and Homeland Security Committee, Senator COLLINS from Maine, the ranking member, Senator LIEBERMAN from Connecticut, to the leadership of the distinguished Senator from Florida, and Senator MARTINEZ, who knows full well the things we are dealing with in the recovery from these disasters. His own State has been hit once again. Mother Nature can be a very devastating vixen when you don't anticipate the kind of damage you wind up with.

Also, I thank the Democrats and their leadership for helping clear this legislation.

I thank and acknowledge Senator VITTER's and Senator LANDRIEU's involvement in all these efforts.

It is hard to get anything done in the Senate these days. It is the way our body functions. And we all question everything, legitimately. But we got it done.

I would like to give credit to both sides and to all of those involved.

This just has four or five important things. They are important. People are hurting, and this will help us get through this recovery period.

Thank you very much for allowing me this moment to comment.

S. 939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Debris Removal Act of 2005".

SEC. 2. EXPEDITED PAYMENTS.

(a) EXPEDITED PAYMENTS AUTHORIZED.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (including any regulation promulgated pursuant to that Act), the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, shall pay to an eligible applicant, in accordance with subsection (b), 50 percent of the Federal share of assistance that the applicant is eligible to receive under section 407 of that Act (42 U.S.C. 5173).

(b) DATE OF PAYMENT.—A claim described in subsection (a) shall be paid not later than 60 days after the date on which the applicant files an eligible claim for assistance.

SEC. 3. DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL FROM EMERGENCY ACCESS ROADS.

(a) DEFINITION OF EMERGENCY ACCESS ROAD.—In this section, the term "emergency access road" means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service after a declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

(b) REIMBURSEMENT AUTHORIZED.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for clearing and removing debris may include reimbursement for clearing, removing, and disposing of debris from any emergency access road.

SEC. 4. INCLUSION OF DEBRIS REMOVAL AS ELIGIBLE CLAIM FOR FEDERAL ASSISTANCE.

Section 408(c)(2)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)(A)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by inserting after clause (ii) the following:

"(iii) the removal of debris and wreckage resulting from a major disaster from owner occupied private residential property, utilities, and residential infrastructure (such as a private access route) as necessary for a safe and sanitary living or functioning condition.".

SEC. 5. COST SHARE.

For a period of not less than 180 days after the date of declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) during the period beginning on August 25, 2005 through December 31, 2005, the Federal share of assistance provided to eligible applicants for debris removal under section 407 of that Act (42 U.S.C. 5173) shall be 100 percent.

SEC. 6. GUIDELINES FOR REIMBURSEMENT.

In light of concerns regarding inconsistent policy memoranda and guidelines issued to counties and communities affected by the 2004 hurricane season, the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness and Response, shall provide clear, concise, and uniform guidelines for the reimbursement to any county or government entity affected by a hurricane of the costs of hurricane debris removal.

SEC. 7. APPLICABILITY; TERMINATION OF AUTHORITY.

This Act and the authority provided by this Act (including by any amendment made by this Act) shall—

(1) apply to each major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during calendar year 2005; and

(2) terminate on the date that is 1 year after the date of enactment of this Act.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENTS NOS. 109-5 AND 109-6

Mr. McCONNELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on October 27, 2005, by the President of the United States: the Tax Convention with Bangladesh, Treaty Document No. 109-5; and the U.N. Convention Against Corruption, Treaty Document No. 109-6. I further ask unanimous consent that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith for the advice and consent of the Senate to ratification a Convention Between the Government of the United States of America and the Government of Bangladesh for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Dhaka on September 26, 2004 (the "Convention"). An exchange of notes is enclosed, and the report of the Department of State with respect to the Convention is transmitted for the information of the Senate.

This Convention, which is similar to tax treaties between the United States and other developing nations, provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention also provides for the resolution of disputes and sets forth rules making its benefits unavailable to those who are engaged in treaty forum shopping.

I recommend that the Senate give early and favorable consideration to this Convention and that the Senate give its advice and consent to ratification.

GEORGE W. BUSH.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the United Nations Convention Against Corruption (the "Corruption Convention"), which was adopted by the United Nations General Assembly on October 31, 2003. I also transmit, for the information of the Senate, the report of the Secretary of State with respect to the Corruption Convention, with an enclosure.

The international fight against corruption is an important foreign policy priority for the United States. Corruption hinders sustainable development, erodes confidence in democratic institutions, and facilitates transnational crime and terrorism. The Convention will be an effective tool to assist in the growing global effort to combat corruption.

The U.N. Corruption Convention is the first global multilateral treaty to comprehensively address the problems relating to corruption. It provides for a broad range of cooperation, including extradition and mutual legal assistance, and commits governments to take measures that will prevent corruption from happening in the first place. The Corruption Convention includes provisions to criminalize and prevent corruption and provides procedures for governments to recover assets that have been illicitly acquired by corrupt officials.

The provisions of the Corruption Convention are explained in the accompanying report of the Department of State. The report also sets forth proposed reservations that would be deposited by the United States with its instrument of ratification. With these reservations, the Convention will not require implementing and consent to its ratification, subject to the reservations, understandings, and declarations described in the accompanying report of the Department of State.

I recommend that the Senate give early and favorable consideration to the Corruption Convention and give its advice and consent to its ratification, subject to the reservations, understandings, and declarations described in the accompanying report of the Department of State.

GEORGE W. BUSH.

AUTHORIZING THE REMAINS OF ROSA PARKS TO LIE IN HONOR IN THE ROTUNDA OF THE CAPITOL

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 61, submitted early today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 61) authorizing the remains of Rosa Parks to lie in honor in the rotunda of the Capitol.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DODD. Mr. President, on Monday, this Nation lost a great American humanitarian, public servant, and true modern day civil rights hero, Mrs. Rosa Parks. The powerful and nonviolent act of defiance of this single, extraordinary lady changed the course of human history in this Nation, and around the world. By her respectful refusal to give up her seat to a white man and move to a seat in the back of a Montgomery, AL, city bus 50 years ago, Rosa Parks spoke to the fundamental truth of our democracy: that all men are created equal. None of us living today, nor the future generations of an eternity of tomorrows, will ever be the same because of the act of this brave woman. By her solitary action, Rosa Parks proved that one person can make a difference. And she did.

Rosa Parks is not just a national hero, she is the embodiment of our social and human conscience and the spark that lit the flame of liberty and equality for African Americans and minority groups in this country and around the globe. Nelson Mandela, the former President of South Africa, once called her "the David who challenged Goliath" and his inspiration during his long imprisonment prior to taking office.

It is altogether fitting and proper that this Nation honor the memory and gentle spirit of this great American and her legacy by providing an opportunity for the ordinary citizens of this Nation to pay their last respects to Mrs. Rosa Parks.

Therefore, I proposed to the Senate leadership that we adopt a resolution authorizing such, and I am grateful to them for sponsoring the resolution that I authored to authorize the use of the Capitol Rotunda for the remains of Mrs. Rosa Parks to lie in honor beginning on Sunday, October 30.

It has been the longstanding tradition of the Congress to authorize this honor for not just Members of Congress and Presidents, but ordinary citizens whose extraordinary efforts and service distinguished them in the history of this Nation. Other great Americans who have been similarly honored date back to 1909 when Pierre Charles L'Enfant, planner of the Capital City of Washington, lay in state in the Rotunda. Others include Admiral George Dewey in 1917; General John Joseph Pershing in 1948; General Douglas MacArthur in 1964; Director of the FBI, J. Edgar Hoover in 1972; and most recently, Capitol Police Officers Jacob Joseph Chestnut and John Michael Gibson in 1998.

Congress recognized the need for the Nation to pay its respects to these honorable men and Congress should permit the Nation to pay its last respects to this honorable woman, Mrs. Rosa Louise Parks, as well.

I thank my colleagues for their assistance and support and urge the House to adopt this measure expeditiously so that America may properly honor this courageous lady and great America.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 61) was agreed to, as follows:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That, in recognition of the historic contributions of Rosa Parks, her remains be permitted to lie in honor in the rotunda of the Capitol from October 30 to October 31, 2005, so that the citizens of the United States may pay their last respects to this great American. The Architect of the Capitol, under the direction and supervision of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

HONORING JOSEPH JEFFERSON "SHOELESS JOE" JACKSON FOR HIS OUTSTANDING BASEBALL ACCOMPLISHMENTS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 289, which was submitted early today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 289) expressing the sense of the Senate that Joseph Jefferson "Shoeless Joe" Jackson should be appropriately honored for his outstanding baseball accomplishments.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask that the Senate now proceed to a voice vote on adoption of the resolution.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the resolution.

The resolution (S. Res. 289) was agreed to.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the preamble be agreed to and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 289

Whereas Joseph Jefferson "Shoeless Joe" Jackson, a native of Greenville, South Carolina, and a local legend, began his professional career and received his nickname while playing baseball for the Greenville Spinners in 1908;

Whereas "Shoeless Joe" Jackson moved to the Philadelphia Athletics for his major league debut in 1908, to the Cleveland Naps in 1910, and to the Chicago White Sox in 1915;

Whereas "Shoeless Joe" Jackson's accomplishments throughout his 13-year career in professional baseball were outstanding—he was 1 of only 7 Major League Baseball players to ever top the coveted mark of a .400 batting average for a season, and he earned a lifetime batting average of .356, the third highest of all time;

Whereas "Shoeless Joe" Jackson's career record makes him one of our Nation's top baseball players of all time;

Whereas in 1919, the infamous "Black Sox" scandal erupted when an employee of a New York gambler allegedly bribed 8 players of the Chicago White Sox, including Joseph Jefferson "Shoeless Joe" Jackson, to lose the first and second games of the 1919 World Series to the Cincinnati Reds;

Whereas in September 1920, a criminal court acquitted "Shoeless Joe" Jackson of the charge that he conspired to lose the 1919 World Series;

Whereas despite the acquittal, Judge Kenesaw Mountain Landis, baseball's first commissioner, banned "Shoeless Joe" Jackson from playing Major League Baseball for life without conducting any investigation of Jackson's alleged activities, issuing a summary punishment that fell far short of due process standards;

Whereas the evidence shows that Jackson did not deliberately misplay during the 1919 World Series in an attempt to make his team lose the World Series;

Whereas during the 1919 World Series, Jackson's play was outstanding—his batting average was .375 (the highest of any player from either team), he set a World Series record with 12 hits, he committed no errors, and he hit the only home run of the series;

Whereas because of his lifetime ban from Major League Baseball, "Shoeless Joe" Jackson has been excluded from consideration for admission to the Major League Baseball Hall of Fame;

Whereas "Shoeless Joe" Jackson died in 1951, after fully serving his lifetime ban from baseball, and 85 years have elapsed since the 1919 World Series scandal erupted;

Whereas Major League Baseball Commissioner Bud Selig took an important first step toward restoring the reputation of "Shoeless Joe" Jackson by agreeing to investigate whether he was involved in a conspiracy to alter the outcome of the 1919 World Series and whether he should be eligible for inclusion in the Major League Baseball Hall of Fame;

Whereas it has been 6 years since Commissioner Selig initiated his investigation of "Shoeless Joe", but there has been no resolution;

Whereas the Chicago White Sox are the 2005 American League Champions, and will compete in the World Series for the first time since 1959;

Whereas "Shoeless Joe" Jackson helped lead the Chicago White Sox to their last World Series Championship in 1917; and

Whereas it is appropriate for Major League Baseball to remove the taint upon the memory of "Shoeless Joe" Jackson and honor his outstanding baseball accomplishments: Now, therefore, be it

Resolved, That it is the sense of the Senate that Joseph Jefferson "Shoeless Joe" Jackson should be appropriately honored for his outstanding baseball accomplishments.

HONORING THE LIFE OF EDWARD ROYBAL

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 290, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 290) honoring the life and expressing the deepest condolences of Congress on the passing of Edward Roybal, former United States Congressman.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I rise today to pay tribute to a trailblazing American and former Member of Congress, the Honorable Edward R. Roybal. It is an honor to speak about this incredible man, who on Monday passed away at the age of 89 and was an inspiration to me and to millions of Hispanics across our Nation.

First, I must offer my heartfelt condolences to the Honorable Roybal's wife, Lucile; his daughter, Congresswoman LUCILLE ROYBAL-ALLARD, who is in her seventh term representing California's 34th District; his other daughter, Lillian Roybal-Rose; and his son, Edward R. Roybal, Jr.

When elected to the House of Representatives in 1962, Congressman Roybal became the first Hispanic to serve in Congress in nearly 100 years.

He represented the people of California's 30th Congressional District and served on behalf of the public interest during a very difficult and tumultuous time in our Nation's history.

As a 5th generation product of rural Colorado, my childhood at Los Rincones, my family's ranch in the San Luis Valley, was a far cry from Congressman Roybal's on the streets of East Los Angeles.

Our family's house was small—in fact, my five of the eight siblings shared a small room and two beds. We did not have running water or electricity until 1981.

However, even though we did not have electricity, I, like many other Latinos across this Nation, knew who the Honorable Ed Roybal was.

It was people like Congressman Roybal, and Cesar Chavez who inspired me to dream of serving our country as Colorado's Attorney General and later here in the United States Senate.

As a Hispanic American, he provided a shining example of just what I could accomplish if I heeded my parent's advice to get my education and work hard in all my endeavors. Today, as I speak as one of 100 in the Senate, I firmly believe that I am standing on the shoulders of many giants, in particular, Congressman Roybal.

Congressman Roybal lived by the fundamental values that make this country the greatest country in the world and the place I am privileged to call home. He fought social injustice on the streets, in our classrooms, and in the halls of Congress.

Like my parents, he was a part of the American generation who grew up during the Great Depression and came of age during World War II. He served our country in the U.S. Army and defended our rights and privileges afforded under the Constitution in battle. I am certain that this experience served him well when he served on the House's Veteran Affairs Committee.

Throughout his life, he gave voice to the disenfranchised and offered hope to the sick. When the tragic HIV/AIDS epidemic began to sweep our Nation, Congressman Roybal answered the call to duty and worked to provide funding for research and health services.

During a time when many of our Nation's laws and several in out Nation's leadership tolerated and enabled political disenfranchisement and unequal educational and employment opportunities, the Honorable Ed Roybal organized and inspired his community to insist on equality and to embrace their ganas to change society.

Mr. President, "ganas" means "to have a will to achieve." The Honorable Roybal had the ganas to right injustices in America because he believed that he had the obligation to make this country a better place for his children and my children when he left it.

I believe that he did accomplish his great goal. He did this by the work he did in Congress as well as the work he did when he was away from Washington, DC.

In 1976, Congressman Roybal joined with his colleagues Congressman "Kika" de la Garza and Congressman Baltasar Corrada, in establishing the Congressional Hispanic Caucus. The purpose of the CHC was and is to advocate on behalf of and represent the interests of Hispanic across the nation and in Puerto Rico. Representative Roybal was the Caucus's first chairman, and his the continued work of the Caucus, the first forum in the United States Congress for Latino elected Members to formulate a common collective legislative agenda, is a part of his legacy.

In addition to the Caucus, Congressman Roybal was instrumental in the founding of non-profit organizations like the Congressional Hispanic Caucus Institute and the National Association of Latino Elected and Appointed Officials. Through these organizations, the fruits of his efforts can still be felt throughout the country today.

As I reflect on the life and work of the late Representative Roybal, I am reminded of a prayer written by another civil and human rights leader, Cesar Chavez:

Show me the suffering of the most miserable;
So I will know my people's plight.
Free me to pray for others;
For you are present in every person.
Help me take responsibility for my own life;
So that I can be free at last.
Grant me courage to serve others;
For in service there is true life.
Give me honesty and patience;
So that the Spirit will be alive among us.
Let the Spirit flourish and grow;
So that we will never tire of the struggle.
Let us remember those who have died for justice;
For they have given us life.
Help us love even those who hate us;

So we can change the world.

I join with the thousands of Americans in mourning the loss of this trailblazing leader.

Mr. McCONNELL. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 290) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 290

Whereas Edward Roybal was born on February 10, 1916, in Albuquerque, New Mexico, and moved at the age of 6 with his family to the Boyle Heights barrio of Los Angeles;

Whereas his pioneering efforts in the Congress for civil rights and social justice on behalf of the elderly, Hispanics, and others has inspired generations of Americans;

Whereas Edward Roybal attended public schools, graduating from Roosevelt High School in 1934, and subsequently the University of California in Los Angeles and Southwestern University;

Whereas Edward Roybal is a distinguished veteran who served in the United States Army during World War II;

Whereas Edward Roybal worked as a public health educator for the California Tuberculosis Association, and eventually served as Director of Health Education for the Los Angeles County Tuberculosis and Health Association until 1949;

Whereas Edward Roybal founded the Community Service Organization in 1947 with Fred Ross and a group of Mexican Americans forging a partnership between the Mexican-American and Jewish communities of East Los Angeles , and as the President of the organization, fought against discrimination in housing, employment, voting rights, and education;

Whereas Edward Roybal was elected to the Los Angeles City Council in 1949 and, as the first Hispanic to serve on the city council in more than a century, served for 13 years;

Whereas on November 6, 1962, Edward Roybal became the first Hispanic elected from California to serve in the House of Representatives since 1879, and served for 30 years;

Whereas during his 3 decades of service in the House of Representatives, Roybal worked to protect the rights of minorities, the elderly, and the physically-challenged;

Whereas during his tenure in the House of Representatives, Congressman Roybal served on several important congressional committees, including the Committee on the Post Office and Civil Service, the Committee on Foreign Affairs, the Committee on Veterans' Affairs, and as the Chair of the Select Committee on Aging;

Whereas in 1971, Congressman Roybal was selected to serve on the Committee on Appropriations, where he remained for the rest of his tenure in the House of Representatives and eventually chaired the Subcommittee on Treasury, Postal Service, and General Government in 1981;

Whereas, while serving as a member of the Committee on Appropriations, Edward Roybal was a powerful advocate for the funding of education, civil rights, and health programs and was 1 of the first members of Congress to press for and obtain funding for HIV and AIDS research;

Whereas Congressman Roybal was committed to providing opportunities for Spanish-speaking Americans, helped establish a Cabinet Committee on Opportunities for Spanish-speaking people in 1968 with the goal of improving education, housing, and employment opportunities for Spanish-speaking Americans, and authored the first education bill to provide local school districts with assistance with special bilingual teaching programs;

Whereas in 1976, the County of Los Angeles opened the Edward R. Roybal Clinic in East Los Angeles;

Whereas in 1976, Congressman Roybal was 1 of the founding members and became the first chair of the Congressional Hispanic Caucus, a legislative service organization of the House of Representatives that today is comprised of 21 Representatives;

Whereas Congressman Roybal was instrumental in the establishment of several national nonprofit organizations dedicated to advancing and promoting a new generation of Latino leaders, such as the Congressional Hispanic Caucus Institute and the National Association of Latino Elected and Appointed Officials; and

Whereas Congressman Roybal received numerous honors and awards, including two honorary doctor of law degrees from Pacific States University and from Claremont Graduate School, as well as the prestigious Presidential Citizens Medal of Honor from President William Jefferson Clinton; Now, therefore, be it

Resolved, That the United States Congress honors the trail-blazing life and pioneering accomplishments of Congressman Edward Roybal and expresses its condolences on his passing.

CONGRATULATING THE CHICAGO WHITE SOX

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 291 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 291) to congratulate the Chicago White Sox on winning the 2005 World Series Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. OBAMA. Mr. President, I rise today as a Senator, as an Illinoisan, and as a proud resident of the South Side of Chicago to congratulate the Chicago White Sox for winning the 2005 World Series. As my fellow South Siders know, it has been a long time coming.

A little bit of history: Founded in 1900 as the Chicago White Stockings, this year's team reached the World Series for the first time since 1959, and this is a '59-style cap that I have here with me. Over a century of White Sox fans have cheered for superstars such as Luke Appling, Nellie Fox, Carlton Fisk, Luis Aparicio, Harold Baines, and, of course, Big Frank Thomas. But we haven't savored the sweet taste of a World Series championship since 1917—until now.

Back in 1917, Woodrow Wilson was President, and the Great War was raging in Europe. The White Sox were a bright spot in tough times.

The Sox won last night the way they have won all season—by playing aggressively, scrapping for every base and every run. When Juan Uribe threw to Paul Konerko for the final out, it was fitting that the ball beat the runner by only half a step. The four games against the Astros were decided by a total of six runs. Winning by the skin of your teeth has been our style. Win or die trying, that is our motto this year.

I congratulate my colleague from Texas. The Houston Astros were an outstanding team. But it just so happened that this year they ran into the buzz saw of the Chicago White Sox.

I congratulate Jermaine Dye, who is the World Series MVP. But I am sure he will be the first to say that everyone on this year's team deserves a part of that award. This is a team with so many great players but no undisputed leader on the field. I don't claim to be a baseball expert or particularly unbiased on this matter, but this is one of the most balanced and selfless teams any of us have seen. A team of unlikely heroes.

Scott Podsednik, who hadn't hit a home run all season, stepped up and hit two in the playoffs, including the walk-off winner in game two on Sunday. Willie Harris, who barely played in the playoffs, got a pinch hit to get on base and bring home the only run last night. Geoff Blum, a former Astro, who got a pinch hit homer in the 14th inning to give us the margin of victory in game three. And the pitching—four complete games to close out the American League Championship Series. An 11 and 1 record in the playoffs. 15 scoreless innings to finish the World Series.

Before the season started, the Sox were a consensus .500 team. Even as we built and maintained the best record in the American League all season, there were many doubters. Towards the end of the season, we hit a rough patch, and the doubters grew louder. They said Cleveland had more playoff experience. They said even if we held on to make the playoffs, we would get embarrassed in the first round. But during the stretch run, manager Ozzie Guillen and his "kids," as he calls them, were calm and relaxed. Even as Cleveland came on strong and our lead in the Central Division dwindled, Ozzie's kids continued to play pranks on each other in the clubhouse, and continued to run hard on the basepaths.

Once the playoffs started, there was no looking back. That difficult September was gone in an instant. We silenced the doubters by sweeping the World Champion Boston Red Sox. We silenced the Angels during the ALCS in five games. And we swept the Astros in four games.

I had the privilege of attending game one of the World Series on Saturday, and the fans in and around the park were a cross-section of the city. There were plenty of folks old enough to remember the '59 team. Almost everyone remembered the 2000 team that made the playoffs. A few were even alive in 1917.

I don't want to belabor this issue. I know those of you who had to listen to Red Sox fans last year may have gotten a little weary of those of us who have all this pent-up energy when we finally win the championship.

But I do want to say that the entire city of Chicago and the entire State of Illinois are extraordinarily proud.

I congratulate the entire White Sox organization, in particular Jerry Reinsdorf, Kenny Williams, and Ozzie Guillen. We will be celebrating this victory for a long time on the South Side, around the city of Chicago, and around the entire State of Illinois.

Let me make one last point. While we were watching the game the other night, in the drenching rain Sunday evening there was a sign held up by an elderly woman 92 years old. She said: I've been waiting for this for 88 years.

I think it gave you some sense of how much this means to the city of Chicago and to those blue-collar neighborhoods made up of Black, White, and Hispanic who were represented so ably by their team. It spoke to the diversity of this country and the fact that we work together in ways that make us all proud.

Senator DURBIN and myself will be introducing a resolution later today.

I want to turn it over to my senior colleague from the great State of Illinois to maybe add a few other remarks regarding this outstanding team.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank my colleague from the State of Illinois who is truly a White Sox fan from the South Side of Chicago. We have town meetings every Thursday morning, and from the beginning of this baseball season, he has been rooting for his White Sox. As his fellow Senator from Illinois, I want to congratulate him and the White Sox organization.

Say it is so, Joe.

Eighty-six years after the 1919 Black Sox scandal, and 88 years after they beat the New York Giants in the 1917 World Series, the Chicago White Sox are bringing the World Series crown home to Chicago. It is amazing. The ghost of Sholeless Joe Jackson can finally rest in peace.

Last night, the White Sox completed their magical World Series quest with a 1–0 win to complete a four-game sweep over the Houston Astros. But as Senator OBAMA has said, they were close games. Some of them broke records for their length and the hard battle that they brought to the mound and to the field.

White Sox fans from my home State of Illinois and all around the world are rejoicing as the White Sox nation will cherish this victory for decades to come.

The South Side of Chicago is the gladdest part of town. If you go down there, you better be aware that the White Sox won the World Series crown.

I congratulate the White Sox players, their manager, the valiant Venezuelan, Ozzie Guillen, pitching coach Don Cooper. What an amazing performance by the pitching staff, and so many White Sox stars turned coaches such as Tim Raines, Greg Walker, Harold Baines, and Joey Cora; general manager Kenny Williams for putting together this magical team, himself a former Sox player who made key moves not only in the off season but during the season, such as adding closer Bobby Jenks, just 24 years old, pitching in double A's just a few months ago. And there he stood on the mound last night pitching those 99- and 100-mile-an-hour fast balls. But during the season, general manager Kenny Williams also added game 3 hero Geoff Blum. To the owners and my friends, Eddie Einhorn and Jerry Reinsdorf, congratulations for 25 years of dedication to their great moment of victory. Everyone in the White Sox organization richly deserves this World Series victory.

The Sox organization has made citizens of Chicago and the State of Illinois proud by bringing home this crown. And to those generations of White Sox fans who stayed faithful to their team even in the darkest days, I say rejoice. The Chicago White Sox are world champions.

I yield the floor.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 291) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 291

Whereas, on October 26, 2005, the Chicago White Sox baseball club won the 2005 World Series;

Whereas this is the first championship for the White Sox since 1917, when Woodrow Wilson was president and the United States was fighting in World War I;

Whereas this is the first World Series appearance for the White Sox since 1959;

Whereas the White Sox posted a regular season record of 99-63 and dominated their opponents during the playoffs, compiling 11 wins and only 1 loss, and finishing with an 8-game win streak that included a sweep in the Fall Classic;

Whereas the White Sox joined the 1990 Cincinnati Reds and the legendary 1927 New York Yankees as the only teams who have swept a World Series after playing every game of the regular season while in first place;

Whereas the White Sox pitching staff tied a Major League playoff record of 4 straight complete game wins and did not allow a single run in the last 15 innings of the World Series;

Whereas Manager Ozzie Guillen, General Manager Kenny Williams, and owners Jerry Reinsdorf and Eddie Einhorn have put together and led a great organization;

Whereas all 25 players on the playoff squad, whose sole goal was winning the World Series rather than chasing individual glory, contributed to the victory, including World Series Most Valuable Player, Jermaine Dye, as well as Scott Podsednik, Tadahito Iguchi, Joe Crede, Aaron Rowand, Paul Konerko, Juan Uribe, A.J. Pierzynski, Carl Everett, Freddy Garcia, Geoff Blum, Willie Harris, Timo Perez, Chris Widger, Pablo Ozuna, Mark Buehrle , Jose Contreras, Neal Cotts , Jon Garland, Dustin Hermanson, Orlando Hernandez, Bobby Jenks, Damaso Marte, Cliff Politte, and Luis Vizcaino;

Whereas other players, such as Frank Thomas and Brandon McCarthy, made important contributions to get the White Sox to the playoffs, but were unable to be placed on the playoff roster;

Whereas this current group of White Sox players follows in the giant footsteps of the great players in White Sox history who have had their numbers retired, players such as Nellie Fox (#2), Harold Baines (#3), Luke Appling (#4), Minnie Minoso (#9), Luis Aparicio (#11), Ted Lyons (#16), Billy Pierce (#19), and Carlton Fisk (#72);

Whereas the city of Chicago and White Sox fans have faithfully stuck by their team during the decades it spent in baseball's wilderness;

Whereas a new generation of young fans in Chicago and around Illinois are discovering the joy of world championship baseball; and

Whereas the Boston Red Sox, the Los Angeles Angels of Anaheim, and the Houston Astros proved worthy and honorable adversaries and also deserve recognition, and: Now, therefore, be it

Resolved, that the Senate—

(1) congratulates the Chicago White Sox on winning the 2005 World Series Championship;

(2) commends the fans, players, and management of the Houston Astros for allowing the Chicago White Sox and their many supporters to celebrate their first World Series title in 88 years at Minute Maid Park, the home field of the Houston Astros; and

(3) respectfully directs the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the 2005 Chicago White Sox baseball club;

(B) White Sox owners, Jerry Reinsdorf and Eddie Einhorn.

CONDEMNING ANTI-ISRAEL SENTIMENTS OF THE PRESIDENT OF IRAN

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 292 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 292) calling on the President to condemn the anti-Israel sentiments expressed by the President of Iran on October 26, 2005.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LAUTENBERG. Mr. President, yesterday, Iranian President Mahmoud Ahmadinejad, citing the words of the founder of Iran's Islamic revolution, the late Ayatollah Ruhollah Khomeini, said "Israel must be wiped off the map."

He then went on to call Israel a "disgraceful blot."

He rejected the two-state solution to the Middle East crisis as a defeat for the Islamic world, adding that the "roadmap" would be short-lived. He said "If we put it behind us successfully, God willing, it will pave the way for the destruction and the downfall of the Zionist regime."

The Iranian President also criticized his neighbors by warning "Anybody who recognizes Israel will burn in the fire of the Islamic nations' fury."

He made these despicable comments to 4,000 students attending a "World without Zionism" conference.

This was just hours before a Palestinian suicide bomber from Islamic Jihad blew himself up in the small Israeli town of Hadera, killing 5 people and wounding more than 30.

It's important to note that Islamic Jihad's murderers are supported and trained by Iran.

Given the seriousness of President Ahmadinejad's hateful comments, I am submitting a resolution with Senator SMITH asking that this body repudiate them.

The resolution also calls on President Bush, on behalf of the United States, to condemn the remarks in the strongest terms possible.

This kind of incendiary rhetoric is what we have come to expect from Iran.

The Iranian President has been quite open about his views on Israel. He has been clear and consistent, echoing Iranian leader Ayatollah Khomeini, who called frequently for the destruction of Israel through the 1980s.

The words and ideas of the President of Iran are offensive to civilized people around the world. We will not tolerate anti-Israel or anti- Semitic rhetoric.

The Iranian President has spoken words that are certain to incite violence against the state of Israel. Too often, that translates into violence against Jews worldwide.

But what makes the comments especially chilling is the fact that Iranian officials announced earlier this year that they had completed development of solid fuel technology for missiles, a huge breakthrough that increases missile accuracy.

Iran has the Shahab-3 missile, which has a range of 810 miles to more than 1,200 miles. Jerusalem is 970 miles from Tehran.

The Shahab-3 is capable of delivering a nuclear warhead to Israel and to U.S. forces in the Middle East.

So when the Iranian President threatens to "wipe Israel off the map," we can't afford to take such a threat lightly. We have to take note of it and repudiate it.

I urge the Senate to adopt this resolution and go on record condemning the hateful words of the Iranian President. And I hope that President Bush himself will speak to this issue. It's that important.

I want to thank Senator SMITH for co-sponsoring this resolution with me. I urge its adoption.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 292) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 292

Whereas, on October 26, 2005, the President of Iran, Mahmoud Ahmadinejad, said that Israel must be "wiped off the map" and that "[a]nybody who recognizes Israel will burn in the fire of the Islamic nations' fury";

Whereas the Department of State has designated Iran as a state sponsor of terrorism that has repeatedly provided support for acts of international terror;

Whereas the Government of Iran sponsors terrorist organizations such as Hezbollah, Hamas, Islamic Jihad, the al-Aqsa Martyrs Brigades, and PFLP-GC by providing funding, training, weapons, and safe haven to such organizations; and

Whereas the outrageous statements of Mr. Ahmadinejad are not in accord with the expressions of the Palestinian leadership in the peace process: Now, therefore, be it

Resolved, That the Senate—

(1) thoroughly repudiates the anti-Israel sentiments expressed by the President of Iran, Mahmoud Ahmadinejad, on October 26, 2005; and

(2) calls on the President, on behalf of the United States, to thoroughly repudiate, in the strongest terms possible, the statement by Mr. Ahmadinejad.

COAST GUARD AUTHORIZATION ACT OF 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 185, S. 1280, the Coast Guard authorization bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1280) to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science and Transportation, with amendments.

S. 1280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 2005".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. Web-based risk management data system.

TITLE II—HOMELAND SECURITY, MARINE SAFETY, FISHERIES, AND ENVIRONMENTAL PROTECTION

Sec. 201. Extension of Coast Guard vessel Anchorage and movement authority.
Sec. 202. Enhanced civil penalties for violations of the Maritime Transportation Security Act.
Sec. 203. Icebreakers.
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TITLE VI—EFFECTIVE DATES

Sec. 601. Effective dates.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating the following amounts:

(1) For the operation and maintenance of the Coast Guard $5,594,900,000, of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,424,852,000, to remain available until expended, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and

(B) $1,100,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.

(3) For the use of the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $24,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,014,080,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $17,400,000, of which $2,500,000, to remain available until expended, may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(6) For environmental compliance and restoration $12,000,000, to remain available until expended for environmental compliance and restoration functions under chapter 19 of title 14, United States Code.

(7) For operation and maintenance of the Coast Guard reserve program, $119,000,000.

(b) There are authorized to be appropriated for fiscal year 2007 to the Secretary of the department in which the Coast Guard is operating the following amounts:

(1) For the operation and maintenance of the Coast Guard $6,042,492,000, of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,538,840,160, to remain available until expended, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and

(B) $1,188,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.

(3) For the use of the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $25,920,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,095,206,400, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $18,792,000, of which $2,500,000, to remain available until expended, may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(6) For environmental compliance and restoration $12,960,000, to remain available until expended for environmental compliance and restoration functions under chapter 19 of title 14, United States Code.

(7) For operation and maintenance of the Coast Guard reserve program, $128,520,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2006.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2006, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

SEC. 103. WEB-BASED RISK MANAGEMENT DATA SYSTEM.

There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating $1,000,000 to continue deployment of a web-based risk management system to help reduce accidents and fatalities.

TITLE II—HOMELAND SECURITY, MARINE SAFETY, FISHERIES, AND ENVIRONMENTAL PROTECTION

SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHORAGE AND MOVEMENT AUTHORITY.

Section 91 of title 14, United States Code, is amended by adding at the end the following:

"(d) As used in this section, the term 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.".

SEC. 202. ENHANCED CIVIL PENALTIES FOR VIOLATIONS OF THE MARITIME TRANSPORTATION SECURITY ACT.

The second section enumerated 70119 of title 46, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Any"; and

(2) by adding at the end the following:

"(b) CONTINUING VIOLATIONS.—Each day of a continuing violation shall constitute a separate violation, with a total fine per violation not to exceed—

"(1) for violations occurring during fiscal year 2006, $50,000;

"(2) for violations occurring during fiscal year 2007, $75,000; and

"(3) for violations occurring after fiscal year 2007, $100,000.

"(c) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, and such other matters as justice may require.

"(d) COMPROMISE, MODIFICATION, AND REMITTAL.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty imposed under this section.".

SEC. 203. ICEBREAKERS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall take all necessary measures—

(1) to ensure that the Coast Guard maintains, at a minimum, its current vessel capacity for carrying out ice-breaking in the Arctic and Antarctic regions, including the necessary funding for operation and maintenance of such vessels; and

(2) for the long-term recapitalization of these assets.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating $100,000,000 to carry out this section.

SEC. 204. COOPERATIVE AGREEMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on opportunities for and the feasibility of co-locating Coast Guard assets and personnel at facilities of other Armed Services branches throughout the United States. The report shall—

(1) identify the locations of possible sites;

(2) identify opportunities for cooperative agreements that may be established between the Coast Guard and such facilities with respect to maritime security and other Coast Guard missions; and

(3) analyze anticipated costs and benefits associated with each site and such agreements.

SEC. 205. PILOT PROGRAM FOR DOCKSIDE NO FAULT/NO COST SAFETY AND SURVIVABILITY EXAMINATIONS FOR UNINSPECTED COMMERCIAL FISHING VESSELS.

(a) PILOT PROGRAM.—The Secretary shall conduct a pilot program to determine the effectiveness of mandatory dockside crew survivability examinations of uninspected United States commercial fishing vessels in reducing the number of fatalities and amount of property losses in the United States commercial fishing industry.

(b) DEFINITIONS.—In this section:

(1) DOCKSIDE CREW SURVIVABILITY EXAMINATION.—The term "dockside crew survivability examination" means an examination by a Coast Guard representative of an uninspected fishing vessel and its crew at the dock or pier that includes—

(A) identification and examination of safety and survival equipment required by law for that vessel;

(B) identification and examination of the vessel stability standards applicable by law to that vessel; and

(C) identification and observation of—

(i) proper crew training on the vessel's safety and survival equipment; and

(ii) the crew's familiarity with vessel stability and emergency procedures designed to save life at sea and avoid loss or damage to the vessel.

(2) COAST GUARD REPRESENTATIVE.—The term "Coast Guard representative" means a Coast Guard member, civilian employee, Coast Guard Auxiliarist, or person employed by an organization accepted or approved by the Coast Guard to examine commercial fishing industry vessels.

(3) UNINSPECTED FISHING VESSEL.—The term "uninspected fishing vessel" means a vessel, not including fish processing vessels or fish tender vessels (as defined in section 2101 of title 46, United States Code), that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

(c) SCOPE OF PILOT PROGRAM.—The pilot program shall be conducted—

(1) in at least 5, but no more than 10, major United States fishing ports where Coast Guard statistics reveal a high number of fatalities on uninspected fishing vessels within the 4 fiscal year period beginning with fiscal year 2000, but shall not be conducted in Coast Guard districts where a fishing vessel safety program already exists;

(2) for a period of 5 calendar years following the date of the enactment of this Act;

(3) in consultation with those organizations and persons identified by the Secretary as directly affected by the pilot program;

(4) as a non-fee service to those persons identified in paragraph (3) above;

(5) without a civil penalty for any discrepancies identified during the dockside crew survivability examination; and

(6) to gather data identified by the Secretary as necessary to conclude whether dockside crew survivability examinations reduce fatalities and property losses in the fishing industry.

(d) REPORT.—Not later than 180 days after end of the third year of the pilot program, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of the pilot program. The report shall include—

(1) an assessment of the costs and benefits of the pilot program including costs to the industry and lives and property saved as a result of the pilot program;

(2) an assessment of the costs and benefits to the United States Government of the pilot program including operational savings such as personnel, maintenance, etc., from reduced search and rescue or other operations; and

(3) any other findings and conclusions of the Secretary with respect to the pilot program.

SEC. 206. REPORTS FROM MORTGAGEES OF VESSELS.

Section 12120 of title 46, United States Code, is amended by striking "owners, masters, and charterers" and inserting "owners, masters, charterers, and mortgagees".

SEC. 207. INTERNATIONAL TRAINING AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 149 of title 14, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 149. Assistance to foreign governments and maritime authorities";

(2) by inserting "(a) DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.—" before "The President"; and

(3) by adding at the end the following:

"(b) TECHNICAL ASSISTANCE TO FOREIGN MARITIME AUTHORITIES.—The Commandant, in coordination with the Secretary of State, may, in conjunction with regular Coast Guard operations, provide technical assistance, including law enforcement and maritime safety and security training, to foreign navies, coast guards, and other maritime authorities.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 7 of title 14, United States Code, is amended by striking the item relating to section 149 and inserting the following:

"149. Assistance to Foreign Governments and Maritime Authorities.".

SEC. 208. REFERENCE TO TRUST TERRITORY OF THE PACIFIC ISLANDS.

Section 2102(a) of title 46, United States Code, is amended—

(1) by striking "37, 43, 51, and 123" and inserting "43, 51, 61, and 123";

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 209. BIO-DIESEL FEASIBILITY STUDY.

(a) STUDY.—The Secretary of the department in which the Coast Guard is operating shall conduct a study that examines the technical feasibility, costs, and potential cost savings of using bio-diesel fuel in new and existing Coast Guard vehicles and vessels, and which focuses on the use of bio-diesel fuel in ports which have a high-density of vessel traffic, including ports for which vessel traffic systems have been established.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall transmit a report containing the findings, conclusions, and recommendations (if any) from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 210. CERTIFICATION OF VESSEL NATIONALITY IN DRUG SMUGGLING CASES.

Section 3(c)(2) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)(2)) is amended by striking the last sentence and inserting "The response of a foreign nation to a claim of registry under subparagraph (A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is conclusively proved by certification of the Secretary of State or the Secretary's designee.".

SEC. 211. JONES ACT WAIVERS.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), a vessel that was not built in the United States may transport fish or shellfish within the coastal waters of the State of Maine if the vessel—

(1) meets the other requirements of section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) and section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802) for engaging in the coastwise trade;

(2) is ineligible for documentation under chapter 121 of title 46, United States Code, because it measures less than 5 net tons;

(3) has transported fish or shellfish within the coastal waters of the State of Maine prior to December 31, 2004; and

(4) has not undergone a transfer of ownership after December 31, 2004.

SEC. 212. DEEPWATER OVERSIGHT.

No later than 90 days after the date of enactment of this Act, the Coast Guard, in consultation with Government Accountability Office, shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on—

(1) the status of the Coast Guard's implementation of Government Accountability Office's recommendations in its report, GAO–04–380, "Coast Guard Deepwater Program Needs Increased Attention to Management and Contractor Oversight"; and

(2) the dates by which the Coast Guard plans to fully implement such recommendations if any remain open as of the date the report is transmitted to the Committees.

SEC. 213. DEEPWATER REPORT.

The Secretary of Homeland Security shall submit to the Congress, in conjunction with the transmittal by the President of the Budget of the United States for Fiscal Year 2007, a revised Deepwater baseline that includes—

(1) a justification for the projected number and capabilities of each asset (including the ability of each asset to meet service performance goals);

(2) an accelerated acquisition timeline that reflects project completion in 10 years and 15 years (included in this timeline shall be the amount of assets procured during each year of the accelerated program);

(3) the required funding for each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;

(4) anticipated costs associated with legacy asset sustainment for each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;

(5) anticipated mission deficiencies, if any, associated with the continued degradation of legacy assets in combination with the procurement of new assets within each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;

(6) a comparison of the amount of required assets in the current baseline to the amount of required assets according to the Coast Guard's Performance Gap Analysis Study; and

(7) an evaluation of the overall feasibility of achieving each accelerated acquisition timeline (including contractor capacity, national shipbuilding capacity, asset integration into Coast Guard facilities, required personnel, training infrastructure capacity on technology associated with new assets).

SEC. 214. LORAN-C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, $25,000,000 for fiscal year 2006 and $25,000,000 for fiscal year 2007. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 215. LONG-RANGE VESSEL TRACKING SYSTEM.

(a) PILOT PROJECT.—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a pilot program for long range tracking of up to 2,000 vessels using satellite systems with an existing nonprofit maritime organization that has a demonstrated capability of operating a variety of satellite communications systems providing data to vessel tracking software and hardware that provides long range vessel information to the Coast Guard to aid maritime security and response to maritime emergencies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating $4,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out subsection (a).

SEC. 216. MARINE VESSEL AND COLD WATER SAFETY EDUCATION.

The Coast Guard shall continue cooperative agreements and partnerships with organizations in effect on the date of enactment of this Act that provide marine vessel safety training and cold water immersion education and outreach programs for fishermen and children.

SEC. 217. SUCTION ANCHORS.

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

"(c) No vessel without a registry or coastwise endorsement may engage in the movement of anchors or other mooring equipment from one point over or on the United States outer Continental Shelf to another such point in connection with exploring for, developing, or producing resources from the outer Continental Shelf.".

TITLE III—UNITED STATES OCEAN COMMISSION IMPLEMENTATION

SEC. 301. PLACE OF REFUGE.

(a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the United States Coast Guard, working with hazardous spill response agencies, marine salvage companies, State and local law enforcement and marine agencies, and other Federal agencies including the National Oceanic and Atmospheric Administration and the Environmental Protection Agency, shall, in accordance with the recommendations of the United States Commission on Ocean Policy in its final report, develop a comprehensive and effective process for determining whether and under what circumstances damaged vessels may seek a place of refuge in the United States suitable to the specific nature of distress each vessel is experiencing.

(b) REPORT.—The Commandant of the Coast Guard shall transmit a report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure describing the process established and any cases in which a vessel was provided with a place of refuge in the preceding year.

(c) PLACE OF REFUGE DEFINED.—In this section, the term "place of refuge" means a place where a ship in need of assistance can take action to enable it to stabilize its condition and reduce the hazards to navigation and to protect human life and the environment.

SEC. 302. IMPLEMENTATION OF INTERNATIONAL AGREEMENTS.

The Secretary of the department in which the Coast Guard is operating shall, in consultation with appropriate Federal agencies, work with the responsible officials and agencies of other Nations to accelerate efforts at the International Maritime Organization to enhance flag State oversight and enforcement of security, environmental, and other agreements adopted within the International Maritime Organization, including implementation of—

(1) a code outlining flag State responsibilities and obligations;

(2) an audit regime for evaluating flag State performance;

(3) measures to ensure that responsible organizations, acting on behalf of flag States, meet established performance standards; and

(4) cooperative arrangements to improve enforcement on a bilateral, regional or international basis.

SEC. 303. VOLUNTARY MEASURES FOR REDUCING POLLUTION FROM RECREATIONAL BOATS.

The Secretary of the department in which the Coast Guard is operating shall, in consultation with appropriate Federal, State, and local government agencies, undertake outreach programs for educating the owners and operators of boats using two-stroke engines about the pollution associated with such engines, and shall support voluntary programs to reduce such pollution and that encourage the early replacement of older two-stroke engines.

SEC. 304. INTEGRATION OF VESSEL MONITORING SYSTEM DATA.

The Secretary of the department in which the Coast Guard is operating shall integrate vessel monitoring system data into its maritime operations databases for the purpose of improving monitoring and enforcement of Federal fisheries laws, and shall work with the Undersecretary of Commerce for Oceans and Atmosphere to ensure effective use of such data for monitoring and enforcement.

SEC. 305. FOREIGN FISHING INCURSIONS.

(a) IN GENERAL.—No later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on steps that the Coast Guard will take to significantly improve the Coast Guard's detection and interdiction of illegal incursions into the United States exclusive economic zone by foreign fishing vessels.

(b) SPECIFIC ISSUES TO BE ADDRESSED.—The report shall—

(1) focus on areas in the exclusive economic zone where the Coast Guard has failed to detect or interdict such incursions in the 4 fiscal year period beginning with fiscal year 2000, including the Western/Central Pacific; and

(2) include an evaluation of the potential use of unmanned aircraft and offshore platforms for detecting or interdicting such incursions.

(c) BIENNIAL UPDATES.—The Secretary shall provide biannual reports updating the Coast Guard's progress in detecting or interdicting such incursions to the Senate Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

TITLE IV—COAST GUARD PERSONNEL, FINANCIAL, AND PROPERTY MANAGEMENT

SEC. 401. RESERVE OFFICER DISTRIBUTION.

Section 724 of title 14, United States Code, is amended—

(1) by inserting "Reserve officers on an Active-duty list shall not be counted as part of the authorized number of officers in the Reserve." after "5,000." in subsection (a); and

(2) by striking so much of subsection (b) as precedes paragraph (2) and inserting the following:

"(b)(1) The Secretary shall, at least once a year, make a computation to determine the number of Reserve officers in an active status authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving in an active status on the date the computation is made. The number of Reserve officers in an active status below the grade of rear admiral (lower half) shall be distributed by pay grade so as not to exceed percentages of commissioned officers authorized by section 42(b) of this title. When the actual number of Reserve officers in an active status in a particular pay grade is less than the maximum percentage authorized, the difference may be applied to the number in the next lower grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in an authorized number as provided for in this subsection, or because an excess results directly from the operation of law.".

SEC. 402. COAST GUARD BAND DIRECTOR.

(a) BAND DIRECTOR APPOINTMENT AND GRADE.—Section 336 of title 14, United States Code, is amended—

(1) by striking the first sentence of subsection (b) and inserting "The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications.";

(2) by striking "a member so designated" in the second sentence of subsection (b) and inserting "an individual so designated";

(3) by striking "of a member" in subsection (c) and inserting "of an individual";

(4) by striking "of lieutenant (junior grade) or lieutenant." in subsection (c) and inserting "determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual.";

(5) by striking "A member" in subsection (d) and inserting "An individual"; and

(6) by striking "When a member's designation is revoked,"in subsection (e) and inserting "When an individual's designation is revoked,".

(b) CURRENT DIRECTOR.—The incumbent Coast Guard Band Director on the date of enactment of this Act may be immediately promoted to a commissioned grade, not to exceed captain, determined by the Secretary of the department in which the Coast Guard is operating to be most appropriate to the qualifications and experience of that individual.

SEC. 403. RESERVE RECALL AUTHORITY.

Section 712 of title 14, United States Code, is amended—

(1) by striking "during" in subsection (a) and inserting "during, or to aid in prevention of an imminent,";

(2) by striking "or catastrophe," in subsection (a) and inserting "catastrophe, act of terrorism (as defined in section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))), or transportation security incident as defined in section 70101 of title 46, United States Code,";

(3) by striking "thirty days in any four month period" in subsection (a) and inserting "60 days in any 4-month period";

(4) by striking "sixty days in any two-year period" in subsection (a) and inserting "120 days in any 2-year period"; and

(5) by adding at the end the following:

"(e) For purposes of calculating the duration of active duty allowed pursuant to subsection (a), each period of active duty shall begin on the first day that a member reports to active duty, including for purposes of training.".

SEC. 404. EXPANSION OF EQUIPMENT USED BY AUXILIARY TO SUPPORT COAST GUARD MISSIONS.

(a) MOTORIZED VEHICLE AS FACILITY.—Section 826 of title 14, United States Code, is amended—

(1) by inserting "(a)" before "Members"; and

(2) adding at the end the following:

"(b) The Coast Guard may utilize to carry out its functions and duties as authorized by the Secretary any motorized vehicle placed at its disposition by any member of the auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof to tow government property.".

(b) APPROPRIATIONS FOR FACILITIES.—Section 830(a) of title 14, United States Code, is amended by striking "or radio station" each place it appears and inserting "radio station, or motorized vehicle utilized under section 826(b)".

SEC. 405. AUTHORITY FOR ONE-STEP TURNKEY DESIGN-BUILD CONTRACTING.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

"§ 677. Turn-key selection procedures

"(a) AUTHORITY TO USE.—The Secretary may use one-step turn-key selection procedures for the purpose of entering into contracts for construction projects.

"(b) DEFINITIONS.—In this section—

"(1) ONE-STEP TURN-KEY SELECTION PROCEDURES.—The term 'one-step turn-key selection procedures' means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform, in accordance with the provisions of a firm fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary.

"(2) CONSTRUCTION.—The term 'construction' includes the construction, procurement, development, conversion, or extension, of any facility.

"(3) FACILITY.—The term 'facility' means a building, structure, or other improvement to real property.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 676 the following:

"677. Turn-key selection procedures.".

SEC. 406. OFFICER PROMOTION.

Section 257 of title 14, United States Code, is amended by adding at the end the following:

"(f) The Secretary of the Department in which the Coast Guard is operating may waive subsection (a) of this section to the extent necessary to allow officers described therein to have at least 2 opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.".

SEC. 407. REDESIGNATION OF COAST GUARD LAW SPECIALISTS AS JUDGE ADVOCATES.

(a) Section 801 of title 10, United States Code, is amended—

(1) by striking "The term 'law specialist' " in paragraph (11) and inserting "The term 'judge advocate', in the Coast Guard,";

(2) by striking "advocate; or" in paragraph (13) and inserting "advocate."; and

(3) by striking subparagraph (C) of paragraph (13).

(b) Section 727 of title 14, United States Code, is amended by striking "law specialist" and inserting "judge advocate".

(c) Section 465(a)(2) of the Social Security Act (42 U.S.C. 665(a)(2)) is amended by striking "law specialist" and inserting "judge advocate".

SEC. 408. BOATING SAFETY DIRECTOR.

(a) IN GENERAL.—Subchapter A of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

"§ 337. Director, Office of Boating Safety

"The initial appointment of the Director of the Boating Safety Office shall be in the grade of Captain.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 336 the following:

"337. Director, Office of Boating Safety.".

SEC. 409. HANGAR AT COAST GUARD AIR STATION BARBERS POINT.

No later than 180 days after the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall provide the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure with a proposal and cost analysis for constructing an enclosed hangar at Air Station Barbers Point. The proposal should ensure that the hangar has the capacity to shelter current aircraft assets and those projected to be located at the station over the next 20 years.

SEC. 410. PROMOTION OF COAST GUARD OFFICERS.

(a) IN GENERAL.—Section 211(a) of title 14, United States Code, is amended to read as follows:

"(a)(1) The President may appoint permanent commissioned officers in the Regular Coast Guard in grades appropriate to their qualification, experience, and length of service, as the needs of the Coast Guard may require, from among the following categories:

"(A) Graduates of the Coast Guard Academy.

"(B) Commissioned warrant officers, warrant officers, and enlisted members of the Regular Coast Guard.

"(C) Members of the Coast Guard Reserve who have served at least 2 years as such.

"(D) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer.

"(2) Original appointments under this section in the grades of lieutenant commander and above shall be made by the President by and with the advice and consent of the Senate.

"(3) Original appointments under this section in the grades of ensign through lieutenant shall be made by the President alone.".

(b) WARTIME TEMPORARY SERVICE PROMOTION.—Section 275(f) of title 14, United States Code, is amended by striking the second and third sentences and inserting "Original appointments under this section in the grades of lieutenant commander and above shall be made by the President by and with the advice and consent of the Senate. Original appointments under this section in the grades of ensign through lieutenant shall be made by the President alone.".

TITLE V—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 501. GOVERNMENT ORGANIZATION.

Title 5, United States Code, is amended—

(1) by inserting "The Department of Homeland Security." after "The Department of Veterans Affairs." in section 101;

(2) by inserting "the Secretary of Homeland Security," in section 2902(b) after "Secretary of the Interior,"; and

(3) in sections 5520a(k)(3), 5595(h)(5), 6308(b), and 9001(10), by striking "of Transportation" each place it appears and inserting "of Homeland Security".

SEC. 502. WAR AND NATIONAL DEFENSE.

The Soldiers' and Sailors' Civil Relief Act of 1940 (Public Law 76-861, 56 Stat. 1178, 50 U.S.C. App. 501 et seq.) is amended—

(1) by striking "Secretary of Transportation" each place it appears in section 515 and inserting "Secretary of Homeland Security"; and

(2) by striking "Secretary of Transportation" in section 530(d) and inserting "Secretary of Homeland Security".

SEC. 503. FINANCIAL MANAGEMENT.

Title 31, United States Code, is amended—

(1) by striking "of Transportation" in section 3321(c) and inserting "of Homeland Security.";

(2) by striking "of Transportation" in section 3325(b) and inserting "of Homeland Security";

(3) by striking "of Transportation" each place it appears in section 3527(b)(1) and inserting "of Homeland Security"; and

(4) by striking "of Transportation" in section 3711(f) and inserting "of Homeland Security".

SEC. 504. PUBLIC CONTRACTS.

Section 11 of title 41, United States Code, is amended by striking "of Transportation" each place it appears and inserting "of Homeland Security".

SEC. 505. PUBLIC PRINTING AND DOCUMENTS.

Sections 1308 and 1309 of title 44, United States Code, are amended by striking "of Transportation" each place it appears and inserting "of Homeland Security".

SEC. 506. SHIPPING.

Title 46, United States Code, is amended—

(1) by striking "a Coast Guard or" in section 2109;

(2) by striking the second sentence of section 6308(a) and inserting "Any employee of the Department of Transportation, and any member of the Coast Guard, investigating a marine casualty pursuant to section 6301 of this title, shall not be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to a marine casualty investigation, without the permission of the Secretary of Transportation for Department of Transportation employees or the Secretary of Homeland Security for military members or civilian employees of the Coast Guard."; and

(3) by striking "of Transportation" in section 13106(c) and inserting "of Homeland Security".

SEC. 507. TRANSPORTATION; ORGANIZATION.

Section 324 of title 49, United States Code, is amended by striking subsection (b); and redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 508. MORTGAGE INSURANCE.

Section 222 of the National Housing Act of 1934 (12 U.S.C. 1715m) is amended by striking "of Transportation" each place it appears and inserting "of Homeland Security".

SEC. 509. ARCTIC RESEARCH.

Section 107(b)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4106(b)(2)) is amended—

(1) by striking "and" after the semicolon in subparagraph (J);

(2) by redesignating subparagraph (K) as subparagraph (L); and

(3) by inserting after subparagraph (J) the following new subparagraph:

"(K) the Department of Homeland Security; and".

SEC. 510. CONSERVATION.

(a) Section 1029(e)(2)(B) of the Bisti/De-Na-Zin Wilderness Expansion and Fossil Protection Act of 1996 (16 U.S.C. 460kkk(e)) is amended by striking "of Transportation" and inserting "of Homeland Security".

(b) Section 312(a)(2)(C) of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2441(c)) is amended by striking "of Transportation" and inserting "of Homeland Security".

SEC. 511. CONFORMING AMENDMENT.

Section 3122 of the Internal Revenue Code of 1986 is amended by striking "Secretary of Transportation" each place it appears and inserting "Secretary of the Department in which the Coast Guard is operating".

SEC. 512. ANCHORAGE GROUNDS.

Section 7 of the Rivers and Harbors Act of 1915 (33 U.S.C. 471) is amended by striking "of Transportation" and inserting "of Homeland Security".

SEC. 513. BRIDGES.

Section 4 of the General Bridge Act of 1906 (33 U.S.C. 491) is amended by striking "of Transportation" and inserting "of Homeland Security".

SEC. 514. LIGHTHOUSES.

(a) Section 1 of Public Law 70–803 (33 U.S.C. 747b) is amended by striking "of Transportation" and inserting "of Homeland Security".

(b) Section 2 of Public Law 65–174 (33 U.S.C. 748) is amended by striking "of Transportation" and inserting "of Homeland Security".

(c) Sections 1 and 2 of Public Law 75–515 (33 U.S.C. 745a, 748a) are amended by striking "of Transportation" each place it appears and inserting "of Homeland Security".

SEC. 515. OIL POLLUTION.

The Oil Pollution Act of 1990 (33 U.S.C. 2701 et. seq.) is amended—

(1) by inserting "Homeland Security," in section 5001(c)(1)(B) (33 U.S.C. 2731(c)(1)(B)) after "the Interior,";

(2) by striking "of Transportation," in section 5002(m)(4) (33 U.S.C. 2732(m)(4)) and inserting "of Homeland Security,";

(3) by striking section 7001(a)(3) (33 U.S.C. 2761(a)(3)) and inserting the following:

"(3) MEMBERSHIP.—

"(A) The Interagency Committee shall include representatives from the Department of Commerce (including the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology), the Department of Energy, the Department of the Interior (including the Minerals Management Service and the United States Fish and Wildlife Service), the Department of Transportation (including the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration), the Department of Defense (including the Army Corps of Engineers and the Navy), the Department of Homeland Security (including the United States Coast Guard and the United States Fire Administration in the Federal Emergency Management Agency), the Environmental Protection Agency, and the National Aeronautics and Space Administration, as well as such other Federal agencies the President may designate.

"(B) A representative of the Department of Transportation shall serve as Chairman."; and

(4) by striking "other" in section 7001(c)(6) (33 U.S.C. 2761(c)(6)) before "such agencies".

SEC. 516. MEDICAL CARE.

Section 1(g)(4)(B) of the Medical Care Recovery Act of 1962 (42 U.S.C. 2651(g)(4)(B)) is amended by striking "of Transportation." and inserting "of Homeland Security.".

SEC. 517. CONFORMING AMENDMENT TO SOCIAL SECURITY ACT.

Section 201(p)(3) of the Social Security Act (42 U.S.C. 405(p)(3)) is amended by striking "of Transportation" each place it appears and inserting "of Homeland Security".

SEC. 518. SHIPPING.

Section 27 of the Merchant Marine Act of 1920 (46 U.S.C. App. 883) is amended by striking "Satisfactory inspection shall be certified in writing by the Secretary of Transportation" and inserting "Satisfactory inspection shall be certified in writing by the Secretary of Homeland Security.".

SEC. 519. NONTANK VESSELS.

Section 311(a)(26) of the Federal Water Pollution Control Act (33 U.S.C. 1321(A)(26)) is amended to read as follows:

"(26) 'nontank vessel' means a self-propelled vessel—

"(A) of at least 400 gross tons as measured under section 14302 of title 46, United States Code, or, for vessels not measured under that section, as measured under section 14502 of that title;

"(B) other than a tank vessel;

"(C) that carries oil of any kind as fuel for main propulsion; and

"(D) that is a vessel of the United States or that operates on the navigable waters of the United States including all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.".

SEC. 520. DRUG INTERDICTION REPORT.

(a) IN GENERAL.—Section 89 of title 14, United States Code, is amended by adding at the end the following:

"(d) QUARTERLY REPORTS ON DRUG INTERDICTION.—Not later than 30 days after the end of each fiscal year quarter, the Secretary of Homeland Security shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report on all expenditures related to drug interdiction activities of the Coast Guard on an annual basis.".

(b) CONFORMING AMENDMENT.—Section 103 of the Coast Guard Authorization Act of 1996 (14 U.S.C. 89 note) is repealed.

SEC. 521. ACTS OF TERRORISM REPORT.

Section 905 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (46 U.S.C. App. 1802) is amended—

(1) by striking "Not later than February 28, 1987, and annually thereafter, the Secretary of Transportation shall report" and inserting "The Secretary of Homeland Security shall report annually"; and

(2) by inserting "Beginning with the first report submitted under this section after the date of enactment of the Maritime Transportation Security Act of 2002, the Secretary shall include a description of activities undertaken under title I of that Act and an analysis of the effect of those activities on port security against acts of terrorism." after "ports.".

TITLE VI—EFFECTIVE DATES

SEC. 601. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment.

(b) EXCEPTION.—Sections 501 through 518 of this Act and the amendments made by those sections shall take effect on March 1, 2003.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to and the amendments at the desk be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 2343) was agreed to, as follows:

On page 2, strike the item relating to section 211 and insert the following:

Sec. 211. Undocumented Maine fish tenders.

On page 2, after the item relating to section 217, insert the following:

Sec. 218. Distant water tuna fleet.
Sec. 219. Automatic identification system.

On page 3, after the item relating to section 410, insert the following:

Sec. 411. Conveyance of decommissioned Coast Guard Cutter MACKINAW.

On page 8, line 17, strike "2006." and insert "2006 and as of September 30, 2007.".

On page 8, beginning in line 18, strike "fiscal year 2006," and insert "each of fiscal years 2006 and 2007,".

On page 9, beginning in line 3, strike "fiscal year 2006" and insert "each of fiscal years 2006 and 2007".

On page 18, strike lines 6 through 24 and insert the following:

SEC. 211. UNDOCUMENTED MAINE FISH TENDERS.

Not withstanding any other provision of law, a vessel that is ineligible for documentation under chapter 121 of title 46, United States Code, because it measures less than 5 net tons, may transport fish or shellfish within the coastal waters of the State of Maine if—

(1) the vessel transported fish or shellfish pursuant to a valid wholesale seafood license, issued under the authority of section

6851 of title 12 of the Maine Revised Statutes prior to December 31, 2004; and

(2) the vessel is owned by an individual or entity meeting the citizenship requirements necessary to document a vessel under section 12106 of title 46, United States Code.

On page 19, line 18, insert "(a) IN GENERAL.—" before "The".

On page 20, after line 25, insert the following:

(b) INDEPENDENT ANALYSIS OF REVISED DEEP WATER PLAN.—Within 180 days after the date of enactment of this Act, the Commandant of the Coast Guard may execute a contract with an independent entity—

(1) to conduct an analysis of the Coast Guard's revised Deepwater Plan; and

(2) to assess whether—

(A) the mix of assets and capabilities selected as part of that plan will meet the Coast Guard's criteria of—

(i) performance; and

(ii) minimizing total ownership costs; or

(B) additional or different assets should be considered as part of the plan.

On page 22, strike lines 13 through 18, and insert the following:

"(c)(1) No vessel without a registry endorsement may engage in—

"(A) the setting or movement of the anchors or other mooring equipment of a mobile offshore drilling unit that is located over the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.c. 1331(a))) whether or not attached to the outer Continental Shelf; or

"(B) the movement of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is—

"(i) not attached to the seabed; or

"(ii) attached to the seabed on the outer Continental Shelf but not exploring for oil and gas resources from the outer Continental Shelf.

"(2) Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12106 of this title.".

On page 22, between lines 18 and 19, insert the following:

SEC. 218. DISTANT WATER TUNA FLEET.

(a) MANNING REQUIREMENTS.—United States purse seine fishing vessels transiting to or from, or fishing exclusively for highly migratory species in, the Treaty area under a fishing license issued pursuant to the 1987 Treaty of Fisheries Between the Governments of Certain Pacific Islands States and the Government of the United States of America may utilize non-United States licensed and documented personnel to meet manning requirements for the 48 month period beginning on the date of enactment of this Act if, after timely notice of a vacancy, no United States-licensed and documented personnel are readily available.

(b) LIMITATION.—Subsection (a) applies only to vessels operating in and out of American Samoa.

(c) WAIVER.—The citizenship requirements of sections 8103(a) and 12110 of title 46, United States Code, are waived for vessels to which subsection (a) applies during the 48-month period.

SEC. 219. AUTOMATIC IDENTIFICATION SYSTEM.

(a) PREVENTION OF HARMFUL INTERFERENCE.—The Secretary of the Department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, may, within 60 days of the enactment of this Act, transfer $1,000,000 to the National Telecommunications and Information Administration of the Department of Commerce for the purposes of awarding, within 120 days after the date of enactment of this Act a competitive grant to design, develop, and prototype a device that integrates a Class B Automatic Identification System transponder (International Electrotechnical Commission standard 62287) with an FCC-approved wireless maritime data device with channel throughput greater than 19.2 kilobits per second to enable such wireless maritime data device to provide wireless maritime data services, concurrent with the operation of such Automatic Identification System transponder, on frequency channels adjacent to the frequency channels on which the Automatic Identification System transponder operates, while minimizing or eliminating the harmful interference between such Automatic Identification System transponder and such wireless maritime data device. The design of such device shall be available for public use.

(b) IMPLEMENTATION OF AIS.—It is the Sense of the Senate that the Federal Communications Commission should resolve within 60 days after the date of enactment of this Act the disposition of its rulemaking on the Automatic Information System and licensee use of frequency bands 157.1875-157.4375 MHz and 161.7875-162.0375 MHz (RM-10821, WT Docket Number 04-344). The implementation of this section shall not delay the implementation of an Automatic Identification System as required by the Maritime Transportation Security Act of 2002 and international convention.

On page 30, line 5, strike " 'Members'; " and insert " 'The'; ".

On page 30, line 7, insert "(1)" before "The".

On page 30, line 12, strike the closing quotation marks and the second period.

On page 30, between lines 12 and 13, insert the following:

"(2) Any motorized vehicle placed at the disposition of the Coast Guard and utilized to carry out its functions under paragraph (1) shall be considered to be a 'motorized vehicle utilized under section 826(b)' as that term is used in section 830.".

On page 35, between lines 4 and 5, insert the following:

SEC. 411. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER MACKINAW.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter MACKINAW, the Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to that vessel to the City and County of Cheboygan, Michigan, without consideration, if—

(1) the recipient agrees—

(A) to use the vessel for purposes of a museum;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) the recipient has funds available that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in an amount of at least $700,000; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—Prior to conveyance of the vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel to a suitable mooring in the local area, in its present condition, on or about June 10, 2006, and no later than June 30, 2006. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function for purposes of a museum.

The amendment (No. 2344) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 889 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that all after the enacting clause be stricken and the text of S. 1280, as amended, be inserted in lieu thereof, that the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, the Senate insist upon its amendment, and the Chair be authorized to appoint conferees. I further ask that S. 1280 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 889), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER appointed Mr. STEVENS, Ms. SNOWE, Mr. LOTT, Mr. SMITH, Mr. INOUYE, Ms. CANTWELL, and Mr. LAUTENBERG conferees on the part of the Senate.

ORDERS FOR FRIDAY, OCTOBER 28, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Friday, October 28. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for morning business with Senators permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Today, the Senate completed action on the Labor-HHS-Education appropriations bill, a splendid job by Senator SPECTER and Senator HARKIN in moving the bill along. That is the fastest I can recall that measure clearing the Senate, certainly in recent years.

As the majority leader announced earlier today, we will be in session tomorrow, but there will not be any votes. We will not have any votes during Monday's session. So Senators should expect a busy week as we consider the deficit reduction omnibus reconciliation bill.

In that regard, I ask unanimous consent that at 4 p.m. on Monday, October 31, the Senate proceed to S. 1932, the 2005 deficit reduction bill, and it be considered under the following statutory time agreement, with time divided as follows: The first hour on Monday under the control of the chairman of the Budget Committee; provided further that the Senate then resume the bill on Tuesday, November 1, at 9 a.m., with the time until 8 divided between the chairman and ranking member, with 4½ hours under the control of the chairman and 5½ hours under the control of the ranking member; provided further that the Senate recess from 12:30 to 2 for the weekly policy luncheons; provided that any votes ordered on Tuesday be postponed to occur at a time determined by the leader after consultation with the Democratic leader.

I further ask consent that the Senate then resume the bill on Wednesday, November 2, with the time from 8:30 a.m. to 6 p.m. equally divided between the chairman and ranking member; provided further that at 6 p.m. on Wednesday all time be considered expired.

Before the Chair rules, it is my understanding that Senators GREGG and CONRAD have agreed that we will have 1 hour of debate on Monday. We will then resume the deficit reduction measure on Tuesday, with debate until 8. Any votes ordered on Tuesday would be stacked to occur at a later time. We would then resume the bill on Wednesday, with all time expired at 6 p.m.

The Budget Act allows for amendments to be offered and voted on beyond the statutory time limit, the so-called vote-arama that we look forward to every year. I would hope that we would not have a vote-arama, but understanding that Members will offer amendments after the expiration of time, we would begin those sequenced votes on Thursday.

We will proceed until complete, and we all hope that will be a short time thereafter.

In any event, we would stop in the late afternoon on Thursday and resume on Friday if, and only if, that becomes necessary.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. McCONNELL. I believe that completes the business of the Senate. If there is no further business to come before the Senate, I ask unanimous consent that it stand in adjournment under the previous order.

There being no objection, the Senate, at 7:20 p.m., adjourned until Friday, October 28, 2005, at 10 a.m.

NOMINATIONS

Executive nomination received by the Senate October 27, 2005:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PETER W. CHIARELLI, 6598

CONFIRMATIONS

Executive nominations confirmed by the Senate: Thursday, October 27, 2005:

THE JUDICIARY

SUSAN BIEKE NEILSON, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

JOHN RICHARD SMOAK, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA.

EXTENSIONS OF REMARKS

SALUTE TO HURRICANE VOLUNTEER MARC OBERLIN OF SAVE-A-LOT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the States along the gulf coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one man, his store and his donation. Marc Oberlin, from Save-A-Lot donated $5,572 worth of various food and supplies for volunteers during hurricane Katrina.

Save-A-Lot is one of the Nation's leading extreme value, limited assortment grocery chains, operating value-oriented stores in all types of neighborhoods—urban, rural and suburban. Today the company's annual systemwide retail sales exceed $4 billion and are expected to grow as the company expands its store network.

I stand here today to sincerely thank Marc Oberlin for his donation. It is people like him that I am proud to call a fellow Texan. Through his contribution, he not only stands as a devoted and giving American citizen, but he serves as an inspiration to others.

CONGRATULATIONS TO MR. LEON LYNCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and honor that I congratulate Mr. Leon Lynch on his retirement from the position as United Steel Workers of America Vice President of Human Affairs. Leon has spent nearly 40 years dedicating his life to the interests of the USWA and many social and political organizations throughout the country. His career at the USWA has allowed him the opportunity to touch the lives of numerous people. In honor of his gracious service to the USWA, there will be a celebration of his accomplishments on Friday, October 28, 2005, at the Genesis Convention Center in Gary, IN.

Leon Lynch has accomplished many visionary goals throughout his career. Leon joined USWA Local 1011 in 1956 at the Youngstown Sheet & Tube Company Mill in East Chicago, Indiana. He has served on many local committees and was President of the YS&T Federal Credit Union. In 1968 Leon was named a staff representative and an International Representative in 1973. In 1994, he was appointed by President Bill Clinton to the Advisory Council on Unemployment Compensation. In 1995, Leon was elected to the AFL–CIO Executive Council, and in December of 2000, President Clinton appointed Leon to the Air Traffic Service Board of the Federal Aviation Administration.

Not only has Leon had many positive accomplishments throughout his career at the USWA, he has also actively contributed to his community through participation in various programs aimed at improving opportunities for people. Leon is a member of the executive committee of the Democratic National Committee, Chairman of the A. Philip Randolph Institute, President of the Workers Defense League, a board member of the National Endowment for Democracy, and a member of the Labor Roundtable of the National Black Caucus of State Legislators.

Leon has served six terms as the USWA's International Vice President for Human Affairs. He was appointed to that post when it was created by the USWA's 18th Constitutional Convention in 1976. As Vice President, he oversees the USWA's civil rights and human rights efforts. He chairs the Container Industry Conference and handles the negotiations for Rexam, Crown Cork & Seal, and Silgan Containers. He also chairs the Public Employees Conference, International Constitution Committee, and the Steelworkers Health and Welfare Fund.

Leon's family and friends should be proud of his efforts, as his leadership has served as a beacon of hope throughout the country. Leon's longstanding commitment to improving the quality of life for Steelworkers is truly inspirational and should be commended. Our community has certainly been rewarded by the true service, uncompromising dedication and loyalty displayed by Leon Lynch.

Mr. Speaker, Leon Lynch has given his time and efforts selflessly to the members of the USWA throughout his years of service. He has taught every member of the USWA the true meaning of service. I respectfully ask that you and my other distinguished colleagues join me in congratulating Mr. Leon Lynch for his outstanding contributions. I am proud to commend him for his lifetime of service and dedication.

HONORING GINGER ARMSTRONG

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Ginger Armstrong of Tuolumne County, California for her tireless service and contributions to her community. At the end of the month of October, Ms. Armstrong will retire from her position as an Advocacy Consultant with the Tuolumne County Alliance for Resources and the Environment (TuCARE). An event to celebrate Ms. Armstrong's professional accomplishments and contributions will occur on October 27, 2005 in Sonora, California.

A native of New Mexico, Ginger Armstrong moved to Tuolumne County in 1971, where she taught in the Tuolumne County public school system for over 20 years. After teaching in the public school system, Ms. Armstrong became the Education Coordinator for TuCARE, an organization established to advise the public on conservation practices and the utilization of our natural resources.

In the late 1990's, Ginger earned the position of Executive Director of TuCARE, where she demonstrated exemplary leadership on issues concerning the long term viability of natural resources and conservation of public and private lands.

Together with her husband Jim, the Armstrong's own and operate Jim Armstrong Logging. In addition to the logging operation, the Armstrong's own Snowy Peaks Christmas Tree Farm and plan to operate a strawberry and blueberry farm.

Ginger and her husband Jim have two children, Matt and Haley.

Mr. Speaker, I rise to honor Ginger Armstrong for her years of service to Tuolumne County and dedication to natural resource issues. I invite my colleagues to join me in wishing Ginger many years of continued success.

HONORING CRESCENT ELEMENTARY FOR BECOMING A BLUE RIBBON SCHOOL OF EXCELLENCE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. RAHALL. Mr. Speaker, it is with great pride that I honor Crescent Elementary School in Raleigh County, West Virginia for their remarkable academic achievements. Next month, Crescent will receive the highest national honor in education as a No Child Left Behind Blue Ribbon School. Out of 738 schools in West Virginia, Crescent is one of just three to receive the award, and one of only 295 in the United States.

Crescent Elementary School qualifies for this award because the school has dramatically improved student performance on the State assessment test. In light of the fact that 62 percent of Crescent's 284 students, are of low socioeconomic background, this accomplishment is even more commendable. On the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

State assessment test, the entire school tested in the 80th percentile in math and reading. Another great achievement for the school is a 98 percent attendance rate during the 2004–2005 school year.

At the November ceremony to honor the 2005 No Child Left Behind-Blue Ribbon Schools, United States Assistant Secretary of Education, Kevin F. Sullivan, will recognize each recipient and award the representative with a plaque. Receiving the award for Crescent Elementary School will be Principal Danny Pettry, along with speech teacher Stephanie Anderson and first-grade teachers Mary Haynes and Pat Hudson. I am very proud of the many achievements this school has made in its pursuit to educate the future leaders of this country. Having an educational institution such as Crescent in my State and my district is something in which to take pride.

ESSAY ON THE PLEDGE

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. KENNEDY of Minnesota. Mr. Speaker, I would like to submit for the RECORD, the text of an essay by Katelin Richter of Watertown, Minnesota, as published in the Minneapolis Star-Tribune on October 3, 2005.

> Of course the pledge is still relevant. How does a trait such as loyalty cease to be relevant? How do liberty and justice for all cease to be relevant? How does God cease to be relevant? Just because our America is a little different than our Founding Fathers' America doesn't mean that the core values that built this Nation have changed. Deep down, we are still the same, members of the greatest democracy on Earth, where liberty and justice are truly for all.
>
> We have to remember, when pledging, that our great Nation is not totally infallible, and will never be. We can only try our hardest, with the powers we have, to make our Nation live up to the pledge. Americans will constantly work to see this goal.

RECOGNIZING THE NEW MEXICO HOMETOWN HEROES COMMITTEE

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mrs. WILSON of New Mexico. Mr. Speaker, I rise today to recognize the New Mexico Hometown Heroes committee and the remarkable work it has done to find and mark the gravesites of recipients of the Congressional Medal of Honor. Mr. Paul Layer Jr., who has served as this organization's president and his team of volunteers worked for many years on this project. They spent hundreds of hours researching archived records, excavating historical battle sites, and exploring cemeteries. As a result, our soldiers have a resting place that acknowledges the extraordinary deeds that they accomplished during their lifetimes.

The actions taken by Mr. Layer and the New Mexico Hometown Heroes Committee will allow generations of New Mexicans to remember the courage these soldiers showed on the battlefield.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Layer and the other members of the New Mexico Hometown Heroes Committee for their efforts.

CONGRATULATING JORDAN HUNT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Mr. Jordan Hunt for receiving the Gold Medal of Achievement in Royal Rangers.

Royal Rangers is an achievement program of the Assemblies of God which utilizes an outdoor theme to teach positive character, responsibility, leadership, citizenship and service to God, men and country. The Gold Medal of Achievement is the highest achievement that can be earned in the Royal Ranger Program.

Mr. Hunt is a freshman at Marcus High School in Flower Mound, Texas. His achievement represents many years of diligent work completing merits, camping and nature skills, leadership training camps, memorization, essays and service projects. A special service honoring Mr. Hunt's accomplishment is planned for November 27, 2005 at Grace Community Assembly of God in Flower Mound, Texas.

I extend my sincere congratulations to Mr. Jordan Hunt on receiving the Gold Medal of Achievement. His hard work and dedication to excellence warrants the highest achievement given by the Royal Rangers Program.

CONGRATULATIONS TO MR. RICHARD KRAME

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and honor that I congratulate Mr. Richard Krame on his retirement from the Town of Schererville. Dick has spent nearly 50 years dedicating his life to the interests of the residents of Schererville, Indiana. His career has allowed him the opportunity to touch the lives of numerous people. In honor of his gracious service to the community, there will be a celebration of his accomplishments on November 3, 2005.

Dick Krame has accomplished many visionary goals throughout his career. Dick was born in Chicago, Illinois and entered the United States Army in 1943, where his first mission was D-Day 1944. Dick was awarded the Croix De Guerre-with Star, which was the highest decoration a soldier could earn from French President Charles De Gaulle. He also received a number of U.S. awards for his service in the European, African, and Middle Eastern theaters. Dick felt tremendous pride for his country, and he was willing to endanger his own life to protect the lives of his fellow Americans. His courage and heroism will always be remembered, and his sacrifice will forever live in the hearts and minds of those for whom he battled.

After the War, Dick resumed his career with Inland Steel. He moved to Schererville, Indiana in 1954, and he became involved with the community in 1964. He served as an elected member of the Town Board and was Town Board President in 1970, 1971, and 1979. In 1982, Dick retired from his position as a General Foreman with Inland Steel. In 1989, he came out of full-time retirement from Inland Steel to fill many positions with the Town of Schererville. He served as Chairman of the Schererville Planning Commission, a member of the Police Commission, President of the Chamber of Commerce, Chairman of the Chamber of Commerce Com Roast, a member of the Chamber's Economic Development Commission, and a member of the Quad Town Economic Commission. In 1998, Dick became the Schererville Town Manager.

While Dick has dedicated considerable time and energy to his work, he has always made an extra effort to give back to the community. Dick has been an active member of the Schererville Lions Club for over 42 years, and he was named President of the Lions in 1973 and 1986. Some other of his involvements include the Parade Picnic Committee and the St. Michael Church Council. The Rotary Club of Schererville also presented Dick with their 2004 Outstanding Citizen Award.

His work has been improving his community for over forty years. Though Dick is dedicated to his career and the community of Schererville, he has never limited his time and love for his family. Dick and his wife, Eleanor, have been happily married for thirty years.

Mr. Speaker, I respectfully ask that you and my other distinguished colleagues join me in congratulating Mr. Richard Krame for his outstanding devotion to Indiana's First Congressional District. His unselfish and lifelong dedication to those in need is worthy of the highest commendation, and I am proud to represent him in Congress.

HONORING THE GEMPERLE FAMILY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the Gemperle Family of Turlock, California upon receiving the 2005 Distinguished Citizens Award from The Greater Yosemite Council, Boy Scouts of America. The family will be honored on Wednesday, October 26, 2005 at The Greater Yosemite Council, Boy Scouts of America 2005 Distinguished Citizens Award Dinner in Modesto, California.

As a leader in the egg production business in the Turlock area since the 1950's, the Gemperle Family has transformed a small family business into an industry-leading, technology driven company. In addition to the great successes achieved in business, the Gemperle Family has distinguished itself through its leadership and generosity to many communities throughout California's Central Valley.

Ernie T. Gemperle, the family patriarch, has served in many positions, including President, on his local Boy Scouts of America Executive Board. For over 35 years, the Gemperle Family has hosted an annual fundraising event to benefit the Boy Scouts of America. Moreover, the Gemperle Family has earned a well deserved reputation for supporting numerous causes, including Catholic Charities, California State University-Stanislaus, and the arts.

Mr. Speaker, I rise to honor the Gemperle Family upon receiving the 2005 Distinguished Citizens Award from The Greater Yosemite Council, Boy Scouts of America. I invite my colleagues to join me in congratulating and thanking the Gemperle Family for their leadership and tremendous generosity.

RECOGNIZING THE 25TH ANNIVERSARY OF AKAL SECURITY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. WILSON of South Carolina. Mr. Speaker, I am proud today to congratulate Akal Security, the second largest U.S-based security guard company, on its twenty-fifth anniversary. Since 1980, Akal Security has grown from just a handful of earnest entrepreneurs to almost 15,000 employees in 48 States and around the world.

Today, the company provides 80 percent of guards for the Department of Justice's Marshals Service and, through a subsidiary, 80 percent of cleared American guards for embassy construction. Akal's employees work in several Bureau of Immigration and Customs Enforcement detention centers, airports and military installations; Federal Protective Service operations; and local government and commercial properties.

Although the tremendous growth of this company is important, I am also impressed by the unique inspiration of its founders and their continued record of hiring disabled veterans.

Gurutej Khalsa and Daya Khalsa, the founders of Akal Security, incorporate the practices of Sikh Dharma into their day-to-day business lives. They describe Sikh Dharma as a peaceful, monotheistic religion brought to the West from India by Yogi Bhajan, who was only the fourth religious leader to receive a joint resolution of recognition from Congress.

Akal Security also has a distinguished history of hiring veterans of law enforcement and the military, including many decorated heroes and even a few U.S. Marshals. These veterans are patriotic, experienced, and committed to their jobs. This year, Akal Security received the Large Employer of the Year Award from the Disabled American Veterans organization for the company's continued commitment to serving disabled Veterans.

Today, I am pleased to congratulate Akal Security on its remarkable record of accomplishment over the past 25 years.

INTRODUCTION OF THE FEDERAL DISASTER PROFITEERING PREVENTION ACT OF 2005

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. CONYERS. Mr. Speaker, today I am introducing the "Federal Disaster Profiteering Prevention Act of 2005," legislation that imposes tough new criminal and civil penalties on would-be profiteers who intentionally overcharge the Federal Government for the provision of goods or services tendered in response to a presidentially declared major disaster or emergency. I am joined by Representatives EMANUEL, DEFAZIO, GRIJALVA, HINCHEY, KILPATRICK, SERRANO, MCDERMOTT, MALONEY and SANDERS.

One need not look beyond the ongoing reconstruction efforts in Iraq and the current controversy surrounding Halliburton to understand the need for such legislation. To date, Halliburton has been accused of overcharging the Federal Government by more than $1.4 billion in "questionable" and "unsupported" reconstruction costs. Nearly two-thirds of these costs have been characterized as "questionable" because, according to government auditors, they are "unreasonable in amount" and "exceed that which would be incurred by a prudent person." Such costs include, but are in no way limited to, $617,000 in overpriced and double-billed soft drinks; $152,000 in movie rental charges; $1.5 million in excessive tailoring and seamstress charges; and over $560,000 in unnecessary heavy equipment charges.

The "Federal Disaster Profiteering Prevention Act of 2005" is designed to prevent such acts from occurring in the future. It achieves this objective by cracking down on anyone who, in a matter involving a contract with the Federal Government, develops a "scheme or artifice to defraud the United States." The civil penalties associated with a violation of this prohibition are the greater of $1 million dollars or triple the gross profits or received proceeds.

The potential for additional future abuse of the Federal contracting and procurement process is quite clear. According to recent press reports, FEMA and the Army Corps of Engineers already have awarded at least seven no-bid contracts to several politically well connected firms, including Halliburton. For example, Kellogg, Brown & Root, a subsidiary of Halliburton, is currently repairing damaged naval facilities under a $500 million Defense Department contract. Additionally, no-bid housing contracts have been awarded to the Fluor Corp, a major Republican Party donor, and to the Shaw Group, a client of the lobbying and consulting firm run by friend of the president and former FEMA chief Joe Allbaugh. With such large sums being spent in this manner, it's more important than ever that we send a clear message that we will not tolerate the overcharging of our government during times of federal emergencies.

I am hopeful that Congress can move quickly to enact this worthwhile and timely legislation.

CONGRATULATING LUCAS FLEMMING

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Mr. Lucas Flemming for receiving the Gold Medal of Achievement in Royal Rangers.

Royal Rangers is an achievement program of the Assemblies of God which utilizes an outdoor theme to teach positive character, responsibility, leadership, citizenship and service to God, men and country. The Gold Medal of Achievement is the highest achievement that can be earned in the Royal Ranger Program.

Mr. Flemming is a senior at Flower Mound High School in Flower Mound, Texas. His achievement represents many years of diligent work completing merits, camping and nature skills, leadership training camps, memorization, essays and service projects. A special service honoring Mr. Hunt's accomplishment is planned for November 27, 2005 at Grace Community Assembly of God in Flower Mound, Texas.

I extend my sincere congratulations to Mr. Lucas Flemming on receiving the Gold Medal of Achievement. His hard work and dedication to excellence warrants the highest achievement given by the Royal Rangers Program.

HONORING EDWARD CONNER

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today in honor of Edward Conner, a young man from Falmouth, Kentucky, who has shown a tremendous appreciation for the service of many veterans in Kentucky through his involvement with volunteer activities honoring the Men and Women who served in our Armed Forces.

Edward, or "Eddie"—as his friends call him, is an honorary member of American Legion Post 109 and despite his young age of 15, is actively involved with organizing annual Veterans Day events in Pendleton County.

Eddie often volunteers his time at the Legion Post—performing a variety of services and speaks to children at area schools about his work with veterans.

Being a Member of the American Legion, I thoroughly appreciate Eddie's hard work and commend him on volunteering his time in support of veterans everywhere.

TRIBUTE TO JOHN ZUTAVERN OF ABILENE, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. MORAN of Kansas. Mr. Speaker, today I rise to recognize John Zutavern of Abilene, Kansas and congratulate him for receiving the 2005 Excellence in Local Government award from the League of Kansas Municipalities. I commend him for his excellence in leadership and passion for helping citizens of Abilene and the State of Kansas.

John's love for his community and his home-State is visible to everyone around him. He has been a diligent ambassador for Abilene and promotes the virtues of the city wherever he goes. He always welcomes guests with a warm greeting and hearty handshake. People like John are the ones who give small towns their good name.

John is involved in many community and civic groups, and his influence extends to all areas of the community. John has served the citizens of Abilene as a member of the City Commission since 1991, serving as Mayor on two different occasions. He is responsive to citizens and is known for being unafraid to take on new challenges. Forward thinking and innovativeness are also characteristics that John possesses, both of which help him in his leadership roles.

John's influence also extends to a statewide level. He was appointed Chairman of the Governor's Advisory Committee for Children and Families where he served from 1996 to 2000. He currently serves on the Board of Directors for the Kansas Health Institute. John has also served the League of Kansas Municipalities and is considered "the go-to guy" on the Governing Body. He has served with the League since 1994, taking on the responsibility of Vice President, President, and Chair of the Executive Director search committee.

I am pleased that John's hard work and dedication has not gone unnoticed by the people of Kansas. Tonight, I extend my congratulations to John for being the 2005 Excellence in Local Government Award recipient, an honor he well deserves. Thank you for your dedication to serving the people of Abilene and the people of Kansas.

TRIBUTE TO MS. AMALIA V. BETANZOS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a woman of great integrity and character. Ms. Amalia V. Betanzos has decided to retire from the Wildcat Service Corporation after 27 years of dedicated leadership. Tonight, she will be honored for her service in the city of New York.

Born and raised in the South Bronx, Amalia is a graduate of New York University and has extensive experience in the public and private not-for-profit sectors. She has served in a variety of positions in the administrations of several New York Mayors. As Commissioner of the Youth Services Agency she helped to shape the destinies of more than half a million New York youth and gained a reputation for being an outstanding administrator with an untiring capacity to meet new challenges. As Executive Secretary to Mayor John Lindsay she was in charge of programs for the poor and the physically and mentally handicapped. As Commissioner of Relocation and Management services in the Housing and Development Administration, Amalia was directly in charge of coordinating relocation services to families in conjunction with the City's Urban Renewal programs and emergency housing.

Amalia's extensive experience in city government provided her with the breadth of knowledge necessary to lead an organization such as Wildcat Service Corporation. Founded in 1972, Wildcat's mission is to bring the chronically unemployed, for example, ex-offenders, public assistance recipients, former alcohol and substance abusers, high school dropouts, youth involved with the criminal justice system and persons with limited English language proficiency, into the regular labor force, thus breaking their cycle of poverty, addiction and crime. Under Amalia's strong leadership Wildcat changed the lives of countless New Yorkers, providing them and their families with a new lease on life.

Mr. Speaker, it is rare to find individuals who are willing to dedicate their entire lives to uplifting others. Amalia V. Betanzos is indeed one of these special people. She has literally improved the lives of thousands of individuals. Her efforts to empower society's most vulnerable citizens will not only change their destinies but also the destinies of generations to come. Surely that is the mark of a great career.

For her unyielding service and untiring spirit, I ask my colleagues to join me in paying tribute to a dear friend, Ms. Amalia V. Betanzos.

IN HONOR AND REMEMBRANCE OF ALVA "TED" BONDA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Alva "Ted" Bonda, beloved husband, father, grandfather, great-grandfather, brother, WWII Veteran, and dear friend and mentor to many, including me. Mr. Bonda's life was framed by tenacity, integrity and heart, and although he will be greatly missed, he deeply touched the lives of everyone he knew.

Mr. Bonda will forever be remembered as a true renaissance man who possessed a high intellect, love for education and keen business savvy. He was born and raised in Cleveland and graduated from Glenville High School. He worked as a shoe store clerk and parking lot attendant before serving in the U.S. Army during WWII. Following the war, Mr. Bonda teamed up with childhood friend, Senator Howard Metzenbaum, to form their joint venture, APCOA Inc., which evolved into the world's largest parking lot company.

Though an extremely successful businessman, Mr. Bonda's unwavering dedication remained focused on his family and the Cleveland community. Together, Mr. Bonda and the late Marie C. Bonda raised their three children, Penny, Joel and Tom. Mr. Bonda's faith in the City of Cleveland and love for its people was just as steadfast. When it was largely feared that the Cleveland Indians could be whisked away to another town, Mr. Bonda stepped up to the plate and convinced more than 50 Cleveland business owners to purchase the team. As the Team President, he consistently dismissed out-of-towners looking to buy the team because they would not promise to keep the club in Cleveland. Most significantly, Mr. Bonda contributed to sports history and civil rights history by hiring Frank Robinson as the first African American Manager in the Major Leagues.

After retiring from business, Mr. Bonda renewed his commitment as a proponent of education. As a member of the Cleveland School Board during the 1980s, Mr. Bonda led the successful effort in persuading voters to support the first operating levy in many years. In 1984, he was appointed by then Governor Richard Celeste to the Ohio Board of Regents, where he served as Chairman from 1998 to 1991. Mr. Bonda was also a trustee with Brandeis University in Waltham, Mass. In 1995, Cleveland State University's College of Urban Affairs awarded Mr. Bonda an honorary Doctorate degree.

A staunch and active Democrat, Mr. Bonda's wisdom and advice was consistently sought after by political hopefuls. His leadership infused significant energy and results into the momentum of numerous local and national campaigns, including those of President Jimmy Carter, presidential candidate George McGovern, Senator Howard Metzenbaum, Ohio Governor Richard Celeste, and my own congressional campaigns.

Mr. Speaker and colleagues, please join me in honor and remembrance of Alva "Ted" Bonda. I offer my deepest condolences to his daughter Penny, sons Joel and Tom, daughter-in-law, Jodi; his grandchildren; great grandchildren; extended family and many friends.

Mr. Bonda left this world with a legacy that will forever shine hope and light upon his family, friends and upon our entire Cleveland community. His joy for life, caring heart and concern for the people of Cleveland defined his life and resounds every spring with the first at bat; and will live on in the hearts of all he who knew and loved well, today, and for all time.

SALUTE TO HURRICANE VOLUNTEERS AT DFW AIRPORT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the States along the gulf coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank the DFW Airport and their donation during Hurricane Katrina. Jeffrey Fegan, the CEO of DFW, and

Ken Capps, the Vice President of Public Affairs, sent six DFW firefighters to relieve others at the New Orleans Airport. These firefighters were Adrian Garcia, Darren Himes, Jacob Evens, Terry Cole, Dan White and Sullivan McNulty.

I stand here today to sincerely thank the DFW Airport for their hard work and help during the devastation of Hurricane Katrina. It is people like them that I am proud to call fellow Texans. Through their contribution, they not only stand as devoted and giving American citizens, but they serve as an inspiration to others.

IN TRIBUTE TO THE LIFE OF BROTHER DELOCH

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to the life of Mr. Brother Deloch, a constituent of mine and well-beloved and respected husband of 75 years, father, grandfather, great-grandfather, and uncle. I was saddened to recently learn of his passing on Friday evening, October 14, at the age of 97.

Mr. Deloch was born January 20, 1908 in Macon, Mississippi to the late Mr. Israel and Mrs. Cora (Grey) Deloch. After the death of his father, Brother Deloch, along with his mother and siblings, moved to Kinloch, Missouri. During the late 1920's Brother Deloch met Emma Lou Dailey and on January 22, 1930 they were joined in holy matrimony. He remained faithfully married his whole life; Brother and Emma Lou had nine children together. Brother and Emma Lou were together as husband and wife for 75 years, Mr. Speaker.

Soon after getting married and making it through the great depression, Brother Deloch worked for several years installing and repairing motors as an employee of the French, Gerleman Electric Company. From there, he became a clerk for the Missouri Kansas Texas (MKT, Katy) Railroad Company and later for the Missouri Pacific Railroad Company. He retired in 1973 and moved to Mulberry Grove, Illinois where he played a vital role in developing the infrastructure of the Royal Lakes Sub-Division. A little over a decade and a half later he returned to St. Louis where he served the pastor and the church family of Bostick Temple Church of God in Christ. He also worked in the Church Pantry and kept up his active and faithful service to the church and his community until his health began to fail earlier this year.

Brother Deloch leaves behind Emma Lou, his lovely wife of 75 years, four sons and three daughters: Marvell Aaron; Mozell Jr; Frederick Douglas; Walter James; Anetta Bernice Carter; and Annabelle Ireland of Flint, Michigan, and Anita Louise Hyshaw of St. Louis. He also leaves behind fourteen marvelous grandchildren, and twenty-four wonderful great grandchildren.

Mr. Speaker, I ask those assembled here today to pay tribute to Brother Deloch and celebrate his long life, his faithful and loving marriage of seven and half decades, and the family and friends who remember him with great affection.

IN HONOR OF MORRIS HABITAT FOR HUMANITY OF NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor Morris Habitat for Humanity of New Jersey, a vibrant organization I am proud to represent. On October 29, 2005 the Board of Directors celebrates its Twentieth Anniversary.

Through both volunteer labor and donations of money and materials, Morris Habitat for Humanity builds and rehabilitates houses in partnership with families in need. Hundreds of volunteers and partner families have allowed Morris Habitat for Humanity to provide affordable homeownership opportunities to low income families. There is no profit added to the sale price of the home and mortgage payments are returned to a revolving fund that is used to build more houses.

Morris Habitat for Humanity was formed in 1985 when a group of local residents traveled to New York City to hear former President Jimmy Carter and Millard Fuller, the founder of Habitat for Humanity International, speak at the first Jimmy Carter Work Project. The group returned and incorporated Morris Habitat for Humanity as a charitable nonprofit that same year, attaining, affiliate status in 1986.

Since its formation, Morris Habitat for Humanity has completed 26 homes in seven municipalities throughout the 11th Congressional District. The hard work and efforts donated by private corporations, non-profit organizations, local governing officials, schools, and citizens with whom Morris Habitat has built partnerships have contributed to the benefit of more than 110 individuals of which 70 are children.

Mr. Speaker, I urge you and my colleagues to join me in congratulating the members of Morris Habitat for Humanity on the celebration of its 20 years of service to the Morris County area. Special praise is due to their dedicated staff and active volunteers who work cooperatively to provide affordable housing to families in need.

IN HONOR OF DR. I. KING JORDAN ON HIS RETIREMENT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Ms. WOOLSEY. Mr. Speaker, I rise to honor Dr. I. King Jordan upon his retirement as president of Gallaudet University on December 31, 2006. Dr. Jordan is an accomplished, respected leader and someone I consider a personal friend.

Dr. Jordan became the Nation's first deaf university president when appointed in 1988 and the first deaf president to preside over Gallaudet University. During his tenure there he has proven to be an able, caring leader propelling the university forward as well as becoming a strong advocate for deaf students on the Federal level.

Among his accomplishments, he led the university's first ever capital campaign, raising nearly $40 million, which supported the construction of the state-of-the-art Student Academic Center and contributed to the extraordinary increase in the university's endowment, which paved the way for an increase in scholarships and more academic programs. He also established a fellows program to provide support for deaf college graduates to complete their terminal degrees and become faculty members.

Dr. Jordan was not only a strong advocate for the Gallaudet community, but for individuals with disabilities across this Nation. Another proud accomplishment of Dr. Jordan's is the work he did to assist with the passage of the Americans with Disabilities Act, ADA, in 1990. He was a lead witness in support of the ADA during a joint session of Congress and delivered significant testimony in Congress and across the country during the deliberations of this bill.

Before coming to Gallaudet Dr. Jordan's life was filled with many other accomplishments. A native of Glen Riddle, PA, a small town near Philadelphia, Dr. Jordan earned a B.A. in psychology from Gallaudet University and M.A. and Ph.D. degrees in Psychology from the University of Tennessee.

Upon receiving his doctorate, Dr. Jordan joined the faculty of Gallaudet's Department of Psychology. Before his appointment as President, Dr. Jordan served as Chair of Gallaudet's Psychology Department and as Dean of the College of Arts and Sciences. He has been a research fellow at Donaldson's School for the Deaf in Edinburgh, Scotland, and an exchange scholar at Jagiellonian University in Krakow, Poland.

Dr. Jordan holds 11 honorary degrees and is the recipient of numerous awards, among them: the Presidential Citizen's Medal, presented by Bill Clinton in 2001; the Washingtonian of the Year Award; the James L. Fisher Award from the Council for Advancement and Support of Education, CASE; the Larry Stewart Award from the American Psychological Association and the Distinguished Leadership Award from the National Association for Community Leadership. President George H.W. Bush appointed Dr. Jordan vice chair of the President's Committee on Employment of People with Disabilities, PCEPD, in 1990, and President Clinton reappointed Dr. Jordan to that role in 1993. In the summer of 2005, Dr. Jordan was presented the George Bush Medal for the Empowerment of People with Disabilities from President George H.W. Bush.

Mr. Speaker, I wish Dr. Jordan much happiness in his retirement as he looks forward to traveling with his wife Lynda and spending more time with his family. His compassion and service will be greatly missed. I am proud to have had a chance to work with him these past years.

SALUTE TO HURRICANE VOLUNTEERS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the States along the gulf coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one woman, her organization and her donation. Bonnie Gardner, from Friends of the Library in Fort Worth, donated various books for all ages to Hurricane Katrina victims.

Friends of the Fort Worth Library is a nonprofit membership organization which exists to improve the quality of life in the community by providing advocacy, funding, and volunteer services to the Library. The organization also serves as a conduit for organizations and corporations which are restricted from making donations directly to government entities.

I stand here today to sincerely thank Bonnie Gardner for her donation. It is people like her that I am proud to call a fellow Texan. Through her contribution, she not only stands as a devoted and giving American citizen, but she serves as an inspiration to others.

HAPPY BIRTHDAY, JEANETTE CANTRELL RUDY

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mrs. BLACKBURN. Mr. Speaker, Tennesseans have long been known for giving back more to their community than they take. Jeanette Cantrell Rudy exemplifies our State's proud tradition of contributing to the betterment of both community and country.

This year as Jeanette celebrates her 78th birthday, we should take a moment to recognize her good works and thank her for enriching our lives.

In 1985, Jeanette helped create and fund the Dan Rudy Cancer Center at Saint Thomas Hospital in honor of her husband. With her sisters' help, she honored her parents by founding the Felix A. and Edna L. Cantrell Endowment Fund. The fund has given nurses the opportunity to continue their education at Saint Thomas Hospital. As a former nurse, Jeanette knows just how important nurses are to our quality of life.

It's clear that Jeanette's work has had a tremendous impact on the lives of people across our State. Her life is a testament to the power each of us have to help others.

The list of Jeanette's achievements and interests is a long one. She's a sportswoman, a member of several boards including those serving the Nashville Zoo and Cumberland University. She's even written a book, A Bend in the Cumberland, chronicling the history of her longtime home community in the Pennington Bend area.

It's impossible to capture the many friendships and contributions Jeanette has been responsible for over the years, but we owe her a debt of gratitude for choosing to live in and serve our community. All our best to Jeanette and her family on her 78th birthday.

REGARDING THE INTRODUCTION OF LEAD LABELING ACT LEGISLATION

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to introduce an important piece of legislation designed to strengthen our existing laws regarding lead in consumer products.

Currently, we have laws that pertain to lead-containing paint and its many applications. The laws are explicit and focus mainly on the paint used in public housing around the United States. In the last three decades we have seen the rate of lead poisoning plummet and than plateau. These laws, though effective, are specific only to paint. We must do more to protect our consumers.

That is why I am introducing the Lead Labeling Act of 2005 today, to direct the Consumer Products Safety Commission to establish regulations to require the labeling of dishware products sold in the United States that may contain hazardous amount of lead within them. Labeling these products will help consumers identify products that are potentially hazardous to their children through a simple labeling process.

Mr. Speaker, there are many products imported every year and these imports are a vital part of our economy, but because they are manufactured outside the United States, they are not subject to the same stringent regulations that our products must meet. This is a concern, because many of the products that we eat out of, drink out of, and cook with are made of materials that contain levels of lead that we do not normally ingest. These products can release these leads into our foods and our water and the affects can be very damaging, especially to the development of our children.

According to the National Institute of Health, lead, even in very low levels, can have damaging effects on our children. The Center for Disease Control states that approximately 310,000 U.S. children aged 1–5 years have blood lead levels greater than the CDC recommended level of 10 micrograms of lead per deciliter of blood. Also, lead can affect every system in our bodies. It has been linked to learning disabilities, behavioral problems, and, when our bodies are exposed to very high levels, lead causes seizures, coma, and even death.

Lead in our products is a concern in our households. Labeling products containing lead will help ease these concerns and allow consumers to make more informed decisions. I urge my colleagues in the House to support this legislation for the health of American consumers.

TRIBUTE TO VETERANS

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. CHANDLER. Mr. Speaker, it is with great honor that I rise today to pay tribute to the veterans of this country. November 11, 2005 is Veteran's Day. On this day, there will be ceremonies across our Nation honoring the service and sacrifice of the men and women who have served in our armed forces. In honor of these heroes, there will be a ceremony at the VA Medical Center on Leestown Road in Lexington, KY.

Kentuckians have always been willing to make the ultimate sacrifice for their country. Currently, there are more than 370,000 veterans who call Kentucky home. These men and women have inspired our citizens for generations. As our men and women continue to return home from battle in Iraq and Afghanistan, we must honor their service and pay tribute to those who served before them.

Armistice Day, the original name of Veteran's Day, was established on the anniversary of the signing of the Armistice, which ended the first World War. The men and women who sacrificed and served during WWI were honored and remembered, in hopes that their service would be the last time American soldiers were called upon for such duties. Regrettably, our men and women continue to answer the call. Fortunately, our VA Medical Centers continue to provide the care that our veterans so desperately need.

It is the spirit of those who work at these centers, the spirit of the American people and the will of the American armed forces that keep this country strong. Veteran's Day should serve as a reminder to every American that our armed forces, both of past and present, are made up of individuals of great courage, character and honor.

It is our duty to ensure that our children and grandchildren never forget our country's finest heroes and always know their sacrifice. We must take the time to pay tribute to our fallen heroes, not just on Veteran's Day, but everyday. Their sacrifices and those of our military families are freedom's foundation. Without the brave efforts of all the soldiers, sailors, airmen, and marines and their families, our country would not stand so boldly, shine so brightly and live so freely.

The United States has attained its position of strength and prosperity thanks to the dedication of our veterans and our armed forces. No other group of Americans has stood stronger and braver for our democracy than our troops and veterans. We must always celebrate, honor and remember these courageous and faithful men and women.

SALUTE TO HURRICANE VOLUNTEERS AT JPS HEALTH NETWORK

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the States along the gulf coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one company and their donation. JPS Health Network registered 1011 Hurricane Katrina evacuees and admitted 230 to the hospital for radiology, lab work, or other services.

Committed to improving the health of families and individuals in Tarrant County, JPS Health Network includes John Peter Smith Hospital, the JPS Institute for Health Career Development, a network of community-based health centers, home care and psychiatric services at Trinity Springs Pavilion.

I stand here today to sincerely thank JPS for their help and donation. It is people like them that I am proud to call fellow Texans. Through their contribution, they not only stand as devoted and giving American citizens, but they serve as an inspiration to others.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. HONDA. Mr. Speaker, on Tuesday, October 25, 2005, I was unavoidably detained and missed rollcall votes on that day.

Had I been present I would have voted the following: "yea" on rollcall vote number 536, the American Spirit Fraud Prevention Act, and "yea" on rollcall vote number 537, Recognizing the 40th anniversary of the White House Fellows Program.

HONORING SAINT JOHN OF THE CROSS PARISH OF WESTERN SPRINGS, ILLINOIS, AS THEY CELEBRATE THE 45TH ANNIVERSARY OF THE PARISH

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. LIPINSKI. Mr. Speaker, I rise today to honor the Catholic Community of Saint John of the Cross of Western Springs, Illinois on celebrating their 45th Anniversary of the parish.

St. John of the Cross was created in May 1960 with the appointment of Rev. William J. Bennett. In September of 1961 the one million dollar building was completed, which included the living quarters for the parish priests, the worship space, and the classroom space for 600 students. The parish was built on 5.5 acres of land but over the years through fundraising, the parish doubled to the present size of 11 acres.

In 1980, Father Bennett retired, and Rev. Joseph McDonnell became the second pastor of the parish. The parish began to expand through various programs such as religious education, liturgical ministries, and other social organizations. Additional space was then needed to accommodate for the growing number of organizations within the parish, so in 1988, Father McDonnell and the Parish Council agreed to construct a Parish Center. This Parish Center included space for daily worship, private prayer, the day school, religious education, parish meetings, staff offices, choir rehearsal and many more activities.

After 16 years as pastor, Father McDonnell retired in August of 1996 from the parish. Reverend Richard Hynes, the current pastor, was appointed by Cardinal Bernardin to succeed Father McDonnell. Father Hynes has been committed to spreading the awareness of the Catholic tradition to the parish community.

It is quite obvious that over the 45 years of Saint John of the Cross, the parish community has grown stronger through their worship, formation, and charity.

It is my honor to recognize Saint John of the Cross of Western Springs, Illinois on celebrating 45 years of service to spreading the Catholic faith throughout the community.

H.R. 3824, THE THREATENED AND ENDANGERED SPECIES RECOVERY ACT

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. MCKEON. Mr. Speaker, I rise in strong support for Threatened and Endangered Species Recovery Act, TESRA. This legislation is needed to make important changes to the Endangered Species Act, ESA, which, after 30 years of implementation, has been unable to return endangered species to healthy and sustainable populations and has caused turmoil for landowners and local communities across the country, especially in my district in California.

As you know, recent U.S. Fish & Wildlife Service, FWS, studies indicate that ESA has successfully recovered less than 1 percent of species listed in the original law. Frankly, this is far from being an exemplary model of effective legislation.

TESRA offers a new emphasis on recovery, which will require the identification of lands important to the conservation and resurgence of species. The bill provides numerous tools to promote preservation on private lands without further increasing the size of the federal estate.

TESRA also lists specific difference to distinguish between endangered and threatened species. TESRA requires rules, which will regulate that threatened species be disseminated on a case by case basis rather than by some overarching rule for all threatened species. By these requirements, TESRA provides a flexibility that can be central to effectively promoting conservation.

I would like to commend Chairman POMBO for his efforts in this legislation and would like to express my full support for the underlying bill.

HONORING MR. CHARLES O. WRIGHT FOR HIS SERVICE TO THE OAKLAND CHAMBER OF COMMERCE

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. GARRETT of New Jersey. Mr. Speaker, the duty of promoting, developing and preserving the economic environment and quality of life of a community is a personal contribution to the democracy that has made America the great country it is today. Leaders are looked upon for advice, ideas and stability to sustain the growth and security of our communities.

In recognition of the outstanding dedication and personal leadership to a community, I am pleased to extend my warmest commendation to Mr. Charles O. Wright for his services to the Oakland Chamber of Commerce in Oakland, New Jersey.

For the last 25 years, businesses as well as prospective college students in Oakland, NJ have flourished on his behalf. In 1981, Mr. Wright was selected to join the Chamber's Board of Directors. Soon after, he served as Vice President and Treasurer. In 1984, as President of the Oakland Chamber of Commerce, he established the Chamber Scholarship, benefiting students of the community. His respected leadership qualities resulted in his Chairmanship of four Standing Committees: Scholarship, Membership, Election and Technology.

Mr. Wright has enjoyed a career focused on providing service and intellect to the Borough of Oakland, NJ. The community will thrive for years to come because of his leadership and dedication to society.

It is therefore with great honor that I offer my sincerest appreciation and congratulations to Mr. Charles O. Wright for his committed service to the Oakland Chamber of Commerce and I wish him a future filled with continued success.

LOBBYISTS REPRESENTING REPRESSIVE REGIMES

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. WOLF. Mr. Speaker, I submit for the CONGRESSIONAL RECORD an article from Harper's Magazine titled "Spin Doctors without borders: how one Washington lobbyist administers to dictatorship."

Robert Cabelly, managing director of C/R International, was recently hired to represent the Government of Sudan. As disturbing as this is, the Harper's article below reveals the lengths that lobbyists will go to represent some of Africa's most repressive regimes.

The U.S. Congress has not forgotten that genocide is still taking place in Sudan. The administration should not allow an American citizen to represent a government guilty of genocide. I call on the State Department to immediately revoke the waiver allowing this lobbying to continue.

[From Harper's Magazine, Mar. 1, 2004]

SPIN DOCTORS WITHOUT BORDERS: HOW ONE WASHINGTON LOBBYIST ADMINISTERS TO DICTATORSHIP

(By Elisabeth Eaves)

Lobbyists in Washington, D.C., don't just serve such U.S. interests as the oil industry and the tobacco corporations; they also solicit work from foreign governments. In an extreme, though not uncommon scenario, Americans, many of them former diplomats and public servants, make their fortunes by advancing the interests of dictatorships against those of their own nation. Take Robert Cabelly, managing director of the lobbying and P.R. from C/R International, who last August signed a contract with the small African nation of Equatorial Guinea. Cabelly has every reason to expect that he will succeed in preventing any sanctions the U.S. Congress might wish to impose on Equatorial Guinea and in other ways shaping American policy to the liking of this repressive regime.

Equatorial Guinea, governed by President Teodoro Obiang Nguema Mbasogo, might seem like a public-relations problem. In 2002 more than 150 of the president's political opponents were arrested for allegedly plotting a coup. Blindfolded for long periods, some of the prisoners were hung in positions designed to break their bones, and at least two died. A democracy only in name (the president "won" 97 percent of the vote in 2002), Equatorial Guinea did little to improve its human-rights record in 2003, during which a journalist was detained for reporting rumors of a coup, an outspoken pastor was arrested without charges, and an opposition-party member was moved to solitary confinement, chained to a wall, and denied badly needed medical care. But Washington, as well as ExxonMobil and ChevronTexaco, now has an interest in trade with Equatorial Guinea: oil was discovered offshore there in 1995, making it the third largest petroleum producer in Africa.

Cabelly's firm, C/R International, may have won its contract with Equatorial Guinea because of its service to African nations with even more oil. In 1995, after Sani Abacba, then dictator of Nigeria, executed nine prominent political activists, members of the U.S. House and Senate introduced bills laying the groundwork for an international oil embargo. Africa's top oil producer fought back by hiring nine U.S. lobbying and P.R. firms, including C/R (to which Base Petroleum, owned by Abachals son, paid an estimated $1 million). The bills died, and only trifling penalties against the regime—limiting sales of military equipment and restricting visas for senior officials—were enacted. From 1996 to 2002, C/R received $6 million from Angola. In 2001 the United States gave Angola $2.8 million in military assistance, a marked increase from $0 in the previous three years and a total of $200,000 between 1962 and 1997. While C/R served Angola, the government's troops beat and raped civilians, and killed suspected rebel sympathizers.

Because of its sudden oil wealth, Equatorial Guinea has the world's fastest-growing economy, but the nation qualifies as "stable" only in that President Obiang has ruled since 1979, when he overthrew and executed his even more despotic uncle. While most of its citizens earn about $1 a day, President Obiang neglects infrastructure and misappropriates oil revenue in favor of lavish personal expenditures. (He recently paid $2.6 million in cash for a mansion near Washington, D.C.) As the United States tries to reduce its dependence on the Middle East, African oil has taken on greater geopolitical significance. Because of work by C/R and others, Washington will likely continue to ignore the fact that Africa's oil producers are ruled by dictatorships that continually violate human rights.

For Cabelly, daily contact with U.S. officials includes talking to old colleagues from his years at the State, Department, where he helped to negotiate the 1994 peace agreement between Angola and its UNITA rebels. Many lobbyists have worked previously in public service: in 1997, Burma hired Jefferson Waterman International, a firm run by former assistant secretary of state far international narcotics Ann Wrobleski in an unsuccessful attempt to end U.S. trade sanctions. (Since 1997, Burma has been one of the top two producers of opium in the world.) With his connections, Cabelly may urge the Bush Administration to grant Equatorial Guinea preferential trade status and will likely lobby the State Department to issue MPRI, a Virginia-based military contractor, the license it has been seeking to train the Equatoguinean military. His work for the country began on a promising note: in October, two months after the deal between Equatorial Guinea and C/R, the U.S. embassy in Malabo reopened after being shuttered far eight years.

C/R's fee of $300,000 is a small price to pay far favorable U.S. policy. In 2002, payments to the lobbyists and P.R. firms registered under the Foreign Agents Registration Act—a total of $408 million—covered a range of projects, from touting Caribbean beaches to urging the removal of sanctions against pariah nations. Oil-industry insiders and excited energy experts have nicknamed Equatorial Guinea "the Kuwait of Africa" for its tiny population (500,000) and its vast oil reserves (1.1 billion barrels). Perhaps Cabelly will be so successful as to further the parallel. In 1990 and 1991, Citizens for a Free Kuwait, funded by the emir's government, paid Hill & Knowlton a record $10.8 million over six months to create a media and lobbying campaign widely credited with convincing the U.S. public that its soldiers should defend the tiny, distant monarchy. As long as the dictatorship in Equatorial Guinea finds lobbyists to take its oil money, it has every reason to expect preferential trade policies, if not, one day, U.S. troops to defend it.

HONORING AMERICA'S FALLEN HEROES

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to somberly note the 2,000th death of an American servicemember in Iraq. Having reached this unwelcome milestone, I realize that the important number, however, is and remains, one. Each loss of a servicemember in Iraq is a loss to one unit, to one family, to one mother and one father and it is a loss we all suffer together as one Nation. Each loss represents the supreme sacrifice of one more American hero, a hero that now stands forever alongside the American heroes who gave their lives in forging this great Nation in the war of independence, that preserved our Union in the Civil War, that defeated the fascists and the Nazis in World War II and that fought communism in Korea and Vietnam. Among these men and women we honor today are four from my community in Guam. These four fallen heroes are a reflection of our island's patriotism, valor and sacrifice. I mark this new milestone with great sadness but take comfort in knowing that another generation of Americans, included among them another generation of Guam's sons and daughters, has answered the call of duty to protect freedom and the American way of life. We owe a deep gratitude to these fallen men and women and to their families. May God bless them and may God bless our country.

THE INTRODUCTION OF A RESOLUTION RECOGNIZING THE LIFE AND WORKS OF WELLINGTON MARA

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. PASCRELL. Mr. Speaker, I rise today to honor the life of fellow Fordham University alumnus Wellington Timothy Mara, who succumbed to cancer yesterday at the age of 89. To football fans in the New York/New Jersey Metropolitan Area, Mara is synonymous with our beloved New York Giants, and has been for decades.

Born in New York City on August 14, 1916, Mara was introduced to professional football in 1925, when his father purchased the rights to establish a team in New York. It was that year that Mara had his first job with the Giants, as a ball boy. He would later recount a story from that inaugural season of overhearing head coach Robert Folwell telling his team to "give them hell out there." It was at that moment that 9-year-old Mara realized what a tough game football must be, and fell in love with the game forever.

In 1930, Timothy Mara, Wellington's father, gave the team to his two sons, Jack, 22, and Wellington, who was just 14. He became the youngest owner in the league.

In the late 1930's, Wellington Mara attended Fordham University. By now an avid football fan, Mara befriended many of the university's football players. At that time, Fordham was a formidable national powerhouse, at one point winning 25 straight games. It was here Mara befriended legendary player, coach and fellow NFL Hall of Famer Vince Lombardi.

Upon graduation in 1937, Mara joined the New York Giants operation full-time. With his brother in charge of the business, Wellington

Mara soon took control of the player personnel decisions. In this role he drafted or traded for some of the all time great NFL players. He integrated the Giants at a time when much of the league remained all-white. He drafted running back Frank Gifford and Roosevelt Brown and traded for quarterback Y.A. Tittle, all future Hall of Famers. He was the architect of the dominant Giants teams of 1958–1963 when they appeared in five NFL championship games, winning one championship. The first of these championship appearances in 1958 is known as "the greatest game ever played," against the Baltimore Colts, the NFL's first ever sudden death overtime in a championship game.

During World War II Mara joined the United States Navy. He served honorably in both the Atlantic and Pacific theaters, earning the rank of Lieutenant Commander.

In the early 1960's, Jack and Wellington Mara agreed to give up lucrative television revenue and allow it to be equally split among all NFL teams. As the owners of the most valuable team in the league at the time, their decision to put the good of the entire league above their self-interest set the league on a path to the enormous prosperity it is enjoying today.

When the Giants hit lean times during the 1970's, Mara placed most of the blame on himself. To respond he hired George Young as General Manager, who then was the architect of the dominant Giants' teams of the late 1980's. These teams won Super Bowl XXI (1987) and Super Bowl XXV (1991). Young won five NFL Executive of the Year awards in his 19 seasons with the Giants.

All told, in Mara's 81 years with the Giants, they appeared in 26 postseasons, won 16 division championships and six NFL titles. Those six championships represent the third most of any franchise, behind only the Green Bay Packers and the Chicago Bears.

In addition to his service to the Giants, Mara also worked hard for the league as a whole to ensure collective prosperity. He served on the league's Competition Committee, the Hall of Fame Committee, and the Executive Committee, including a term as chairman from 1971–1977. He has been widely lauded by his fellow owners for his invaluable service to the league.

In 1971–72, Fordham University inducted Mara into their Athletic Hall of Fame. Mara has continued his close ties to the university throughout his life, and in 2002 he was honored at the Fordham Founder's dinner, the university's highest honor.

In 1997 Mara was inducted into the National Football League Hall of Fame, an honor he reluctantly accepted. He was a strong advocate of leaving the Hall of Fame for just players and coaches, insisting it was they, and not owners, who made the game great.

Wellington Mara served his community as a member of the board of the Giants Foundation, a charitable organization founded by the New York Giants involved with providing financial and social support for disadvantaged youth in the New York/New Jersey Metropolitan Area.

Mr. Speaker, I would 1ike to offer my deepest condolences to his wife of 61 years Ann, his 11 children and 40 grandchildren.

Today I am proud to have introduced a House Resolution honoring the life and work of Wellington Timothy Mara. I respectfully urge that all my colleagues join me in paying our respects, and offer their support for this resolution.

EULOGY FOR KENNY SWYGERT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. RANGEL. Mr. Speaker, tomorrow I will be attending the funeral of Kenny Swygert, beloved husband of my long-time staff assistant and friend, Brenda. I submit to the record the remarks I will be making at the service.

At times such as this we find that words can never adequately provide a true expression of the sympathy we feel, and words seem so unlikely to provide comfort, but we gathered here this morning to show Brenda and her family that we are grieving with you over the loss of your beloved Kenny.

Having known Kenny from the time Brenda met him, and remembering that it was in my first Congressional office that they met due to the matchmaking efforts of brother Pat, I have always felt partly responsible for the success of their marriage, and, Brenda, you two found such happiness together that I came to believe that your marriage was one of the best things I have ever been a part of.

Over the years Brenda and Kenny have defined a good marriage for me and for all who know them, so we know how difficult this loss will be for you, Brenda, and how difficult it will be for you to be without your life partner.

Please know that your many friends, and all of those whose lives you and Kenny have touched over the years, are with you in spirit at this time of sorrow and that you and your family are in our thoughts and prayers.

I believe that it is often the case that those who work with someone on a daily basis have a very good opportunity to know of the quality of a marriage. It is on a daily basis that one has, particularly in a small Congressional office, to see what the people with whom you work are experiencing in their lives away from the office. With Brenda, I could tell that she was married to a man who supported her and enabled her to devote herself to the demands of a Congressional career as well as give of herself to friends and family as generously as she has over the years.

And give of herself Brenda has, so much so that I knew Kenny must be a wonderfully supportive husband to tolerate her missing so many evenings at home while she was working late with me. I have benefited so much over the years from Brenda's professionalism and dedication that I haven't thought enough of thanking Kenny for allowing her to be as devoted as she is.

When Brenda was sick a couple of years we were able to see the kind of love and support that Kenny provided and how his prayers and his strength and determination that she survive was a force that encouraged and sustained Brenda in her fight to breathe and restore her health. We all worried about the illness that threatened her life and the capacity of her doctors and medicine to overcome it, but we had absolutely no worry about Brenda's will to live and her fighting spirit and that she was not alone because Kenny was there fighting with her.

Brenda, I hope that you and your family will be comforted at this time by the memories of the many good times you shared and by the knowledge that you were able to care for and comfort him at the end of his life, at his side as he was with you. By being with him as he passed you truly fulfilled your wedding vow "until death do us part."

I once heard a Pastor of a younger congregation, who counseled many couples before marriage and continue in touch with them through a Married Couples club in the church, tell the story of the death of an elderly male member of cancer and saw at his bedside at the moment of his death his wife beside him holding his hands, mopping his brow, and giving him comfort. He said to the young people that evening that he knew there were many good ways for a marriage to begin, but there was no better way for a marriage to end.

I know, however, that what is important to you and your family at this time is that Kenny has been taken from you. May God give you the strength and courage at this time of sorrow to help you bear your burden of grief, and may He strengthen your faith in the resurrection promised by Jesus to provide hope of reunion in Heaven.

IN RECOGNITION OF BREAST CANCER AWARENESS MONTH

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. CLEAVER. Mr. Speaker, I rise today in recognition of Breast Cancer Awareness Month and the brave survivors of this disease. The statistics for breast cancer are staggering. One out of every eight women in the United States will be diagnosed with breast cancer in their lifetime, and 1 out of every 229 women in their 30s will be affected by the disease at some point in their lives. The unfortunate truth behind these numbers is that there is a limited amount of information available on women under 35 with breast cancer. The general sentiment is that women in their 20s and 30s are too young to contract the illness, but the reality is that women of this age are not immune.

Four young women have shared their stories of survival with each other as part of a support group called Nordie's at Noon, and they recently published a book of the same name documenting their stories. These women were in the first stages of their lives when they were diagnosed with breast cancer, and their stories, although different, are bound together by a common challenge. These courageous women are Patti Balwanz, Kim Carlos, Jennifer Johnson, and Jana Peters.

Patti Balwanz fought a long and brave battle against breast cancer. She was diagnosed with breast cancer at the age of 24, while working as an IT consultant. Her cancer metastasized to her bones, lungs and liver, but she used her experience to educate women about the disease. Patti stayed active in breast cancer awareness outlets during her treatment by serving as a Board Officer of the Ribbons of Pink Foundation and being honored with the foundation's "You Are an Inspiration" award. Patti also continued her education by receiving a Bachelor of Arts degree from Southwest Missouri State University and remaining active in the Alpha Sigma Alpha sorority. Until her death in 2003, Patti continued to educate women about breast cancer while bravely facing her own fight.

Kim Carlos was diagnosed with breast cancer during the planning of her son's second birthday party. After three years of extensive treatment including eight rounds of chemotherapy, a mastectomy with breast reconstruction, and treatments for lymphedema, Kim is now cancer-free. Currently Kim serves as President of the Board for the Greater Kansas City Affiliate of the Susan G. Komen Breast Cancer Foundation, and she was recently selected to serve on the Komen National Public Policy Council. Kim is also a member of the American Cancer Society State Advocacy Committee. She has been honored by Lifetime Television and SELF Magazine for her efforts in educating women about breast cancer. Kim now focuses on advocacy full-time with her business, K.C. Consulting, where her focus is governmental and public relations and grassroots avocacy.

While five months pregnant with her first child, Jennifer Johnson was diagnosed with breast cancer at the age of 27. Her treatment involved chemotherapy and a mastectomy during her pregnancy. Jennifer completed her final chemotherapy treatment in 2000, and the next day delivered a healthy baby boy, Parker Matthew. Three years later, Jennifer had a daughter, Emma Grace, and she has been cancer-free for six years. Jennifer is active in several breast cancer advocacy groups including the American Cancer Society, the Susan G. Komen Association, the Ribbons of Pink Foundation, and the Pregnant with Cancer organization.

Jana Peters was 27 and engaged to be married when she received her breast cancer diagnosis. She has undergone several treatments since then including a mastectomy and chemotherapy. In 1999 Jana founded the Ribbons of Pink Foundation, a non-profit organization with the goal of promoting breast health and serving as a support for young breast cancer survivors. She is a member of the United Methodist Church of the Resurrection, and she is a volunteer for several breast cancer organizations and events. Jana continues her career in the clinical research industry in San Francisco, where she resides with her husband Chris.

We celebrate these courageous women who have battled breast cancer and those who continue their fight against this illness. Breast cancer survivors and supporters gather to raise awareness and encourage the access of information for breast cancer in young women. Thank you to Patti, Kim, Jennifer and Jana for sharing their stories of bravery and determination.

THE 9/11 COMMISSION FINAL REPORT ONE YEAR LATER

HON. CYNTHIA McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Ms. McKINNEY. Mr. Speaker, I wish to enter the following into the CONGRESSIONAL RECORD:

THE 9/11 COMMISSION REPORT ONE YEAR LATER

A CITIZENS' RESPONSE: DID THE COMMISSION GET IT RIGHT?

A Congressional Briefing Convened on the First Anniversary of the Release of the 9/11 Commission Report, Friday, July 22, 2005

EXCERPTS FROM THE TESTIMONY

Opening Remarks: Rep. Cynthia McKinney:
9/11 Families Report

Lorie Van Auken, 9/11 Family Steering Committee "Unanswered Questions and The Call for Accountability"

Behind the 9/11 Commission: Flaws in the Process

John Judge, staff and 9/11 Citizens Watch: "Staff Report—A Citizens' Critique"

Mel Goodman, former CIA, Center for International Policy: "Conflicts of Interest—A Commission Investigates Itself"

Omissions and Errors in the Commission's Final Report

Paul Thompson, author of *Terror of Timeline*, "NORAD/FAA, P-56 Responses, Pre-9/11 Exercises"

John Newman, former NSA: "The $100.000 Transfer—Pakistan ISI, bin Laden and U.S. Intelligence"

9/11 in Historical Perspective: Flawed Assumptions

Loretta Napolione, author of *Modern Jihad:* "The Underground World of Terrorist Financing"

Anne Norton, author of *Leo Strauss & the Politics of American Empire:* "The Rise of the Neo-Conservatives"

Peter Dale Scott, author of *Drugs, Oil & War:* "Deep Politics: Contragate, Drug, Oil, Covert Operations & Terrorism"

Nafeez Ahmen, author of *The War of Truth*, "Afghanistan Mujahedin—Covert Operations, Creating Terrorism"

Foreign Policy: Immediate Response and Recommendations

Wayne Smith, former diplomat, Center on International Policy, "The End of International Law?"

Bob McIlvaine, September 11 Families for Peaceful Tomorrows, Alternatives to Pax Americana and Permanent War

Domestic Policy: Immediate Response and Recommendations

Elaine Cassel, author of *The War on Civil Liberties*

Rebecca Daugherty, Reporters Committee on Freedom of the Press: "The Rise of Secrecy After 9/11"

William Michaels, author of *No Greater Threat*, "The Patriot Act—Sunset of Freedom?"

Intelligence Reform: Immediate Response and Recommendations

David MacMichael, former CIA: "'The Wall': Breaking Down the Division of Intelligence, Military and Law Enforcement"

John Nutter, author of *The CIA's Black Operations*, "Covert Operations and Increased Intelligence Budget—Solution or Cause?"

Opening Remarks

Rep. CYNTHIA McKINNEY: Last year, we got the final report, an extensive, prosaically impressive report, but as some of us sat down to read it, the errors and omissions immediately jumped out at us. How was it that it took over an hour after the first transponder went off before planes were scrambled to meet the threat, all of them too late? What happened to those reports that surfaced within months of September 11th stating that seven or more of the alleged hijackers had come forward and claimed they were victims of stolen identities and were alive and well, living in Saudi Arabia, Morocco, and Tunisia? Why did the Commission choose not even to address this? What about Osama bin Laden and his role in the Mujahedin backed by the CIA in the 1980s to fight the Soviets? The Commission didn't go there . . . We cannot afford to shy away from inconvenient truths. Many of you may find what you hear today to be inconvenient information. Dr. Martin Luther King, Jr. said the ultimate measure of a man is not where he stands in moments of comfort and convenience, but times of challenge and controversy. I encourage you to engage with the issues that are raised. If you don't agree or don't like what you hear, challenge it. I believe that we should take in what every reasonable person has to say, to inform our decisions, because that is the best way to find the truth. In our pursuit of the truth, I encourage you to emulate the courage and the determination of the September 11th families in their struggle to know what really happened.

9/11 Families Report

Ms. LORIE VAN AUKEN: A thorough and definitive investigation by the Commission . . . would have subpoenaed for the information it required and examined the plethora of information that other citizens and groups responsibly provided. . . . it would have reported all of its findings with its redactions blacked out and submitted to the American people. In essence, the Commission could have produced a final product where the resulting conclusions and recommendations could be trusted. Instead, at the end of the day, what we got were some statements that truly insulted the intelligence of the American people, violated our loved ones' memories, and might end up hurting us one day soon.

One such statement was that 9/11 was a failure of imagination: a failure of whose imagination? What exactly does that mean? When you have a CIA Director with his hair on fire, a system blinking red, 52 FAA warnings, an August 6, 2001 PDB entitled "Bin Laden Determined to Strike in the United States," leads on several 9/11 hijackers . . . warnings from many foreign governments, a Phoenix memo, warning of Islamic extremists taking flying lessons, the arrest of would-be terrorists Zacarias Moussaoui, facts imparted to one agent, Agent Frasca, at the RFU of the FBI, 9/11 was truly a failure, all right, but I would certainly not call it a failure of imagination. Another outrageous statement made at the time of the release of the 9/11 final report that got a fair amount of media coverage was the one "Everyone's to blame, therefore, no one's to blame." The problem with that assumption is that it creates a no fault Government, and a no fault Government does nothing to ensure that things will be different or better in the future. When you hold people accountable, it serves as a deterrent for those that would repeat that same behavior in the future. For the record, I would like to see that assumption restated to read "Everyone's to blame, therefore, everyone's to blame." In fact, the fact that there has been no accountability for the failures that led to the deaths of almost 3,000 people is truly unconscionable and irresponsible on the part of all of our nation's leaders. The tools of democracy available to the citizens of America to address these issues are incredibly limited. We asked for an independent commission to investigate 9/11 because that was the only tool that we, as American citizens, had access to, and hoped that our leaders, the members of Congress and the American public, would ensure its validity and that its ensuing recommendations would make us all safer, as safe as we could reasonably expect to be in the event of another attack. Sadly, as Americans, we have all been let down.

Behind the 9/11 Commission: Flaws in the Process

Mr. JOHN JUDGE: This Commission's report is not a rush to judgment. It's rather a rush to exoneration. It fails to really hold people to accountability . . . By approaching the whole matter as an intelligence failure in the report, it obscured the evidence that what was normally a standard operating procedure in the period prior to 9/11 fell apart, apparently, in the months around and on that day. It led to them pursuing leads and suspects, basically accepting earlier reports without doing further follow up, blaming certain suspects, even though the evidence is we don't yet clearly know who the suspects were that got onto the plane, and that's because several people have come forward saying that their identity was stolen, basically, by these people. We are left with a story that comes from people that we can't get to, and we are left with a story that perhaps is giving us the wrong direction in terms of how we are looking. Until we open up the report and until we can look at the actual evidence and compare it, and begin to actually investigate further on many of the areas that the Commission ignored, then we have a report that doesn't eventually serve the mandate that this Commission was required to take care of, looking at the truth of terrorist acts upon the United States.

Mr. MELVIN GOODMAN: The most important individual to me, other than a commissioner, was the staff director, Philip Zelikow. His conflicts of interest were so great that you do have to wonder why this individual was appointed to head this important staff of over 80 people. He had very strong ties to the George Herbert Walker Bush Administration. Very strong personal and political and policy ties to Condoleezza Rice. More importantly, Philip Zelikow was running the case study program at Harvard which took millions of dollars from the Central Intelligence Agency over a ten year period to write case studies on the CIA, to establish a record that was essentially untrue with the facts about the work of the CIA. Of course, the classic case study that Philip Zelikow chaired, along with Ernest May, who was his patron at the Harvard Kennedy School, was the case on the Soviet Union, how the CIA got it right. You know, the politics of getting it right. Of course, as we all know, one of the greatest disasters of politicization of intelligence that occurred even before the Iraq war was over the politicization of intelligence on the Soviet Union. Who did Philip Zelikow bring into the staff structure as a team leader on his staff? None other than Douglas MacEachin, who was serving a tour up at the Harvard Kennedy School. Who was Douglas MacEachin? Douglas MacEachin was the head of the Soviet analysis job during the 1980s . . . responsible for most of the politicization of intelligence. Here you have Philip Zelikow from Harvard and the case study program, and Douglas MacEachin, as a team leader on Zelikow's staff, making serious decisions about the need for change within the intelligence community.

Omissions and Errors in the Commission's Final Report

Mr. PAUL THOMPSON: The 9/11 Commission claims it wasn't until 9:20 when Indianapolis communicated with the FAA command center and notified them that Flight 77 was missing, and then the information started to get out to other command centers, but still, NORAD wasn't notified. We are talking over half an hour later, the plane has been missing, still no one notifies NORAD, until finally 9:34, three minutes before the plane crashes, and then it was only mentioned inadvertently in passing when talked about with something else.

In order for this to be true, the 9/11 Commission is making the claim essentially that the Indianapolis flight control center and the local FAA center that they contacted were in complete lack of contact with the outside world during this time, that they were unaware, unlike the tens of millions of people who had been watching CNN, that there was an ongoing crisis, that planes had crashed into the World Trade Center, two planes. They are saying that all the way until 9:20, there has been over half an hour now where this has been the breaking news, that nobody in this entire Indianapolis flight control center or the FAA center had any idea that any of this had been happening.

We know that just isn't true. In fact, there was one news report saying that other centers such as theirs had been notified of the crisis long before the first plane even crashed into the World Trade Center. What we see is an account coming from the 9/11 Commission that in my opinion is just frankly impossible.

Mr. JOHN NEWMAN: An FBI team working with cell phone numbers provided by Indian intelligence uncovered a new smoking gun. They learned that the chief of the ISI, Mahmood Ahmed, had ordered Saeed Sheikh to send $100,000 of the kidnapping ransom to Mohamed Atta a month before the 9/11 attacks. This ugly detail emerged when the FBI team ran traces on Saeed Sheikh's cell phone number beginning in July; the ISI chief's number was among the regular people that Saeed Sheikh communicated with. On October 7th, President Musharraf sacked Ahmed for this notorious act. This story was widely covered in the press around the world, not covered here in the United States . . . It's hard to imagine a revelation more damaging than the fact that Pakistan's intelligence service and most powerful Army commanders were behind the 9/11 attacks and the paymaster, a known terrorist who had been able to carry out his mission because the U.S. and U.K. had set aside justice for his crimes . . . that a sovereign government and supposed ally was so directly involved in the 9/11 atrocity must have stunned and deeply embarrassed the American Administration . . . The story of Saeed Sheikh and the generals are only lightly covered in western media, and only one American newspaper, the Wall Street Journal, carried it on October 10th.

The 9/11 Commission report which carries Mustafa al-Hawsawi as the paymaster and Sheikh Saeed as the al-Qaeda CFO, has dodged the issue, and does not say if the two are the same or not. Thus, technically, even if the Commission staff knew the truth, they have not told a bald lie. The Administration officials speak on terms of anonymity and were told that the Justice Department had pressed the National Security Council to have Saeed Sheikh extradited. One might be justified in asking the question why would the National Security Council have to be pressed to extradite a murderer of U.S. citizens? By late February [2002], the issue was moot. Pearl was murdered, and Musharraf swore he would personally hang him [for Pearl's murder] before turning him over to the Americans, unlike Khalid Shaikh Mohammed and Ramzi bin al-Shibh, whom he did turn over. Of course, they had not been western penetrators of al-Qaeda . . . We can no longer say we are protecting sources and methods about a story known to the rest of this planet. We are now mocked for our ignorance about this story, and even members of Britain's Parliament poke fun at us. It is long past time to come clean about Saeed Sheikh.

9/11 in Historical Perspective: Flawed Assumptions

Ms. LORETTA NAPOLIONE: . . . we need to implement a forward looking anti-terrorist policy, one which predicts the enemy's next move. . . . a forward looking anti terrorist financing policy should look at the situation in Congo, isolated as a potential area where terrorist financing could take place. In order to prevent that, it should dismantle this business of smuggling gold . . . Of course, a forward looking approach in the fight against terrorism will require the full participation of the private sector, and a multilateral policy. One country alone, not even if it is the United States, can actually fight this war on terror alone. Among other things, this policy, if implemented, will then cut the link between crime and terror. Terror will not any longer be a very profitable partner for crime. Breaking the link between crime and terror would already be a step forward, which you have not yet made.

Ms. ANNE NORTON: Neoconservative foreign policy centers on a fear of world government and the international institutions that might lead to it, most notably, the United Nations, a rejection of multilateralism, and as they say, above all, the ability to distinguish friends from enemies. . . Europeans regard neoconservatism with special skepticism, and they do so, as you might have already realized, because they know its progenitors all too well, the desire for the combination of traditional values, the desire for an expansion of executive power, the ambition to create a new world order, and the identification of a providential enemy are all parts of a very familiar past, the shadows of German national socialism and 19th Century European empires fall very heavily on the neo conservative project. As the Administration responded to 9/11, this influence became increasingly evident.

Mr. PETER DALE SCOTT: The 9/11 report describes Ali Mohamed as "a former Egyptian Army officer who had moved to the United States in the mid 1980s, enlisted in the U.S. Army, and became an instructor at Ft. Bragg, as well as helping to plan the bombing of the U.S. Embassy in Kenya." In fact, Ali Mohamed was a very important al Qaeda agent who, as the 9/11 Commission was told, "trained most of the al Qaeda's top leadership, including persons who would later carry out the 1993 World Trade Center bombing." Ali Mohamed clearly enjoyed U.S. protection. In 1993, he was detained by the RCMP in Canada, and a single phone call to the United States secured his release. This enabled him to play a role in the same year in planning the bombing of the U.S. Embassy in Kenya in 1998. Eventually, he was allowed to plea bargain and receive a secret sentence. We don't know what the sentence is . . . The amazing thing, although he was named as a conspirator in that bombing, he was not an indicted conspirator, which itself is evidence of something going on behind the scene. Congress should determine the true relationship of the U.S. Government to Ali Mohamed, who was close to Bin Laden and above all, al Zawahiri, who has been called the main player in 9/11. This is very important, I think, whereas the report focuses almost uniquely on Khalid Shaikh Mohammed and Ramzi bin Al Shibh. Many other sources independently say the main figure and the top brains in al Qaeda was al Zawahiri, who Ali Mohamed was clearly close to.

Mr. NAFEEZ AHMED: In April 1991, according to a classified U.S. intelligence report, then head of Saudi Intelligence Services, Prince Turki al Faisel, struck a secret deal with Bin Laden, despite his being under house arrest for his opposition to the presence of U.S. soldiers. Under this deal, although the regime would publicly disown him, Bin Laden was permitted to leave Saudi Arabia with his funding and supporters. Moreover, the regime would continue to fund his activities on the condition that he does not target the Saudi kingdom himself. Posner's accounts of a secret agreement between Bin Laden and Saudi intelligence is significant because he argues this was known to U.S. intelligence, this wasn't something that we didn't know. Levivier also interviewed a CIA analyst about the role of the Mujahedin. This CIA agent said "The policy of guiding the evolution of Islam and of helping them against our adversaries worked marvelously well in Afghanistan against the Red army. The same doctrines can still be used to destabilize what remains of Russian power, and especially to counter the Chinese influence in Central Asia." When I read this, I was quite surprised. Could this really be possible?

Suffice it to say in conclusion, this is a phenomenon I have discovered to be paraded throughout many regions in the Middle East and Central Asia. It is a very worrying phenomenon. It fundamentally challenges the whole paradigm of the war on terror. If we are allying ourselves in some manner with al Qaeda in this rather direct way, how can we fight a war and win? It just doesn't make any sense.

Foreign Policy: Immediate Response and Recommendations

Mr. WAYNE SMITH: The 9/11 Commission report says that the United States should engage its friends to develop a common coalition approach toward the detention and humane treatment of captured terrorists. New principles might draw upon Article 3 of the Geneva Conventions on the law of armed conflict. That article was specifically designed for those cases in which the usual laws of war did not apply. In other words, these cases in which our Government tells us the Geneva Conventions don't apply. The minimum standards are generally accepted throughout the world as customary international law. What does Article 3 call for? Well, among other things, it prohibits outrages . . . upon personal dignity, in particular, humiliating and degrading treatment. All these practices of stripping the prisoners naked, putting women's underwear or perhaps even men's underwear on their heads, is degrading treatment. It is prohibited by international law. . . . I'm not ageless, but I have lived a long time, and I don't remember ever having been ashamed of what we were doing to foreign prisoners. In World War II, we treated prisoners well, let's say soldiers. Even German spies arrested in the United States were not treated in a degrading manner . . . This is not an intelligent way to proceed in our struggle against terrorism. We ought to get back to full respect for international law, and fully humane treatment of all prisoners, without any exception.

Mr. ROBERT MCILVAINE: I had an unbelievable opportunity to go to Bogota. I haven't flown since 9/11. Not that I'm necessarily afraid, but I just won't fly. I've learned too much about the shoe bomber. I'm just not going to leave the country. Bogota, they have an international conference on violence and terrorism, and they called me to speak down there. I decided to do it. There were probably about 2,000 people in the auditorium, the first two rows were all victims. 13 year olds with legs missing. Burn victims. I had dinner with one burn victim, 75 percent of her body, an African Colombian. She lost her three children and her husband. I said, I feel sorry for myself sometimes. That woman could sit there and laugh with me, because you have a bond with people who have suffered. That is what we have to think about. It's the civilians, the 25,000 civilians in Iraq that have died, and 500,000 people in Iraq that have died in the 1990s. What is this foreign policy that we have? We talk about Pax Americana. In Latin, does that not mean American peace? Have we perpetrated peace in this world? Have we, since 1945? I think not.

Domestic Policy: Immediate Response and Recommendations

Ms. ELAINE CASSEL: Four years since September 11th, almost four years, and one year since the 9/11 Commission's report, critical infrastructures and resources are unprotected, and protections are unplanned, as far as I know. Co-Chair of the panel, Lee Hamilton, mentioned that this morning in a press briefing. He was very frustrated by that, and he mentioned these are difficult tasks to take on. Yes . . . it's hard to try to assess the risk to our critical infrastructure and to intervene and prevention . . . It's easy to open a file on demonstrators against the Administration's policies and conduct surveillance on the ACLU and Greenpeace, as the Washington Post reported last week. I seriously doubt that the ACLU and Greenpeace are terrorist organizations. In fact, if they were, the Government would have shut them down. Why are we paying the FBI's counterterrorism unit to amass thousands of files on these organizations and individuals?

Mr. C. WILLIAM MICHAELS: I still do not think the case has been made that civil liberties of any sort must be compromised so we can get to the bottom of what terrorist conspiracies may or may not be operating within the United States. All of this plus the scope and approach of the 9/11 Commission recommendations, which deal with everything from the FBI, passports, driver's licenses, airline passengers, brings me to the final points. And that is the effect we may be seeing as these varied parallel developments, including, of course, the conflicts in Iraq and Afghanistan, the situation in military commissions in Camp Delta, Guantanamo Bay, which continue to unfold as we dispense with the legal preliminaries, and U.S. citizens held as enemy combatants, come to a single point, which should be considered as we continue with this national debate as what might be on the horizon at that point. Here they are, 12 common characteristics of a national security state:

1. Visible increase in uniformed security personnel.
2. Lack of civil accountability for the actions of law enforcement and security personnel.
3. Reduced role of the judiciary and executive treatment of suspects.
4. Secrecy of ruling authority and momentum of the threat.
5. Media in the service of the state.
6. Public and national resources called to service against security threat.
7. Patriotism moving to nationalism.
8. Lack of critical response by religious denominations.
9. War time mentality and permanent war economy.
10. Targeted individuals or groups.
11. Direct attack against dissent.
12. Increased surveillance of citizenry.

Intelligence Reform: Immediate Response and Recommendations

Mr. DAVID MACMICHAEL: The quote I want to give you is from a book written by a very interesting man, now deceased, Arthur Macy Cox, who was George Kennan's principal assistant when George Kennan, post World War II, was head of the State Department's Planning Office . . . His book is called The Myths of National Security, the Peril of Secret Government . . . published by Beacon Press in 1975:

"The drafters of the Constitution provided us with an ingenious system of Government based on machinery to check and balance the use of power, but they did not anticipate the problem of secret Government, nor has that problem been dealt with in subsequent constitutional amendments. Despite a lack of safeguards, a large consensus of the American public since World War II, has granted to succeeding presidents extraordinary secret powers to protect the security of the nation. The people felt that in matters of national survival, the President should be given total trust. He should be allowed to make decisions in secret to protect our national security, but democracy and secrecy are incompatible and it has now become clear that secret powers should never have been delegated without guarantees of accountability to the people's representatives in the Congress."

Mr. JOHN NUTTER: As I listened to David, I was struck by the various documents that I've read in my scholarship, documents like the Tower Commission report on Iran Contra, the Church Committee, the Pike Committee, and its recommendations, the Taylor Committee, which some of you may recognize as the postmortem on the Bay of Pigs . . . One could very easily take the recommendations from any of those reports, cut and paste them into the 9/11 Commission, and you wouldn't be able to tell the difference.

Closing Remarks

Rep. CYNTHIA MCKINNEY: I would just like to say after we have heard all of the testimony that has been presented to us today, there is one thing that is very clear, and that is that we must know what our Government is doing in our name. The American people have to inform themselves, despite the failure of the corporate press, to investigate the information in the public domain that provides answers to our questions. Today is a very special day because we have brought truth to Capitol Hill.

INCREASING THE AUTHORIZED PERIOD OF STAY FOR THE GUAM VISA WAIVER PROGRAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Ms. BORDALLO. Mr. Speaker, today I have introduced legislation to increase the period of authorized stay for the Guam Visa Waiver Program to mirror the period of authorized stay established in law for the nationwide Visa Waiver Program. I have introduced this bill at the request of both the Governor and the Lieutenant Governor of Guam.

The Guam Visa Waiver Program was authorized by the Omnibus Territories Act of 1986 (Public Law 99-396). This program was established to largely complement the nationwide Visa Waiver Program, which was permanently authorized by Congress in 2000 (Public Law 106–396), and to strengthen economic and cultural ties with nations in East Asia and the Pacific Rim.

Today there are currently 27 countries participating in the nationwide Visa Waiver Program, while an additional ten countries are authorized to participate in the Guam Visa Waiver Program. These ten countries, admitted into the program as participants through the State Department rulemaking process, are as follows: Brunei, Indonesia, the Republic of Korea, Malaysia, Nauru, Papua New Guinea, the Solomon Islands, Taiwan, the possessions of the United Kingdom, Vanuatu and Western Samoa.

Under current law, nonimmigrant visitors arriving in the United States, including Guam, through the nationwide Visa Waiver Program are permitted entry for business or pleasure for a period not to exceed 90 days. However, nonimmigrant visitors arriving in Guam from any of the ten countries currently participating in the Guam Visa Waiver Program are permitted entry for business or pleasure for a period not to exceed 15 days. The bill I have introduced today would increase the period authorized for stay in Guam under the Guam Visa Waiver Program from 15 days to 90 days, a period equal in length to that established in law for the nationwide Visa Waiver Program.

I believe that establishing consistency in the authorized periods of stay under both programs will improve the administration of the Guam Visa Waiver Program. Additionally, extending the period of authorized stay for the Guam Visa Waiver Program could potentially boost tourism for Guam.

Tourism is a key sector of Guam's economy, and the Guam Visa Waiver Program has been central to increased international travel to Guam since its implementation in 1998. I believe this program can be strengthened with an increased authorized period of stay.

This bill has been co-sponsored by the Chairman and the Ranking Member of the House Small Business Committee, Mr. MANZULLO and Ms. VELÁZQUEZ, respectively. Their support is especially appreciated given the fact that this bill will support many small businesses in Guam which are a part of the visitor industry. Additionally, Mr. ABERCROMBIE, Mr. BURTON, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, and Mr. FARR are original cosponsors of this bill. I look forward to building more support for this bill in the 109th Congress and to working with the leadership of the House Judiciary Committee on this issue.

CONGRATULATING THE CHICAGO WHITE SOX ON WINNING THE WORLD SERIES

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. HASTERT. Mr. Speaker, I rise today to congratulate the players, owners and staff of the Chicago White Sox on their tremendous victory in the 2005 World Series. Loyal White Sox fans across Illinois have been waiting 88 long years for this moment and it is every bit as satisfying as any of us could imagine.

Not many picked the Chicago White Sox to win the World Championship when the season started. After all, they had not won a playoff game in more than a decade, they did not have a group of high-priced superstars on their roster, and they are from the city of Chicago—which had not even seen a World Series game in nearly half a century. But this team never stopped believing in itself and quickly showed the experts and the Nation that championships are won through tireless effort, consistent teamwork, and a spirit that says anything is possible.

History will record that the 2005 Chicago White Sox marched through the season with a 99–63 record, the best in the American League. It will further show that this team went on to dominate in the postseason with an 11–1 record that included an unimaginable World Series sweep. But no historic record can convey the excitement this team created in a city desperate for a baseball championship, or the joy felt in the hearts of White Sox fans everywhere. And it certainly cannot capture the pride felt throughout our state in having this tremendous group of young men represent us in the World Series.

It is my honor to congratulate owner Jerry Reinsdorf, General Manager Kenny Williams, Manager Ozzie Guillen and the White Sox players for this extraordinary accomplishment. From the first day of this season, you have conducted yourself with class on and off the field and truly exemplified what it means to be a champion. In the process, you have set a standard of excellence for others to follow and provided cherished memories that so many dreamed of, but feared impossible.

HONORING MAJOR GENERAL WILLIAM E. POTTS FOR FAITHFUL SERVICE TO STATE AND NATION

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. DAVIS of Tennessee. Mr. Speaker, during a ceremony on November 11, 2005 in Columbia, Tennessee, the late Major General William E. Potts will be recognized for his service to his state and nation. The Veteran's Plaza on the grounds of the Maury County Courthouse will be named the Major General William E. Potts Veterans Memorial Plaza, with a plaque placed as a permanent memorial to his memory.–

General Potts was born December 9, 1935 in Nashville. He later moved to Columbia with his parents, Mr. and Mrs. Thomas Madden Potts. General Potts graduated from Columbia Central High School and Vanderbilt University. Having played football in high school and college he helped his Commodores defeat Auburn in the 1955 Gator Bowl.

Upon graduation from Vanderbilt in 1958, General Potts was commissioned a second lieutenant in the U.S. Army. He studied Turkish at the Army's language school and graduated from both the Command and General Staff College and the Industrial College of the Armed Forces. He also earned a master's degree in public administration from Middle Tennessee State University.

General Potts was company commander of the 801st Maintenance Battalion, 101st Airborne Division, served as an adviser in Vietnam and Army Attaché in Ankara, Turkey, and battalion commander of the 702nd Maintenance Battalion, Second Infantry Division in Korea. After being assigned to the Pentagon he was made Deputy Commanding General for research and development, Army Missile Command, Redstone Arsenal in Huntsville before assuming command of the Army's Ordnance Center and School at Aberdeen Proving Ground, Maryland.

General Potts passed away February 29, 2004 at Walter Reed Army Hospital, and was buried with full military honors in Arlington National Cemetery.

In attendance for the November 11th ceremony will be General Potts's wife, Peggy; his sons, Colonel Gary Potts, who is currently serving in Afghanistan, Neil Potts, a former Army Captain, Airborne Ranger, Special Forces, now a restaurateur in Dallas, and their respective families. The General's only surviving sibling, Irene Morris of Columbia, will also be in attendance.

The ceremony will include color guards from the Vanderbilt University Army Reserve Officer Training Corps, the Tennessee State Guard, Spring Hill Junior Army ROTC and the Columbia Central Junior Navy ROTC.

TRINITY RAILWAY EXPRESS—SALUTE TO HURRICANE VOLUNTEERS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the states along the Gulf Coast have endured terrible hardships during this hurricane season, and I know that the generosity of North

Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one company and their donation. Trinity Railway Express helped senior citizens and other residents of the Houston-Galveston area flee from Hurricane Rita. They donated their time and equipment when it was most needed.

TRE is a service provided jointly by Dallas Area Rapid Transit and the Fort Worth Transportation Authority and it links downtown Fort Worth, downtown Dallas and DFW Airport.

I stand here today to sincerely thank Trinity Railway Express for their help and donation. It is people like them that I am proud to call fellow Texans. Through their contribution, they not only stand as devoted and giving American citizens, but they serve as an inspiration to others.

HONORING THE MONASTERY OF THE GLORIOUS CROSS AS THEY CELEBRATE THEIR 50TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Ms. DELAURO. Mr. Speaker, it is with great pride that I rise today to join the Benedictines of Jesus Crucified of the Monastery of the Glorious Cross as they celebrate their 50th Anniversary—a milestone for this community of nineteen.

Seventy-five years ago, Father Maurice Gaucheron, a priest on the staff of the Basilica of Montmatre in Paris and Suzanne Wrotnowska, the future Mother Marie des Deouleurs, began plans to open the doors of monastic life to women who, though interested in pursuing this path, were unable to do so due to their fragile health. From the very beginning, the Monastery of the Holy Cross formed on the Rule of Saint Benedictine which emphasizes a listening heart, obedience, silence, and humility. In 1930, during a Mass celebrated in the crypt of Montmatre, Mother Marie des Douleurs and the first sisters were consecrated and their journey began.

The Monastery of the Glorious Cross in Branford, Connecticut was established just fifty years ago and is the only order of the Benedictines of Jesus Crucified in the United States. Houses of worship play a critical role in all of our communities. It is to these walls that so many turn in times of their greatest need. The Congregation at the Monastery of the Glorious Cross has always opened its doors to those in need of spiritual guidance and comfort. The public is welcomed to celebrate their daily Mass, the community sponsors a monthly day of recollection, and they also provide Mass cards and spiritual bouquets. It has been through their generosity and compassion that the Monastery of the Glorious Cross has become a local treasure. Every community should be so fortunate.

Today, as they celebrate their Golden Jubilee, the Sisters of the Monastery of the Glorious Cross will reflect on their own history as well as all that they have given to our community. It is my great pleasure to join Sister Mary Agatha, the Superior of the community, and all of the sisters of the Monastery of the Glorious Cross as they celebrate this very special occasion. I am honored to extend my deepest thanks and appreciation to them for all of their good work.

HONORING MR. FRANK D. LINN, SR ON HIS 50TH ANNIVERSARY AS SANTA CLAUS

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. HOLDEN. Mr. Speaker, I rise today to honor Mr. Frank D. Linn, Sr. of Lower Swatara Township, Middletown, Pennsylvania as he celebrates fifty years of selfless and heartfelt service to the children and families of Dauphin County, Pennsylvania as Santa Claus.

Mr. Linn has given of his time and effort making thousands of children happy as "The Jolly Old Man with the Beard" since 1955. Acting as Santa in a shopping center and at private home parties, he also spreads the spirit of the holidays making visits and toy deliveries to around seventy-five homes at Christmastime.

A graduate of Central Dauphin High School, Mr. Linn has been employed with the House of Representatives, Commonwealth of Pennsylvania for the past forty-three years serving as Specialist in Intergovernmental Affairs to the Speaker of the House for Speaker Matthew J. Ryan and currently Speaker John M. Perzel. He has also devoted his time to the Lower Swatara Lions Club and the Middletown Area Red Cross as well as multiple local athletic teams, boy scouts troops, and fire companies.

Mr. Speaker, it is a privilege to be able to recognize a man who has been committed to bringing joy to the people of my district for fifty years. I ask you and my other distinguished colleagues to join me in congratulating Mr. Frank D. Linn, Sr. on fifty years of devoted service as our local Santa Claus and thank him for the many contributions he has made toward the well being of the citizens of Pennsylvania.

TRIBUTE TO STATE REPRESENTATIVE TOMMY CARTER

HON. ROBERT E. (BUD), CRAMER JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to Alabama State Representative Tommy Carter. Representative Carter has represented Limestone County in the Alabama State Legislature for thirty-six years. He plans to retire from public service at the conclusion of his current legislative term in 2006.

I consider it a privilege to have worked with Representative Carter on a wide variety of issues facing Limestone County. He has done a great deal to help further the quality of life for all individuals in our community.

During his many years of service in the State Legislature, Representative Carter was elected by his peers to numerous legislative leadership positions. Most notably, he served as the Chairman of the House Rules Committee for over twelve years. Representative Carter currently serves on the Education Finance and Appropriations Committee and the Agriculture and Forestry Committee.

Mr. Speaker, Representative Carter is well respected throughout our local community and the entire State of Alabama. He is a past recipient of the Athens Limestone County Chamber of Commerce Citizen of the Year Award and was the Conservationist of the Year Award winner in 1978. Representative Carter is also a former Scout Master and member of the Alabama National Guard.

After he steps down from the Alabama State Legislature, he will continue to serve on the Board of Directors for Community Bank and Athens State University Foundation Board.

Mr. Speaker, on Thursday, October 27th, the North Alabama community gathered to honor and celebrate all of Representative Carter's achievements. I rise today, to join in their celebration and to thank Representative Carter for his many years of dedicated service.

HAPPY BIRTHDAY TO JEANETTE CANTRELL RUDY—HEALTHCARE PHILANTHROPIST

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. COOPER. Mr. Speaker, I rise today to honor and celebrate the birthday of a dear friend and a distinguished member of the Nashville community, Mrs. Jeanette Cantrell Rudy. Mrs. Rudy is a generous philanthropist, an accomplished sportswoman and a true friend to many in Tennessee and across the nation. She celebrates her 78th birthday on October 27th, 2005.

When you look at everything Jeanette has accomplished in a mere 78 years, it is clear she is a woman of fierce commitment, incomparable energy and true generosity. As someone fortunate to have worked with Jeannette on various community initiatives, I can tell you there is no one you would rather have on your team when you launch a new project.

Born October 27th, 1927 in Sheffield, Alabama, Jeanette enrolled in the Saint Thomas Hospital School of Nursing in Nashville following high school graduation. She received her nursing degree in 1948. That occasion changed her life—along with the fact that she also met her future husband, Mr. Daniel Clees Rudy, about this time.

Daniel Clees Rudy, cofounder of the Rudy's Farm Sausage Company, and Jeanette married on February 20th, 1949. The Rudys made their home in the Pennington Bend area on the Cumberland River until Mr. Rudy's death in 1984.

Jeanette served her community as a public health nurse for seven years. But that was just the beginning to her commitment to better health care for all of Nashville. In memory of her late husband, Jeanette helped to establish and fund the Dan Rudy Cancer Center at Saint Thomas Hospital in 1985. Also in 1985, Jeanette and her sisters, founded the Felix A. and Edna L. Cantrell Endowment Fund in honor of their parents. This special endowment has helped a host of nurses reach their educational goals and advance in the nursing field. A long-time supporter of the nursing program at Cumberland University in Lebanon, Tennessee, Jeanette was recognized for her efforts with an honorary doctorate of humanities from Cumberland University in 1990.

In addition to her commitment to public service, Jeanette is a passionate hobbyist. She has assembled the finest privately held collection of State and Federal duck stamps, including the very first stamp issued in 1934. Jeanette served as a judge of the Federal duck stamp competition in Washington, D.C. in 1992. In 1996, the Smithsonian Institution established, in her honor, the Jeanette Cantrell Rudy Duck Stamp Gallery at the National Postal Museum.

Jeanette's energy and zest for life do not stop there. An avid sportswoman, she held the title of Ladies State Trapshooting Champion for nine years, was named to the women's all-American trap team twice, and has been an ardent hunter and angler since 1949 over much of North America. Jeanette has also spent endless hours helping many organizations and educational institutions in Middle Tennessee. She served on the boards of Cumberland University, the Saint Thomas Hospital Auxiliary, the Saint Thomas Foundation and the Nashville Zoo, and she is a major supporter of the Nashville Police and Fire Department and the National Police Memorial in Washington, DC.

She is the recipient of the 1992 Seton Medal for her service to patients of Saint Thomas Hospital. She authored a book, "A Bend in the Cumberland," which traces the history of the Pennington Bend area, where, for many years, her husband and his brother operated the Rudy's Farm Sausage Company. And, now, as a Commissioner of the Tennessee Wildlife Resources Agency since 2001, Jeannette is dedicated to raising funds for projects that will help preserve, conserve and enhance Tennessee's population of fish and wildlife.

Jeanette's devotion to public service and her long-standing advocacy for nursing are truly remarkable. I thank this spirited American for her unwavering compassion and desire to make life more positive for others in her community.

Today, I join my distinguished colleagues—Representatives BART GORDON and JOHN TANNER—and all Tennesseans in congratulating and extending our warmest and best wishes to Jeanette Cantrell Rudy for a happy 78th birthday. Jeannette, may you have many more rewarding and life-enriching experiences ahead.

WILDERNESS CHALLENGE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. RAHALL. Mr. Speaker, on Saturday, October 8, 2005 46 teams of active-duty men and women from military installations around the U.S. converged in West Virginia's Gauley and New River Gorge to compete in the sixth annual "Wilderness Challenge." I am proud to have such an event in West Virginia that allows our armed forces the chance to display their skills of physical endurance and of course, bragging rights. There is not a better place to host the Wilderness Challenge than the New River Gorge National Park. It has superb overlooks, historic scenery, rugged Appalachian trails and peaceful valley flats, not to mention the world class whitewater. Rafting the waters is no easy task, as one could imagine by the names of some of our rapids such as "Big Nasty", "Even Nastier" and "Heaven's Doors," just to name a few.

The Challenge begins with a 20-mile mountain bike race which precedes a half-mile swim on the Lower Gauley River, and ends with each team tackling a 13-mile stretch of Class III to V whitewater. The next day the competitors start with a run, paddle a section of the New River in inflatable rubber kayaks called "duckies," and finish with a 14-mile hike that entails the steep slopes of the New River Canyon. The whole event is sponsored by a whitewater outfitter Class VI River Runners, which supplies the event with the rafts and equipment used in the outdoor extreme sports match.

It is really a pleasure for me to see such a group of well trained, highly motivated soldiers compete. I know that there is friendly competition between the branches of service and West Virginians as well as all Americans hold them all in the highest regard.

PERSONAL EXPLANATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. HIGGINS. Mr. Speaker, due to an excused absence, I missed 3 rollcall votes on the night of Tuesday October 25, 2005. I would like to enter into the record how I would have voted if I had been able to attend the session:

On H.R. 3675, the American Spirit Fraud Prevention Act, I would have voted "yea."

On H. Con. Res. 269, a resolution recognizing the 40th anniversary of the White House Fellows Program, I would have voted "yea."

On H.R. 3256, a bill to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the "Congressman James Grove Fulton Memorial Post Office Building," I would have voted "yea."

CONGRATULATIONS FOR ABINGTON

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, as the proud congressional representative of Abington Township, a township that was recently named one of the 100 best communities for young people by America's Promise—the Alliance for Youth.

The Alliance for Youth and its Founding Chairman, General Colin Powell, launched this first-ever national competition to pay tribute to the communities working to empower and advance our Nation's youth. And, there is no doubt that Abington Township worked hard to earn this honorable distinction.

I have had the privilege of representing Abington; first from my seat in the Pennsylvania State Senate and now as a member of Congress. Over the years, I have seen first-hand the community's unity, especially when it comes to advancing the lives of its young people.

Together, Abington's school district, police department, community organizations, businesses, and residents have worked hand-in-hand to create an environment that embraces its young residents. They've established the Abington Community Taskforce, which is comprised of parents, caregivers, religious and civic leaders and has launched programs to teach effective parenting skills, create tolerance and respect, and promote community safety. They've successfully established cooperative agreements between the school district and police department, including an anti-drug program and joint fundraising challenges. And, they've created the Community Partnership of Youth and Adults to mobilize community spirit and participation.

Abington was included on the America's Promise list because it has demonstrated true public leadership with regard to the needs of children. And, we in Congress must make sure to encourage and support these kinds of grassroots, community-based efforts, like that in Abington, because they play an important role in ensuring that our young people have the strength of character and tools necessary to succeed.

Mr. Speaker, I couldn't be prouder of Abington for the outstanding work it has done on behalf of young people, and I look forward to working too with area officials to make sure our neighborhood remains a safe and caring environment.

So again, congratulations to Abington on their selection as one of the 100 Best Communities for Young People. Keep up the good work!

HIAWTHI WILLIAMS—SALUTE TO HURRICANE VOLUNTEERS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to evacuees of Hurricane Katrina and Hurricane Rita. All of the States along the gulf coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one man, his company and his donation. Hiawthi Williams, the owner of Williams Chicken donated 200 pieces of chicken for volunteers during hurricane Katrina.

Williams Chicken was first opened in 1987 and has rapidly grown since. Today, with over 50 stores in operation, the company continues to grow. Notwithstanding the market research, the chain admits the real secret to the company's success is staying true to their philosophy, "To Serve, Grow and Give Back to the Community."

I stand here today to sincerely thank Hiawthi Williams for his donation. It is people like him that I am proud to call a fellow Texan. Through his contribution, he not only stands as a devoted and giving American citizen, but he serves as an inspiration to others.

HONORING HERMAN WOLF FOR HIS LIFETIME OF PUBLIC SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Ms. DELAURO. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to the remarkable life and legacy of a dear friend, Herman Wolf. In a career that spanned eight decades, his influence on State and national politics garnered him a respected reputation with Democrats and Republicans alike. At the age of 93, Herman passed away this past week, marking the end of an era in Connecticut politics.

A gifted public relations guru and a talented political strategist, Herman spent a lifetime working to improve the quality of life for all people. His dedication and commitment to social justice never wavered—in fact he never stopped, working up until the time of his passing. Herman was an activist, advocate and leader who provided a strong voice to those most in need.

In his earliest years in Connecticut, Herman was best known as a top advisor to Governors Abe Ribicoff, John Dempsey, and Ella T. Grasso. He served as an executive aide to then Governor Ribicoff and was an integral part of his successful election to the United States Senate. In addition to his involvement with local campaigns, Herman was also an advisor to State and National Democratic Party Chairman John Bailey. Working with some of our State's most powerful modern political leaders, Herman helped to shape decades of public policy.

In addition to his role as a political strategist, Herman also ran a successful public relations firm, Herman Wolf Associates. He represented over 100 clients including prominent labor unions like the AFL–CIO, businesses such as United Technologies and Guiness Stout, and non-profit organizations such as the Ford Foundation, the NAACP, and the American Shakespeare Festival. Herman would later become executive vice-president of the Design Science Institute of Washington, DC, a group dedicated to furthering the work of inventor and philosopher R. Buckminster Fuller. Local projects also received the attention of Herman. He was involved with a number of projects in the Bridgeport area including several at Action for Bridgeport Community Development where he had been working up until the time of his passing.

For Herman, his work was about more than promoting an agenda. He had deep convictions and indisputable integrity. His work reflected his strong belief in leveling the playing field for all Americans. He firmly believed that the government had a responsibility to provide for our most vulnerable citizens and ensure that their needs received the same attention as those more fortunate. Herman's energy, enthusiasm, and excitement not only made him a success but inspired others to greatness as well. He left an indelible mark on our communities, the State of Connecticut, and our Nation—a legacy that will undoubtedly be remembered by history.

I extend my deepest sympathies to his wife, Monica; his children, David, Bill, Fay, and Louise; and their families. Herman Wolf was an extraordinary individual with a unique dedication to public service that touched the lives of many. Though he will be missed, his legacy will continue to inspire generations to come.

IN RECOGNITION OF DR. N. RAO CHAVA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to Dr. N. Rao Chava of Montgomery, Alabama. Dr. Chava is a highly accomplished medical doctor and administrator, and will soon be retiring as Director of the Central Alabama Veterans Health Care System hospital in Macon County.

In 1974, Dr. Chava began his career with the Department of Veterans Affairs as an internal medicine resident. As a naturalized United States citizen, he has devoted himself to VA Medical Centers in both West Virginia and Alabama. Dr. Chava was certified by the American Board of Internal Medicine and received a Certificate for Added Qualifications in Geriatric Medicine. He is also a Fellow for the American College of Physicians and a member of the American Geriatrics Society, the American College of Physician Executives, and the American College of Healthcare Executives.

Our nation's veterans deserve the highest quality care available, and I know Dr. Chava has spent much of his career caring for their needs. He will be missed. I congratulate Dr. Chava for his many accomplishments over the years, and wish him all the best in his retirement.

IN RECOGNITION OF HISPANIC LEADERS AND IN COMMEMORATION OF HISPANIC HERITAGE MONTH

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Ms. VELÁZQUEZ. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives in commemoration of Hispanic Heritage month to recognize and celebrate the outstanding achievements of remarkable leaders of the Hispanic community. I am honored to acknowledge the wonderful contributions of Margarita Rosa Esq., Frances Lucerna, Dr. Maria Montes, Elizabeth C. Yeampierre and Rev. Jorge L. Roa, Jr. These individuals have been a true inspiration, working tirelessly to better the lives of New Yorkers and the Hispanic community by making a positive impact in our community.

Through devotion and commitment, these enthusiastic role models have excelled in their strong community service and diligent work to improve the quality of life in many disenfranchised neighborhoods, encouraging the next generation of Latino leaders. A living example of this arduous dedication is Ms. Margarita Rosa who is the Executive Director of Grand Street Settlement, a New York based community organization whose primary vision is to improve the lives of those less fortunate or disadvantaged by encouraging self-determination through learning advocacy, support and community building.

Margarita has been a steadfast, passionate advocate of human rights, as the first Hispanic woman to be appointed to the New York State Commission on Human Rights in the early 1990s. Working at the local government level gave her the unique perspective of understanding how public policy affects diverse communities. Margarita's accomplishments have been plentiful—being honored for her eager public service dedication, she received a prestigious teaching fellowship award, and is currently an active member of several Boards of Directors for organizations such as the Public Interest Law Foundation at New York University (NYU) Law School, the New York Civil Liberties Union, and the Lower Union East Side Family Union. These endeavors are a mere representation of Margarita's achievements and willingness to continue empowering those in need.

Another notable and distinguished leader has been an energetic force and true pioneer in the world of cultural and performing arts. Ms. Frances Lucerna founded the Williamsburg Arts and Cultural Council for Youth, a community performing and visual arts program for youngsters. She later became the cofounder and Executive Director of El Puente Academy for Peace and Justice, a Brooklyn youth-based community development organization nurturing leadership for peace and social justice. Frances' leadership and artistic vision motivated her to develop one of the most comprehensive Latino arts and cultural center, which provide young students with the opportunity to express themselves artistically.

As a strong advocate for education and a loving artist, Frances has broken barriers by channeling the talent and skill of thousands of youngsters into a bright path and a hopeful future for many within the community. As a visionary with an artistic soul, Frances has achieved many high recognitions highlighting her efforts, such as the 1998 Heinz Award for the Human Condition, and being appointed to the Advisory Committee to the President's Committee on the Arts and Humanities, and the Community School Task Force for the White House Conference on Character Building for a Democratic, Civil Society. She has also served on the Boards of Directors of the Arts Center of the Brooklyn Academy of Music and the Community Youth Development Guide Team of the National Network for Youth.

Among the list of remarkable thinkers impacting higher education is Dr. Maria Montes Morales, Vice-President and Dean of Academic Affairs at Boricua College. Dr. Montes Morales understood the critical value of education and how peoples' lives could be transformed. She lived and realized the educational injustices faced by Latinos, which allowed her to make a difference and change the traditional college learning environment. Her vision and commitment to educate and empower Latinos in New York City motivated her to help establish the first Boricua College campus in Williamsburg, Brooklyn which opened in 1974.

This was a tremendous achievement for the community, especially since many of the Williamsburg residents were Spanish speaking and interested in furthering their education at an institution that was culturally sensitive, community based, competitive and accessible. Since its creation, thousands of students have graduated from this Boricua College campus, with many remaining in the community and providing professional human services.

Maria's contribution to higher education for all students, especially Latinos, is highly commendable. Her leadership at Boricua College successfully promotes student learning through active participation in meaningful and planned service experiences in the community that are directly related to course content. With a humanistic approach, such as a sense of civic responsibility, self-awareness, and commitment to the community, Dr. Montes Morales makes Boricua College an outstanding and unique higher learning institution in New York City.

Mr. Speaker, I am also proud to celebrate Hispanic Heritage Month by recognizing the great efforts of Mrs. Elizabeth C. Yeampierre, Executive Director of the United Puerto Rican Organization of Sunset Park (UPROSE), Brooklyn's oldest Latino community-based organization. Under Elizabeth's leadership, UPROSE has become the frontier organization on multiracial environmental justice issues impacting the community. Its "Youth Justice" program has set the path to several victories advocating on behalf of low-income and minority communities that are environmentally overburdened.

Elizabeth's dedication and endeavors at UPROSE have included promoting youth, family and community empowerment, and creating awareness for environmental issues impacting the living conditions of residents in Sunset Park. Her accomplishments range from successfully leading UPROSE in opposition to the Sunset Energy Fleet 520—a power plant proposal to place two power plants in the area—to campaigning against the placement of a sewage sludge treatment plant in Sunset Park, and advocating the prevention of child lead paint poisoning.

Elizabeth has also created an effective "Youth Justice" program which provides young environmental activists across the country with opportunities to promote environmental issues. As a result, these young leaders were able to organize the first environmental justice conference in Sunset Park. The outstanding work and contributions of UPROSE under Elizabeth's leadership has had a valuable impact on the residents of Sunset Park.

Mr. Speaker, I would also like to commend and acknowledge the highly regarded work of Reverend Jorge L. Roa, Jr. a native of Brooklyn and a devoted pastor who committed his life to God, and assisting those most in need, including youngsters and the Hispanic community. Rev. Roa has been a true inspiration who has excelled in promoting youth programs within his church, "the Missionary Christian Church," in Manhattan where he preaches and is very pro-active on social and justice issues.

Rev. Roa has touched many lives by helping his community seek spiritual guidance and a path, collaborating in missionary projects such as rebuilding churches, and collecting donations for relief efforts for the victims of Hurricane Katrina. He has been a humanitarian champion in this country and abroad, taking part in missions providing food, water, medicine and other resources to impoverished communities throughout different countries, including Latin America and Africa.

Rev. Roa, is also the program director of a radio and TV show known as "En sus Pasos" or "In Your Steps," which is transmitted in Manhattan. He is also the author of a renowned book, "Una Luz de Dios, La Historia de la Iglesia Cristiana Misionera," "A light of God, the History of the Christian Missionary Church." Rev. Roa's true vocations have enlightened the community and changed the lives of many youngsters throughout his 24 years of ministry. His excellence in leadership and service is laudable for Latinos and residents of the Manhattan community and beyond.

Mr. Speaker, it is truly an honor for me to rise today and recognize these wonderful Hispanic leaders who I firmly believe possess key elements that strengthen our culture, community and nation. In commemoration of Hispanic Heritage Month, it is essential and truly important to emphasize the life-time commitment these remarkable persons have demonstrated in breaking down stereotypes about Latinos, and empowering the Hispanic American community.

TRIBUTE TO REV. DR. HENRY McGILL, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. CLYBURN. Mr. Speaker, it is my honor to pay tribute today to the extraordinary pastor of Mt. Pisgah Baptist Church of Marion, South Carolina. For more than 40 years of dedicated service and compassionate leadership, Reverend Dr. Henry McGill, Jr. has served his parishioners and community with great respect and dignity. He has spent decades reaching out to those in need of strengthened faith and fellowship.

Reverend McGill grew up the son of a deacon and quickly incorporated strong values and understanding of others in his everyday life. His education started in a one-room schoolhouse in Lake City, South Carolina. He went on from that meager beginning to achieve degrees in social studies and divinity at Morris College in Sumter, South Carolina. He heard and heeded the call to the ministry at an early age and focused his life on the teachings of peace and cooperation among all people. Reverend McGill's expertise on theology has also earned him positions among some of the most prestigious public service boards, as well as university and ministerial committees. He continues to be a devout advocate of the church in sharing his thoughts on fairness and finding the good in every person. Because of his widely-honored achievements in academia and religious education the Manhattan School of Theology in New York awarded him an honorary degree.

A successful businessman, Reverend McGill owned the funeral home founded by his father-in-law, Henry L. Jackson, for many years. He has since passed the family business, Jackson & McGill Funeral Home Service, to the third generation of owners.

I am pleased to join the parishioners of Mt. Pisgah Baptist Church and so many other grateful members of the community in thanking Reverend McGill for always searching to find what is best for his church, his community and his state. He continues to respond to the needs of the less fortunate and putting education at the forefront of his message. His saying, "Everyone is someone special," embodies his considerate and personal nature.

Mr. Speaker, I ask that you and my colleagues join me in paying tribute to Reverend Dr. Henry McGill, Jr. He is special to the people of his church and community, and I wish him good luck and Godspeed.

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. BISHOP of Georgia. Mr. Speaker, I regret that I was unavoidably detained yesterday, October 26, 2005, due to a death in my family. As a result I missed rollcall votes Nos. 539 through 547. Had I been present I would have No. 541 "no"; rollcall No. 542 "no"; rollcall No. 543 "no"; rollcall No. 544 "no"; rollcall No. 545 "no"; rollcall No. 546 "aye"; rollcall No. 547 "aye."

RECOGNIZING FORMER STATE REPRESENTATIVE JOE BATTISTO AS HE RECEIVES THE FIRST LIFETIME ACHIEVEMENT AWARD FROM THE MONROE COUNTY, PENNSYLVANIA, DEMOCRATS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to former Pennsylvania State Representative Joe Battisto, of Monroe County, on the occasion of receiving the first annual Lifetime Achievement Award from the Monroe County Democrats.

Joe Battisto distinguished himself during 18 years of public service in the Pennsylvania House of Representatives following a career as public school teacher and chairman of the language arts department of the Pocono Mountain School District.

Despite moving to the realm of public service, Joe was well known for maintaining his connection with the youth in his community and frequently served as mentor for young people who were behaviorally troubled.

Prior to being elected to the State House of Representatives, Joe served in the public arena first as a borough councilman in the Borough of Mount Pocono, rising to become the council president. He also served as mayor of Mount Pocono Borough.

Joe Battisto subsequently was a driving force in the formation of the Pocono Mountain Library and in the construction of a municipal sewage system.

He founded the Monroe County Litter Control and Beautification Task Force.

During his nearly 2 decades of service in the State House of Representatives, he served on the Education and Appropriations Committees and rose to become chairman of the Transportation Committee.

While serving as a State Representative, Joe launched the reconstruction of the Pocono Mountains Welcome Center, led the efforts to build the badly needed Marshalls Creek Bypass, and ensured the environmental cleanup of major industrial and disposal sites in Monroe County.

He also obtained funding for an open space trail system and for highway safety and signalization projects. He fought to preserve rights of way for possible future rail service to major metropolitan destinations.

In addition, he obtained funding for street lights in downtown Stroudsburg and streetscaping work in the Delaware Water Gap.

Joe Battisto was the first lawmaker to receive the prestigious East Stroudsburg University's "Legislative Fellow" award created to establish a stronger bond between the university and elected state officials. The award was especially meaningful to Joe because he graduated from ESU in 1956.

Mr. Speaker, please join me in congratulating Joe Battisto on this auspicious occasion. The quality of life in Monroe County, Pennsylvania, has been made far better due to the achievements of Joe Battisto and others like him. His integrity and commitment to his community serve as wonderful examples of what it means to be a true public servant.

DAVIS MOORE—SALUTE TO HURRICANE VOLUNTEERS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the States along the Gulf Coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one man, his office and his donation. Davis Moore, a dentist in Euless, donated 150 adult toothbrushes, 50 children toothbrushes, 150 tubes of toothpaste and floss for victims of Hurricane Katrina.

I stand here today to sincerely thank Davis Moore for his donation. It is people like him that I am proud to call a fellow Texan. Through his contribution, he not only stands as a devoted and giving American citizen, but he serves as an inspiration to others.

OXI DAY SPEECH

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mrs. MALONEY. Mr. Speaker, I rise to join the Hellenic-Americans and Philhellenes in my district and throughout the country in celebrating "OXI Day (No Day)," which falls on the 28th of October. This year marks the 65th anniversary of a very important day in Hellenic history, the day on which brave Greek patriots said "NO" to fascism, "NO" to injustice, and "NO" to slavery.

For those individuals who lived through that momentous period and their descendants, many of whom live in the 14th Congressional District of New York, "OXI Day" is more than a memory: it is the embodiment of Hellenism and its highest ideals.

On October 28, 1940, a terrifying sound went up throughout all Greek cities and towns, the sound of sirens and klaxons announcing the invasion of Greece by the Nazis. Walls that before had echoed only with the tolling of church bells now reverberated with the din of alarms.

At a time when Europe was descending into the inferno of another world war, the people of Greece did not panic. Men went calmly to their closets and retrieved their military uniforms and weapons. Women went about their necessary tasks, and the children assisted as they were able. With level-headed determination and steadfast resolve, the citizenry of Greece mobilized against the coming invaders and delivered their resounding "NO!" to the Axis aggressors.

On OXI Day, the people of Greece chose the harder path, the path of resistance. If they had opened their gates to the invaders, much bloodshed and many deprivations might have been avoided. That brave generation of Hellenes, refused to submit to oppression, even at the cost of their homes, their land, and their lives. They chose to fight and even to die so that their children and the children of other nations might live in liberty. Theirs was an act of self-sacrifice that clearly proclaimed the humanitarian ideals of their Orthodox Christian faith and their ethnic heritage.

Demonstrating poise under pressure, the heroes of that period fought against tyranny and delayed the Axis onslaught in the Balkan Peninsula. The Greek nation which said "OXI" contributed to the eventual downfall of the Fascist powers in Europe.

This year the Hellenic community is celebrating another great moment in their history, having successfully hosted a magnificent and peaceful Olympics at a time when terrorism imperils every public gathering. The smallest nation to ever host the Olympics, Greeks once again showed that they always rise to the occasion.

Mr. Speaker, I ask my colleagues to join me in saluting the heroes of OXI Day. In their brave words and deeds we see all of the highest virtues of Hellenic heritage: passion for justice, courage at a time of trial, unity in the midst of conflict, and willingness to sacrifice one's life for the good of others. On this day, we thank Greece for saying "OXI."

CONGRATULATIONS TO CARY CRANE

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mrs. EMERSON. Mr. Speaker, I rise today to congratulate Cary Crane—the recipient of the 2005 Bill Emerson Good Samaritan Award. Mr. Crane and his company, Apple & Eve, have for years been generous enough to provide juice beverage products to the nation's less fortunate through Rock and Wrap It Up! Inc., a nonprofit, nonpartisan hunger relief organization Bill helped to found.

Mr. Crane has been a true public servant in supplying nutritious food to those in need. He is the Cofounder and Executive Vice President of Apple & Eve, LLC a manufacturer of premium fruit juices, which donates heavily to Rock and Wrap It Up! to further their cause. This is just one area of service and philanthropy in Mr. Crane's life. He is also involved with many other charitable organizations, such as the Education Assistance Corporation, the American Diabetes Association, and Big Brothers/Big Sisters.

Through his efforts, Mr. Crane is helping to advance the vision of my husband, Bill Emerson, for domestic food aid programs when he worked to pass the Good Samaritan Food Act, a law protecting these donations from liability. Bill's hopes for hunger relief in America were very high when he worked to make Rock and

Wrap It Up! possible in 1990. Following in his dream, Mr. Crane is an ideal recipient of the Bill Emerson Good Samaritan Award.

Rock and Wrap It Up! is a volunteer hunger relief charity, which has fed over 20 million since its inception. With over 4,000 volunteers in 500 cities across America, its dedicated supporters recover food in schools, colleges, music concerts, sporting events, and political and corporate functions. Rock and Wrap It Up! was adopted by resolution in 2003 by the United States Conference of Mayors to teach its successful strategies to cities to fill America's food pipeline to feed the indigent.

Cary Crane and Apple & Eve are a major reason the program continues to gain notoriety and grow. They are proof that our commitment to feed America's hungry can always use new initiative and better ideas. As long as there are men, women, and children who need the helping hand of other Americans, we are glad that there are gentlemen like Mr. Crane.

Thank you for your kind service to our nation, Mr. Crane. Congratulations on earning the 2005 Bill Emerson Good Samaritan Award. Best of luck to you as you continue your noble work helping to improve the lives of the less fortunate in our great nation.

IN MEMORY OF DONALD STATHOS

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. BLUMENAUER. Mr. Speaker, this week we mark the passing of a unique and important figure in Oregon politics and civic life. Donald Stathos was a small-business man, state legislator, and a creative and vibrant force in our community. He was best-known as the father of Oregon's Bike Bill in 1971 which created an allocation for cycling, long before the cycling craze hit this country. The bill was a typical act of foresight on behalf of an extraordinary man which led to our states leadership in promoting cycling for all ages.

Mr. Stathos was a creative legislator not bound by narrow ideology or partisan interests. When there was a rash of campus and other violence and bombings during his career he had the courage to sponsor legislation dealing with the control of explosives and as a result had his office firebombed. Either a right-wing extremist or a printing error left his information out of the voting pamphlet in the state's most populous county. Had this not of happened he might well have gone on to a statewide elected office; however, the man was not defined by the offices he held but rather by his beliefs.

Donald Stathos' zest for life and his friendship will be sorely missed.

HONORING PHYLLIS CIMINELLO UPON HER NINE YEARS OF VOLUNTEERING FOR THE FOSTER GRANDPARENTS PROGRAM

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor the exemplary community service of Phyllis Ciminello, a resident of Chautauqua County, Village of Fredonia, in recognition of her nine years of volunteering for the Foster Grandparent Program.

Ms. Ciminello works every day helping children to increase motivation, academic skills, daily living skills, and positive behaviors. Ms. Ciminello has served with the FGP since 1996 and is a vocal fan of this program. She is also involved with the Head Start program, where she volunteers in a Head Start classroom at Connections North in Dunkirk.

Ms. Ciminello has donated countless hours towards improving her community. She is hard working, and dedicated. Her leadership and generosity sets an example for us all. That is why, Mr. Speaker, I rise to honor her today.

FREEDOM FOR JORGE LUIS GONZÁLEZ TANQUERO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Jorge Luis González Tanquero, a political prisoner in totalitarian Cuba.

Mr. González Tanquero is a courageous pro-democracy activist and president of the Carlos Manuel de Cespedes Independence Movement. His pro-democracy activities have helped the world to learn the facts about the nightmare that is the Castro regime. Unfortunately, those who believe in truth are targeted by the tyrant's machinery of repression.

On March 19, 2003, as part of Castro's condemnable crackdown on peaceful pro-democracy activists, Mr. González Tanquero was arrested. In a sham trial, he was sentenced to 12 years in the totalitarian gulag.

Mr. González Tanquero is currently languishing in the abhorrent gulag because of his belief in liberty for the Cuban people. According to CubaNet, Mr. González Tanquero's family has been harassed and threatened by the dictatorship's thugs. His wife, Marlene González, said that she had been threatened by the dictatorship's organized mobs and that her neighbors have been warned not to let their children play with her daughter Melisa.

Mr. González Tanquero is an excellent example of the heroism of the Cuban people. No matter how intense the repression, no matter how horrifically brutal the consequences of a dignified struggle for liberty, no matter how often their families are harassed and threatened, the totalitarian gulags are full of men and women of all backgrounds and ages who represent the best of the Cuban nation.

Mr. Speaker, it is as inconceivable as it is unacceptable that, in the 21st Century and only 90 miles from our shore, brave men and women are locked in dungeons because they believe that all people have basic human rights. It is a profound embarrassment for mankind that the world stands by in silence and acquiescence while political prisoners are systematically tortured because of their belief in freedom, democracy, human rights and the rule of law. My Colleagues, we must demand the immediate and unconditional release of Jorge Luis González Tanquero and every political prisoner in totalitarian Cuba.

KRISTI CHRISTIANSON—SALUTE TO HURRICANE VOLUNTEERS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the states along the Gulf Coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one woman, her company and her donation. Kristi Christianson, from Town Place Suites by Marriott donated a case of shampoo for victims during hurricane Katrina.

Town Place Suites by Marriott is an extended stay hotel that takes pride in their friendly staff and neighborhood feel. Helping hurricane victims is certainly a good demonstration of the friendly staff.

I stand here today to sincerely thank Kristi Christianson for her donation. It is people like her that I am proud to call a fellow Texan. Through her contribution, she not only stands as a devoted and giving American citizen, but she serves as an inspiration to others.

IN HONOR OF OFFICER DAVID PERRY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. FARR. Mr. Speaker, I rise today to honor Police Officer David Perry for his service to our community. Mr. Perry has dedicated his life to protecting his country as well as his community, and for that I am grateful.

David Perry heroically served in the United States Marine Corps from 1983 to 1989. His service included a meritorious promotion to Corporal and assignment to the Marine Security Guard Detachment in Calcutta, India. While serving in Rio de Janeiro, Brazil, he was promoted to Sergeant and honorably discharged from active duty on January 6, 1989. He has maintained Reserve status while serving as a Patrol Officer in the City of Santa

Cruz. Furthermore, Mr. Perry had dedicated his time to serving the city as a Field Training Officer and is a member of the Santa Cruz Police Department Honor Guard.

Mr. Perry is known for his allegiance to the enforcement of law, the prevention of crime, and his deep sense of community. Respectfully, David Perry has volunteered to return to active duty with the United States Marine Corps. He will be deployed to Iraq in January of 2006. Mr. Perry's voluntary service is truly appreciated and highly valued.

Mr. Speaker, the service of local members of the community is an asset to this Nation, and I applaud Mr. Perry's contributions. We all look forward to the safe return of Officer Perry, and wish him well in his service in Iraq. Mr. Perry is an outstanding member of the community, and his dedication is appreciated.

IN HONOR OF FIRE CHIEF KERRY SHERIDAN

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. WELLER. Mr. Speaker, I rise today to honor Fire Chief Kerry Sheridan of the Troy Fire Protection District in Shorewood, Illinois. On Saturday, Sheridan will celebrate 45 years of service as the Fire Chief with the local volunteer fire protection district:

Since first being elected in 1960 to the Fire Chief position, Sheridan has seen major changes from not only the size and scope of the fire protection district, but also advances in technology and equipment. In 1960, his equipment consisted of a used 1929 REO Speedwagon and a dispatch that was a phone call to the Chief to sound the siren. Now, the department consists of multiple engines, an enhanced 911 dispatch center and the protection district has grown to over 18,000 residents compared to the 800 residents in 1960.

Within Sheridan's impressive 45 years of services, the Chief has provided a classroom in the Joliet Junior College to teach fire services, started one of the first cadet programs in Illinois and organized an Ambulance service that recruits and trains new EMT's every year. Chief Sheridan is still actively serving on the Joliet Junior College Fire Science Advisory Board which he has served on since 1974 and is very involved with the local government.

The most impressive part of his service as a volunteer for the fire department is that he achieved all of these great accomplishments while being a full time employee with Illinois Bell Telephone and now AT&T.

With 45 years of dedication to his township and the safety of its residents, Kerry Sheridan provides an example to all of what they can do to better their community. When we hear young children having aspirations of becoming firemen when they grow up, we should all point to the example Kerry Sheridan has set.

A TRIBUTE TO ROGER MILLIKEN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. HUNTER. Mr. Speaker, I rise today to honor and pay tribute to a true American patriot who has maintained a reputation as a protector of American manufacturing—Mr. Roger Milliken. Roger recently celebrated his 90th birthday and, not to the surprise of many, continues to faithfully sit at the helm of Milliken & Company, one of the largest and most successful textile and chemical manufacturing companies in the world.

On the special occasion of his 90th birthday, I feel it prudent to ensure that my colleagues in the House are made aware of Roger's immeasurable commitment to the protection and development of our domestic manufacturing base. Roger has long deflected the enticements of outsourcing and importation, believing the divestment of American industry in foreign markets is not conducive to economic growth and detrimental to our nation's productivity and ingenuity.

Roger's personal success can be credited to his entrepreneurial spirit and his strong work ethic, both professionally and academically. He received a Bachelor of Arts degree from Yale University in 1937 and was named President of Deering Milliken in less than ten years. Under Roger's leadership, Deering Milliken officially became known as Milliken & Company and gained its status as a nationally recognized textile manufacturer. He served as President of Milliken & Company until 1988, when he was named Chairman and Chief Executive Officer, the title which he continues to hold today.

Roger maintains an inclusive relationship with his employees and each Milliken associate is encouraged to share their thoughts on how quality and excellence can be achieved. As a matter of fact, much of Milliken & Company's success can be attributed to its network of faithful employees who tirelessly strive for nothing less than perfection.

Mr. Speaker, President Ronald Reagan once said, "My goal is to keep America the premier job-creating nation on Earth and we must unleash the full power of entrepreneurship. We can make our land that of the future, offering unlimited opportunity to all Americans who dare to live for their dreams." We are fortunate to have individuals like Roger Milliken, who never relent in their quest to foster and protect American industry, and believe the industrial climate envisioned by President Reagan is achievable.

Roger is recognized as someone who takes pride in the craftsmanship of the American workforce and fights for the preservation of those jobs. In an interview with the Wall Street Journal in 1995, Roger said, "I'm going to keep on doing what I'm doing. I'm going to die in the saddle, fighting for American manufacturing supremacy." While this statement is certainly indicative of Roger's tenacity and entrepreneurial ambition, it more importantly demonstrates the elements of selflessness and confidence that need to be revived within our industrial community. Roger's desire for American manufacturing supremacy is not unrealistic and one in which I believe we can achieve.

Mr. Speaker, I ask that my colleagues join me in honoring Roger Milliken's contribution and commitment to American industry and manufacturing. In celebration of his 90th birthday, I wish him many more years of good health and happiness.

JERRY AND SHIRLEY McCORMICK—SALUTE TO HURRICANE VOLUNTEERS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the states along the Gulf Coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one family, their company and their donation. Jerry and Shirley McCormick, from Texas Manhole Company donated a refrigerator and dinner for 100 volunteers during hurricane Katrina.

I stand here today to sincerely thank Jerry and Shirley McCormick for their donation. It is people like them that I am proud to call fellow Texans. Through their contribution, they not only stand as a devoted and giving American citizens, but they serves as an inspiration to others.

TRIBUTE TO LANCE CORPORAL BRIAN PARRELLO

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. GARRETT of New Jersey. Mr. Speaker, today I honor Lance Corporal Brian Parrello, a heroic young man from my district who died while bravely serving his country in Iraq. I am proud that this week we will name the United States Post Office in his hometown of West Milford, New Jersey after Brian, the very post office where his father has spent many years working for the Postal Service.

On January 1 of this year, Lance Cpl. Brian P. Parrello, 19, of West Milford, N.J. was killed in Al Anbar Province, Iraq as a result of hostile fire. Lance Cpl. Parrello was assigned to Small Craft Company, Headquarters Battalion, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, N.C. Parrello was attached to a Marine Swift Boat unit that patrolled the Tigris and Euphrates rivers.

A resident of West Milford, New Jersey, Parrello attended West Milford High School where he was a member of both the football and hockey teams. Following high school, he was so deeply affected by the attack on the

World Trade Center and Pentagon that he proudly enlisted in the U.S. Marine Corps. His teachers, coaches and peers have called him a real leader and a role model, someone who always gave 150 percent, and a person who led by example with a big heart.

This loss causes us to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of danger. When their Nation called them to duty to preserve freedom and the security of our neighbors, they answered without hesitation.

Mr. Speaker, it is my sincere privilege to recognize the life of a proud soldier and heroic representative of the State of New Jersey. Lance Cpl. Brian P. Parrello was an honorable defender of liberty and he deserves our gratitude and respect.

I am pleased that we could recognize Brian's sacrifice in this manner and I hope that years from now the citizens of West Milford can remember the courage and sacrifice of this brave young man. We will continue to keep Brian's family and the families of all our men and women serving around the world in our thoughts and prayers.

PERSONAL EXPLANATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Ms. PRYCE of Ohio. Mr. Speaker, on vote No. 535 regarding a Motion to Instruct Conferees on H.R. 2744—the Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 2006—my vote was recorded in a manner inconsistent with my intent. Let the RECORD show that my vote should have been recorded as "nay" not "yea."

REMEMBERING DON F. GILBERT

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. BOYD. Mr. Speaker, I ask unanimous consent to enter into the RECORD my comments on the life of a great Floridian from my district who passed away recently.

Born on December 26, 1930, in Peekskill, New York, Don F. Gilbert gave tirelessly of himself to his family and community. A veteran of the Korean Conflict, Don served in the United States Marine Corps from 1951–1952.

Following his tour in the Corps, Don attended Texas Western College, now the University of Texas at El Paso. During that time, he worked for the FBI and later began a career in court reporting.

Throughout his professional career, Don had many interests and was active in the Masonic Order, Job's Daughters and the International Order of the Rainbow for Girls. After his service in Korea, Don joined the Coast Guard Auxiliary, where he helped organize Flotilla 12 and served as its commander.

Don passed away at his home in Tallahassee, Florida, on August 28, 2005, and is survived by his children and wife, Gwen, whom he shared 49 years of marriage.

THE DEATH OF RICHARD PENN KEMBLE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. ISRAEL. Mr. Speaker, all too seldom we are blessed with a person of extraordinary talent, vision and blinding commitment to social justice who devotes his entire life—selflessly and completely—to the public interest, and to spreading the values of his nation all across the planet. Penn Kemble, who died October 15th after a fierce year long struggle with brain cancer, was that rare kind of American.

Penn devoted his life to ideas. He fought with passion for what he believed, and he sometimes fought alone. He was a college socialist who battled against the Stalinists who led the Soviet Union; a hardliner on defense and foreign policy issues who came to become a leader in the fight to negotiate an end to the war in Vietnam. He was a Scoop Jackson Democrat, a Hubert Humphrey Democrat, a Bill Clinton Democrat—always a Democrat working within our Party to make it more committed to social and economic justice and more committed to a strong and realistic national security policy. Some talked change—Penn caused it: a civil rights leader who put his life on the line fighting for racial equality, but confident enough in himself and his values to lead the fight against racial quotas; an internationalist who was not afraid to confront and challenge what he perceived to be dangerous isolationism within his Party. Through the difficult decades of the 1970s and 1980s, some chose to cut and run when they did not have their way. Penn Kemble chose to stay and fight. No one fought harder and with more conviction.

And nothing exemplified his commitment to values, to ideas and to the strength of the American experience more than his work as Deputy Director and Acting Director of the United States Information Agency, where he created and executed the brilliant and unique international CIVITAS program to promote civil society and civic education around the world. Like so many things that Penn developed, he created CIVITAS to break out of the worn mold of traditional West-to-East assistance in democracy building by replacing it with an innovative participatory network to develop civil society and free markets in emerging democracies through civic education and grass roots civic participation. CIVITAS was thinking "outside the box." It was, in the words of one of its Russian participants, "a unique possibility to see the full context of what we can do to support democracy, in concrete terms, now and in the future." CIVITAS is an international dialogue, not a monologue by the U.S.

Penn's vision can best be summarized in his own words. In Prague, in 1995, Penn Kemble said that "today there is an emerging recognition that what we usually think of as the civic realm and the economic realm are interlinked, and that when one is strong the other is generally strong, and that when one is weak or broken the other is in danger, too . . . One thing we surely have neglected is education. Education is the principal means for transmitting and strengthening the values and understandings—the subjective element, the culture—on which the institutions of all societies rest. Perhaps democratic society more than any other depends on the quality of its education."

At USIA Penn Kemble saw that our embassies and public diplomacy posts abroad would work with local NGOs to foster civic education as a transformative element to grow democracy from the grass roots. He understood that a truly international movement for civic education could take an issue and give it life, a place on the international agenda of the community of democratic nations—whether it was human rights, sensible environment polices, or equal protection, treatment and opportunity for women in modern society. He internationalized national issues. He was nobly committed to the globalization of social democracy.

Participants in the most recent gathering of the CIVITAS consortium in Amman, Jordan in June 2005, were struck with the realization that the group that Penn Kemble first convened in Prague 10 years before was still at it, plugging away in the trenches to build support for teaching democracy in schools and building a culture of democracy from the bottom up.

Robert F. Kennedy once said that "the future does not belong to those who are content with today, apathetic toward common problems and their fellow man alike, timid and fearful in the face of new ideas and bold projects. Rather it will belong to those who can blend vision, reason and courage in a personal commitment to the ideals and great enterprises of American Society."

That future—the future of the universal dream of social justice that should be the dream of all people everywhere—belongs to Penn Kemble. The very definition of CIVITAS is Penn's legacy: "the concepts and values of citizenship that impart shared responsibility, common purpose and a sense of community among citizens." He will be missed, but the power of his ideas makes him immortal. Time, justice and the forces of history are on Penn's side.

AMERICAN INGENUITY AND ENTREPRENEURSHIP

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. STARK. Mr. Speaker, I rise with my colleagues Representative BEN CARDIN of the Third Congressional District of Maryland and Representative STENY HOYER of the Fifth Congressional District of Maryland today to bring to our colleagues' attention an excellent article that appeared in the Inside Annapolis Magazine this month about a family business in Galesville, MD. The business, Smith Brothers, Inc., is an excellent example of American ingenuity and entrepreneurship. We are proud to know Kenneth Smith and his son Jeff Smith and would like to congratulate them on the recent acknowledgement of their value to the community. America needs more people like the Smiths, who have a can-do attitude and are willing to work hard to excel. We have attached a copy of the article, which explains some of the history of the company and family and how their attitude has helped them in business and life.

SMITH BROTHERS: BUILDING ON A FIRM FOUNDATION

(By Kathy Bergren Smith)

When the makers of the upcoming romantic comedy starring Matthew MacConaughney and Sarah Jessica Parker came to Maryland scouting locations and resources, one of their first stops was in the quiet village of Galesville; just south of Annapolis. The film includes multiple scenes of frolicking dolphins and the marine coordinators needed a way to transport the radio-controlled "stand-ins" as well as millions of dollars worth of camera and sound equipment around the Bay. They found what they were looking for at Smith Brothers, an eighty-seven-year-old family business that provides tugboat and barge services for customers as diverse as Paramount Pictures, the Lincoln Tunnel and the Calvert Cliffs Nuclear Power Plant. The company's extensive fleet of charter equipment is the largest between Baltimore and Norfolk. Marine contractors rent Smith Brothers equipment to build piers and bulkheads, dredge channels and shoot off fireworks. The story of how Smith Brothers became the "one stop shop" for tugs, barges, cranes, anchors and chains goes back . . . way back . . . and is best told by the company's president, Kenneth Smith, the last of the Smith Brothers.

"Our family had been here in Galesville for several generations when my older brothers began the business in 1918," says Smith. Indeed, an occupancy notice dated 1952 is tacked to the bulletin board in the office on Tenthouse Creek, notes that the premises has been legal since 1862. Back then, the Smiths, like most of their neighbors in southern Anne Arundel County, were oystermen. But they were also entrepreneurs, operating a lime kiln which reduced the oyster shells into fertilizer for other major industry of the area, farming. In 1916, the eldest of the seven Smith Brothers, J. Edward "Eddy" and Nelson began to freight oysters by truck to Washington's dandies.

"Eddy and Nelson made a great team," recalls the much younger Kenneth, who is now ninety. He and his older sister Agnes, are the only siblings of the original nine that remain. Agnes, a former post-mistress in Galesville, at 101 still serves as a social and historical center for the community. Kenneth comes to work each day and remains active in the business.

"After World War I, when Eddy came home, he and Nelson and Captain Oscar Hartge began to build docks around the river, that is how they got started," says Kenneth Smith. As the city dwellers from Washington began to take drives in their new automobiles, the face of bay country began to change. Boarding houses and marinas were built to accommodate the new tourist trade and summer homes with docks sprang up along the West River. Pile driving overtook oystering as the Smiths' primary occupation. Captain Oscar Hartge, a member of a family whose name is synonymous with yachting on the Bay, sold his portion of the business to his friends, the Smiths, for $1 to take a position as captain aboard a private yacht. Ultimately, six of the seven brothers and one close friend, Robert Leatherbury, became Smith Brothers, Inc. The brothers were very hard-working and quickly built a reputation as high quality contractors. Throughout the 20's and 30's taking meager salaries and putting every spare cent into the business, the brothers grew the company. World War II took Kenneth and many of the workers overseas, but when they returned, the business began to thrive. Crews worked on the land as well as the water, building bridges for the Baltimore Beltway (695), the West Virginia Turnpike and up and down the Eastern Shore.

Many Annapolis waterfront landmarks were built on the firm foundation of Smith Brothers. A railway at Trumpy's was installed by Carroll Smith who forged a long-lasting relationship with the fabled boat builder. On the city dock, pilings under the Marriott were driven by Carroll's crew alongside other larger contractors. Bulkheading was built near what is now Fawcett's by the brothers. Kenneth remembers the unusual payment scheme developed for that project.

"That land was owned by Bert Spriggs (a car dealer) and when we finished up the bulkhead, one of my brothers said to him, "Say, how about instead of paying us with a check we just pick out some new cars?" and darned if he didn't go along with that," says Kenneth chuckling at the thought. "Who would go along with that today?"

Today, there is a quiet dignity- to Kenneth Smith as he recalls the old times. He is a man who has spent well over half a century both as a crack crane operator and a respected businessman. Kenneth bought out his brothers one by one and today he and his son, Jeff, have moved the company in a new direction.

"Competition for the type of bridge building and pile driving we always did got very stiff in the late 80's," says Jeff Smith. He and his father made the tough decision to stop bidding and let the crews go. "We had no alternative at the time," he says.

There were also creative ways of dealing with overdue bills that would not fly today . . . like the time that the owner of a large vacation home in south county balked at paying for a pier built by Nelson and his crew. Before taking the rig back to Galesville, Nelson confronted the owner about payment. When the owner refused to pay, Nelson gave the signal to the crane operator to crank up the pile driver. He then positioned the crane to begin tearing out the pier. Kenneth cannot control his laughter as he recalls the man "running down the pier waving a check!"

Instead of doing the contracting themselves, Kenneth and Jeff began to rent equipment to other contractors. Their six-acre construction yard in Galesville has gradually become a "rent it" center for those engaged in heavy construction. Jeff and his father have built an inventory of barges and tugboats and cranes, plus the intangible asset of Kenneth's vast experience.

The tug and barge fleet has grown in size and scope and the Smith Brothers' red and white colors can be found from New York to Florida. Around the Bay, the newest addition to the fleet is the Megalodon, a 50′ tugboat named for the prehistoric shark that roamed the local waters. Megalodon was the product of the latest Galesville collaboration between the Smiths and Hartges. Capt. Oscar Hartge's grandson, Preston, is the operations manager at Smith Brothers. When the company decided it was time to build a new tug, Preston took the project on with vigor.

"It has come full circle here, our families have both been part of the maritime history of this county and Jeff and I are both committed to continuing our legacy," says Hartge.

Kenneth is moving into a supporting role at the yard, and he too is pleased to see the company continuing to thrive.

"You know, very few family businesses survive, all too often the hard work of one generation is squandered on young people, but the Smith Brothers philosophy has always been to work hard and not to ask anyone to do something you would not be willing to yourself. I see that same quality today here at the yard when Jeff and Preston are out there together arguing, it reminds me of the old days when the brothers would cuss and fuss and then go out and have dinner together."

REGISTERING OPPOSITION TO H.R. 1461

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I would like to register my opposition to H.R. 1461. Yesterday, while rushing between two Committee markups I inadvertently voted in favor of H.R. 1461. I intended to vote against it.

While I supported the underlying premise of the bill, its aims of helping new homebuyers were hijacked by right-wing extremists who inserted language into the bill that will restrict non-profit organizations that apply for Federal housing grants from engaging in nonpartisan voter registration. That provision is undemocratic and completely misplaced.

I would like to associate myself with the remarks of Rep. BARNEY FRANK of Massachusetts. As the senior Democrat on the House Financial Services Committee, he was originally a supporter of the bill. But, like me, he could not look the other way and support one aspect of the bill while ignoring other noxious provisions that are unjustified.

Rep. FRANK said yesterday that, "The restrictive language being put forward, which would say no faith-based group could participate, has never been debated in this committee. . . It was brought up in a private session between the Republican Study Committee and the then-majority leader [DELAY]. That is not an appropriate forum to be the only place where we discuss things."

I regret the error that has occurred but wish the RECORD to clearly reflect my views on this bill. If given the opportunity again, I would vote to defeat H.R. 1461 in its present form.

CONDEMNING THE INTOLERANT AND INAPPROPRIATE STATEMENT BY IRANIAN PRESIDENT MAHMOUD AHMADINEJAD

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to condemn the venomous words spewed by Iranian President Mahmoud Ahmadinejad towards one of America's closest allies and a true companion in the War on Terrorism, Israel.

Yesterday's statement by President Ahmadinejad confirms his country's station among the most radical and dangerous in the world. It is the sort of hate espoused by Mr. Ahmadinejad, cheered unwittingly by a crowd of impressionable children, that breeds new terrorists among Islamic youth. Israel has been a unwavering companion of the United States. America must stand behind them as they face such invective, and we must remain as steadfastly committed to Israel's defense and independence.

As the process moves forward to promote peace between Israel and their Arab neighbors, this declaration by the Iranian leader potentially takes us two steps backwards.

I call on any citizen of Iran who is peaceful and freedom loving, to reject the sentiments of their close-minded and hateful leader.

I urge the State of Israel to trust that when the rhetorical smoke of their enemies clears, the United States will, as always, be standing strong as a proud ally.

IN RECOGNITION OF DR. WAYNE GILES

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. CLEAVER. Mr. Speaker, I proudly rise today in recognition of the achievements of Dr. Wayne Giles, Chancellor Emeritus of the Metropolitan Community Colleges (MCC) in the Greater Kansas City area. Dr. Giles retired as Chancellor on June 30, 2005 after 22 years of distinguished service to MCC and our community. He served as Vice-Chancellor for Educational Services for the first ten years and the past twelve as Chancellor. He has been a tireless advocate for urban education and has implemented programs that have brought national recognition to the Community College system. For this reason and many more, I rise today to honor and celebrate his achievements.

Wayne Giles' tenure with the Metropolitan Community Colleges has been fruitful for the bi-state area, the State of Missouri, and our entire Nation. Dr. Giles has overseen the establishment of two new campuses during his tenure, bringing the total to five community colleges in a system that serves approximately 43,000 students each year. The Longview campus was the first community college in the United States to be recognized as a College of the Year by Time Magazine and the Princeton Review. The Business and Technology College is the first community college in the country to earn ISO 9002 certification, which places it within a select group of companies and organizations worldwide that have achieved this quality standard.

Dr. Giles has brought many innovative enhancements to MCC, most recently with the development of writing intensive and diversity courses as part of the general education learning requirements. To best serve MCC's increasingly diverse population, he initiated a faculty internship program, which will be featured at this year's American Association of Community Colleges national conference. This program has significantly increased the number of MCC faculty of color in the last two years.

Wayne Giles has served on numerous committees, including: Member of the Presidents Advisory Council, NCATC from 2000 to present—a national network of resources that advocates and promotes the use of technology that enhances economic and workforce development programs and services; Member from 1993 to present, and President in 1994 of RC–2000—a national organization of presidents and chancellors of urban community colleges; Member of the Missouri Training and Employment Council from 2001 to present; Member from 2001 to present of the Coordinating Board for Higher Education Resource Group for Postsecondary Technical Education; and as a Member of the Missouri Coordinating Board for Higher Education Advisory Committee from 1990 to present, serving as Chair in 1998.

Mr. Speaker, please join me in expressing our heartfelt gratitude to Dr. Wayne Giles, not only for his unwavering effort to educate youth and adults in the Greater Kansas City area, but also for his courage in bringing about diversity in education and providing a vehicle for workforce training to our citizens. I urge my colleagues to please join me, in congratulating Wayne on his retirement as Chancellor of the Metropolitan Community Colleges, and in celebrating his invaluable contributions and sacrifices to provide educational and employment opportunities to constituents of the Fifth Congressional District of Missouri and throughout our region.

TRIBUTE TO AMBASSADOR TERRENCE R. TODMAN

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mrs. CHRISTENSEN. Mr. Speaker, I rise to pay tribute to a distinguished Virgin Islander and American, Ambassador Terrence R. Todman, on the occasion of his being honored by the Senate Foreign Relations Committee today. Ambassador Todman, one of the U.S. Virgin Islands best-known international figures was chosen for two years by the Organization of American States to represent the OAS their efforts to promote dialogue among political and social elements in Haiti as a prelude to the holding of elections there later this year.

Ambassador Todman was born on St. Thomas on March 13, 1926. He was raised, along with his thirteen brothers and sisters, by his mother Rachel Callwood. He retired from the U.S. Senior Foreign Service in 1993 with the title of Career Ambassador. In 41 years of diplomatic service, his postings included service as Assistant Secretary of State for Inter-American Affairs and as U.S. Ambassador to Argentina, Denmark, Spain, Costa Rica, Guinea and the Republic of Chad.

He serves on the board of directors of several organizations including the National Endowment for Democracy, a private not-for-profit entity created in 1983 to strengthen democratic institutions around the world through non-governmental efforts. He is a former trustee of the University of the Virgin Islands.

He is the recipient of numerous awards, including the Presidential Distinguished Service and Meritorious Service Awards, the National Public Service Award and the State Department's Superior Service Honor Award. He has also been decorated by the governments of Denmark, Spain, Chad, and the Virgin Islands.

Ambassador Todman is a graduate of Inter-American University in Puerto Rico and of Syracuse University. He was been awarded several honorary doctoral degrees. Before joining the Department of State, he served in the U.S. Army as a commissioned officer in post-war Japan. He has been inducted into the Hall of Fame of the U.S. Infantry School at Fort Benning, Georgia. On behalf of the people of the Virgin Islands who I am privileged to present, I extend heartfelt congratulations to Ambassador and Mrs. Todman.

ON THE PASSING OF DR. JOHN LONG

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. BILIRAKIS. Mr. Speaker, I rise today with great sorrow to mourn the loss of one of Pasco County's finest citizens and public servants, Dr. John Long. While on a hunting trip with his wife Marsha in Montana, John unexpectedly passed away from an apparent heart attack on October 26. He was 59 years old.

Born in Wauchula, Florida, John dedicated his life to serving the residents of Pasco County and improving the quality of education that its students received. His passion and reputation would lead him to serve as a state representative and eventually to be appointed as the County's Superintendent of Schools, a position he held until his retirement last year.

John's career in public service began shortly after he completed his masters degree and doctorate in education at the University of South Florida. John seized the opportunity to work for the Pasco County School District and during heightened tension in the District in 1976, he was hired as the County's Director of Personnel. Known as a problem-solver, John quickly garnered respect and trust from the teacher's union and ironed out their labor grievances. His ability to compromise and find the middle ground would follow him throughout his career.

In 1986, John ran successfully for a seat in the Florida House of Representatives. He quickly rose to prominence within the Democratic Party and was poised to become the Speaker of the Florida House. However, another institution took precedence: his family. John retired from state politics to spend more time at home with Marsha and his two daughters, Jennifer and Jessica. Soon after stepping down, the late Governor Lawton Chiles appointed John as Pasco County Schools Superintendent in 1995.

After winning a second term in 2000, John was named Florida's Superintendent of the Year by the Florida Association of District School Superintendents, a distinction he greatly cherished. John also facilitated the enactment of the Penny for Pasco program in March 2004, which he considered one of his proudest accomplishments.

Mr. Speaker, too often in this extremely partisan business, we lose sight of the things that really matter. John looked past party politics. He placed his family ahead of his promising political career. He was a breath of fresh air in an occupation that can suffocate integrity. I am truly saddened by the loss of John, and my thoughts and prayers are with the Long family. May God bless them as they remember this great man.

ON THE LOSS OF AMERICAN LIVES IN IRAQ

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. HONDA. Mr. Speaker, this week, the U.S. Department of Defense acknowledged that the number of U.S. military deaths in Iraq has reached 2,000. Sadly, Californians represented the majority of these deaths, with 215 falling victim in the conflict. I, along with all other Americans, mourn the loss of these brave American patriots and insist that we all continue to support those courageous men and women who bear the burden of this military action in Iraq.

As we pause to remember the 2,000 patriots who gave their lives and console the families they left behind, we must demand that the remainder of our troops begin their journey home. This unfounded war began with the false belief that Iraq was in possession of weapons of mass destruction and has continued under a shortsighted and flawed military strategy. While the Administration chooses to "stay the course" and insists that there is significant progress in Iraq, the insurgency continues unabated and too many of our soldiers are returning to their families as only a memory. Others return with emotional and physical wounds that may never heal.

Let this week's grim milestone not slip away without a renewed demand that the President provide to the American public, as well as the U.S. soldiers in Iraq, a clear strategy for success. Only through the creation of a coherent and realistic plan can this Administration begin to stem the loss of American life.

INTRODUCING THE "ELIMINATION OF BARRIERS FOR KATRINA VICTIMS ACT"

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to join my colleagues, Congressman CONYERS of MI, Congressman RANGEL of NY, Congressman THOMPSON of MS, Congressman JEFFERSON of LA, Congressman FRANK of MA, Congresswoman JACKSON-LEE of TX, Congressman PAUL of TX, Congresswoman JOHNSON of TX, Congresswoman LEE of CA, Congressman HASTINGS of FL and Congressman AL GREEN of TX in introducing the "Elimination of Barriers for Katrina Victims Act". We are pleased to be joined by a coalition of almost 100 national, state and local organizations who have expressed their support for the legislation, such as the American Academy of Addiction Psychiatry, American College of Mental Health Administration, Drug Policy Alliance Network, League of United Latin American Citizens (LULAC), NAACP, NAADAC—The Association for Addiction Professionals, National Council on Alcoholism and Drug Dependence, and the National Urban League, and the list is growing as word of the legislation gets out.

Millions of Americans were displaced from their homes due to Hurricane Katrina and Hurricane Rita and hundreds of thousands have not been able to return and may never be able to do so. Having lost their homes, their communities, their jobs and other support systems, most have required emergency food, clothing, shelter, medical, or monetary assistance. According to FEMA reports, an estimated 2.1 million Americans have already applied for federal aid. Unfortunately, many of these individuals and their families are in desperate need, but, due to a prior drug conviction, will not be able to receive certain federal assistance available to other victims in need. While it is impossible to know for sure how many families will be denied public assistance because of drug convictions, it is likely in the tens of thousands.

More than 1.5 million Americans are arrested for drug offenses every year. Several federal laws disqualify those with felony convictions to receive certain federal benefits. A recent GAO report commissioned by myself and Congressman RUSH of IL reveals that these disqualifications are having a huge impact on receipt of federal benefits for which those with prior drug convictions would otherwise receive. For example, an estimated 41,000 students were denied college assistance during the 2003/2004 academic year because of drug conviction.

While the GAO was only able to collect data from 15 public housing agencies, out of more than 3,000, those 15 agencies denied housing to almost 1,500 families because of past drug violations in 2003 alone. That indicates that there are thousands of families and tens of thousands of individuals unable to receive housing benefits because a family member has a drug convictions.

The drug conviction ban on eligibility for federal benefits also applies to Temporary Assistance for Needy Families, or the TANF program. TANF eligibility applies to families with minor children. One study reflected that almost 25 percent of drug offenders released from prison in 2001 were eligible for TANF benefits, but were permanently barred from receiving it due to their state's application of the federal ban for a drug conviction. While some states do not apply the federal ban completely, other states, such as Alabama, Mississippi, Texas and Virginia, where many of the displaced families are staying, have fully applied the ban.

Hurricanes Katrina and Rita have inflicted suffering on millions of people. The suffering will fall even harder on victims denied aid because of past drug offenses. Parents who have lost everything and are struggling to feed themselves and their family will be denied TANF and food stamps; students who have lost their school, tuition, fees, room and board, but could continue their education in another school willing to accept them, or who were in school elsewhere when their parents lost the ability to continue paying for their education, will be denied student loans; and entire families that have lost everything in the disasters will be denied housing—all due to the federal bans for a past drug conviction.

The "Elimination of Barriers for Katrina Victims Act" applies only to past drug offenses, some of which were many years ago, and suspends the disqualification for only a 3-year period. This temporary adjustment period in federal disqualifications would allow families affected by Hurricanes Katrina and Rita a chance to put their lives back together through the same means as other victims who suddenly lost their homes and livelihood through no fault of their own. Therefore, we are introducing this bill today and urge our colleagues to quickly enact it into law to assist families who are otherwise hopelessly destitute because of the disasters and the impact of a drug conviction.

HONORING DOROTHY MARION PETE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life of Dorothy Marion Pete of Oakland, California. Dorothy was a beloved mother, wife, grandmother, great-grandmother, sister, friend, and leader in our community. She passed away on October 10, 2005 at her home in Oakland at the age of 91.

A longtime East Bay Area resident, Dorothy was known throughout her life for her devotion to her family, her church, and her community. She was born in Berkeley, California on February 28, 1914 as the ninth of thirteen children to Virginia (Jennie) Parker and Thomas Reid, Sr. After graduating from Berkeley High School, she worked as the office secretary at the then segregated West Oakland Linden Street Branch of the YWCA. She later integrated the downtown Oakland YWCA, serving first as a stenographer before becoming the administrative assistant to Executive Director Helen Grant.

In addition to the changes she affected at the local YWCA, Dorothy had an immense impact on the local faith community by integrating the staff of the Lakeshore Avenue Baptist Church in Oakland. An active member, Dorothy also taught Sunday school and served as president of the American Baptist Women's Group.

Dorothy's bright and giving spirit shaped her actions not only in the context of these institutions, but in every aspect of her life. She was known by all for her boundless generosity toward those who were close to her and also toward those she was meeting for the first time. Dorothy was especially committed to providing aid and comfort to those in need, initiating many food drives at her church and giving away blankets, quilts and dolls that she created by hand or with her sewing machine.

A bright light to many, Dorothy's role was especially profound in the lives of her loved ones. She was happily married for many years to her husband Herman Rideau Pete, who hailed originally from Crowley, Louisiana but spent most of his life in the Bay Area. Though sadly Herman preceded her in death, he and Dorothy spent many happy years together and raised three sons, Gregory, Dennis, and Geoffrey, who is a business owner and community activist in Oakland. Her guidance and unconditional support has given them the strength they have needed to confront and conquer life's challenges, and will continue to sustain them as they, along with their families, continue to celebrate her life in the years to come.

Dorothy's family and friends have come together during this time to honor, remember and cherish not only her life, but the way that she touched the lives of so many others. On behalf of the California's 9th U.S. Congressional District, I am proud to add my voice to the countless others who have united in thanks, appreciation, and joy to remember this very special woman and wonderful friend, Mrs. Dorothy Marion Pete.

CONDEMNING COMMENTS BY IRAN'S PRESIDENT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. HOLT. Mr. Speaker, yesterday, the new president of Iran, Mahmoud Ahmadinejad, told 4,000 hardline students in Tehran that "Israel must be wiped off the map." Mr. Ahmadinejad's address was the highlight, if you want to call it that, of a forum called "The World Without Zionism," that also saw chants of "Death to America" and "Death to Israel." The Iranian President also attacked other Muslim nations for making peace with Israel and claimed that terrorist attacks by Palestinians could destroy the Jewish state.

I completely and utterly condemn the comments by Iran's president. Peace will only come to the Middle East when all parties recognize Israel's right to exist and completely renounce support for terrorism. Unfortunately, Iran's new government is turning its back on peaceful coexistence and appears bent on confrontation with Israel, the United States, and the world community. Iran also continues to bankroll terrorists, like those who killed five innocent Israelis on Wednesday. Mr. Speaker, the world must unite to denounce the hate speech of Iran's president in the strongest terms possible.

Tomorrow, Catholics, Jews, Muslims, and people of other faiths will come together to commemorate the 40th anniversary of Nostra Aetate, the Catholic Church's landmark document that called from respect for other faiths, particularly Islam and Judaism. And four months ago, the three great Abrahamic religions came together to mourn the death of the great spiritual leader, Pope John Paul II. Because of their nations' alphabetical proximity, the then-presidents of Israel and Iran sat next to each other and even shook hands. But it seems the spirit of interfaith harmony, sadly, lasted little longer than the services for the Pope.

Mr. Speaker, as long as Iran's president continues to rage hatefully against Israel and the West, there will be no peace in the Middle East. The world community will not tolerate these comments by Iran's president, and I condemn them as strongly as I can.

NEW URGENCY REQUIRED TO STOP VIOLENCE IN SUDAN

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. VAN HOLLEN. Mr. Speaker, I am alarmed and worried about recent reports coming out of Sudan describing deteriorating political conditions and an increase of violence. The world's governments, including the United States have moved too slowly to resolve the conflict in Sudan. And now, despite a negotiated ceasefire, we have received numerous reports of renewed killings and abductions, including attacks on aid workers and African Union peacekeepers.

The escalating violence is threatening humanitarian support for millions of people as international aid workers, increasingly find themselves the target of violence. Last month, a squad supported by Sudanese government helicopters attacked a camp for displaced civilians in Darfur, killing 35. Days later, in West Darfur, an Arab rebel group abducted 18 African peacekeepers. Last week, two African Union peacekeeping soldiers were killed in an ambush along with two civilian contractors. Three other African peacekeepers were wounded during the same raid.

The Bush Administration's slow response offers little hope for success and sets no deadline for resolution. We must adopt a new approach that recognizes the urgency of the situation on the ground.

If the ceasefire is to successfully progress toward a fully implemented peace agreement, the U.S. will need to play a more active role in increasing the influence and capabilities of the African Union troops. Currently there are 6,000 peacekeepers working to secure an area the size of Texas and containing a population approaching two million. By honoring its pledge to provide $50 million as part of the FY06 Foreign Operations bill for equipment and supplies, the Administration would do much to assist the efforts of the African Union.

The U.S. should also work aggressively with the AU on expanding the mandate of the African Union peacekeepers. After more than a year, peacekeeping troops are still confused about their role in the region and about their enforcement powers. While AU troops have been able to protect civilians in some instances, their mandate does not expressly include this important responsibility. As a result, their ability to protect civilians from violence has been extremely limited and varies from one contingent to the next.

Finally, the Bush Administration should pressure the Sudanese government to fully implement the Comprehensive Peace Agreement. That means the commissions and boards mandated by the peace agreement to oversee such contentious, but essential issues as petroleum production and military operations must be established.

Sudan has been the focus of organized armed conflict for 20 of the last 21 years. Given that the Administration in Khartoum has demonstrated only token commitment to the goal of establishing a lasting peace, only the active, aggressive engagement of the United States will make it possible for the Sudanese people to one day be able to return safely to their homes.

REGARDING DR. C. DELORES TUCKER

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. FATTAH. Mr. Speaker, it is never easy to lose an esteemed friend and colleague such as Dr. C. Delores Tucker. A valiant warrior in the fight for freedom and equality, she selfishly committed herself to the work of serving others.

Dr. C. Delores Tucker was the first African American woman in the nation to serve as the Common Wealth of Pennslvania Secretary of State. During this time, she instituted the first Commission on the Status of Women in Pennsylvania. In her term, Dr. Tucker was responsible for the governor's appointment of more women and African Americans to judgeships and commissions in the history of the Commonwealth. She also led the effort to make Pennsylvania one of the first states to pass the Equal Rights Amendment. As Chief of Elections of Pennsylvania, she was a leader in instituting a voter registration by mail and reducing the voting age from 21 to 18 years of age.

Dr. Tucker was founder and president of the Bethune-DuBois Institute, Inc., which she established in 1991 to aid African American youth through scholarships and educational programs. Dr. Tucker launched and served as the publisher of the renowned publication, Vital Issues: The Journal of African American Speeches. This endeavor caught the attention of then Congressman William H. Gray and was submitted into the CONGRESSIONAL RECORD.

Dr. Tucker has received awards from numerous organizations and institutions including the NAACP, the Philadelphia Urban League, the Salvation Army, Lincoln University, the National Association for Equal Opportunity, Higher Education, Women for Good Government, the Alliance of Black Women Attorneys, the National Black Caucus of State Legislators, the Opportunities Industrialization Center, B'nai B'rith, the National Newspaper Publishers Association, the Feminist Majority Foundation, Berean Institute, and the National Association for Sickle Cell Disease. Dr. Tucker was also selected as a People magazine 1996 Yearbook Honoree and was featured in the inaugural issue of John F. Kennedy, Jr.'s George magazine for her crusade against gangster/porno rap. In addition, she has been acknowledged for her deep concern for children by First Lady Hillary Rodham Clinton in the book "It Takes a Village." The National Women's Political Caucus and Redbook Magazine also named Dr. Tucker as the woman best qualified to be ambassador to the United Nations.

Her tireless and passionate pursuits have generated many discussions over the concerns of equality and justice. Her efforts will never be lost in the hearts of those she touched and the world she labored to change. Our hearts are bowed in reverence of her memory. Please join me in honoring the legacy that is C. Delores Tucker.

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. HONDA. Mr. Speaker, I rise today in strong support of the millions of Americans whose lives have been touched by domestic violence. October is National Domestic Violence Awareness Month, and we must continue to raise awareness and address the problem of violence that still affects so many American families. One out of every four American women will experience violence by an intimate partner at some point in her life, and one out of every six women will be raped during her lifetime. Domestic violence crosses ethnic, racial, age, national origin, sexual orientation, religious, and socio-economic lines. Although great strides have been made toward breaking the cycle of violence, much work remains to be done.

During the past decade, the Violence Against Women Act (VAWA) of 1994 and 2000 have provided tremendous protections and support for victims of domestic violence and sexual assault. VAWA funding has provided law enforcement agencies, the judicial system, rape crisis centers, and domestic violence shelters with the expertise and services they need to do the work of prevention and protection of those affected by violence. Both the House and the Senate have passed bills reauthorizing VAWA, which will provide important prevention initiatives that have the potential to keep millions of women and children safe.

As both chambers meet to work out differences in the respective pieces of legislation, I encourage the Committee to retain the Senate provision that addresses the needs of girls in the juvenile justice system and correct flaws in the bills, such as improving the immigrant provisions and restoring the funding stream for communities of color, including key health, housing, and economic security provisions.

I am particularly concerned about violence against women of color. In Santa Clara County, of the women killed in domestic-violence related homicides between 1993 and 1997, 7 percent were African Americans, 31 percent were Asian Americans/Pacific Islanders, 22 percent were Hispanic/Latino, and 35 percent were White. Asian American and Pacific Islander women had the highest rates of domestic-violence related homicides when compared to their proportion of the population. The Congressional Hispanic, Black and Asian Pacific American Caucuses ("Congressional Tri-Caucus") continue to work together to address issues that disproportionately affect people of color. Last month, the National Organization of Sisters of Color Ending Sexual Assault, in collaboration with the Congressional Tri-Caucus, held an educational briefing about the needs of victims of color and the importance of culturally-specific messaging that ultimately provides a more comprehensive response to addressing domestic violence, sexual assault, stalking, and dating violence in racial and ethnic communities.

The needs of immigrant women are also important to consider. Although VAWA 1994 and 2000 made significant progress in reducing violence against immigrant women, many women and children who are victims of domestic violence, sexual assault, child abuse, or trafficking are still being deported. Others remain economically trapped by abusers or traffickers in life-threatening environments. I am a co-sponsor of H.R. 3188, the Immigration Victims of Violence Protection Act, which would stop the deportation of immigrant victims of violence, extend immigration relief to all victims of family violence, and guarantee economic security for immigrant victims and their children.

Domestic violence is not solely a woman's issue—it is also a health, social, economic, and criminal justice issue, and must be addressed on multiple levels. We must all do our part to prevent and address violence in our homes, in our communities, and in our society in order to build a safe and healthy nation.

SENATE—*Friday, October 28, 2005*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, our helper and friend, set up Your throne in our hearts today and rule our spirits. Banish every evil emotion and desire. Direct our minds and thoughts to those things that are true, noble, just, pure, and praiseworthy.

Guide our lawmakers with Your might. Govern their actions so that they will live with integrity. Control their speech so that they will speak the truth with civility, humility, and moderation.

Help us all to so live that we may not be ashamed at Your appearance. And Lord, we also ask You to be near Dr. Richard Smalley, a Nobel Laureate, who is very ill.

All this we ask for Your love's sake. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will have a period of morning business which will allow Senators to come to the floor to make statements. I announced last night that there would be no votes today, and I do not anticipate a lengthy session. We expect to consider some executive nominations over the course of the morning, and we also will be able to consider any other cleared legislative items before closing.

On Monday, under our order from last night, we will begin consideration of the deficit reduction bill. I will have a few comments on that shortly. That bill does have a statutory 20-hour time limit, and we now have an order which divides that time over the course of Monday. Also, we have set out a time for Tuesday and Wednesday of this coming week. We will not have any votes during Monday's session, but Senators can expect a very busy week on that deficit reduction package. I will have more to say about the course of next week later today and will outline the voting schedule, as we know it, a little bit later this morning.

I congratulate, once again, Chairman SPECTER and Senator HARKIN for completing the work on the Labor-HHS appropriations bill• last night. That was the final of our 12 appropriations bills to be considered by the Senate. Senator COCHRAN has done a tremendous job throughout the appropriations process, and we thank him for his efforts and his committee members for shepherding the bills through.

RECONCILIATION

Mr. FRIST. Mr. President, on Monday we begin consideration of the deficit reduction bill, a bill that goes by the title of a reconciliation bill. Indeed, it has been 8 years since we have addressed spending on a reconciliation bill, a critically important bill. It may well be the most important piece of fiscal legislation we will debate. I fully expect it will be enacted this year. For those who may watch this debate, I should be clear that the bill we will debate is focused on one piece of the Federal budget, not the entire Federal budget. It is, however, a major piece of the budget, mandatory spending. That word "mandatory," sometimes referred to as entitlement spending, represents about $1.4 trillion or 56 percent of overall Federal spending this year. It will continue to grow in the future, particularly as that demographic shift occurs, as the baby boomers begin to travel through our system in 2008.

Mandatory spending, entitlement spending, encompasses a whole range of programs familiar to my colleagues—Social Security, Medicare, Medicaid, Federal-civilian military retirement, student loans, TRICARE, foster care, child nutrition, SSI, unemployment insurance, farm price support programs, veterans disability, and the list goes on. If Federal spending is to be controlled—and it absolutely must be controlled—over time, these programs are going to have to be addressed. They are going to have to be reformed.

Over the last 5 years, mandatory entitlement program spending has grown at an annual rate of over 7.1 percent. That is three times faster than the overall growth in our economy. It simply cannot be sustained. The result is a greater share of our national economy's productive capacity, that proportion of our productive capacity, is being shifted toward those programs. We have to find a balance. It is incumbent upon us to do so.

Under the procedures laid out by the Budget Act for considering this deficit reduction legislation that we will have on the floor beginning Monday, Tuesday, Wednesday, and Thursday of next week, Social Security, which is the largest of these mandatory programs, is set aside. It cannot, nor should it be, considered in this legislation. It cannot be. So realistically, the universe of Federal spending that we will be dealing with over the next week is limited to 33 percent or about a third of all Federal spending. That is where the focus will be.

The deficit reduction legislation we will be considering over the week is the culmination of a process that began in February, when the President gave us his budget. The President's budget included proposals to reduce the Federal deficit over the next 5 years by slowing the growth in Federal spending in this area of the Federal budget. Again, of the overall Federal budget, we are talking about a third of it that we will be addressing. The President's budget came over and said: We are going to slow that spending growth by $26 billion.

The congressional budget resolution we adopted back in April similarly agreed that slowing that growth—and there is still going to be growth—in mandatory spending was an essential part of achieving not only deficit reduction but, not unrelated, being able to sustain economic growth. We want to achieve deficit reduction, but we want to be able to sustain economic growth. So to accomplish that goal, our 2006 budget laid out a process that has not been used in about 8 years. I believe it was in 1997 that we last had a spending deficit reduction package, a reconciliation process used on the spending side of the equation. It has been 8 years since we have used this process.

The budget we adopted directed eight authorizing committees in the Senate

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

and in the House to make changes in laws within their jurisdiction to achieve a total of $34.7 billion in savings over the next 5 years. That is what the budget told those eight authorizing committees to come up with. Subsequent to passage of our budget in the spring, we have had big, unanticipated spending demands that resulted from the worst hurricane season in the Nation's history. All of that placed added attention on spending and on Government spending. We responded to that appropriately, in a bipartisan way, by agreeing to delay consideration of the reconciliation process in early September so that we could focus on hurricane response and on the demands and on what the people who have been so directly affected by those hurricanes deserve. We have addressed the needs of the gulf coast families affected by the storms. We continue to address them. We did, indeed, in legislation last night. We will continue to do so in the future.

Indeed, within this reconciliation legislation, while at the same time meeting the goal of deficit reduction, we do so while also providing the needed medical attention, the education attention, and other Government benefits to the victims of those hurricanes. We also recognize that because of the additional spending demands being placed on the Federal Government, we needed to do more in terms of deficit reduction itself, the deficit reduction we defined pre-Katrina, that we did need to do more.

In late September, I, along with the chairman of the Budget Committee, wrote to the chairmen and ranking members of the eight reconciled committees, the committees that will be responding with their proposals next week, asking them each to consider how they could come up with increased savings.

I am proud of the effort put forth by each of these eight committees. They have come forth with specific recommendations. Now that is what we are bringing to the floor of the Senate. They increased deficit reduction by nearly 13 percent so rather than $35 billion, as required by our initial budget proposal from the early part of this year, the legislation approaches about $40 billion, just under but almost $40 billion in savings. I thank and applaud members of the various authorizing committees who have come forth with those increased savings.

I would be remiss if I did not point out that in many instances, the additional savings were accomplished on a bipartisan basis in many of the committees. Forty billion dollars in savings over the next 5 years is less than 2 percent of the $2.6 trillion in mandatory spending that will occur over the next 5 years. It is tough to accomplish that. We will be debating that over the course of the week. But in truth, it is only 2 percent of the $2.6 trillion in mandatory spending that is going to occur over the next 5 years.

There will be some who think this legislation does not go far enough to reduce spending. I personally would not disagree. There will be others who will come into my office saying it goes too far. I do disagree with them. Both proponents will have an opportunity, over the course of consideration of the bill, to amend the legislation to achieve whatever their objectives might be. I will be laying out that schedule later today.

Regardless of that debate, no one will deny that this is the first real effort in 8 years to slow down growth in mandatory spending. The chairman of the Budget Committee, Senator GREGG, and the ranking member, and the eight reconciled committees are to be congratulated for making the tough and difficult decisions they had to in bringing this bill to the Senate floor.

Finally, in balancing deficit reduction with all of the other demands that come to this body, the committees were careful not to place the burden of deficit reduction on the most vulnerable in our society. As a member of the HELP Committee, I personally thank Chairman ENZI and Ranking Member KENNEDY for meeting their deficit reduction requirement, while at the same time providing a 10-percent increase in average grants to low-income students, with additional assistance for those students working toward a degree in math, science, engineering, and technology. While that committee achieved over $16 billion in deficit reduction by eliminating banker and lender windfalls and special payments, it redirected some of those savings toward needy students.

Similarly, the Finance Committee, in meeting its instruction to achieve $10 billion in deficit reduction, was able to redirect additional savings toward providing such things as $1.9 billion to Medicaid recipients in the Gulf Coast States, nearly $1 billion to expand Medicaid benefits to severely disabled children through the Family Opportunity Act, nearly $100 million for the SCHIP program, and extension of expiring provisions that will provide over $200 million to rural hospitals and sole community centers.

Another committee, the Commerce Committee, was able to direct a portion of its deficit reduction savings toward implementing E-9-1-1 emergency services as well as directing $200 million toward coastal disaster assistance.

All of this is a first good positive step toward real mandatory spending reduction. Additional steps are being taken and will be taken to control the growth in the nonsecurity appropriations as we bring the 2006 appropriations process to a conclusion over the next couple of weeks as well.

We will apply fiscal discipline through the actions we take these coming weeks and we will continue to promote those policies that protect the needy while at the same time creating jobs and ensuring a growing economy.

Let us work together to keep America moving forward. I look forward to the debate next week and doing just that, working together to keep this country moving in a positive direction.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

BUDGET RECONCILIATION

Mr. REID. Mr. President, it is not often you see a spotlight shine on the differences between the two parties, between the Democrats and Republicans. This debate is that spotlight. This budget that is attempted to be reconciled is, as I have said on a number of occasions, an immoral budget. It hurts the poor and middle class. It makes all the rewards to those people who are already fat as a result of our system.

The Republican budget is fiscally irresponsible. It sets forth the wrong values and misplaced priorities. President Bush has the worst fiscal record in the Nation's history, taking a surplus when he was elected President from some say as much as $7 trillion over 10 years, and to have squandered it in 5 years to where now we have an $8 trillion deficit. That is a pretty big turnaround. RECORD surpluses we had have been turned into historic deficits. This immoral budget that is attempted to be reconciled will increase the deficits by $30 billion more.

Following the budget choices made by the Republicans in this budget, in 5 years the deficit will increase to over $11 trillion from its now $8 trillion. Simply the wrong choices have been made with this budget.

This Senate reconciliation spending bill makes the wrong choices. It increases the burdens on seniors in a number of ways, not the least of which is increasing Medicare Part B premiums, cuts health care generally by $27 billion in Medicare and Medicaid cuts, cuts agriculture, cuts support—that is directed at farmers—by $3 billion.

In my little town of Searchlight, NV, something called the Farmers Home Administration came in and helped build 28 units of senior housing for the poor. They are, frankly, the nicest homes in town. We don't have these programs anymore, but those 28 units in Searchlight only become vacant when someone dies. Once someone gets in there, qualifies to get in there, they are there until they die. There is a waiting list even in the little community of Searchlight. It is so long people no longer even get on the list. But this budget the Republicans are pushing down the throats of the American people reduces availability of affordable housing. There will be no more places such as that in Searchlight. They are cutting that.

But they are going to drill in Alaska. Remember, we cannot produce our way out of the problems we have with energy. America has, counting ANWR, less than 3 percent of the oil reserves in the world—less than 3 percent. But they finally have been able to accomplish under this reconciliation drilling in Alaska, in this pristine wilderness.

I would think the President would be better off looking at alternative energy, giving incentives for people to develop energy from the sun and wind, geothermal, biomass. No, it is not in this budget. More efficient automobiles maybe. Production of natural gas during the last 5 years has been stable. Right now our reserves are the same as they have been for 5 years. But the people controlling oil, these oil and gas companies, are doing well. For someone heating their home with natural gas—and that is almost 50 percent of the American people—the cost will go up 48 percent this year. Maybe the President should spend a little time on that.

This budget provides tax breaks for multimillionaires and special interests. Reconciliation paves the way for budget-busting tax breaks, including capital gains and dividend tax breaks, that will benefit special interests and the wealthy. Tax breaks exceed spending cuts by more than $30 billion in this immoral budget. Well over a majority, some 55 percent of the benefits of capital gains and dividends, go to those with incomes of more than $1 million. The average benefit of these tax breaks for those with incomes of more than $1 million will be approximately $36,000. Those people making between $50,000 and $200,000 get $112. Those with incomes under $50,000 will get $6—$6, compared to millionaires getting $36,000. It doesn't seem quite fair to me.

Is this the reason the leadership of the Protestant churches in this country has called this an immoral budget? It could be one strong reason.

But the House—they haven't been working much lately because they have been trying to figure out how to cut even $15 billion more. They can't quite get the votes together, but they are going to try again next week. The House plan cutting $15 billion, we are told, would include more in student loan cuts, food stamp cuts, cuts in child support enforcement and foster care cuts, deeper and more problematic cuts in health care. Other priority reasons in this country should come first. Rather than harming the vulnerable while providing special tax breaks to the rich increasing the deficit, we should address the Nation's most urgent problems.

I have talked about natural gas. That is only one way to heat your home. But gasoline for your car, that is what we should be focusing on. Oil companies this year will make $100 billion in profits—$100 billion in profits. I say that is too much. I say it is time this Congress, rather than pushing forward on this immoral budget, should take a look at the immoral and obscene profits these companies are making, maybe take a look at a windfall profits tax or maybe allow the FTC to do something about this price gouging. These rising energy costs are burdening families, businesses, and farmers.

We have said there are programs we need to take a look at. Katrina victims are still victims. We as a Congress have not provided them the help they need.

I haven't even mentioned the war on Iraq we should be spending some time here on the Senate floor talking about.

Can we do better? Yes, America can do better. Have we done better? Yes, America has done better. During the Clinton years—during the last 3 years he was President—we were paying down the debt. We paid down the debt by half a trillion. We were spending less money than we were taking in. Yes, it can be done. And, yes, we are going to spend this next week on this budget that is fiscally irresponsible, giving the Congress direction in values that are wrong. All across this reconciliation are misplaced priorities. We can do much better. We have done better. And again the spotlight shines on the difference between the two parties here as not often seen. But here we will see it next week, the difference between the two parties.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. ISAKSON. I yield back to the leader.

The PRESIDENT pro tempore. The majority leader is recognized.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, very briefly, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 391, 392, 393, 394, 395, 396, 397, 398, 400, 401, 402, 403, 404, 405, 406, 408, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, and all nominations on the Secretary's desk. I further ask unanimous consent the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President immediately be notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

David B. Dunn, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Togolese Republic.

Carmen Maria Martinez, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

Michael R. Arietti, of Connecticut, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

Benson K. Whitney, of Minnesota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Norway.

David M. Hale, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

Nicholas F. Taubman, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania.

Susan Rasinski McCaw, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Jennifer L. Dorn, of Nebraska, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years.

DEPARTMENT OF COMMERCE

Franklin L. Lavin, of Ohio, to be Under Secretary of Commerce for International Trade.

DEPARTMENT OF THE TREASURY

Clay Lowery, of Virginia, to be a Deputy Under Secretary of the Treasury

THE JUDICIARY

James S. Halpern, of the District of Columbia, to be a Judge of the United States Tax Court for a term of fifteen years.

EXECUTIVE OFFICE OF THE PRESIDENT

Karan K. Bhatia, of Maryland, to be Deputy United States Trade Representative, with the rank of Ambassador.

Susan C. Schwab, of Maryland, to be a Deputy United States Trade Representative, with the rank of Ambassador.

DEPARTMENT OF DEFENSE

William Anderson, of Connecticut, to be an Assistant Secretary of the Air Force.

John G. Grimes, of Virginia, to be an Assistant Secretary of Defense.

DEPARTMENT OF DEFENSE

John J. Young, Jr., of Virginia, to be Director of Defense Research and Engineering.

Delores M. Etter, of Maryland, to be an Assistant Secretary of the Navy.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. William T. Hobbins, 8417

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Lance L. Smith, 7660

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael W. Peterson, 5177

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Eugene R. Chojnacki, 3930
Brigadier General Kenneth R. Clark, 5408
Brigadier General David F. Wherley, Jr., 8592
Brigadier General Harry M. Wyatt, III, 1527

To be brigadier general

Colonel William R. Burks, 0223
Colonel Iwan B. Clontz, 5807
Colonel Donald E. Fick, 9178
Colonel David J. Hatley, 7777
Colonel Kenneth M. Jefferson, 8919
Colonel Robert H. Johnston, 6655
Colonel Daniel B. O'Hollaren, 9443
Colonel Randolph M. Scott, 9448
Colonel Mark F. Sears, 0235
Colonel Haywood R. Starling, Jr., 5897
Colonel Ernest G. Talbert, 1569
Colonel Lawrence S. Thomas, III, 2749
Colonel Guy M. Walsh, 5972
Colonel Elliott W. Worcester, Jr., 8627
Colonel Robert J. Yaple, 1164

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Burwell B. Bell, III, 7158

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael D. Maples, 9508

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Daniel B. Allyn, 6989
Colonel James C. Boozer, Sr., 1513
Colonel Ronald M. Bouchard, 7342
Colonel Mark S. Bowman, 4544
Colonel Thomas M. Cole, 9526
Colonel Jesse R. Cross, 6494
Colonel Kenneth S. Dowd, 7036
Colonel Michael T. Flynn, 4740
Colonel William H. Forrester, Jr., 6402
Colonel William B. Garrett, III, 7276
Colonel James L. Hodge, 5525
Colonel Anthony R. Ierardi, 8705
Colonel John D. Johnson, 8672
Colonel Greg F. Martin, 8042
Colonel William C. Mayville, Jr., 1736
Colonel James M. McDonald, 3211
Colonel Patricia E. McQuistion, 4806
Colonel John W. Peabody, 1226
Colonel David G. Perkins, 8615
Colonel Dana J.H. Pittard, 4461
Colonel Joe E. Ramirez, Jr., 1924
Colonel James E. Rogers, 7358
Colonel Michael E. Rounds, 6679
Colonel Frederick S. Rudesheim, 8656
Colonel Todd T. Semonite, 8702
Colonel John E. Seward, 0909
Colonel Robin P. Swan, 6382
Colonel Anthony J. Tata, 8746
Colonel Kevin R. Wendel, 0434
Colonel William T. Wolf, 2298
Colonel Terry A. Wolff, 8867

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Thomas D. Robinson, 1193

To be brigadier general

Col. Charles D. Estes, 8500
Col. Ellen P. Greene, 4102
Col. Luis R. Visot, 5465

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Michael J. Diamond, 8630

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Patrick M. Walsh, 1107

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN961 Air Force nomination of John S. Baxter, which was received by the Senate and appeared in the Congressional Record of October 6, 2005.

IN THE ARMY

PN962 Army nomination of Jose R. Rael, which was received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN963 Army nominations (2) beginning Suzanne R. Avery, and ending James Fikes, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN964 Army nominations (4) beginning Donna J. Dolan, and ending Deborah F. Simpson, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN965 Army nominations (21) beginning Paul F. Abbey, and ending Warren A. Williams, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN966 Army nominations (35) beginning Paul S. Astphan, and ending Brinda F. Williams-Morgan, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN967 Army nominations (39) beginning Lynn S. Alsup, and ending Carol L. Zieres, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN968 Army nominations (66) beginning James W. Agnew, and ending David A. Yeropoli, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

IN THE FOREIGN SERVICE

PN729 Foreign Service nominations (230) beginning Deanna Hanek Abdeen, and ending James M. Lambert, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2005.

IN THE MARINE CORPS

PN969 Marine Corps nomination of Darren W. Milton, which was received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN970 Marine Corps nominations (77) beginning Christopher J. Aaby, and ending Richard B. Young II, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

IN THE NAVY

PN971 Navy nomination of William D. Fuson, which was received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN972 Navy nominations (429) beginning Daniel Albrecht, and ending Johnny Won, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

LEGISLATIVE SESSION

The PRESIDENT pro tempore. The Senate will return to legislative session.

The Senator from Georgia is recognized.

TRIBUTE TO EARL SMITH

Mr. ISAKSON. Mr. President, I rise in morning business to pay tribute to a great Georgian, a great American, a personal friend of mine, and a great citizen of Cobb County. In about 11 days our county will come together to pay tribute to this great individual and I wanted today on the Senate floor to memorialize for a moment the contributions of Earl Smith. For me it is a particular point of personal pride and it is because Earl Smith has been a role model to me my entire adult life. Quite frankly, I don't know that I would be privileged to serve in the Senate had it not been for his example, his support over 35 years.

I met Earl Smith when he founded the Cobb County Lions Club in the 1960s and led it to be the best club in Georgia. I knew him as a businessman because I was in real estate and he was in the heating and air conditioning business. He installed new units in houses I sold, serviced them, and built a business to be one of the best in the United States of America.

I know him because when our community was in need of facilities for our young people, Earl Smith took time from his business, raised money, and supported the construction of the East Cobb YMCA, today a shining gem in Georgia.

I know him because when our county was in a significant political disaster with an absence of leadership and faced with unparalleled growth and unparalleled difficulty, Earl Smith volunteered and went and qualified for office, ran and was elected as chairman of the county commission and took a county that had grown from 197,000 to

400,000, and now is almost a million; met the needs of its wastewater treatment; met the needs of its electric power generation; met the needs of its roads and transportation system; and even brought about public transportation to this growing and burgeoning community.

He did it during tough political times, but he did it because he was a man of dedication to his community and a man who never ever quit.

Today, a man who has done all those things—built a great business, served in the civic clubs, worked in his church, built a YMCA, a man in the autumn of his life could do many things on beaches or in the mountains—decided there was one more mission. So he took the lead in raising $140 million to build the Cobb Energy Performing Arts Center in suburban Atlanta in Cobb County near the Galleria Center, a facility upon which ground was just recently broken, and in less than 2 years will be completed to be the finest urban performing arts center in the United States of America.

So today on the Senate floor, I rise for this brief moment to pay tribute to a man who has given countless hours, countless dollars, countless efforts and all of his being to make his community better.

On November 7, when the community comes together to honor him, if I can't be there in spirit, these words will be there so that he knows not only does his community recognize him, but on this day on the floor of the Senate we pay tribute to Earl Smith of Cobb County, GA.

I yield the floor.

The PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. DORGAN. If the Senator will yield, I ask unanimous consent to be recognized following the presentation by the Senator from South Dakota in morning business for such time as I may consume.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The Senator from South Dakota.

COUNTRY-OF-ORIGIN LABELING

Mr. JOHNSON. Mr. President, I rise today to discuss an issue over which I am outraged, the continued delay of mandatory country-of-origin labeling and the manner in which this issue has continually been addressed.

Mandatory country-of-origin labeling was authorized in the 2002 farm bill and signed into law by this President. This program is widely supported not only by about 85 percent of our Nation's consumers but also overwhelmingly by our Nation's producers.

This program is not only a consumer right-to-know issue, it is a valuable marketing tool for ranchers and farmers.

During consideration of the fiscal year 2004 Agriculture appropriations measure, the Senate passed a sense of the Senate supporting mandatory country-of-origin labeling, or COOL. The House version of the spending measure included a 1-year delay for meat and meat products.

During closed door consideration of the omnibus spending measure, the Republican House leadership was successful in inserting a 2-year delay for all commodities covered under the mandatory COOL Program with the exception of fish and shellfish.

This secretive, closed-door process was outrageous at that time. The omnibus package was settled behind closed doors, with no input from COOL supporters.

Then, in the fiscal year 2006 Agriculture appropriations bill, the House version included, once again, a 1-year delay for meat and meat products covered under mandatory COOL.

The Senate, speaking in support of a mandatory program, included $3.1 million for an audit-based compliance program to cover implementation costs. I repeat, a $3.1 million appropriations for implementation.

This small spending level, which was requested by the Bush administration for program implementation, only served to show how grossly the Department of Agriculture overestimated implementation costs for COOL.

On Tuesday evening, House Republican Chairman BONILLA convened a conference committee on which I serve, meeting on the most recent agricultural spending measure.

For those of us who expected an open discussion on outstanding items, we were sorely and entirely mistaken.

The chairman recessed that meeting subject to the call of the Chair without ever discussing COOL or indicating when we would reconvene.

Instead of an open discussion on this outstanding item, instead of any up-or-down public vote, the chairman simply modified, singlehandedly, language on the final report to include a 2-year delay—behind closed doors yet again, pushing back mandatory implementation, this time until September 30, 2008.

Let me repeat: The Senate Agriculture appropriations bill contained no delay in country-of-origin labeling; in fact, it included funding for implementation.

The House Agriculture appropriations bill called for a 1-year delay. That happened behind closed doors without the benefit of debate, without the benefit of a vote. The chairman actually inserted language calling for a 2-year delay, kicking this program over into the next farm bill, essentially a do-over on the last 2002 farm bill in which we initially made the law of the land country-of-origin labeling for meat and meat products.

This is truly outrageous. It is the purpose of a conference committee to discuss outstanding items in an open manner, not to change policy in backroom deals, in closed-door discussions in the dead of the night.

What happened on Wednesday was an incredibly corrupt process that failed the American public and failed the political process of our Nation. The chairman chose not to address COOL simply because he knew he would lose. It was easier to address this item behind closed doors and avoid any vote because of the broad bipartisan support in the Senate that this program enjoys.

It is because of the 2-year delay and the appalling process by which this open item was considered that I refused—I refused—to sign the conference report. It is because of this wrong doing that I will also vote against the conference report when it is considered by the full Senate.

Not only was the process by which this outstanding issue was considered absolutely corrupt, this delay yet again takes another stab at rewriting our farm bill. The farm bill, when signed into law, did not indicate an implementation date of September 30, 2008, for mandatory COOL. It specifically stated September 30, 2004.

In order to change this implementation date and rewrite farm bill policy, the majority leadership has had to hold two closed-door conferences to achieve its back-room goals.

The farm bill is a contract with rural America that needs to be honored—not modified, changed, not destroyed in closed, back-door dealings during the night.

The most recent debacle with COOL is yet another illustration of how House congressional leadership is failing rural America.

The Bush administration advocates stripping in excess of $3 billion from this farm bill during the budget reconciliation process, weakening the essential safety net that we need, that our Nation needs to foster economic development in rural America, especially in time of weak commodity prices.

The President advocated reducing commodity payments and leaving producers in the cold. The President insisted last year that $3 billion be cannibalized from the Conservation Security Program to fund a 2003-2004 either/or agriculture assistance disaster package.

I find this is wrong, considering the pending Doha WTO negotiations and this administration's platform on gutting programs.

All of these reductions were supported by the President despite the fact that the farm bill has come in at $14 billion under the projected costs. Agriculture has already paid enough.

The administration advocated closing over 700 Farm Service Agency offices nationwide, including 24 percent of the offices in my home State of

South Dakota. I know that other States also were subject to even larger percentage cuts of offices. Not only would the administration scrap or limit farm bill programs, the plan is it would make it more difficult for the producer to obtain information about the farm bill programs that are available, leaving producers too often to fend for themselves.

The administration has yet to issue disaster payments from over 1 year ago. Producers in my home State of South Dakota are still waiting for Livestock Assistance Program payments and the American Indian Livestock Feed Program payment. Even on the few payments that were issued, interest was not calculated properly, prompting a redo on parts of those payments.

Families have made financial decisions around this financial obligation. Congress did its part in passing the disaster package last year. The U.S. Department of Agriculture's computer software glitch excuse, quite frankly, wore thin many months ago.

These delayed payments are especially unacceptable considering that USDA already had a process for getting money to producers. The USDA selected a crucial agriculture disaster package to use, frankly, as a guinea pig for a new untested computer software program.

The USDA and President Bush, even after opening our markets to Canadian beef, opening the market to a tidal wave of Canadian beef and cattle, would propose to open our borders to Japanese beef even before we can secure that export market.

The Senate overwhelmingly passed an amendment to the agriculture spending measure but sent a strong message to this administration that the Department of Agriculture should not allow Japanese beef into the United States until Japan allows beef into that nation.

A group of 21 Senators in a bipartisan fashion also introduced a bill this week that would impose economic sanctions on Japanese beef unless Japan opens their borders to American beef.

American producers continue to lose $3.14 billion a year while the Japan market stays closed, and the administration has yet to open Japan's borders to American beef.

This is another example of a flawed trade agenda that fails to work for the domestic U.S. agricultural producer.

I continue to hear from ranchers and farmers in South Dakota who are tired of seeing unrealized promises in these trade deals. We buy the Japanese cars, we buy the Japanese electronics, but Japan has yet to comply with WTO, and Japan hast yet to comply with scientific standards in accepting the safest and highest quality beef in the world from the United States.

The Department of Agriculture is not making certain our farmers can stay in the fold. The administration is undermining our family farmers at too many turns. The most recent action on mandatory country-of-origin labeling and the closed-door consideration that prompted this move is utterly unacceptable. The USDA worked with a majority of Members of Congress to delay mandatory COOL behind closed doors. The USDA's actions are just simply strong examples of how wrong the administration has been on too many agricultural issues.

The Department of Agriculture, it seems to me, is responsive primarily to the packing and processing industry, the large agribusiness conglomerates, instead of the family farmer and the family rancher.

I simply believe that our rural communities and agricultural producers can do better. I believe that America can do better than this backward, behind-closed-doors, in-the-dead-of-night process that has taken over this year's Agriculture appropriations conference report.

I yield the floor.

Mr. DORGAN. Mr. President, I was a member of the conference that the Senator from South Dakota just described. I, too, refused to sign the conference report this week. I think when Senator JOHNSON uses the term "outrage," it is a very appropriate word to describe what happened in that conference. That conference recessed at the call of the Chair. We never reconvened. And behind closed doors with some secret deal, the majority party decided to hear the siren call of the big packing houses and others, and they extended by 2 years the effective date of the time when the American people would finally figure out, by labels, where the meat they were eating would come from.

The reason I think this meat labeling is important, we label everything. We label T-shirts, shoes, shirts. Name it, we label it. Go to the grocery store, see what is labeled. Everything on the shelf is labeled. But then pick up a piece of meat and figure out if we know where it came from.

I held up a piece of steak on the Senate floor one day and said: I defy anyone to tell me where this came from. Then I read a report from an inspector who went to a plant in Mexico, inspected the plant—this is a plant shipping meat to this country. He said there were carcasses hanging in unrefrigerated rooms, with feces smeared on the carcasses, all ready to be thrown in the hopper to be cut up and the meat sent to American consumers. That is what he found, one inspection. By the way, they closed that plant. Then it changed its name, changed its ownership, reopened, and has never again been inspected.

That is why when one asks the question, How do you like your steak, the answer ought to be, I like my steak from places where it is healthy meat. We do not know where the healthy meat comes from unless we see a label to be able to determine where that meat comes from. That is why the Senator from South Dakota and I and others have fought so aggressively to get this meat-labeling law in place. It is now the law of the land. We have people making secret deals behind closed doors to try to shut it down, to prevent it from ever being implemented. That is what happened this week. That is why I refused to sign the conference report as well. I appreciate the effort of the Senator from South Dakota. There are about half a dozen of us who would not sign the conference report because this was an arrogant approach to make a secret deal behind closed doors that injures the consumers of this country. We should not put up with it.

Mr. JOHNSON. If I may ask a question of my colleague and my friend from North Dakota, does it not seem to the Senator that part of the reason we have lost essentially our entire export market for beef in America is in part because even countries that want to buy American beef, that understand we have the safest, highest quality beef in the world, are not confident that we are, in fact, selling them American beef? Their fear is that this may be Canadian, it may be Mexican, it may be Argentine. Who knows where this beef comes from in the United States because we are one of the few industrialized democracies in the world that do not have country-of-origin labeling in place for meat. That undermines the integrity of our sales abroad and further complicates our recapture of these lost export markets.

Does the Senator see that as one of the contributing factors to our loss of export market?

Mr. DORGAN. I do not think there is any question but that is the case. We do not have labeling of this meat; other countries do. So we have a homogenization of all kinds of meat that comes into this country, gets mixed here and there and everywhere.

The Senator from South Dakota said something very important. Our farmers and ranchers in this country raise beef, meat. We raise a healthy supply of meat. We inspect it. We have the healthiest supply of meat anywhere in the world. I think the lack of having country-of-origin labeling on the meat that is sold in this country hurts all of us. It hurts our consumers as they consume. It also hurts us in our ability to get into foreign markets, as my colleague has just described.

Once again, the big interests get the attention around here behind closed doors, outside of the view of the public. So we come out with legislation now that says, well, not only is there a law that requires country-of-origin labeling, we will not allow that law to take effect. It has been in place for some while. We will extend for 2 years the excuse to allow the Department of Agriculture not to put it in effect. It is, as the Senator has used the term, an outrage. It is the wrong way for this Congress to legislate.

I thank the Senator from South Dakota for yielding.

Mr. JOHNSON. I yield the floor.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator yields back.

The Senator from North Dakota.

ENERGY PRICES

Mr. DORGAN. Mr. President, today in The Washington Post, the question in the business section is: How Big Is $9.9 Billion?

That happens to be the single quarter profit for ExxonMobil Oil Company. Pretty fortunate for this company to have a $9.9 billion quarterly profit. That profit comes from people who are driving up to the gas pump, putting gasoline in their car: from people who are going to be heating their homes with home heating fuel, natural gas, and propane this winter.

So we have this spectacle of one industry with record profits, the highest in the history of the world. This is the largest profit of any corporation ever. The gain is here and the pain is elsewhere.

What does all of this mean? Well, I come from a State that is 10 times the size of Massachusetts in land mass. We have 642,000 people spread out in 10 Massachusettses. We are a Northern State, so it gets cold from time to time in the winter. We use home heating fuel and natural gas to heat our homes. Heating our homes is not a luxury; it is a necessity.

When we drive, we drive a fairly long ways. In fact, there is only one other State in which the per capita use of gasoline is higher than the State of North Dakota. It is Wyoming. We are fourth among all the States in all energy consumption, second in gasoline per capita.

I am told in New York City that if someone decides to take a vacation to go see some distant relative in Bayonne, NJ, 50 miles away, they plan it for some months. They put an emergency kit in their trunk. They put blankets in their car. They probably get their car serviced. They get the gasoline all topped off. They get all ready to go 50 miles to New Jersey to see their relatives. Why is it such a big deal? Because they do not travel very much, that is why. In our part of the country, we travel a lot. We drive a lot. It is not unusual to drive 100 or 200 miles to get a part for a combine or a tractor and then drive another 100 or 200 miles back. That is not a big deal.

In terms of pain, the pain in States such as North Dakota and, yes, Wyoming and other States in our area of the country is very significant related to these prices. This is not a pain that is spread evenly.

We have the highest amounts in history in the corporate treasuries of the oil companies, and then we have a huge pain for American consumers who are paying at the gas pump and are going to pay for home heating fuel.

I would like to put up a couple of charts to show what is happening: oil company profits. Let me make a point. I come from a State that produces oil. I do not wish the oil industry bad news. I support a number of things the oil industry does. I have supported an $18 floor on marginal wells, using tax credits to bring the oil up to $18 when necessary. I support opening up Lease 181 in the Gulf of Mexico for additional production. I support a number of things that the energy industry and the oil industry want.

When I see what is happening with the oil industry at the moment, I know that a year ago last January, the price of a barrel of oil was $34.50 a barrel. Now it is almost $30 above that. At $34.50 a barrel, they were making the highest profits they had ever made. Now it is $30 a barrel above that. What are the consequences of those increased prices? The consequences are enormous for American consumers. BP, one of the world's largest companies, 34 percent profit in the third quarter; ConocoPhillips, 89 percent profit increase in the quarter; ExxonMobil, 75 percent profit increase in the quarter, $9.9 billion just for the one corporation.

The question might be asked, What is happening to this profit? Well, this is BusinessWeek. This is hardly some silly liberal rag. BusinessWeek says, Why isn't big oil drilling more?

It says:

> Rather than developing new fields, oil giants have preferred to buy rivals—"drilling for oil on Wall Street."

Do my colleagues want to know where a lot of these profits are going, the record profits above last year? Buying back stock, hoarding cash, and drilling for oil on Wall Street. I have news for them. There is no oil on Wall Street. They are going to drill a dry hole on Wall Street.

The point of the BusinessWeek article is to point out that much of these profits are used to go buy others, to merge with others. We have now seen these huge, blockbuster mergers. We now have bigger oil companies than we have ever seen.

There are three things that affect the price of oil. I know we have a lot of free market advocates in Congress. I think the free market is wonderful. I do not think it is perfect. A 7-foot, 2-inch basketball player gets paid the same amount as 1,000 elementary school teachers? That is the marketplace, I guess. A short stop gets paid $250 million. Judge Judy, that woman on television—I do not watch her much. Once in a great while, I tune in cruising the trials and she seems a little crabby to me, but Judge Judy makes 10 times, 20 times, or 30 times the amount of money that the Chief Justice of the U.S. Supreme Court makes. I guess that is the market system. I believe in the market system. The free market system makes a lot of sense, but there is no free market in oil at the moment.

There are three things happening with oil. One, there are the OPEC ministers sitting around a table because they were fortunate to find that on this little planet of ours, a substantial amount of the reserves of oil, the first, second and third largest reserves, exist under the sands of the Middle East. OPEC ministers sit around a table and decide quantity and price to the extent they can—especially quantity—and then the major oil companies, made larger and more muscular by blockbuster mergers, decide to use their raw muscle in the marketplace. Third and finally, the futures market, which is designed to provide liquidity for trading, has become a grand bazaar for speculation, an orgy of speculation. Those are the three elements that now give us a price of oil of over $60 a barrel.

Sixty-six million U.S. homes are heated mainly with natural gas, and their heating bills this winter are going to be 48 percent on average; 60 percent in my part of the country—60 percent increase to heat one's home this winter at a time when the largest enterprises that sell the oil are filling their bank accounts and drilling for oil on Wall Street. Sound fair? It does not to me.

I have proposed a windfall profits tax, the proceeds of which would be rebated back to the consumers. This is not your mother's or father's windfall profits tax. We had one once before. It did not work very well. That was to bring money into the Federal Government. I do not propose that.

Last year, the average cost of a barrel of oil was $40. In January, it was $34.50. The average cost the entire year was $40, and the energy industry, the oil companies, had the highest profits in their history. I propose that above that level of $40 a barrel represents windfall or excess profits.

I propose further that the oil companies have two choices: If they decide to use all of that excess or windfall profit to invest back into the ground to explore for more oil or to build refineries above ground, then they would not pay a windfall profits tax. If they choose not to do that, if they choose to drill for oil on Wall Street, if they choose to buy back their stock and hoard cash, then they would pay a 50-percent excise tax on those windfall profits, the entire proceeds of which would be sent back to the American consumers.

Some say, if that would happen, the oil companies would simply drill less or explore for oil much less aggressively. No. In fact, the most significant incentive to get them to explore for more energy would be to avoid paying a 50-percent excise tax called the windfall profits tax that I have proposed. It would be the single most aggressive incentive to say, sink that money back into the ground, expand America's supply of energy.

It is interesting that we use one-fourth of the oil that is produced every day. Eighty-four million barrels of oil a day are produced in the world. We use 21 million barrels of oil a day in our country. This little spot on this globe called the United States of America uses one-fourth of all oil that is produced every day. Sixty percent of that which we produce comes in from other countries. We are hopelessly addicted to foreign oil, and it is dangerous for our country. That is a longer term other significant issue we have to deal with. We cannot continue to be addicted to oil that comes from Saudi Arabia, Kuwait, Iraq, and elsewhere. We simply cannot do that. That is why we as a country need to establish goals toward energy independence.

John Kenneth Galbraith said: In the long run, we are all dead.

Those people who say, Well, in the long term, it is going to work out, in the long run, we are all dead. In the short term, we have a responsibility moving into this winter to try to find a way to deal with this dichotomy of the oil companies filling their treasuries and the consumers trying to figure out. How do I pay the bill? How do I pay a 60-percent increase in natural gas prices in the northern Great Plains? How do I pay $50 to put 16 or 18 gallons in my gas tank? I think this Congress has a responsibility to address this.

As I said before, yes, I support the oil industry in a number of ways. I have described them. I can describe others. I support the free market system. But I think this system is broken and I think what you have is significant pain for the American consumers, significant gain for the largest oil companies, and I think it is unfair.

TRADE

Today I want to speak about another subject very briefly and that is the subject of trade. Some while ago there was an airplane flying over Los Angeles with a bent nose wheel. That nose wheel, twisted and bent, meant that airplane stayed up a good number of hours to dump fuel because they were going to make a landing and they worried about whether that landing would result in the safety of the airplane for the passengers and crew. There was a lot of drama on television as all of us watched that airplane circle.

Fortunately that airplane landed. There was a plume of smoke and ball of fire and it came to a safe stop. Those pilots must have been skillful pilots.

It reminded me of something I read a couple of weeks before that, and that is that particular airline and virtually all other airlines decided to outsource their maintenance. I have no idea whether that played a role in the drama I watched on television that day, but that particular airline does some of its maintenance in El Salvador and flies its airplanes down to El Salvador empty to do its maintenance. I wonder why they do airplane maintenance in El Salvador and fly an empty Airbus 320 down to El Salvador to have it done. The answer is, you can pay a worker in El Salvador a fraction of what you pay a worker in this country and save a lot of money.

I found out since that about 40 percent of the maintenance of our airplanes with commercial airlines is now outsourced; some outsourced to other companies in our country, some outsourced to other countries, as a matter of fact.

I mentioned the airplane that was flying over Los Angeles with a bent nose wheel had some of its maintenance done in the country of El Salvador in order to save money. Outsourcing is something we hear about every day. Outsourcing is a term that doesn't sound so ominous unless it affects you. Outsourcing means you might get fired because somebody else is willing to work for a substantially lower salary. Corporations have now discovered we live in a world with roughly 6.5 billion people and there are anywhere from 1 to 2 billion people now who are willing to work for virtually pennies, so they have decided what we ought to do is outsource that work. When we produce something, let's outsource it, produce it somewhere else for 30 cents or 40 cents an hour, save a lot of money, and come back to this country and sell it on the store shelves in Pittsburgh and Philadelphia and Los Angeles and Chicago and Denver. Particularly in the last decade or so, that has become something most corporations are doing and they say we can't compete unless we outsource.

What we are seeing is a massive exodus of American jobs. I have gone through a few in other speeches. I will start by pointing out we have the highest trade deficit in American history. No other country has ever come close. What does this mean? Today is Friday. It means today we are going to buy $2 billion more in goods from other countries than we are going to sell. That means today, on Friday, we are going to rack up a $2 billion debt, just for today, and every day, 7 days a week, all year long, a $2 billion debt because we are buying from abroad much more than we are selling. That means we are selling part of our country; that is what it means. This doesn't work out. This mortgages the future for our kids.

How does that happen? A significant part of the debt is with China. About a third of it is with the country of China. Substantial numbers of jobs outsourced from this country are going to the country of China.

IBM, Big Blue—this is a couple of months ago—proceeds to lay off 13,000 workers in Europe and the United States; IBM plans to increase its payroll in India by 14,000 workers. By the way, the memorandum from IBM says, When you tell your workers they are losing their jobs, don't ever use the word "outsourcing" and make sure you tell them this is not about the quality of your work as you tell them you are done.

This young lady worked for Palm Pilot, a young African-American woman who went to school, did everything you should do, got a great job in a technology company called Palm Pilot. The problem was they outsourced her job and many others. People think this is just about factories making textiles; it is not. It is outsourcing of good jobs—engineers' and technicians' jobs and professional jobs. The last note she made on her Palm Pilot was, "My job's gone to India," but she was fired. By the way, she had to train the person in India who took her job.

I have gone through a long list of these. You have all seen the Fruit of the Loom Guys. They advertise Fruit of the Loom by having people dress up as grapes. I have never understood why they do that, but apparently it works. So you dress somebody up as a green grape or red grape and people dance and sing and people apparently think that is the pair of shorts or the undershirt they ought to buy because they saw a dancing grape. At any rate, Fruit of the Loom used to be all American. You walked around and put on some Fruit of the Loom underwear and you felt you were all American. No more. There are not any Fruit of the Loom garments made in the United States. They are gone.

When I think of Levis, there is not one pair of Levis made in the United States. By the way, if you wear Tony Lama boots, you might be wearing boots from China.

The list goes on and on. I have described many of them. I have described the problems in trade through automobiles, which is obviously a big ticket item. We have a lot of good jobs in the automobile industry. It is interesting, 30 years ago the largest corporation in America was General Motors. Most people who went to work for General Motors expected to have a career for a lifetime. They worked for a lifetime and then retired. General Motors paid good salaries, they paid good benefits, they had health care, they paid retirement benefits, and it was America's largest corporation. Now the largest corporation is Wal-Mart—I guess it switches between GE and Wal-Mart, but I believe it is Wal-Mart at the moment. When people go to work for Wal-Mart, they don't go to work for a lifetime. There is a 70-percent turnover in Wal-Mart and the average wage is between $17,000 and $19,000 a year, and half of them don't have benefits. Difference? Pretty big difference. What does that say about the job base in our country? I think that says a lot about the job base in this country.

What we need to do, it seems to me, is to care a little about the circumstances of international trade and begin to decide, as a country, are we going to put up with this? Is this what we want to have happen?

The description of these next photos I want to show you describes something that tells about the conditions in which we are producing products we are purchasing. When I say we, the corporations that are outsourcing these products. These happen to be photographs that were taken in Bangladesh. These photographs are of striking workers at a factory called Pantex, which produced sports clothing for the Decathlon label, which is sold in the U.S. and Europe.

These people, mostly children, were forced to work 14 hours a day. They worked them 7 days a week, and 700 Pantex workers decided the conditions under which we are working are almost intolerable, 14-hour days, 7 days a week, being paid pennies, so they protested. They blocked the gate to the plant.

Here is what happened to them by the Government and the company itself—people were beaten, badly beaten. People were killed. Why? Because they had decided they wanted the opportunity—you can see the photographs and they are devastating photographs—they wanted the opportunity as workers to be able to work in a safe work plant, to be paid decent wages, not to have to work 14 hours a day, 7 days a week.

Does anybody in this country care that those are the conditions under which products are made and sold on the store shelves of America? Does anybody care that we tell Americans you have to compete with that, you have to compete with companies that will hire kids, work them 14 hours a day, 7 days a week? And if somebody does care about it, when will we do something about it? When will we pass legislation to do something about it?

This gospel of so-called offshoring these days is now taken as something that needs to be done in order to stay competitive. Get rid of your American workers, sleep well at night, don't say the Pledge of Allegiance in the boardroom, decide you should hire kids, hire whatever you want, hire a contractor who hires kids or hire a contractor who hires young women. I held a hearing one day and two women showed up from a plant in Honduras. This particular plant was making shirts for Puff Daddy.

Puff Daddy, you might remember, changed his name to P. Diddy. I don't know why somebody would change his name from Puff Daddy to P. Diddy, but then he decided he would change his name to Diddy, so it is Puff Daddy to P. Diddy to Diddy. His real name is Sean Combs and Sean Combs is quite a sporty guy. He dresses well. I have seen some pictures. He has a line of clothing which apparently is a pretty good line of clothing.

Two women who worked in a plant in Honduras, to make P. Diddy or Diddy or Puff Daddy or whatever it is shirts, showed up to talk about the conditions in that plant. This is a plant that was doing contract work.

Mr. Diddy—I am not quite sure what I should call him, Mr. Combs or whatever his name is—said he wasn't aware of this. And I expect that is the case. I don't think he or anyone else who engages in this believes that a contractor is going to have a plant in Honduras or Bangladesh or Sri Lanka or Indonesia and say it is fine if they go ahead and hire a bunch of kids or hire people and don't have safe workplaces, don't pay them adequate wages. Most people would say no, that is not fine. But it is fine if it is out of sight and they don't have to know about it. Just get the socks made, shirt made, shoes made, get them over here. We don't care about the conditions in which they are made.

By the way, we get a chance, as an American company, to say if our people can't compete with that, by God, they lose their jobs because we are going to be competitive, and if it takes hiring people in China or Bangladesh to be competitive, that is the way it works.

I don't understand this at all. When Franklin Delano Roosevelt died, there was a man who waited hours in line to go past his casket, along with other Americans. A reporter was asking people for his story, to get a little flavor of things, he was asking people their thoughts and so on. He walked up to this fellow, obviously a workman, holding his hat in his hand. He stood there for hours and had tears in his eyes. The reporter said,

> Did you know Franklin Roosevelt?

And this fellow said,

> Oh, no, I didn't. But he knew me.

What he meant was this President knew the American worker and stood up for the working men and women of this country. "He knew me."

Who knows America's workers now? Who knows the workers who will be told today or tomorrow that their job has gone to China, their job has gone elsewhere? Where will we develop the base, the foundation for the middle class that sustains the economy in this country?

I didn't bring it to the floor today, but I should have—I asked the Labor Department for a list of the companies that have outsourced jobs and are then claiming, as a result of that, through filing at the Department of Labor, trade adjustment assistance for the people who are losing their jobs because of outsourcing. I was very surprised to find that in the first 6 months of this year I received 32 pages, single spaced, small type, both sides, line after line after line of the names of companies that have outsourced their jobs in the first 6 months of this year.

My point is this. None of this adds up.

We are a country that is unique in the world. We built something extraordinary, and we did it because we honored work, we valued work. We understood that men and women in this country who go to work and provide for themselves earn an honest wage for a day's work. We decided the conditions of that work shall be that workers have a right to organize. And, oh, by the way, you know that little teddy bear you are buying at some shop today may well have been built in China or some other country, and some worker who was protesting 12, 14-hour days, 7 days a week was probably sent to prison.

I should come to the floor and read the names of people who are sitting in prison today in China. Their transgression? They believed people should have a right to organize. We decided long ago that people should have the right to organize and work in a safe workplace. We have child labor laws. We have laws that prevent companies from putting chemicals and pollution into the ground, the streams, and the air. But you can get rid of all of that. Just pole-vault over all of those things and move your jobs offshore in order to be "competitive."

What is the strategy and how does all that work? Who is going to pay the bills? Who is going to go to work in this country in the future and earn sufficient money to take care of their family if we do not stand up for the interests of this country? I am not suggesting we should put walls around our country. I am just saying our trade strategy is a bankrupt failure, a total failure, and no one really seems to want to admit it.

Our trade strategy ought to be to push other countries up, not push our country down. I come from a State that needs to sell a lot of products overseas. We produce a lot of agricultural commodities, and we need to ship a fair amount overseas. So I believe in fair trade. Free trade does not mean anything to me. "Free trade" is just a jingoistic phrase, people standing on street corners banging cymbals, wearing robes, and chanting "free trade."

What I care about is for this country to require fair trade. We are not, and for this reason: For the first 25 years after the Second World War, we could beat anyone, anywhere, anytime with a hand tied behind our back. We were the biggest and strongest country in the world, and most of our trade policy could be concessional foreign policy, in many cases softheaded, but still concessional and still foreign policy.

In the second 25 years after the Second World War, our trading partners became bigger, tougher, shrewder, and the competition became much different. But what also happened was the growth of enterprises, which can produce almost anywhere in the world, decided that if you can produce by finding much cheaper labor elsewhere, that is what we are going to do. We create those enterprises here. We give them a charter called a corporation.

By the way, many of them not only are producing elsewhere where they can hire kids for 30 cents an hour, but they are also running their operations through a mailbox in the Bahamas in order to avoid paying taxes in this country, which is a subject for another day.

The question is, When will, or will ever, this Congress decide that this strategy does not work, that this strategy is not a strategy that is going to strengthen this country, it is going to weaken this country? Go to any business school in this country and ask those who are teaching classes about outsourcing, and they will give you a dim prospect for future jobs because you can hire engineers in India for a whole lot less than you can in the United States. You can hire people in China for a whole lot less money than you can in the United States. That does not mean a textile worker in this country is valueless. Jobs in this country are important.

I once asked Carla Hills, who was a trade ambassador, Is there anything that you wouldn't trade away? Are there any concentric circles of economic activity that are essential for our country to remain a strong world economic power? The answer was really not. Whatever the competition is, it is.

That is just wrong. That just does not make any sense. There are certain things that are required in our country for our country to remain a world economic power. Part of it is to stand up for our own economic interests, and, yes, to care a little about trying to bring others up but certainly not to allow our standard of living to be pushed down.

Those who hear me who feel differently think, as they have always thought, those of us who speak this way are xenophobic isolationist stooges who don't have enough brain power to see over the horizon. Won't they ever learn expanded trade benefits everybody?

Expanded trade, if it means outsourcing of American jobs because you can find people who will work for pennies an hour, does not benefit this country. It benefits the consumers in the short term perhaps, but consumers without jobs will not long be consumers. And this economic strategy, I think, finally—given this chart that I showed at the start—finally the understanding by nearly anyone who is thinking and sober is this strategy is creating an abyss for this country that is very serious. This is a very serious problem: mountains of red ink, substantial lost jobs, and economic opportunity leaving our country.

I have a series of recommendations on how to respond to all of this. I will mention one again because we are going to vote on it the week after next—I have offered it four times, and I have lost all four times. We will have a fifth vote. One would think that the first baby step in the direction of doing the right thing would be to shut down the perverse and idiotic tax exemption or tax credit for moving jobs overseas. Yes, that is right. We actually provide a reward for someone who shuts down their American manufacturing plant and moves the jobs overseas for the purpose of shipping the product back into this country. We actually reward them for doing that.

One would think the first baby step would be to shut down that perverse tax incentive. There are not enough votes in this Chamber, at least historically, to do that. We are going to see the week after next whether some in this Chamber who have previously voted against it might either have seen the light, felt the heat, one way or the other, and have decided it is not useful—in fact, it is destructive—to reward those who decide to ship their American jobs overseas.

That is just the first step. There are many others, and I will in a future discussion talk about the practical steps we should and could take to protect the economic interests of our country, even as we attempt in every way to expand fair trade.

I am not against trade. I believe trade is important. But this country ought to expand opportunities for fair trade all around the world and stop being a pin cushion, an Uncle Sam that is played for Uncle Sucker in every single way.

I did not talk about automobiles, but the automobile trade is unbelievable. Has trade in automobiles required U.S. companies to improve their vehicles? Yes, it sure has. But I will give, again, one example with respect to Korea, and there is a longer story with China, but Korea is enough.

We have ships that bring Korean cars into this country. I am sure they are offloading today at some port. Nearly 700,000 Korean cars are shipped into our country each year. Do you know how many American cars we are able to sell in Korea? Less than 4,000—700,000 cars coming this way, and we get less than 4,000 cars into the Korean marketplace.

One that is of interest to me is the Dodge Dakota pickup because it is named after my State, Dakota. There was a time when the folks who made Dodge Dakota got really excited because they sold something like 100 of them in Korea. They thought they were going to ramp up a sales effort. They seemed to like Dodge Dakotas. They got shut down just like that.

Look at the sales of Dodge Dakota pickups in Korea for the first 9 months of this year and you will see the Korean Government did a great job of shutting that down. They want to ship 700,000 cars and allow us to ship 4,000 back. What does that mean? It means a mass exodus of American jobs.

Mr. President, we have so many challenges. My hope is that we will, through amendments I will offer to the reconciliation bill and other approaches in the Senate and in other ways, finally come to grips with whether we think this is doing anything other than dramatically injuring America's future economic opportunities.

One of my favorite people is Warren Buffett. He is the world's second richest person, but you wouldn't know it looking at him, and you wouldn't know it talking with him. He is a wonderful guy with a great sense of humor, just plain spoken.

Warren Buffett is one of the few main business people in this country, one of the few people coming from a business background who says this is nuts, this is dangerous. This is going to turn us into a country of sharecroppers. He is very up front about it. Very few others are.

My hope is that ideas he has advanced—one of them I particularly like and they advanced in an article in Fortune magazine, which is how to deal with these devastating deficits and outsourcing, is that at one point or another this begins to take root in this Chamber.

Today I understand we are poised on the head of a pin because a Supreme Court nomination was withdrawn yesterday, and that is a big news item. Today the special prosecutor, at 2 o'clock, will announce the results of his decision with respect to the leak of outing a covert CIA officer. We have all these issues, and we dance on the head of pins on all these issues. Yes, some of them are important, some not. This is important. This describes whether our kids are going to have jobs: whether our country is going to expand and grow; whether America is going to be, in the future, what it has been in the past: a strong country, a world economic power, and one that can supply and one that can provide a standard of living and the kind of life that Americans have built for themselves for many decades.

Mr. President, I will speak more about this issue at some future point. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Mr. WARNER. Mr. President, the annual Armed Forces authorization bill will soon be the subject of further debate in the Senate at a time to be decided upon by the distinguished majority leader in consultation with the distinguished Democratic leader. I wish to thank each of them for their long, consistent, and arduous effort to bring this bill up for what I anticipate will be a successful resolution to the bill, with final passage in this Senate in coming weeks. Senator LEVIN and I have been on this committee for some 27 years together. We are ready.

Given that the unanimous consent was accepted by the Senate, both committee staffs are actually at this time working on amendments and other matters in preparation for the future consideration of this bill by the Senate. I urge Senators who might wish to have amendments discussed, first, to listen to the terms of the unanimous consent agreement and study those. Flexibility is given to the managers to reach a joint agreement for Members that have amendments not covered explicitly in the numerical amounts in the unanimous consent.

The committee staffs are working. I urge Senators to bring to Senator LEVIN and myself such matters as they may be interested in, and we will do our very best to accommodate Senators.

This Nation is at war. Each day we find in our hearts compassion for those we have lost, those on the battlefields today—not just in Iraq and Afghanistan but all throughout the world—and their families at home.

I thank our leaders for passing that unanimous consent, and I encourage Senators to submit their amendments and bring them to our attention.

The committee met this week. We reported out the intelligence authorization bill. That, hopefully, will be a joint referral to the Committee on Government Operations. There is provision in that bill which was clearly within the jurisdiction of that committee. I am very fortunate to have on the Committee on Armed Services both the chairman, Chairman COLLINS, and the ranking member, Senator LIEBERMAN, as well as, of course, Senator ROBERTS. During the course of our deliberations yesterday, we quickly recognized it would be appropriate to be referred to that committee the intelligence bill with regard to that provision. That is progress we have made this week.

I am also pleased the committee pointed out a number of nominees for important civilian posts and, indeed, military posts in our Department of Defense. I understand some have been worked on today, and I will check to see whether other nominations can be cleared.

I am proud to say the Committee on Armed Services was very active this week. We have a charter now. We are back in business. I am very pleased that the prospects are we will pass our legislation.

Mr. WARNER. Mr. President, I turn to another matter.

The PRESIDING OFFICER. The Senator may proceed.

(The remarks of Mr. WARNER pertaining to the introduction of S. 1939 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MATH LITERACY

Mr. FRIST. Mr. President, in a few moments we will be closing for the week. But before doing so, I wanted to bring to the attention of my colleagues something that was just brought to my attention about 2 hours ago when I was e-mailed by our President pro tempore, Senator TED STEVENS.

Basically, in a little cryptic language, it said: Bill, did you read the New York Times today?

I said: No, I haven't read the New York Times today.

Then he gave me one statistic that he picked up. I looked at it, and he is exactly right. That statistic drove home to me a threat—we don't talk very much about it—that we need to face up to and to act on. We are doing some powerful things in the Senate to do just that. But we are going to have to put it out front, and we are going to have to lead on it.

The statistic is that China, in engineering, one field, is producing 442,000 new undergraduates a year, along with 48,000 graduates with master's degrees and 8,000 Ph.D.s in engineering. I focus on that to seize the opportunity that we do have before us a real threat that America is losing—not will lose but is losing—today the edge in technology that we depend on, and we depend on it in terms of creating the American dream, maintaining that American dream to pass on to our children, and it is time for us to act.

This has not been the first time that certain challenges have been put before us. We faced a similar challenge, and we overcame it. On October 4, 1957, the Soviet Union—and we all remember that day, or those of us who were alive at the time remember that date—successfully launched the first manmade satellite into space. I was a very little boy at the time sitting around the dinner table and watching the stunning effect that had on my own family as they talked about it, I remember, one Sunday afternoon.

The event stunned America, but it spurred us to action. We don't have a Sputnik, per se, moment, but we need to create it. We need to educate the American people where we are today, the challenge that we face and the threat that we face to our competitive edge.

Less than a year later after that October 4 day in 1957, President Eisenhower signed the National Defense Education Act to restore America's preeminence in science. Math, engineering, and science became our top educational priorities. As a result, not only did we close the gap with the Soviet Union, but we far exceeded our own dreams, our own expectations at the time.

Fifty years later we face a similar challenge with the entry of China, the example I used, but also India and soon to be many other nations, into this global marketplace. As writer and observer Tom Friedman details in his wonderful book, "The World Is Flat," American workers face accelerating competition not only in the low-wage manufacturing sector but now in the new fields of science and engineering and the technological fields. That is where the competition is today—with China and with India.

According to BusinessWeek, together China and India graduate 500,000 scientists and engineers a year—every year, 500,000. How about America? Where are we? Just guess. Think. Are we more? Less?

United States, 60,000; 500,000, India and China every year. We are down to 60,000. China, I just mentioned—more than 442,000 graduates every year.

While the entire world is getting smarter and faster and stronger in math and science, the United States is not. We are moving in the opposite direction. Indeed, the number of engineering degrees awarded in the United States is down 20 percent from just a decade ago, 10 years ago. We are moving in the opposite direction. If current trends continue, by 2010 more than 90 percent of all scientists in the world, of all engineers in the world, 90 percent will be in Asia. Already, the majority of graduate science and engineering students in the United States are foreign born.

Let me say that again. Already, the majority of graduate students in science and engineering in the United States are foreign born.

Instead of investing their new skills in America, they are increasingly returning—not staying here but returning to their homes. According to Education for Innovation Initiative, which is a coalition of America's most prominent business organizations, we need to double—we need to double the number of American science, technology, engineering, and mathematic students by 2015 if we are to remain the technological leader in the 21st century. That is a lot to do by 2015, just 10 years from now—a doubling. As I said, we are moving in the opposite direction.

If we don't significantly improve math and science education in this country, there is a real danger that we will fall permanently behind—once we lose that competitive edge in technology, in science, in mathematics where most job creation, as we look to the future, occurs.

How are we failing? I used the example of students today at the graduate level in engineering. So where does it all start? You have to jump all the way back down to the 15-, 16-year-old in the middle school areas. Are we failing there as we look to the future? They will become the graduates, whether it is math, science, engineering, or some other field, in the future.

Well, right now in the 29 industrialized nations in the world, if I asked you just to imagine where you think we are if you look at 15-year-old students—and most people would say, whether you are going to be a scientist or an engineer, it is really determined in that age, from about 14 to 16. If I happened to ask the American people listening but also my colleagues, if there are 29 industrialized countries, and we want to rank mathematics performance of students around the world, is the United States first? You would think so. Maybe fifth? Surely, you would think so, in the United States of America, with our resources and our great innovation and culture of creativity and the American dream.

It is not 5th. It is not 10th. It is not 15th. It is not 20th. The United States now ranks 24th of 29 industrialized nations in math literacy among 15-year-olds. We fall behind who? You can name 23 of them, but it is Finland, Korea, Canada, the Czech Republic, Ireland, Poland, Hungary, Spain, France.

Business leaders who observe this tell us that fewer and fewer American workers have the math and science skills they need for today's jobs. One researcher at the Hudson Institute warns:

> We're rolling into the most severe shortage of skilled workers this country has ever seen.

And in what must be the most dismal development, tutoring American students in math via the Internet is becoming a boom industry—in India. We are actually outsourcing our education.

All this really says: What do you do? These are the observations. They are observations at the middle school level, the high school level, the graduate level, even beyond graduate level, and we are failing. So it is incumbent upon us to act, and to act with meaningful solutions that respond to a real problem that is there today, and it is going to increase over time. We cannot afford to lose the technological race. It is a matter of economics. It is a matter of security. I believe it is a matter of national security as well. It is a matter of keeping jobs, good-paying jobs right here in America.

People say: Well, Senator FRIST, he is a doctor. He is a scientist. He has a little bias.

It is way beyond that. Math and the hard sciences are what drive innovation in just about every single industry today. From computers, to my own field of medicine, we depend on technology to improve our quality of life, to be able to figure out how we solve problems that seemingly are insurmountable, that are unsolvable. We solve them by the most innovative, most creative, the most advanced technological solution. That is where that competitive edge exists.

Not only that but math comprehension is critical to everyday tasks today, whether it is balancing the checkbook or figuring out how to interpret your 401(k). You need those everyday skills. We are thriving in a fast-changing modern world, constantly evolving world, moving so much faster than any of us would have anticipated 5 or 10 years ago. We need these skills to survive and to thrive.

That is why in terms of action, in the sort of things we need to do, in August I proposed the national SMART grant. The national SMART grant provides low-income students up to $1,500 in their third and in their fourth year of college to pursue math and science. Together the maximum Pell grant and the national SMART grant cover nearly an entire typical State university tuition bill for those last 2 years.

People say: Why the last 2 years? The last 2 years because that is when people determine their majors, in those years of college. The national SMART grant will make it easier for low-income students to meet that heavy class load in math and in science. We know that those academic loads are heavy in those particular fields.

Some of my colleagues have worked on this. I thank them. To start naming them, Senators ENZI and ROBERTS and WARNER have done a tremendous job in getting this legislation to the point that it exists, and each has been a champion of rigorous math and science education. In addition, I thank Chairman ENZI, especially, for more than doubling the investment in this SMART grant program. It is focused on the needs I am speaking about today. As a matter of fact, the SMART grant is a good, solid first step in getting America's science and math education back on track so that we truly can globally compete.

Mr. President, throughout our history, our Nation has been blessed to be a land of innovation and creativity and dynamism. We have attracted the best, and we have attracted the brightest from across the oceans. And they have come and made our country an even more vibrant and more dynamic place. I am confident that if we keep our focus on the fundamentals, America will continue to offer unrivaled opportunity and prosperity for generations to come.

JAPAN BEEF TRADE

Mr. ROBERTS. Mr. President I have joined with my colleague from North Dakota, Senator CONRAD, and 19 other Senators to introduce a bill to restore normal beef trade with Japan.

Prior to the discovery of BSE or mad cow disease in the United States in December 2003, Japan was the largest export market for American beef in the world. But since that fateful day 2 years ago, U.S. beef producers have been locked out of the Japanese market.

To say the loss of this market has been detrimental to the viability of the American beef industry is an understatement. This is an issue that effects every part of the U.S. beef industry from the cowboys in western Kansas to the folks standing in line at the grocery store shopping for hamburger patties in New York City.

And perhaps this is felt no where as strongly than in places like Dodge City, KS Dodge City is a town that has built it's economy on the beef industry since the days of the wild west. It is a place where the number of cattle far outnumbers the number of people that live within the county lines. And it is the place that I call home.

The beef industry is a major economic driver for Dodge, but it's one of the largest industries in Kansas—representing over $5 billion in annual revenue.

We are a state with 6.65 million head of cattle, compared to a human population of 2.6 million. In 2003, cattle represented 62 percent of the Kansas cultural cash receipts and the processing industry alone employs over 18,700 Kansans. And to boot, we rank in the top three of virtually every major beef statistic.

But, trade with Japan has an impact that extends well beyond the borders of Kansas—it's an issue that affects all of farm country. The cattle industry comprises one of the largest sectors in American agriculture—with business in every state. Japan is the largest export market for food and agricultural products from the United States and beef is one of the largest and most lucrative exports to Japan.

In short, for ranchers across farm country, including those in Kansas, there are few issues more important than the viability of the beef industry—and specifically how we handle BSE.

This week marks the year anniversary of the mutual agreement the U.S. and Japan signed to resume normal beef trade. Since then, the U.S. Department of Agriculture, USDA, has worked hard to implement substantive improvements in our ability to prevent, identify and respond to BSE. For instance, as a part of their enhanced animal surveillance effort, the Animal and Plant Health Inspection Service, APHIS, has tested over 450,000 head of cattle for BSE.

Despite this increased testing, Japan refuses to reopen its market and has instead relied upon imports of beef from countries with little or no testing for BSE.

The increased U.S. testing, in coordination with the U.S. Food and Drug Administration implementation of safeguards that ensure the safety of our food supply, have bolstered our claim to having the safest and most abundant food supply in the world.

Regrettably, the Japanese has failed to match these standards with prudent efforts to change their policy of keeping American beef out of Japan.

The Japanese Food Safety Commission, the body with the delegated responsibility to review the process by which Japan would reopen its market, and others within the government have been unresponsive to extensive diplomatic efforts made by U.S. officials during the last year.

The office of the U.S. Trade Representative and USDA have worked in concert with President Bush, other cabinet agencies and officials and U.S. Congress to restore regular beef trade.

Despite the efforts of even the highest office in our nation's government, Japan continues to keep American beef out of their country.

The Japanese Food Safety Commission and others within the government have repeatedly demanded excessive documentation and paperwork with little or no justification. None of these requests reflect the internationally accepted phytosanitary guidelines. Rather, they appear to be a dilatory tool to prevent any effort to resume the purchase of American beef.

There have been claims that American beef is unsafe. This is simply not true. The international science says our cattle under 30 months of age are safe and not at risk. Yet, we have agreed to not send meat from any animals under 20 months of age to Japan.

Furthermore, after 20 confirmed cases of BSE in Japan, the claim that U.S. beef is not as safe as Japanese beef is simply an insult to American producers. Still the market remains closed to the U.S.

In recent weeks, Japan has insisted upon an unwarranted and unjustified trade barrier by preventing the resumption of regular beef trade with the U.S. Japan has a complicated bureaucracy in place to deal with the issue of BSE. In 2003, the Japanese Parliament established the Food Safety Commission as a Cabinet Office tasked with ensuring food safety.

This week, the Japanese Food Safety Commission again failed to reach an agreement to remove the blockade to U.S. beef imports. And to insult to injury, four of the Commission's 12 members did not even show up to the meeting because of their alleged concern with the safety of U.S. beef.

I am troubled that our negotiations with Japan have deteriorated to this point. Japan has traditionally been a distinguished and important trading partner for the U.S. Furthermore, they have been a critical ally in the War on terrorism.

Despite, this long-standing relationship, I am here today to support legislation that requires the U.S. Department of Treasury to implement additional tariffs on goods grown, produced or manufactured in Japan unless the U.S. Trade Representative certifies that Japan has reopened its market to American beef by December 15, 2005.

I have long supported free trade. Our country has benefitted from trade agreements with Chile, Australia, Canada and Mexico, and now Central America. These trading relationships are a necessity to ensure the ability of American farmers, ranchers and businessmen alike to compete in the global marketplace.

But, these agreements hinge heavily upon the commitment of the participating countries to uphold the principles of free trade—and for agriculture trade that means abiding by the international science standards that set important standards for animal, plant and human safety.

Prior to the discovery of a case of native-born BSE in a cow that never entered the food supply, we enjoyed this kind of trading relationship with Japan. However, Japan has chosen to ignore internationally recognized science and has instead based their food safety on emotional, politically-driven arguments. And, this comes at a high price for the American beef industry.

Since December 2003, the U.S. beef industry has experienced roughly $6 billion in cumulative economic losses—in current annual economic trade terms, this is about $3.1 billion a year.

We've been patient, but with this kind of economic loss, the American beef industry cannot afford to wait any longer.

I will not stand idly by while politics and posturing drive our trade relationships.

I urge my colleagues to support this legislation to send a message in the strongest way possible, that free trade is a two-way street. More importantly, in the context of the pending negotiations in the Doha Round of the World Trade Organization, I urge my colleagues to support this bill because it sends the message to American producers that we will stand up for American agriculture in our trade negotiations.

THE PATH FORWARD

Mr. KERRY. Mr. President, I ask unanimous consent to have a recent speech I delivered on Iraq printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[October 26, 2005]

"THE PATH FORWARD"

(Georgetown University)

A few weeks ago I departed Iraq from Mosul. Three Senators and staff were gathered in the forward part of a C–130. In the middle of the cavernous cargo hold was a simple, aluminum coffin with a small American flag draped over it. We were bringing another American soldier home to his family and final resting place.

The starkness of his coffin in the center of the hold, the silence except for the din of the engines, was a real time cold reminder of the consequences of decisions for which we Senators share responsibility.

As we arrived in Kuwait, a larger flag was transferred to fully cover his coffin and we joined graves registration personnel in giving him an honor guard as he was ceremoniously carried from the plane to a waiting truck. When the doors clunked shut, I wondered why all of America would not be allowed to see him arrive at Dover Air Force Base instead of hiding him from a nation that deserves to mourn together in truth and in the light of day. His lonely journey compels all of us to come to grips with our choices in Iraq.

Now more than 2,000 brave Americans have given their lives, and several hundred thousand more have done everything in their power to wade through the ongoing internal civil strife in Iraq. An Iraq which increasingly is what it was not before the war—a breeding ground for homegrown terrorists and a magnet for foreign terrorists. We are entering a make or break six month period, and I want to talk about the steps we must take if we hope to bring our troops home within a reasonable timeframe from an Iraq that's not permanently torn by irrepressible conflict.

It is never easy to discuss what has gone wrong while our troops are in constant danger. I know this dilemma first-hand. After serving in war, I returned home to offer my own personal voice of dissent. I did so because I believed strongly that we owed it to those risking their lives to speak truth to power. We still do.

In fact, while some say we can't ask tough questions because we are at war, I say no—in a time of war we must ask the hardest questions of all. It's essential if we want to correct our course and do what's right for our troops instead of repeating the same mistakes over and over again. No matter what the President says, asking tough questions isn't pessimism, it's patriotism.

Our troops have served with stunning bravery and resolve. The nobility of their service to country can never be diminished by the mistakes of politicians. American families who have lost, or who fear the loss, of their loved ones deserve to know the truth about what we have asked them to do, what we are doing to complete the mission, and what we are doing to prevent our forces from being trapped in an endless quagmire.

Some people would rather not have that discussion. They'd rather revise and rewrite the story of our involvement in Iraq for the history books. Tragically, that's become standard fare from an administration that doesn't acknowledge facts generally, whether they are provided by scientists, whistleblowers, journalists, military leaders, or the common sense of every citizen. At a time when many worry that we have become a society of moral relativists, too few worry that we have a government of factual relativists.

Let's be straight about Iraq. Saddam Hussein was a brutal dictator who deserves his own special place in hell. But that was not the reason America went to war.

The country and the Congress were misled into war. I regret that we were not given the truth; as I said more than a year ago, knowing what we know now, I would not have gone to war in Iraq. And knowing now the full measure of the Bush Administration's duplicity and incompetence, I doubt there are many members of Congress who would give them the authority they abused so badly. I know I would not. The truth is, if the Bush Administration had come to the United States Senate and acknowledged there was no "slam dunk case" that Saddam Hussein had weapons of mass destruction, acknowledged that Iraq was not connected to 9/11, there never would have even been a vote to authorize the use of force—just as there's no vote today to invade North Korea, Iran, Cuba, or a host of regimes we rightfully despise.

I understand that as much as we might wish it, we can't rewind the tape of history. There is, as Robert Kennedy once said, 'enough blame to go around,' and I accept my share of the responsibility. But the mistakes of the past, no matter who made them, are no justification for marching ahead into a future of miscalculations and misjudgments and the loss of American lives with no end in sight. We each have a responsibility, to our country and our conscience, to be honest about where we should go from here. It is time for those of us who believe in a better course to say so plainly and unequivocally.

We are where we are. The President's flippant "bring it on" taunt to the insurgents has found a meaning beyond his wildest expectations, a painful reality for troops who went for too long without protective armor. We have traded a dictator for a chaos that has left America less secure, and the mission the President once declared accomplished remains perilously incomplete.

To set a new course, we must be strong, smart, and honest. As we learned painfully during the Vietnam War, no president can sustain a war without the support of the American people. In the case of Iraq, their patience is frayed and nearly to the breaking point because Americans will not tolerate our troops giving their lives without a clear strategy, and will not tolerate vague platitudes or rosy scenarios when real answers are urgently needed.

It's time for leaders to be honest that if we do not change course, there is the prospect of indefinite, even endless conflict—a fate untenable for our troops, and a future unacceptable to the American people and the Iraqis who pray for the day when a stable Iraq will belong to Iraqis alone.

The path forward will not be easy. The administration's incompetence and unwillingness to listen has made the task that much harder, and reduced what we can expect to accomplish. But there is a way forward that gives us the best chance both to salvage a difficult situation in Iraq, and to save American and Iraqi lives. With so much at stake, we must follow it.

We must begin by acknowledging that our options in Iraq today are not what they should be, or could have been.

The reason is simple. This Administration hitched their wagon to ideologues, excluding those who dared to tell the truth, even leaders of their own party and the uniformed military.

When after September 11th, flags flew from porches across America and foreign newspaper headlines proclaimed "We're all Americans now," the Administration could have kept the world united, but they chose not to. And they were wrong. Instead, they pushed allies away, isolated America, and lost leverage we desperately need today.

When they could have demanded and relied on accurate instead of manipulated intelligence, they chose not to. They were wrong—and instead they sacrificed our credibility at home and abroad.

When they could have given the inspectors time to discover whether Saddam Hussein actually had weapons of mass destruction, when they could have paid attention to Ambassador Wilson's report, they chose not to. And they were wrong. Instead they attacked him, and they attacked his wife to justify attacking Iraq. We don't know yet whether this will prove to be an indictable offense in a court of law, but for it, and for misleading a nation into war, they will be indicted in the high court of history. History will judge the invasion of Iraq one of the greatest foreign policy misadventures of all time.

But the mistakes were not limited to the decision to invade. They mounted, one upon another.

When they could have listened to General Shinseki and put in enough troops to maintain order, they chose not to. They were wrong. When they could have learned from George Herbert Walker Bush and built a genuine global coalition, they 'chose not to. They were wrong. When they could have implemented a detailed State Department plan for reconstructing post-Saddam Iraq, they chose not to. And they were wrong again. When they could have protected American forces by guarding Saddam Hussein's ammo dumps where there were weapons of individual destruction, they exposed our young men and women to the ammo that now maims and kills them because they chose not to act. And they were wrong. When they could have imposed immediate order and structure in Baghdad after the fall of Saddam, Rumsfeld shrugged his shoulders, said Baghdad was safer than Washington, D.C. and chose not to act. He was wrong. When the Administration could have kept an Iraqi army selectively intact, they chose not to. They were wrong. When they could have kept an entire civil structure functioning to deliver basic services to Iraqi citizens, they chose not to. They were wrong. When they could have accepted the offers of the United Nations and individual countries to provide on the ground peacekeepers and reconstruction assistance, they chose not to. They were wrong. When they should have leveled with the American people that the insurgency had grown, they chose not to. Vice President Cheney even absurdly claimed that the "insurgency was in its last throes." He was wrong.

Now after all these mistakes, the Administration accuses anyone who proposes a better course of wanting to cut and run. But we are in trouble today precisely because of a policy of cut and run. This administration made the wrong choice to cut and run from sound intelligence and good diplomacy; to cut and run from the best military advice; to cut and run from sensible war time planning; to cut and run from their responsibility to properly arm and protect our troops; to cut and run from history's lessons about the Middle East; to cut and run from common sense.

And still today they cut and run from the truth.

This difficult road traveled demands the unvarnished truth about the road ahead.

To those who suggest we should withdraw all troops immediately—I say No. A precipitous withdrawal would invite civil and regional chaos and endanger our own security. But to those who rely on the overly simplistic phrase "we will stay as long as it takes," who pretend this is primarily a war against Al Qaeda, and who offer halting, sporadic, diplomatic engagement, I also say—No, that will only lead us into a quagmire.

The way forward in Iraq is not to pull out precipitously or merely promise to stay "as long as it takes." To undermine the insurgency, we must instead simultaneously pursue both a political settlement *and* the withdrawal of American combat forces linked to specific, responsible benchmarks. At the first benchmark, the completion of the December elections, we can start the process of reducing our forces by withdrawing 20,000 troops over the course of the holidays.

The Administration must immediately give Congress and the American people a detailed plan for the transfer of military and police responsibilities on a sector by sector basis to Iraqis so the majority of our combat forces can be withdrawn. No more shell games, no more false reports of progress, but specific and measurable goals.

It is true that our soldiers increasingly fight side by side with Iraqis willing to put their lives on the line for a better future. But history shows that guns alone do not end an insurgency. The real struggle in Iraq—Sunni versus Shiia—will only be settled by a political solution, and no political solution can be achieved when the antagonists can rely on the indefinite large scale presence of occupying American combat troops.

In fact, because we failed to take advantage of the momentum of our military victory, because we failed to deliver services and let Iraqis choose their leaders early on, our military presence in vast and visible numbers has become part of the problem, not the solution.

And our generals understand this. General George Casey, our top military commander in Iraq, recently told Congress that our large military presence "feeds the notion of occupation" and "extends the amount of time that it will take for Iraqi security forces to become self-reliant." And Richard Nixon's Secretary of Defense Melvin Laird, breaking a thirty year silence, writes, "Our presence is what feeds the insurgency, and our gradual withdrawal would feed the confidence and the ability of average Iraqis to stand up to the insurgency." No wonder the Sovereignty Committee of the Iraqi Parliament is already asking for a timetable for withdrawal of our troops; without this, Iraqis believe Iraq will never be its own country.

We must move aggressively to reduce popular support for the insurgency fed by the perception of American occupation. An open-ended declaration to stay 'as long as it takes' lets Iraqi factions maneuver for their own political advantage by making us stay as long as they want, and it becomes an excuse for billions of American tax dollars to be sent to Iraq and siphoned off into the coffers of cronyism and corruption.

It will be hard for this Administration, but it is essential to acknowledge that the insurgency will not be defeated unless our troop levels are drawn down, starting immediately after successful elections in December. The draw down of troops should be tied not to an arbitrary timetable, but to a specific timetable for transfer of political and security responsibility to Iraqis and realignment of our troop deployment. That timetable must be real and strict. The goal should be to withdraw the bulk of American combat forces by the end of next year. If the Administration does its work correctly, that is achievable.

Our strategy must achieve a political solution that deprives the Sunni-dominated insurgency of support by giving the Sunnis a stake in the future of their country. The Constitution, opposed by more than two thirds of Sunnis, has postponed and even exacerbated the fundamental crisis of Iraq. The Sunnis want a strong secular national government that fairly distributes oil revenues. Shiites want to control their own region and resources in a loosely united Islamic state. And Kurds simply want to be left alone. Until sufficient compromise is hammered out, a Sunni base cannot be created that isolates the hard core Baathists and jihaadists and defuses the insurgency.

The Administration must use all of the leverage in America's arsenal—our diplomacy, the presence of our troops, and our reconstruction money—to convince Shiites and Kurds to address legitimate Sunni concerns and to make Sunnis accept the reality that they will no longer dominate Iraq. We cannot and should not do this alone.

The Administration must bring to the table the full weight of all of Iraq's Sunni neighbors. They also have a large stake in a stable Iraq. Instead of just telling us that Iraq is falling apart, as the Saudi foreign minister did recently, they must do their part to put it back together. We've proven ourselves to be a strong ally to many nations in the region. Now it's their turn to do their part.

The administration must immediately call a conference of Iraq's neighbors, Britain, Turkey and other key NATO allies, and Russia. All of these countries have influence and ties to various parties in Iraq. Together, we must implement a collective strategy to bring the parties in Iraq to a sustainable political compromise. This must include obtaining mutual security guarantees among Iraqis themselves. Shiite and Kurdish leaders need to make a commitment not to perpetrate a bloodbath against Sunnis in the post-election period. In turn, Sunni leaders must end support for the insurgents, including those who are targeting Shiites. And the Kurds must explicitly commit themselves not to declare independence.

To enlist the support of Iraq's Sunni neighbors, we should commit to a new regional security structure that strengthens the security of the countries in the region and the wider community of nations. This requires a phased process including improved security assistance programs, joint exercises, and participation by countries both outside and within the Middle East.

Ambassador Khalilzad is doing a terrific job trying broker a better deal between the Iraqi parties. But he can't do it alone. The President should immediately appoint a high level envoy to maximize our diplomacy in Iraq and the region.

Showing Sunnis the benefits that await them if they continue to participate in the process of building Iraq can go a long way toward achieving stability. We should press these countries to set up a reconstruction fund specifically for the majority Sunni areas. It's time for them to deliver on their commitments to provide funds to Iraq. Even short-term improvements, like providing electricity and supplying diesel fuel—an offer that the Saudis have made but have yet to fulfill—can make a real difference.

We need to jump start our own lagging reconstruction efforts by providing the necessary civilian personnel to do the job, standing up civil-military reconstruction teams throughout the country, streamlining the disbursement of funds to the provinces so they can deliver services, expanding job creation programs, and strengthening the capacity of government ministries.

We must make it clear now that we do not want permanent military bases in Iraq, or a large combat force on Iraqi soil indefinitely. And as we withdraw our combat troops, we should be prepared to keep a substantially reduced level of American forces in Iraq, at the request of the Iraqi government, for the purpose of training their security forces. Some combat ready American troops will still be needed to safeguard the Americans engaged in that training, but they should be there to do that and to provide a back stop to Iraqi efforts, not to do the fighting for Iraqis.

Simultaneously, the President needs to put the training of Iraqi security forces on a six month wartime footing and ensure that the Iraqi government has the budget to deploy them. The Administration must stop using the requirement that troops be trained in-country as an excuse for refusing offers made by Egypt, Jordan, France and Germany to do more.

This week, long standing suspicions of Syrian complicity in destabilizing Lebanon were laid bare by the community of nations. And we know Syria has failed to take the aggressive steps necessary to stop former Baathists and foreign fighters from using its territory as a transit route into Iraq. The Administration must prod the new Iraqi government to ask for a multinational force to help protect Iraq's borders until a capable national army is formed. Such a force, if sanctioned by the United Nations Security Council, could attract participation by Iraq's neighbors and countries like India and would be a critical step in stemming the tide of insurgents and money into Iraq.

Finally, and without delay, we must fundamentally alter the deployment of American troops. While Special Operations must continue to pursue specific intelligence leads, the vast majority of our own troops should be in rear guard, garrisoned status for security backup. We do not need to send young Americans on search and destroy missions that invite alienation and deepen the risks they face. Iraqis should police Iraqis. Iraqis should search Iraqi homes. Iraqis should stand up for Iraq.

We will never be as safe as we should be if Iraq continues to distract us from the most important war we must win—the war on Osama bin Laden, Al Qaeda, and the terrorists that are resurfacing even in Afghanistan. These are the make or break months for Iraq. The President must take a new course, and hold Iraqis accountable. If the President still refuses, Congress must insist on a change in policy. If we do take these steps, there is no reason this difficult process can not be completed in 12–15 months. There is no reason Iraq cannot be sufficiently stable, no reason the majority of our combat troops can't soon be on their way home, and no reason we can't take on a new role in Iraq, as an ally not an occupier, training Iraqis to defend themselves. Only then will we have provided leadership equal to our soldiers' sacrifice—and that is what they deserve.

NATIONAL DISABILITY EMPLOYMENT MONTH

Mr. HARKIN. Mr. President, this October marks the 60th anniversary of National Disability Employment Awareness Month, and gives us an opportunity to recognize and celebrate the contributions that employees with disabilities have made to the American workforce.

The effort to help our fellow Americans understand these important contributions began in 1945, when Congress designated the first week in October each year as National Employ the Physically Handicapped Week. In 1962, the name was changed to include all employees with disabilities. And, in 1988, Congress expanded the designated week to a full month, and changed the name to National Disability Employment Awareness Month.

National Disability Employment Awareness Month is a time to celebrate the progress we have made in opening the doors of opportunity for individuals with disabilities. People with disabilities—as all people—have unique abilities, talents, and aptitudes. And there is no question that our nation is better, fairer, and richer when we make full use of those gifts.

This July, our Nation celebrated the 15th anniversary of the Americans with Disabilities Act—the landmark civil rights law securing the rights of people with disabilities. As the chief sponsor of the ADA in Congress, I remember the day it was signed into law—June 26, 1990—as one of the proudest in my entire legislative career. And, just as many predicted, the ADA has taken its place among the great civil rights laws in our Nation's history. Today, the impact of the ADA is all around us, in countless facets of our daily lives.

Yet we still have much work to do to increase employment opportunities for people with disabilities. Long-term employment, career advancement, and equal pay continue to be challenging for many workers with disabilities. Most importantly, we need to improve the employment rate of persons with disabilities. The gap between the employment rates of working-age people with and without disabilities was more than 40 percentage points in 2004.

There are many factors that contribute to this gap, including disincentives, transportation issues, and outdated stereotypes about people with disabilities. But the end result is unfortunate and unacceptable. Most people with disabilities want to work; they want to be self-supporting and independent. As a government and as a society, we need to encourage employers to hire people with disabilities. We need to support creative job accommodations so we expand employment opportunities.

Misconceptions and apprehensions about hiring people with physical or mental disabilities continue to exist as a barrier to progress. We need to get out the truth, which is that most workers with disabilities require no special accommodations, while the cost for those who do is often minimal. Moreover, research amply shows that employees with disabilities have above-average records in attendance, job dependability, performance, and safety.

Breaking down these persistent attitudinal barriers requires a cooperative, sustained, and consistent effort. A new generation of young people with disabilities is growing up in America today—graduating from high school, going to college, and preparing to participate fully in the workplace. These young people have a right to make the most of their potential. Likewise, America must make the most of their intellect, talents, and abilities.

So this month, as we celebrate the 60th anniversary of National Disability Employment Month, let us rededicate ourselves to breaking down the workplace barriers—physical and psychological—that continue to stand in the way of people with disabilities. Our goal must be to make the American dream accessible to all Americans.

HONORING THE SERVICE OF BARBARA BERGER

Mr. CRAPO. Mr. President, I would like to honor a remarkable individual today on the occasion of her retirement from the U.S. Senate Recording Studio. Barbara Berger, or Barb, as she is known here in the Senate, is celebrating her last day of a career spanning 33 years. Barb has been here longer than any Senator save four. She has seen 320 Senators come and go from this body and served under 13 Sergeants-At-Arms. Not only has she seen many of us come and go, she has also witnessed the astounding technological transformation in media that has occurred in the past three decades. In 1972, when Barb began as a receptionist in the front office of the Recording Studio, radio and film were the only mediums of communication available to the Senate, and floor proceedings were not televised yet.

I haven't been here as long as some of my colleagues, but over the past 7 years, Barb has been the gracious smile and distinguished and professional face of the Recording Studio. Her poise, civility and shining personality permeate the office and make working with them an absolute pleasure for me. Her institutional knowledge and memory and quiet authority provide me and all the staff and Members who work with the studio reassurance that our messages will be handled with care and expertise.

American historian Barbara Tuchman said:

> Although I know we have already grown accustomed to less beauty, less elegance, less excellence, yet perversely I have confidence in the opposite of egalitarianism: in the competence and excellence of the best among us. The urge for the best is an element of humankind as inherent as the heartbeat. It may be crushed temporarily but it cannot be eliminated. We will always have pride in accomplishment, the charm of fine things . . . As long as people exist, some will always strive for the best. And some will attain it.

Barb epitomizes this competence and excellence in her work, and beauty in her kind and graceful spirit. My staff and I will most certainly miss her and I wish her well in retirement.

ADDITIONAL STATEMENTS

IN SPECIAL RECOGNITION OF ANN S. SIMPSON

• Mr. THOMAS. Mr. President, I rise today to recognize Ann Simpson for her selection to receive the prestigious University of Wyoming Art Museum National Advisory Board President's Award on November 5, 2005.

John Paul Richter once said, "Art is not the bread, but the wine of life." In many ways this is true, but art not only enriches our quality of life, it also plays an instrumental role in human development. Art enhances cognitive skills and encourages creative expression. Art helps us understand different worldviews and perspectives. For these reasons and more, art must be fostered in our communities and across the Nation.

In line with this mission, the University of Wyoming Art Museum National Advisory Board established the President's Award in 1995. This special award is to be presented to an individual, group or organization for their lifetime commitment to the arts in Wyoming. Those selected must be an active advocate of the arts, be recognized as a patron of and major contributor to the arts, have played an instrumental role in the creation or development of a specific art program and/or art initiative, and embody a strong commitment to furthering/developing arts in Wyoming. Ann Simpson is an excellent choice to receive this distinguished award.

A Wyoming native, Ann is a longtime supporter of the arts throughout our State. In 1989, Ann received the Wyoming Arts Council Governor's Arts Award for her outstanding service to the arts in Wyoming. Her passion for the arts is further illustrated by her work on the Ford's Theater Board, the University of Wyoming Art Museum Advisory Board, and significant financial contributions to art programs throughout the State and Nation. In fact, Ann worked with the Wyoming State legislature to secure a National Endowment for the Arts funding match of $3.5 million in order to initiate construction of the Centennial Complex which currently houses the University of Wyoming Art Museum. She was also responsible for cultivating and stewarding a $2.5 million donation to the University of Wyoming Art Museum, their largest endowment gift to date.

Ann has always recognized the importance of art and art education to our society. In fact, one of her most notable contributions to our State is an art outreach program called the Artmobile. The Artmobile is a traveling exhibition which visits communities throughout the State of Wyoming in order to provide our residents with exposure to diverse forms of visual art. The program incorporates artwork from the University of Wyoming's permanent collection and by Wyoming artists. Discussions of the exhibition are typically followed by hands-on art activities with the Artmobile curator. The program is provided free of charge and each presentation is tailored to engage its particular audience.

In 1995, the Artmobile was renamed for Ann in recognition of her tremendous efforts on behalf of the program. To this day, Ann works diligently to increase public awareness of the valuable service the "Ann Simpson Artmobile" provides and to enrich the lives of all Wyomingites with art. Ann Simpson is truly deserving of the University of Wyoming Art Museum National Advisory Board President's Award.

Mr. President, Ann's husband, former Senator Alan Simpson, and I grew up a stone's throw from one another, so I have had the pleasure of knowing the Simpsons for most of my life. Al and Ann are a remarkable couple with endless energy and enthusiasm for our great State. My wife Susan and I consider them both dear friends, and we extend our most sincere congratulations for Ann's extraordinary achievement.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 10 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 172. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3945. Agreed to amend the title so as to read: "A Bill to facilitate recovery from the effects of Hurricane Katrina by providing greater flexibility for, and temporary waivers of certain requirements and fees imposed on, depository institutions, credit unions, and Federal regulatory agencies, and for other purposes"; to the Committee on Banking, Housing, and Urban Affairs.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 28, 2005, she had presented to the President of the United States the following enrolled bill:

S. 172. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Navy nomination of James D. Thompson to be Commander.

Navy nominations beginning with James F. Brinkman and ending with William L. Yarde, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Air Force nomination of Christopher Sartori to be Colonel.

Air Force nominations beginning with Suzanne M. Cecconi and ending with Kirk B. Stetson, which nominations were received by the Senate and appeared in the Congressional Record on October 17, 2005.

Air Force nomination of Melissa A. Saragosa to be Major.

Army nomination of Deborah Whitmer to be Lieutenant Colonel.

Army nominations beginning with Steven C. Henricks and ending with William J. Nelson, which nominations were received by the Senate and appeared in the Congressional Record on October 17, 2005.

Army nominations beginning with Gary L. Gross and ending with Adger S. Turner, which nominations were received by the Senate and appeared in the Congressional Record on October 19, 2005.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1938. A bill to redesignate the project for navigation, Saco River, Maine as an anchorage area; to the Committee on Environment and Public Works.

By Mr. WARNER:

S. 1939. A bill to extend the suspension of duty on hexanedioic acid, polymer with 1,3-benzenedimethanamine; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1699

At the request of Mr. SPECTER, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1699, a bill to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

S. 1735

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1735, a bill to improve the Federal Trade Commissions's ability to protect consumers from price-gouging during energy emergencies, and for other purposes.

S. 1756

At the request of Mr. DAYTON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1756, a bill to establish a Department of Peace and Nonviolence.

S. 1774

At the request of Mr. CORNYN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1774, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension.

S. 1890

At the request of Mr. BAUCUS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1890, a bill to amend the Internal Revenue Code of 1986 to deny a deduction for certain fines, penalties, and other amounts.

S. 1937

At the request of Mr. DEWINE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1937, a bill to expand certain preferential trade treatment for Haiti.

S. RES. 292

At the request of Mr. VOINOVICH, his name was added as a cosponsor of S. Res. 292, a resolution calling on the President to condemn the anti-Israel sentiments expressed by the President of Iran, Mahmoud Ahmadinejad, on October 26, 2005.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1938. A bill to redesignate the project for navigation, Saco River, Maine as an anchorage area; to the Committee on Environment and Public Works.

Ms. SNOWE. Mr. President, I rise today to introduce a bill for the City of Saco, ME that concerns the town's ability to allow the mooring of boats on the Saco River. The bill changes the turning basin into an anchorage while managing a 50 foot channel within the anchorage. The town was not aware that it was in violation because of 21 moorings located in the Saco River Federal Navigational Project. In an effort to eliminate this encroachment, city officials have requested a modification or deauthorization of the Federal Navigational Project to resolve the issue.

The U.S. Army Corps of Engineers has suggested language that re-designates the maneuvering basin into an anchorage area that will meet the needs of the community. The language, which I hope will be included in the Water Resources Development Act in this Congress, will allow for the legal moorage of boats, the fairway for which would be maintained by the City of Saco as is customary for towns with Federal anchorages. It is my understanding that the two mayors of the cities involved along with the Saco Yacht Club have agreed to the Corps' language.

By Mr. WARNER:

S. 1939. A bill to extend the suspension of duty on hexanedioic acid, polymer with 1,3-benzenedimethanamine; to the Committee on Finance.

Mr. WARNER. Mr. President, I rise today to introduce a bill to extend the temporary duty suspension for imports of Nylon MXD6, hexanedioic acid, polymer with 1,3-benzenedimethanamine. This product, which is not manufactured in the United States at this time, serves as the favored option for food packaging and other multifunction packaging due to its tough, transparent properties.

It is customary for the Congress every few years to consider relatively minor technical changes to certain trade proposals as one omnibus bill. The most recent of these bills was the Miscellaneous Trade and Technical Changes Act of 2004. For a proposal to be included in the legislation, the House Ways and Means Committee, Senate Finance Committee, and International Trade Commission all have to conclude that the proposal is noncontroversial. As one of the determining factors for a duty suspension request to be considered noncontroversial, no domestic production of the commodity may exist, or it may not be at a sufficient level to satisfy domestic demand.

As I mentioned before, Nylon MXD6 is not produced in the United States, and as a result, a temporary duty suspension was awarded to imports of Nylon MXD6 under the Miscellaneous Trade and Technical Corrections Act of 2004. However, this suspension is due to expire on December 31, 2006. While this sunset may sound far from now, no domestic production is expected to exist by then nor is it expected to exist for a few years afterwards, causing uncertainty for future production.

The current duty suspension for this import has been a key element in lowering the costs of domestic production of commodities containing Nylon MXD6. The bill I introduce today would extend the current suspension through December 31, 2008, which will provide manufacturers the certainty they need to plan for their future.

In closing, I hope my colleagues in the Senate will join with me in support of this legislation.

EXECUTIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the remaining military nominations that were reported by the Armed Services Committee and are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE NAVY

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

James D. Thompson, 1605

The following named officers for regular appointments to the grade indicated in the United States Navy under title 10, U.S.C., section 531:

To be lieutenant commander

James F. Brinkman, 3080
Joe D. Haines, Jr., 4816
Lisa Pearse, 7702
Jerry M. Rebrey, 0024
Ernest J. Whittle, 1215
William L. Yarde, 5054

IN THE AIR FORCE

The following named individual for appointment to the grade indicated in the Reserve of the Air Force under title 10, U.S.C., section 12203:

To be colonel

Christopher Sartori, 6349

The following named individuals in the grades indicated in the Regular Air Force under title 10, U.S.C., section 531(a):

To be lieutenant colonel

Suzanne M. Cecconi, 6218
Gary A. Peitzmeier, 1014
Harry M. Richter, 3724

To be major

Philip M. Beck, 1881
Lance T. Frye, 6876
James J. Madden, 9267
Kirk B. Stetson, 5871

The following named officer for Regular appointment in the grade indicated in the United States Air Force under title 10, U.S.C., section 531(a):

To be major

Melissa A. Saragosa, 3669

IN THE ARMY

The following named officer for Regular appointment to the grade indicated in the United States Army Veterinary Corps under title 10, U.S.C., sections 531 and 3064:

To be lieutenant colonel

Deborah Whitmer, 8289

The following named officers for regular appointment in the grade indicated in the United States Army Judge Advocate General's Corps under title 10, U.S.C., sections 531 and 3064:

To be major

Steven C. Henricks, 6329
Michael D. Mierau, 9454
William C. Moorhouse, 1544
William J. Nelson, 4408

The following named officers for Regular appointment in the grades indicated as Chaplains in the United States Army under title 10, U.S.C., sections 531 and 3064:

To be colonel

Gary L. Gross, 8676

To be lieutenant colonel

Neal J. Buckon, 8297
Michael J. Cerrone, 7838
Frank R. Spencer, 6046
Valerie B. StJohn, 4165
Gary R. Studnewski, 3714
Avi S. Weis, 1490

To be major

Mark N. Awdykowyz, 7102
Richard J. Bendorf, 0129
James R. Boulware, 4868
Gary W. Bragg, 2780
Joey T. Byrd, 7482
John L. Congdon, 9262
Douglas C. Fenton, 5423
Michael L. Frailey, 6405
Richard P. Graves, 9813
David S. Harsdorf, 4070
Jose G. Herrera, 7276
Timothy L. Hubbs, 3648
Carlos C. Huerta, 5992
Paul K. Hurley, 8535
Daniel C. Hussey, 0731
Jerald P. Jacobs, 1669
Steven R. Jerles, 2687
Edward D. Northrop, 4777
James E. Oneal, 8125
Matthew P. Pawlikowski, 3222
Pekola F. Roberts, 1643
Adger S. Turner, 3411

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, OCTOBER 31, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, October 31. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business, with the time equally divided until 4 p.m. I further ask unanimous consent that the Senate then proceed to S. 1932, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, next week, the Senate will consider the deficit reduction bill, a bill I spoke on in my opening comments today, a bill about which I am very excited. It answers the question of doing what is right, what the American people expect, and that is getting our deficit down, reducing the deficit by slowing down, by reducing that mandatory or entitlement spending growth.

We will complete action on that important measure on Thursday or Friday. We will have a very long day on Thursday. I encourage our colleagues not to schedule anything else on Thursday because we will be voting a lot on the floor of the Senate and will do so in the fashion that we voted this week—having votes scheduled and strictly cutting off votes if Members are not here.

Under the time agreement that was reached last night, we will have plenty of time for debate each day with many votes over the course of the week. I urge my colleagues—and I feel I say this again and again—to be judicious in their offering of amendments. We will work with our colleagues on the time. We want to have and will have plenty of time for debate and amendments. We do not need to bring every amendment to the floor to make a message when it is pretty clear what the outcome will be.

Again, we will protect everybody's right and opportunity to have full debate and vote accordingly, but I ask people to judiciously consider what amendments they bring to the floor.

Next week we will also address the Agriculture appropriations conference report under a very short time agreement. We will also address any other conference reports available, as well as executive nominations that are ready for Senate action.

ROSA PARKS

Mr. FRIST. Mr. President, over the course of the weekend, the Capitol will be busy. As people know, on Tuesday of this week, civil rights icon Rosa Parks passed away in her Detroit home at the age of 92. Throughout her life, she was a champion, an activist, a true hero, and has left a legacy that all of us will carry forward and pass on to our children and future generations because of that simple act—not so simple act, but that dramatic act of refusal to give up her seat on a Montgomery bus that was the was the catalyst for that historic civil rights movement that and remade our Nation.

Last night, it was our honor in this body to pass a resolution to allow the remains of Rosa Parks to lie in state on Sunday and Monday in the Capitol Rotunda. The House is expected to ratify a similar resolution today. Citizens from all around the country and really all around the globe, I am sure, will come to pay their respects. Rosa Parks will be forever etched in history as a testament to how one person with courage can literally change the world.

Although shortly we will be closing, at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF MICHAEL WYNNE TO BE SECRETARY OF THE AIR FORCE

Mr. FRIST. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider Calendar No. 409, the nomination of Michael Wynne to be Secretary of the Air Force. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, and the President be immediately notified of the Senate's action, and finally that the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF DEFENSE

Michael W. Wynne, of Florida, to be Secretary of the Air Force.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I thank the distinguished majority leader. Our committee acted on this nomination yesterday. There has been a vacancy in the Secretary's Office of the Air Force for some period of time. I thank the members from both sides of the aisle of the Armed Services Committee who have cooperated with me as chairman to get this nomination through today.

Mike Wynne is an extraordinary individual, eminently well qualified to lead the Department of the Air Force with great pride and integrity. He is a West Point graduate, served on active duty in the military. He has had extraordinary experience and degrees from the Institute of Technology, a master's, and on it goes. He has been in the Department of Defense in a variety of positions, and he was recently Under Secretary for Acquisition Technology and Logistics. I cannot think of a better qualified individual than Mike Wynne to take on this important task.

I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ADJOURNMENT UNTIL MONDAY, OCTOBER 31, 2005, AT 2 P.M.

Mr. WARNER. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:54 p.m., adjourned until Monday, October 31, 2005, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate October 28, 2005:

DEPARTMENT OF STATE

PATRICIA NEWTON MOLLER, OF ARKANSAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICATO THE REPUBLIC OF BURUNDI.

CAROL VAN VOORST, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICATO THE REPUBLIC OF ICELAND.

ROSS WILSON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICATO THE REPUBLIC OF TURKEY.

CONFIRMATIONS

Executive nominations confirmed by the Senate: Friday, October 28, 2005

DEPARTMENT OF STATE

DAVID B. DUNN, OF CALIFORNIA, TO BE AMBASSADOR TO THE TOGOLESE REPUBLIC.

CARMEN MARIA MARTINEZ, OF FLORIDA, TO BE AMBASSADOR TO THE REPUBLIC OF ZAMBIA.

MICHAEL R. ARIETTI, OF CONNECTICUT, TO BE AMBASSADOR TO THE REPUBLIC OF RWANDA.

BENSON K. WHITNEY, OF MINNESOTA, TO BE AMBASSADOR TO NORWAY.

DAVID M. HALE, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR TO THE HASHEMITE KINGDOM OF JORDAN.

NICHOLAS F. TAUBMAN, OF VIRGINIA, TO BE AMBASSADOR TO ROMANIA

SUSAN RASINSKI MCCAW, OF WASHINGTON, TO BE AMBASSADOR TO THE REPUBLIC OF AUSTRIA.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

JENNIFER L. DORN, OF NEBRASKA, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS.

DEPARTMENT OF COMMERCE

FRANKLIN L. LAVIN, OF OHIO, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE.

DEPARTMENT OF THE TREASURY

CLAY LOWERY, OF VIRGINIA, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

THE JUDICIARY

JAMES S. HALPERN, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

EXECUTIVE OFFICE OF THE PRESIDENT

KARAN K. BHATIA, OF MARYLAND, TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

SUSAN C. SCHWAB, OF MARYLAND, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF DEFENSE

WILLIAM ANDERSON, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

JOHN G. GRIMES, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

JOHN J. YOUNG, JR., OF VIRGINIA, TO BE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.

MICHAEL W. WYNNE, OF FLORIDA, TO BE SECRETARY OF THE AIR FORCE.

DELORES M. ETTER, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. WILLIAM T. HOBBINS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. LANCE L. SMITH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL W. PETERSON

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL EUGENE R. CHOJNACKI
BRIGADIER GENERAL KENNETH R. CLARK
BRIGADIER GENERAL DAVID F. WHERLEY, JR.
BRIGADIER GENERAL HARRY M. WYATT III

To be brigadier general

COLONEL WILLIAM R. BURKS
COLONEL IWAN B. CLONTZ
COLONEL DONALD E. FICK
COLONEL DAVID J. HATLEY
COLONEL KENNETH M. JEFFERSON
COLONEL ROBERT H. JOHNSTON
COLONEL DANIEL B. O'HOLLAREN
COLONEL RANDOLPH M. SCOTT
COLONEL MARK F. SEARS
COLONEL HAYWOOD R. STARLING, JR.
COLONEL ERNEST G. TALBERT
COLONEL LAWRENCE S. THOMAS III
COLONEL GUY M. WALSH
COLONEL ELLIOTT W. WORCESTER, JR.
COLONEL ROBERT J. YAPLE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. BURWELL B. BELL III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL D. MAPLES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL DANIEL B. ALLYN
COLONEL JAMES C. BOOZER, SR.
COLONEL RONALD M. BOUCHARD
COLONEL MARK S. BOWMAN
COLONEL THOMAS M. COLE
COLONEL JESSE R. CROSS
COLONEL KENNETH S. DOWD
COLONEL MICHAEL T. FLYNN
COLONEL WILLIAM H. FORRESTER, JR.
COLONEL WILLIAM B. GARRETT III
COLONEL JAMES L. HODGE
COLONEL ANTHONY R. IERARDI
COLONEL JOHN D. JOHNSON
COLONEL GREGG F. MARTIN
COLONEL WILLIAM C. MAYVILLE, JR.
COLONEL JAMES M. MCDONALD
COLONEL PATRICIA E. MCQUISTION
COLONEL JOHN W. PEABODY
COLONEL DAVID G. PERKINS
COLONEL DANA J. H. PITTARD
COLONEL JOE E. RAMIREZ, JR.
COLONEL JAMES E. ROGERS
COLONEL MICHAEL E. ROUNDS
COLONEL FREDERICK S. RUDESHEIM
COLONEL TODD T. SEMONITE
COLONEL JOHN E. SEWARD
COLONEL ROBIN P. SWAN
COLONEL ANTHONY J. TATA
COLONEL KEVIN R. WENDEL
COLONEL WILLIAM T. WOLF
COLONEL TERRY A. WOLFF

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. THOMAS D. ROBINSON

To be brigadier general

COL. CHARLES D. ESTES
COL. ELLEN P. GREENE
COL. LUIS R. VISOT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MICHAEL J. DIAMOND

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. PATRICK M. WALSH

IN THE AIR FORCE

AIR FORCE NOMINATION OF CHRISTOPHER SARTORI TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH SUZANNE M. CECCONI AND ENDING WITH KIRK B. STETSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 17, 2005.

AIR FORCE NOMINATION OF MELISSA A. SARAGOSA TO BE MAJOR.

IN THE ARMY

ARMY NOMINATION OF DEBORAH WHITMER TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH STEVEN C. HENRICKS AND ENDING WITH WILLIAM J. NELSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 17, 2005.

ARMY NOMINATIONS BEGINNING WITH GARY L. GROSS AND ENDING WITH ADGER S. TURNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 19, 2005.

IN THE NAVY

NAVY NOMINATION OF JAMES D. THOMPSON TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JAMES F. BRINKMAN AND ENDING WITH WILLIAM L. YARDE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2005.

IN THE AIR FORCE

AIR FORCE NOMINATION OF JOHN S. BAXTER TO BE COLONEL.

IN THE ARMY

ARMY NOMINATION OF JOSE R. RAEL TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH SUZANNE R. AVERY AND ENDING WITH JAMES FIKES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2005.

ARMY NOMINATIONS BEGINNING WITH DONNA J. DOLAN AND ENDING WITH DEBORAH F. SIMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2005.

ARMY NOMINATIONS BEGINNING WITH PAUL F. ABBEY AND ENDING WITH WARREN A. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2005.

ARMY NOMINATIONS BEGINNING WITH PAUL S. ASTPHAN AND ENDING WITH BRINDA F. WILLIAMSMORGAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2005.

ARMY NOMINATIONS BEGINNING WITH LYNN S. ALSUP AND ENDING WITH CAROL L. ZIERES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2005.

ARMY NOMINATIONS BEGINNING WITH JAMES W. AGNEW AND ENDING WITH DAVID A. YEROPOLI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2005.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH DEANNA HANEK ABDEEN AND ENDING WITH JAMES M. LAMBERT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2005.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF DARREN W. MILTON TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH CHRISTOPHER J. AABY AND ENDING WITH RICHARD B. YOUNG II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2005.

IN THE NAVY

NAVY NOMINATION OF WILLIAM D. FUSON TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH DANIEL ALBRECHT AND ENDING WITH JOHNNY WON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2005.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on October 28, 2005 withdrawing from further Senate consideration the following nomination:

HARRIET ELLAN MIERS, OF TEXAS, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, WHICH WAS SENT TO THE SENATE ON OCTOBER 7, 2005.

HOUSE OF REPRESENTATIVES—*Friday, October 28, 2005*

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal God and Creator of all we cherish and hold dear, help Congress finish its work for this week. Then, grant Members and staff peace of heart and relaxation in Your presence on the weekend.

May the fasting of Americans nourish a longing for peace and bring an end to violence on our streets and among nations.

May the sabbath of Americans bring contentment to families and greater respect among differing peoples.

May the worship of Americans strengthen faith, hope and love in the soul of the Nation and bring works of true compassion to those in need of help and consolation.

You alone are holy. You alone are the Lord of all, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nebraska (Mr. TERRY) come forward and lead the House in the Pledge of Allegiance.

Mr. TERRY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five 1-minute speeches on each side.

ELECTRONIC MEDICAL RECORDS

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, Medicaid waste, fraud and abuse is literally wasting billions of health care dollars and taking them away from elderly, blind, disabled and low-income Americans. For example, in California they found illegal billing for over $20 million for tests never authorized by physicians. The State of New York identified some $18 billion worth of fraud. Practices like this are unacceptable.

Yesterday the Committee on Energy and Commerce provided $100 million in grants for health care providers who adopt electronic medical records. These advances in health information technology will help providers with large Medicaid populations, like community health centers and inner-city hospitals.

A Rand study reported that if we use electronic medical records throughout the Nation, it could save $160 billion-plus in medical costs. The expansion of health IT promises to reduce errors and streamline Medicaid administration.

Mr. Speaker, health IT is the future. It is where we are going and applies this significant technology to save money, and, most importantly, lives. I urge my colleagues to visit my Web site at murphy.house.gov for more information.

PASS TRADE ACCOUNTABILITY ACT OF 2005

(Mr. SALAZAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SALAZAR. Mr. Speaker, the U.S. beef industry is a critical economic component of rural communities. The safety standards of the USDA allows the U.S. to provide the safest food supply in the world.

In 2003, Japan imposed a ban on U.S. beef products after the discovery of a cow infected with mad cow disease that never entered the food chain. Since that time, USDA has implemented stronger, scientifically sound BSE controls, and has ramped up its enforcement, yet Japan continues to keep their borders closed to U.S. beef.

This unwarranted embargo by Japan has caused significant impacts to the U.S. cattle producers and beef processors. Today I am introducing legislation that will call on the U.S. Trade Representative to impose sanctions on Japan if they do not open their borders to our Nation's beef by December 31, 2005. Other Asian countries have since opened their borders to U.S. beef, and it is time for Japan to do the same. Therefore, I am asking my colleagues to support this legislation and bring an end to Japan's beef embargo.

IRAN IS THREAT TO FREE WORLD

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, this week Iranian President Mahmoud Ahmadinejad called for the destruction of Israel in a speech in Tehran. He said, "There is no doubt that Palestine will soon wipe off this disgraceful blot from the face of the Islamic world. Anybody who recognizes Israel will burn in the fire of Islamic nations' fury."

Mr. Speaker, this saber-rattling, rogue tyrant, terrorist-talking head of state and his comments are yet another example of his menacing threat to all people.

Now Iran, with nuclear capability, is a real concern to not only free Israel, but to the free world. Iran's neighbors should be on careful watch. Hopefully the people of Iran will keep this firebrand, drugstore gunslinger under some control.

The United States must reaffirm its commitment to the nation of Israel and to the destruction and defeat of international terrorism.

Mr. Speaker, Mr. Ahmadinejad needs to mind his words, because words mean something, and he should mind his manners and use some common sense in what he does. That is just the way it is.

40TH ANNIVERSARY OF ST. LOUIS' ARCH

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, today in St. Louis people gather on the banks of the mighty Mississippi to commemorate the 40th anniversary of completing the Gateway Arch. It is our Nation's tallest monument at 630 feet, and St. Louis' greatest attraction with 3.5 million visitors each year.

After the Great Depression and after public urging, a nationwide public competition was held to determine a design for a memorial that would honor President Thomas Jefferson's bold vision for westward expansion for America.

It is our distinct symbol among the cities of the world, and stands as a testament to the inspired design of architect Eero Saarinen, to the amazing engineers and ironworkers who built her, and to the spirit of the citizens of St. Louis and across America.

Upon its dedication President Johnson noted, For a century, we labored to settle and subdue a continent. For half a century, we called upon unbounded invention and untiring industry to create an order of plenty for all of our people. The challenge for the next half century is whether we have the wisdom to use that wealth to enrich and elevate our national life, and to advance the quality of our American civilization.

Mr. Speaker, the challenge continues today as we wish happy birthday to St. Louis' arch.

TRIUMPHS OF OUR TROOPS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, why do the evil acts of terrorists receive more attention in the media than the victories of American soldiers? Our men and women in uniform are skillfully tracking down and killing terrorists throughout Iraq, but we rarely read about their accomplishments in the media or hear about their successes on the nightly news.

As U.S. troops risk their lives daily to protect American families, their victories deserve our attention.

Earlier this week coalition forces killed Abu Zaid and Abu Hassan, two al Qaeda terrorists who personally assisted in beheadings and were responsible for attacking Iraqi and coalition security forces. Fortunately, these murderers have met the fate of leading al Qaeda terrorists in Algeria and Saudi Arabia.

By eliminating these monsters, coalition forces have saved the lives of countless Iraqis and Americans. The American people deserve to know about the triumphs of our troops and their efforts to protect American families.

In conclusion, God bless our troops, and we will never forget September 11.

REPUBLICAN SPIN MACHINE IN HIGH GEAR

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, Chief of Staff Scooter Libby, the chief architect of the lies and deceptions about weapons of mass destruction in the rush to an unnecessary war to Vice President DICK CHENEY, is indicted for obstruction of justice and perjury in an attempt to cover up the plot to lie about weapons of mass destruction and smear those who told the truth.

The Republican spin machine is in high gear. It is not a big deal: Obstruction of justice, perjury, deceiving the Nation into an unnecessary war, not a big deal, not like a President lying about sex with an intern.

HONORING ROSA PARKS

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I rise today to join my colleagues and this Nation in honoring the passing of American civil rights hero Rosa Parks.

Looking back from our modern vantage point, it is difficult to imagine that an individual could exhibit so much courage and inspire thousands to rise up in protest merely through an act so simple as refusing to give up her seat on a bus.

In many ways this entire country is fortunate that a white man looking for a place to sit on that bus on that particular day set his sights on Mrs. Parks and not someone else. A middle-aged African American woman, clearly tired after a long day's work, how could anyone have known that she would have the strength of spirit to look up that fateful day in 1965 and essentially say enough is enough? For if the exhausted and fed-up seamstress had not been among the African Americans asked to move, if someone else had asked and complied, there may not have been that seminal event which would crystallize an entire movement.

One might say that Mrs. Parks' simple act of bravery preceded and, in fact, set in motion the many acts of courage of another civil rights hero, Dr. Martin Luther King.

When a conference of black Baptist ministers met to discuss how to react to Mrs. Parks' arrest, they elected a young Dr. King as their president. When they decided that the strong and sympathetic figure of Mrs. Parks had given them the impetus they needed to act, the modern civil rights movement was born.

Thus came the very successful 380-day boycott of Montgomery buses and the famous lunch counter sit-ins. And ultimately, thus came the Supreme Court's decision which struck down the remaining segregation laws once and for all. It took Rosa Parks to help accomplish the goals of Abraham Lincoln to bring equality for all Americans.

Mr. Speaker, it is just and right that schoolchildren in America have long been taught the name of Rosa Parks as that of one of America's foremost heroes. Even now that she has passed on, I have little doubt that she will continue to be properly recognized for all of her contributions to our Nation.

ENERGY CRISIS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, while American families and businesses struggle with sky-high energy prices, oil and gas companies are facing an entirely different crisis: What to do with all their money.

Yesterday, Exxon Mobil reported that its profits increased 75 percent in the third quarter, $9 billion. American families are struggling while energy companies are reaping huge profits, but the oil companies are unapologetic.

In fact, Henry Hubble, Exxon Mobil's vice president for investor relations, defended the profits and said, "You have got to let the marketplace work."

Mr. Speaker, I could not agree more. The oil companies should take their historic profits and use it to execute their business plans, and that is also why oil companies should give back the $16.5 billion in taxpayer subsidies that the Republican Congress has given to the energy companies in the past 4 months.

Mr. Speaker, right now Americans are paying twice: Once at the pumps and then again on April 15 when they file their taxes. That is not the free market, it is corporate welfare. What Congress subsidizes big oil to the tune of $16.5 billion, yet cuts home heating assistance to the elderly? A Republican Congress. Exxon said let the free market work. Let us get rid of corporate welfare for the big oil companies.

STRENGTHEN SANCTIONS AGAINST IRAN

(Mr. SHAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAYS. Mr. Speaker, on Wednesday, Iranian President Ahmadinejad called for the United States' greatest ally, Israel, to be wiped off the map. Unfortunately, these vile words are not new, nor were they his own. He was quoting Iran's self-proclaimed enemy of the United States and Israel, Ayatollah Khomeini. But perhaps even more disturbing is a place you can find those words written, on their Shahab-3 ballistic missile. These missiles have a range of 1,250 miles and could easily strike Israel.

Our Nation is blessed with a vibrant Jewish constituency, and I value my interaction with Jews in my district and during the many trips I have made to Israel. We can learn from the Jewish people that when your enemy says he is going to kill you, you better pay attention.

Mr. Speaker, I rise today to urge this body to issue a sharp rebuke of the Iranian President's words. Further, we should immediately consider proposals to strengthen sanctions under the Iran and Libya Sanctions Act of 1996 and authorize the President to provide financial and political assistance to pro-democracy groups within Iran.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 61. Concurrent resolution authorizing the remains of Rosa Parks to lie in honor in the rotunda of the Capitol.

□ 0915

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2744, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 520 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 520

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. TERRY). The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 520 is a rule providing for consideration of the conference report on H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006.

According to the rule, all points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

Mr. Speaker, today I am proud to present for consideration the rule for the conference report for agriculture appropriations for fiscal year 2006. I would like to commend Chairman BONILLA, Chairman LEWIS, and the entire Appropriations Committee for their hard work this year. The congressional budget is an important tool of Congress, allowing us to establish our priorities for the coming fiscal year.

The agriculture appropriations subcommittee has reported out a bill that provides important resources to ensure that our Nation's farmers and ranchers remain competitive in the 21st century. The legislation enhances our ability to safeguard our food supply and addresses the nutritional needs of children and the most disadvantaged in our country. The bill also works to maintain and build fiscal discipline.

In total, the bill provides $17.1 billion in discretionary resources. This level represents an increase of $258 million, only 1½ percent over the fiscal year 2005-enacted level.

The bill continues our commitment to protecting human health and safety. In an effort to combat harmful pests and disease that threaten American agriculture, the Food Safety and Inspection Service is increased by $20 million over last year for a total of $838 million, an increase of $127 million above the President's request. And APHIS, the Animal and Plant Health Inspection Service, activities are funded at $7 million above last year for a total of $820 million.

I am pleased that the conference report fulfills our commitments to important food and nutrition programs. Child nutrition programs are funded at $12.7 billion, $879 million above last year and $245 million above the President's request. To provide quality nutrition for Women, Infants, and Children, the WIC program is funded at $5.3 billion, $22 million more than last year.

In addition, the conference report supports American farmers, ranchers, and rural areas. The Farm Service Agency salaries and expenses are funded at the President's request of $1 billion, allowing the continued delivery of farm and disaster programs. To unlock much-needed advances in agricultural research and allow American farmers to have the tools necessary to continue to produce a safe and wholesome, affordable food supply, the Agricultural Research Service is funded at $1.266 billion.

USDA's Conservation Observations are increased by $72 million over the President's request, bringing 2006 funding to $840 million, an increase over last year. This will allow farmers and ranchers to achieve important conservation and environment goals, recognizing that farmers and ranchers are the original environmentalists.

This appropriations bill is an example of how Congress can attain fiscal discipline and still fund our necessary programs. The conference report on H.R. 2744 funds programs over the President's budget request, increasing funding in strategic areas, while maintaining fiscal discipline. I am impressed with the work of the conferees, and I am certain the appropriations process this year will serve as a model of how we can achieve responsible and responsive funding simultaneously.

Mr. Speaker, I represent a congressional district in Florida that is among the top in the Nation in production of certain agricultural goods. And I want to personally thank Chairman BONILLA and Chairman LEWIS and the agriculture appropriations subcommittee staff for their ongoing commitment to the needs of Florida's agriculture, which has been ravaged now by a number of hurricanes over the past 2 years and a number of invasive plants, pests, and diseases.

I particularly thank Chairman BONILLA for his understanding and diligence in fighting the spread of citrus canker in the groves of my State. I know that the people of Florida deeply appreciate the subcommittee's tireless efforts to assist our State's agriculture economy.

I urge Members to support the rule and the underlying conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Florida (Mr. PUTNAM) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, let me begin by commending committee Chairman LEWIS and subcommittee Chairman Bonilla as well as committee Ranking Member OBEY and subcommittee Ranking Member DELAURO for bringing a freestanding fiscal year 2006 agriculture appropriations conference report to the floor today.

For the first time in several years, the agriculture appropriations conference report has not been folded into an omnibus bill and is allowed to be voted on up or down on its own merits. Until this year, that has been a rare accomplishment, and I believe our distinguished colleagues deserve to be commended for their efforts.

Mr. Speaker, while I will support the conference report, I do have some concerns with the final conference report and with the process by which it has been completed; and I am going to let some of the others who are on the Appropriations Committee talk about that in more detail. But, apparently, there were serious policy disagreements between the House and the Senate that were magically resolved without any vote by the conferees. There are examples of identical provisions, passed in both bodies, being changed in the conference committee even though House rules preclude such provisions from being rewritten. I think we can do much better than that, Mr. Speaker.

I also have some policy concerns with this conference report. One provision that was dropped in the conference had to do with privatization of the administering of the food stamp program. Senator HARKIN and others in the Senate had some serious concerns with a proposal in Texas to allow Accenture to administer the State's food stamp program. Their concerns led to the inclusion of a provision preventing such privatization. Senator HARKIN attempted to modify that provision for inclusion in the final conference report, but his effort was rejected. Ultimately, the provision was dropped altogether from the conference report.

I am very concerned about a wholesale change like this in the food stamp program. The conference report actually allows every State to privatize their food stamp programs. We may find out that this is a good thing, but I do not believe we should rush into such a big change without testing it first in a few pilot programs. The food stamp program is one of the best run Federal and State programs and should not be subjected to such a wholesale change.

Another provision that I am concerned about is the country of origin labeling provision. The 2002 farm bill set a date certain for country of origin labeling for various meat, poultry, and produce products. I was disappointed by past efforts that have delayed portions of this provision. This conference report delays enactment of country of origin labeling until 2008, and it is time to let the country of origin labeling provisions take effect like the Congress intended when it passed the 2002 farm bill.

I am also concerned about other provisions dealing with organic produce, the way the Food and Drug Advisory Panel is regulated, and horse slaughter. The horse slaughter provisions are extremely troubling, primarily because majorities in both the House and Senate voted for amendments banning the slaughter of horses for human consumption. This provision should not have been rewritten in conference, and I am disappointed with the conference committee's actions on all three of these issues.

However, Mr. Speaker, I would be remiss if I did not highlight, in my opinion, one of the most positive aspects of this conference report. As many of my colleagues know, I am a strong supporter of the George McGovern-Robert Dole International Food for Education and Child Nutrition Program. I am pleased that President Bush requested $100 million in his fiscal year 2006 budget, and I am pleased this conference report funds the McGovern-Dole program at $100 million. It is still far less than I believe we should be funding it; but, nevertheless, it is an increase over last year's level.

Modeled after the U.S. school breakfast and lunch programs, the McGovern-Dole program is successful. It is well run, and it is a popular program that provides food for children in school settings around the world. Named after former Senators George McGovern and Bob Dole, this program is operating around the world and has fed millions of children in countries like Afghanistan and Colombia and other developing countries.

Mr. Speaker, it is not just I who supports this program. The Secretary of Agriculture, Mike Johanns, sent me a letter earlier this year expressing the administration's support for the program. Specifically, the Secretary mentions "the positive results of increased enrollment, decline in absenteeism, improved concentration, energy, and attitudes toward learning; and infrastructure improvements . . ." But beyond these, he mentions how important it is that countries are already graduating out of this program. In other words, some countries are getting ready to end their involvement in the McGovern-Dole program because they are now able to provide the school feeding programs themselves. They have become self-sustaining.

Finally, Mr. Speaker, Secretary Johanns notes how important the program is and how important proper funding is despite the challenges facing the Federal budget. I will insert this letter from Secretary Johanns into the RECORD at this point.

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC.

Hon. JAMES P. MCGOVERN,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN MCGOVERN: Thank you for the letter of December 2, 2004, from you and your colleagues to President George W. Bush, expressing your support for the McGovern-Dole International Food for Education and Child Nutrition Program (FFE). The White House forwarded your letter to the Department of Agriculture (USDA) for reply. We apologize for the delay in responding.

This Administration greatly appreciates your support for this very successful program. USDA now has 5 years of experience with FFE and its predecessor, the Global Food for Education Initiative. These programs have reached over 7 million beneficiaries and provided close to 1.3 million tons of agricultural commodities as well as other types of assistance to schools and communities. The positive results include increased school enrollment, especially among girls; declines in absenteeism; improved concentration, energy, and attitudes toward learning; and infrastructure improvements, including classrooms, kitchens, storage facilities, water systems, latrines, and playgrounds.

We are especially gratified that FFE has resulted in greater local commitment to school feeding activities. In many cases, FFE activities have been so successful that local support for school feeding is expanding to the point that FFE assistance can shortly be ended. Examples of these "graduating" countries are Kyrgyzstan, Lebanon, Moldova and Vietnam. We will continue to allocate some FFE resources to these countries this year as we expand the benefits of FFE by implementing programs in additional countries. Additionally, the success of FFE has resulted in other donors becoming involved in school feeding programs. These other donors include the European Union, the German Agency for Technical Cooperation, the Japanese Development Agency, Canada, and the World Health Organization.

We agree that funding for FFE should be expanded in fiscal year (FY) 2006. While the Administration is making a concerted effort to cut the budget deficit, we have requested $100 million in appropriated funding for FFE in FY 2006, which is double the funding for the program in FY 2004 and an increase of 15 percent compared to FY 2005.

Thank you again for writing to support this important program. We look forward to continuing to work with you to improve USDA's overseas food aid programs. A similar letter has been sent to each of your colleagues.

Sincerely,

MIKE JOHANNS,
Secretary.

Mr. MCGOVERN. Mr. Speaker, I believe the world community, and that includes the United States, can do better in combating hunger in the world. There are 850 million hungry people in the world; 300 million are children. Of those 300 million, half of them do not go to school; and of those who do not go to school, they are mostly girls. We need to change that reality, and the McGovern-Dole program helps mightily toward changing that reality. The fact is we cannot effectively combat disease and overpopulation and illiteracy or deal effectively with sustainability in developing countries if we do not commit ourselves to universal education; and the way we get to universal education, in large part, is through school feeding programs.

I would also argue that the McGovern-Dole program does some other important things. It gives people around the world who otherwise would not have any hope, it gives them hope. It gives them a chance to believe that their children will get an education and actually succeed in the world. It gives countries the ability to look forward to truly develop in a way where they can have economies that can support their people. I also think it goes a long way in improving the image of the United States around the world at a time when I think we desperately need to improve our image, because I believe that this is the kind of program that a majority of people, Republicans and Democrats, people from red States and blue States, all think is what America stands for. We are about helping people. We are about giving people a chance.

Let me finally say, Mr. Speaker, that I hope at some point the Republican leadership and the Democratic leadership in this House can come together and focus more acutely and more effectively on the issue of hunger here at home in the United States and around the world. There are some problems that we cannot solve in my lifetime, but hunger is not one of them. We can do so much better. We have the resources. We have the infrastructure. What we need is the political will, and that is my hope.

I want to thank Chairman LEWIS, Chairman BONILLA, Ranking Member OBEY, and Ranking Member DELAURO, along with subcommittee members EMERSON and KAPTUR, who are strong supporters of the McGovern-Dole program, for their hard work and for increasing funding in this program to $100 million for fiscal year 2006. I truly appreciate their efforts. Again, despite some of my concerns with the process and a few policy matters, I think overall this is a good conference report. I will support it.

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I appreciate the gentleman from Massachusetts comments and certainly share his concern about the need to deal with world hunger problems.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE), a gentleman who represents a group of people who are doing their own part to fight that. He represents the breadbasket of the world.

Mr. PENCE. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Today, the House is set to consider the fiscal year 2006 agriculture appropriations conference report, a bill of some $17 billion in scope. But according to the Congressional Budget Office, Mr. Speaker, the bill violates the budget resolution by $199 million over the budget.

☐ 0930

The rule we are debating at this very moment is asking us to waive a budget point of order to enforce the budget.

Mr. Speaker, I cannot do that. These are difficult times in which we live. The American people are looking to this Congress to make the hard choices, to put our fiscal house in order. Today, as we consider this conference report, for my part I will neither be able to vote yes for this rule, but neither am I willing to vote no. The only reason why I will vote "present" and urge other conservative colleagues, Republicans and Democrats, to do likewise is simply out of a sense of confidence in the chairman of the House Appropriations Committee.

I have met in recent days and recent hours with Chairman JERRY LEWIS of the House Appropriations Committee. The only reason I am not prepared to vote no on this rule is because I believe that almost solely by virtue of the integrity and commitment of Chairman JERRY LEWIS, I believe that before we adjourn this year, we will eventually be back to the $843 billion number that this Congress labored to adopt as our budget for discretionary spending, back when the budget of the House was adopted last March. So I believe that at the end of the day, Chairman JERRY LEWIS will bring these numbers in line.

But as was the case with the legislative branch conference report that was $85 million over the House budget, the Interior conference report which was $52 million over the budget, this Agriculture appropriations conference report is over the budget by $199 million. And I believe it is imperative that while we recognize this chairman's effort at the end of the day, at the end of this year to square this budget up, that largely due to our colleagues in the Senate, this bill exceeds the House budget.

It also, as I said in a letter to Chairman DREIER last night, it violates the House rules in one other regard. Under rule XXI, paragraph 6, legislation is not to be considered in order where there is a designation or redesignation of a public work in honor of an individual, and this legislation does that, naming a public structure after a sitting Member of the Senate in direct violation of the House rules.

This bill violates the House budget that we adopted in March, this bill violates the House rules, and for that reason I will vote "present" on this rule and urge my colleagues to do likewise.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say to the gentleman who just spoke from Indiana, I appreciate the fact that he is sensitive to when House rules are violated. I just wish he would join with us when the House rules are violated routinely on a number of rules that deal with a number of important pieces of legislation.

I would also say, too, this legislation, I think, is good for a whole bunch of reasons, but one of the reasons is because it provides money for food stamps, WIC and feeding programs. Feeding people is, I think, an important issue, and especially in the aftermath of the hurricanes that have hit the gulf coast. There are a lot more people that are going to need to take advantage of some of the programs that are encompassed in this bill.

Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I want to begin by telling you how impressed I am with the firm statement of principle apparently by the Republican Study Committee. Confronted with an appropriations bill that they believe wrecks the budget, violates the House rules, they are calling for a firm and principled "present" on the rule. That is an inspirational example of how to combat wrongdoing. It does give new meaning to the faith-based initiative. Apparently the gentleman from Indiana thinks this is a terrible rule and a bad bill, but because he has faith that by some process, apparently others will be excluded, that the chairman of the committee will fix it, he will refrain from voting against it.

I want to express my appreciation to the gentleman from Connecticut, who fights very hard for the most important parts of this bill, in my judgment, those which my colleague from Massachusetts alluded to, those which try to alleviate hunger, food stamps and international feeding programs, and I am pleased that they have survived the onslaught as well as they have. I hope that when we get to the reconciliation process, her efforts and the efforts of others who care about these things will succeed.

There is one aspect of the feeding program, however, where I find myself in sharp disagreement with the conference report, and at this point I would include for the record a speech given to the Kansas City Export Food Aid Conference in May by USAID Administrator Natsios.

[From the Kansas City Export Food Aid Conference, May 3, 2005]

THE LOCAL PURCHASE INITIATIVE

(Remarks by Andrew S. Natsios, Administrator, U.S. Agency for International Development)

I am very pleased to be here today to discuss U.S. food aid—what we have done right in the past and what we can do to improve how we conduct our food aid programs in light of new challenges since September 11, 2001.

Last year when I was here, I talked about the success of U.S. food aid over the past 50 years and how we have assisted more than 3 billion people through P.L. 480 programs. Over the past twelve months, many of you have continued to work with people in Sri Lanka and Indonesia whose lives were devastated as a result of the Tsunami as well as people in Sudan, Ethiopia and Eritrea who have been hit hard by the equally overwhelming consequences of conflict and drought. In addition, many of your organizations contribute to long term development programs in places like Honduras and Bangladesh that strengthen communities so that when they face sudden or slow onset disasters, they are prepared and better able to cope with the setbacks. You have continued to work tirelessly to save and improve people's lives. I appreciate the partnerships we have created together to address food insecurity.

I want to take a few minutes now to talk about changes in the world over the past few years and how the change has affected our ability to meet food aid needs. Our Agency, and particularly our food programs now operate in an environment characterized by increased frequency and severity of natural and manmade disasters, terrorism, instability, the HIV/AIDS pandemic, corruption, poor governance and conflict which has led to increased population displacement.

The United States Government is facing increasing demands on its diplomatic, military and humanitarian resources. And the resources are limited. But not responding is not an option, so we prioritize and stretch the dollars to meet as many needs as possible as efficiently as possible.

At the same time, the World Trade Organization continues its debate on food aid issues in the context of the current agricultural trade negotiations. Some of the other members would like to do away with in-kind food aid such as the P.L. 480 Title II program. The U.S. has made two presentations at the WTO in Geneva on U.S. food aid policies and programs. At these presentations and in the negotiations we keep reminding member states, and relevant international organizations that we must come to an agreement that will ensure (1) that we maintain adequate food aid levels to meet global needs; (2) that food aid continues to be an internationally accepted form of assistance when it targets food insecure populations; and (3) that we minimize any trade distortions. I won't belabor this any further as I know that there will be a more in-depth discussion on trade issues over the next few days. Let me just say that we will continue to try to ensure that the WTO Doha Development Round does not restrict in-kind food aid. If food aid is unduly restricted, inhibit development, increase food insecurity and create instability in developing countries.

In President Bush's 2002 National Security Strategy, he acknowledged the importance of fighting poverty abroad when he defined the three pillars of our foreign policy as Defense, Diplomacy and Development. Recognizing that we cannot address all of today's problems using our military or diplomatic resources, he emphasized that what we do as development practitioners can also serve to protect vital American national interests.

In January of this year, USAID released a paper focusing attention on failing, failed and recovering states known as the Fragile States Strategy. The strategy provides a focal point for the USAID Bureau for Democracy, Conflict and Humanitarian assistance in defining its priorities and in carrying out its humanitarian assistance role. The strategy promotes four basic objectives for carrying out work in fragile, failed and failing states which are to: (1) improve monitoring and analysis; (2) ensure that priorities respond to realities on the ground; (3) focus programs on the source of the fragility or weakness; and (4) create or use streamlined operational procedures to support rapid and effective response.

Failed states are both the incubator and sanctuary for terrorists. Where there is no effective national government to control terrorist organizations, these groups will flourish. It was no accident that Sudan, Somalia, and Afghanistan served as the base of Al Qaeda training and planning. As the National Security Strategy document so succinctly puts it: "America is now threatened less by conquering states than by failing ones." We now know by painful experience that we are not immune from the consequences that arise from state failure on other continents.

Our underlying priorities, in working in fragile states, are to increase stability, promote security, encourage reform and build institutional capacity. This will address the causes of fragility as opposed to simply targeting symptoms. The President's 2006 budget proposes reforms which will give USAID the programmatic tools to deal with fragile states.

In crisis situations, strategic programming of food aid can stabilize a fragile economy by supporting local farmers and maintaining demand for the locally produced goods, despite the low purchasing power of those requiring assistance. Famines can be demand driven or supply driven. A supply driven famine is caused by reduced food production and rising prices. In this case, importing U.S. food to increase the food supply would be an appropriate response. A demand driven famine is caused by the collapse of family livelihoods and the inability of families to access food, even where there is adequate supply and low prices. In cases where the food supply is adequate and prices stable, but where families cannot afford to purchase the food, an appropriate response would be to purchase what is available locally to assist the food insecure rather than adding U.S. food to the local supply which could depress local prices and further aggravate the economy.

As with all of our work in fragile countries, we need to take a close look at all of our options when responding to needs. The work is getting more rather than less arduous and it is evident that we must expand the ways in which we conduct our business. The old way of doing business is insufficient to meet the mounting food needs in this new environment given our limited dollars.

Despite all that we are doing, and all that the rest of the world is doing to win the war on hunger, the number of chronically malnourished people in the world continues to rise, now totaling more than 850 million people. And though the prevalence of undernourishment has fallen in 30 developing countries since the early 1990s, poverty and conflict have contributed to its growth elsewhere.

In the past decade, and especially in the past several years, conflict-related emergencies and natural disasters have created global food needs beyond the capacity of the U.S. and other donors to respond using the options currently available to us. In specific situations, when food pipelines break or when conflicts pause and we need to move food in quickly to save lives, we need to be able to access food more quickly.

In his book on famine, Fred Cuny stated that "the chances of saving lives at the outset of a [relief] operation are greatly reduced when food is imported. By the time it arrives in the country and gets to people, many will have died." He goes on to say that "evidence suggests the massive food shipments sent to Ethiopia in 1985 had little impact on the outcome of the famine . . . and that by the time it arrived in sufficient, steady quantities in the rural areas, the death rate had peaked and was already declining."

Some of the starkest evidence we have of deaths directly related to a slow food aid response took place in Gode, Ethiopia, the epicenter of the 2000 famine there, which threatened over 10 million people with starvation. While the famine was eventually averted—the Centers for Disease Control has estimated that in Gode, 20,000 deaths resulted from the crisis in that region alone with an estimated 78,000 deaths in four other regions. Seventy-seven percent of the deaths in Gode occurred before the major relief interventions began in the summer of 2000 and more than half of the deaths were of children under the age of five.

One way to respond to the needs more quickly is to purchase food locally, but this requires us to have access to cash. When food emergencies are a function of localized drought, conflict or crop failure from disease or locusts with food available close-by, local purchase can be critical.

USAID is searching for innovative ways to stretch its dollars and meet the needs of the most vulnerable populations with emergency and developmental food assistance. One way of doing this is to provide cash which could be used to purchase food in the country or region where an emergency is taking place.

For FY 2006, President Bush has taken the initiative to provide this tool to USAID humanitarian officers and has put a request into the FY 2006 budget asking that $300 million be shifted out of P.L. 480 Title II and into the International Disaster and Famine Assistance (IDFA) account to be used as cash for meeting emergency food needs. Specifically, the President stated in his budget that "This funding will permit USAID to provide food assistance in the most timely and efficient manner to the most critical emergency food crises. This assistance will be used in those instances where the rapid use of cash assistance is critical to saving lives."

One of the factors behind this request is the length of time that it takes to ship food commodities from the United States to an emergency. Shipping in-kind assistance from the U.S. normally requires three or four months to arrive at an emergency distribution point once it is ordered. Having the option to purchase the food in the same country or region where an emergency is happening would enable us to get food to hungry people faster. It would save lives and would fill a critical gap until U.S. commodities arrive at the site. In addition to providing a faster option, local purchases of food will, in many cases, save the dollars that would otherwise have been spent on transportation costs, allowing us to purchase additional food aid to feed more people.

The primary purpose of the Title II program is to save lives and having more flexibility in our programs to use cash to buy food locally will save lives. The fact that U.S. farmers and shippers are able to benefit from the Food for Peace program is an important, but secondary benefit. It is not the primary objective of the program. The primary objective is to save lives.

In responding to pending crises, USAID has limited options:

We can order a shipment of U.S. commodities which can be expected to arrive at the distribution site within 3 to 4 months of purchase.

We can access food from pre-positioned U.S. commodity stocks or swap commodities from other food pipelines. However, the limited pre-positioned stocks are not always adequate or suitable for every situation and increasingly thin pipelines have lately rendered swaps infeasible.

Within the past year, we have established a pre-position warehouse in Dubai, UAE to store commodities until they are needed in an emergency. While this is extremely useful, we cannot always preposition the amount or appropriate mix of commodities that would be needed in every emergency. Also, pre-positioning will not solve every problem. For example, currently Ethiopia is facing an unexpectedly severe food crisis and while the current supplemental budget has a sizable increase in food aid, it cannot be used to order food until the President signs it. When this happens, we will need to order the commodities in the U.S., ship them, and then wait for them to arrive in Ethiopia several months from now. Needless deaths will occur while we wait. If we had the flexibility to purchase food locally, we could purchase the commodities in or near Ethiopia once the legislation is signed, getting the food to the people who need it months sooner. This is not a hypothetical situation—it is taking place as we speak.

Another option that we have to meet emergencies is to divert U.S. commodities headed to other programs on the high seas. And while this has been done, it is an extremely costly intervention. It means that another program will suffer, and ultimately means less money for commodities.

The ability to purchase food supplies in local or regional markets would give us one more option for meeting critical needs. While this will not always be viable, this flexibility will make a difference in the reduction of human suffering.

I want to be very clear that this requested change is not an attack on the U.S. farmers or the U.S. maritime industry. The contributions that many of you have made in feeding hungry people overseas is notable and will continue to be a critical, basic component of how the U.S. conducts its management of food aid. The Administration has no intention of changing how the United States runs its food aid programs in general. This is not the beginning of a push to make our food aid program an all-cash program. I personally would oppose any kind of proposal to make more than one quarter of our food aid budget available for local purchase. The greater portion of U.S. food aid must continue to be purchased in American markets where the supply is assured for emergencies where large volume is needed.

One thing that I have been asked repeatedly is: How will we sustain support on Capitol Hill for these humanitarian food aid programs, if the benefits to the U.S. agricultural and shipping industries are perceived to be decreased? The budget for OFDA, the Office of Foreign Disaster Assistance, and the Refugee Program budget have been as stable in funding as the Food for Peace budget, and these two budgets contain no guaranteed purchase of U.S. commodities. Americans, including those who have been intimately involved in our food aid programs in the past, will strongly support USAID's effort to improve the U.S. food response to humanitarian emergencies by making that response as flexible and effective as possible to save more lives and reduce suffering. I believe that compassion for those who are suffering is part of the moral fabric of this society. This was evident to me in the massive outpouring of private cash contributions to help the victims of the Tsunami and I believe that it holds true here.

Stretching our emergency resources further will also help to protect our development programs from being tapped to meet emergency needs.

I know that many of you have questions about how we will run this program and I will try to answer as many of them as possible.

The Administration has requested that the money be placed in the International Disaster and Famine Account. This is the emergency account managed by our Office of Foreign Disaster Assistance. However, the $300 million designated to this account for the purchase of food aid will be managed by the Office of Food for Peace, which currently manages the Title II food aid program. As Food for Peace currently has the responsibility for and the expertise in managing food aid, they are the appropriate group to administer this money. The money, like current Title II money, will be programmed primarily through NGOs and the World Food Program.

One of the questions that I have been asked is: Is there enough food available in local markets to meet our emergency needs? Though local purchase will not support all of our food aid initiatives, there is food available for purchase in developing countries. In 2004 more than $680 million worth of food aid was purchased from developing countries by WFP in order to meet local food aid needs. Developing countries able to supply food aid commodities have included (but are not limited to) Indonesia, Pakistan, South Africa and Sudan. This method not only provides food more quickly and more cheaply, it also supports the local economy and helps improve the livelihoods of poor farmers.

We follow the principle of "Do no Harm" in local markets. The $300 million will not all be used to purchase and program food in a single country, but in a variety of countries, reducing the impact on local markets. We also intend to apply Title II legislated requirements such as Bellmon and Usual Marketing Requirement, where local purchases are conducted to ensure that there will be no displacement of commercial sales, or negative impact on local markets.

I have also been asked several times why we can't just use our notwithstanding authority under Title II to make local purchases. I have been told in no uncertain terms by our USAID lawyers that we cannot use our notwithstanding authority for local purchases. Title II authorizes the donation of American agricultural commodities. Notwithstanding authority was not intended for, nor can it be used to create additional authority that would allow the purchase of foreign commodities. The notwithstanding clause can waive existing federal laws which slow down emergency response, but it cannot be used to invent new authority not now available under Title II. As it is currently written, Title II can not be used to purchase commodities locally.

We do not intend for this money to be used in purchasing commodities from other developed nations. If food aid is not available for local purchase under appropriate market conditions in developing countries with some proximity to the emergency need, the food aid will be purchased in the United States.

I want to close with another example of where this type of program could be used effectively.

In the past in southern Sudan, small farmers in the fertile western farming areas have often produced small grain surpluses, while hundreds of thousands of Sudanese in other parts of the country have urgently needed food aid. If we were able to strategically and carefully buy the surpluses to meet food aid needs elsewhere in the same country, we would end up sustaining and improving the lives of both groups. Should signatories comply with the July Peace Accords, there is a real possibility that agricultural output could return to its former level and the region would once again act as an important regional cereal supplier. However, if using donated food commodities from the U.S. remains our only option, we risk lowering demand for the local production and destroying price incentives for the local farmers to improve their production to meet future food aid needs.

I would be happy to take your questions.

Mr. Speaker, the issue was this. We give food aid, and that is generous. Under the rules that will be maintained by this bill, the aid can only be given in kind; that is, we ship the actual physical food. That has obvious advantages in that it helps the American farmer while it helps those in need. Particularly for nonemergency food aid, that is an entirely legitimate way to go. In some emergency situations, maybe in many, it is the right way to go.

The problem is under current law, the American foreign aid administrators are not allowed to use any of this food aid by buying the food near where the emergency happens. That is one reason why a large part of the food aid is taken up in transportation costs. I understand there are maritime interests like that, but that is not an appropriate way, it seems to me, to go about trying to help them.

Inevitably, not inevitably, correctly, much of the food aid will be that bulk aid. But to maintain a position that we will never use any of the food aid to buy the food on site, nearby, in ways that it can be done in ways that do not disturb local markets is a grave error.

What bothers me about this appropriation is not simply that it bans that from happening, and I give credit to the administration and to the President, Administrator Natsios, my former legislative colleague from Massachusetts, who asked for the authority to do this. When that was rejected outright, there were various compromises proposed. The senior Senator from Ohio Mr. DEWINE, I think senior, whatever, proposed a compromise in which a percentage of the emergency aid would be available.

We are not talking, those of us who support this, about making all of even the emergency aid cash-based, but there ought to be a capacity in the Administrator to put some of the money that is appropriated into buying food locally. Now, I know, by the way, there are people on the Committee on Agriculture that say, no, that would be bad for the local markets. Mr. Speaker, I have a rule in politics: Try not to say anything that no one will believe is really your motive.

When you look at this agricultural bill and American agricultural policy and the devastation our subsidy policy wreaks on local food markets, the notion that the people who make American agriculture policy in this Congress are really concerned about the poor local farmers is risible. We obviously have ways of dealing with the local impact, and I believe that Administrator Natsios is absolutely right.

There is another argument here to which I give more credibility, and that is some of the organizations that are engaged in international development of food aid are the intermediaries here, and they get the food and they sell it, and they then use the money in various good ways. And these are good organizations.

I will note that two of the major organizations here, OXFAM and CARE, have decided, no, they do not need to have 100 percent of the aid being given in bulk, and that a percentage of the emergency aid, that is all we are talking about, a percentage of the emergency aid being available, not mandated, but being available when appropriate, to be bought on site or nearby, not right on site, but nearby, that is better. There are other organizations that have concerns.

I notice one of them is the Catholic Relief Services, which does great work. I do want to express great concern, Mr. Speaker. I hope in consequence to the what the President sent this House on Wednesday. I hope that Catholic Relief Services, because they want to help people overseas, will not be told the that Catholic Church cannot do voter registration to get out the vote, which is what some people would say if they helped people locally. So I hope that the restrictions on the Catholic Church and other good organizations that the majority wants to apply if they are doing things domestically to help the poor will not also apply to their international efforts. I hope we will work out a compromise.

Let me close by saying I was particularly disturbed by this language, and it is the Republican majority, the great believers in openness, the great principled reformers, here is what their report says, the majority report, on this bill. "The conferees further admonish the executive branch to refrain from proposals which place at risk a carefully balanced coalition of interests which have served the interests of international food assistance programs well for more than 50 years."

In other words, we got a deal going here. Take your principles and get out of here before you upset the apple cart. Do not come to us talking about a more efficient way to provide emergency food aid to people, because you might break up our political deal.

Some reform.

Mr. PUTNAM. Mr. Speaker, as always, the gentleman from Massachusetts' rapier wit is as sharp as ever, but in this case misdirected as his faults are with the underlying bill itself and not with the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I want to commend my colleague from Massachusetts for raising some very interesting points. I had spoken earlier about the McGovern-Dole program, which I feel very strongly about. One of the good things about the way this program has been set up is it provides flexibility so that if, in fact, you need to respond to a particular need in a country, to provide food, and there is no food that you can buy in that country, you can use American agricultural produce to be able to feed people.

If, in fact, you can buy locally, if there is enough food to buy locally, you can monetize our agricultural riches, and you can then buy the products locally. You can also monetize it to help pay for transportation of some of this food. So it seems to me that it is not all one way or another way, it is somewhere in between, and we need to continue to work this out. But you need to have flexibility in these programs.

Again, I think the McGovern-Dole program is a good example of what works.

I should also say that Chairman HYDE and Ranking Member LANTOS are on the floor from the International Relations Committee. Both have been very, very helpful in promoting the McGovern-Dole program, and I am grateful for their efforts.

Mr. Speaker, I yield 6 minutes to the gentlewoman from Connecticut (Ms. DELAURO), the ranking member on the committee.

Ms. DELAURO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, if I can briefly address the just prior conversation, I will commend my colleague from Massachusetts (Mr. McGOVERN) in terms of trying to make some clarification on the issue of food assistance.

I also will commend my colleague from Massachusetts (Mr. FRANK) in this regard: I know where his heart is on food assistance; it is where we all need to be. I will tell you that we can discuss the nature of the problem in terms of the distribution, but I think what was particularly important in this committee was when we first had the money presented for food assistance, it was less, less, in the President's budget than we had in the prior year, and it was split between our committee and sending money to AID, thereby lowering the dollar amount by about $265 million.

We were adamant about trying to maintain a higher level of assistance, and, I tell you, without having the benefit of getting back that $265 million from AID, we were able to bring the dollar amount on food assistance up to $1.1 billion, which we are proud of, and that is part of the admonition in the conference report.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentlewoman for yielding and for what she says. I know she is very much on the side of doing this in the right way, and confronted with particular facts, you have to deal with things. So I do believe that a rational food aid policy will include some flexibility on buying the food in an emergency, time and everything else, but I certainly agree it should not come at the expense of the overall program.

Ms. DELAURO. I thank the gentleman.

Mr. Speaker, I want to say thank you again to my colleague for yielding to me. I want to say thank you to Chairman BONILLA for working to deliver this bill to the floor and for working across the aisle. I have enjoyed working with him, even when we differ on issues and priorities. I know that he takes the responsibilities as Chair very, very seriously, and I have a deep respect for him for that.

In addition, I want to say thank you to his staff and the gentleman from Wisconsin's staff and my staff, all of whom have worked so diligently this year and for long hours. These are good public servants, all of them.

I am particularly pleased that after several years we had the opportunity to participate in a conference meeting to resolve several outstanding issues in a public capacity. Indeed, we had an open conversation and a discussion about matters including conflict of interest waivers on FDA advisory boards, the integrity of the food stamp program and our national animal identification system, to name but a few.

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I only wish that the same spirit of openness and transparency with which we discussed those issues had guided the conference efforts to resolve them, because I believe what we are doing is important here.

The programs funded through this bill directly impact the everyday lives of Americans, from public health to the FDA, to rural development, infrastructure maintenance, environmental conservation and preservation, nutrition assistance at home and abroad. Failure to adequately invest in these programs will have a serious long-term consequence for our Nation.

Unfortunately, in some of these areas, the bill falls short. I believe the President's budget failed to meet the needs of rural America, decimating rural development programs. This bill makes some headway in reversing cuts made by the President, providing $80 million more than the President's request for rural water and waste grants, for example. However, I am concerned that this number remains below the level in last year's House bill and well below the 2004 level.

Rural America faces serious economic development challenges, from affordable housing and clean drinking water, to sewage systems and access to remote educational and medical resources; and I am afraid that this funding shortfall will lead to long-term deficiencies in rural infrastructure.

In addition, this bill covers the funding of the most important agency in the entire government: the Food and Drug Administration. FDA oversees the safety of products that Americans use every day, the vast majority of our processed and fresh foods, our prescription drugs, our medical devices, and our blood supply. And this agency has had many problems over the last year, from abrupt resignations of key staff, to the recalls of Bextra and Vioxx, to hearings that have exposed the fissures that have developed between drug safety scientists and the senior management at FDA.

Along those lines, I want to say thank you again to Chairman BONILLA for working with me to include funding to double the annual funding for review of direct-to-consumer ads by FDA, as well as another $5 million for drug safety at the FDA.

In 2001, the drug industry spent $2.7 billion on direct-to-consumer advertising; but the FDA office, charged with ensuring that those ads are accurate, was funded at less than $1 million. Doubling that amount is a small start toward remedying the problem. The $5 million will be devoted to the most critical aspects of drug safety.

There are other issues, of course, that I look forward to discussing later on today, but I believe there are areas in which we have made real progress and others which I hope that we can revisit in the next budget cycle.

Mr. PUTNAM. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it is the best of times and the worst of times, today particularly. On this bill and on this rule, I want to first thank Chairman BONILLA of the Appropriations Committee and the staff, particularly Martin, Maureen, Leslie, Tom, and Jamie, for doing an admirable job; and they did it with the allocation figure they were given.

I also want to congratulate ranking member ROSA DELAURO for completing her first cycle as ranking. I thank her for her hard work on the food safety and FDA issues. I also want to thank Martha Foley on our side. She is always ready with an answer anytime one asks.

Mr. Speaker, I appreciate the efforts of Chairman BONILLA in crafting this bill, which is an improvement over the President's budget request. I particularly want to thank the chairman for working with me to find $7 million for the Specialty Crop Block Grant program in full committee and maintaining that funding in the conference report that we have before us today.

Investing in our specialty crop agriculture is imperative, and this certainly will be a happy day for the industry and all those who produce our Nation's fruits, vegetables, and nuts. I look forward to working together to provide innovative and effective assistance to make the specialty crop industry more competitive in the future; and, I might add, this is the industry that does not receive subsidies or help from the government.

Because of the work of this committee, my growers will now have help with pests such as vine mealy bug and diseases such as verticillium wilt, and we will continue a voluntary water quality study for the entire Monterey Bay watershed.

But as with any legislation this lengthy, it cannot all be good. I am very disappointed with, and strongly oppose, section 797 which was added as a "legislative fix" to an Organic Foods Production Act in response to a ruling by the courts in Harvey v. Johanns after the conference committee had adjourned, subject to call of the Chair. There was no public disclosure. This was all done behind closed doors.

These changes will not return us to the status quo prior to the lawsuit. Rather, this legislative fix will weaken both law and existing regulatory standards and restrict the authority of the National Organic Standards Board.

For example, numerous synthetic food additives and processing aids, including over 500 food contact substances, can be used in organic foods without public review. Young dairy cows can continue to be treated with antibiotics and fed genetically engineered feed prior to being converted to organic production. Loopholes under which nonorganic ingredients could be substituted for organic ingredients can occur without any notification to the public based on emergency decrees.

If the history of OFPA has taught us anything, it is that changes should be done following an inclusive and transparent process that unites, rather than divides, the organic community. At the very least, the process should have given all stakeholders a fair chance to vet the proposed changes and their likely consequences.

Consumers are willing to pay more for organic food because organic offers the most authentic of natural food. Consumers expect that food carrying the organic label will be natural and should not contain synthetic ingredients.

In a March 2005 nationwide survey, 85 percent of the respondents did not expect food labeled "organic" to contain any artificial ingredients, a finding that is directly in opposition to the actions of the conference committee. The real losers under this policy change are American consumers. Consumers who care about having natural food will have to look for additional claims to organic, such as "no synthetic ingredients included" on processed foods and "100 percent grass fed" on meat and dairy products in order to know that their expectations have been met.

This amendment undermines consumer confidence in the integrity of the national organic program. Backroom deals without proper debate undermine the integrity of the entire organic industry, and we are certain to visit this fix again and again.

Mr. Speaker, we have come a long way with this process. Despite section 797, our farmers will be better off because of this legislation, and I want to thank all of my committee members for putting together such a good appropriations bill. I support the action of the committee when we followed regular order, and when we did that, we crafted a good bill. I only wish we would have finished the bill together so the process was as good as the final product.

Mr. McGOVERN. Mr. Speaker, I again want to commend Chairman BONILLA and Ranking Member DELAURO for their great work and the members of the committee, and I urge support of the conference report.

Mr. Speaker, I yield back the balance of my time.

Mr. PUTNAM. Mr. Speaker, I appreciate the comments of the speakers on both sides of the aisle. I agree with them that Chairman Bonilla has led a very balanced process as we move agricultural policy in this country into the 21st century. It is a large appropriations bill. It covers a wide array of needs in this Nation, from WIC and child nutrition programs, to the conservation side and all that that entails in terms of making sure that we are not eroding our valuable topsoil, making sure that we have wildlife habitat, and making sure that environmentalists understand that farmers are the true stewards of that land. And frankly, at the root of the bill, the most important service, is to allow American farmers and ranchers to continue to grow the safest, most affordable, most abundant food supply and be able to feed not only our country but the rest of the world as well.

It is a real tribute that there is bipartisan support for this legislation to make sure that we are competitive in the 21st century, that we are compliant with our global trade agreements, that we are continuing to push ahead in fighting the war against hunger, making sure that we continue to fight the war against obesity, and allowing our farmers and ranchers to be competitive.

So it is a testament to the bill, and it is a testament to the authors of that bill on both sides of the aisle.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONDEMNING IRANIAN PRESIDENT MAHMOUD AHMADINEJAD'S THREATS AGAINST ISRAEL

Mr. HYDE. Mr. Speaker, I ask unanimous consent that it shall be in order at any time without intervention of any point of order to consider in the House H. Res. 523; the resolution shall be considered as read; the previous question shall be considered as ordered on the resolution and preamble to its adoption without intervening motion or demand for division of the question except: (1) 40 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and (2) one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, pursuant to the previous order of the House, I call up the resolution (H. Res. 523) condemning Iranian President Mahmoud Admadinejad's threats against Israel, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 523

Whereas on October 26, 2005, Mahmoud Ahmadinejad, President of the Islamic Republic of Iran, declared that "Israel must be wiped off the map", described Israel as "a disgraceful blot [on] the face of the Islamic world", and declared that "[a]nybody who recognizes Israel will burn in the fire of the Islamic nation's fury";

Whereas Iran funds, trains, and openly supports terrorist groups that are determined to destroy Israel;

Whereas on December 14, 2001, the President of Iran's highly influential Expediency Council, Ali Akbar Hashemi-Rafsanjani, threatened Israel with nuclear attack, saying, "[i]f one day, the Islamic world is also equipped with weapons like those that Israel possesses now, then the imperialists' strategy will reach a standstill because the use of even one nuclear bomb inside Israel will destroy everything [in Israel], while it will merely harm the Islamic world";

Whereas Iran has aggressively pursued a clandestine effort to arm itself with nuclear weapons; and

Whereas the longstanding policy of the Iranian regime aimed at destroying the democratic state of Israel, highlighted by statements such as those by Ahmadinejad and Rafsanjani, underscores the danger of an Iran armed with nuclear weapons: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns, in the strongest terms, Ahmadinejad's outrageous and despicable threats and demands that he repudiate them;

(2) calls on the United Nations Security Council and all civilized nations to condemn and reject these statements and to censure Iran for its statements and for its policies aimed at destroying Israel;

(3) further calls on the United Nations Security Council and all civilized nations to consider measures to deny Iran the means to carry out its threats and to prevent Iran from acquiring nuclear weapons; and

(4) reaffirms the unwavering alliance between the United States and Israel and reasserts the commitment of the United States to defend the right of Israel to exist as a free and democratic state.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this should be a week in which people around the world consider and celebrate the progress that has been made in interfaith relations in the modern era. We are marking the fact that 40 years ago today, His Holiness Pope Paul VI issued Nostra Aetate, "In Our Times," the landmark declaration of the Roman Catholic Church on its relations with non-Christian religions, in particular Islam and Judaism. That declaration began 4 decades of very important and very helpful dialogue among the world's major faith communities.

In sharp contrast to the spirit of Nostra Aetate, we witnessed on Wednesday a shocking and venomous instance of political and religious intolerance. The President of the Islamic Republic of Iran issued a series of threats against the State of Israel, couched in religious or, perhaps I should say, pseudo-religious terms. President Ahmadinejad said, in essence, that for religious reasons, the State of Israel should be wiped off the map. Evidently, the world has not had enough genocide and ethnic cleansing.

This is not a position shared by most Muslims. Iranians in particular have had enough of the intellectual, economic, and spiritual poverty imposed upon them by their unelected or nominally elected officials.

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That poverty will only deepen as Iran finds itself isolated by the sort of rhetoric spouted by President Ahmadinejad.

We can take comfort from the fact that our response of dismay is shared by many in the world community. In particular, the response of Palestinian leader Saeb Erakat is worth noting: "We have recognized the State of Israel, and we are pursuing a peace process with Israel. And we do not accept the statements of the President of Iran."

In this resolution, we express our rejection of the statements of the Iranian president and call upon him to repudiate them. Further, we ask the world community to consider whether a government that calls for the elimination of another state should remain in possession of the means to carry out its threats. Israel is entitled to take these threats seriously, as are all other nations, and Iran will have to be prepared to bear the consequences.

I urge the adoption of the resolution and wish to express my appreciation of the leadership shown on this issue by the gentleman from Indiana (Mr. PENCE) and by my colleague from California, our ranking Democrat (Mr. LANTOS).

The gentleman from Indiana has an important markup, and so I would like to yield to him briefly at this time.

Mr. PENCE. Mr. Speaker, I thank the chairman for yielding and am deeply humbled to rise during the chairman's time and prior to the ranking member's time.

I thank the gentleman from California (Mr. LANTOS) for the courtesy in recognizing a markup schedule on the Hill. I am deeply humbled to stand between TOM LANTOS and HENRY HYDE, who are the two leading voices for human rights and for the relationship between the people of the United States of America and the people of Israel.

I rise in support of House Resolution 523 that recognizes an extraordinary and, as Chairman HYDE just said, shocking and venomous moment in world debate. On October 26, 2005, President Mahmoud Ahmadinejad, the President of the Islamic Republic of Iran, declared that Israel must be "wiped off the map." He described Israel as, quote, a disgraceful blot on the face of the Islamic world. Such rhetoric is, as this resolution states, outrageous and despicable. It is, in my judgment, in the heart of the American people to rise in this Congress, in these extraordinary times and speak this truth to that power, and that is that the people of the United States cherish the dream that became the reality of Israel in 1948, and we categorically condemn rhetoric of this nature.

This resolution calls bravely on the United Nations Security Council and all civilized nations to condemn and reject these statements. Let the world know, the American people pray for the peace of Jerusalem, for all the people of all the faiths in Jerusalem. We long for justice in the region. And only if the world will come together and condemn this venomous and despicable and shocking statement by the president of the Islamic Republic of Iran will that peace and justice ever be achieved.

Mr. Speaker, I yield back to the chairman with gratitude and appreciation for his and the gentleman from California's leadership in bringing this important resolution before the Congress.

Mr. HYDE. Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Let me first pay tribute to my friends and distinguished colleagues, Chairman HYDE and the gentleman from Indiana (Mr. PENCE) for their powerful and eloquent statements.

Mr. Speaker, I rise in strong support of this resolution. Two days ago the leader of Iran made one of the most repugnant remarks the international community has heard since Adolf Hitler. With his bone-chilling call for Israel to be wiped off the map, the Iranian dictator placed himself and his benighted regime far beyond the pale of the civilized world.

I would hope that everyone in this body would be sickened by the Iranian dictator's contemptible sentiments. And I would hope that every civilized nation is likewise appalled by it, and condemns Iran in the strongest possible terms.

But, Mr. Speaker, this latest outrage from Tehran comes as no surprise. The Iranian leader has made graphically explicit what many of us have long known. Since day one of its existence, the Iranian regime has craved Israel's destruction and has been working assiduously through terrorism and all other means to achieve that goal. Iran's support for terrorist groups that are determined to destroy Israel is well known. Iran is Hezbollah's puppetmaster and increasingly the banker and mentor for Hamas and Palestinian Islamic Jihad as well. And Iran would almost certainly put any nuclear arms it produces or acquires at the service of this nefarious end. All of this should, by now, be clear, even to the most gullible. This has nothing to do with Israel's policies. Tehran simply rejects Israel's right to exist.

Anyone who still does not get the message should read the Iranian Foreign Minister's response to criticism of the Iranian President's remarks yesterday. And I quote, "The comments expressed by the President is the declared and specific policy of the Islamic Republic of Iran. We don't recognize the Zionist regime and don't consider it legitimate." That is what the Iranian Foreign Minister said yesterday.

Mr. Speaker, it is crucial that the United Nations Security Council censure Iran in the strongest terms possible for its leader's disgusting, bellicose statement, and that it insist that Iran repudiate those statements and halt its support of terrorism.

And it is more urgent than ever that the Security Council take up the issue of preventing Iran's nuclearization and agree on strong sanctions. Let me remind everyone that 4 years ago another powerful Iranian leader, Ali Rafsanjani, openly boasted that Iran would win a nuclear exchange with Israel.

Mr. Speaker, when Hitler threatened to destroy the Jews, almost nobody took him seriously. The appeasers and the pseudosophisticates said it was just rhetoric. But madmen often mean exactly what they say, as we learned only under the most tragic circumstances, and now Iran is declaring its ugly, unthinkable intent for all to hear. And the world is tested yet again.

Mr. Speaker, Iran is guilty of a multitude of sins and assaults on civilization beyond its policy of attempting to delegitimatize the State of Israel. Iran is the world's leading state sponsor of terrorism. It ceaselessly meddles in Iraq, sowing violence and chaos and undermining that fragile new society's quest for stability and peace, and it is an unapologetic enemy of the United States, as government-sponsored demonstrations all over Iran on this very day make it crystal clear. These are just a few elements of its dangerous behavior, and we shall return to all these concerns on another day.

But Ahmadinejad's inflammatory statement compels us today to focus on Iran's ugly fanaticism-based opposition to Israel's existence and the threat that a nuclear Iran would pose to Israel and to all nations of the Middle East. I know of no situation in the world remotely comparable to this one where a power hell-bent on acquiring nuclear arms declares its determination to wipe one of its neighbors off the map. And in this case, the neighbor that is the object of this vituperation and this murderous intent is the sole democracy in the Middle East and a close ally of the United States of America.

Mr. Speaker, I do not believe that our resolution will in itself dissuade Iran from its repugnant views or deter it from its planned horrible deeds, but it is morally imperative that we speak out, that we draw attention to a potentially impending nightmare, and that we demand that this time the world take action before it is too late. That is what our resolution does, Mr. Speaker, and that is why I unreservedly support it and urge all of my colleagues to do so.

Just a few minutes ago, Mr. Speaker, Reuters reported another megalomaniacal and insane statement by the President of Iran. He said, and I quote, that he stands by his call to wipe Israel off the map. My words are the Iranian nation's words: Westerners are free to comment, but their reactions are invalid, end quote.

All of us in this body should reject, denounce and repudiate the outrageous statements of the leader of Iran and stand up for our friend, the democratic State of Israel.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the chairman for the time.

I rise to strongly condemn the statements made by Iran's so-called President and to call on the international community at the United Nations to take swift action to compel Iran to change its destructive behavior.

I rise in support of this resolution, and I thank Chairman HYDE and Ranking Member LANTOS and our leadership for bringing this important measure before this House this morning.

Earlier this week, Iran's so-called President called for Israel to be wiped off the map and for a new wave of Palestinian attacks to destroy the Jewish State.

He further stated that anybody who recognizes Israel will burn in the fire of the Islamic nations' fury, while any Islamic leader who recognizes the Zionist regime means that he is acknowledging the surrender and the defeat of the Islamic world.

Nations throughout the world have condemned the regime's comments, but the international community needs to do more.

The Iranian leadership has a history of calling for the wholesale destruction of Israel. On December 14, 2001, the current president of Iran's Expediency Council and the former Iranian President Rafsanjani threatened Israel with nuclear attack saying that the use of even one nuclear bomb inside Israel will destroy everything in Israel, while it will merely harm the Islamic world.

Iran's behavior is a threat to peace and security and, as such, runs contrary to the United Nations Charter and the spirit of an organization built upon the ashes of the Second World War.

In calling for the destruction of Israel, Iran, a U.N. member state, stands in grave breach of the U.N. Charter which stipulates that member states must foster peaceful relations with one another.

My colleagues and I are circulating letters to Secretary Rice and U.N. Secretary General Kofi Annan calling not only for Iran to be censured, as this resolution rightfully does, but for the U.N. Security Council to recommend expulsion of Iran from the United Nations system.

I support this resolution before us because it calls for all civilized nations to consider measures to deny Iran the means to carry out its threats and to prevent Iran from acquiring nuclear weapons.

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However, Mr. Speaker, we need to do more to secure concrete actions from our allies. We need to leverage all of our political, diplomatic, and economic tools to ensure that Iran does not cross the nuclear threshold, that it stops its chemical and biological weapons program, that it ends its sponsorship of terror and it stops oppressing its own people.

H.R. 282, the Iran Freedom Support Act, which I introduced with my distinguished colleagues, the gentleman from California (Mr. LANTOS), the gentleman from Ohio (Mr. CHABOT), the gentleman from California (Mr. BERMAN), the gentleman from Virginia (Mr. CANTOR), and the gentleman from New York (Mr. ACKERMAN), provides a comprehensive, multi-tiered, non-military approach to the Iranian threat. The legislation has 325 co-sponsors, and I urge that it be acted upon before the House adjourns this year.

Mr. Speaker, Iran is the full ticket. It is not just Israel's problem. It constitutes a clear and present danger to regional and global security and must elicit a clear and comprehensive response.

The time has come for Congress and the international community to hold Iran accountable for its destructive behavior. I urge my colleagues to render their strong support for this resolution, but we must do more. We must also pass H.R. 282. It seeks to hold the Iranian regime accountable for its unacceptable behavior and to contain the threat by denying Tehran the resources to engage in its sponsorship of terrorism worldwide, its development of long-range missiles, and chemical, biological and possibly nuclear weapons, and its repression of the Iranian people.

I urge my colleagues to pass this resolution, but also to pass H.R. 282.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 25, 2005.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HYDE: I would like to take this opportunity to respectfully request that H.R. 282 be scheduled for mark-up by the Committee next month (November 2005).

H.R. 282, seeks to hold the Iranian regime accountable for its unacceptable behavior and to contain the threat by denying Tehran the resources to engage in its sponsorship of terrorism worldwide, its development of longer-range missiles and chemical, biological, and, possibly, nuclear weapons and its repression of the Iranian peeople.

General Background

Mr. Chairman, almost three years of negotiations between the E3-EU countries and the Iranian regime have yet to yield a permanent suspension of enrichment activities and a dismantling of Iran's nuclear program. On the contrary Iran, in August of this year, resumed its nuclear efforts removing the IAEA seals on the uranium conversion plant at Isfahan and, in September, Iran began to transfer more of its nuclear program under military control.

Referral of the Iran case to the UN Security Council, should that occur, would not necessarily yield any concrete steps to contain or halt Iran's nuclear pursuits.

Lastly, the E3-EU/Iran negotiations fail to address other critical issues of great importance to U.S. national security interests such as Iran's sponsorship of terrorist activities, including in Iraq, while H.R. 282 seeks to cover the range of U.S. policy priorities.

Procedural Background

On April 13, 2005, the Subcommittee on the Middle East and Central Asia held a mark-up session to consider H.R. 282. The legislation was amended and adopted by unanimous consent and forwarded by voice vote to Full Committee for action.

My Subcommittee Staff Director has worked with your staff on the full Committee to seek input from the Administration, having met with NSC and State officials on May 25, 2005 and on June 27, 2005. At the June 27th meeting, a written line in/line out was promised "in the next couple of weeks." In mid-July, a deadline of July 22nd was given to the NSC to provide a line in/line out to the Committee but it was not met.

On September 28, 2005, I met with , who asked for more time before calling for a Full Committee mark-up of H.R. 282. I agreed to wait a few weeks.

It has now been a month since that meeting and the Russian Federation remains opposed to referral of the Iran case to the UN Security Council and insists on "Iran's lawful right to a peaceful nuclear energy program." Further, the position of the EU now appears to be focused merely on convincing Tehran to "resume talks" and "resume suspension."

In the interim, Iran inches closer to crossing the nuclear threshold.

Status of H.R. 282

Mr. Chairman, H.R. 282 provides critical leverage for the Administration to use to compel greater action from U.S. allies who, months ago, were asked by the U.S. to consider individual sanctions on Iran for its breaches and, instead, continue their multibillion dollar investments in Iran's energy sector.

H.R. 282 is in keeping with U.S. efforts to address the multiple threats posed by the Iranian regime, as well as with the U.S. strategy to bring freedom and democratic governance to the people of the Middle East.

H.R. 282 currently enjoys the support of 325 co-sponsors, including:

Members of the Republican and Democrat Leadership

Three-fourths of the Members of the Committee on International Relations (22 out of 27 GOP/17 of 23 DEM)

7 Full Committee Chairs and 8 Ranking Members

49 of 65 Members of the Committee on Armed Services

17 of 21 Members of the House Permanent Select Committee on Intelligence

25 of 34 Members of the Committee on Homeland Security

42 of 66 Members of the Committee on Appropriations

Committee Action Requested

Mr. Chairman, you have exerted Congressional oversight and the Committee's jurisdiction on a range of important issues such as the U.S.-India nuclear deal and the amendment to the Iran Nonproliferation Act, despite Administration concerns.

In that vein, I ask for your assistance and respectfully request that you immediately schedule H.R. 282—the Iran Freedom Support Act—for mark-up.

Sincerely,
ILEANA ROS-LEHTINEN,
Chair, Subcommittee on the Middle East and Central Asia.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY), a distinguished member of the Committee on International Relations.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the resolution introduced by the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS).

The President of Iran stated clearly that his intentions are to wipe the State of Israel off the map. He followed up these remarks the other day by saying, "My words were the Iranian nation's words."

These comments further highlight the nefarious intentions the Iranian regime has towards not only Israel but towards the West.

You would think when international pressure is bearing down on Iran over the refusal to allow IAEA inspections, they would not be making such disgusting comments. The United States must start a serious diplomatic effort to ensure that a vote is taken next month to bring the Iran nuclear program to the Security Council.

The Iranian leadership will continue to make these outrageous statements, but it is not just words for Iran. A U.N. report released this week said large shipments of weapons from Iran are being shipped through Syria to Palestinian terrorists. Israel and the Palestinians have a chance for peace, but this chance will not be achieved if bad actors like Iran and Syria continue to fan the flames of violence.

I do not believe the majority of the Iranian people support the words of Mr. Ahmadinejad. His hard-line politics make him a favorite of the ruling mullahs, and he was able to win the presidency when the reformist voters chose not to vote instead of supporting him. It is not as if the Council of Guardians gave the Iranian people any other choice. They made sure that any candidate representing reformist views was removed from the ballot.

Mr. Speaker, I strongly support this resolution, and I urge all of my colleagues to send a message to the Iranian regime that we do not support these unacceptable and disgusting statements.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the chairman and I thank the ranking member for bringing this very important resolution to the floor.

Mr. Speaker, the words this week from the President of Iran were shocking but, unfortunately, not surprising. "Israel must be wiped off the map . . . and God willing, with the force of God behind it, we shall soon experience a world without the United States and Zionism."

These are words of hate, the words not of a legitimate world leader but of an enemy to peace, to freedom, and to the United States.

That Iran's corrupt ruling elite have their boot heel on the neck of moderate reform is not a secret. Nor is Iran's obsession with the development of nuclear weapons with which to destroy Israel any hope for freedom in the Middle East; nor is Iran's membership in and sponsorship of a psychopathic cult of violence and murder that is right now a clear and present danger to the safety of every citizen of the United States, Israel, Iraq, and every other democracy on Earth.

This week's rhetorical outburst, repugnant as it is, Mr. Speaker, is simply a verbal expression of the ayatollah regime's most basic political aspiration, the destruction of Israel and the extermination of the Israeli people. That regime, clinging both to power and the past, will one day fall to a new generation of Iranians, devout in their faith, tolerant in their politics, and free in their hearts.

The democratic opposition to the ayatollahs is the future, and a bright one at that. They deserve our support as much as the Tehran regime deserves our scorn and suspicion.

This week's outburst, a direct threat to our ally and our interests, must be condemned in the fiercest terms and backed up by a renewed commitment by this House and this Nation to develop substantive policies to bring about desperately needed political reform in Iran.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF), a distinguished member of the Committee on International Relations.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, anyone who held out hope that despite his reputation as a hard liner that Iran's new president, Mahmoud Ahmadinejad, would adopt a more statesmanlike posture in office, has been bitterly, tragically, and unequivocally set straight. The Iranian dictator has instead chosen the role of international outlaw.

With his remarks 2 days ago that Israel must be wiped off the map, the Iranian strongman showed utter disregard for human life and for the central principle of the United Nations and the modern international system. Ahmadinejad's outrageous remarks were reinforced today by massive demonstrations in Iran that further threaten to ignite tensions in a volatile region of the world and undermine the fragile Israeli/Palestinian peace negotiations.

What makes Ahmadinejad's remarks all the more disturbing is that they come at a time when Iran is actively pursuing nuclear weapons that could make his harsh rhetoric a reality. How can the world stand by while an outlaw nation attempts to gain nuclear weapons? How can the world stand by while an outlaw nation announces its despotic intentions to annihilate millions of people? Should Iran one day act on its murderous intent, how can the world claim surprise?

As our ranking member, the gentleman from California (Mr. LANTOS), points outs, sometimes a madman means exactly what he says. The world must unite to condemn these threats and this episode must stiffen the resolve of Europe and the United Nations to ensure that Tehran will never, never acquire nuclear weapons.

I thank the chairman and the ranking member for the leadership in offering this resolution, and I am proud to sponsor it.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the learned gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of the resolution. We need to send a message. This message is being sent immediately upon hearing these despicable words from the President of Iran. Again, understanding the significance of these words, we must recommit ourselves in this body to seeing to it that Iran never does possess nuclear weapons and these weapons of mass destruction that would create a hell on Earth and not only disturb the peace but could threaten the lives not only of the people of Israel but the people throughout the world who support Israel's right to exist.

Let me make that very clear. All of our allies, all of our neighbors, every neighborhood in the United States of America would be at risk if the Iran mullah regime has possession of nuclear weapons. We know this not because Iran threatens Israel. We know this because any country that has a president that would threaten to wipe off the face of the map another country is a threat to all decent people in the world, and they know it.

The President of Iran has said they will wipe Israel off the face of the map. Let us note that he and those in his regime hold power only because the people of Iran are denied the right to choose their own leaders. He is not the President of Iran; he is part of a gangster regime run by radicals who are out of touch with Islam and do not represent their own people.

As so often happens, those who oppose the freedom of their own people end up being a threat to the peace and stability of the world, and that is exactly what this statement exemplifies.

The mullahs are playing a horrible role in the lives of their own people. They promote hatred, violence, and intolerance in a region that is desperate for peace. They are spreading hatred and violence and an intolerance in a region that right now is poised and ready for peace, reconciliation and, yes, democracy.

The people of Iran are not our enemies. This resolution is not about the people of Iran. We would ask the people of Iran today to join with us, the free people of the world and the decent people of the world, in building a better world, a peaceful world, a tolerant world, a world of democracy and freedom. We can do this together by eliminating the mullah regime. They are the ones that should be removed from the face of the planet, not Iran, but their mullah regime, the dictatorship that holds power over them.

They should go back to the mosque. The people of Iran should be free. The people of the region of the Middle East, including the people of Israel, should live in peace and harmony with their neighbors. That is what this resolution is all about.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to my good friend from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Speaker, I thank the ranking member and the gentleman from Illinois (Mr. HYDE) for this opportunity to speak.

Mr. Speaker, Emily Dickenson said that "a word is dead when it is said some say. I say it just begins to live that day."

These words of hate are taking on life, Mr. Speaker. These words of hate are a clarion call to us to take affirmative action to make sure that this president is never armed with nuclear weapons. This president with these words of hate could create a nuclear holocaust, an inferno if you will, unlike which even the mind of Dante could imagine.

We must not allow these words of hate to go unchallenged. This is why I rise today. I rise because I support the resolution. I believe that this is the appropriate action for us to take as a first step.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I praise Chairman HYDE and Ranking Member LANTOS for bringing this resolution so quickly to the floor.

Adolf Hitler said when genocide was committed against the Armenians, No one will remember. But we remember. When "Mein Kampf" was written, the dictator said he planned genocide against the Jewish people, but the international community ignored his plan and 6 million died in the death camp ovens.

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Now, the leader of Iran delivered his "Mein Kampf" speech committing Iran to a policy of genocide against Israel.

He told us that he seeks to kill another 6 million Jews in Israel, but if Iran builds nuclear weapons and missiles, he will not only commit a second Jewish Holocaust, he will also kill 1 million Arabs that live in Israel. He would kill them, too. The fallout from his attack would also deposit poison on Jordan, and he would kill them, too.

The President of Iran's speech was not religious. It was genocidal. The President of Iran's speech was not for the Muslim faithful. It is going to lead to the death of Muslims living in Israel and Jordan.

If the failure of the League of Nations against Hitler teaches us anything, it is that the international community must listen to the warnings of would-be leaders of genocide and stop them. The United Nations, formed out of the ashes of Germany, committed itself to stopping men of this kind who plan to commit genocide against other Nations.

Every generation is tested by dictators, and the Iranians are becoming our generation's test. Let us join with the United Nations and moderate Muslim Nations to say that we have read the lessons of history, and we will now act collectively to stop them. This is our generation's test, and we owe it to our grandparents who opposed the dictators to make this a collective action before the danger against millions grows.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, the history of the 20th century aptly teaches us that when tyrants threaten genocide and mass murder, their words must be taken seriously because they have a tendency to do exactly what they said they would do.

When President Ahmadinejad of Iran threatened to destroy Israel, says Israel must be wiped off the map, he joined the fellow he defeated in the election, the former President Akbar Hashemi Rafsanjani who said that Israel must be destroyed by nuclear weapons, and it does not matter. One nuclear bomb will destroy Israel, and nuclear war will merely harm, not destroy, the Islamic world.

These men must be taken seriously. The threats of genocide must not be permitted to be carried out. Iran is the enemy of peace and the enemy of order and the enemy of mankind in its behavior and its proclaimed intentions. Iran must not be permitted to have nuclear weapons.

It is a shame that this country got diverted into Iraq from focusing on the real threat to peace in the world, Iran, and we should focus on Iran and make sure they do not get nuclear weapons, and make sure they return to peaceful sanity.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my good friend and distinguished colleague from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I thank the gentleman from Illinois and the kind gentleman from California for bringing this resolution to the floor today and allowing me to join them as a cosponsor.

On Wednesday at a speech in front of 4,000 Iranian students, the President of Iran called for Israel to be "wiped off the map." He led a group of students in chants of "death to Israel."

Our message to Iran and its President is firm. We condemn in the strongest terms his dangerous and reckless remarks. These comments are a wake-up call to the international community as we deal with Iran's attempt to gain access to nuclear technology.

It goes without saying, Iran's words are a challenge to all members of the United Nations and the integrity of the United Nations Charter and those who have signed on to it. As a member of the United Nations, the President of Iran's comments violate U.N. rules and must be dealt with decisively by the United Nations leadership and all those in the Security Council.

This kind of hateful rhetoric, it breeds a terrorism and a violence that we saw in the 20th century, and we took steps to deal with that type of reckless, hateful speech. Yet, unfortunately, it is what we have come to expect from Iran's leadership, but I do not believe that spirit or those words represent the aspirations of the Iranian people.

I support this resolution and urge my colleagues in both parties and those in the world body to condemn its hatefulness in all its forms.

Again, I want to thank my two colleagues from Illinois and from California for their leadership and the speed in which they brought this resolution to the floor, because today, when it comes to hate, the United States Congress speaks with one forceful voice.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to my good friend and distinguished colleague from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my California colleague for yielding me time.

I rise to condemn in the strongest way statements made by President Mahmoud Ahmadinejad earlier this week and strongly urge my colleagues to join me in supporting the resolution.

Earlier this week, the President of Iran repeated the late Ayatollah Khomeini's call, stating, "Israel must be wiped off the map," described Israel as "a disgraced blot on the face of the Islamic world," and declared that "anybody who recognizes Israel will burn in the fire of the Islamic nations' fury."

These comments are unacceptable and raise concerns about Iran's intentions. Does Iran want to be a partner in this world or an outlaw regime that is a pariah among nations?

It is also troubling that this was not just the sentiment of the President, but the Iranian Foreign Minister reiterated the President's remarks stating, "The comments expressed by the President are the declared and specific policy of the Islamic Republic of Iran. We don't recognize the Zionist regime and don't consider it legitimate."

Mr. Speaker, as one of our closest allies, Israel has constantly had to defend itself from hostile neighbors supported by Iran. However, it poses a new threat with nuclear ambitions not just in the Middle East, but to the world, and that is why this statement is outrageous.

I think our country, by passing this resolution, needs to guarantee our continued support for Israel, and I will insert the rest of my statement in the RECORD at this point.

Mr. Speaker, I rise today to condemn in the strongest way the statements made by Iranian President Mahmoud Ahmadinejad earlier this week I strongly urge my colleagues to join me in supporting this resolution.

Earlier this week, President Ahmadinejad repeated the late Ayatollah Khomeini's call, stating "Israel must be wiped off the map," described Israel as "a disgraceful blot on the face of the Islamic world," and declared that "anybody who recognizes Israel will burn in the fire of the Islamic nation's fury."

These comments are unacceptable and raise concerns about Iran's intentions. Does Iran want to be a partner in this world or an outlaw regime that is a pariah among nations. It is also troubling that this was not just the sentiment of the President, but that Iranian Foreign Minister Manouchehr Mottaki reiterated President Admadinejad's remarks stating "the comments expressed by the president are the declared and specific policy of the Islamic Republic of Iran. We don't recognize the Zionist regime and don't consider it legitimate."

Mr. Speaker, as one of our closest allies, Israel has constantly had to defend itself from hostile neighbors, however, Iran poses a new and possible more serious threat with its nuclear ambitions.

When reading about these comments I learned that during a military parade in Tehran just a month ago, "Israel Should Be Wiped Off the Map" was the slogan draped on a Shahab-3 ballistic missile. Six of the missiles were displayed in the parade; with a 1,250 mile range, these missiles could reach Israel. Nuclear power is dangerous in reasonable nations but must be controlled in outlaw countries. Iran has long been a threat to Middle East peace and Israel, and President Ahmadinejad's remarks underline Iran's hostile intent. We should treat Iran as an outlaw government and not only a threat to Israel or our country but the world.

Mr. Speaker, I urge my colleagues to support his resolution to denounce the comments made by President Ahmadinejad and to guarantee our support for Israel's security.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, three generations ago, Adolph Hitler threatened to kill the Jews of Europe. When he made that statement, the gullible, the pseudosophisticates, the appeasers thought that it was only oratory.

Earlier this year we commemorated the liberation of Auschwitz, where a million of those whom Hitler promised to kill were, in fact, destroyed in the gas chambers, in the nightmare of that concentration camp.

We now have a similar statement from an equally deranged but serious leader of a nation. He is calling for the destruction of another 6 million, this time Israelis.

The civilized world must understand that these are not oratorical statements, but plans for action. We need to prevent Iran from ever obtaining nuclear weapons, and we must do everything in our power to have this insane, megalomaniacal regime replaced by a regime of responsibility which would be part of the civilized world.

I urge all of my colleagues to support this resolution.

Mr. HASTERT. Mr. Speaker, I rise in strong support of the resolution. I want to commend the authors of H. Res. 523, HENRY HYDE, Chairman of our International Relations Committee, TOM LANTOS, the ranking member of that committee, and a host of others, in their condemnation of the words of Iranian President Mahmoud Ahmadinejad. On Wednesday, President Ahmadinejad presented 4,000 of his country's youth with a diatribe against the state of Israel entitled "A World Without Zionism." As the resolution pending before the House today states, Ahmadinejad described Israel as "a disgraceful blot on the face of the Islamic world" as well as a place that "must be wiped off the map." As Islam is a self-proclaimed religion of peaceful teachings, President Ahmadinejad's words are anything but. His portrait of "Islamic fury" that wishes to "burn Israel" turns the entire civilized world against him. What kind of leadership is that?

Unfortunately, Ahmadinejad's words are not the only ones of this kind coming from the mouths of Iranian leaders. In 2001, the President of Iran's Expediency Council, Ali Akbar Hasemi-Rafsanjani threatened Israel with nuclear attack. These words are the latest in a string of defiant moves against the international community by Iran. Its uranium enrichment program openly disregards the warnings of the International Atomic Energy Agency. And we are all well aware that Iran also has been credited with harboring terrorists and relaxing border security with Iraq to enable entry into that fledgling democracy. These attempts by the government of Iran to destabilize Iraq are absolutely despicable and cannot be tolerated if Iraq's democracy is to grow.

In addition to these destabilizing activities in Iraq, Iran has openly supported the violent actions of terrorist groups of Hamas and Hezbollah, both of whom have repeatedly called for the annihilation of Israel and have repeatedly backed up that threat with suicide bombings inside Israel. How can the United States' and our allies' attempts to spread democracy and promote peace be effective when nations such as Iran are protecting and bankrolling such groups?

This has been a landmark year for the Middle East and Persian Gulf, especially in Iraq, Israel and in the Palestinian areas. We have seen the extremely successful constitutional reforms and democratic elections in Iraq, unwavering in the face of security risks. Israel and the Palestinian Authority reached a milestone agreement regarding the controversial Gaza strip settlements. In addition, Lebanon moved forward in the democratic process by holding elections without significant Syrian interference and Bahrain allowed women to vote for the first time. If those successes are not indicative of worthy work by all nations involved, then I don't know what is.

The state of Israel, as the only non-Islamic nation in its region, has come under fire since its creation in 1947. However, it has withstood verbal and physical attack and it will continue to do so with the unwavering support of the United States. It is ironic, perhaps, that this week, the House passed a resolution which congratulated Ambassador Dan Gillerman of Israel as he was elected as a Vice President of the United Nations General Assembly. This marks the first time that Israel has been included in a U.N. regional grouping and the first time an Israeli has served as a U.N. General Assembly Vice President. While the international community continues to welcome Israel's deeper involvement, Iran refuses not only to recognize Israel's right to fully participate in U.N. activities, it also refuses to recognize its right to exist.

Mr. DREIER. Mr. Speaker, today I rise in strong support of H. Res. 523, a resolution to condemn Iranian President Mahmoud Ahmadinejad's recent threats against Israel. We were all extremely disturbed to hear that President Ahmadinejad called for "wiping Israel off the map," an incendiary and inexcusable attack against one of America's closest allies and friends. This threat may prove more serious than any other, as we all know that Iran insists on developing nuclear capabilities.

We have already seen harsh condemnations of this hateful speech around the world, from British Prime Minister Tony Blair to European Commission President Jose Manuel Barroso to U.N. Secretary General Kofi Annan. Now it is our turn, as the elected Representatives of the American people, to stand with our Israeli friends and against the hatred that is all-too-often pointed in their direction.

I read a recent Associated Press report that thousands of Iranians gathered in the streets today, some seen holding signs that said "Death to Israel, Death to America." However unfortunate, the signs serve as a reminder that America and Israel are closely connected, and that we will always stand together for democracy and freedom, and against hatred.

Mr. WELLER. Mr. Speaker, I rise today to join with my colleagues in the House of Representatives to strongly condemn the evil words of the President Mahmoud Ahmandinejad and to support H. Res. 523 condemning this threat.

Iran has taken an unprecedented action in threatening to wipe off the map another sovereign country, Israel.

Israel is the only democracy in the Middle East and is our staunch ally and friend. Threats against Israel and her people are based in anti-Semitism and must be utterly and completely condemned by all countries in the world who want peace to reign over evil and terror. A responsible member of the international community cannot make these unprovoked and destructive threats against another member of the international community.

At a time when Iran is flagrantly violating international bodies in their calls for transparency and restraint in Iran's nuclear ambitions, these comments are all the more concerning to the international community. Further, Iran remains the world's leading state-sponsor of terror and has praised and supported militant groups such as Islamic Jihad who commit suicide bombing atrocities against Israel.

Mr. Speaker, Iran is not just a threat to Israel, but to the entire peaceful world community. The United States must continue to lead in efforts not only to keep a check on the danger presented by Iran to the world, but also to help achieve a lasting peace in the Middle East. I join my colleagues from both parties today in strongly condemning Iran's threats against Israel and urge passage of this important resolution.

Ms. LEE. Mr. Speaker, this morning I voted in favor of H. Res. 523, a resolution condemning the hateful statements of Iranian President Mahmoud Ahmadineja on October 26, 2005 against Israel.

Mr. Speaker, these statements are not only outrageous, but must be denounced in the strongest possible terms.

Such inflammatory vitriol only contributes to destabilizing the Middle East. That's why, Mr. Speaker, we must redouble our efforts for the cause of peace in the region and work with all our international partners, including multilateral institutions, to ensure that Iran does not acquire nuclear weapons.

In supporting the Resolution and voting to condemn these statements today, I do so knowing that the Resolution is not intended to provide legal justification, nor may it be cited in support, for pre-emptive military action against Iran.

Mr. REYES. Mr. Speaker, I join my colleagues in strong support of H. Res. 523, a resolution condemning Iranian Mahmoud Ahmadinejad's declaration that "Israel must be wiped off the map."

At a time when so many are working to foster peace and enhance security in the Middle East, President Ahmadinejad's comments are not only abhorrent, but also place that already very troubled region in further jeopardy. His statement warrants a swift, unequivocal condemnation from Congress as well as the United Nations and all countries around the world that are concerned about troubling changes in Iranian foreign policy under President Ahmadinejad.

Again, I urge all of my colleagues to support this important resolution, and condemn the Iranian President's remarks in the strongest possible terms.

Mr. CARDIN. Mr. Speaker, I rise in strong support of H. Res. 523, which condemns the recent threats against Israel made by Iranian President Mahmoud Ahmadinejad. The Iranian President recently delared that "Israel must be wiped off the map," described Israel as "a disgraceful blot [on] the face of the Islamic world," and declared that "[a]nybody who recognizes Israel will burn in the fire of the Islamic nation's fury."

I join my collagues in condemning these remarks and threats against the state of Israel. Iran should repudiate these statements. The United Nations Security Council should condemn these statements and censure Iran for its statements and policies aimed at destroying Israel. These despicable comments only serve to legitimize and fuel those that preach hatred and anti-Semitism in the Middle East.

Earlier this year we marked the 60th anniversary of the liberation of the Auschwitz concentration camps by Soviet Army troops, which served as a reminder of the consequences of allowing anti-Semitism to flourish. I have worked closely with my colleagues on the U.S. Helsinki Commission and my fellow parliamentarians in the Organization for Security and Cooperation in Europe to take measures aimed at eradicating the threat of anti-Semitism and hate throughout the world.

In 2004 the OSCE's Conference on Anti-Semitism produced the historic Berlin Declaration which condemns "without reserve all manifestations of and attacks motivated by anti-Semitism," notes that anti-Semitism has "assumed new forms and expressions . . .

which pose a threat to democracy and the values of civilization," and "declares unambiguously that international developments or political issues, including those in Israel or elsewhere in the Middle East, never justify anti-Semitism."

Iran has actively supported numerous terrorist groups over the years and has attempted to undermine the peace process between the Palestinians and Israelis. Iran has funded suicide bombers and militant organizations that are seeking to kill and maim Israelis, including civilians. Iran is still seeking weapons of mass destruction, and has deceived the internatibnal community in the past about its intentions. Next month the International Atomic Energy Agency, IAEA, will meet on this issue, and I would urge the IAEA to refer this matter to the U.N. Security Council for the consideration of sanctions.

The House should also take up and pass legislation to strengthen the Iran-Libya Sanctions Act (ILSA). I was pleased to support the five-year extension of ILSA when it was considered by th House Ways and Means Committee in 2001. H.R. 282, the Iran Freedom Support Act would repeal the sunset of ILSA, close some loopholes in ILSA, provide assistance to pro-democracy organizations in Iran, and require ILSA to remain in effect until the President certifies to Congress that Iran has permanently and verifiably dismantled its weapons of mass destruction programs and has committed to combating such weapons' proliferation.

I am pleased that the European Union, Canada, and Russia have condemned the remarks of the Irania President. I urge my colleagues to support this resolution, and to work with our allies to promote democracy in Iran, convince Iran to give up its pursuit of WMD, and fight anti-Semitism wherever it arises.

Mr. CAPUANO. Mr. Speaker, I voted in favor H. Res. 523. President Mahmoud Ahmadinejad's threats against Israel are appalling and contemptible. I believe that all nations should strongly condemn these remarks. However, I do not want my vote to be misconstrued as a vote in support of a carte blanche measure to wage war against Iran, or any other country. The language in this resolution calls on "all civilized nations to consider measures to deny Iran the means to carry out its threats and to prevent Iran from acquiring nuclear weapons." This statement means just that, all nations should consider measures against Iran, it does not authorize the use of force against Iran. I share the world's concern about Iran acquiring weapons of mass destruction and it is imperative that we continue to pursue diplomatic avenues. I do not support, at this time, the use of military force and my vote in favor of this resolution is and should not be interpreted as a vote authorizing such action.

Mr. PAUL. Mr. Speaker, I join with my colleagues here in condemning the statement reportedly made by Iranian President Mahmoud Ahmadinejad that "Israel must be wiped off the map." I reject this statement and any such statement by any government anywhere because I reject the notion that the use or threat of violence is an appropriate way to solve international disputes.

While rejecting comments by Iran that seem to advocate the use of force, I must also strongly object to using Mahmoud Ahmadinejad's statement as an excuse to escalate our own rhetoric and strengthen our anti-Iranian and anti-Muslim policies. This condemnable statement is nevertheless being conveniently used to expand our policy of remaking the Middle East in our own image.

I do find it interesting to hear my colleagues condemning Iran's implied threat of force while in the same breath calling for the use of force against Iran. Ironically, it is small step from repeatedly calling Iran "our enemy" with increasingly militaristic rhetoric to calling for Iran to be "wiped off the map." We should keep this in mind as we condemn the rhetoric of others while repeating similar rhetoric ourselves.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of this resolution condemning Iranian President Mahmoud Ahmadinejad's threats against Israel. Not in recent time have we heard such a repugnant statement made by an international leader. And I stand here today with my colleagues from both sides of the aisle to declare that the United States Congress will not sit idly by while Iran threatens Israel with anti-Semitic, racist, and dangerous threats.

Since its establishment in 1948, Israel has sought to live in peace with its neighbors. It has signed peace agreements with Egypt and Jordan, and continues to seek a two-state solution with the Palestinians.

On the contrary, Iran continues to seek instability in the Middle East. For Iran's dictatorial regime, instability is power. Its actions combined with its anti-Semitic and anti-Western statements seek to accomplish nothing more than incite hate and violence in the region. President Ahmadinejad's comments represent Iran's long-term goal of violently destroying Israel. Most despicable about these statements is that Iranian leaders make them "in the name of Allah." They attempt to manipulate the text of the Koran from its words of peace into directives of extremism and intolerance, tainting the world's views of the religion.

Mr. Speaker, the people of Iran are calling out for freedom from the tyrannical regime which holds them hostage. While it is not the role of the United States to free the people of Iran, it is certainly our job to support them—and we will when they and their leaders choose democracy over autocracy and instability. Until then, the United States will never stand by when Iranian threats are levied at Israel or any other democracy in the world. The world can always count on that.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I rise in strong support of H. Res. 523, a resolution condemning the unprovoked and incendiary statements made by Iranian President Mahmoud Ahmadinejad.

On October 26, 2005, President Ahmadinejad described Israel as a "disgraceful blot" that should be "wiped off the map", and declared that those who recognize Israel "will burn in the fire of the Islamic nation's fury".

While Mr. Ahmadinejad's dangerous rhetoric is reason enough for alarm, it is even more frightening that Mr. Ahmadinejad and the Iranian regime have demonstrated a willingness to follow through on these statements.

In recent years, Iran has stepped up its efforts to initiate terror against Israel by directly funding and providing safe haven, training and weapons to Hamas, Hezbollah and Islamic Jihad. And just hours after his speech, Islamic Jihad, benefiting from this support, killed 5 Israeli citizens in a terrorist attack in Northern Israel.

Mr. Speaker, Mr. Ahmadinejad has blood on his hands and we must stand strong against this menacing threat by passing this resolution.

Furthermore, I call on my colleagues to support the Iran Freedom Support Act, which would tighten and codify sanctions against Iran, and I urge the United Nations Security Council to take immediate action to thwart Iran's continued pursuit of nuclear weapons. Iran's bellicose words and aggressive behavior must be met by a strong, united reaction by the United States and the international community.

Mr. BROWN of Ohio. Mr. Speaker, on October 26, 2005, Iranian President Mahmoud Ahmadinejad stated that "Israel must be wiped off the map." It is shocking and unbelievable that the leader of any nation would call for the complete destruction of another.

These types of threats cannot stand unanswered. I join my colleagues today in condemning the president of Iran's remarks in the strongest of terms.

While the peace process has been moving along in the Middle East without much participation from the Bush administration, Iran continues to pursue nuclear armament with little interest shown by the president, and the United States remains bogged down in Iraq.

I hope these unconscionable statements will cause the Bush administration to renew its commitment to our allies in the region.

Let us make no mistake, such statements present a serious threat to the world. Iran's leaders are pursuing nuclear armament, and continue to call for the destruction of the state of Israel, one of the United States most important allies.

The statements made by President Ahmadinejad are not just a threat against the people of Israel, but they are a threat to the peace and stability of the entire world.

These words of hate must not go unanswered or unchallenged. The United States and the United Nations must stand firmly against such threats.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in strong support of this resolution and join my colleagues in condemning the vile statement made this week by Iran's president, Mahmoud Ahmadinejad, when he called for Israel to be "wiped off the map." Such words are not empty rhetoric but poison aimed at inspiring hate, violence and terrorism. The fact that these words were spoken before an audience of 4,000 students is a dark and ominous demonstration of the current Iranian president's pathological leadership.

Israel is a sovereign democracy in which free people deserve the right to live in peace and without fear of terror or threats. While this dangerous man speaks venom, the people of Iran must be reminded that the people of the U.S. and the entire Congress stand in strong support of Israel. As Israel exists today, so will it exist one hundred years from now, and I hope, a thousand years from now, as a strong and inseparable partner of the American people.

Iran's president is the voice of hatred and moral corruption. It is a voice not to be ignored, but guarded against. The people of Iran are not served by this voice and neither is the civilized world. President Ahmadinejad must be placed on notice by all nations of the world and all voices of civility and dignity—the people of Israel are our brothers and sisters and such a threat is not only a threat against Israel but against the entire world community. Collectively we seek peace, but we also deserve security, the U.S., Israel and all nations that reject these virulent sentiments.

Mr. WAXMAN. Mr. Speaker, I rise in strong support for H. Res. 523 and join my colleagues in condemning Iranian President Mahmoud Ahmadinejad's threats against Israel.

This week, during an anti-Zionist conference in Tehran, the Iranian President called for Israel to be "wiped off the map" and led group chants of "death to Israel." Standing beside Sheikh Nasrallah, leader of the Iranian-backed Hezbollah terrorist organization, he called for violence against Israel and all states that recognize her existence.

Leaders around the world responded with forceful condemnation. At the U.N., Secretary General Annan acted swiftly to reject Iran's unprovoked hostility.

Now, it is time for the U.N. to stand up as an institution and rebuke Iran for its actions. It is time for the U.N., which has a long history of unfair treatment of Israel, to speak out loudly and clearly in support of its existence.

Iran's threats against Israel violate the fundamental U.N. Charter principle of sovereign equality for all member states. The danger of its rhetoric is only underscored by its open support for terrorist groups that attack Israel, and its determination to develop nuclear weapons and obtain long-range missiles capable of striking Israel.

This alarming incident demonstrates that the international community must redouble its efforts to shut down Iran's nuclear program before the regime has the capability to try and carry out its evil designs.

Mr. VAN HOLLEN. Mr. Speaker, I strongly condemn the deplorable remarks made this week by the President of Iran, Mahmoud Ahmandinejad and I commend my colleagues, Congressmen TOM LANTOS (D–CA) and HENRY HYDE (R–IL), for authoring this important resolution—H. Res. 523, Condemning Iranian President Mahmoud Ahmandinejad's threats against Israel—and bringing it to the floor of the House of Representatives.

The statement by Iran's President that "Israel must be wiped off the map" demands the strongest condemnation from the entire international community. Moreover, it is reprehensible that Mr. Ahmandinejad made these statements to a group of students. In an area of the world where violence has led to intense hardship and suffering the Iranian President's statement only promotes more violence. It is a sad day when the leader of Iran would poison the minds of young people rather than inspire them to build a peaceful Middle East.

Mr. LANTOS. Mr. Speaker, I yield back the balance of our time.

Mr. HYDE. Mr. Speaker, I want to congratulate the gentleman from California for his superb support for this important resolution, as well as the other Members who spoke.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). All time for debate has expired.

Pursuant to the order of the House today, the resolution is considered read and the previous question is ordered on the resolution and on the preamble.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the conference report to accompany H.R. 2744.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 2744, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. BONILLA. Mr. Speaker, pursuant to House Resolution 520, I call up the conference report on the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 520, the conference report is considered read.

(For conference report and statement, see proceedings of the House of October 26, 2005, at page H9204.)

The SPEAKER pro tempore. The gentleman from Texas (Mr. BONILLA) and the gentlewoman from Connecticut (Ms. DELAURO) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I am pleased to bring before the House today the conference report on H.R. 2744, which is the Agriculture appropriations bill, which not only covers agriculture, but the Food and Drug Administration and related agencies for fiscal year 2006.

Mr. Speaker, I want to acknowledge the good work of the gentlewoman from Connecticut (Ms. DELAURO), my ranking member and good friend, who has contributed greatly to this process. It has been a real pleasure working with her and all the members of the subcommittee in getting to this point today.

I believe we have produced a good, bipartisan conference agreement that does a lot to advance important nutrition, research and rural development programs and still meet our conference allocations on discretionary spending and mandatory spending. My goal this year has been to produce a bipartisan bill, and I believe we have done a good job in reaching that goal.

This conference agreement does have significant increases over fiscal year 2005 for programs that have always enjoyed strong bipartisan support, and they include the following: Agricultural Research Service, $33 million; Cooperative State Research, Education and Extension Service, $33 million; Animal and Plant Health Inspection Service, $7 million; Food Safety and Inspection Service, $21 million; Farm Service Agency, $48 million; Natural Resources Conservation Service, $12 million; Rural Economic and Community Development Programs, $115 million; Domestic Food Programs, $6.5 billion; and the FDA, $40 million.

We have delayed implementation of the country-of-origin labeling for meat, produce and peanuts until 2008. The House voted for delay on COOL while this bill was considered on the floor. There are serious concerns about how this law would be implemented, and this delay gives the Department and the committee of jurisdiction the time to make this policy work.

Mr. Speaker, we refer to this bill as the agriculture bill, but it does far more than assist just basic agriculture. It also supports rural and economic development, human nutrition, agricultural exports, land conservation, as well as food, drug and medical safety. This is a bill that will deliver benefits to every one of our constituents every day, no matter what kind of district you represent.

I would say to all Members that they can support this conference agreement and tell all of their constituents that they voted to improve their lives while maintaining fiscal responsibility.

The conference agreement is a bipartisan product with a lot of hard work and input from both sides of the aisle. I would like to thank the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY), who serve as the distinguished chairman and ranking member of the full Committee on Appropriations. They have been very supportive in moving not only this bill, but other appropriations bills through the Congress as quickly as possible.

I have tried our best to put together a good, solid bill that works for all of America. Much of it is compromise, to be sure, but I believe it is a good compromise and good policy.

In closing, I would also like to thank the subcommittee staff for all of their hard work. None of this could get done without the strong, good commitment, the hard work that this staff puts in day in and day out, sometimes well into the night and covering many weekends: Martin Delgado, the subcommittee clerk; Maureen Holohan, Leslie Barrack, and Jamie Swafford of the majority staff; and Martha Foley on the minority staff. In addition, I want to thank our detailee Tom O'Brien, and a great Texas Aggie, Walt Smith, from my personal staff.

Mr. Speaker, I would urge all of my colleagues to support this conference agreement.

Mr. Speaker, I include at this point in the RECORD tabular material related to this bill.

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2006
H.R. 2744 (H.Rept. 109-255)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - AGRICULTURAL PROGRAMS						
Production, Processing, and Marketing						
Office of the Secretary	5,083	5,127	5,127	5,127	5,127	+44
Executive Operations:						
Chief Economist	10,234	10,539	10,539	10,539	10,539	+305
National Appeals Division	14,216	14,524	14,524	14,524	14,524	+308
Office of Budget and Program Analysis	8,162	8,298	8,298	8,298	8,298	+136
Homeland Security staff	769	1,466	934	1,166	934	+165
Office of the Chief Information Officer	16,462	16,726	16,462	16,726	16,462	---
Common computing environment	124,580	142,465	60,725	118,072	110,072	-14,508
Office of the Chief Financial Officer	5,696	5,874	5,874	5,874	5,874	+178
Working capital fund	12,747	---	---	---	---	12,747
Total, Executive Operations	192,866	199,892	117,356	175,199	166,703	-26,163
Office of the Assistant Secretary for Civil Rights	811	821	811	821	821	+10
Office of Civil Rights	19,730	20,109	20,109	20,109	20,109	+379
Office of the Assistant Secretary for Administration	664	676	676	676	676	+12
Agriculture buildings and facilities and rental payments	(162,559)	(221,924)	(183,133)	(187,734)	(187,734)	(+25,175)
Payments to GSA	127,292	147,734	147,734	147,734	147,734	+20,442
Building operations and maintenance	35,267	74,190	35,399	40,000	40,000	+4,733
Hazardous materials management	15,408	15,644	15,644	12,000	12,000	3,408
Departmental administration	22,445	23,103	23,103	23,103	23,103	+658
Office of the Assistant Secretary for Congressional Relations	3,821	3,846	3,821	3,846	3,821	---
Office of Communications	9,290	9,509	9,509	9,509	9,509	+219
Office of the Inspector General	77,663	81,045	79,626	81,045	80,336	+2,673
Office of the General Counsel	35,574	40,263	38,439	40,263	39,351	+3,777
Office of the Under Secretary for Research, Education, and Economics	587	598	598	598	598	+11
Economic Research Service	74,170	80,749	75,931	78,549	75,931	+1,761
National Agricultural Statistics Service	128,444	145,159	136,241	145,159	140,700	+12,256
Census of Agriculture	(22,226)	(29,115)	(29,115)	(29,115)	(29,115)	(+6,889)
Agricultural Research Service:						
Salaries and expenses	1,102,000	996,107	1,035,475	1,109,981	1,135,004	+33,004
Buildings and facilities	186,335	64,800	87,300	160,645	131,195	-55,140
Total, Agricultural Research Service	1,288,335	1,060,907	1,122,775	1,270,626	1,266,199	-22,136
Cooperative State Research, Education, and Extension Service:						
Research and education activities	655,495	545,500	662,546	652,231	676,849	+21,354
Native American Institutions Endowment Fund	(12,000)	(12,000)	(12,000)	(12,000)	(12,000)	---
Extension activities	445,631	431,743	444,871	453,438	455,955	+10,324
Integrated activities	54,712	35,013	15,513	55,784	55,792	+1,080
Outreach for socially disadvantaged farmers	5,888	5,935	7,810	5,888	6,000	+112
Total, Cooperative State Research, Education, and Extension Service	1,161,726	1,018,191	1,130,740	1,167,341	1,194,596	+32,870
Office of the Under Secretary for Marketing and Regulatory Programs	715	724	724	724	724	+9
Animal and Plant Health Inspection Service:						
Salaries and expenses	808,106	855,162	842,520	807,768	815,461	+7,355
Animal welfare (user fees) (leg. proposal) NA	---	(10,858)	---	(10,858)	---	---
Buildings and facilities	4,927	4,996	4,996	4,996	4,996	+69
Total, Animal and Plant Health Inspection Service	813,033	860,158	847,516	812,764	820,457	+7,424

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2006
H.R. 2744 (H.Rept. 109-255)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs Enacted
Agricultural Marketing Service:						
Marketing Services	75,092	84,114	78,032	76,643	75,376	+284
Agriculture marketing service standardization (user fees) (leg. proposal) NA	---	(2,918)	---	(2,918)	---	---
Standardization user fees	(5,000)	---	---	---	---	(-5,000)
(Limitation on administrative expenses, from fees collected)	(64,459)	(65,667)	(65,667)	(65,667)	(55,667)	(+1,208)
Funds for strengthening markets, income, and supply (transfer from section 32)	15,800	16,055	16,055	16,055	16,055	+255 M
Discretionary appropriations	---	---	---	---	20,000	+20,000
Payments to states and possessions	3,816	1,347	1,347	3,847	3,847	+31
Total, Agricultural Marketing Service	94,708	101,516	95,434	96,545	115,278	+20,570
Grain Inspection, Packers and Stockyards Administration:						
Salaries and expenses	37,001	15,717	38,400	38,443	38,443	+1,442
Grain inspection, packers and stockyards administration (user fees) (leg. proposal)NA	---	(24,701)	---	(24,701)	---	---
Limitation on inspection and weighing services	(42,463)	(42,463)	(42,463)	(42,463)	(42,463)	---
Office of the Under Secretary for Food Safety	590	602	590	602	602	+12
Food Safety and Inspection Service	817,170	710,717	837,264	836,818	837,756	+20,586
Food safety inspection (user fees) (leg. prop) NA	---	(139,000)	---	(139,000)	---	---
Lab accreditation fees	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	---
Total, Production, Processing, and Marketing	4,962,393	4,616,997	4,783,567	5,007,601	5,040,574	+78,181
Farm Assistance Programs						
Office of the Under Secretary for Farm and Foreign Agricultural Services	626	635	635	635	635	+9
Farm Service Agency:						
Salaries and expenses	999,536	1,050,875	1,023,738	1,043,555	1,030,000	+30,464
(Transfer from export loans)	(994)	(1,839)	(1,839)	(1,839)	(1,839)	(+845)
(Transfer from P.L. 480)	(2,914)	(3,217)	(3,217)	(3,217)	(3,217)	(+303)
(Transfer from ACIF)	(291,414)	(309,137)	(297,127)	(309,137)	(304,591)	(+13,177)
Subtotal, transfers from program accounts	(295,322)	(314,193)	(302,183)	(314,193)	(309,647)	(+14,325)
Total, Salaries and expenses	(1,294,858)	(1,365,068)	(1,325,921)	(1,357,748)	(1,339,647)	(+44,789)
State mediation grants	3,968	4,500	4,250	4,250	4,250	+282
Grassroot source water protection program	---	---	---	4,250	3,750	+3,750
Dairy indemnity program	100	100	100	100	100	--- M
Subtotal, Farm Service Agency	1,003,604	1,055,475	1,028,088	1,052,155	1,038,100	+34,496
Agricultural Credit Insurance Fund Program Account:						
Loan authorizations:						
Farm ownership loans:						
Direct	(208,320)	(200,000)	(200,000)	(208,000)	(208,000)	(-320)
Guaranteed	(1,388,800)	(1,400,000)	(1,400,000)	(1,400,000)	(1,400,000)	(+11,200)
Subtotal	(1,597,120)	(1,600,000)	(1,600,000)	(1,608,000)	(1,608,000)	(+10,880)
Farm operating loans:						
Direct	(644,800)	(650,000)	(650,000)	(650,000)	(650,000)	(+5,200)
Unsubsidized guaranteed	(1,091,200)	(1,200,000)	(1,200,000)	(1,100,000)	(1,150,000)	(+58,800)
Subsidized guaranteed	(282,720)	(266,253)	(266,256)	(283,000)	(274,632)	(-8,088)
Subtotal	(2,018,720)	(2,116,253)	(2,116,256)	(2,033,000)	(2,074,632)	(+55,912)
Indian tribe land acquisition loans	(2,000)	(2,000)	(2,020)	(2,000)	(2,020)	(+20)
Natural disasters emergency insured loans	---	(25,000)	---	---	---	---
Boll weevil eradication loans	(100,000)	(60,000)	(100,000)	(100,000)	(100,000)	---
Total, Loan authorizations	(3,717,840)	(3,803,253)	(3,818,276)	(3,743,000)	(3,784,652)	(+66,812)

AGRICULTURE-RURAL DEVELOPMENT FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2006
H.R. 2744 (H.Rept. 109-255)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Loan subsidies:						
Farm ownership loans:						
Direct	11,145	10,240	10.240	10,650	10,650	-495
Guaranteed	7,361	6,720	6,720	6,720	6,720	-641
Subtotal	18,506	16,960	16,960	17,370	17,370	-1,136
Farm operating loans:						
Direct	65,060	64,675	64,675	64,675	64,675	-385
Unsubsidized guaranteed	35,246	36,360	36,360	33,330	34,845	-401
Subsidized guaranteed	37,631	33,282	33,282	35,375	34,329	-3,302
Subtotal	137,937	134,317	134,317	133,380	133,849	-4,088
Indian tribe land acquisition	105	80	81	80	81	-24
Natural disasters emergency insured loans	---	2,735	---	---	---	---
Total, Loan subsidies	156,548	154,092	151,358	150,830	151,300	-5,248
ACIF expenses:						
Salaries and expense (transfer to FSA)	291,414	309,137	297,127	309,137	304,591	+13,177
Administrative expenses	7,936	8,000	8,000	8,000	8,000	+64
Total, ACIF expenses	299,350	317,137	305,127	317,137	312,591	+13,241
Total, Agricultural Credit Insurance Fund	455,898	471,229	456,485	467,967	463,891	+7,993
(Loan authorization)	(3,717,840)	(3,803,253)	(3,818,276)	(3,743,000)	(3,784,652)	(+66,812)
Total, Farm Service Agency	1,459,502	1,526,704	1,484,573	1,520,122	1,501,991	+42,489
Risk Management Agency	71,468	87,806	77,806	73,448	77,048	+5,580
Total, Farm Assistance Programs	1,531,596	1,615,145	1,563,014	1,594,205	1,579,674	+48,078
Corporations						
Federal Crop Insurance Corporation:						
Federal crop insurance corporation fund	4,095,128	3,159,379	3,159,379	3,159,379	3,159,379	-935,749 M
Commodity Credit Corporation Fund						
Reimbursement for net realized losses	16,452,377	25,690,000	25,690,000	25,690,000	25,690,000	+9,237,623 M
Hazardous waste management (limitation on expenses)	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	---
Total, Corporations	20,547,505	28,849,379	28,849,379	28,849,379	28,849,379	+8,301,874
Total, title I, Agricultural Programs	27,041,494	35,081,521	35,195,960	35,451,185	35,469,627	+8,428,133
(By transfer)	(295,322)	(314,193)	(302,183)	(314,193)	(309,647)	(+14,325)
(Loan authorization)	(3,717,840)	(3,803,253)	(3,818,276)	(3,743,000)	(3,784,652)	(+66,812)
(Limitation on administrative expenses)	(111,922)	(113,130)	(113,130)	(113,130)	(113,130)	(+1,208)
TITLE II - CONSERVATION PROGRAMS						
Office of the Under Secretary for Natural Resources and Environment	735	744	744	744	744	+9
Natural Resources Conservation Service:						
Conservation operations	830,661	767,783	773,840	819,561	839,519	+8,858
Watershed surveys and planning	7,026	5,141	7,026	5,141	6,083	-943
Watershed and flood prevention operations	74,971	-	60,000	60,000	75,000	+29
Watershed rehabilitation program	27,280	15,125	47,000	27,313	31,561	+4,281
Resource conservation and development	51,228	25,600	51,360	51,228	51,300	+72
Total, Natural Resources Conservation Service	991,166	813,649	939,026	963,243	1,003,463	+12,297
Total, title II, Conservation Programs	991,901	814,393	939,770	963,987	1,004,207	+12,306

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2006
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(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
TITLE III - RURAL DEVELOPMENT PROGRAMS						
Office of the Under Secretary for Rural Development	627	635	627	635	635	+8
Rural Development:						
Rural community advancement program	710,321	521,689	657,389	705,106	701,941	-8,380
(Transfer out)	(-27,776)	---	---	(-28,000)	(-26,000)	(+1,776)
Total, Rural community advancement program	710,321	521,689	657,389	705,106	701,941	-8,380
RD expenses:						
Salaries and expenses	147,264	167,849	152,623	164,773	164,625	+17,361
(Transfer from RHIF)	(444,755)	(465,886)	(455,242)	(465,886)	(454,809)	(+10,054)
(Transfer from RDLFP)	(4,281)	(6,656)	(4,719)	(6,656)	(4,793)	(+512)
(Transfer from RETLP)	(37,971)	(39,933)	(38,907)	(39,933)	(38,784)	(+813)
(Transfer from RTB)	(3,127)	(2,500)	(2,500)	(2,500)	(2,500)	(-627)
Subtotal, Transfers from program accounts	(490,134)	(514,975)	(501,368)	(514,975)	(500,886)	(+10,752)
Total, RD expenses	(637,398)	(682,824)	(653,991)	(679,748)	(665,511)	(+28,113)
Total, Rural Development	857,585	689,538	810,012	869,879	866,566	+8,981
Rural Housing Service:						
Rural Housing Insurance Fund Program Account:						
Loan authorizations:						
Single family direct (sec. 502)	(1,140,800)	(1,000,000)	(1,140,799)	(1,000,000)	(1,140,799)	(-1)
Unsubsidized guaranteed	(3,282,823)	(3,681,033)	(3,681,033)	(3,681,033)	(3,681,033)	(+398,210)
Subtotal, Single family	(4,423,623)	(4,681,033)	(4,821,832)	(4,681,033)	(4,821,832)	(+398,209)
Housing repair (sec. 504)	(34,720)	(35,969)	(35,969)	(35,000)	(35,000)	(+280)
Rental housing (sec. 515)	(99,200)	(27,027)	(100,000)	(90,000)	(100,000)	(+800)
Site loans (sec. 524)	(5,045)	(5,000)	(5,000)	(5,000)	(5,000)	(-45)
Multi-family housing guarantees (sec. 538)	(99,200)	(200,000)	(100,000)	(100,000)	(100,000)	(+800)
Multi-family housing credit sales	(1,489)	(1,500)	(1,500)	(1,500)	(1,500)	(+11)
Single family housing credit sales	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	---
Self-help housing land develop. (sec. 523)	(10,000)	(5,048)	(5,048)	(5,048)	(5,048)	(-4,952)
Total, Loan authorizations	(4,683,277)	(4,965,577)	(5,079,349)	(4,927,581)	(5,078,380)	(+395,103)
Loan subsidies:						
Single family direct (sec. 502)	132,105	113,900	129,937	113,900	129,937	-2,168
Unsubsidized guaranteed	33,339	40,900	40,900	40,900	40,900	+7,561
Subtotal, Single family	165,444	154,800	170,837	154,800	170,837	+5,393
Housing repair (sec. 504)	10,090	10,521	10,521	10,238	10,238	+148
Rental housing (sec. 515)	46,713	12,400	45,880	41,292	45,880	-833
Multi-family housing guarantees (sec. 538)	3,462	10,840	5,420	5,420	5,420	+1,958
Multi-family housing credit sales	721	681	681	681	681	-40
Self-help housing land develop. (sec. 523)	---	52	52	52	52	+52
Multi-family housing preservation	---	---	---	16,500	9,000	+9,000
Total, Loan subsidies	228,430	189,294	233,391	228,983	242,108	+15,678
RHIF administrative expenses (transfer to RD)	444,755	465,886	455,242	465,886	454,809	+10,054
Rental assistance program:						
(Sec. 521)	581,411	644,126	644,126	644,126	645,102	+63,691
(Sec. 502(c)(5)(D))	5,853	5,900	5,900	8,976	8,000	+2,147
Total, Rental assistance program	587,264	650,026	650,026	653,102	653,102	+65,838
Total, Rural Housing Insurance Fund	1,258,449	1,305,206	1,338,659	1,347,971	1,350,019	+91,570
(Loan authorization)	(4,683,277)	(4,965,577)	(5,079,349)	(4,927,581)	(5,078,380)	(+395,103)
Rural housing voucher program	---	214,000	---	16,000	16,000	+16,000
Mutual and self-help housing grants	33,728	34,000	34,000	34,000	34,000	+272
Rural housing assistance grants	43,640	41,000	41,000	43,976	43,976	+336
Farm labor program account	33,845	32,728	32,728	29,607	31,168	-2,677
Subtotal, grants and payments	111,213	107,728	107,728	107,583	109,144	-2,069
Total, Rural Housing Service	1,369,662	1,626,934	1,446,387	1,471,554	1,475,163	+105,501
(Loan authorization)	(4,683,277)	(4,965,577)	(5,079,349)	(4,927,581)	(5,078,380)	(+395,103)

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES - FY 2006
H.R. 2744 (H.Rept 109-255)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Rural Business-Cooperative Service:						
Rural Development Loan Fund Program Account:						
(Loan authorization)	(33,939)	(34,212)	(34,212)	(34,212)	(34,212)	(+273)
Loan subsidy	15,741	14,718	14,718	14,718	14,718	-1,023
Administrative expenses (transfer to RD)	4,281	6,656	4,719	6,656	4,793	+512
Total, Rural Development Loan Fund	20,022	21,374	19,437	21,374	19,511	-511
Rural Economic Development Loans Program Account:						
(Loan authorization)	(24,803)	(25,003)	(25,003)	(25,003)	(25,003)	(+200)
Direct subsidy	4,660	4,993	4,993	4,993	4,993	+333
Rural cooperative development grants	23,808	21,000	64,000	24,988	29,488	+5,680
Rural empowerment zones and enterprise communities grants	12,400	---	10,000	12,400	11,200	-1,200
Renewable energy program	22,816	10,000	23,000	23,000	23,000	+184
Total, Rural Business-Cooperative Service	83,706	57,367	121,430	86,755	88,192	+4,486
(Loan authorization)	(58,742)	(59,215)	(59,215)	(59,215)	(59,215)	(+473)
Rural Utilities Service:						
Rural Electrification and Telecommunications Loans Program Account:						
Loan authorizations:						
Electric:						
Direct, 5%	(119,040)	(100,000)	(100,000)	(100,000)	(100,000)	(-19,040)
Direct, Municipal rate	(99,200)	(100,000)	(100,000)	(100,000)	(100,000)	(+800)
Direct, FFB	(2,000,000)	(1,620,000)	(2,000,000)	(2,700,000)	(2,600,000)	(+600,000)
Direct, Treasury rate	(1,000,000)	(700,000)	(1,000,000)	(1,000,000)	(1,000,000)	---
Guaranteed electric	(99,200)	---	(100,000)	(100,000)	(100,000)	(+800)
Guaranteed underwriting	(1,000,000)	---	(1,000,000)	(1,500,000)	(1,500,000)	(+500,000)
Subtotal, Electric	(4,317,440)	(2,520,000)	(4,300,000)	(5,500,000)	(5,400,000)	(+1,082,560)
Telecommunications:						
Direct, 5%	(145,000)	(145,000)	(145,000)	(145,000)	(145,000)	---
Direct, Treasury rate	(248,000)	(425,000)	(424,000)	(425,000)	(424,000)	(+176,000)
Direct, FFB	(125,000)	(100,000)	(125,000)	(125,000)	(125,000)	---
Subtotal, Telecommunications	(518,000)	(670,000)	(694,000)	(695,000)	(694,000)	(+176,000)
Total, Loan authorizations	(4,835,440)	(3,190,000)	(4,994,000)	(6,195,000)	(6,094,000)	(+1,258,560)
Loan subsidies:						
Electric:						
Direct, 5%	3,619	920	920	920	920	-2,699
Direct, Municipal rate	1,339	5,050	5,050	5,050	5,050	+3,711
Guaranteed electric	60	---	90	90	90	+30
Direct, Treasury rate	---	70	100	100	100	+100
Subtotal, Electric	5,018	6,040	6,160	6,160	6,160	+1,142
Telecommunications						
Direct, Treasury rate	99	212	212	212	212	+113
Subtotal, Telecommunications	99	212	212	212	212	+113
Total, Loan subsidies	5,117	6,252	6,372	6,372	6,372	+1,255
RETLP administrative expenses (transfer to RD)	37,971	39,933	38,907	39,933	38,784	+813
Total, Rural Electrification and Telecommunications Loans Program Account	43,088	46,185	45,279	46,305	45,156	+2,068
(Loan authorization)	(4,835,440)	(3,190,000)	(4,994,000)	(6,195,000)	(6,094,000)	(+1,258,560)
Rural Telephone Bank Program Account:						
(Loan authorization)	(175,000)	---	---	---	---	(-175,000)
RTB administrative expenses (transfer to RD)	3,127	2,500	2,500	2,500	2,500	-627
Total, Rural Telephone Bank Program Account	3,127	2,500	2,500	2,500	2,500	-627
High energy costs grants (by transfer)	(27,776)	---	---	(26,000)	(26,000)	(-1,776)
Distance learning, telemedicine, and broadband program:						
Loan authorizations:						
Distance learning and telemedicine	(50,000)	---	(50,000)	---	(25,000)	(-25,000)
Broadband telecommunications	(545,600)	(358,875)	(463,860)	(550,000)	(500,000)	(-45,600)
Total, Loan authorizations	(595,600)	(358,875)	(513,860)	(550,000)	(525,000)	(-70,600)

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(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Loan subsidies:						
Distance learning and telemedicine:						
Direct	704	---	750	---	375	-329
Grants	34,720	25,000	25,000	35,000	30,000	-4,720
Broadband telecommunications:						
Direct	11,621	9,973	9,973	11,825	10,750	-871
Grants	8,928	---	9,000	10,000	9,000	+72
Total, Loan subsidies and grants	55,973	34,973	44,723	56,825	50,125	-5,848
Total, Rural Utilities Service	102,188	83,658	92,502	105,630	97,781	-4,407
(Loan authorization)	(5,606,040)	(3,548,875)	(5,507,860)	(6,745,000)	(6,619,000)	(+1,012,960)
Total, title III, Rural Economic and Community Development Programs	2,413,768	2,458,132	2,470,958	2,534,453	2,528,337	+114,569
(By transfer)	(517,910)	(514,975)	(501,368)	(542,975)	(526,886)	(+8,976)
(Loan authorization)	(10,348,059)	(8,573,667)	(10,646,424)	(11,731,796)	(11,756,595)	(+1,408,536)
TITLE IV - DOMESTIC FOOD PROGRAMS						
Office of the Under Secretary for Food, Nutrition and Consumer Services	590	599	599	599	599	+9
Food and Nutrition Service:						
Child nutrition programs	6,629,038	7,304,207	7,224,406	7,224,406	7,473,208	+844,170 M
Transfer from section 32	5,152,962	5,111,820	5,187,621	5,187,621	5,187,621	+34,659 M
Team nutrition	---	---	---	10,000	---	---
Total, Child nutrition programs	11,782,000	12,416,027	12,412,027	12,422,027	12,660,829	+878,829
Special supplemental nutrition program for women, infants, and children (WIC)	5,235,032	5,510,000	5,257,000	5,257,000	5,257,000	+21,968
Food stamp program:						
Expenses	30,499,527	36,034,599	36,034,599	36,044,026	36,045,026	+5,545,499 M
Indian reservations (FDPIR)	---	---	---	4,000	3,000	+3,000
Armed forces provision	---	1,000	1,000	1,000	1,000	+1,000
Reserve	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	--- M
Nutrition assistance for Puerto Rico and Samoa	1,515,027	1,535,796	1,535,796	1,522,369	1,522,369	+7,342 M
The emergency food assistance program	140,000	140,000	140,000	140,000	140,000	--- M
Total, Food stamp program	35,154,554	40,711,395	40,711,395	40,711,395	40,711,395	+5,556,841
Commodity assistance program	177,367	177,935	178,797	179,935	179,366	+1,999
Nutrition programs administration	138,818	140,761	140,761	140,761	140,761	+1,943
Total, Food and Nutrition Service	52,487,771	58,956,118	58,699,980	58,711,118	58,949,351	+6,461,580
Total, title IV, Domestic Food Programs	52,488,361	58,956,717	58,700,579	58,711,717	58,949,950	+6,461,589
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS						
Foreign Agricultural Service:						
Salaries and expenses, direct appropriation	136,719	148,792	148,224	147,868	147,901	+11,182
(Transfer from export loans)	(3,394)	(3,440)	(3,440)	(3,440)	(3,440)	(+46)
(Transfer from P.L. 480)	(1,088)	(168)	(168)	(168)	(168)	(-920)
Total, Salaries and expenses program level	(141,201)	(152,400)	(151,832)	(151,476)	(151,509)	(+10,308)
Public Law 480 Program and Grant Accounts:						
Program account:						
Loan authorization, direct	(109,000)	(74,032)	(74,032)	(74,032)	(74,032)	(-34,968)
Loan subsidies	93,444	65,040	65,040	65,040	65,040	-28,404
Ocean freight differential grants	22,541	11,940	11,940	11,940	11,940	-10,601
Title II - Commodities for disposition abroad:						
Program level	(1,173,041)	(885,000)	(1,107,094)	(1,150,000)	(1,150,000)	(-23,041)
Appropriation	1,173,041	885,000	1,107,094	1,150,000	1,150,000	23,041 150
Salaries and expenses:						
Foreign Agricultural Service (transfer to FAS)	1,088	168	168	168	168	-920
Farm Service Agency (transfer to FSA)	2,914	3,217	3,217	3,217	3,217	+303
Subtotal	4,002	3,385	3,385	3,385	3,385	-617
Total, Public Law 480:						
Program level	(1,173,041)	(885,000)	(1,107,094)	(1,150,000)	(1,150,000)	(-23,041)
Appropriation	1,293,028	965,365	1,187,459	1,230,365	1,230,365	-62,663

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	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
CCC Export Loans Program Account (administrative expenses):						
Salaries and expenses (Export Loans):						
General Sales Manager (transfer to FAS)	3,394	3,440	3,440	3,440	3,440	+46
Farm Service Agency (transfer to FSA)	994	1,839	1,839	1,839	1,839	+845
Total, CCC Export Loans Program Account	4,388	5,279	5,279	5,279	5,279	+891
McGovern-Dole international food for education and child nutrition program grants	86,800	100,000	100,000	100,000	100,000	+13,200 150
Total, title V, Foreign Assistance and Related Programs	1,520,935	1,219,438	1,440,962	1,483,512	1,483,545	-37,390
(By transfer)	(4,482)	(3,608)	(3,608)	(3,608)	(3,608)	(-874)
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Food and Drug Administration						
Salaries and expenses, direct appropriation	1,450,098	1,492,726	1,480,978	1,485,009	1,481,617	+31,519
Prescription drug user fee act	(284,394)	(305,332)	(305,332)	(305,332)	(305,332)	(+20,938)
Medical device user fee act	(33,938)	(40,300)	(40,300)	(40,300)	(40,300)	(+6,362)
Animal drug user fee act	(8,354)	(11,318)	(11,318)	(11,318)	(11,318)	(+2,964)
Subtotal	(1,776,784)	(1,849,676)	(1,837,928)	(1,841,959)	(1,838,567)	(+61,783)
Mammography clinics user fee (outlay savings)	(16,919)	(17,173)	(17,173)	(17,173)	(17,173)	(+254)
Export and color certification	(6,838)	(7,640)	(7,640)	(7,640)	(7,640)	(+802)
Payments to GSA	(129,815)	(134,853)	(134,853)	(134,853)	(134,853)	(+5,038)
Buildings and facilities	---	7,000	5,000	7,000	8,000	+8,000
Total, Food and Drug Administration	1,450,098	1,499,726	1,485,978	1,492,009	1,489,617	+39,519
INDEPENDENT AGENCIES						
Commodity Futures Trading Commission	93,572	99,386	98,386	98,386	98,386	+4,814
Farm Credit Administration (limitation on administrative expenses)	(42,350)	---	(44,250)	(44,250)	(44,250)	(+1,900)
Total, title VI, Related Agencies and Food and Drug Administration	1,543,670	1,599,112	1,584,364	1,590,395	1,588,003	+44,333
TITLE VII - GENERAL PROVISIONS						
Hunger fellowships (sec. 722)	2,480	---	2,500	2,500	2,500	+20
National Sheep Industry Improvement Center revolving fund (sec. 724)	992	---	500	2,000	1,250	+258
Citrus canker compensation (sec. 760)	29,760	---	10,000	---	---	-29,760
Northern Great Plains Regional Authority	1,479	---	---	---	---	-1,479
Rural housing assistance grants (rescission)	-1,000	---	---	---	---	+1,000
Rural housing insurance fund (rescission)	-3,000	---	---	---	---	+3,000
Denali Commission	1,488	---	---	1,500	750	-738
Local TV loan guarantee (rescission)	88,000	---	---	---	---	+88,000
Agricultural conservation prog. (rescission)	-3,500	---	---	---	---	+3,500
Section 32 (rescission)	-163,000	---	---	---	-37,601	+125,399
P.L. 480 Title I (rescission)	-191,108	---	---	---	---	+191,108
Milk processing and packaging facilities	992	---	---	1,000	650	-342
Alaska private lands wildlife management	496	---	---	500	200	-296
Livestock Expo Center (sec. 753)	992	---	1,000	---	1,000	+8
Virginia Horse Center	992	---	---	---	---	992
Great Plains conservation program, unobligated balances (rescissions)	-8,000	---	---	---	---	+8,000
Wisconsin Federation of Cooperatives	2,232	---	---	2,250	2,250	+18
Florida citrus promotion	5,952	---	---	---	---	-5,952
Data mining and data warehousing activities	---	3,600	---	---	---	---
WIC contingency reserve (rescission) (sec. 762)	---	---	-32,000	-32,000	-32,000	-32,000
Specialty crop grants (sec. 766)	---	---	7,000	---	7,000	+7,000
SFSP Summer food service program	---	---	---	1,000	1,000	+1,000
Healthy Forest Reserve	---	---	---	5,000	2,500	+2,500
Fruit and Vegetable pilot program	---	---	---	2,000	6,000	+6,000
National Agriculture Imagery program	---	---	---	1,250	---	---
World food prize	---	---	---	700	350	+350
Utah State	---	---	---	---	200	+200
University of Nevada	---	---	---	---	140	+140

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	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs Enacted
Ohio State University	---	---	---	---	400	+400
Nueces County	---	---	---	---	500	+500
IRP Choctaw	---	---	---	---	1,000	+1,000
Total, title VII, General provisions	-409,753	3,600	-11,000	-12,300	41,911	+367,642
OTHER APPROPRIATIONS						
Hurricane Disaster Assistance Act, 2005 (P.L.108-324)						
Farm Assistance Programs: Farm Service Agency:						
Emergency conservation program (emergency)	100,000	---	---	---	---	-100,000
Conservation Programs: Natural Resources Conservation Service: Emerg watershed protection program (emerg)	250,000	---	---	---	---	-250,000
Rural Development Programs:						
Rural community advancement proram (emergency)	68,000	---	---	---	---	-68,000
Rural Housing Insurance Fund Program Account:						
Housing repairs (sec. 504):						
Loan authorization (emergency)	(17,000)	---	---	---	---	(-17,000)
Loan subsidies (emergency)	5,000	---	---	---	---	-5,000
Rural housing assistance grants (emergency)	13,000	---	---	---	---	-13,000
Emergency watershed protection program/emergency conservation program (emergency)	50,000	---	---	---	---	-50,000
Section 32 transfer (emergency)	90,000	---	---	---	---	90,000
Producer assistance (emergency)	2,928,500	---	---	---	---	-2,928,500
Total, Public Law 108-324 (emergency)	3,504,500	---	---	---	---	-3,504,500
Emerg. Supplemental Approps. for Defense, The Global War on Terror, and Tsunami Relief, 2005 (P.L.109-13)						
Foreign Agricultural Service						
Public Law 480 Title II Grants (emergency)	240,000	---	---	---	---	240,000
Natural Resources Conservation Service:						
Emergency watershed protection program (emergency)	104,500	---	---	---	---	-104,500
Total, Public Law 109-13 (emergency)	344,500	---	---	---	---	-344,500
Total, Other appropriations (emergency)	3,849,000	---	---	---	---	-3,849,000
Grand total:						
New budget (obligational) authority	89,439,376	100,132,911	100,321,593	100,722,949	100,981,758	+11,542,382
Appropriations	(86,047,984)	(100,132,911)	(100,353,593)	(100,754,949)	(101,051,359)	(+15,003,375)
Emergency Appropriations	3,849,000	---	---	---	---	-3,849,000
Contingent emergency Appropriations	---	---	---	---	---	---
(By transfer)	(817,714)	(832,776)	(807,159)	(860,776)	(840,141)	(+22,427)
(Loan authorization)	(14,191,899)	(12,450,952)	(14,538,732)	(15,548,828)	(15,615,279)	(+1,423,380)
(Limitation on administrative expenses)	(154,272)	(113,130)	(157,380)	(157,380)	(157,380)	(+3,108)

Mr. Speaker, I reserve the balance of my time.

□ 1045

Ms. DELAURO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Texas for his statement. I am pleased to join with him today as we complete the work on this year's Agriculture appropriations bill, the first in my capacity as ranking member of the agriculture appropriations subcommittee.

It has been a pleasure to work with Chairman BONILLA and his staff to put together this bill, as well as with Chairman LEWIS and Ranking Member OBEY in an effort to get here today.

I want to say thank you to the subcommittee staffs for their hard work. It truly is yeoman's work. I know that the staffs met for several weeks to iron out the differences between the House and Senate bills. We certainly appreciate all of their hard work.

This has been a privilege. When I chose to sit on this subcommittee 9 years ago, I did so because I have always believed that the issues overseen by this subcommittee speak to the core responsibilities of the Federal Government. This is the only subcommittee where farm policy, rural development, conservation, nutrition programs, food safety, drug regulation and public health all come together.

As such, it is my belief that the bill that we discuss today is more than a list of programs and funding levels. It is a statement of values, principles and priorities. So when we discuss this bill, I believe we think of it in those terms. We should remember that farm programs, international trade promotion and advocacy that help our farmers across the country sell our products may have profound implications on our Nation's overall economy and quality of life. The research programs at USDA are critical to our efforts to protect our agriculture products, our national herd and our public health.

Indeed, there are many aspects of the bill that I am very proud of, particularly in the area of rural development. Whether it is affordable housing, clean drinking water or sewage systems, access to remote educational and medical resources, we know that rural America faces serious economic development challenges. And I believe the President's budget failed to address those challenges, decimating many rural development programs.

And despite our hard work, the overall figure remains below the level of last year's House bill, well below the 2004 level, and I am afraid that the funding shortfall in this bill will lead to long-term problems with rural infrastructure.

But together we made real headway in reversing those cuts. Indeed, I am proud of the work we were able to accomplish with respect to affordable housing in rural America. We were able to keep the House level on section 502 single family direct loans, which help low- and very low-income households obtain homeownership; and 515 loans for multifamily housing projects to provide living units for people with low and moderate incomes in rural areas. The agreement provides $141 million and $10 million over the respective Senate levels.

We also agreed to a new $9 million demonstration program under section 515 to preserve affordable rural multifamily housing. We created a new $16 million rental housing voucher program to protect tenants residing in section 515 multifamily housing from being threatened by their landlords, as well as preserving a nearly $3 million low-income multifamily housing preservation revolving fund in the Senate bill.

We made sure to secure language regarding Farm Service Agency office closings. FSA provides that critical link between the farmer and the Federal Government's critical services, delivering assistance to specialty crop producers, disbursal of payments for programs such as the peanut buyout, and the handling of disaster assistance payments. Our language ensures that if FSA closes any field offices, it would require public hearings in the affected areas so that the voices of the community will be heard by USDA before any action is taken, and giving Congress 120 days advance notice.

Of course, this bill's impact on the public health is significant as well, from FDA's responsibilities to feeding programs, which urban areas like my hometown of New Haven rely on for women, infants and children, for schools, and for seniors and the disabled living on the edge of poverty. Ensuring that these programs are both funded and operated efficiently is, in my opinion, among the very serious obligations of government, obligations we are charged in the subcommittee with overseeing.

I am pleased that we agreed to the funding levels in the House and Senate bills for the Women, Infants and Children Program in the conference agreement. We also protected the program's reserve fund in the unlikely case the current estimates in funding prove too low.

I was particularly pleased we were able to secure strong report language directing the Secretary of USDA to tell all agencies to take all necessary steps to keep avian flu out of the U.S., providing a report to us by March of next year on the progress of those efforts. We need to do whatever it takes to aggressively tackle this urgent public health matter, including engaging USDA in that effort. We also added strong report language calling on FDA to develop a response plan on human-to-human transmission of avian influenza.

I thank the chairman for working with me to double the annual funding for review of direct-to-consumer ads by FDA, as well as another $5 million for the highest-priority drug safety needs at the FDA. In 2001, the drug industry spent $2.7 billion on direct-to-consumer advertising, but the FDA office charged with ensuring that those ads are accurate was funded at only $884,000. Doubling that amount is a small start toward remedying the inequitable advantage, and the $5 million will be devoted to the most critical aspects of drug safety.

Mr. Speaker, I was pleased by many aspects of this bill. I was particularly pleased that after several years we had an opportunity to participate in a conference meeting to resolve several outstanding issues, and to do so in a public capacity. But I was disappointed that same openness and transparency did not carry all the way through to the resolution of all outstanding issues.

And there is much to be done, from food stamps and drug reimportation to reform at FDA and meat labeling. As the agency entrusted with ensuring the safety of our food and drug supply and to protect the public health, we all understand how important it is that we maintain FDA's integrity. But the past year has been particularly difficult, from the flu vaccine shortages caused by inept manufacturing oversight to delayed withdrawal of medicines such as Vioxx that have resulted in thousands of unreported deaths to ongoing safety concerns regarding medical devices.

Restoring integrity to FDA starts with providing better guidelines in the makeup of its advisory committees. What is particularly troubling is the granting of waivers by FDA to scientists and other experts who have potential conflicts of interest. Permitting these experts to serve and vote regardless of conflict is wrong. This must stop. FDA ought to rely on the opinions of unconflicted, fully qualified professional advisers so that the agency can receive the best unbiased advice possible.

The House adopted an amendment 218-210 that would have stopped the granting of such waivers for 1 year for voting members of FDA advisory committees. I believe this was the right approach. Surely we have enough doctors and scientists in this country that we can find unbiased solutions. The Senate adopted language that fails to address the issue by allowing the current practice at FDA to continue. In an effort to break the deadlock on the issue, I offered a compromise amendment at the conference, an amendment that the chairman graciously supported, but the Senate would not accept.

I am disappointed with the language that the majority put into the conference agreement. I think it will both deter people from serving on advisory committees, while failing to stop the FDA from granting conflict of interest waivers to scientists, allowing them to continue on these advisory committees. My hope is in the coming year we can resolve the problem.

Another serious shortcoming in the bill is in the area of country of origin labeling, giving people the information they need to make an informed choice to protect the safety of their families. Thirty-five other countries we trade with already have a country of origin food labeling system in place, this at a time when food imports are increasing, avian flu poses a serious risk, but the number of inspections of imported meat are decreasing.

And given the fact that we continue to have major recalls of meat products, this effort is also about being able to trace back contaminated product in the event of a recall. Knowing the source of an outbreak is critical to the process so we can quickly take action to prevent people from getting sick.

Unfortunately, this conference report pushes back any action to implement a labeling system until September 2008. It expands the moratorium to include fruits and vegetables, something that was not in the House bill. I regret to say this is a serious failing, a decision on which we had no input. I hope the Congress will revisit this soon.

Perhaps the biggest disappointment in this bill, one so antithetical to the subcommittee's mission that I believe it undermines much of the good work we have done in the past year, is our failure to protect the integrity of the food stamp program, one of the most effective, well-run Federal programs we have.

Twenty-five million citizens receive food stamp benefits, children, seniors, low-income families, many displaced by the recent hurricanes. Despite these immense responsibilities, this bill allows a plan to delegate certification and enrollment of recipients for food stamps to a private firm with no accountability or quality assurances.

But the Texas Food Stamp Privatization Plan would lay off at least 1,200 State workers, closing more than a quarter of State-run eligibility offices around the State, replacing staff at low hourly rates. Major responsibilities would fall to community organizations, which have admitted they do not have the capacity to handle. Clients would be forced to travel long distances or rely on the Internet for services, with serious implications for seniors, low-income families and those with disabilities.

In addition, the plan appears to flout the law, conflicting with Federal statutes governing the food stamp program which require States to obtain a waiver from USDA.

What makes this so unfortunate is that it is so unnecessary. The food stamp program right now is operating with the lowest error rate it has ever had. Texas itself has a very well-operated program. This is not simply about an isolated issue in Texas. Taxpayers all over the country pay half the cost of running the food stamp program. We have an obligation to ensure that the program is run effectively, efficiently and in compliance with the law. Quite simply, the conference report fails to fulfill that obligation, one of our most serious responsibilities for this subcommittee.

Just let me mention one or two areas of concern that I have. The House and Senate adopted identical language prohibiting the use of Federal funds for the inspection of horses for slaughter for human food. It was a wide margin on roll calls in both Houses. Still there were concerns that the provision would be dropped, and in the final agreement between House and Senate, I was pleased to see the prohibition maintained, even if it was delayed for 120 days.

I am confused by the notion as the bill was ready to be filed that there was included a completely new authorizing legislation on horse slaughter, making it parliamentarily impossible to offer this amendment ever again on the House floor. It seems to me that flies in the face of our democratic process.

Another provision that was not either in the House or Senate bill or discussed in conference which was inserted without debate before the conference report was filed has to do with a series of changes to the Organic Foods Production Act of 1990. Members may be dismayed to know that section 796 of the bill contains language permanently amending the Immigration and Nationality Act. It was adopted by the Senate as part of the bill. I do not know why the sponsor had to have it enacted now without careful consideration and hearing, and why it was included in the agriculture appropriations bill.

As I pointed out, I think we made tremendous progress, and we are going to move forward and adopt this piece of legislation. Despite my concerns, it has been a pleasure working with the chairman on this effort on this important bill. I believe we do have much to be proud of. We can feel a sense of accomplishment about the finished product. My hope is we can address the issues where there still appear to be differences and that we can move forward.

Mr. Speaker, I reserve the balance of my time.

Mr. BONILLA. Mr. Speaker, I reluctantly yield 5 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Speaker, I want to thank Chairman BONILLA for yielding. He is most gracious to yield to someone who will speak against the conference report and will reluctantly vote against the conference report. It is not every committee chairman that would yield to anyone that would do that, particularly when you are talking about an appropriation bill.

I rise today in opposition reluctantly to this, but I do so primarily because of an issue of process that I have become more and more concerned about in my 11 years in the U.S. Congress.

This conference report was filed last night. The Rules Committee met quickly after that, developing the rule for consideration of the conference report. The conference report violated rule XXII of the House and violated rule XXVIII of the Senate in that section 798 was included in this conference report which was not a part of the House bill, was not a part of the Senate bill, and specifically changes substantive law.

Yet as is usually the case, the Rules Committee issues a rule waiving all points of order, which actually does raise a question of why does the House need rules, why does the Senate need rules, if we are always waiving those rules and Members never have an opportunity to bring an issue up.

Mr. Speaker, 798 is not about horse slaughter, and we have heard a lot about horse slaughter. I will admit I am one of those in the House that is making an effort to do what we can to stop the slaughter of horses for human consumption in Europe. There are only two companies left in the U.S. that are still doing this. One is owned by a French company, and one is owned by a company in Belgium. But that is not the issue here today.

Section 798 changed section 619 of title 21 of the Federal Meat Inspection Act.

□ 1100

And the substantive change adopted in the conference report without the knowledge of many people in the conference, we have had four different lawyers look at this language, and we have come up with four different answers. And even the attorney for the United States Department of Agriculture sent us an explanation, and they said, We have reviewed section 798 and its intent is not clear. We have had some private lawyers look at it, and they have come up with one conclusion.

So all four lawyers came up with different conclusions, but one thing that they all stated quite specifically was that it is a very vague statute. It is a very vague section. So what we are doing here, it is a section that treats equines, mules, and horses differently than other species of animals, and it is being changed significantly. And all of the attorneys have agreed that it is vague.

The U.S. Department of Agriculture, as I stated, does not know its intents;

so basically what we are doing is we are including this provision which is legislating on our appropriation bill and the U.S. Department of Agriculture is going to write the regulations, and we are not going to have any control of over it, in my view.

So I come today to simply express my opposition of this process that I find becoming more prevalent. Another example of this was in the omnibus bill last year in which 70 years of policy on protecting wild mustangs was changed without anyone's knowledge. And here today we do not have any agreement on what this language does, and we are going to be voting upon it.

But I would want to, in conclusion, state that I reluctantly am going to vote against the conference report, but I do want to thank Chairman LEWIS and Chairman BONILLA for allowing me to speak. I appreciate that very much.

Ms. DELAURO. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I think the gentlewoman from Connecticut (Ms. DELAURO), our ranking member, has stated many of the concerns which Members of Congress have with this bill. I would like to state mine, and indicate why I am going to vote against the agriculture appropriations conference report.

Section 797 undermines the organic food industry by changing the definition of organic food without a congressional hearing, without agreement by the National Organic Standards Board, and without consumer consent.

All across America when people go shopping, there are millions of Americans who are looking for the organic label. Why? Because it is considered to be a label that is indicative of greater integrity in food, food which is not likely to be poisoned with pesticides, food which is carefully grown by organic farmers, food which is healthier. People trust that organic label.

But Americans should know that this bill has changed the organic food law and that big food companies have prodded Congress to change the organic food law and that this would allow the use of several synthetic ingredients in organic products and potentially weaken the organic dairy standards.

More specifically, the amendments which the industry has helped to put in this bill would leave unresolved whether young dairy cows could be treated with antibiotics and converted to organic within 12 months, which would create a serious new loophole in which organic ingredients could be substituted with nonorganic ingredients, without any consumer notice, based on emergency decrees. Now, consumer confidence in the organic label is absolutely essential to ensure a strong organic market.

I have had the opportunity to meet with organic farmers all across America, and they take great pride in their product and in their produce. And what this bill does is it undermines organic standards. It could permanently allow synthetic processing aids and food contact substances including over 500 food contact substances to be used in organic foods without any type of public review for their safety and compatibility with organic production and processing.

Let me tell the Members what this is reminiscent of. In 1992, the Food and Drug Administration ruled that genetically modified organisms were the functional equivalent of conventional foods. They had no scientific basis to make that decision, but they went ahead and set the stage for the very food that we eat to be altered genetically without any science behind it. Now, if we are what we eat, we should be careful about how our food is made so we know what we are going to become. And we have taken no concern about that in this Congress because today GMOs are found in hundreds of millions of acres of food in this country, and now we are weakening organic standards with this legislation.

It is time for Congress to take a stand for pure food. It is time for Congress to take a stand for integrity in food. It is time for us to vote against this bill which undermines organic standards.

Mr. BONILLA. Mr. Speaker, I yield 1 minute to the very distinguished gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the chairman very much for yielding me this time.

I just want to take a minute to thank the chairman for doing such an unbelievably great job through a very difficult year with the allocations; and the ranking member, who has worked so hard on this bill and is a very good friend; and certainly and most importantly, the staff who have done just a fabulous job of putting together this most difficult bill.

Obviously, there are a lot of things we need to do in agriculture with the FDA throughout this entire bill.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I would love to associate myself with his remarks.

Mr. LATHAM. Mr. Speaker, reclaiming my time, one very important priority is the completion of the animal health facility at Ames, Iowa, and this $58.8 million will complete that $462 million project. And it is so important for human health, animal health, food safety.

I just want to thank the committee chairman and the ranking member for their support.

I rise in support of this conference report, and encourage the members of the House to do the same, as this is a well-balanced measure. In a climate of tight allocations, the chairman has done an outstanding job of ensuring that sufficient resources are available for the broad range of programs that are funded under this bill.

Congresswoman DELAURO has proved to be an excellent ranking member. And, I want to commend the committee staffs on both sides; once again, they have done a fine job under difficult circumstances.

Like many Members from rural America, I wish we could have applied higher funding levels in this bill. However, given our budget constraints, I am generally pleased with the funding levels provided.

This year, the other body finally saw the light and agreed to final funding for the National Animal Disease Center Modernization Project.

This funding will give the Department of Agriculture a world-class facility, with a broad range of animal disease research capabilities.

For renewable energy—another important sector to our part of the country and to the agriculture economy—the bill provides 23 million dollars.

This program provides small grants that help farmers and small businesses make energy efficiency improvements—ultimately helping farmers hurt by high fuel prices.

The measure funds important agriculture research, for both crops and livestock. Like many of my colleagues we must renew our commitment to agriculture research which holds great promise for the future of American agriculture.

Over the years, we have made great strides through research, in areas such as disease prevention, food safety, crop yields and animal health.

For example, there is again research funding for soybean rust including new treatments for emerging soybean diseases that threaten the economies of our rural communities.

Another important element of the bill is funding under the Hatch Act. These funds sustain critical research at our land grant universities. Without Hatch Act funding we would severely limit the ongoing progress being made by some our Nation's most talented scientists and educators.

In summary I have noted just a few of the important parts of this FY 06 Agriculture Appropriations Conference Report.

This was a difficult process but we have a good bill that protects our food supply, safeguards the environment and ensures our country continues to benefit from the safest and most reliable pharmaceutical and medical devices in the world.

Again, I urge the members to support this conference report.

Ms. DELAURO. Mr. Speaker, let me just say once again what a pleasure it has been to work with the chairman and his staff, in particular, Maureen Holohan, Leslie Barrack, Jennifer Miller, and Martin Delgado. I appreciate all of their efforts and good work.

As I say to my staff, I was in a staff position before and all of this does not happen by some alchemy. It happens because good people do a lot of good work. I am most appreciative of the assistance from Rob Nabors and Martha

Foley and, from my own staff, Ashley Turton and Leticia Mederos.

I will support the conference report.

Mr. BONILLA. Mr. Speaker, I thank the gentlewoman for her comments.

Mr. GREEN of Wisconsin. Mr. Speaker, today, I voted against the conference report on H.R. 2744, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 2006, primarily because it did not include an extension of the Milk Income Loss Contract (MILC) program. I have fought very hard for the MILC extension and was disappointed that it could not be included. In addition, the conference report is $199 million over its budget allocation. While I was given assurances that future funding will be cut to offset this discrepancy, this appropriations bill should not have been brought to the floor over its allocation. I will be watching very closely to ensure this funding is offset in future bills.

That said, I support many of the provisions in this conference report. In particular, I was pleased to help secure $2.25 million for the Wisconsin and Minnesota Health Care Cooperative Purchasing Alliance Demonstrations Projects. This funding will provide health care coverage to small businesses and family farms in rural areas across the State. The bill also contains $1.75 million I requested for the State of Wisconsin to combat Chronic Wasting Disease. Despite the many positive aspects of this legislation, on balance—because of the negative factors I mentioned—I believe it was not worthy of my support.

Mr. HINCHEY. Mr. Speaker, I have a number of problems with the Fiscal Year 2006 Agriculture Appropriations conference report as it stands now. Its damage to provisions on country-of-origin labeling and organic standards are two alarming reasons to vote against the bill.

But Mr. Speaker, I am most disappointed with this bill's final language regarding conflicts of interest on FDA Advisory Boards.

As you may recall, earlier this year members from both sides of the aisle supported my amendment to shut down bad behavior at the Food and Drug Administration on this issue.

In fact, 217 members of this chamber agreed with me that when the FDA allows scientists with financial conflicts of interest to serve on advisory boards that judge the safety, effectiveness, and viability of various medical treatments, the public health is jeopardized at the expense of inappropriate and personal interests.

These appointments flat-out undermine the objectivity of committee advice and bias recommendations.

And yet, the final language that we are considering today is more like a present to the agency for its bad behavior, instead of the treatment it truly deserves.

This language enables the FDA to keep on allowing conflicted panelists to vote on matters that they have no business judging. While this bill does include new reporting requirements that are intended to help watchdogs keep an eye on how frequently the FDA uses these waivers, I am concerned that the language contains considerable loopholes that will enable the agency to continue to evade its responsibility of protecting the American public in this regard.

In fact, the bill as it stands now is particularly damaging because it would allow the FDA to give the appearance of responsibility while simultaneously continuing dangerous and corrupted practices.

I said it last summer and I'll say it again: if you think that scientists who rely on drug companies for their financial wherewithal are going to recommend that the FDA take action that will harm those companies, then you are living in a fantasy world.

Mr. BLUMENAUER. Mr. Speaker, while I supported the Agriculture Appropriations bill when it was originally considered on the House floor, I was disappointed in the conference committee's failure to maintain some essential programs and I voted against the conference report.

The agreement further delays mandatory country-of-origin labeling for meat or meat products. Congress recognized the importance of this program in ensuring food safety when it passed the 2002 Farm Bill and the need is even more apparent now. It is perplexing why, in a time of mad cow outbreaks and the threat of bioterrorism, we would cut funding for this important program.

I was also disappointed to see a change to the organic standard, that was not performed in a transparent manner. I am hopeful that in the future Congress can work together more productively to pass an agriculture bill that reflects the values of Americans and properly funds the programs that are important to them.

Mr. ALLEN. Mr. Speaker, I voted for the 2006 Agriculture Appropriations Conference Committee because it funds programs important to Maine and the Nation. However, I oppose Sec. 797 because it amends the definition of organic food without a Congressional hearing or agreement by the National Organic Standards Board.

On January 26, 2005, the First Circuit Court of Appeals issued a ruling in Harvey v. Veneman, a lawsuit brought by Arthur Harvey, an organic blueberry farmer from Maine with operations in Hartford and Buckfield, against the Secretary of Agriculture. Harvey claimed that several provisions of the USDA's National Organic Regulations were in conflict with the Organic Foods Production Act. The U.S. District Court for the District of Maine issued its Consent Final Judgment and Order on June 9, 2005. The court ruled in Harvey's favor on three counts.

Specifically, the court found that existing regulations allowing the use of synthetic substances in the handling and processing of products labeled with the USDA "Organic" label and seal are contrary to the intent and language of the OFPA. This final judgment requires USDA to develop new rules within one year. It also allows producers, handlers, and processors to operate and sell products under the old rules until June 2007.

Regulatory changes are a viable means to resolve the inconsistencies between the law (OFPA) and the National Organic Program regulations. The organic farming community opposes the broadening of the definition of organic to include synthetic ingredients. Changes in this area should have been made in an open manner under regular order and not inserted as a rider to the Agricultural Appropriations bill.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this conference report for H.R. 2744, the "Agriculture, Rural Development, Food and Drug Administration, Appropriations Act of 2006."

While the amounts in the bill are not adequate to fully meet the needs of rural Colorado—and I'm disappointed that there isn't more—the fact is that the Federal Government is being forced to do more with less in a time of record budget deficits.

The conference report does include some important improvements over the House passed bill. This is particularly true as regards funding for conservation programs and rural development.

The bill also provides support for research programs that are important to Colorado State University, including work on infectious disease and ultraviolet radiation monitoring.

However, I am particularly disappointed with the conference committee's decision to continue to delay for another two years implementation of a mandatory country of origin labeling (COOL) for products such as meat and produce. The shortsightedness of the conference committee denies Colorado ranchers and farmers a wonderful resource to market their products and provide consumers a clear choice in the products they purchase.

I also am disappointed by the lack of consultation, consensus and public discourse that marked the process of developing the legislative changes the conference report makes to the National Organics Program. Such legislative changes should be done in the most transparent manner possible and I am disappointed this was not the case.

As this issue will certainly be revisited, I am hopeful the consumers, producers, manufacturers and supporters of organic agriculture can work together to advance this important part of agriculture in Colorado and around the country.

Mr. HEFLEY. Mr. Speaker, I rise today in opposition of the conference report on H.R. 2744, the Agriculture Appropriations Act for FY 2006 because of the Conferee's decision to further delay mandatory country-of-origin labeling until September 30, 2008.

Country-of-origin labeling allows the consumer to make informed decisions about what to buy and allows the consumer to support specific farmers or producers at their discretion. Quite simply, American consumers should, and need to have the right to know where their food comes from. Imported meat is currently sold under the guise of a U.S. product and there is no way for consumers to differentiate the origin of their meat. This policy is an unfair and unnecessary risk to the American consumer.

Congress passed mandatory country-of-origin labeling in the 2002 Farm Bill to be implemented on September 30, 2004. This bill will now further delay labeling four years from when it was originally scheduled to take effect. America wanted this provision in the last Farm Bill and Congress has again delayed its implementation.

Unfortunately over 40 of our trading partners have country-of-origin labeling programs already in place, and despite all of our resources and technology, the U.S. has not been able to determine a method of implementation that provides our consumer with the same information. Without this program in place, we are putting at risk two of our three largest beef export markets, Japan and Korea.

For these reasons I cannot vote for this conference report today, and it is my hope that Congress will finally take seriously what is best for this country and the consumer.

Ms. DELAURO. Mr. Speaker, I yield back the balance of my time.

Mr. BONILLA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the conference report on H.R. 2744 will be followed by a 5-minute vote on adoption of H. Res. 523.

The vote was taken by electronic device, and there were—yeas 318, nays 63, not voting 52, as follows:

[Roll No. 555]

YEAS—318

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Berkley
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Boehner
Bonilla
Bonner
Boozman
Boren
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Clay
Cleaver
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fitzpatrick (PA)
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson (IL)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKinney
McMorris
McNulty
Meehan
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Northup
Norwood
Nussle
Oberstar
Olver
Osborne
Oxley
Pallone
Pascrell
Pastor
Pearce
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Strickland
Stupak
Sullivan
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)
Tauscher
Tiahrt
Towns
Velázquez
Westmoreland
Wu

NAYS—63

Andrews
Barrett (SC)
Bass
Bean
Biggert
Bilirakis
Blackburn
Blumenauer
Bono
Bradley (NH)
Capuano
Chocola
Conyers
Cooper
Davis, Tom
DeFazio
Duncan
Engel
Feeney
Ferguson
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Green (WI)
Hayworth
Hefley
Hensarling
Herseth
Honda
Hostettler
Inslee
Israel
Jackson-Lee (TX)
Kirk
Kucinich
Lee
Lewis (GA)
Marchant
McCollum (MN)
Nadler
Otter
Owens
Paul
Payne
Pence
Petri
Pitts
Price (GA)
Ramstad
Rehberg
Rohrabacher
Royce
Ryan (WI)
Schakowsky
Shays
Simmons
Stearns
Sweeney
Tancredo
Wexler
Whitfield

NOT VOTING—52

Baca
Baker
Becerra
Berman
Blunt
Boehlert
Boswell
Brown-Waite, Ginny
Calvert
Clyburn
Davis (FL)
Davis, Jo Ann
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Eshoo
Foley
Ford
Gallegly
Gutierrez
Harris
Jefferson
Jones (NC)
Kind
Kingston
LaTourette
Linder
Lynch
McDermott
McKeon
Meek (FL)
Miller, Gary
Napolitano
Ney
Nunes
Obey
Ortiz
Pelosi
Reyes
Roybal Allard
Sensenbrenner
Shadegg
Shaw
Slaughter
Smith (TX)
Stark

☐ 1134

Messrs. PAYNE, OTTER, and BARRETT of South Carolina, and Ms. McCOLLUM of Minnesota, Ms. SCHAKOWSKY, and Ms. LEE changed their vote from "yea" to "nay."

Messrs. SULLIVAN, GOODLATTE, JOHNSON of Illinois, HERGER, Ms. KILPATRICK of Michigan, and Ms. ZOE LOFGREN of California changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCING DEATH OF FORMER MEMBER JOHN LESINSKI, JR.

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I rise to announce the death of a distinguished former Member of this body, a colleague of ours and a friend of many of us here, the Honorable John Lesinski, Jr., who passed away on Friday, October 21, 2005. He served in this Congress with great distinction, and he served his Nation in time of war in the Navy with great distinction. He received the Purple Heart and the Navy and the Marine Corps medal, in addition to serving from 1950 to 1964.

We will pray for the repose of his soul and ask that the good Lord give comfort and strength and peace to his family.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the death of the Honorable John Leskinski, Jr.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Michigan.

There was no objection.

Mr. DINGELL. Mr. Speaker, I rise today to honor the life and service of a former member of this great institution, John Lesinski, Jr., who passed away on Friday, October 21, 2005.

Congressman Lesinski was born in Detroit, MI on December 28, 1914. Like his father, Congressman Lesinski served in the U.S. House of Representatives, representing the 16th District of Michigan from 1951 to 1965.

He also bravely fought for our Nation, enlisting in the Navy at the age of 18, and had his first tour of duty from 1933–1937.

He returned to the Navy after Pearl Harbor was attacked and served the duration of the war leaving the service in 1945, having received both a Purple Heart and a Navy and Marine Corps Medal.

I knew Congressman Lesinski personally, and as a fellow Polish American, he taught me much about what it takes to be an effective member of Congress. I served with Congressman Lesinski as a colleague and faced him as a primary opponent; I know that he served the people of the 16th District with great purpose and conviction.

I salute the long and full life Congressman Lesinski led and his service in this House—he was a good and able public servant who will be much missed.

I also want to express my condolences to his family, particularly his son Gary who is continuing the Lesinski family tradition of service as an aide to our colleague from North Carolina, Mr. MILLER.

John now joins his dear wife Margaret. He is survived by his sons John W., Ron, Richard, Gary and James, and his daughter Patricia Hinton, as well as his five grandchildren Jodi, Jennifer, Jonathan, Jessica and Justin, and one great-grandchild Noah.

This House has lost a distinguished alum, a member who was dedicated to his district, this institution and this Nation. May the Lord keep him and his beloved wife Margaret in peace.

Survived by: Sons, John W., Ron, Richard, Gary, James; Daughter, Patricia Hinton; Grandchildren, Jodi, Jennifer, Jonathan, Jessica, Justin, and Great Grandchild, Noah.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

CONDEMNING IRANIAN PRESIDENT MAHMOUD AHMADINEJAD'S THREATS AGAINST ISRAEL

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 523 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 383, nays 0, answered "present" 1, not voting 49, as follows:

[Roll No. 556]

YEAS—383

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McMorris
McNulty
Meehan
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Northup
Norwood
Nussle
Oberstar
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Paul

NOT VOTING—49

Baca
Baker
Becerra
Blunt
Boehlert
Boswell
Brown-Waite, Ginny
Calvert
Clyburn
Davis (FL)
Davis, Jo Ann
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Eshoo
Foley
Ford
Gallegly
Gutierrez
Jefferson
Jones (NC)
Kind
Kingston
Linder
McDermott
McKeon
McKinney
Meek (FL)
Miller, Gary
Napolitano
Ney
Nunes
Obey
Ortiz
Pelosi
Reyes
Roybal-Allard
Sensenbrenner
Shadegg
Shaw
Slaughter
Smith (TX)
Stark
Tauscher
Tiahrt
Towns
Velázquez
Westmoreland
Wicker

□ 1144

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. McDERMOTT. Mr. Speaker, I missed votes on October 28, 2005. Had I been able to, I would have voted: "nay" on H.R. 2744 (rollcall vote No. 555); "yea" on H. Res. 523 (rollcall vote No. 556).

PERSONAL EXPLANATION

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, today, I am attending the funeral of a longtime staff member of mine, and I will not be in Washington to vote. Had I been able to vote, I would have voted "yea" on the Conference Report for H.R. 2744, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 2006. I would have voted "yea" on the House Resolution condemning Iranian President Mahmoud Ahmadinejad's threats against Israel.

PERSONAL EXPLANATION

Mr. NEY. Mr. Speaker, on October 28, 2005, I was unable to be present for rollcall vote No. 555, on agreeing to the Conference Report to H.R. 2744, Making Appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and rollcall vote No. 556, on the Motion to Suspend the Rules and Agree to H. Res. 523, Condemning Iranian President Mahmoud Ahmadinejad's threats against Israel. Had I been present, I would have voted "yes" on rollcall vote No. 555 and "yes" on rollcall vote No. 556.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, due to important business in my district, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall vote No. 555, "yes."

Rollcall vote No. 556, "yes."

PERSONAL EXPLANATION

Mr. NUNES. Mr. Speaker, on the legislative day of Friday, October 28, 2005, I was unavoidably detained with family matters and was unable to cast a vote on rollcall vote 555–556. Had I been present, I would have voted "yes" on both votes.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the record to show that, had I been present, I would have voted "yea" on rollcall votes 555 and 556.

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, on October 28, I missed rollcall votes Nos. 555 and 556.

Rollcall vote No. 555 was on agreeging to the conference report making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for thee fiscal year ending September 30, 2006, and other purposes. Had I been present, I would have voted "yea."

Rollcall vote No. 556 was on condemning Iranian President Mahmoud Ahmadinejad's threats against Israel. Had I been present, I would have voted "yea."

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. BOEHNER, from the Committee on Education and the Workforce, submitted an adverse privileged report (Rept. No. 109–258) on the resolution (H. Res. 467) requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction related to Hurricane Katrina recovery that relate to wages and benefits to be paid to workers, which was referred to the House Calendar and ordered to be printed.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO SECRETARY OF HOMELAND SECURITY

Mr. MCCAUL of Texas, from the Committee on Homeland Security, submitted an adverse privileged report (Rept. No. 109–259) on the resolution (H. Res. 463) of inquiry directing the Secretary of Homeland Security to provide certain information to the House of Representatives relating to the reapportionment of airport screeners, which was referred to the House Calendar and ordered to be printed.

AMENDMENT PROCESS FOR H.R. 4128, PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, the Rules Committee may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 4128, the Private Property Rights Protection Act of 2005.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by 10 a.m. on Wednesday, November 2, 2005. Members should draft their amendments to the bill as reported by the Judiciary Committee on Thursday, October 27, which is expected to be filed with the House early next week. Members are also advised that the text should be available for their review on the Web sites of the Judiciary and Rules Committees by today, October 28.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the gentleman from California, chairman of the Rules Committee, I am not sure what the other titles are, for the purposes of informing us of the schedule for the week to come.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, and I will tell the gentleman that my title is just that of a humble servant to try and make sure that this institution works as well as possible in a bipartisan way.

Mr. HOYER. Mr. Speaker, I think most of the public believes that we hopefully are servants. The adjective I am not sure that they always agree with.

Mr. DREIER. Well, humble is the one I put there, and I am proud to have it there.

Mr. Speaker, let me say that the House will convene on Tuesday at 12:30 p.m. As you know, we are going to be proceeding today with the resolution on Rosa Parks, which is a very important item for us. But when we adjourn and complete our business today, we will adjourn to meet on Tuesday at 12:30 for morning hour and at 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those measures to be considered under suspension will be sent to Members' offices by the end of today. Any votes called on those measures will be rolled until 6:30 p.m. on Tuesday.

For Wednesday and the balance of the week, the House will consider additional legislation under suspension of the rules, as well as H.R. 4128, the Private Property Rights Protection Act of 2005, which I just mentioned and asked for submission of amendments on that. We will be making a rule in order for that. We also anticipate that the House will consider additional appropriations conference reports as they become available.

Mr. HOYER. Mr. Chairman, you do not mention Friday. There is one bill mentioned, plus perhaps conference reports on appropriations bills. Do you anticipate that we will be meeting Friday next, or that Members can be reasonably confident that we will complete our work for the week by Thursday night?

Mr. DREIER. Mr. Speaker, let me just say that obviously we are working very hard on the appropriations work. Chairman LEWIS is moving through that agenda very well, and it is our hope that we will be able to complete work. But just as we found today we had the opportunity to consider the Agriculture appropriations conference report, we may, next Friday, have a conference report that would come forward.

Obviously, we will try to get our work completed as expeditiously as possible, and if we can complete it by Thursday, we would like to. But I do think that Members should look at the prospect of being here at least part of the day on Friday of next week, if we do have another conference report from the Appropriations Committee.

Mr. HOYER. Reclaiming my time, I thank the gentleman for that information.

Regarding Wednesday's schedule, which I know has become somewhat complicated, first of all, it is my understanding that the majority has some meetings on that morning. In addition, as you know, and you mentioned the resolution that we are going to consider on Rosa Parks, Rosa Parks' funeral in Detroit is on Wednesday. Obviously, therefore, many, many Members will want to be attending that funeral, I am sure, on both sides perhaps. And we are wondering whether or not we can structure Wednesday's schedule to accommodate attendance at the funeral so that Members will not miss votes. It is my understanding that the funeral is at 11 o'clock.

I might yield to the ranking member of the Judiciary Committee, who was very, very close to Mrs. Parks, to perhaps give us a thought on the time frame in which Members could be back from the funeral.

Mr. CONYERS. I thank the gentleman very much for yielding.

Saturday, Montgomery, Alabama, St. Paul AME Church. Sunday, St. Paul AME Church, 10:30, Montgomery, Alabama. Lying in honor at the Rotunda, Capitol, Sunday, from 6:00 p.m. to 9 a.m., which is what we are going to be looking into very shortly. And then Monday, services in Washington, D.C., at the Metropolitan AME Church; Tuesday, Detroit, where her body lies in state at the Wright African American Museum; with a service Wednesday, November 2, at 11 a.m.

Mr. HOYER. Could the gentleman give some idea as to when you believe that Members who attend the 11 o'clock funeral would be able to get back to Washington vis-a-vis votes?

Mr. CONYERS. It would be a 2- to 3-hour service, and we are trying to arrange military craft. We are talking with the Pentagon right now. The Speaker's Office has been very cooperative on this, and we are hoping that there would be a plane for Members to leave here from Washington to Detroit, and back to Washington.

Mr. HOYER. And then given the fact that the Speaker's Office obviously is making these arrangements, I yield to my friend.

Mr. DREIER. I thank my friend for yielding. And let me thank Mr. CONYERS for outlining the schedule for the Nation to remember an extraordinary life.

I, of course, remember very well when we honored Rosa Parks here, and, having learned so many things about her that I frankly did not know just within the last few days, her level of political activism in the 1940s and the kinds of things that she had done, it is very appropriate, and I know the Speaker has done everything that he possibly can to ensure that we do recognize this great life and, of course, by having Rosa Parks' body lie in state here in the Capitol. I think that is a great testament to an extraordinary life.

As we look at our legislative schedule, Mr. Speaker, let me say that we have the very important goal of dealing with legislation that is emerging from the committee chaired by Mr. SENSENBRENNER, and Mr. CONYERS is the ranking minority member. And that legislation which I mentioned earlier, dealing with the issue of eminent domain, is a high priority. So I can assure my friends on both sides of the aisle that we will do everything that we possibly can in looking at the exigencies of the schedule as it relates to Mrs. Parks' funeral in Detroit to accommodate Members when it comes to management of the bill on the floor and votes themselves as they take place. So we will do all that we can to address as well as we possibly can those very understandable issues.

Mr. HOYER. I thank the gentleman for those comments.

In light of the fact that the Speaker is arranging for the aircraft to get Members there, I presume that they will schedule votes consistent with the leaving and the returning of Members from the funeral. That is my presumption. I understand that is a little bit up in the air, but we certainly hope that can be done. As the gentleman observes, Members on both sides of the aisle I am sure will be attending. I yield to my friend.

Mr. DREIER. I will just say, Mr. Speaker, that we obviously, in looking at the chance the Members will clearly have here in the Capitol to recognize the extraordinary life, we are going to have this resolution on the floor, but we still do want to do whatever we can, and the Speaker is committed to that, to address the concern of her funeral taking place on Wednesday. I thank again the gentleman from Michigan for his thoughtful remarks.

Mr. HOYER. I appreciate the comments of both the ranking member, Mr. CONYERS, who has been so involved in the life of Rosa Parks and such an advocate of civil rights, which was her cause and her life, as the gentleman from California has observed, and I thank him for his comments.

Mr. CONYERS. I just wanted to indicate we expect to be back by 6 o'clock. That is our goal.

Mr. HOYER. As I said, my presumption is that we will try to make sure. I say we, the Speaker's Office will try to make sure that we accommodate Members who are going, because I presume there will be a substantial number.

Mr. DREIER. If the gentleman will further yield, I will just say at this juncture that we are going, again as the gentleman from Maryland has just said, this is obviously in somewhat of a state of flux, but we are going to do everything that we possibly can to accommodate the concerns of those Members who are hoping to attend the funeral of Mrs. Parks.

I thank my friend for yielding.

Mr. HOYER. I am sure that all of us want to work this out, and I appreciate that comment.

Let me go, if I might now, to appropriations conference reports. They are not listed here, other than obviously we anticipate that there may well be appropriations conference reports. Do you know which ones we might expect next week and when they might be considered?

I yield to my friend.

Mr. DREIER. I cannot tell you exactly when next week they will be considered, because obviously, we anticipate their filing. I can tell you that from my role on the Rules Committee, that we often wait for appropriations conference reports to be filed, and we do not know exactly when they will be considered. But I will tell you the bills that we do anticipate are, of course, the energy and water appropriations bill and the foreign operations appropriations bill. And we also anticipate next week having motions to go to conference on additional appropriations measures that would include the Science-State-Justice-Commerce bill and the military quality of life bill.

So those are things that we do anticipate, although I cannot say exactly at what point next week they will be considered.

Mr. HOYER. I thank the gentleman for that.

Do we have any read on where the defense appropriation bill is at this point in time?

Mr. DREIER. I do not at this juncture know exactly where we stand on that.

Mr. HOYER. Mr. Speaker, reclaiming my time, we have been talking about budget reconciliation now for a number of weeks and the possibility of a budget amendment bill coming to the floor. Over the last 2 weeks that has not come. But, as you know, committees are marking to a figure substantially above the current budget resolution which was adopted by the House and the Senate. Can you tell me whether or not we are going to have a budget amendment bill on the floor either next week or the week after, and whether or not we will have a reconciliation tax bill on the floor in the near future?

Mr. DREIER. Mr. Speaker, let me say that obviously we are continuing to work on our quest to put into place for the first time since 1977 an amendment to the budget which would call for substantial reductions in spending, particularly in the mandatory area and possibly in other areas.

□ 1200

We are continuing to work on that, and we would like to do it, but while we are not absolutely certain that that vote, an amendment to the budget, would take place, we are, as the gentleman correctly said, continuing to work on the reconciliation process.

Now, it is my understanding that we have had eight committees that have already reported out their measures, and we are going to continue to do everything that we possibly can to ensure that we bring about a kind of fiscal responsibility that the budget resolution calls for, and as the gentleman said correctly, Mr. Speaker, exceed that if we possibly can. Because trying to rein in the reach of the Federal Government is a high property for us, and we are working, we hope in a bipartisan way, because I know my colleagues on the other side of the aisle are regularly talking about the problems of deficit spending and all, and we share that concern. We hope that as we proceed with this reconciliation process that we can move a package that will get here to the floor to do the work.

So whether or not we have a vote that amends the budget resolution, we are focused on the reconciliation process itself.

To the gentleman's last question on the tax aspect of reconciliation, that continues to be an item that we are working on. I know that the gentleman from California (Mr. THOMAS) of the Committee on Ways and Means and the gentleman from New York (Mr. RANGEL) are working on that, the ranking member. We at this juncture do not know exactly what shape that will take, but it is something that we do anticipate completing.

Mr. HOYER. Reclaiming my time, this is not the appropriate forum for debate on fiscal actions that have been taken or will be taken, so I will not enter that debate. I will, however, make the observation that the gentleman mentions that going back to 1977 there was a bill on this floor. Of course, in 1993 there was a bill for which 218 Democrats voted and no Republicans voted that I will remind the gentleman cut over $250 billion of spending.

I know you would want to be reminded of that and not forget that. I am prepared to get into a debate, but I wanted to correct that observation because very frankly your side tends to ignore the cuts that were effected in 1993 and look only to the revenue which was raised in 1993 which, of course, ultimately from our perspective, and I think accurately, created significant surpluses in this country for 4 years in a row.

I will yield to my friend.

Mr. DREIER. Mr. Speaker, I will say that any time is a good time to talk about fiscal responsibility whether we are engaged in a colloquy or at any point. I am happy to do that right now. I will state that the reason that no Republican in 1993 cast that vote was that it was the largest tax increase in history. And if the gentleman will recall, we within a very short period of time repealed large parts of that tax increase that was put in place in 1993, in 1995, 1996, and 1997 and we did so with the support of President Clinton and a number of Democrats here.

We can continue to debate what took place in the early 1990s. As far as an amendment to the budget resolution that was passed, 1977 is the last time that we actually passed an amendment to the budget resolution which did bring about, called for these kinds of cuts, and we may or may not consider that. But whether we consider it or not, we will be doing everything that we can to work in a bipartisan way to ensure that we proceed with this reconciliation process and bring about the kind of fiscal responsibility that I believe Democrats and Republicans alike have talked about.

Mr. HOYER. Reclaiming my time, the gentleman says any time is a good time to talk about fiscal responsibility. We have Rosa Parks that we need to really address and that is critical, but I do not want to let it go. The gentleman has made a mistake, but it is a mistake that is made regularly, and it is a misrepresentation.

In fact, if the gentleman will look to the record, if you use honest nominal numbers, the 1982 Dole-Reagan tax increase was larger, larger than the 1993 revenue enhancement, or tax increase, as you call it, which tried to pay for the things we were buying.

Mr. DREIER. If the gentleman would yield, that was a $98.5 billion tax increase in 1982. I remember it very, very well.

Mr. HOYER. In nominal terms it was larger. In actual terms, not in nominal, in actual terms if you made $5 in 1993 and you make $5.10 now, you are technically making more money. Nobody in the world believes you are making more money. And that misrepresentation, we should not have gotten into this debate because it is the subject of a long debate with significant disagreements between the sides, on fiscal responsibility.

Mr. DREIER. If the gentleman would yield.

Mr. HOYER. As a matter of fact, I would be glad to engage my friend in that debate. We can take an hour out and debate that.

Mr. DREIER. I will close the debate by quoting Thomas Jefferson, the author of our great Declaration of Independence.

Mr. HOYER. I will yield to my friend for the purpose of quoting Thomas Jefferson.

Mr. DREIER. Thomas Jefferson said, "Two thinking men can be given the exact same set of facts and draw different conclusions."

Obviously, that is something that rages on as we debate these issues and we look forward to continuing that. I thank my friend for yielding.

Mr. HOYER. Had Jefferson been questioned on that observation, he would have said it does not necessarily mean that both conclusions are correct.

Mr. DREIER. I know, Mr. Speaker, that the gentleman controls the time.

Mr. HOYER. Let me go to another subject because the gentleman and I could go on all day about this, and that is what the Members fear.

Immigration. This is an issue on which many of us have focused, on which great concern has been expressed. I am wondering whether or not you believe that prior to Thanksgiving we will have some type of immigration legislation brought to the floor.

Mr. DREIER. Mr. Speaker, let me say that, obviously, border security and immigration reform continue to be very high priorities for this majority, and I believe there is bipartisan concern about the issue of our national security, and border security is part of that. Immigration reform is something that I believe we need to address. We are going to continue to do everything that we possibly can to ensure that we address the issue of immigration reform before we adjourn this session of Congress.

Mr. HOYER. Reclaiming my time, you believe it will come, but you are not sure that it will come before Thanksgiving. Is that I what I get from what you just said? I yield to my friend.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I would hope that we could do it before Thanksgiving, before we adjourn on the 18th of November; but my hope is that we will be able to complete work on immigration reform and border security before we adjourn the first session of this Congress.

Mr. HOYER. I thank the gentleman for his information.

AUTHORIZING THE REMAINS OF ROSA PARKS TO LIE IN HONOR IN THE ROTUNDA OF THE CAPITOL

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 61) authorizing the remains of Rosa Parks to lie in honor in the rotunda of the Capitol, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore (Mr. BURGESS). Is there objection to the request of the gentleman from Michigan?

Ms. MILLENDER-McDONALD. Mr. Speaker, reserving the right to object, I yield to the gentleman from Michigan (Mr. EHLERS) to explain the purpose of this concurrent resolution.

Mr. EHLERS. Mr. Speaker, I rise today in support of Senate Concurrent Resolution 61, a resolution authorizing the remains of Rosa Parks to lie in honor in the rotunda of the Capitol.

Mr. Speaker, the Nation suffered a great loss on Monday with the passing of the Mother of the Civil Rights Movement, Mrs. Rosa Parks. She had no idea that on December 1, 1955, when she was jailed for refusing to give up her seat on a bus in Montgomery, Alabama, that she would inspire Reverend Martin Luther King, Jr., to lead a 381-day boycott of that city's bus system, touching off the civil rights movement.

Due to the national publicity of the boycott and her active involvement in the NAACP, she had difficulty finding employment in Alabama. Therefore, she and her husband, Raymond Parks, moved north to Detroit in 1957. In 1965 my colleague, the gentleman from Michigan (Mr. CONYERS), hired Mrs. Parks as a legislative aid. She worked for him until her retirement from congressional work in 1988 to focus all of her attention on the Rosa and Raymond Parks Institute For Self Development. This nonprofit organization is committed to working with Detroit's youth to build leadership skills and inspire them to continue her work on civil and human rights.

I am especially pleased as a Representative from the State of Michigan to claim the honor of having her as a resident in our State, and also I am very pleased that we have a park in downtown Grand Rapids, Michigan, which is named for Rosa Parks and to signify her importance in our Nation.

She was a remarkable person. Her courage and her tenacity sparked the civil rights movements which led to the reversal of some very repressive laws in this country and brought this Nation to its feet in favor of civil rights for all individuals no matter what race, gender, or color. I am very proud to be here to speak as a native of Michigan on her behalf.

In 1999, the United States Congress honored Mrs. Parks in the rotunda of the Capitol by awarding her with the Congressional Gold Medal, our Nation's highest expression of national appreciation for distinguished achievements and contributions.

Mr. Speaker, I think it is only fitting that we allow the Nation to pay its final respects to this great American by allowing her to lie in honor in the rotunda of the Capitol.

Mr. Speaker, I ask for support of this resolution.

Ms. MILLENDER-McDONALD. Mr. Speaker, under my reservation I too rise in support of Senate Concurrent Resolution 61, authorizing the use of the U.S. Capitol rotunda for the remains of Rosa Louise Parks to lie in honor on October 30 and 31 of 2005.

I stand as a very proud African American woman who stands on the shoulders of this great lady who was born Rosa Louise McCauley on February 4, 1913 in Tuskegee, Alabama. She became a household name on December 1, 1955.

After leaving her job as a seamstress, Rosa Parks boarded a racially segregated Montgomery, Alabama, bus for home and took a seat directly behind the white section. She was asked to yield her seat to a white man by a bus driver who had evicted her from a bus 12 years prior because she had refused to enter via the rear door after paying her fare. What happened next would change America forever.

This humble, soft spoken woman refused to give up her seat and was arrested and taken to jail. While in jail, Rosa Parks did not call for her lawyer. She called for her minister. It was the Reverend Dr. Martin Luther King, Jr., who immediately came to her aid. The move kicked off the Montgomery bus boycott and the beginning of a civil rights movement.

Because of Rosa Parks, the black citizens of Montgomery, Alabama, who comprised more than 70 percent of the bus company's business, refused to ride the bus until the laws were changed. The Montgomery bus boycott lasted for 381 days. When the case was taken to the United States Supreme Court, the Justices declared that segregation of the Montgomery buses was illegal and officially desegregated them on December 20, 1956.

Rosa Parks and her husband, Raymond, whom she married in 1931, were fired by their employers and harassed by angry whites. They moved to Detroit, Michigan, in 1957. It was then she went to work for our beloved and dear colleague, the gentleman from Michigan (Mr. CONYERS), and later formed the Rosa and Raymond Parks Institute.

Mr. Speaker, surely a woman as significant as this and who meant so much to not only African Americans but to all Americans deserves to be honored right here in the rotunda of the United States Capitol, the very place where in July of 1999 President William Jefferson Clinton awarded her the Congressional Gold Medal, the Nation's highest honor given to a civilian.

☐ 1215

This concurrent resolution we are considering today is required so that both Houses may concur in the use of the rotunda, which is controlled by the Congress. This procedure was last used in 2004 following the death of the late President Ronald Reagan.

I urge my colleagues to bestow upon this great lady, Rosa Louise Parks, one last honor and make her the first nongovernmental official, first woman, and the first African American woman to lie in honor in the rotunda of the U.S. Capitol.

Please support this resolution allowing America to pay its final respects to the Mother of the civil rights movement, the great Rosa Louise Parks.

Mr. Speaker, I will be happy now to yield to the few Members who are here to speak on this resolution, the first of whom will be the gentleman who is the dean of the Congressional Black Caucus, who knew her so well and who served with her so admirably.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the floor leader, the gentlewoman from California (Ms. MILLENDER-McDONALD), for her kindness and her leadership; and I, of course, am very proud that the gentleman from Michigan (Mr. EHLERS) is leading this concurrent resolution on the other side of the aisle.

I am happy to also see my colleague, the honorable gentlewoman from Detroit, Michigan (Ms. KILPATRICK) and, of course, the gentleman from Georgia (Mr. LEWIS), the chairman of the Congressional Black Caucus, the gentlewoman from Indiana (Ms. CARSON), and many others here on the floor.

Both leaders on both sides of the aisle have aptly described the phenomenal career, activities, and legacy that Rosa Parks leaves behind. It is only my task to tell my colleagues as the one who knows her better than anybody in the Congress about the indomitable spirit of Rosa Louise Parks, that is to say, that there were two parts to Rosa Louise Parks.

One was her calm, respectful, dignified exterior. She was a very humble woman. She always spoke in a very calm voice. I can say I have never seen her angry or in a debate mode in her life. She has never gotten into any argument, and I use this analogy as carefully as I can, but she reminds me of what I think Mother Teresa was like. I mean, she had her own sphere of serenity; and yet, at the same time, there were three things that she was extremely deeply connected and committed to.

One, she was a very religious person and she did not wear her religion on her sleeve, that is to say, she did not quote from the Bible or make religious references; but she was deeply committed to her African Methodist Episcopal church, and one of the services will be in Montgomery, Alabama.

The other matter that was very deeply held was her fierce opposition to segregation, and she could not have suspected that that deep opposition would lead her to be the main participant in a Federal case that went up to the United States Supreme Court and dealt the death blow not only to segregation, to the bus system in Montgomery, but it dealt a death blow to the segregated systems that existed as a way of life in many places in the United States. That, plus the Brown v. Board of Education decision the year earlier was the death knell.

It has already been observed that as humble as she was, it is hard to remember that she was an activist. She was not a person hoping that something good would happen. She was the first member to join the Montgomery chapter of NAACP, and she went through training classes, and so without any premeditation, no coordination with lawyers or civil rights organizations, and I have talked with her about this, that was the thing on everybody's mind in Detroit, is that it was not a matter of her feet being tired that day after a long day's work as a seamstress in this department store, but what happened inside her, the result of her belief system, her commitment to justice, led her that day to once again refuse to give up her seat and go to the back of the bus.

They begged her, please, lady, you do not know what you are getting into because you are going to get arrested and prosecuted today; and as a matter of fact, I think she did know fully that she was taking her life, her safety into her own hands.

As a result of this, not only did she break down segregation, she earned her title, as has been referred to, as the Mother of the Civil Rights Movement because it was she that brought in this 26-year-old Baptist minister named Martin Luther King, Jr., who quickly began to organize the total support that was coming up to Rosa Parks.

So what happened then, of course, is a matter of history. She came to Detroit, not because she wanted to. She came because she was driven out of Montgomery, Alabama. How differently history would have been had she been able to stay there, because even though I had met her before I came to Congress, we put our arms around her, but there was some nervousness about who was Rosa Parks. She did not put out press releases. She did not organize. She was just always there and always willing to help.

What finally happened is that this Member of Congress said, as a result of the first time I ever ran for anything, I said if I can win a seat to the highest legislative body in this land, the first person I am going to ask to join my staff would be Rosa Louise Parks. She did not ask me for a job. I was honored to have her, and I do not mind telling my colleagues, she was a celebrity staffer. More people came to visit Rosa Parks in my congressional office than came to visit Congressman John Conyers, and I am so proud of her.

There are many things that we can talk about that I am going to be putting into writing and that we will be observing, but I want to thank the leadership of this Congress who have distinguished themselves.

We got complete cooperation from the majority leader in the Senate, the minority leader in the Senate, Senator OBAMA, Senators LEVIN and STABENOW and many others in the other body; but it was in the House of Representatives that the Speaker of the House joined immediately with the Congressional Black Caucus's request for transportation and for the privilege of having this be the first woman to ever be honored by her remains being on display in the rotunda of the Capitol of the United States.

I am so proud of my colleagues and all who have made what was a very difficult set of arrangements between Montgomery, Washington, DC, and Detroit possible. I am in the debt of the gentlewoman from California who has admirably brought this resolution to the floor.

Ms. MILLENDER-McDONALD. Mr. Speaker, further reserving the right to object, I thank the gentleman from Michigan (Mr. CONYERS) so much for his leadership and for the greatness that he has shown during the sadness.

Mr. Speaker, the next speaker we will bring forth is the vice chairwoman of the Congressional Black Caucus and one who is now in the process of getting a Federal building named after this great lady.

Mr. Speaker, I yield to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK of Michigan. Mr. Speaker, I thank the gentlewoman for yielding and let me thank the Speaker for the time.

I want to praise and give God honor for all that has happened over the last week and certainly for the life of Mrs. Rosa Parks.

I want to thank the Senate that had the courage yesterday, its leadership along with the House leadership, for making it possible for Mrs. Parks to lie in honor in the Federal building of the United States, our own Capitol, which will be on Sunday and Monday.

As a young woman 19 years old, I met Mrs. Parks when she sat down on December 1, 1955, that all of us might stand up. I was 10 years old, but we were at the time writing papers about our history, and she was my project, and from then until this day, she has always been a part of my life.

When she moved to Detroit almost 50 years ago, she moved to the then-15th congressional district, now 13th congressional district, which has gone through five different apportionments, but her homes, three of them, have always been in my congressional district.

She was my heroine. She was my mentor. She invited me to speak at her church on women's day on two different occasions. I am an African Methodist Episcopalian, an AME as we call ourselves.

So I am honored that America will have her in the Halls of this Congress, in the Halls of our government to pay homage so that other people can attest to her greatness as she has done not just for our country but for our entire world.

I was honored in 2000 as a member of the Committee on Appropriations that I was able to bring $1 million which was concurred in by the House and Senate to the Rosa and Raymond Parks Institute for Civil Development, which works with young people to build character, to build academic preparedness, so that they understand what the civil rights movement is and was today.

Rosa Parks helped more young people in America, even today as we go forward when our city of Detroit, and I am sure around this country, when a young person sees, hears, or mentions her name, they are filled with life, spirit. The self-respect that Mrs. Parks showed in her life, we as Americans must have. When you respect yourself, you walk a little different. You do not stand for injustice. You speak out and build a better family, a better community and, yes, a better country. That is what Mrs. Parks did.

We will celebrate her again on December 1, 2005, 50 years of an ordinary woman doing extraordinary things. We love you, Mother Parks. Thank you, highest government in the world, for paying homage to our mother, our leader. May she rest in peace and may we as an American people rise up and build.

Ms. MILLENDER-McDONALD. Mr. Speaker, further reserving the right to object, I thank the gentlewoman so much for that extraordinary tribute to such an extraordinary woman.

Mr. Speaker, the next speaker that I am asking to come forward is the chairman of the Congressional Black Caucus, one who spoke the other night of how he was inspired by the works that she had done.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. WATT).

☐ 1230

Mr. WATT. Mr. Speaker, I thank the gentlewoman from California (Ms. MILLENDER-McDONALD) for yielding.

We all are under the disadvantage of never having enough time. We could speak the rest of the day, the rest of the week, the rest of the month, the rest of the year, next year, and we still could not say enough things to give praise to Rosa Parks, who meant so much to us.

I want to be very brief and I would simply ask, if I may, to take a part of the RECORD that was done in Special Orders the night before last and graft it into this section of our RECORD so that it will appear here. The Congressional Black Caucus, headed by the gentleman from Alabama (Mr. DAVIS) and the gentleman from Michigan (Mr. CONYERS) of Michigan, the two States to which Rosa Parks had the most concrete and physical connection, led that Special Order, and a number of members of the Congressional Black Caucus came and spoke, including myself.

Mr. Speaker, I would ask unanimous consent that we make that a part of the RECORD of today.

The SPEAKER pro tempore (Mr. BURGESS). Without objection, the previous remarks of the gentleman may be inserted at this point and, without objection, general leave is granted to all Members to insert their respective remarks at this point.

There was no objection.

Mr. WATT. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding.

I was trying to decide how to approach this issue and decided that probably there were two things I need to do: number one, I want to thank the gentleman from Alabama (Mr. DAVIS), my good friend and colleague, and the gentleman from Michigan (Mr. CONYERS), my good friend and colleague, the two States with whom Rosa Parks probably had the strongest physical connections, for convening this Special Order for us to pay tribute to Rosa Parks.

I have listened to the gentleman from Michigan (Mr. CONYERS) and the gentleman from Alabama (Mr. DAVIS) and the gentlewoman from California (Ms. LEE) and my other colleagues talk about some of their personal connections to Rosa Parks. One would think that maybe the chairman of the Congressional Black Caucus would have some personal stories, too; but when I reflect, I can only say that I never met Rosa Parks, nor for that matter but for the fact that Martin Luther King spoke at my high school graduation in 1963 did I ever meet Martin Luther King.

So why would we be here talking about somebody that we have never met? Because they have had an impact on our lives. What would compel a person to go visit a bus stop in Alabama? Simply because you knew that there was a particular significance to that bus stop, that that was the stop at which Rosa Parks got on the bus.

I cannot talk about the personal things about Rosa Parks that some of my colleagues have talked about. I can only talk about the impact that she had on my life and the lives of other people who viewed her from a distance and respected and admired her gentle but defiant stand, the stand that she took actually by sitting down and refusing to stand up, and by knowing that it had a tremendous impact on everybody around us as we were growing up, because by her sitting down and refusing to stand up, it allowed other people to stand up and straighten their backs and raise their shoulders and look up and start to move in a direction that we had not been moving before, starting with a bus boycott, and then sit-ins and other public accommodations and the entry of Martin Luther King as a leader of a whole series of things that started to take place.

What does that say for us who never met this wonderful woman, except from a distance? It says that there are probably many, many, many people who are watching us and would it not be a wonderful tribute to have somebody someday pay tribute to us who never, ever met us in person, by saying this person had an impact on my life.

I cannot think of a higher way to pay tribute to her. She had an impact on my life, and I cannot think of a greater challenge to issue to my colleagues in this body, to people who may be watching around the Nation, than to say what a wonderful tribute to have somebody think that you could impact their lives by simply sitting down or taking a stand for what you know is right.

We have that opportunity every single day, and I am delighted to pay tribute to Rosa Parks for exercising that opportunity and for allowing me to stand taller on her shoulders, on that giant commitment that she made.

Mr. Speaker, I do want to spend one moment, if I may, talking about the underlying resolution. We have not heard much of a whimper of opposition to it, and I do not anticipate any opposition to it. But when we are doing something for the first time, there is always going to be somebody who would raise the question, raise a question, and the one question that several people have raised is are we creating a precedent here. I want to address that because I think we need some benchmarks for this for future Congresses and others to take into account.

This is the way I view this. Our Capitol and its Rotunda stand as a monument to our democracy. There are some principles upon which our democracy is founded that were articulated by the Founding Fathers. As most people know, the Founding Fathers articulated the very highest principles for our country, and they were just exquisite principles.

Unfortunately, the Founding Fathers did not necessarily at that time intend for all of those principles to apply to everybody. They did not apply to women, for example. They certainly were not intended to apply to African Americans.

The standard that I want to articulate here, I think, that undergirds this resolution and the authority to have the body of Rosa Parks lie in honor in the Rotunda is that more than perhaps anybody that we can think of, she extended those principles of the Founding Fathers in a way that they apply universally to all of us.

I am not going to dwell anymore on that because I do not want to start trying as an individual to start articulating a standard for having somebody lie in honor in the Rotunda, but for those people who may be worried about it setting a precedent or worried about how future Congresses are going to decide whether to do or not to do the same thing, let me advance the proposition that the role that Rosa Parks played in our democracy for some people, for all people, is as profound, as important as the role that the Founding Fathers played when they articulated a set of principles, because the principles do not mean anything unless they apply to all citizens of this country.

That is what Rosa Parks was fighting for. That is what we ought to continue to fight for, and the highest tribute that we could pay to Rosa Parks going forward is to continue her fight, the fight that she sat down on a bus; that made it possible for us to stand up and lift our shoulders and lift our visions and really, really aspire to believing that the principles that were articulated by our Founding Fathers apply to each and every one of us.

Mr. Speaker, I thank the gentlewoman for yielding me time, and I hope I have not abused it by talking primarily about the resolution and its place in history, but I just thought we needed to put that marker down at this place so that somebody will understand why this powerful lady has this honor and how she honors us and the principles that our government stands on by lying in honor in our Rotunda.

Ms. MILLENDER-McDONALD. Mr. Speaker, that was beautifully said by the gentleman.

Further reserving the right to object, I yield to the gentleman from Texas (Mr. AL GREEN), one of the present members of the Congressional Black Caucus, one who has served as a judge and who recognizes the laws as they were applied during the civil rights era.

Mr. AL GREEN of Texas. Mr. Speaker, I thank the gentlewoman from California (Ms. MILLENDER-McDONALD) for yielding me this time, and I also thank all who have supported this resolution on both sides of the aisle. It could not happen without the benefit of both sides working together. This is a great moment in history.

Mr. Speaker, I also thank God for the honorable Rosa Parks. It is amazing how God can use what appears to be an ordinary person to do an extraordinary thing. She was not a great lawyer; however, she changed the laws of discrimination in this country. She was not a superstar; however, she cast the light of truth on the horrors of segregation. She was not a fiery orator; however, by taking her seat, she ignited that spark that started the civil rights movement.

Thank God she took that seat. Because she took that seat, no one has to sit in the back of the bus. Because she took that seat, we can all sit at the table of brotherhood as brothers and sisters, members of one race, the human race. Because she took that seat, I can stand in the well of the House of Representatives of the United States of America.

Thank God for the honorable Rosa Parks. She was an angel of hope for the hopeless, a saint of help for the helpless. She represents the quintessential manifestation of God's miraculous power.

Mr. Speaker, she has earned the right to lie in honor, and I thank God we have the good sense to make it happen.

Ms. MILLENDER-McDONALD. Mr. Speaker, continuing to reserve the right to object, I yield to the gentlewoman from Indiana (Ms. CARSON), who saw the need to bring forth this great lady to give her a Congressional Medal of Honor because of the honor she bestowed on this country.

Ms. CARSON. Mr. Speaker, I thank the gentlewoman for allowing me this opportunity to speak. I thank both Houses of the United States Congress for permitting a lady of honor to be honored in a House of honor. I thank both sides. There are times when events come upon our lives when politics fades, color fades, and America comes together as one Nation under God, exhibiting liberty and justice for all people.

Ms. Rosa Parks inspired me to run for Congress. When I first arrived in Congress, my first act in Congress was to create legislation that would award Rosa Parks the Congressional Gold Medal. It was overwhelmingly supported by both the House of Representatives and the United States Senate, for which she was so grateful.

Here was a woman who was not seeking out attention. She just got on the bus one day, and the rule was when the section in which you were sitting as an African American fills up, you got up and moved back to allow more sit-down room for a people of a different color. Rosa Parks got up twice and moved back. The third time when she was ordered to move, she refused to move, thus having those who would have to move to have to make the next move.

We will hear time and time again that as Rosa Parks sat down, the whole world stood up in gratitude and in praise of a woman who had the courage to do this. She often reminds me of a philosopher, I think it was Thoreau, who said, if I do not march by the drumbeat, it is because I hear a different drummer. So Rosa Parks marched by the drumbeat that she heard that was in pursuit of liberty, in pursuit of equality, in pursuit of justice for all people, for which I am so proud.

She may not have worn her religion on her sleeve, but she acted like Dorcas in biblical history, a seamstress, who made garments for the less privileged, who gave garments to people who could not afford garments so they had clothes to wear. So Rosa Parks is like a Dorcas who gave what she could whenever she could, and I am so proud of the fact that I knew her personally.

Almost 50 ago, Rosa Parks made history in this Nation. She became affectionately known as the mother of the civil rights movement. If we had not had that event, we probably would never have heard of Martin Luther King. That is why she is the mother of the civil rights movement.

I want to thank the House of Representatives and the United States Senate for bestowing this honor on such a unique individual, not because she is black, not because she is a woman, but because she is highly deserving of this unique opportunity to have her remains lay in state here to allow people of Washington, DC, and the surrounding area to come here and pay homage to one of the finest individuals who ever walked the halls of the United States Congress when she received a gold medal, one of the finest individuals that ever lived.

☐ 1245

And I am grateful that she lived in my lifetime. So I thank them very much again for those who were inspired to do this. Congratulations on a job well up done, representing a woman who had a job that was well done.

Ms. MILLENDER-McDONALD. Mr. Speaker, further reserving the right to object, I thank the gentlewoman for her insight in bringing her this Congressional Medal of Honor.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. LEWIS), who is also a drum major for justice. His name is in the history books already. He walked with her and talked with her and helped in the development of the civil rights movement.

Mr. LEWIS from Georgia. Mr. Speaker, I thank the gentlewoman from California for yielding to me.

I am pleased to rise today in support of this resolution. I think it is fitting and so appropriate that Rosa Parks be honored in the rotunda of the United States Capitol. By sitting down almost 50 years ago on a city bus in Montgomery, Alabama, Rosa Parks was standing up. It was very dangerous, very dangerous, to do what Rosa Parks did on December 1, 1955.

I grew up only 50 miles from Montgomery, not too far from Tuskegee. I was 15 years old in 1955. I saw segregation. I saw racial discrimination. I saw those signs that said white men, colored men; white women, colored women; white waiting; colored waiting. And if it had not been for Rosa Parks, I do not know where many of us would be today. I do not know where I would be.

It was dangerous to do what Rosa Parks did. Just think about it. A few months earlier, Emmett Till had been murdered in Mississippi, a young African American from the city of Chicago visiting Mississippi during the summer. So much violence, so much hate, so much fear. And this brave, courageous spirit ignited a movement not just in Montgomery but a movement that spread like wildfire across the American South and the Nation. She inspired some of us to sit in at lunch counters to bring an end to segregation and racial discrimination. She inspired some of us to stand-in at theaters. She inspired some of us to kneel-in at churches, and she inspired others to integrate libraries and parks and desegregate schools.

By this one simple act, Rosa Parks helped to usher in a nonviolent revolution in America, a revolution of values, a revolution of ideas.

I knew Rosa Parks. We met together at Highlander Folk School in Mount Eagle, Tennessee. In Montgomery, in Selma, in Atlanta. She served on the SCLC board, the board that Dr. Martin Luther King, Jr. asked me to come and serve on when I was 22 years old, in 1962. So I saw a great deal of her. She came back from Detroit 40 years ago, in March of 1965, dressed so beautifully, so quiet, dignified, so proud; and she walked with us across the Edmund Pettus Bridge for the right to vote.

Many have said, others have said, that Rosa Parks was the Mother of the modern-day civil rights movement. Yes, that is true. But she was more than a mother of the modern-day civil rights movement. She should be looked upon as one of the founders of the New America, one of the founders of the beloved community, a truly interracial democracy. This woman, this one woman, this beautiful soul planted by the spirit of history by God Almighty, not to move, changed my life, changed America. I thank Rosa Parks.

Mr. Speaker, I support the resolution.

Ms. MILLENDER-McDONALD. Mr. Speaker, further reserving the right to object, I thank the great gentleman from the State of Georgia for his comments.

Mr. Speaker, I now yield to the gentlewoman from Texas (Ms. JACKSON-LEE), one who was a former judge and who also had to interpret those laws that were made during the civil rights era.

Ms. JACKSON-LEE of Texas. Mr. Speaker, whether it is appropriate to object and reserve the right to object, of course I am not objecting.

I thank the distinguished gentlewoman from California for yielding to me.

And might I offer how grand it is in a time such as this to have her appropriately placed in such a leadership role. Her role tracks the specialness of this day and the reason we stand, which is to honor a woman of greatness, Rosa Parks, and to support the resolution of the Senate that asked of this body the opportunity for her to lie in honor.

I am very proud to have been an original cosponsor of the House resolution, authored by the gentleman from Michigan (Mr. CONYERS), but we are even more gratified to be able to take the Senate resolution agreed to by the Senate last evening and place it at the desk for its agreement.

I too want to focus as much on her life and legacy as I do on this resolution, because even as we speak in glorified terms on the floor of the House, I know that there will be the sense of wondering about the interpretation of lying in honor and the reason thereof.

So many of us in our lifetime have had the privilege of weaving in and out of the life of Rosa Parks, either by being mere beneficiaries in the academic institutions that we have been able to journey through or in the sheer presence by being alongside of her or with her. I am honored in my adult life to have had her come through the United States Congress to be in meetings with her and, with a smile on my face, to even have a picture taken with Rosa Parks.

I say that because these are small measures of the association that many of us have had, but we treasure it because of the enormity of her life.

So the reason I think this resolution is so key is because rather than call her a hero or shero, she is iconic. This is a singular moment in history that really stopped the world because we will be asked, she is lying in state and there are a number of others, what is the precedent being set? So I want to classify this as iconic.

When Rosa Parks sat down, the world stopped. America was no longer the America as we knew it, the fact that it was a single, very petite woman with not a large voice but a smiling spirit that stopped the wheels of segregation in America. They were churning. They were violent. They were intimidating. They were very frightening. They were inhibiting. They were stopping the Bill of Rights. And Rosa Parks felt that she too born in America, yet two- thirds of a person as a slave, she thought it was appropriate for her to be able to acknowledge the fact that colored people, black people, Negro people no longer needed to take the back of the bus, the back of America, the back of the rights, the back of the Constitution, the back of the Bill of Rights.

And it was Rosa Parks who sat down and challenged that bus driver, who may have been on that day, December 1, simply a bus driver in Montgomery, Alabama; but he stood as the sheer brick wall of segregation in America that we had not been able to pierce. But yet that day sprung forth this Montgomery improvement association and the complete boycotting for some 300-plus days, the litigation, civil rights litigation, that ultimately resulted in the breaking of the segregation of buses and accommodation in Montgomery, Alabama, that then led to the journey toward the Civil Rights Act of 1964, as my colleague has mentioned, and the 1965 Voter Rights Act that occurred and broke open through her singular act the wall that had stopped America from being America, by dividing us through the heinous divisiveness of race.

Now, race still matters in America. But where we are today, 40 and 50 years past, the act that she created put us where we are today. That is why this resolution should be categorized as iconic, signaling a single moment in history that so very few of us can ever account for.

And let me just say these few remarks. I feel a kinship with her because I worked for the Southern Christian Leadership Conference during the time that she was a board member, during the life span of Dr. Ralph David Abernathy, shortly after the assassination of Martin Luther King, Jr. I served on the Select Committee of Assassinations in this House as a young lawyer, investigating the assassinations of Dr. Martin Luther King, Jr. and President John F. Kennedy, two catastrophic American tragedies that impacted the lives of those of us who lived at that time.

For anyone who lived, we asked the question whether America could survive. But we were comforted by the fact that a lady named Rosa Parks still lived and carried forward that simpleness and simplicity that if I could stop America in her tracks and change her from a segregated divisive and unruly kid, if you will, then we could survive and overcome these catastrophic events.

So today I rise in support of this resolution alongside the story of her very important history. But I rise because it is a glorious day in this body, a historic day, that an African American woman, known most of her life as a colored woman, whose ancestors came first from the bottom of the belly of a slave boat, can now lie in honor because Members of Congress from the bowels of the Deep South, of Alabama, Georgia, Louisiana, South Carolina, North Carolina, Texas, where the segregation line was drawn, will in unanimous consent agree that she should lie in state because we will agree that her singular action was one that moved America to the part of America that we would hope that she could be. And we move this day to honor her and make this final commitment that we have not arrived yet. We are not yet finished. The job is not yet done.

To Rosa Parks, as she rests in peace, may it be our commitment that we will continue to fight and continue to agitate nonviolently until America, yes, America, reaches her promise.

May you rest in peace, my sister, Rosa Parks.

Ms. MILLENDER-McDONALD. Mr. Speaker, further reserving the right to object, I thank the distinguished gentlewoman for her comments.

Mr. Speaker, I yield to the gentleman from the great State of Illinois (Mr. RUSH), one who placed his marker on the path of civil rights in the 1960s.

Mr. RUSH. Mr. Speaker, I certainly want to thank the gentlewoman from California for her outstanding, steadfast leadership not only on this issue and in this regard but for all the work that she has done on behalf of the people called Americans, people who are in this Nation.

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Mr. Speaker, the Bible tells us that the glory of the Lord is our strength. We are strengthened in order to glorify him and glorify his creation.

I think of that particular scripture as I think of Rosa Parks. You see, because ordinarily back in 1955, a person who was an African American, called "colored" at the time, was supposed to respect a system that denied the dignity of African Americans, of blacks, during that time. So tradition had it that once you got on a bus, you could take a seat at the back of the bus as long as there was not a white person who needed a seat; and if there was a white person who needed a seat on the bus, then the black person was, out of honor and a sense of second-class citizenship, to rise up and give that white person their seat on the bus. That was wrong, and today we all realize how wrong that system was.

The Lord, in my estimation, had some serious problems with that kind of a system, and he wanted that system corrected. So in a singular moment, in the batting of an eye, he whispered to Rosa Parks, "Don't move. Sit there. I will protect you. I will be with you. I have a hedge, a protection, that surrounds you. Sit there. And just in case you are not listening to me, I want you to think about Emmett Till. Remember Emmett Till. But just sit there. Whatever you have to do, just sit there, because I have got something that I want you to do. I have got something, a task, a goal, an objective for you to accomplish. I want you to teach the world, teach this Nation, about what I can do using an ordinary woman to accomplish some extraordinary things."

So, Rosa Parks sat there. This humble seamstress from the South did not realize that just by her sitting there, that she was beginning to stitch together a torn fabric called America and that she was beginning to stand by sitting. The Lord in his glory uses ordinary people to accomplish extraordinary things.

Mr. Speaker, I am a product of the civil rights movement. I was raised in the civil rights movement. I started out in the Student Nonviolent Coordinating Committee, and then I became a member of the Black Panther Party. In all of my activities in the civil rights movement, I focused on the strength, the calmness, the deep commitment of Rosa Parks.

I know that without Rosa Parks, there would not be 40 members of the Congressional Black Caucus today. Without Rosa Parks, we would not have an African American in the U.S. Senate. Mr. Speaker, I know that without Rosa Parks, we would not have the successes that we have been able to enjoy over these last few years here in America.

Mr. Speaker, I want us to realize that there was more to Rosa Parks than just what happened in Montgomery, in the borders of this country. By her taking that simple act, which took enormous courage and commitment and resolve and persistence, by her taking that one act, she inspired an entire world.

Mr. Speaker, as I close my eyes, and if I look across the landscape of this world, and as I look in Europe, I see images, I see Lech Walesa in Poland being inspired by the actions, the sitting down of Rosa Parks in Montgomery, Alabama. As I look in China, I see the students in Tiananmen Square being inspired by Rosa Parks. And as I look to Africa, I see Nelson Mandela being inspired by Rosa Parks sitting down. And as I look in Latin America, I see youth groups and I see the students in Colombia and other places being inspired by the legacy of Rosa Parks sitting down. Of course, we all know here in this Nation, Dr. Martin Luther King was brought to the forefront of the world's consciousness by Rosa Parks sitting down.

So, Mr. Speaker, it is with deep honor, profound privilege, deep-seated admiration and undying love that I stand here as a Member of Congress, a product of the civil rights movement, a young boy who remembered the segregated buses as a lad in Albany, Georgia. I stand here today proud of being a Member of this Congress, proud of the Senate, proud of the House of Representatives, but I am just so, so, so, so proud that I lived in a generation that not only heard about Rosa Parks, but walked with Rosa Parks, that talked with Rosa Parks, that was able to touch just the hem of the seamstress' garment.

Mr. Speaker, I support this resolution.

Ms. MILLENDER-McDONALD. Mr. Speaker, continuing my reservation, the last speaker that we have today is one who was a former Governor of American Samoa. As has been said, Rosa Parks did not just impress those of us who are African Americans, but she inspired all Americans.

I yield to the honorable gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentlewoman for yielding to me, and certainly want to first commend the chairman of the Committee on House Administration, the gentleman from Ohio (Chairman NEY), and our ranking member of the committee, the gentlewoman from California (Ms. MILLENDER-McDONALD), for managing our portion of this important resolution that was introduced by Senator DODD from Connecticut.

Mr. Speaker, I am very honored to be given this opportunity to speak on the occasion of honoring this great American. As vice chairman of our Asian Pacific Congressional Caucus, I know that the gentleman from California (Mr. HONDA), our chairman, would have loved to be here, but he is necessarily absent, so I am doing this on behalf of our Asian Pacific American community.

History has not been very kind to the coming of various minority groups to our Nation. The history of the African American is replete with so much of the tremendous amount of racism and bigotry that has been heaped upon these good fellow Americans.

Mr. Speaker, we have a saying in the islands, "The leaves of the coconut tree just do not swing by themselves." There is a reason for it. There is a cause for it.

I did not have the privilege of knowing personally this great American woman Mrs. Rosa Parks, but I stand here before my colleagues as one who is the beneficiary of the sacrifices and the tremendous examples she has set for all Americans. I would like to say that not only did she serve as a catalyst, but she planted a seed, a seed that was planted in fertile ground, as the good book says, and what has that seed produced?

Mr. Speaker, I would like to share with my colleagues, and I will include the full text of this speech for the record that I think probably every Member should read at least 1 year, the famous speech given by this great American minister on the steps of the Lincoln Memorial on that summer day in 1963. I want to share portions of this speech that was given by this great American as a result of the seed that was planted by Rosa Parks. This American minister made this most profound speech. I will share portions of that with my colleagues.

He said: "I am happy to join you today in what will go down in history as the greatest demonstration for freedom in the history of our Nation.

"Four score years ago, a great American, in whose symbolic shadow we stand today, signed the Emancipation Proclamation. This momentous decree came as a great beacon light of hope to millions of Negro slaves who have been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of their captivity.

"But 100 years later, the Negro still is not free. One hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro still lives in the lonely island of poverty, in the midst of a vast ocean of material prosperity. One hundred years later, the Negro is still languished in the corners of American society and finds himself in exile in his own land. And so we have come here today to dramatize a shameful condition.

"We have also come to this hallowed spot to remind America of the fierce urgency of now. This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time to lift our Nation from the quicksands of racial injustice to the solid rock of brotherhood. Now is the time to make justice a reality for all of God's children.

"But there is something that I must say to my people who stand in the warm, fresh hope which leads into the palace of justice: In the process of gaining our rightful place, we must not be guilty of wrongful deeds. Let us not seek to justify our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protest to degenerate into physical violence. Again and again, we must rise to the majestic heights of meeting physical force with soul force.

"I have a dream that one day this Nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident, that all men are created equal.'

"I have a dream that one day on the red hills of Georgia, the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood.

"I have a dream that one day even the State of Mississippi, a State sweltering with the heat of injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice.

"I have a dream that my four little children one day will live in a Nation where they will not be judged by the color of their skin, but by the content of their character."

This minister, Mr. Speaker, happens to be Martin Luther King, Jr., whom we all know.

This is the seed that Rosa Parks planted. The greatest American that I have ever, ever studied, idolized in my own little humble history, coming from a little village in one of those little islands, to know that this man stood, not because he is an African American, but because he was a human being, just as Rosa Parks was a human being, not because she was an African American.

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I think this is what America is all about. This is what makes the greatness of our Nation, that we are able to correct those injustices and those wrongs that were committed against other people who have every perfect right to live as fellow Americans. It was done to the Japanese Americans during World War II, just as it was done to the African Americans in their history as they now just realize that the civil rights, the rights of all Americans, should be treated fairly under the Constitution and under our laws.

For that, Mr. Speaker, I make this humble homage and a special tribute to this great American lady, Rosa Parks; and I am just so happy that this resolution calls for her remains to be in the rotunda as the greatest honor of any American.

Mr. Speaker, I thank the gentlewoman for giving me this chance to speak.

MARTIN LUTHER KING, JR.: "I HAVE A DREAM"

I am happy to join with you today in what will go down in history as the greatest demonstration for freedom in the history of our nation.

Five score years ago, a great American, in whose symbolic shadow we stand today, signed the Emancipation Proclamation. This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of their captivity.

But one hundred years later, the Negro still is not free. One hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later, the Negro is still languished in the corners of American society and finds himself an exile in his own land. And so we've come here today to dramatize a shameful condition.

In a sense we've come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men, yes, black men as well as white men, would be guaranteed the "unalienable Rights" of "Life, Liberty and the pursuit of Happiness." It is obvious today that America has defaulted on this promissory note, insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked "insufficient funds."

But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. And so, we've come to cash this check, a check that will give us upon demand the riches of freedom and the security of justice.

We have also come to this hallowed spot to remind America of the fierce urgency of Now. This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood. Now is the time to make justice a reality for all of God's children.

It would be fatal for the nation to overlook the urgency of the moment. This sweltering summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality. Nineteen sixty-three is not an end, but a beginning. And those who hope that the Negro needed to blow off steam and will now be content will have a rude awakening if the nation returns to business as usual. And there will be neither rest nor tranquility in America until the Negro is granted his citizenship rights. The whirlwinds of revolt will continue to shake the foundations of our nation until the bright day of justice I emerges.

But there is something that I must say to my people, who stand on the warm threshold which leads into the palace of justice: In the process of gaining our rightful place, we must not be guilty of wrongful deeds.

Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protest to degenerate into physical violence. Again and again, we must rise to the majestic heights of meeting physical force with soul force.

The marvelous new militancy which has engulfed the Negro community must not lead us to a distrust of all white people, for many of our white brothers, as evidenced by their presence here today, have come to realize that their destiny is tied up with our destiny. And they have come to realize that their freedom is inextricably bound to our freedom.

We cannot walk alone.

And as we walk, we must make the pledge that we shall always march ahead.

We cannot turn back.

There are those who are asking the devotees of civil rights, "When will you be satisfied?" We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality. We can never be satisfied as long as our bodies, heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities. We cannot be satisfied as long as a Negro in Mississippi cannot vote and a Negro in New York believes he has nothing for which to vote. No, no, we are not satisfied, and we will not be satisfied until "justice rolls down like waters, and righteousness like a mighty stream."

I am not unmindful that some of you have come here out of great trials and tribulations. Some of you have come fresh from narrow jail cells. And some of you have come from areas where your quest—quest for freedom left you battered by the storms of persecution and staggered by the winds of police brutality. You have been the veterans of creative suffering. Continue to work with the faith that unearned suffering is redemptive. Go back to Mississippi, go back to Alabama, go back to South Carolina, go back to Georgia, go back to Louisiana, go back to the slums and ghettos of our northern cities, knowing that somehow this situation can and will be change.

Let us not wallow in the valley of despair, I say to you today, my friends.

And so even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream.

I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident, that all men are created equal."

I have a dream that one day on the red hills of Georgia, the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood.

I have a dream that one day even the state of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice.

I have a dream that my four little children will one day live in a nation where they will not be judged by he color of their skin but by the content of their character.

I have a dream today!

I have a dream that one day, down in Alabama, with its vicious racists, with its governor having his lips dripping with the words of "interposition" and "nullification"—one day right there in Alabama little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers.

I have a dream today!

I have a dream that one day every valley shall be exalted, and every hill and mountain shall be made low, the rough places will be made plain, and the crooked places will be made straight; "and the glory of the Lord shall be revealed and all flesh shall see it together."

This is our hope, and this is the faith that I go back to the South with.

With this faith, we will be able to hew out of the mountain of despair a stone of hope. With this faith, we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith, we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.

And this will be the day—this will be the day when all of God's children will be able to sing with new meaning:

My country 'tis of thee, sweet land of liberty, of thee I sing.
Land where my fathers died, land of the Pilgrim's pride,
From every mountainside, let freedom ring!

And if America is to be a great nation, this must become true.

And so let freedom ring from the prodigious hilltops of New Hampshire.

Let freedom ring from the mighty mountains of New York.

Let freedom ring from the heightening Alleghenies of Pennsylvania.

Let freedom ring from the snow-capped Rockies of Colorado.

Let freedom ring from the curvaceous slopes of California.

But not only that:

Let freedom ring from Stone Mountain of Georgia.

Let freedom ring from Lookout Mountain of Tennessee.

Let freedom ring from every hill and molehill of Mississippi.

From every mountainside, let freedom ring.

And when this happens, when we allow freedom ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual:

Free at last! free at last!

Thank God Almighty, we are free at last!

Ms. MILLENDER-McDONALD. Mr. Speaker, further reserving the right to object, I rise in strong support of this concurrent resolution to honor an individual who chose to assert her civil rights and her human rights at a critical moment in our history and, by doing so, changed America forever. I, as an African American woman, lived in California for 50 years, although I was born in Birmingham, Alabama, along with Condoleezza Rice and Alma Vivian Johnson Powell. We all grew up together. My father, Reverend Shelly Millender, who was part of the ministers who walked with King, taught me to love and not to hate; and that is the premise by which I have built my life.

Rosa Louise Parks richly deserves this honor to be placed in our rotunda for those days for all Americans who stood up as she sat down to honor her.

Ms. PELOSI. Mr. Speaker, it is an honor to allow the American people to pay their last respects to Rosa Parks in the United States Capitol. This unique honor befits and does justice to the life led by Rosa Parks.

In honoring her legacy in this way, we are reminded that the power of one person, acting with a singularity of purpose, driven by the ideals of justice, is infinite. And as we grieve the loss of Rosa Parks, we recommit ourselves to her lifelong struggle to create an America that reflects the hopes and aspirations of all of its citizens.

The Capitol Rotunda has been used for this honor only 28 times since 1852, and Rosa Parks will be the first woman ever accorded this honor. She joins the esteemed company of Presidents Abraham Lincoln, John F. Kennedy, Dwight Eisenhower and Lyndon B. Johnson, General Douglas MacArthur and the remains of several unknown soldiers. It is, without question, a fitting mark of respect.

Rosa Parks changed history through the quiet rebellion of refusing to be refused. In honor of this remarkable woman and her indomitable spirit, we must recommit to rooting out injustice wherever it takes harbor, even if doing so comes at great personal cost.

As House Democratic Leader, it is a privilege to join all my colleagues in tribute to Rosa Parks, and to offer the American people an opportunity to pay their respects to her extraordinary life.

Mr. BONNER. Mr. Speaker, this week our Nation lost a pioneer of the modern civil rights movement, and I rise today to honor her and pay tribute to her memory. Rosa Parks inspired generations of activists by refusing to give up her seat on a Montgomery bus.

Born Rosa McCauley on February 4, 1913, in Tuskegee, Alabama, she was the daughter of a carpenter and a teacher. She was small for her age and suffered from poor health, including chronic tonsillitis. She was very young when her parents separated, and she moved to Pine Level, Alabama, with her mother. Rosa was forced to leave school to care for her aging grandmother.

She married barber Raymond Parks in 1932, at her mother's house. It was not until the year following her wedding that Ms. Parks, with the encouragement of her husband, received her high school diploma. She and her husband shared a passion for civil rights. Her husband was an early defender of the Scottsboro Boys, the group of young African Americans who were falsely accused of raping two white women in Scottsboro, Alabama.

It took three attempts for Ms. Parks to register to vote in 1945. The administrator failed her the first two times she took the literacy test. The third time she took the test, she wrote all of her answers on a second piece of paper in the event she would later need to prove she should have passed. Ms. Parks was a volunteer secretary to the president of the Montgomery chapter of the NAACP.

In 1955, Rosa Parks was working as a seamstress for the Montgomery Fair department store. On the evening of December 1, 1955, as she waited for a bus to take her home, she had to let a full bus go by. She then boarded a second bus and sat in the middle section next to an African American man. At the next stop, several white people boarded and filled the seats reserved for them, but one white man was left standing. She refused to give up her seat to this man, and the bus driver called the police and had her arrested.

The outrage over her arrest inspired the Montgomery bus boycott and the beginning of the modern civil rights movement. The Montgomery bus boycott ended after the United States Supreme Court on November 13, 1956, declared segregation on buses unconstitutional.

Near the end of her life, Rosa Parks deservedly received many accolades. A museum and library facility located on the Montgomery corner where she boarded the bus is named for her. She has received the Medal of Honor, the highest award bestowed by the U.S. government, and the Presidential Medal of Freedom, the Nation's highest civilian award.

Mr. Speaker, I ask my colleagues to join me in remembering the mother of the modern civil rights movement. A brave American who changed our country for the better, a dedicated and long-time advocate for civil rights, she is a woman whose courage forever changed America for the better.

Mr. GEORGE MILLER of California. Mr. Speaker, today, I rise to pay tribute to the memory of a great American hero and pioneer in the struggle for equality and civil rights in America, Ms. Rosa Parks.

An old Chinese proverb says that the loftiest towers rise from the ground. So too it is with Rosa Parks. Her refusal to get up and move to the back of the bus so that a white man could take her seat was a catalyst for the national civil rights movement and a later Supreme Court decision overturning legalized segregation.

At the time, she said she was just trying to get home from work. Reflecting on the significance of her actions years later, Ms. Parks said, "Whatever my individual desires were to be free, I was not alone. There were many others who felt the same way."

Indeed, there were. And there are many more to this day. Thanks to the courage of a woman just trying to get home from work in 1955.

Rosa Parks founded the Rosa and Raymond Parks Institute for Self Development. Through the institute, she sponsored a program for teenagers to learn the history of our country and the civil rights movement by touring the country in buses. She received the Congressional Gold Medal of Honor in 1999 and continued her struggle against racial injustice till her passing.

And Congress is expected to approve soon an historic resolution making Rosa Parks the first woman in our country's history to lay in state in the Capitol Rotunda of the United States Congress.

Rosa Parks' courage and determination changed our country. There is, of course, too much intolerance and injustice still in our society today. No one person can change all that. But each and every one of us can and should take the lesson from the life of Ms. Parks, that we can improve our society and ourselves by standing up for what we believe is right—or, as in her case, by sitting down.

While I mourn her passing now, I join the millions of Americans throughout our great country who will celebrate the accomplishments of her rich life forever. Thank you, Rosa Parks, for your life.

Mr. SHAYS. Mr. Speaker, I join my colleagues today in honoring and celebrating the life of Rosa Parks, whose simple act of taking a seat on a bus woke our Nation's conscience and galvanized our civil rights movement.

On December 1, 1955, Rosa Parks, a seamstress and wife, boarded a Montgomery, Alabama bus to begin her usual journey home. Nothing was particularly different about this day, except that she wanted to sit after a long day's work. When ordered by the white bus driver to give up her seat to a white passenger, she simply refused, and her action set in motion a series of events that led to the desegregation of the South.

This was a stunning moment in time, not just a step along the way. This was the moment for our civil rights movement and ultimately resulted in two of our Nation's landmark pieces of legislation, the Civil Rights Act and the Voting Rights Act.

I am amazed too by this woman's fortitude, her inner strength and her calm demeanor in the face of these injustices. Her reaction stands in stark contrast to so many feelings we associate with that era—she was resolute, quiet and full of determination.

I've read that on the day of her court appearance, a girl there yelled, "Oh, she's so sweet. They've messed with the wrong one now!" I'm sure that this girl, looking back on that same moment, cannot now believe how right she was.

Today, we offer our condolences to Rosa Parks' family. It seems to me it is a fitting tribute to honor the mother of the civil rights movement by making her the first woman to lie in honor at the Capitol.

Mr. CANTOR. Mr. Speaker, with the death of Rosa Parks, America has lost one of the great icons of the modern civil rights movement. No one could have known on that December day in 1955 what a great impact her simple yet courageous gesture would have on changing a perverse injustice in American society.

Mrs. Parks took a seat on a bus in Montgomery, Alabama after a long day at work. A white man approached her and wanted to take her seat. As was the custom at the time, she was expected to give up that seat. This happened countless times before in countless cities and towns all across the South. But this time was different. This time Rosa Parks decided to say "no" to this injustice, "no" to this ridicule, "no" to this insult.

By simply saying "no," Rosa Parks set off a chain of events that in the subsequent months led to the U.S. Supreme Court decision that segregation in public transportation was unconstitutional.

Having the courage to refuse to accept injustice freed people of the subjugation of an oppressive society.

While we have lost Rosa Parks in life, we have not lost the memory of her life's acts. She will endure as an inspiration to freedom loving people for generations to come.

Ms. SCHAKOWSKY. Mr. Speaker, today we honor the life and legacy of Rosa Parks. On October 24, Rosa Parks died in Detroit at the age of 92. I join all of my colleagues and on behalf of my constituents express sorrow on the death of Rosa Parks, the woman many consider the mother of the civil rights movement.

Rosa Parks' refusal to give up her seat on a bus to a white person on December 1, 1955, touched off the 381-day Montgomery bus boycott, and led to the repeal of so-called Jim

Crow laws of segregation in the South. It is the courage, dignity, and determination that Ms. Parks exemplified on that day that allows most historians to credit her with beginning the modern day civil rights movement. The events that began on that bus captivated the Nation and transformed a 26-year-old preacher, Martin Luther King Jr., into a major civil rights leader. "Mrs. Parks' arrest was the precipitating factor rather than the cause of the protest," King wrote in his 1958 book, "Stride Toward Freedom." "The cause lay deep in the record of similar injustices."

Rosa Parks didn't set out to be a hero. But by taking a stand, she became the catalyst for a profound change in American society, and the walls of segregation came tumbling down. Rosa Parks is a national treasure and an inspiration for the ongoing fight for social equality. She reminds us that the pursuit for justice is an obligation for all instead of a choice for some. She was one small woman who had a big impact and empowered individuals. Her life's work is a shining light in our Nation's history.

Rosa Parks said, "I'd like people to say I'm a person who always wanted to be free and wanted it not only for myself; freedom is for all human beings."

This year marks the 50th Anniversary of Rosa Parks' courageous and defiant act of civil disobedience. As we honor her life and legacy, I ask the Congress and the great people of this Nation to work with the same courage, dignity, and determination exemplified by Rosa Parks to address and change modern day inequalities and injustices. I know that this Congress and the people of this Nation can work to further the ideals of Rosa Parks and the Civil Rights Movement.

Mr. SERRANO. Mr. Speaker, fifty years ago a small group of Americans, set out to ensure that America lived up to its promise of providing equal rights to all. They forced America to reach for her great potential and changed the destiny of not only a nation but the entire world. I rise today to honor the legacy and memory of the woman who gave life to this small group of Americans, the mother of the civil rights movement, Mrs. Rosa Parks.

Rosa Louise McCauley was born in Tuskegee, Alabama, on February 4, 1913. In 1932 she married a barber named Raymond Parks. Prior to her arrest they both were very active in the voter registration movement and with the National Association for the Advancement of Colored People, where she also worked as a secretary in 1943. Those who knew her best described her as being hardworking, polite and morally upright.

On December 1, 1955 Parks took a seat in the front of the black section of a city bus in Montgomery, Alabama. The bus filled up and the bus driver demanded that she move so a white male passenger could have her seat. When Parks refused to give up her seat she was arrested. Four days following her arrest, a group of dedicated young individuals founded the Montgomery Improvement Association and named Martin Luther King Jr., their leader. King led a successful boycott of the transportation system and went on to lead the modern civil rights movement ensuring that every American was guaranteed equal rights under the law.

Rosa Parks was truly a courageous person. Her refusal to give up her seat in the face of the powerful forces of injustice helped to galvanize the long-overdue struggle for civil rights. She sat down in order to show us that we have tremendous power when we stand up. All Americans, regardless of race or creed, owe Mrs. Parks a debt of gratitude for her contribution to the national movement for a better America.

Mr. Speaker, although she is gone, the power of her actions remain with us. As she said, "Memories of our lives, of our worth and our deeds will continue in others." I hope that we heed those comments today as we continue the fight for equal rights and social justice. I thank her for her courage and I ask that my colleagues join me in honoring her memory.

Mr. PLATTS. Mr. Speaker, on December 1, 1955, on a bus in Montgomery, Alabama, the conscience of the Nation was rallied by a seamstress from Tuskegee. "The only tired I was," Rosa Parks once remarked about that day, "was tired of giving in."

The injustice of racial segregation was overcome because so many ordinary people rallied to a great and noble cause, because so many ordinary people recognized an injustice and were tired of it. Rosa Parks' legacy is to have peacefully compelled our great nation to face up to its greatest shortcoming. As so many have said, Rosa Parks stood up by sitting down.

Mr. Speaker, I am proud this chamber has today adopted a resolution (S. Con. Res. 61) to allow Ms. Parks to lie in honor in the rotunda of the United States Capitol, so that all citizens of our great Nation may pay their last respects. There must be room in this building for not only members of Congress and Presidents, but also for a seamstress and her moral legacy.

Mr. KILDEE. Mr. Speaker, many people too easily forget that the rights and privileges we enjoy today did not come easily. They did not come without struggle, without suffering, without sacrifice.

The passing this week of Rosa Parks should remind all of us that freedom does not come free. It comes, partly, because a middle aged African American woman in Montgomery, Alabama was tired from yet another long day's work as a seamstress. She was too tired to give up her seat at the front of the bus to a white man—as the racist Jim Crow Laws of the time required her to. Her simple act of defiance inspired a city, inspired a movement and inspired a nation. And her courage inspired me to get more deeply involved in the struggle for civil rights in our country.

Mr. Speaker, freedom is not free. It must be earned and nutured by the courage and commitment of patriots like Rosa Parks.

Mr. Speaker, Rosa Parks has helped make our nation a fairer, better country for all Americans, no matter their race, creed, sex, or national origin. It is right and fitting that this Congress of the United States recognize the contribution to our nation made by Rosa Parks.

I am honored to support this concurrent resolution authorizing her body to lie in honor in the Rotunda of the U.S. Capitol.

Ms. SOLIS. Mr. Speaker, I rise to pay tribute to the lives of two great Americans that changed the course of our Nation's history through their courage and commitment to the basic and fundamental right of equality for all.

Rosa Parks embodied perseverance and tenacity, and through her fearless actions 50 years ago this courageous woman sparked a massive boycott that launched America's civil rights movement. Her lonely act of bravery brought to light the prejudice that the African American community faced and inspired a movement of justice and equality for Americans regardless of race.

Another great American that personified this ideal was former Congressman Edward Ross Roybal. A true public servant to this Nation and advocate for equality, Congressman Roybal was a resounding voice for Latinos and led initiatives to advance the rights of our Nation's most vulnerable communities.

Representative Roybal's life was marked by a distinguished career in the struggle against discrimination and the fight for equal opportunities for all Americans in health and education.

Congressman Roybal brought Latino issues to the forefront of national debate, a legacy that continues today with the Congressional Hispanic Caucus which he worked so hard to found.

Rosa Parks and Edward Roybal, through their individual actions, promoted the advancement of all people in this great Nation. They are an inspiration to all Americans, and their legacy must not be forgotten. We must continue to follow their steps in the fight for freedom, justice and equality.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I thank you for the opportunity to recognize and honor the life and legacy of civil rights pioneer Rosa Parks, who passed away recently at the age of 92.

Ms. Parks was a daughter, a wife, a mother, a seamstress, who, like all of us, was trying to make a good life for herself and her family. On December 1, 1955, Ms. Parks refused to relinquish her seat to a white man in a segregated bus in Montgomery, Alabama, and this simple and courageous action changed the course of American history. Her strength and willingness to take a stand for her rights and those of others sparked the beginning of the Montgomery bus boycott and paved the way for the historic 1964 Civil Rights Act banning racial discrimination in public facilities. Ms. Parks' act of courage and bravery inspired the modern civil rights movement that went on to revolutionize our country.

Her steadfast faith in justice and equality, and the power of an individual to initiate change, has served as inspiration and encouragement for equal rights movements the world over. Millions of people with disabilities, and those who are discriminated against around the world, have looked to Ms. Parks' leadership in their claims for equality in the face of injustice. My constituents, and indeed this entire country, are grateful for her strength and courage. We as a country have been made better by the movement Ms. Parks ignited.

Mr. Speaker, in remembering her greatness, her dignity, and her legacy, Members of this House also recently made an historic vote. When this House voted to allow Rosa Parks to lay in honor in the Capitol Rotunda, it marked one of the few occasions a citizen who did not hold public office, and the first time a woman, has been recognized in this way. With that vote, we commemorated more than the great civil rights movement that her act initiated. In bestowing this honor upon Ms. Parks, we recognized that one person, one individual citizen, can have an impact, and can change lives.

Rosa Parks' legacy is one that will lead us in continuing the fight for social justice and the struggle for equality for all people. We must all remain committed to fighting the inequities that remain in our country and to championing fundamental rights for all whether they are voting rights, or a commitment to ending poverty in America. This is the true legacy of Rosa Parks which will live for years and decades to come.

Ms. MILLENDER-McDONALD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. ADERHOLT). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That, in recognition of the historic contributions of Rosa Parks, her remains be permitted to lie in honor in the rotunda of the Capitol from October 30 to October 31, 2005, so that the citizens of the United States may pay their last respects to this great American. The Architect of the Capitol, under the direction and supervision of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. Con. Res. 61.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 889. An act to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 889) "An Act to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Ms. SNOWE, Mr. LOTT, Mr. SMITH, Mr. INOUYE, Ms. CANTWELL, and Mr. LAUTENBERG, to be the conferees on the part of the Senate.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mrs. BLACKBURN. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

ADJOURNMENT TO MONDAY, OCTOBER 31, 2005 AND HOUR OF MEETING ON TUESDAY, NOVEMBER 1, 2005

Mrs. BLACKBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 3 p.m. on Monday next, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, November 1, 2005, for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

CONGRATULATING ISRAEL ON ELECTION OF AMBASSADOR DAN GILLERMAN AS VICE PRESIDENT OF SIXTIETH UNITED NATIONS GENERAL ASSEMBLY

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, first I want to commend the gentlewoman from California on her heartfelt remarks on behalf of Rosa Parks and express my condolences to the Parks family and to all of the people who knew her. I grew up in a time in the middle of the 1960s. I was born in 1966, and consider it an honor and a privilege that I was raised with the rights and benefits that were the legacy of Rosa Parks. So thank you so much for paying that tribute to her.

I rise in support of House Resolution 368, the resolution congratulating the State of Israel on the election of Ambassador Dan Gillerman as vice president of the 60th United Nations General Assembly. I was pleased to learn that this resolution passed yesterday with a unanimous vote of 407 to zero, and I am quite proud to be a cosponsor.

I also wish to commend my colleagues, Representative ADAM SCHIFF and Representative STEVE CHABOT, for their leadership in sponsoring this resolution. I look forward to a time when Israel is treated with respect and dignity and honor by all of the members of the United Nations.

CALLING FOR CONGRESSIONAL HEARINGS INTO THE ORIGINS OF THE WAR IN IRAQ

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, this past week, we saw the numbers mounting of deceased soldiers who have died on the battlefield in the war in Iraq. That number now reaches 2,000. We saw the memorial services, the funeral services for the soldier that represented that number.

As we watch a number of activities occurring with respect to Federal criminal proceedings, we know that the justice system will proceed on its own.

But I call now for the United States Congress and the leadership of this Congress to begin investigatory hearings as to the origins of the Iraq war. Where did the intelligence come from? Who made the decisions? Was the intelligence forced? Was it represented to be the truth?

We have a constitutional responsibility to determine what representations were made to the United States Congress and whether or not those representations were true and whether or not we made the decision based upon truth. I call for the investigations now.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DREIER. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

U.S. ECONOMY CONTINUES TO GROW AND FLOURISH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I want to take just a few minutes to talk about the economy. We have all kinds of news rushing around here, but I think it is very important for us to talk about the economy and what we as Republicans have done on this pro-growth issue. It is unfortunate that our colleagues on the other side of the aisle, when it comes to the economy, seem to offer nothing more than a coordinated chorus of contrarian criticism. I mean, they have offered no positives, just complaints.

So I want to take a moment to shine some light on the recent good news concerning the economy. Because of Republican pro-growth, pro-trade, pro-innovation policies, our economy is strong by virtually every single measure. Just today, just a few hours ago, the Commerce Department announced that the economy grew at a 3.8 percent rate in the fourth quarter. Now, that is ahead of expectations; well, well ahead of the second quarter rate of growth and, Mr. Speaker, it marks the 16th consecutive quarter of growth that we have seen. This is especially remarkable to see this 3.8 percent growth figure, given the hurricanes that decimated cities and towns, crippled trade, and devastated energy production along the gulf coast.

So even having gone through these horrible natural disasters, we have been able to see this amazingly strong 3.8 percent GDP growth rate.

We have found that our economy has been able to weather these storms. Overall, as we know, Mr. Speaker, we have a 5.1 percent unemployment rate, which is lower than the average in the 1970s, the 1980s, and the 1990s. There are 142 million Americans working, the greatest number in our Nation's history; and over the past 28 months, the economy has added more than 4 million new jobs.

In every single quarter since Congress passed the President's tax cut package in 2003, economic growth has been very vigorous. In 2004, real GDP growth was 4.4 percent, the strongest annual performance in 5 years and one of the strongest growth performances of the past 2 decades.

Our housing market also remains very, very strong. A record 74 million Americans own their own homes; and for the first time, Mr. Speaker, minority Americans own their own homes at the highest level that we have ever seen.

Now, what does all this mean for the American people? It means job opportunities and entrepreneurship, it means achieving the dream of homeownership, and it means a better quality of life.

Now, as the people affected by hurricanes Katrina, Rita and Wilma rebuild their lives, the best thing we can do here in the Congress is to make sure the economy stays strong and continues growing. Now, Mr. Speaker, as my colleagues know very well, Republicans have taken action to keep the economy on the right track to keep it growing. We are following our pro-growth agenda of tax relief, tort reform, energy solutions, and fiscal restraint.

The tax cuts of 2001 and 2003 have allowed hard-working Americans to keep more of what they earn. Now, this has led, as we all know, to increased investment, increased economic opportunity, and more Federal revenue coming into the Treasury. Recent history has shown that when government takes less money from the people, the people invest and spend more and Federal revenues go up. In 2004, following the 2003 tax cut package, Federal receipts grew by 14 percent. We cut taxes, and Federal receipts grew.

Because of this tax cut that has fueled our economic growth, the Federal budget deficit for the fiscal year 2005 fell $94 billion, a 22 percent reduction in the deficit over the past year. Now, Mr. Speaker, that is outstanding progress in just 1 year; and contrary to what critics have said, it proves that low taxes and lowering the deficit do, in fact, go hand in hand.

We are also putting a stop to frivolous litigation that clogs our courts and drains the profits from small business owners. In the last 2 weeks, Congress has passed three bills that honor the purpose of our legal system and make it harder for lawyers to file junk lawsuits.

We have taken action to address high energy costs. Just a few weeks ago, the House took an important step to boost our gasoline refinery capacity to help stabilize the price of gasoline in the long run.

Now, I have noted that the GAS Act was passed unfortunately without a single vote from our colleagues on the other side of the aisle. To me, that is absolutely astounding. It is astounding to me that not a single Member of the minority would vote in favor of this effort to increase refinery capacity and deal with the issue of price-gouging. In the face of high energy prices that are making it hard for the American people to make ends meet, Democrats unfortunately feel constrained to continue to build this great wall of obstruction. .

Mr. Speaker, it is absolutely essential that we do everything that we can to keep the economy growing, to focus on reduced energy prices; and we have the policies to do just that. We must continue them.

☐ 1330

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

IRAQ AND CONSTITUENT LEADERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the war in Iraq is like one of those bridges in Alaska. You can give it all the money in the world, but in the end it goes nowhere.

People all around the country are waking up to the fact that this war is not making the United States safer, like the President promised. It is actually jeopardizing our national security.

It is the very presence of nearly 150,000 American troops on Iraqi soil, appearing as occupiers, that galvanizes and unites the dissatisfied people in the Arab world.

The American people get this, people like Cindy Sheehan, whose son Casey was killed in Iraq. Cindy has been calling on the President to bring the troops home for months now. Her mission is a righteous one, that of a grieving mother who simply wants to know what noble cause her son was killed for.

People in groups get it, like the members the northern California Ruth Group, who turned out in the hundreds to call for an end of the war last weekend. Over 500 people from my district joined me and fellow Members of Congress, Ms. LEE and Ms. WATERS, and Cindy Sheehan at an important Ruth Group event to discuss ending the war. I have to tell you, discuss is a bit of an understatement. These folks are through discussing. They want our troops home. They want the war to be over.

Mr. Speaker, there are thousands of individuals like Cindy Sheehan and the members of the Ruth Group around the country, all calling on their government to quickly end the war in Iraq and bring our servicemen and women home. They join with 66 percent of Americans who disapprove of the way President Bush has handled Iraq.

The point is that the American people are speaking out. They are speaking loudly about the U.S. role in Iraq. They are sick and tired of reading reports of more young soldiers being killed, leaving behind grieving widows and children and parents and friends and communities. They, like me, believe that more than 2,000 American soldiers killed is 2,000 too many. They think 2,000 soldiers, just think about it, 2,000 soldiers is an entire Army division gone. They know that for every insurgent killed, three more rise up to take their place.

They are tired of watching bombs go off in Iraqi cities, killing innocent civilians and American soldiers. They want to see the U.S. continue to support Iraq nonmilitaristically by assisting the Iraqi people build their war-torn economic and physical infrastructure. They want the United States to help in a nonmilitaristic role.

Members of Congress are actually joining this debate, too. There are no fewer than five Members of this House who have policy proposals to end the war, and 127 Members joined me in voting for the amendment I offered in May to this year's defense authorization bill expressing the sense of Congress that we need to end this war.

On the other side of the Capitol, Senators KERRY, KENNEDY, FEINGOLD and others have offered their plans for Iraq as well.

I held an informal hearing last month to address how the United States can achieve military disengagement. Thirty other Members of Congress joined me at this hearing, listening to military, academic and governmental experts discuss the best way to end this devastating war.

Clearly the majority of the country has started the conversation about these issues. It is necessary that the President join in. Mr. Speaker, individuals around the country have given us their plans to end the war. It is time for the President to give us his plan, the goal of which needs to be bringing the troops home to their families.

ORDER OF BUSINESS

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ENERGY PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, we are in the midst of an energy crisis. Gas is at $3 a gallon, and utilities are now predicting that families could pay as much as 70 percent more to heat their homes this winter. Natural gas prices are so high that the Energy Department predicts that the average natural gas bill for every family will be about $350 more this winter. Home heating oil used by many in the Northeast has skyrocketed. But while American families struggle with sky-high energy bills, and oil and gas companies are facing an entirely different picture, an entirely different crisis, to be exact, what to do with all their profits.

For example, yesterday Exxon Mobil reported that its profits increased by 75 percent in the third quarter alone; their revenues, more than $100 billion. Shell Oil said that their earnings increased by 68 percent. ConocoPhillips' third-quarter earnings surged 89 percent, and BP reported a 34 percent rise in quarterly earnings.

To summarize, as American families are struggling with massive energy bills, both at the pump and home heating, energy companies are reaping huge profits.

Now, Henry Hubble, Exxon Mobil's vice president, said, "You have got to let the marketplace work." As a Democrat, I could not agree more, which is why I oppose what my Republican friends try to do, which is provide the oil companies $16 billion in taxpayer subsidies. To quote again the executive from Exxon Mobil, "You have got to let the marketplace work."

My view is we have got to stop corporate welfare in its worse take. If you are making $100 billion or a run rate of $100 billion, profits are at $9 billion for one quarter, the taxpayers should not be footing the bill, both at the pump and on April 15 when they are subsidizing corporate America, big oil. This is corporate welfare at its worst. The corporate oil companies should take their historic profits and use them, in my view, to execute their business plan. The taxpayers should not be subsidizing big oil's business plan. You are in the energy business. Drill for oil. Taxpayers should not be subsidizing it for $16 billion.

Remember, college grants, the Pell grant system for college education in this country is a little less than $12 billion a year. Our corporate subsidy, taxpayer subsidy, for corporate America for big oil is $16 billion. It is more than we actually give for college assistance for people going to college. And they are making, just one company alone, $100 billion, $9 billion profit.

Right now Americans pay twice. Once at the pump, once on April 15, subsidizing big oil.

Again, Exxon Mobil's vice president, "You have got to let the marketplace work." Therefore, give us back the money we are subsidizing you. That is not the free market when we are subsidizing corporate America. It is corporate welfare. It is time for corporate big oil to get off the welfare roles and start executing their business plan.

While Congress subsidizes big oil to the tune of $16.5 billion, we have cut home heating assistance to the elderly. What Congress would subsidize big oil for $16 billion and cut home heating assistance to senior citizens? A Republican Congress, but of course.

The energy bill we passed earlier this year contained $14.5 billion in subsidies to the energy industry. A few weeks ago we just had not done enough; in a refinery bill, a bill for oil and gas companies, which they did not even ask for, this Republican Congress gave them another $2 billion in subsidies.

This week the Resources Committee marked up a bill which would allow oil companies to drill near the coral reefs of Florida and in the pristine Arctic National Wildlife Refuge. Yet at the same time, we are cutting the low-income heating assistance program that helps the elderly and those most vulnerable in our country. It is notoriously underfunded. As part of the energy policy Congress authorized an increase in funding to energy assistance to $5 billion. However, we only allocate $2 billion. Some of us voted to try to bring that up to snuff so we could do the full assistance for the elderly low-income, those most vulnerable, and we are underfunding it; therefore, a cut in the program.

My view is it is time we stop subsidizing big oil and stop having the taxpayers who are very stretched, do not ask them for $16 billion when you have record profits throughout the energy industry and are cutting assistance to our elderly and most vulnerable. We can do better. We need a new set of priorities, and we need to change the direction of this country to reflect the values of the American people and their generosity.

CONGRATULATING THE CHICAGO WHITE SOX ON THEIR WORLD SERIES VICTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, after 88 years of anguish and torment, baseball fans in the Chicagoland area can breathe a sigh of relief. This past Wednesday the Chicago White Sox clinched their first World Series championship since 1917. Led by their always colorful manager, Ozzie Guillen, the team got off to a fantastic start this season. However, in true Chicago baseball fashion, they found themselves in a rough stretch during the latter part of the season, and many doubted their potential. But in the end it was the camaraderie and teamwork throughout the whole season that led this team to victory.

As a lifelong Chicagoan born on the south side and raised on the north side, I want to offer my congratulations to the White Sox organization and White Sox fans everywhere.

Mr. Speaker, if the Boston Red Sox and the Chicago White Sox can make it happen after nearly nine decades, perhaps 2006 will prove to be a victorious year for yet another baseball team with a legendary drought, the Chicago Cubs. Here's hoping.

FISCAL RESPONSIBILITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BLACKBURN. Mr. Speaker, I appreciate being recognized. I have got a couple of things I wanted to talk about this afternoon as we wind up what has been a very busy week here in Washington. We have had our plate full, and have worked aggressively on issues that are of importance to the American people, and certainly are of importance to my constituents in Tennessee. But over the past week and during this time as we have been plugging away working on the budget for this Nation, working on how we reform government, we have watched a group of Democrats from across the aisle come down here during the evenings, and every evening they talk about everything that they believe the Republican majority is doing that is wrong. They talk about everything that they think is wrong with America, they talk about everything they think is wrong with our employers, and they talk about everything they think is wrong with American families and with the values that we hold dear.

You know, I do not think they think we are doing a thing right. I do not think they think there is much right with America. And if you turn to C–SPAN any given evening, and you see a bunch of people down here complaining, that is them, because they are tuned up, and they are going to it every evening with the negativity and what is wrong, what is wrong.

The left in this Congress does not want to see spending cuts, and they certainly do not want to see tax relief. They are not interested in reducing the size of the Federal Government. They want to grow it. And when they talk about wanting to grow it and add more to it, guess what? They are talking about using American taxpayer money.

□ 1345

It is going to take the money out of your pocket to pay for their want list. And what I cannot help but notice day after day when listening to the left in this body criticize everybody and everything and complain about everything is the tremendous level of self-indignation.

It is the sort of self-righteous indignation that you typically see coming from some of the TV talk show pundits, but lately it seems to be a hallmark of the Democratic House talking points that they are outraged about spending. Their solution is to propose more and more spending, but they are going to tell you they are outraged with the spending. They are going to tell you they are outraged with the deficit. They are going to tell you they are outraged with the debt. But more and more spending, more and more spending, that is what they want.

They are outraged that government failed in the Katrina response. Yet they want to make that inefficient and ineffective bureaucracy bigger and more powerful. At the same time as they are making it bigger and more powerful, guess what, they want to make it more centralized.

They are outraged, absolutely outraged that we have high gas prices, yet they oppose domestic exploration for oil. They oppose refinery construction. They oppose refinery expansion. And this is not something new. This is something that they have been opposing for years. My goodness, some of them even worked with former President Clinton. They are outraged about gas prices, but you know what, I guess they are not outraged that former President Clinton vetoed drilling in ANWR. Now, you know you cannot have it both ways.

They are outraged that Social Security is going to run short of funding, but they do not want to reform it, and they do not want to address that; but they are going to be outraged about it. They are outraged that this war on terror is not over, yet they take every opportunity they can possibly take. They come down here and any time that they can find the time they want to talk about withdrawing from Iraq and appeasing the very world leaders who let the Middle East get away with terrorism for decades before we took a firm stance. But they are going to tell you they are outraged that this war is not over. They have known it is going to be a long war. We have all known that.

Mr. Speaker, I guess they think they have got the market cornered on outrage. Maybe they do. Maybe they do. I mean, it seems that there is nobody around that does outrage better than the Democrats. As my mother used to say when people would get upset, she would look at them and say, Just rave on, rave on. You can talk all day long. That talking is not going to accomplish one thing. Actions will accomplish things.

But, Mr. Speaker, in order to get from outrage to action it takes something to fill in that void and that is called ideas, and ideas is something they just do not have. Now, maybe the outrage makes for great TV ratings on reality shows; but you know what, this is not a TV show. What this is is real life. It is the U.S. House of Representatives. It is a governmental body that works to construct the laws that you and I and my family and your family, everyone lives under; that free enterprise functions under; that we work under each and every day.

But you know, we do not hear ideas coming from the other side when they come down here and claim that we are not doing anything right and that everything is wrong. They are not laying out an alternative agenda because they cannot agree on one. They want to make the government agencies we have got bigger. They want a bigger, more centralized government. They want more Federal control. They want more Federal mandates on local government, and they want your money to come and pay for this.

I hope that my constituents in Tennessee understand this and are listening to this because Federal mandates are something that they are tired of, and I hope that they are listening. I hope the American people realize they want a bigger government. They want to grow it. They want more Federal control on our State and local governments. They want more Federal mandates on local governments, and they want the money out of your pocket to come and pay for it.

They want to make the taxes we have got on the books higher. They want higher taxes. They want higher rates, higher fees, more taxes and in more areas of your life. They are the elitist of government, and they think that they know better than you know. They want to give the government that too often tramples on your rights more power. That is a game plan. Centralized power for them and less individual freedom for you and for me, for your family. That is their vision.

For 10 years the Republicans have been in the majority here in the House. We have done a lot of good things. We have balanced budgets. We have faced debt which has been brought on by recession and war. We have pushed hard to get an out-of-control Washington bureaucracy under control and to get it reduced. We have enacted major, major tax reform and tax relief for working families. We have put 98 programs up for elimination this year. We have taken a hard-line approach to terrorism. We have gone after the ridiculous regulations, overly burdensome regulations that strangle small business, that keep entrepreneurs from taking an idea that they have and growing that idea and bringing it to fruition, getting capital for that idea, getting that idea into a commodity that goes to market. Those are the regulations that we are addressing and rolling back so that we are freeing up free enterprise.

We have worked to prevent the sort of universal health care plans the left proposes that would destroy the quality of care in this Nation. What do my constituents want to see in health care? Access, access to health care. Physicians in communities, physicians who are able to open their doors and practice. That is what they want to see. Not a one-size-fits-all plan that is directed by some bureaucrat sitting in a building in Washington, D.C. They want a physician in their community. That is what we are working for. Freeing up health care, access to health care.

Mr. Speaker, you will hear a lot of complaints from the left about tax relief. Well, you know, they just absolutely despise tax relief. My constituents seem to appreciate marriage relief, marriage tax relief, child tax credits, sales tax deductibility, lower income tax rates. Goodness, a lot of my constituents even tell me if 10 percent is good enough for God, it ought to be good enough for the government. Let us get that rate down even further, even further. They know better how to spend their money than the Federal Government, and they would like to be keeping it.

You know, one of my colleagues earlier today mentioned something I want to talk about for just a second. Today, despite the war, despite natural disasters, we have seen that in the third quarter of 2005 that our GDP grew at 3.8 percent. And I hope my colleagues are listening and hear this. This year, this quarter, despite a war, despite natural disasters our economy has grown 3.8 percent.

Now, for everybody at home that is a booming economy. That is tremendous growth, and we believe debt reduction requires a booming economy and spending reductions. You grow the economy and you cut back on your spending. You cannot cut the debt without both elements. You have to work it from both sides of the table. Make the tax reductions that are going to allow that economy, the free enterprise sector, to grow: and at the same time when you are looking at the public sector, start reducing what government is spending. It is an amazing thing.

You reduce what you are spending, you increase those revenues, your deficit is reduced and your debt is reduced. Hard as they try, the Democrats in this body cannot make the case with a straight face that raising taxes, which is their platform, raising taxes, raising those taxes on American families, that raising those taxes will increase economic growth. It just does not happen. 3.8 percent growth.

Mr. Speaker, I will have to remind my colleagues also that equals jobs, it equals jobs growth. We have seen over 3 million new jobs in 2 years. We are seeing more. It equals increased small business manufacturing output, small business manufacturing output increases rights here on American soil. It equals a more productive free enterprise.

Well, let me get back to our 10 years of majority here in the House. Last night I watched the left attack those 10 years of work: and as I said, in my opinion we have done a lot of good things in those 10 years and we have suffered some setbacks, and in my opinion we are not done. We have got a lot of good work left that we can do. We are going to continue taking the shackles off free enterprise and freeing it up.

We are going to continue getting government off the backs and out of the pockets of hard-working American families, getting government off the backs and out of the pockets of small business owners all across this great land. We are going to continue working, restoring individual liberty and freedom and hopes and dreams. What you see is a work in progress because there is always room to improve, but our agenda is the right agenda. Yes, we want to see across-the-board spending reductions; the left does not.

We want to see major immigration reform that gets this illegal immigration crisis under control. We want to see border security addressed immediately this year. The left does not. We want to see a very aggressive global war on terrorism that treats terrorists like the murderers that they are. Many on the left do not join us in that desire.

We want to see a tax reform and relief that takes this nightmare of a Tax Code that we have volumes and volumes and volumes and simplifies it so that it is simpler, it is flatter, and it is fairer. The left does not.

Mr. Speaker, we have heard a lot of talk about independent commissions around here lately. Well, a lot of the folks in my district are not real happy when they hear talk of independent commissions. They feel like that is our job. They have got people on the left just clamoring for a Katrina Commission. Well, now, I do not know about you, but who needs a commission to tell us that government failed? It seems pretty obvious to me. The city of New Orleans government, the Louisiana government, the Federal Government all failed. Period. I do not need a commission to tell me that.

I would hope that the Democrats do not need an expensive government commission to tell them that either. What I do know and what I believe the left does not know is that failure can be laid right at the doorstep of this massive wasteful bureaucracy that you and I and every American taxpayer is paying for day after day after day. Bigger is not always better. Bigger is not always more responsive.

One of the things we learn is that smaller local governments are generally the ones that are on the frontline, that are more responsive to the needs of communities. That is where the rubber meets the road.

□ 1400

We are paying a lot for this bureaucracy, and we are getting very little in return on our money. What we get is a slow process. We get the runaround. We get less accountability.

The left in this country had control of this House for 40 years prior to the Republican majority, and in that time they created an enormous, huge bureaucracy. Over the past 10 years, we have been trying to reform and reshape that government, to make it more responsive to the American people. As I said, it takes time because they fight us every single step of the way. Every time we try to reduce something, to reform something, to cut back, to pare down, they fight us.

Clearly we have not succeeded enough or the Katrina response would have been better, but I beg to differ when the left criticizes Republicans for this big, ineffective government. If we had our way, if they would join us, we would be looking at companies like FedEx, one of our good Tennessee companies, for ways to reform government for the 21st century. We would be looking at other constituent companies in Tennessee, people like Tractor's Supply Company, efficient small businesses that work well.

The Democrats are more concerned about the jobs, about the jobs big government creates than the jobs small business creates, and they are more concerned about those big government jobs than they are about the effectiveness of government. How dare we ask a Federal agency to pare down? How dare we ask them to reduce their payroll? How dare we ask them to become more effective or more efficient?

I want everyone at home to know that it is Republicans who want a government that is leaner, that is smarter, that is more responsive. We want to reform government. We want change.

I think there is a philosophical difference between the Democrats and the Republicans. They think government, big government, big buildings, big programs is the hallmark of a great Nation. We Republicans think that great individuals, individuals with freedom and power and hope and opportunity, that is the core and the center of a great Nation.

We want to drag a bureaucracy that is based on 19th-century government into the modern age, drag them kicking and screaming if necessary, because we do not believe big government equals effective government.

There are some core functions our Federal Government should be capable of handling. Defense and disaster response are clearly at the top of the list, and we should not let an outdated system and an overgrown civil service deliver poor service slowly.

In closing, I know that many on the left are going out and slamming our across-the-board spending reductions. They are slamming our budget control ideas. They do not think government has room to cut.

Mr. Speaker, in the 3 years I have been in this Congress, I have sat through oversight hearing after oversight hearing where government agencies have the absolute audacity to tell us that they cannot account for millions of our tax dollars, millions upon billions of dollars, and in the same breath they ask for more funding. Enough.

I want to see reform. I hope this body wants to see reform. I want to see spending reductions, and I want a government that will actually perform its core functions.

Many on the left have been standing in the way of reform. They want to protect the bureaucracy that was built over 40 years of their control. I think it is their monument, and, yes, they will stand here and they will rail against every reform we have ever offered because it is their crowning achievement. It is the monument to themselves and their policies.

But I think it is time for the American people to know that this party and this leadership is focused on the American family. We are focused on families who are strong and productive and free, families who are free, Mr. Speaker, free to dream big dreams, free to have great adventures, to live out those hopes and dreams.

NO PLACE IN THE CIVILIZED WORLD

The SPEAKER pro tempore (Mr. ADERHOLT). Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, on Wednesday, the new President of Iran made comments that chillingly confirm the hate, intolerance and militant intent to destroy Israel and her people that is shared by too many in the Arab world.

Speaking to 4,000 students at a conference called "The World Without Zionism," the Iranian leader declared, "Israel must be wiped off the map."

He went on to say, "Anybody who recognizes Israel will burn in the fire of the Islamic Nations' fury."

This Congress and the American people and all civilized, freedom-loving people around the world must emphatically and unequivocally denounce these poisonous comments as outrageous incitement to international criminal acts.

Mr. Speaker, as my colleagues know, we just passed a resolution a little over an hour ago unanimously expressing that sentiment. All who seek international security, stability and respect for the rule of law must collectively and publicly reject these comments of the President of Iran, and not only reject them, but condemn them as well.

The silence in too many of the Arab capitals loudly testifies to the sympathy with which such despicable remarks were received. I am pleased, however, very pleased, that the prominent Palestinian negotiator Mr. Erekat reportedly told the media, "We have recognized the State of Israel. We do not accept the statements of the President of Iran. This is unacceptable." That was said by one of the major Palestinian leaders. I congratulate him for those comments.

It is that spirit that will allow us to pursue peace on the roadmap set forth by President Bush. However, I am compelled to ask, where is the public outrage among other responsible respected leaders in the Arab world?

Mr. Speaker, I have been to Israel 8 times, 3 times in the last 2 years, and on each of those most recent visits, our Israeli allies have expressed increasing concern about Iran's support for terrorism and its continuing effort to develop and acquire nuclear weapons.

The President of Iran's dangerous comments only confirm our worst suspicions and fears about the Iranian government's intentions and malevolence. These remarks must inspire a renewed commitment by the United States and by our allies to do everything within our power to prevent Iran from acquiring weapons of mass destruction.

Those who rationalize acts of terrorism against Israel should reassess their opinion as to why Israel must be ever vigilant and must take all measures necessary to respond to terrorism and ensure the safety, security and sovereignty of its people and its land.

Mr. Speaker, we were right today to overwhelmingly and unanimously express our outrage at the President of Iran's suggestion that Israel would be wiped off the map. Peace will be possible in the international community only if the international community overwhelmingly, emphatically and without any tempering rejects and severely criticizes such comments when they are made.

APPOINTMENT OF HON. MAC THORNBERRY TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH NOVEMBER 1, 2005

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 28, 2005.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore to sign enrolled bills and joint resolutions through November 1, 2005.

DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the opportunity to be down here.

This is a pretty sad day in the United States of America with the recent news regarding the Chief of Staff of the Vice President being indicted on five counts of making false statements, perjury, obstruction of justice.

The 30-Something Group has been talking about for quite some time on this floor the culture of corruption that we have seen in this Chamber, on Capitol Hill, and now we have come to find that this is also extended into the executive branch, the Republican one-party rule. Inevitably when one party controls all the levers of government, inevitably it leads to corruption, and today we saw another taste of that.

My friend from Florida is here, and before we get into the corruption and the cronyism that has been going on in the way that this government has just been corrupted, I want to talk for a few minutes about what our friend was saying who was here prior to us.

I want to make this perfectly clear. The Republicans control the House of Representatives. The Republicans control the Senate. The Republicans control the White House. We have a one-party government here in Washington, DC.

I find it humorous and sometimes hysterical that the other side can look over to the Democrats and blame us for all the big spending and all the deficits. They look over here and they point to my friends on the left. We do not have any power. We are not running the government. One-party rule. Take responsibility for your own actions.

My friend who was here prior was talking about all the Democrats want to do is spend. The Republican majority has borrowed and spent this country almost all the way into bankruptcy. Our national debt just went to $8 trillion.

The Republicans have controlled this House since 1994. They have had the White House since 2000 and the Senate on and off, but it had control of the Senate for the past few years. They have been able to implement their agenda, and they keep saying that we want to raise taxes.

We do not want to raise taxes. We want to reduce spending here, as the rhetoric came from the other side, but we do not want to do it on the backs of the middle class.

We want to reduce corporate welfare to the tune of $16 billion in the two energy bills. Sixteen billion dollars we voted to subsidize oil companies, and they are coming out with the highest profits that they have had in a long, long time, record profits just in the last quarter.

We want to end corporate welfare to the pharmaceutical companies. $700 billion in spending on a Medicare prescription drug bill that does nothing to reduce the cost of prescription drugs.

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Democrats wanted reimportation from Canada to help reduce the cost. Democrats wanted to give the Secretary of Health and Human Services the ability to negotiate down drug prices by basically going, on behalf of all of the Medicare recipients, to Merck and Pfizer and all of these big drug companies, and basically say, if you want a contract, let us talk price. If we took 10 or 20 percent of the savings of that bill, $700 billion over the next 10 years, if we saved 10 percent, that is $70 billion which would pay for Hurricane Katrina. But we could save closer to 20 or 30 percent, which would be $140 billion of the taxpayers' money that we could save. We do not want to raise taxes.

Now, do we think that we should be giving tax cuts to Bill Gates and Warren Buffett, and at the same time cut Medicaid, which is a health care program for poor kids and poor families? Meanwhile, middle-class America's health care is going up 15–20 percent. My God, we cannot do anything to help average people because we have to take care of the big corporations and keep the corporate welfare going.

Let me say this before we get back to our message. This is very simple to connect the dots. This body taxes the American people. The American people send their money down here. The Republican Congress gives that money, to the tune of $16 billion in the last few months, to the energy companies. Can you imagine, your tax dollars going to subsidize oil companies. American tax dollars coming down here, and the Republican majority takes it and gives it to the pharmaceutical companies to buy prescription drugs for seniors; great idea, but is it a good policy not to do anything about controlling the costs?

What the Republican majority does is then they go to the shake-down street, which is K Street where all of the lobbyists are. They go and shake down all the lobbyists who they just spent a bunch of tax dollars on, and the lobbyists who they shake down fill up the Republican campaign committee coffers to the tune of millions and millions and millions of dollars. Hundreds of millions of dollars is spent lobbying. This is corrupt to the core. This is not the way to govern.

We understand there is money in politics, but to use the hard-working public's money that average people send down here and to give it to corporations is atrocious. Our good friend Cal Thomas, who is one of the most conservative Republican columnists in the country, said in The Washington Times, which is not a liberal newspaper, gives his friends in the majority a little suggestion: Do not start with the poor to pay for Hurricane Katrina, start with the rich. He goes on to say, which I tend to forget about, the corporate subsidies to the big agribusinesses, this is Cal Thomas, not the gentlewoman from Florida or me, this is our conservative Republican friend Cal Thomas, 72 percent of farm subsidy money goes to 10 percent of the recipients: the richest farmers, corporations, estates and other entities.

Mr. Speaker, this is ridiculous that we are going to cut lunch programs, food stamps, cut student loans for average people trying to send their kids to school, and yet provide corporate welfare to the top 10 percent richest farm agribusinesses, multinational corporations.

Mr. Speaker, I yield to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it is a pleasure to be here with you again and have an opportunity to have our 30-something Working Group talk about the issues that are important to the average American today in the 21st century. We also want to thank the gentlewoman from California (Ms. PELOSI), the Democrat leader, for an opportunity to put together this group and have this time on the floor to talk about these important issues.

This is a sad week in the United States of America. This is a week in which we started on Monday with my home State of Florida, my district in south Florida, being hit by a Category 3 hurricane, Hurricane Wilma. Today, 5 days later, we still have 80 percent of the people in my county without power. We have considerable difficulties in getting them ice and water. We have a Governor of my home State who has held up our State as the model for response to and preparation for natural disasters, yet if you went street by street and saw the devastation and asked my constituents and the constituents of Mr. MEEK, if you asked our constituents if they think that this is the response that the model State should have provided, they would be ready to pull out our hair one by one.

I am going back down there tonight, and I am planning to spend the weekend going to distribution sites and talking to my constituents.

We have trucks and generators and lift stations, and lift stations still that have no power. We have the biggest city in my district, the city of Ft. Lauderdale, which literally is faced with a backup in their sewage system because we did not get generators to them. They are stuck in West Palm Beach. The Army Corps of Engineers and FEMA have not been responsive. I have people older than 85 stuck in high-rise towers with glass blown out of their windows and no elevators working because there is no power. These are people who cannot get themselves down 12 to 25 floors.

Mr. RYAN of Ohio. What is the temperature?

Ms. WASSERMAN SCHULTZ. It has cooled down. There was a cold front that pushed Wilma and made her go faster, reached us right after that. It has not been, mercifully, hot. It has been in the upper 60s. But the way our climate is, when that cold front leaves, they could be hot again. The earliest anticipation that my constituents are expected to have power restored completely is November 22. This is from the model State.

That is how we started out. We are talking about FEMA that is still woefully unprepared to respond to natural disasters.

Let me move to the very next day, where we now unfortunately have had our 2,000th casualty in the Iraq war. And today, sadly, we have had the Vice President of the United States' Chief of Staff indicted on five counts, one of which was leaking the name of a covert CIA agent with the express, clearly the intent of advancing the administration's agenda that they were hell-bent on to get us into the Iraq war, because that CIA agent's husband had just come back from Niger and said there was no evidence that weapons of mass destruction were being acquired by Saddam Hussein and his allies in Iraq.

So the most sinister of intentions that the Vice President's Chief of Staff clearly had was to continue to advance the administration's agenda to get us into a war that was ill-advised, that was entered into under false pretenses with misinformation, and now the 2,000th American has died as a result of that.

When is the partisan politics and the people in the administration who are hell-bent on being right, hell-bent on having it their way, when is it going to stop? When are we going to have some bipartisan outreach?

I have been here for 11 months, and it has been incredibly shocking to me that we have folks like the gentlewoman from Tennessee who was willingly lambasting a group of her colleagues on our side of the aisle who have no ability to do the things like she is accusing. When are people like her going to sit down around the negotiating table and agree that we can and should agree on more things than we disagree?

It is so sad the Republican leadership in this country is only concerned about being right, is only concerned about having it their way. Clearly, as the results of this week show, they will do anything, will do anything including lie to the government, lie to the press and expose an undercover CIA agent's identity in order to have their way and get us into an ill-advised and unfortunate war, which now we have no idea how long we will be in the midst of.

I am raising young children, as are many, many people across this country. I was fortunate and used to be able to say at every Veterans' Day ceremony and Memorial Day ceremony that my generation was the first generation in decades that were able to say thanks to the efforts of our predecessors, of the generations before us, that we did not have to get called to war, that our generation was not thrust in the midst of an ill-advised confrontation. The Vietnam War was the last serious conflict we entered into. Obviously the Gulf War in 1991 was not as widespread and serious and ended quickly. But we cannot say that anymore because the administration has submerged us into chaos.

Mr. RYAN of Ohio. Mr. Speaker, I am reading through the indictments right now. It is really unbelievable, the blatant lies that are in this, that are astounding to me.

Count 5, the perjury count, where they have a series of questions, and the question from the lawyer to Mr. Libby is his specific recollection that he told Cooper about Mr. Wilson's wife working at the CIA, and he attributed that fact to what, reporters?

The answer is yes. Many reporters.

Libby said, "I was very clear to say reporters are telling us that because in my mind I still did not know it as fact. I thought I was. All I had was this information that was coming from reporters."

He continues to lie, saying, Yes, sir. He asked him again, and Libby said, "Reporters are telling us that. I do not know if it was true. I was careful about that because, among other things, I wanted to be clear I did not know Mr. Wilson. I don't know. I think I said I don't know if he has a wife, but this is what we are hearing."

They asked him again, and he said it was a fact what I told the reporters.

All throughout this he testifies to the lawyers that he was told about Mr. Wilson's wife working for the CIA from reporters. In the charge of perjury is that in truth of fact, as Libby well knew when he gave this testimony, it was false in that Libby did not advise Matthew Cooper or other reporters that Libby had heard other reporters talking about Wilson's wife working for the CIA; Libby heard it from the Vice President of the United States.

The Vice President of the United States in this indictment, and there may be a trial, and this may be a question of fact, but in the indictment on page 5, on or about June 12, Libby was advised by the Vice President of the United States that Wilson's wife worked at the CIA. That is on June 12 of 2003.

The Vice President told Libby in September, July, August, September; 3 or 4 months later, the Vice President is on Meet the Press. Mr. Russert asks him about Joe Wilson going to Africa to check out the uranium deal. The Vice President says, "No. I don't know Joe Wilson. I've never met Joe Wilson."

A question has arisen, on and on he goes about the questions, and Joe Wilson, "I don't know who sent Joe Wilson."

That is not true. The Vice President told Libby that Joe Wilson's wife worked for the CIA in June, and in September he is on Meet the Press saying he does not even know who Joe Wilson is. He is not lying to Tim Russert, he is lying to the American people. You cannot lie to the American people.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I just wonder where the outrage is. I did not hear in the last several hours since the indictment came out calls for an impeachment trial or calls for hearings in the United States Congress.

□ 1430

And just a few years ago, prior to my coming to the United States Congress, there were questions surrounding the previous administration and far less serious than lying to get us into war. I mean, these accusations, and let us remember that they are accusations, but they are very serious accusations, that once the accusations came out in the previous administration which were for personal circumstances, immediately we went into a situation on this House floor where we had impeachment managers, we had a trial, we had a process by which the President of the United States prior to this President was actually impeached on the floor of the House of Representatives for the accusations that were made against him that were far less dire.

Where is that outrage? Where is anyone on the other side who were calling for his head? Why are they not calling for the head of this administration?

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, I think the silence speaks for itself.

Let us quickly go through this. June 12, the Vice President tells Libby about Joe Wilson's wife. In September the Vice President is on "Meet the Press" with Tim Russert and he says, I do not even know who Joe Wilson is. Can one imagine? We look at him and we believe him.

Here is Scott McClellan on October 3. So June the VP told Libby. In September he lied about it on "Meet the Press." Then in October McClellan says, Those individuals, Karl Rove, Abrams, and Lewis Libby, assured me they were not involved with this.

The lie continues. I mean, these are the same people that told us there were weapons of mass destruction in Iraq. These are the same people that told us we would be greeted as liberators. These are the same people who said we could use the oil money for reconstruction. Have they told the truth since they have been in office?

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman and the distinguished gentlewoman for their comments.

This is a moment in history today that it seems that we simply pause. This morning we did a good thing. We passed a resolution allowing an American icon to lie in state, Rosa Parks. Now, just a few hours after that vote, we are here on the floor. Really, as I listened to my two distinguished colleagues for this very thoughtful discussion, we are looking at a constitutional breach in the system of government.

I sat as a member of the House Judiciary Committee during the impeachment hearings of President William Jefferson Clinton; and, of course, as many of the Members know, we argued vigorously this issue. We argued that his objections were not a governmental action. That was the distinction that we made on this whole question of whether or not the government itself was being fractured. Today we now have, and, again, one is innocent until proven guilty, a fractured government, five counts against an individual with an ongoing investigation that suggests a number of fractures in the system that go to the very points of this discussion: one, did government officials not tell the truth? Two, did government officials not tell the truth to Members of the United States Congress? Three, on the basis of those nontruths, did the United States Congress take a vote to make a determination ultimately to go to war? And in the course of going to war, did we not see the loss of lives of 2,000 of our brave young men and women and some thousands of injured bodies that now lie in hospitals languishing?

And in the course of this expose that the gentleman has now offered, in holding up the indictment, he has enunciated a chronological schedule that shows that over and over again there was repetitiveness in the government, in this instance, the White House, denying that key staff members knew nothing of the pronouncement that an undercover CIA agent was who she was and who she was related to; and now we are finding out about allegations and now an indictment, which we all know is not a conviction and there is a lesser standard through the grand jury and its level of being able to indict.

But there is an indictment that I assume will now go forward, that there are now suggestions and allegations that not only were there nontruths being told but that they were woven into the infrastructure of the closest levels of government, including the President of the United States of America.

I will simply say this: those very difficult days of sending this body through an impeachment proceeding brought us almost to the brink of governmental collapse. The American people were concerned. The world was concerned. This institutional body was concerned. Those of us who had such great respect for this body being respected for when it moved, it moved on truth and standing. I would argue to this day that the impeachment proceedings went beyond the jurisdiction of this body because we used a nongovernmental act for a governmental action, which was impeachment.

In this instance I am going to leave with this question: What will this body now do to accept our, if you will, institutional responsibility to ask the questions, whether the Constitution has been breached and whether or not, in fact, there are fractures in government now that our investigatory hearings need to begin in order to heal or to reform those fractures?

I thank the distinguished gentlewoman from Florida and the gentleman from Ohio, certainly States that have had firsthand constitutional breaches as we have looked at elections of 2000 and 2004, for their presentation on the floor and allowing me to come over from my office watching them during this moment in history that requires our study and our consideration.

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentlewoman for her comments. It continues just to be unbelievable. Count four, the perjury count, it is unreal.

Again, we said on June 12 the Vice President told Scooter Libby about Joe Wilson's wife working for the CIA and then Libby is talking about a conversation he had with Tim Russert on July 10, which is a month later, and he is explaining the conversation, and it went something like this:

Russert said, Did you know that Ambassador Wilson's wife works at the CIA? And I was a little taken aback by that. I remember being taken aback by it. And I said—he may have said a little more, but that is what he said. And I said, no, I don't know that. And I said, no, I don't know that intentionally because I didn't want him to take anything I was saying as in any way confirming what he said because at that point in time I did not recall that I had ever known and I thought this is something that he was telling me that I was first learning.

That is on July 10. But the indictment says one month before, the Vice President of the United States told Scooter Libby that Joe Wilson's wife worked for the CIA. A lie. As we put our hand on the Bible and put one up to God, and these are the same people who told us that there were weapons of mass destruction in Iraq. These are the same people who told us we were going to use the oil money for reconstruction, 200, 300 billion American tax dollars later. The same people that told us we would be greeted as liberators. They lied to the grand jury. They lied to Tim Russert. They lied to the American people.

They passed a prescription drug bill. They told Congress it was $400 billion. It was $700 billion. We found out 3 months later after we voted for it. I mean, they can lie to the Democrats, but who lies to Tim Russert? One cannot lie to Tim Russert. He is the best.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, what has become clear as of today is that the culture of corruption in the party and this administration and the leadership in this institution has become institutionalized. It runs deep.

Mr. RYAN of Ohio. It is a culture.

Ms. WASSERMAN SCHULTZ. It is a culture of corruption. A culture is one that is deep-seated, one that is the product of an accumulation within groups of people. The administration, various members of the leadership here in our institution, from top to bottom, the people running this country are under suspicion. And we have what I have referred to as the three Cs: the culture of corruption, the cronyism, and the question of competence.

Because now, as of today, there is no question that these are people that are not competent to run our government. They are not competent to respond to natural disasters. Look at Katrina and her aftermath. Look at Wilma and her aftermath, which is still ongoing. If they are not competent to respond to natural disasters, what are we going to do when we are hit with a man-made disaster, with a terrorist act?

I have talked to Members on both sides of the aisle this week who have privately worried out loud that they are not sure what would happen in their own community if they were hit with either a natural or a man-made disaster because there is deep-seated worry and concern about this administration's ability to take care of the American people. And never mind their ability. They are clearly focused only on themselves and their ability to accomplish their own goals and to heck with what anyone else thinks.

Clearly, they were willing to take the biggest step that any leader can take of a nation, and that is to send his or her citizens to war.

Let us just go over what some other people think, and like the gentleman from Ohio (Mr. RYAN) has said, this is not Mr. RYAN's opinion; this is not Ms. WASSERMAN SCHULTZ's opinion. What I am about to tell my colleagues is Ed Gillespie's opinion, the chairman of the Republican National Committee. It is not only the President's father, whom we can talk about what he said his opinion was when somebody reveals the identity of a covert agent. We are talking about on September 30, 2003. Ed Gillespie, who is the chairman of the Republican National Committee, during an appearance on MSNBC's "Hardball."

So we are talking Chris Matthews, who said, "I think if the allegation is true to reveal the identity of an undercover CIA operative, it's abhorrent and it should be a crime and it is a crime."

Hardball's host, Chris Matthews, went on to ask Chairman Gillespie, "It would be worse than Watergate, wouldn't it?"

Gillespie's response: "It's—yeah. I suppose in terms of the real-world implications of it, it's not just politics."

That is absolutely right; it is not just politics. It is not just accusations that were of a personal nature like the previous President of the United States. We are talking about someone who plunged us into war and now we have had the 2,000th casualty of that war, because he is so focused on being right that he will clearly do anything and authorize his cronies to do anything and say anything to accomplish their objectives, even cause the deaths of our citizens.

I had an opportunity to go visit our troops that have come back from the Iraq war at Walter Reed Army Medical Hospital right here in Washington, D.C. and I spoke to a young man whose legs were blown off, who will never be able to walk on his own legs again, whose life has been forever impacted because we have an administration that was hell bent on being right and was willing to do anything to make sure that their agenda was met. Never mind basic human decency.

We all raise our children, and I raise my children, to understand what right from wrong is, to know that we have to tell the truth, to know that we need to do right by people. And in my faith's tradition, we have an important stress on taking care of one another in our community and giving back. We have the spirit of what is called "tikkun olam." And there is absolutely no hint of any of that in this administration or, quite frankly, among the leadership in this institution.

□ 1445

Because to a person, the accusations, and I will respectfully say again that these are accusations and that no one has been found guilty of anything or has been accused of anything as of yet, but whether it is the accusations against our former leader from this institution, or all the way up to the Vice President's Chief of Staff and the accusations made against him today in the indictment handed down, we are talking about decisions they made so they could accomplish their own political goals.

That is just heinous, and I want to know when the hearings are going to be called. I want to know where the outrage is. I want to know why the press conference was not held to schedule the special committee, the bipartisan committee that should be brought together to do an investigation. I want to know where the outrage is. I want to know why we are not having impeachment hearings. I am waiting to hear that, because it is a little bit more important, when you send people to war just to accomplish your own goals, than when you lie about personal circumstances, totally and completely different. It is just disgusting.

Mr. RYAN of Ohio. Reclaiming my time, we do not want to make light of it, but let us just think of what President Clinton had to deal with in his impeachment. That is private behavior. If he committed perjury, that is wrong, and we are all against it.

You are talking about outing a CIA agent. You are talking about lying to FBI agents. This is the Chief of Staff of the Vice President of the United States, not some intern. This is one of the architects of the war.

Now, we all know that all the nonsense that was told to us before the war was not true, and now you are willing to lie to a Federal grand jury? You are willing to lie to FBI agents? You are willing to lie to Tim Russert? You sure as heck are going to be willing to lie to the American people, a couple of folks in Ohio that work in a steel mill and just trying to make ends meet. That is nothing, to lie to them, if you are willing to go to jail or prison to lie.

And we know through the indictment that the Vice President told Libby on June 12, so the Vice President knew in June. Then he goes on Tim Russert in September and says, "I don't know Joe Wilson." He says, "I don't know Joe Wilson." You told Libby 3 or 4 months before you not only knew him, you knew his wife worked for the CIA.

Now, we have Mr. Gillespie, who is going to be the Chair of our Independent Katrina Commission, here is what Karl Rove said. "Did you have any knowledge or did you leak the name of the CIA agent to the press?" "No." That was in September, I think, right after Cheney was on Meet the Press.

We do not know exactly what the situation that Karl Rove is in is. I may speculate for a second. But you cannot tell me that Karl Rove, who manages every single solitary detail of everything that happens in the executive branch and the White House and the West Wing, you are going to tell me that Scooter Libby, the Chief of Staff of the Vice President knew this, but Carl Rove did not?

It is going to be interesting over the course of the next few weeks and months to find out exactly what Karl Rove did know. I think this goes right to what we have been talking about over the past year, 2 years, since we started doing our 30-something Group, that the Republicans continue to pick their party over what is best for the country.

Now, we are all Americans here. You cannot out a CIA agent, you just cannot do it. You just cannot lie a country into war. It is just wrong, for all these obvious reasons. And you just should not take public tax dollars and give them to the oil companies, like we are doing.

We gave $16 billion through the two energy bills we passed and corporate welfare to the oil industry. Now, all you have to do is go to the gas pump and realize that that is not a good idea, or read the paper, where the oil companies have some of the largest profits in the history of oil companies in the last quarter. We are giving them your public tax dollars, the people you represent and I represent that work hard and see that big number at the top of their check, and then the much littler number that you actually get, because money comes down here, and the Republican Congress takes it and gives it to the oil company, and then goes to the oil company out on "Shake Down Street," K Street, just a cab ride away, shakes down K Street, and K Street fills up the Republican coffers with money, and the cycle continues.

Ms. WASSERMAN SCHULTZ. If the gentleman will yield further, I wish my constituents could go to the gas station, but right now they cannot because none of the gas stations have any power. There are people in my district sitting in the dark 5 days after the storm hit them, supposedly the model State for disaster preparedness and aftermath response.

We have a Governor of my State who is refusing, after being asked several times this week, refusing to use the state of emergency to have the tankers with gas, instead of filling their contracts, which they can get premium top dollar for the gas in those tankers, he is refusing to order those tankers to deliver gas to meet the essential services that we need, to meet the needs of the generators in my cities and in the cities across south Florida of my colleagues, the gentleman from Florida (Mr. MEEK), the gentleman from Florida (Mr. WEXLER), the gentleman from Florida (Mr. HASTINGS), the gentleman from Florida (Mr. SHAW), the gentleman from Florida (Mr. DIAZ-BALART), and the gentlewoman from Florida (Ms. ROS-LEHTINEN). He is refusing to reorder the priorities of these gas tankers owned by the gas companies, the oil companies, and make sure that they can provide gas to the generators so that the lift stations can be turned on so the sewage is not backing up. We have to boil water or put chlorine in it or buy it from the few supermarkets that actually have powered themselves with a generator.

So we do not have any gas stations that are up and running on their own without any generators. Unfortunately, the oil companies have not in most cases purchased generators to be there and ready for the gas stations to use in the event of an actual disaster.

So, what we are talking about here is how deep this culture of corruption and cronyism and incompetence runs. If you could say it is an isolated instance and you have a rogue staff person who just became so focused on taking care of his boss that he decided he was going to say anything to accomplish his boss's goal, then you could say, you know what, you get rid of that cancer, and, okay, the cancer is cut out, and then the body is whole and well again.

But, unfortunately, this is an administration that is so infested with cancer, this is a party up and down the halls and walls of government that is so infested with cancer that it is impossible to cut it out completely. It runs that deep.

Next year what the American people are going to have to ask themselves is if they want this to continue. Do they want to continue to go in this direction? Do they want to continue traveling down this path, being dragged down this path, having another 1,000 soldiers die in a war that was not only ill-advised, but we were led into through deception, and then not only through deception, but through deliberate acts of deception to ensure that they would be able to drag us into war?

Then, on top of that, let us talk about some of the other things that they are willing to do and be hell-bent on in accomplishing their goals. Talk about what happens right here just in the last few months since I have been a Member of Congress.

Basically the Republicans here have created a democracy-free zone. We talk about the pride that we have in our democracy, and how participatory this institution is, and how we are all elected in our own right, and we all have the same rights and privileges, we have the same number of about 633,000 people that sent us here.

Yet it is pretty clear that we do not all have the same ability to cast our vote and have it stand and mean something and cast it freely and willingly, because the Members on the other side of the aisle have not been allowed to cast their votes by their leadership and leave that as their opinion standing all by itself because they get their arms twisted off.

We have votes like the energy vote that we had a couple of weeks ago that was called as a 5-minute vote and was held open for 40 minutes, 40 minutes, because we were killing that bill, because it was a terrible bill that was not going to do anything to reduce gas prices, that was not going to improve our energy situation that we are in such dire straits in in this country. It was going to put more money in the pockets of the oil company executives and the oil companies' profit margin.

So what they did was hold that vote open so they could twist enough of their Members' arms and work the aisles so that they could get their Members to switch. And we watched it. The board is right up above us here, our names are in lights, there is a red and green button, and you saw a whole bunch of red buttons on their side of the aisle that over the 40 minutes were switched to green.

Now, I came here with some conviction, and I came here with some backbone, and I am certainly not going to let anybody chisel my backbone away just in the name of my party. I just wonder where the backbone is? Why are they willing to just cave? Do they not have convictions? Do they not understand that you have to represent your constituents? Do not they understand that they have to represent their constituents, not the oil companies? Do they not understand they have to represent their seniors so they can get low-cost prescription drugs and not put more money in the pockets of the pharmaceutical companies?

That Medicare prescription drug bill passed before I got here. How long was the vote held open: 3 hours on a 15-minute vote to do the exact same thing? That bill prohibited the government from negotiating prices, just like the Veterans Administration has that ability, negotiating prices with the pharmaceutical industry to make sure that our constituents, our seniors, could have low-cost prescription drugs, who are right now having to choose between medicine and meals.

This is what we are talking about when we talk about an institutionalized culture of corruption, because you do not see the gentlewoman from California (Ms. PELOSI) and the gentleman from Maryland (Mr. HOYER) working the aisles, twisting our arms off to change our votes from red to green or green to red. We get permission to stand and vote our conviction.

I can tell you all the way back to March, when I had a very strong opinion about the Terri Schiavo case, some Members on the floor disagreed with me, but nobody was coming here, nobody was pounding on me asking me not to do that, "Do not stand up, Debbie. Do not stand up for what you believe in." I was allowed, even though I am a freshman and had only been here 10 weeks, I was encouraged by our leadership to stand up for what I believe in. It is just the saddest thing that that does not exist on their side of the aisle.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, that is what we are asking the American people for, for an opportunity to take this country in a new direction; to change what is going on here, and stop not only the corruption that we find here, but establish a system of government that does not put a political party before the interests of the country.

When you look at what happened through FEMA with Hurricane Katrina, the top 8 to 10 people in FEMA were political cronies. They were political hacks. "Brownie," the man in charge of FEMA, was a lawyer for horses, someone who owns horses, or a horse's attorney. I am not exactly sure what he was. He had the right college roommate, so he got appointed to FEMA.

Listen, we understand that you make political appointments, but if you appoint somebody who is incompetent, you put them as an ambassador to a country that has a lot of beaches; send them over there, have a nice house, drink a lot of nice wine, have a good time, make nice with whatever country that you are representing or trying to schmooze. You do not put that person in charge of FEMA.

My friend who was here earlier said we wanted to make FEMA bigger and more bureaucratic, and the old scare tactics, like we are not old-school Democrats. We want efficient, flexible, nimble government that works. If it means a little bit more money, maybe it does, and maybe it needs to be spent. But where is the accountability? What it needs more than anything else is competent leadership.

Ms. WASSERMAN SCHULTZ. I am glad the gentleman brought up FEMA, because obviously that is a pretty hot issue down my way right now. Let us let people know what we were talking about the other night, because Brownie, the former Mr. Michael Brown, the former Under Secretary for FEMA, most people think that he is gone. Most people think he is no longer involved in FEMA's decision-making activities.

He is still being paid $148,000 a year as an adviser, because the Secretary of Homeland Security Mr. Chertoff just extended his contract for another 30 days. They kept him on supposedly to continue to advise them on how to deal with the aftermath of Katrina.

□ 1500

Mr. RYAN of Ohio. So you are saying, Mr. Speaker, I want to get this clear here, for the Members of the Chamber, you are telling me that Brownie, the guy that President Bush went down and said you are doing a good job, Brownie, when he really was not doing a good job at all, really was not doing much of anything, you are saying he is still on the payroll?

Ms. WASSERMAN SCHULTZ. He is still on the payroll being paid a $148,000-a-year contract for another 30 days.

Mr. RYAN of Ohio. But the Democrats are the ones that waste the money. We are the ones that do not know how to handle government. Come on.

Ms. WASSERMAN SCHULTZ. We have two more storms that have hit us since Katrina, Rita and Wilma; and it is not like they have fixed it. It is not like Brownie has gotten it right now and we have seen the fruits of continuing his contract. Now we have people who are sitting in the dark in my two counties that I represent, Broward County and Miami-Dade County. We have lift stations that are off, all 2,000 lift stations in my county have no power. The sewage is backing up. People have to boil water, but they cannot boil water because they do not have any power, or they have to add chlorine to their water. The ice and water trucks that were touted as being prepositioned prior to the storm, they were lost, they could not find them because they relied on cell phones for communication.

Now, hello. How tall are cell phone towers? I would think that if you have a cell phone tower getting hit by 120-mile-an-hour winds that perhaps you would anticipate that they would be damaged and you would not be able to use them.

Where was the planning? I could nitpick every little detail; but, obviously, in the aftermath of a storm, there are going to be kinks, there are going to be problems. I do not want to be specifically critical of the response to this storm; I want to be more generally critical, because they have learned nothing. We have had the two additional storms following Katrina, and they have learned nothing. Sixty days have gone by. They have not fixed it. They have not made adjustments. Why?

We have people who are sitting in harm's way who have suffered damage, and they continue the contract of the man who was clearly declared as incompetent and removed from being in charge of Katrina, but not removed from the payroll, and the stated purpose was so they could continue to get advice from him. A person who was not qualified for the job to start with, because his previous experience was being head of the Arabian Horse Association.

You are absolutely right, Mr. RYAN. In terms of cronyism, that was the ultimate. You had a guy get a job because he was the college roommate of an ally of the President's and put in charge of the agency that has to be the command center for every agency in the government and directing their response to the aftermath of a hurricane, or any natural disaster. What happens is, if you put an unqualified person in that position, you are going to end up having the result that we saw in the aftermath of Katrina and the result that we have now seen in the aftermath of Wilma.

Now we have Secretary Paulison, Acting Secretary Paulison, who is in place now. He is a constituent of mine, he does have the qualifications, he does know what he is doing; but Brownie is still on the payroll, and FEMA is now in the Department of Homeland Security. It is no longer an independent agency that answers directly to the President, that has the ability to direct things on their own. They have to run it up the food chain to the head of Homeland Security.

When you put obstacles in the path of a decision-maker, it makes it harder to make the decision. And in the aftermath of a storm, you cannot have obstacles. Obstacles harm people. I am hoping that at some point someone in the administration decides that it is more important to take care of people than to accomplish their own agenda and their own goals.

Mr. RYAN of Ohio. That is it. Putting the party that you belong to should not come first. The Republican Party should not come over the interests of the country. All we are saying is that the Republican majority has had control of this Chamber since 1994. They control the Senate, and they control the White House. They pull all the levers of government. Whether it is emergency management, failure; poverty rates, up; tuition rates, doubled; health care costs, up 15 to 20 percent a year. The Republicans take public tax dollars and give it away in corporate welfare. Mr. Speaker, $16 billion in public tax money went to the oil companies and the energy companies and subsidies, and $700 billion in the medicare prescription drug bill.

Now, the Democratic Party wants to lead, and we want to lead and put the interests of the country before what is necessarily best for the Democratic Party. And here is a great example:

In 1993, when we were running huge deficits, the Democratic-controlled House, the Democratic-controlled Senate, and President Clinton passed a balanced budget bill that led, without one Republican vote, that led to the greatest economic expansion in the history of the United States of America. And it was not popular and it was not fun, and many Democrats lost their seats over it. But you know what? You have got to balance your budget. And someone, more than one person was a statesman to make that decision. You put the interests of the country before your own personal political interests and that of your party. That is what we want to do. That is what the Democrats want to do. We want to take this country into another direction and change what is going on here.

Let me tell you what we will do when we are in charge. One is, we will redo the prescription drug bill. We will go and we will allow for reimportation of prescription drugs from Canada that will drive down the costs which will save the taxpayer billions of dollars over the next few years. We will go back and we will put in the medicare prescription drug bill a provision that allows the Secretary of Health and Human Services to negotiate on behalf of the medicare recipients and on behalf of the taxpayer to Merck and Pfizer, and they will negotiate down the cost of drugs. Some people project that savings could be 20 to 30 percent. Twenty to 30 percent of $700 billion is 140 to $210 billion. We would take those savings and we would invest it into the American people.

We would also take the $16 billion that we have given to oil companies and we will add that into the mix. Now, notice I did not say one time we want to raise taxes. We will take that money and we will invest it into programs that will lead to economic growth.

One, we will have a plan that will create a million engineers and scientists in the next 10 years. We are getting our clock cleaned by China and India. Last year China graduated 600,000 engineers, India graduated 350,000, the U.S. graduated 70,000. Half the foreign-born will eventually move back to their home country. The Democrats have a proposal to take those savings and invest it into education. We will reduce the cost of college tuition by investing that money. We will make sure that there is a clinic and a nurse in every single school in the country so that our kids are healthy, because if we do not have healthy students, we cannot have educated students, and if we do not have educated students, we cannot have a strong economy, and that is the bottom line.

The Democrats will invest in magnetic levitation trains, the hottest train technology going right now. There is only one in the world. It is in Shanghai. I was on it when I was over in China. Mr. Speaker, 270 miles an hour we are going down the pike, and I am holding a cup of coffee and it did not spill. It is the latest train technology, it is a jobs program, it is good for the environment, and it reduces our dependence on foreign oil.

The Democrats will take the savings from that money and we will invest it into preventive health care. We will make sure that we are doing for the American people what we are doing for the Iraqis, and that is allow them to go to a clinic when they have a cold instead of walking into an emergency room with pneumonia.

Mr. Speaker, we want to spend less money in the end, but it means putting it up front first for prevention. And we will start an Apollo program for an alternative energy source, so that these engineers and scientists that we create will be able to eventually reduce our dependence on foreign oil so that not one more American life has to be lost defending our right to go and get oil so that we can drive SUVs.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the gentleman is so right. As we close out, I just want to reiterate that this is about competence. It is about who do you trust. It is going to be next year asking the American people to give us the opportunity to take this country in a new direction, to end the culture of corruption, to end the cronyism, to invest the kind of resources that we need to make sure that the middle class can be thriving and vibrant, and to make sure that we have a disaster response system in place that is responsive, that meets the needs of people, and that does not leave them twisting in the wind as my constituents are right now, who are without gas and without water, where a hospital in my own district is not able to continue to take care of people because their employees do not have enough gas to get to work. Those are basic needs.

We want to thank the Democratic leader for giving us an opportunity to come on this floor tonight and for creating the 30-something Working Group. I know Mr. RYAN wants to give people the Web site where they can contact us.

Mr. RYAN of Ohio. Mr. Speaker, I want to thank the gentleman from Florida (Mr. MEEK) who is down in Florida with his constituents. Send us an e-mail to 30somethingdems@mail.house.gov. Send us an e-mail, let us know your thoughts. We want to take this country in a new direction, change the way we are going, and put the country before the party.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I want to let my constituents know that I am coming home tonight and looking forward to having the opportunity of helping them to get through the aftermath of Hurricane Wilma.

PROGRESS IN THE WAR ON TERROR

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I am proud of the great deal of progress being made on our global war on terror. While there is no quick path to victory, it is absolutely necessary for us to maintain our resolve. Terrorists have long waged war against the United States, well before the September 11 attacks. Americans were bombed in Lebanon in 1983, at the World Trade Center in 1993, at Khobar Towers in Saudi Arabia in 1996, at the American embassies in Kenya and Tanzania in 1998, and on board the USS *Cole* in 2000.

Over the years, these terrorists have attacked and attacked and attacked, thinking they could kill innocent Americans without paying a price. I am proud of President Bush and our troops for standing up to these murderers and showing them we will not sit back and tolerate this behavior.

Conditions in the Middle East are improving. Despite the terrorists' plans to disrupt democracy in Iraq, millions of Iraqi people embraced democracy by turning out to vote for a new Constitution. In addition, the Iraqi security forces are taking a much more prominent role in defending their country.

Mr. Speaker, I hope that Americans will continue to support our troops.

They are doing the right thing because they are making the world a safer place.

A NEW DIRECTION FOR U.S. IMMIGRATION POLICY

The SPEAKER pro tempore (Ms. FOXX). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. POE) is recognized for 60 minutes.

Mr. POE. Madam Speaker, a nation that cannot defend its borders against an illegal invasion is a nation without national sovereignty.

Madam Speaker, rhetoric rules the day when it comes to immigration. A lot of people with self-promoting agendas do a lot of talking. They have hidden motives that range from political to monetary to cultural. However, the only motive for immigration should be what is best for America, not what is best for cheap labor, not what is best for Third World countries, not what is best for obtaining more votes for the left, not what is best for any specific race, creed, or religion, but what is best for America. That should be our immigration policy.

Madam Speaker, people who enter the United States must serve a purpose for the greater good of this Nation. A little history is due. Over 100 years ago, this Nation welcomed immigrants through Ellis Island in New York, where people would come from all over the world into New York Harbor. They would be seen at Ellis Island. These individuals would be examined, they would be questioned, and if this person saw, after the immigrant was examined to be healthy and ready to work in America, they were allowed to come in. That process did not take a great amount of time.

Now, today, if people want to come to the United States legally, there is so much bureaucratic nonsense that it takes a long time for people who wish to become citizens or people who wish to work here or go to school here if they do it the right way, the legal way. We have all heard of the excuses and the so-called explanations for why it takes so long to allow people to come to the United States the legal way. Madam Speaker, they are just excuses; they are not reasons.

I am an advocate of immigration, legal immigration.

□ 1515

I am proud of the fact that my ancestors came from Scotland, and the hardheaded ones came from Germany. But, you know, Madam Speaker, we discriminate in this country against people who want to come here the legal way, the right way, those who want to do something for America and not to America, to the benefit of the lawless illegals who disrespect our rules, the rule of law and our Nation.

Madam Speaker, the battle for the border is upon us. And I am not talking about Iraq. I am not talking about Afghanistan. I am talking about the American border. We have an invasion going on in this country. We have a colonization of our Nation by other nations, and we watch it and do very little. You know, this lawlessness on our borders breeds more lawlessness, and it is only getting worse.

Last week I was on this House floor, and I invited some colleagues, especially those down the hallway, to go with me to the south Texas border. I guess they could not go because they were on their yachts sipping wine off Cape Cod and found other things that they could do better.

But I spent the last weekend down on the south Texas border at a place called Laredo, Texas. And on this map here, we have portions of Texas, Mexico, the Gulf of Mexico, and Laredo, Texas, is in this dark blue. That is Webb County, Texas. South of it is Zapata County, Texas.

Webb County, just to give you some information, is bigger than the State of Delaware, and I spent the weekend there with the sheriff of Webb County, Sheriff Flores, and also the sheriff of Zapata County, Sheriff Gonzalez, Sigi Gonzalez. And we found what occurs there on a daily basis is something that all Americans should be aware of.

Sheriff Rick Flores, sheriff of Webb County, Texas, a place bigger than the State of Delaware, has 13 deputies patrolling the whole county, and when we went down to the border, he made sure that before we went to certain portions of the Texas-Mexico border, that we were armed with M-16 rifles, that we went with his small SWAT team that had body armor and helmets, because he said there are places on the Texas border with Mexico you do not get close to the river without body armor.

Now, Madam Speaker, we are talking about the United States, being inside the United States. We are not talking about being in some foreign country. But yet our sheriffs are concerned about their safety and the safety of people who are near our southern border because of what is going on on the other side of the border.

Madam Speaker, I spent some time years ago at Checkpoint Charlie in Berlin. You remember, that is the place where the American sector was separated from the Soviet sector. That Soviet sector looked into the grayness, the darkness, the bleakness of communism in Eastern Europe. And how we had to patrol that border for America's safety. And when I was on the Texas border in Laredo, Texas, it reminded me of Checkpoint Charlie because of the violence that is occurring along our lawless southern border.

Madam Speaker, Sheriff Flores, when he took us around, along with his deputies, also along with Texas Ranger Doyle Holdridge, he tried to explain to me in very simple matters that this is an American issue, this is not a partisan issue. This, as he said, is a red, white and blue issue, the importance of protecting the sovereignty of the United States against the illegal invasion of people coming across our border.

And how many are we talking about in Texas alone? We are talking about 5,000 a day illegally coming into the United States. We are talking about in our country now, 11- to 14 million people who came in from Canada or Mexico illegally, without permission.

And so he patrols that area. He does his regular duties, but he is concerned about three items, three things, and they all have to do with illegal activity. He is concerned about the illegal drug cartels that operate in Mexico and southern America and work their way up through the United States and to through Laredo.

As you can see from this map, Madam Speaker, Laredo here is the center port in the United States. It is the busiest inland port in the United States. Every day 7,000 18-wheelers cross into the United States from this location. About that many go south as well. And they disseminate up to the Northeast and to the Midwest. That is why this is the battle for the border, because the drug cartels want to control this area. And we have got more than one drug cartel down there fighting among themselves as to who will control the border. So the first reason is for the drug trafficking that illegally comes into the United States is a concern to these sheriffs on the Texas border.

The second concern is the illegal immigrants that come through that area, many of those people brought into the United States by coyotes. These are the people who, for money, make a profit off the human trafficking, bringing people into the United States illegally.

And the third reason, and maybe the most important reason, is because Sheriff Flores and Sheriff Gonzalez are concerned about homeland security. They are concerned about those terrorists that wish to do us harm. The next terrorist that commits a crime in the United States probably is not going to fly over here, land at Reagan National Airport, get off the airplane and look around, do some damage. They are probably not going to do that. It is too difficult. They are just going to probably come across the southern Texas border as thousands of people do each day.

So those are three reasons, Madam Speaker, that this Nation needs to have an immigration policy that works, an immigration policy that promotes legal immigration, and an immigration policy that says no to those people who wish to come here illegally.

And to try to put things in perspective, let us talk about the drug cartels that come up through the southern border of the United States. Now, I am not going to spend a lot of time talking about the problems with drugs and how it affects Americans, but we know it does, from schoolyards from the east coast to the west coast. But their port of entry, like those 7,000 trucks coming into the United States at Laredo, is right here.

The drug cartels have more money, they have better electronic equipment, they have better firepower, they have better intelligence networks than our local sheriffs do. Our local sheriffs, when we were down on the border, we used night vision equipment, but that was borrowed equipment. The sheriffs tell me that on the other side of the border, the drug cartels have the best night vision equipment that can be purchased. They also have better body armor than Americans do. And not only that, the drug cartels use satellite phones, and they track our peace officers with GPS. In other words, we have got a deputy sheriff out here on patrol in Webb County or Zapata County. He uses his cell phone to make a call. The drug cartels track where he is using GPS, and they can track his cell phone and know his location. They not only know where our peace officers are, they know where they all live. They know the names of their family members. They know the routine that they take each day.

You see, these drug cartels are the enemy. They are the enemy to America. And yet our sheriffs, they make do with what they have got. You know, they would like night vision equipment so they can patrol that area, night vision equipment that they do not have to borrow from the Federal Government.

They would like off-road vehicles, satellite phones. They have even suggested and asked while I was down there, you think, Congressman POE, when you go back to Washington you can get us a Humvee for our county?

Now, they do not want four or five. They want one Humvee for each of these 16 counties on the Texas-Mexico border so that they can track those drug cartels.

Madam Speaker, I tried to make a few phone calls this week to see how difficult that would be to obtain some used Humvee that we brought back from the war in Iraq that we are never going to use, that this country will just put somewhere and let it rust and then melt it down to steel. And the bureaucracy, the red tape just to find the person who can make that decision, was not possible.

But it would seem to me, Madam Speaker, that while we fight the war on Iraq, when we bring those vehicles, even those damaged vehicles, back to the United States that are no longer going to be used by our military, why can't the Federal Government just give a few of those to these border sheriffs along this border so they can protect and serve our Nation better? But so far that cannot happen because there is too much bureaucracy involved.

Madam Speaker, I mentioned the sheriffs' deputies and how they are doing a great job, Sheriff Flores and Sheriff Gonzalez. But they, too, are concerned about their own safety. We know that one of these local sheriff's departments, they have to protect their own kids when they go to school; that they use peace officers to escort their children to and from school because they are afraid of the safety of their own children.

Madam Speaker, this ought not to be. You know, the drug cartels more than anything else, they have more money than our local sheriffs, because it is all about money. Follow the money trail. And in here it is a tremendous amount of money that we are talking about. The drug cartels, these are the people who, that are the runners, for lack of a better phrase, that actually bring the drugs across from Mexico into the United States. Those people who do that make $30,000 a week. That is right, Madam Speaker, just drug runners make $30,000 a week bringing that dope into the United States.

You know what a sheriff makes in Texas on this border? They make $40,000 a year. A deputy sheriff makes about $22,000 a year. A Federal peace officer in Mexico makes about $20,000 a year.

That is right, Madam Speaker. These drug cartels have more money; they pay their drug runners about 10 times what our local law enforcement make. It is all about money. And they are willing to do it. They are willing to take that risk because of the amount of money that is involved in illegal drug-running into the United States.

We know, also, that there have been many individuals that have, for whatever reason, been trained in the past in the United States for countries south of the border that have gone over to the other side. See, they can make more money. They can make more of that filthy lucre if they work for the bad guys, if they work for the outlaws. One of those groups happens to be Guatemalan-trained forces that are now mercenaries for the cartels.

Madam Speaker, this is a photograph that was taken on the Texas-Mexico border, this top photograph. It was taken with night vision equipment, borrowed, of course. This is the Mexico border. This is the Rio Grande River, and on this side is the Texas American border.

Now, this photograph, you would think, maybe these are just some river rafters going down the Rio Grande River. Not so. We know now that this photograph is taken of Guatemalan mercenaries that have gone over to the other side and work for the bad guys, work for the drug cartel. They are all dressed in their camo outfits. They have obviously backpacks, probably drugs in bags in this raft. You see a person in front with his little AK-47 protecting the dope as they cross in from Mexico to the United States.

This is our border. This is what takes place on our borders. And while some people in this House are so insistent on talking about the minute things that occur in this country, maybe we should be concerned about the sovereignty and invasion of our country by these outlaws that are bringing drugs into this country.

The photograph below is a photograph we took last weekend. It is a difficult one to see, but you see two folks in here, down here by the river. This is Mexico on this side, Rio Grande River. We are standing on this side over here on the Texas American side. There is an individual getting ready to get into the river, come into the United States. But over here, the sheriff's department tells us this individual who has got his hand on his pistol in his holster is one of those drug cartel runners protecting his drugs. But that is just a typical scene, what it looks like, looking across the river.

Now, remember, Madam Speaker, when we went down to this area of the Texas-Mexico border, we were armed. We were armed with M-16 rifles. We were armed with individuals who were from the SWAT teams of these two sheriffs' departments because you see it is not safe. And one reason it is not safe is because of the drug cartels that are bringing drugs in from other countries through our open borders.

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So it is important that we first secure the borders because of the illegal invasion of people who wish to not only come here illegally but to bring that cancer into the United States and sell it for a profit, these people who wish to make a profit off the weaknesses of other individuals, and I am talking about drug dealers.

We also notice down here on the Texas side of the Rio Grande River where the entry places would be for those individuals who want to come in here illegally, not necessarily drug runners, but some of them were. The way they do that, Madam Speaker, many times they will cross the river, they will swim across the river without any clothes on. They put their clothes in a plastic bag and when they get across the river they dry off and then put their clothes on. Of course, they dispose of the bags and any other trash throughout that entire area. We saw numerous trash bags where people had disposed of the bags and other litter all along that Texas border, especially on those routes that come into the United States.

I talked to a rancher down in Zapata County not too long ago, and he was telling me that his ranch down in Zapata County, right next to the border, is like, as he said, Sherman's march to the sea. I asked him to explain that. He said, you remember General Sherman, that Union general that invaded the South and burned everything he came across until he got to Atlanta. He said, that is what my ranch looks like in parts, where people have come in across the border into the United States illegally and they have destroyed everything in their path just to get farther inland.

We are talking about American property, property rights, something that probably we ought to be concerned about, the property of Americans along our border.

However, our ranchers do not have it that easy. They have been warned by the drug cartels to be their friend, because they do not want them to be their enemy. Veiled threats. Some ranchers have been promised money or they will be harmed. They say, it is either silver or lead. What that means is we will pay you to let us cross your land or there will be lead, which is a bullet. Idle threats, I do not think so. Threats to ranchers to let those drug cartels and those human smugglers come across their land, but this is the way these people must live.

Sheriff Flores made a comment near the end of our trip with him and his deputies and Sheriff Gonzales. He said, our biggest concern is national security. He said these people will take money to smuggle people across our border. They will take money to smuggle drugs across our border, and they will take money to smuggle terrorists across our border. It is an issue of national security.

Let me continue a little bit about how much we are talking about besides drugs. Without demonstrating all the packages of narcotics, let me just show you two photographs. These were taken by the local sheriff departments down in south Texas.

This cache of weapons up here, you might think these were found in Iraq somewhere. Saddam Hussein's outlaws might have had these. Not so. This cache of weapons was found by a local sheriff department stopping a vehicle coming in, yes, to the United States from our southern border. And you see the automatic weapons at the top. You see a couple of pistols here, and then you see grenade-launching weapons at the bottom: an invasion into the United States of illegal weapons.

Just a brief moment about terrorist activity and how simple it is. I mentioned 7,000 trucks a day coming into Laredo. This is no secret. You can find this kind of information on the Internet. Right here we have about six or seven hand grenades. If you look closely, you will see that the pin has been pulled from the hand grenades. All of these here are just non-detonated bombs.

Each hand grenade is wrapped in a plastic. The pin is pulled. And you can put one of these hand grenades near a vehicle's engine. It will melt the plastic and thus detonate the hand grenade. These were found before they were ever used by local law enforcement down on the border. Just a simple way how terrorists can bring weapons into the United States, weapons that their purpose is to do Americans harm.

So I would hope that we as a Nation understand that our first responders are the people who know the communities, and part of those people are the sheriffs and the local police agencies. While it is true I have not said much about the Federal agents that are on the border, I think we must be concerned equally as well in helping our first responders because they are in this battle too. They know the territory. They know the people, and they know who the outlaws are because most of these individuals, most of these first responders were raised in this entire area.

We have 11 to 14 million people living in this country illegally. Amnesty, of course, is not the answer. We also have reports, Madam Speaker, that members of al Qaeda reside down here south of the American border in parts of Mexico. They infiltrate Mexico, of course, illegally. They assume the identity of Hispanic individuals. They learn the Spanish language; and then when the time is appropriate, they come across the American border and assimilate as some down-trodden illegal immigrant into the United States.

We know that is occurring, and so that is why I make the comments about those terrorists who wish to do us harm. They are going to come from south of the border.

As the battle for Iraq races on, the battle for the border, the battle for Laredo continues. Let me mention what has occurred across the border from Laredo. Laredo is a little over 100,000 people, right here between Zapata County and Webb County. Across the county or across the American line into Mexico is Nuevo Laredo. It has about 400,000 individuals, at least it used to because now people are leaving.

This year in Nuevo Laredo because of the violence of the drug cartels, 155 people have been murdered. Sixteen police officers in Nuevo Laredo have been murdered. We know that one of the police chiefs, recent police chiefs, 6 hours after he was sworn in as police chief of Nuevo Laredo was gunned down and he had 35 bullet holes in him, because, you see, he was not going to work with the drug cartels.

We know that 44 Americans have been kidnapped out of the United States and taken across the border, and in all of those cases, Madam Speaker, not one case has been solved. Not one of those murders has been resolved. Not one of those kidnappings has been cleared. Interesting, Madam Speaker. This is the world we live in, a world that we should be concerned about. The world south of the American border.

We know that Nuevo Laredo, because of the drug cartels, because of location into the United States or near the United States and where the drugs can go has become a haven for drug traffickers, a haven for gun running, and a haven for those coyotes that bring people into the United States illegally. Just to give one example, because there are numerous examples of the violence and the victims that occur both in Mexico and the United States because of this illegal drug activity: A couple of years ago there was a young teenage girl in Laredo, Texas, who met a guy from Laredo who had a Mercedes. And he had a lot of money in his pocket and he was a teenager as well. The girl's mother told her, Do not get caught up with him. He is up to no good. Stay in school. Get an education.

Well, what happened was he was one of those individuals who worked for the drug cartel, but he was working on the American side; and he owed some money to that drug cartel. So one evening both of those teenagers were kidnapped, taken back across the border. They were beaten, bags were puts over their heads, and both of those teenagers were buried alive. It is just one example of what happens down on the war for the border.

Madam Speaker, one thing that I have done to try to put some progress in our immigration policy is to introduce the bill requiring passports for all people who enter the United States.

The 9/11 Commission and its extensive report made recommendations that the United States require passports for everyone coming into the United States from south of the border and north of the border. Now we give people a pass from Canada, Mexico, and the Caribbean Islands. They do not have to present a passport. All they have to do is show up at the border, present one of hundreds of different types of documents including old baptismal records. Sometimes all they have to say is state the country that they are from and they come into the United States.

This passport bill will require some documentation, that people coming into the United States, if they want to come in here legally, they have to do it the legal way. They have to have a passport, a passport with a bar card, a passport with a bar card that can be scanned so that we can record who comes into the United States.

Madam Speaker, do you know we do not record the people who come across our border, the Canadian border or the Mexican border? Why is that? I do not know. Maybe it is best for Canada, maybe it is best for Mexico; but it is not best for the United States.

Passports do not discriminate against any individual. They treat everybody the same way. Of course, we can ship a package from Honduras to the United States. It is recorded by UPS on a bar card scanner at least 10 times. We know the places that package went before it is opened up here in the House of Representatives. But yet we do not do that for people who come into the United States.

So this passport act is nondiscriminatory, and it will require individuals to have a passport to come into the United States. Otherwise they cannot enter. Therefore, it helps businesses as well, because a person then is legally in the United States and has a legal visa with a photograph on that visa that they obtained from their government and our government. When they go to get a job, the business does not have to check Social Security cards and all these other documents. They look on that passport to see how long they can stay in the United States.

So this is one step I think we should see progress and look forward to having a passport for all individuals who come into the United States.

Now, Madam Speaker, we have gotten some criticism about this. When I introduced the Passport For All bill, the criticism came from our northern representatives and some of our Canadian friends because they want open borders between Canada and the United States. They do not want to have to pay that $100 for a passport. Let us think about that. $100 for a passport that lasts 10 years. That is $10 a year, 80 cents a month. That is less than a cup of Starbucks coffee.

So this argument that we do not want to pay the $100 is ridiculous. For our national security that is not asking too much for our Canadian friends, American, or people south of the American border. This is something we should do. We should proceed with the recommendation of the 9/11 Commission.

Some have asked, if the 9/11 Commission recommended it, why do we not have it already? It is because of bureaucracy. It is because people who do not want that recommendation enforced ignore it, and so therefore it has not occurred, and Congress is going to have to pass a law to require it.

One other matter that I would like to mention about our Texas border, some have talked about the only way we can keep people out is to build a fence. I am not sure about that, Madam Speaker. I think we should at least debate that issue on the House floor. One thing that is occurring, we are finding out that there are electronic cameras on the United States side that do a pretty ample job of watching the river.

The problem is when that camera spots someone coming across the river, there is no one down there in the area to go down there and stop that illegal traffic, whether it is a drug smuggler, gun runner or someone coming into the United States illegally.

We need to use some common sense in immigration. And the first thing we do is to make people who want to come to the United States legally have a simple process for them to do so and use passports to do that.

There are some absurdities that occur in our immigration policy, Madam Speaker, and I would like to mention a few of those. When our border agents capture people crossing into the United States from the southern border into the United States, the Texas portion, many of those individuals are not from Mexico. A lot of times we assume that all the people illegally coming into Texas and the United States are from Mexico. That is not true. We do a disservice to Mexico when we say that, because over half the people that came into the United States illegally from the south last year they were not from Mexico.

They are called OTMs, other than Mexico. Over 50 percent were from some other nation other than Mexico. They are from South America. They are from Central America. They are from Asia. They are from China. They are from Europe. But they are not from Mexico. These people are called OTMs, because, you see, everybody in the world except maybe some Americans, all these people in the world know that the southern border of the United States is an open border, and you can cross here in Texas or in Arizona or New Mexico and in California.

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So that is why people all over the world are working their way to Mexico and coming across illegally into the United States.

In any event, what happens when border agents or sheriffs capture one of these individuals? Well, if you are from Mexico, here is what happens. They are usually put in some kind of detention facility and shipped back across the border if they are caught near the border. That does not occur once they make it into the inland, but if they are captured near the border, they are taken back after they are put in some detention facility for a short period of time.

If you are not from Mexico, that does not occur. They are taken to a local magistrate in one of our Federal courthouses on the border. The person is standing before the Federal magistrate. They do not live in Mexico. They are from some other Nation. So because our detention facilities are so full and we do not have near enough detention facilities, this person is released back into our country with the promise to appear in court in 6 months for their deportation hearing, and then some of them are actually moved up further into the United States by our own Federal authorities.

Think about this. This is catch-and-release. We catch them and then we release them. How absurd is that? This occurs with individuals who are from Nations or Nations other than Mexico.

People understand that. So much so that many times when these OTMs cross the border, once they make it to a major highway, they stand in the middle of the highway waving their hands. They want to be captured because, as soon as they are captured, they are released with that get-out-of-jail-free ticket that allows them to roam the United States for 6 months before appearing in court for their deportation hearing. This ought not to be.

Not only that, Madam Speaker, 85 percent of these people never appear in court. Are we surprised? Of course not. So when people come to the United States, illegally, for whatever reason, and they are captured, they must understand that our government has the fortitude and the will to send them home, no matter where they come from.

We must find the resources, use old military bases, it does not make any difference, find a place to house those individuals until their quick deportation hearing. When I say quick, it should not take 6 months. It should be resolved within a week, ship them back where they came from because they have invaded the United States. This ought not to be.

Of course, we know many of them come from the Laredo, Webb County, Zapata County. Just for your information, Madam Speaker, down here on the Gulf of Mexico, we have Brownsville, Texas, on the American side and across there we have Matamoros, Mexico. It just so happens that people who are from China, the Chinese are illegally entering the United States from that area. That is the area of the country they have picked to illegally come into the U.S., and the same is true there. Once they are captured, they are released on their word to appear back in court, and many of them, most of them, do not appear.

So we did not change this policy, the catch-and-release. It is no longer catch-and-release. It should be catch-and-deport and deport immediately if you are illegally in the United States.

We also have policies in some of our major cities that do not make much sense, and I call these policies the sanctuary hideouts. These are laws in major metropolitan areas that prevent local law enforcement from arresting people who are in the city, in the United States, illegally. Let me give you an example.

Unfortunately, this is one of the policies we have had in the city of Houston down in Texas where I am from. A Houston police officer can arrest somebody for jaywalking, but a Houston police officer cannot inquire into the legal status of a person that is arrested for jaywalking. In other words, you can be confined or arrested for jaywalking, but this peace officer cannot do anything about the fact the person is illegally in the United States, cannot even ask the question. The police officer will be disciplined.

This sanctuary policy, this sanctuary hideout is a policy of our major cities. So we allow different pockets of people who are illegally in the United States, we give them sanctuary. Why do we do that? I do not know. It is not best for America. It is best for somebody else's own agenda, but it is not best for America.

A police officer used to have the power to arrest somebody, find out if they are illegally in the United States, take them over to INS and INS would deport them. The local law enforcement worked very well with the Federal authorities. We should resume that policy so that we have individuals that are arrested here for one crime, they could be turned over to Federal authorities and be deported immediately, but now local law enforcement cannot even ask them the question of where they are from or they will be disciplined. Madam Speaker, this ought not to be.

When a person comes to the United States, and a lot of people do, God bless them, they come here legally, we make it so difficult for those individuals to do it the right way that they are tempted to do it the illegal way. I will give an example.

In my southeast Texas district down in Jefferson County, I talked to an individual that is a naturalized citizen from Mexico, came to the United States, did it the right way, proud American, loves our country. One of his sons is serving in the military, but he has got another son down in Mexico that he wants to bring to the United States, and there are ways you do that legally. It has taken him 15 years to get that second son into the United States legally. That is ridiculous. That is absurd. If we are going to let that individual in, let us let him in. If we are going to tell him no, tell him no, but make a decision. All the red tape and all the paperwork, 15 years is ridiculous. This American citizen I was mentioning to you wants his son to come here the right way. He has encouraged him not to illegally come into the U.S.

We have been told that there are some people that have been waiting to come into the United States on immigration status for 20 years and have yet to hear from our immigration officials as to whether they can come in the United States or not. So we can see why people come here illegally.

We also know that the administration in Mexico encourages illegal immigration into the United States because they printed up a pamphlet that I have shown on this House floor before that explains how immigrants from Mexico can illegally enter the United States and shows them where to go, where to cross the border, what to do when they are confronted by American officials, et cetera. We know that a person can purchase fake documents at flea markets, get a forged Social Security card and come into the United States illegally, and this is encouraged by other Nations.

American taxpayers pay each year per taxpayer $2,700 for the cost of illegal immigration. That is the cost we pay for those people who are here illegally, $2,700 a piece. That is how much Americans have to pay. Americans pay, Americans always pay.

Just some specific examples, Madam Speaker. Health care. Oh, tonight, we heard so much about the cost of health care. Over here on the other side, we heard some moaning and groaning and weeping about the cost of health care in the United States, but I will ask my friends across the aisle, why do they not address one of the costs of health care costs in the United States, and that is, the cost that we pay for people who are in the system that are illegally in the United States, obtaining health care that Americans pay and they do not pay for.

It has been estimated by some health care officials that over 20 percent of the cost of health care is because of those people illegally in the United States obtaining health care that the rest of us have to pay for. That ought not to be.

Why do we not want to address that issue in health care costs? Because it is political. We cannot make a political case out of health care costs. Well, maybe we should deal with the truth and the reality. We know that many illegal immigrants, when they want health care, they just show up at the emergency room, and because of our policies in this country, I am not saying it is right or wrong, I am just saying when they show up at the emergency room they are taken care of. Of course, emergency room treatment is the most expensive treatment in health care, but that is where those individuals go. The rest of us pay for it. Maybe we ought to be sending some of those bills down south of the border and letting those other countries pay for the health care costs that we are paying for, that health care cost that their citizens are taking from the rest of us.

Something else we have heard a lot about in recent weeks is education and the cost of education in the United States. It costs a lot of money, not only with your local schools up through the 12th grade, but individuals who wish to go on to college. I had four kids and I know the expense of education. All of them have finished college but one. One is still in college, but let us talk about education.

People in education tell us that part of the education costs is because of people who are illegally in the United States that we educate free. Let me explain that to you.

Let us use this example. Let us say I decided to go to France, and some of the things I have said about the French government, they probably would not let me in legally. So I would have to sneak into France and I am going to take my whole family with me. So I sneak into France. I take my four kids. I show up someplace and say educate all of us and educate us in the English language because we do not speak French. If I did that, you would think that was absurd. Of course, the French government would not let that happen, would they? No country in the world would let that happen. They would get rid of me first.

Second, they sure would not let me go to school and would not pay for it or educate me in English or Texan, whichever, but yet a person can come to the United States, show up to one of our schools, take their kids there, and we educate them because we educate everybody that is in this country. I am not saying it is right or wrong. I just say we do it. We educate them in their language, and yet the rest of us pay for that.

So maybe we ought to reevaluate the cost of education, the cost of medical health care in light of the fact that it costs Americans so much to pay for the education and medical expenses of people here illegally.

Let me talk one more thing about education. I mentioned I have four kids and went to college. One of them is still in college working on a Ph.D. She will finish it, God bless her. But we have a policy in most State universities that if you are from the State that you go to school in, you pay in-state tuition. You go to one of our major universities, you live in the State of Texas, you pay in-state tuition.

But if you are from Kansas, let us use Kansas, and you come down to Texas, well, you pay out-of-state tuition because you are not from around here. You are from Kansas so you pay out-of-state tuition.

Let us say you come from a foreign country and you have applied for an education visa. You came here to the United States the right way and the legal way. You got admitted to one of our good universities in Texas. Well, you pay out-of-state tuition because you are not from Texas; you are from somewhere else.

But if you are illegally in the United States and you are illegally in Texas, you can apply to one of our State universities. If you get admitted, you pay in-state tuition.

So we discriminate against Americans from other States. We discriminate against other citizens and other Nations who come here the right way, to the benefit of people who just show up illegally in the United States. This ought not to be.

This is so ridiculous that there are some places in the United States that illegal immigrants can get State grants to go to college. That means they go free. I think maybe those State grants ought to go to citizens. They certainly should be considered ahead of illegal immigrants and legal immigrants ought to be considered before illegal immigrants.

With the competition so tough in getting into our universities, all of them throughout the United States, some of these illegal immigrants are knocking American citizens, American kids that are just average students, out of a chance to go to college. Maybe we ought to reevaluate this policy of favoring illegals to the detriment of Americans.

For a long time I was a judge in Houston, Texas, 22 years. I saw about, oh, 25,000 criminal cases, tough cases, everything from stealing to killing, rape, robbery, murder, kidnapping, child abuse, capital murder and everything in between.

During that time, and most recently especially, I dealt with numerous cases of people who were from some other country than the United States, most of whom were illegally in the United States.

It is estimated that about 20 percent of the people, 20 percent of the people incarcerated in the United States in our State prisons, our jails and our Federal penitentiaries are illegally in the United States to begin with.

What that means is the criminal justice system, which we pay for, Americans pay, Americans always pay, part of the reason it is so expensive is we have got people in the system who are illegally in the United States to begin with. So we pay for that system for those individuals.

But to carry it a little bit further, to show you how we do not follow through with enforcement of our laws, if I would send a person to prison that was convicted of a crime in Texas, sent him off to the Texas State penitentiary, you would think when they get out of the penitentiary, we would have a border agent waiting there at the gate to pick him up and take him back home, wherever they came from, whether they were legally or illegally in the United States, but that does not happen.

What happens is when a person finishes their time in the penitentiary. They are taken back to the city in which they were convicted and released back in our community. So here we have a person illegally in the United States, commits a crime against someone in the United States, goes to our State penitentiary, does time in our pen. When they get out, rather than just automatically deport them, send them back home, wherever they came from, we release them back into the community.

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This ought not to be.

So we have to deal with the absurdities in our immigration policy. We have to be concerned about the illegal immigrants that come into the United States. We must expect and demand that those people who want to come here come here the right way. There is a reason they did not come here the legal way. Maybe we ought to find out what those reasons are. The rule of law must be enforced.

Madam Speaker, lawlessness on the border breeds more lawlessness, and that is why it is increasing. That is why the drug cartels are doing what they are doing, bringing drugs into the United States to do harm to the rest of us. That is why those coyotes, those human smugglers, are bringing people into the United States for money, and that is why those terrorists who wish to do us harm, when they come to the United States, they will come the illegal way as well. We must be serious about enforcing the rule of law, enforcing what is best for America.

About 100 years ago this statement was made: "In the first place we should insist that if the immigrant who comes here in good faith becomes an American and assimilates himself to us, he shall be treated on an exact equality with everyone else, for it is an outrage to discriminate against any such man because of creed, or birthplace or origin. But this is predicated upon the man's becoming in very fact an American, and nothing but an American. There can be no divided allegiance here. Any man who says he is an American, but something else also, isn't an American at all. We have room but for one flag, the American flag, and this excludes the red flag, which symbolizes all wars against liberty and civilization, just as much as it excludes any foreign flag of a nation to which we are hostile. We have but room for one language here, and that is the English language, and we have room for but one sole loyalty, and that is the loyalty to the American people."

This was said by President Theodore "Teddy" Roosevelt in 1907, a great believer in immigration, and immigrants. A person who wanted people to come to the United States the legal way. Words of wisdom, maybe something we ought to listen to.

Madam Speaker, we must win the battle for the border, we must win the battle for sovereignty, and we must win the battle against lawlessness that surrounds our country. That is just the way it is.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Ms. PELOSI) for today.

Mr. BECERRA (at the request of Ms. PELOSI) for today.

Mr. CLYBURN (at the request of Ms. PELOSI) for today on account of official business in the district.

Ms. ESHOO (at the request of Ms. PELOSI) for today.

Mr. MEEK of Florida (at the request of Ms. PELOSI) for today.

Mr. OBEY (at the request of Ms. PELOSI) for today on account of an important matter in the district.

Mr. ORTIZ (at the request of Ms. PELOSI) for today on account of important business in the district.

Mr. REYES (at the request of Ms. PELOSI) for today.

Mr. LINDER (at the request of Mr. BLUNT) for today on account of official business.

Mr. GARY G. MILLER of California (at the request of Mr. BLUNT) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mrs. BLACKBURN) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, November 2 and 3.

Mr. DREIER, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, November 2 and 3.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 37. An act to extend the special postage stamp for breast cancer research for 2 years.

ADJOURNMENT

Mr. POE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Monday, October 31, 2005, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4848. A letter from the Acting Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, transmitting the Administration's final rule—Schedules of Controlled Substances: Placement of Pregabalin Into Schedule V [Docket No. DEA-267F] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4849. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; New York Super Boat Race, Hudson River, New York [CGD01-05-027] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4850. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Port Townsend Waterway, Puget Sound, Washington, Naval Exercise [CGD13-05-034] (RIN: 1625–AA87) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4851. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zones; San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, California [COTP San Francisco Bay 05-008] (RIN: 1625-AA87) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4852. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Improved Seats in Air Carrier Transport Category Airplanes [Docket No. FAA–2002–13464–2; Amendment No. 121-315] (RIN: 2120-AC84) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4853. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Aircraft Assembly Placard Requirements [Docket No. FAA-2004-18477; Amendment Nos. 121-312; 135–98] received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4854. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Fuel Tank Safety Compliance Extension (Final Rule) and Aging Airplane Program Update (Request for Comments) [Docket No. FAA-2004–17681; Amendment No. 91–283; 121–305, 125-46, 129-39] (RIN: 2120-AI20) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4855. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Use of Certain Portable Oxygen Concentrator Devices Onboard Aircraft [Docket No.: FAA–2004-18596; SFAR No. 106;] (RIN: 2120-AI30) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4856. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of VOR Federal Airways V-9,V-50, V-67, V–69, V–129, V–173 and V–223; and Jet Routes J-35, J-80, J-101 and J-137; Springfield, IL [Docket No. FAA–2005–21908; Airspace Docket No. 05-AGL-6] (RIN: 2120-AA66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4857. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Pascagoula, MS [Docket No. FAA–2005–20895; Airspace Docket No. 05–ASO–6] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4858. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Stage 4 Aircraft Noise Standards; Correction [Docket No. FAA-2003-16523] (RIN: 2120-AH99) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4859. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revocation of Restricted Area R-7104; Vieques Island, PR [Docket No. FAA–2005–21958; Airspace Docket No. 05-ASO-5] (RIN: 2120-AA66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4860. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to VOR Federal Airway V-536; MT [Docket No. FAA–2005–20387; Airspace Docket No. 05-ANM-2] (RIN: 2120-AA66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4861. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Second-in-Command Pilot Type Rating [Docket No. FAA–2004–19630; Amendment No. 05–113] (RIN: 2120-AI38) received August 23, 2005; pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4862. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Reservation System for Unscheduled Arrivals at Chicago's O'Hare International Airport [Docket No. FAA-2004-19411; SFAR No. 105] (RIN: 2120-AI47) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4863. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airspace Designations; Incorporation by Reference; Correction [Docket No. 29334; Amendment No. 71-37] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4864. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—FAA-Approved Child Restraint Systems [Docket No. FAA-2005-22045; Amendment Nos. 91-289, 121–314, 125–48, and 135–100] (RIN: 2120–AI36) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4865. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—False and Misleading Statements Regarding Aircraft Products, Parts, Appliances and Materials [Docket No.: FAA-2003-15062; Amendment No. 3-1] (RIN: 2120-AG08) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4866. A letter from the Director, Regulations and Disclosure Law Division, Department of Homeland Security, transmitting the Department's final rule—Country of Origin of Textile and Apparel Products [CBP Dec. 05–32] (RIN: 1505–AB60) received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4867. A letter from the Assistant Counsel for Regulations, Transportation Security Administration, Department of Homeland Security, transmitting the Department's final rule—Ronald Reagan Washington National Airport: Enhanced Security Procedures for Certain Operations [Docket No. TSA-2005-21866; Amendment Nos. 1520-3, 1540–6, 1562–1] (RIN: 1652–AA49) received August 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. House Resolution 467. Resolution requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction related to Hurricane Katrina recovery that relate to wages and benefits to be paid to workers; adversely (Rept. 109–258). Referred to the House Calendar.

Mr. KING of New York: Committee on Homeland Security. House Resolution 463. Resolution of inquiry directing the Secretary of Homeland Security to provide certain information to the House of Representatives relating to the reapportionment of airport screeners; adversely (Rept. 109-259). Referred to the House Calendar.

Mr. HYDE: Committee on International Relations. H.R. 1973. A bill to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes; with an amendment (Rept. 109–260). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NEY:

H.R. 4172. A bill to provide for enhanced enforcement of the Federal immigration laws, and for other purposes; to the Committee on the Judiciary.

By Mr. MENENDEZ:

H.R. 4173. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax to subsidize the cost of COBRA continuation coverage for certain individuals; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York (for himself, Mr. Israel, Mrs. McCarthy, and Mr. Ackerman):

H.R. 4174. A bill to require the Federal Aviation Administration to issue a final regulation to mitigate center wing fuel tank flammability in transport category aircraft; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Tennessee:

H.R. 4175. A bill to insert certain counties as part of the Appalachian Region; to the Committee on Transportation and Infrastructure.

By Mr. DOOLITTLE (for himself and Mr. Gibbons):

H.R. 4176. A bill to provide for the release of certain Wilderness Study Areas involving public lands administered by the Bureau of Land Management in Lassen and Modoc Counties, California, and Washoe County, Nevada; to the Committee on Resources.

By Ms. HARRIS:

H.R. 4177. A bill to establish a commission to review Federal Government administration and spending practices; to the Committee on Government Reform.

By Mr. ISRAEL (for himself and Mr. Bishop of New York):

H.R. 4178. A bill to amend the Small Business Act to establish an energy emergency disaster loan program; to the Committee on Small Business.

By Mr. SALAZAR (for himself, Mr. Rehberg, Mr. Peterson of Minnesota, Mr. Costa, Mr. Case, Ms. Herseth, Mr. Ross, Mr. Melancon, Mr. Cardoza, and Mr. Lipinski):

H.R. 4179. A bill to authorize appropriate action if negotiations with Japan to allow the resumption of United States beef exports are not successful, and for other purposes; to the Committee on Ways and Means.

By Mrs. SCHMIDT (for herself and Mr. Shays):

H.R. 4180. A bill to amend the Federal Election Campaign Act of 1971 to require communications which consist of prerecorded telephone calls to meet the disclosure and disclaimer requirements applicable to general public campaign communications transmitted through radio, and for other purposes; to the Committee on House Administration.

By Mr. UDALL of Colorado:

H.R. 4181. A bill to authorize the acquisition of certain mineral rights in Colorado, and for other purposes; to the Committee on Resources.

By Mr. CONYERS (for himself, Mr. Lewis of Georgia, Ms. Kilpatrick of Michigan, Ms. Watson, Mr. Jackson of Illinois, Ms. Carson, Mr. Oberstar, Mr. Davis of Alabama, Mr. Watt, and Ms. Millender-McDonald):

H. Con. Res. 286. Concurrent resolution authorizing the remains of Rosa Parks to lie in honor in the rotunda of the Capitol; to the Committee on House Administration.

By Mr. EMANUEL (for himself, Mr. Evans, Mr. Bishop of New York, Mr. Davis of Tennessee, Ms. Matsui, Mr. Costello, Mr. Markey, Mrs. Maloney, Mr. Rahall, Mr. Chandler, Mr. Owens, Mr. McGovern, Mr. Case, Ms. Kilpatrick of Michigan, Mr. Lynch, Mr. Serrano, Mr. Blumenauer, Ms. Schakowsky, Mr. Stupak, Mr. Ryan of Ohio, Mr. Udall of Colorado, Mr. Miller of North Carolina, Mr. Filner, Mr. Doyle, Ms. Watson, Mr. Ortiz, Mr. Cummings, Ms. McCollum of Minnesota, Mr. Meek of Florida, Mr. Peterson of Minnesota, Mr. Visclosky, Mr. Kildee, Mr. Crowley, Ms. Eddie Bernice Johnson of Texas, Mr. Grijalva, Mr. Meehan, Mr. Thompson of California, Mr. Doggett, Mr. Cuellar, Mr. Spratt, Mr. Holt, Mrs. Christensen, Mr. Towns, Mr. Bishop of Georgia, Ms. Berkley, Mr. Higgins, Ms. Carson, Mr. Payne, Mr. Honda, Mr. Israel, Mr. Price of North Carolina, Mrs. Napolitano, Mr. Pallone, Mr. Sanders, Mr. Reyes, Mr. Baird, Mr. Frank of Massachusetts, Mr. Gonzalez, Mr. Scott of Virginia, and Mr. Conyers):

H. Con. Res. 287. Concurrent resolution honoring the memory of the members of the Armed Forces of the United States who have given their lives in service to the United States in Operation Iraqi Freedom and Operation Enduring Freedom; to the Committee on Armed Services.

By Mr. HYDE (for himself, Mr. Lantos, Mr. Pence, Mr. Waxman, Ms. Ros-Lehtinen, Ms. Schwartz of Pennsylvania, Mr. Ney, Mr. Sherman, Mr. Issa, Mr. Emanuel, Mr. Kirk, Mr. DeLay, Mr. Rohrabacher, Mr. Ackerman, Mr. Lewis of Kentucky, Mrs. Maloney, Mr. Terry, Ms. Harman, Mr. Rogers of Michigan, Mr. Higgins, Mr. Green of Wisconsin, Mr. Schiff, Mr. Burton of Indiana, Mr. Lewis of Georgia, Mr. Wilson of South Carolina, Mr. Berman, Mr. Flake, Mr. Brown of Ohio, Mr. Fossella, Mr. Chandler, Mr. Chabot, Mr. Cardoza, Mr. Brady of Texas, Mr. Honda, Mr. English of Pennsylvania, Ms. Matsui, Mr. Cantor, Mr. Rothman, Mr. McHenry, Mr. Gene Green of Texas, Mrs. Myrick, Mr. Hoyer, Mr. Royce, Mr. Faleomavaega, Mr. Doolittle, Mr. Wexler, Mr. Smith of New Jersey, Mr. Crowley, Mr. King of Iowa, Ms. Berkley, Mr. Poe, Mrs. Miller of Michigan, Mr. Manzullo, Mr. Costa, Mr. Fortenberry, Ms. Schakowsky, Mr. Fitzpatrick of Pennsylvania, Mr. Al Green of Texas, Mr. Dent, Mr. Nadler, Mr. Weller, Mr. Bishop of Georgia, Mr. Costello, Mr. Filner, Mr. Whitfield, Mr. Menendez, Mr. Leach, Mr. Michaud, Mr. Daniel E. Lungren of California, and Mrs. Tauscher):

H. Res. 523. A resolution condemning Iranian President Mahmoud Ahmadinejad's threats against Israel; to the Committee on International Relations. considered and agreed to.

By Mr. BROWN of Ohio (for himself, Mr. Evans, Ms. Kaptur, Mr. Conyers, Mr. Rothman, Mrs. Maloney, and Mr. Grijalva):

H. Res. 524. A resolution amending the Rules of the House of Representatives to impose limitations respecting certain legislation that affects the economy, and for other purposes; to the Committee on Rules.

By Mr. WICKER (for himself and Mr. Lantos):

H. Res. 525. A resolution expressing the sense of the House of Representatives with respect to the trial and sentencing of Mikhail B. Khodorkovsky and the seizing of assets and state-directed takeover of the Yukos Oil Company by the Government of the Russian Federation; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Ms. Carson.

H.R. 25: Mrs. Jo Ann Davis of Virginia.

H.R. 282: Mr. Fattah.

H.R. 383: Mr. Walden of Oregon.

H.R. 475: Mr. Emanuel.

H.R. 615: Mr. Crowley.

H.R. 698: Mr. Kline.

H.R. 745: Mrs. Blackburn.

H.R. 839: Ms. Solis.

H.R. 857: Mr. Fossella.

H.R. 899: Mr. Ackerman.

H.R. 923: Mr. Blumenauer and Mr. Franks of Arizona.

H.R. 998: Mr. Camp.

H.R. 1059: Mr. Clay, Mr. Miller of North Carolina, Mr. Emanuel, and Mr. Owens.

H.R. 1141: Ms. Harris, Mr. McCaul of Texas, Mr. Weller, Mr. Burton of Indiana, Mr. Faleomavaega, and Mr. Wexler.

H.R. 1182: Mr. McGovern.

H.R. 1246: Mr. Fattah.

H.R. 1258: Mr. Boucher.

H.R. 1402: Mr. Davis of Alabama.

H.R. 1504: Mr. McCotter and Ms. McKinney.

H.R. 1538: Mr. Bishop of New York and Mrs. McCarthy.

H.R. 1561: Ms. Zoe Lofgren of California and Mr. Farr.

H.R. 1634: Mr. Ruppersberger.

H.R. 1973: Mr. Inglis of South Carolina, Ms. Schakowsky, and Mr. Ackerman.

H.R. 2231: Mr. Holden, Mr. Wu, Mr. Meehan, Mrs. Jones of Ohio, Mr. Davis of Illinois, and Ms. Waters.

H.R. 2238: Mr. Brown of Ohio, Mr. Andrews, Ms. Harris, Ms. Bean, and Ms. Waters.

H.R. 2409: Ms. Loretta Sanchez of California.

H.R. 2533: Ms. Woolsey, Mr. Snyder, and Mr. Pascrell.

H.R. 2682: Mr. LoBiondo.

H.R. 3128: Mr. Payne and Mr. Larson of Connecticut.

H.R. 3137: Mr. Turner.

H.R. 3171: Mr. Andrews.

H.R. 3296: Mr. Payne and Ms. McKinney.

H.R. 3334: Mrs. Myrick.

H.R. 3358: Mr. Clay.

H.R. 3373: Mr. Boozman, Mr. Cuellar, and Mr. Meehan.

H.R. 3420: Mr. Chandler.

H.R. 3430: Mr. Gordon.

H.R. 3463: Mr. Feeney, Mr. Cantor, Mr. Fortuño, Mr. Neugebauer, Mr. Lewis of Kentucky, Mr. Pitts, Mr. Hostettler, Mr. Gingrey, and Mr. Shadegg.

H.R. 3476: Mr. Capuano.

H.R. 3478: Mr. Carter.

H.R. 3547: Mr. Culberson.

H.R. 3559: Mr. Lynch, Mr. Sanders, Mr. Ford, Ms. Berkley, Mr. Boehlert, Mr. Ryan of Ohio, and Mr. Walsh.

H.R. 3591: Mr. McCotter.

H.R. 3622: Mr. Boozman and Mr. Rehberg.

H.R. 3753: Mr. Poe, Mr. Westmoreland, Mr. Sessions, and Mr. Pombo.

H.R. 3829: Mr. Sullivan and Mr. Istook.

H.R. 3858: Mr. KING of New York, Mr. GRIJALVA, and Mr. BISHOP of New York.

H.R. 3876: Mr. SIMMONS and Mr. CUNNINGHAM.

H.R. 3883: Mr. RADANOVICH, Mr. BOEHNER, Mr. OBERSTAR, Mr. ALLEN, and Mr. MCHUGH.

H.R. 3907: Mr. BARRETT of South Carolina and Mr. FLAKE.

H.R. 3938: Mr. PRICE of Georgia.

H.R. 3949: Mr. ROSS and Mr. SANDERS.

H.R. 3966: Mr. FORD.

H.R. 4032: Mr. HUNTER, Mr. KLINE, and Mr. MILLER of Florida.

H.R. 4033: Mr. CRAMER.

H.R. 4047: Mr. MURPHY.

H.R. 4050: Mr. DOGGETT and Mr. CARTER.

H.R. 4062: Mr. PASCRELL and Mr. DAVIS of Alabama.

H.R. 4063: Mr. GRIJALVA, Mr. FITZPATRICK of Pennsylvania, Mr. JOHNSON of Illinois, Mrs. KELLY, Ms. DELAURO, and Ms. BEAN.

H.R. 4072: Mr. SIMMONS and Mr. DENT.

H.R. 4073: Mr. DAVIS of Alabama, Mr. THOMPSON of Mississippi, Mr. SCOTT of Georgia, Mr. LEWIS of Georgia, Mr. CLEAVER, Mr. FORTENBERRY, Mr. DAVIS of Illinois, Mr. KUCINICH, Mr. ABERCROMBIE, Mr. BECERRA, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mr. FILNER, and Mr. HONDA.

H.R. 4079: Mr. MILLER of Florida.

H.R. 4089: Mr. WESTMORELAND.

H.R. 4094: Mr. CARDOZA, Mr. COSTA, Ms. HARMAN, Mr. HONDA, Mr. LANTOS, Ms. LEE, Ms. LINDA T. SÁNCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SOLIS, Ms. MATSUI, Ms. ROYBAL-ALLARD, Mrs. TAUSCHER, Ms. WOOLSEY, Mrs. CAPPS, Mr. STARK, Mrs. DAVIS of California, Mr. GEORGE MILLER of California, Ms. WATSON, Mr. THOMPSON of California, Mr. FILNER, Ms. LORETTA SANCHEZ of California, Ms. MILLENDER-MCDONALD, and Mr. FARR.

H.R. 4121: Mr. CONAWAY, Mr. BOUSTANY, Mr. KUHL of New York, Mr. PRICE of Georgia, Mr. MCHENRY, Mr. REICHERT, Mr. WESTMORELAND, Mr. MARCHANT, Mr. GOHMERT, Mr. KING of Iowa, Miss MCMORRIS, Mr. FORTENBERRY, Ms. FOXX, Mr. DAVIS of Kentucky, Mr. POE, Mr. LEWIS of Kentucky, Mr. AL GREEN of Texas, Mr. DAVIS of Tennessee, Mr. FITZPATRICK of Pennsylvania, and Mr. SHERWOOD.

H.R. 4128: Mr. POMBO, Mr. ADERHOLT, Mr. BONNER, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. GRAVES, Mr. POE, Mr. RYUN of Kansas, Ms. HARRIS, Mr. BOEHNER, Mr. AKIN, Mr. BACHUS, Mr. BAKER, Mr. BARROW, Mr. BURTON of Indiana, Mr. CANNON, Mr. CARTER, Mrs. JO ANN DAVIS of Virginia, Mr. DOOLITTLE, Mrs. DRAKE, Mr. DUNCAN, Mr. HERGER, Mr. WAMP, Mr. RAMSTAD, Mr. MCCAUL of Texas, Mr. PENCE, Mr. JENKINS, Mrs. BLACKBURN, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. GIBBONS, Mr. DANIEL E. LUNGREN of California, Mr. LOBIONDO, Mr. SIMPSON, Mr. STEARNS, Ms. GINNY BROWN-WAITE of Florida, Mr. GENE GREEN of Texas, Mr. SODREL, Mr. CAMP, Mr. BRADLEY of New Hampshire, Mrs. CUBIN, Mr. KLINE, Mrs. MUSGRAVE, Mr. NORWOOD, Mr. OTTER, Mr. PITTS, Mr. WESTMORELAND, Mr. BRADY of Texas, Mr. RYAN of Wisconsin, and Mr. SCOTT of Georgia.

H.R. 4146: Mr. PAUL, Mr. AL GREEN of Texas, and Mr. HINOJOSA.

H.R. 4155: Mr. WELLER and Mr. ENGLISH of Pennsylvania.

H.R. 4157: Mr. GILLMOR.

H.R. 4158: Mr. DAVIS of Illinois.

H.R. 4163: Mr. ALEXANDER.

H.R. 4167: Mr. BARRETT of South Carolina, Mr. OWENS, Mr. SCOTT of Georgia, Mr. SIMMONS, Mr. HEFLEY, and Mr. FORD.

H. Con. Res. 172: Mr. EHLERS.

H. Con. Res. 197: Mr. CLAY.

H. Con. Res. 218: Ms. SOLIS, Mrs. TAUSCHER, Mr. LANTOS, Mr. STARK, Ms. MILLENDER-MCDONALD, Mr. SHERMAN, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. CARDOZA, Mrs. DAVIS of California, Ms. LEE, Ms. ESHOO, Mr. INSLEE, Mr. DANIEL E. LUNGREN of California, Mr. COSTA, Mrs. BONO, Mr. ROHRABACHER, Mr. MENENDEZ, Mr. BACA, Mr. MORAN of Virginia, Mr. LARSEN of Washington, Mr. SCOTT of Georgia, Mr. CARNAHAN, Mr. YOUNG of Alaska, Mr. HUNTER, Mr. HYDE, and Mr. PAYNE.

H. Con. Res. 260: Mr. SERRANO, Mr. FILNER, Mr. GRIJALVA, Mrs. CHRISTENSEN, Mr. ROTHMAN, Ms. BERKLEY, Mrs. MCCARTHY, Mr. SMITH of Washington, and Mr. MENENDEZ.

H. Con. Res. 268: Mr. FOSSELLA, Mr. COLE of Oklahoma, Mr. BISHOP of Utah, and Mr. KLINE.

H. Con. Res. 273: Mr. LEWIS of California and Mr. MILLER of Florida.

H. Res. 196: Mr. SCOTT of Georgia, Mr. GRIJALVA, Mr. CROWLEY, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 223: Mr. DOGGETT, Mr. COSTA, Ms. BERKLEY, Mr. PASCRELL, Ms. SCHAKOWSKY, Mr. WILSON of South Carolina, Mr. HASTINGS of Florida, and Mr. MATHESON.

H. Res. 367: Mr. STARK and Mr. ANDREWS.

H. Res. 438: Mr. ANDREWS Mr. LEWIS of Georgia, Mr. ETHERIDGE Mr. HASTINGS of Florida, Mr. WYNN, Ms. BEAN, and Mr. MICHAUD.

H. Res. 458: Mr. MARKEY, Mr. KENNEDY of Rhode Island, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. ANDREWS, Mr. ACKERMAN, and Mr. ROTHMAN.

H. Res. 477: Ms. HARMAN and Mr. LYNCH.

H. Res. 487: Mr. WEXLER, Mr. BECERRA, Mr. MENENDEZ, and Mr. WOLF.

H. Res. 489: Mr. KIND, Mr. SERRANO, Mr. HINCHEY, Mr. DOGGETT, Mr. MENENDEZ, Mr. ISRAEL, Ms. SCHWARTZ of Pennsylvania, Mr. THOMPSON of California, Mr. BLUMENAUER, Mr. WEXLER, Ms. CARSON, Mr. KILDEE, Mr. OWENS, Ms. LINDA T. SÁNCHEZ of California, Mrs. KELLY, Mr. KIRK, Mr. BISHOP of New York, and Mr. SAXTON.

H. Res. 507: Mr. MCHUGH.

H. Res. 510: Mr. BLUMENAUER, Mr. LYNCH, Mr. CASE, Mr. EMANUEL, Mr. SHIMKUS, Mr. DAVIS of Florida, Mr. MARKEY, Mr. MCNULTY, Mr. GENE GREEN of Texas, Mr. BURTON of Indiana, Mr. MCHUGH, Mr. ROTHMAN, Mr. ISRAEL, and Ms. BERKLEY.

EXTENSIONS OF REMARKS

CONGRATULATING SISTER MARY ROSE CHRISTY ON RECEIVING THE JEFFERSON AWARD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. LANTOS. Mr. Speaker, I rise today to congratulate Sister Mary Rose Christy on her recent receipt of the Jefferson Award and to thank her for her multiple contributions to not only the Bay Area community but also the international community. The Jefferson Award is given by the American Institute for Public Service, founded by Jacqueline Kennedy, Senators Robert Taft Jr. and Sam Beard. The award is considered the Nobel Prize for public and community service. I congratulate her on receiving this award, and I am proud that she resides in my Congressional district.

When Christy sees a need, she simply applies her talents to help solve the problem. Since becoming a registered nurse completing degrees in both social work and political science, Christy has been actively involved in helping the poor and underserved. In the 1950's and 1960's, Christy helped those in need by working in hospitals, speaking before state legislators, and creating community programs.

Mr. Speaker, after suffering back injuries, Christy continued her advocacy for the disadvantaged by writing letters to the editor. After recuperating, she began a development program in Burlingame, California before moving on again to El Salvador.

Christy's story of tireless work for the needs of others doesn't end in El Salvador. After seeing a television program that revealed the deplorable state of the Romanian orphanages, Christy decided she had to help. In 1991, she began her work in Romania. She started a new school, established a youth recreation program, and bettered the children's daily diet. Christy also addressed poverty, housing issues, and proper health care through more than a dozen programs that she established. She has also helped the community as a whole, increasing awareness on issues such as domestic violence, women's rights and other women's issues.

Mr. Speaker, not only has Christy improved the orphanages, but also she has reunited families, helping to solve the root problem. Christy's programs have assisted in reuniting more than 2,500 families. Now, less than 2 percent of the children that the association works with end up in orphanages. Since 1995, more than 2,000 children have been prevented from being abandoned or put into orphanages.

Christy's colleagues describe her as a determined activist with a huge heart. Her determination allows her to help many. She never takes no for an answer. Even though Christy's services have benefited thousands, she still praises the efforts of others, including those who have gone to help the Hurricane Katrina victims on the gulf coast. Christy's humility is evident when she describes herself as just one American among many who has helped those in need. Christy is proud of America's tremendous willingness to serve others.

Sister Mary Rose Christy received this prestigious recognition for her activism and founding the nonprofit Romanian American Association for the Promotion of Health, Education and Human Services, ARAPAMESU, an organization that helps at-risk Romanian families, in Sibiu, Romania.

Mr. Speaker, I invite my colleagues to join me in thanking Sister Mary Rose Christy for her contributions at home and abroad. Her friends and colleagues have praised her for her selfless acts of service, and I hope the acknowledgement of this award will inspire others to devote more of their time to serving others.

CONGRATULATING LOU DAWSON ON BEING INDUCTED TO THE COLORADO SKI AND SNOWBOARD HALL OF FAME

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to congratulate Mr. Lou Dawson on being inducted into the Colorado Ski & Snowboard Hall of Fame for 2005. Mr. Dawson's efforts have greatly impacted the lives of ski mountaineering enthusiasts for many years, and he deserves recognition for the many contributions he has made to his community.

Throughout his life, Dawson has demonstrated time and again that he is dedicated to being an inspiration and guiding light in backcountry skiing. While becoming the only person to ski all 54 of Colorado's Fourteeners, Dawson has also been an author of many books that help others enjoy Colorado's wilderness. His titles include Colorado High Routes, Colorado 10th Mountain Trails, Dawson's Guide to Colorado Backcountry Skiing, Dawson's Guide to Colorado's Fourteeners, Wild Snow, and Trooper Travers. He has contributed many articles to Couloir and Climbing magazines about his expertise and passion for the mountains, and his body of literature has enabled ski enthusiasts to more safely enjoy the backcountry. He has helped the world of ski enthusiasts by enhancing and developing safer and more effective mountaineering gear and equipment.

Mr. Speaker, I ask my colleagues to join with me in expressing our congratulations to Mr. Dawson for contributing to the safety of our ski community in far-reaching ways. I'm proud to honor his induction into the Colorado Ski Museum, Colorado Ski & Snowboard Hall of Fame in 2005 and wish him continued success in all his future endeavors.

IN HONOR OF THE LEGACY AND LIFE OF CHARLES WHITMAN JONES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and memory of Charles Whitman Jones, beloved husband and father, activist, scientist, educator and administrator, and friend and mentor to countless people, as his brilliant legacy is honored by Myers University of Cleveland, Ohio.

Armed with intelligence, educational achievement, integrity, motivation and a strong work ethic, Mr. Jones overcame the challenges of racial discrimination with grace and dignity. His vision for himself and for his family reflected joy in living, achievement and service to others and was a vision that would not be thwarted by the oppressive time of racial inequity in America.

The accomplishments of Charles Whitman Jones are many, varied and significant. He was named class valedictorian in high school, yet he was prohibited from giving the address because of his race. After high school, he received academic honors in both college and graduate school. Beyond his outstanding educational achievement, Mr. Jones was a superior athlete. He was awarded fourteen varsity letters during high school, and during college, he was a track, baseball and boxing champion. His outstanding baseball talent was such that he could have played in the Major Leagues, yet at that time, there was no possibility of his acceptance into a League exclusive to white players. Charles Whitman Jones was later inducted into the Meyers University Athletic Hall of Fame, and was named "Father of the Year"—just two of the many awards and honors bestowed upon Mr. Jones throughout his lifetime.

Following graduation from Ohio University, Mr. Jones was inducted into the United States Army. He was selected to become one of the elite Tuskegee Airmen, and rose to the rank of Lieutenant. Following his service in the Army, Mr. Jones worked as a teacher, then chemist at Standard Oil Company in Cleveland.

He married his childhood sweetheart, Diane, and together they raised their son, Peter. His commitment to others led him to leave Standard Oil to join Neighbors Organized for Action in Ohio (NOAH) as its executive director. This non-profit agency focused on constructing and providing decent and affordable housing for

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

residents in the Hough area of Cleveland. Later, Mr. Jones was asked to join the administration at Myers University, where he served as Director of Admissions, Athletic Director, Director of Student Services, and Assistant to the President for Community Affairs.

Throughout his lifetime, Charles Whitman Jones consistently reached beyond the racial barriers of the day and held strong to his dream, purpose and focus his wife and son, his commitment to others, and his professional and individual achievements. With dignity, strength and grace, he paved the way for others to succeed, gently leading and always inspiring.

Mr. Speaker and colleagues, please join me in honor and remembrance of Charles Whitman Jones, as Myers University and the Cleveland community gather in tribute to his brilliant life and legacy. His energy and spirit live on through his family and friends and all those whose lives he touched, especially his wife, Diane; son, Peter Lawson Jones, daughter-in-law, Lisa Jones; and his grandchildren, Ryan, Leah and Evan.

Mr. Jones led by example and his activism and service continues to pave the way for educational and professional opportunities for the young adults of our community. His integrity, warmth, wit and concern for others has left an indelible mark upon our entire community, and he will be remembered always.

RAY FLETCHER, A SALUTE TO HURRICANE VOLUNTEERS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the states along the Gulf Coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one man for his creditable contribution. Ray Fletcher, of Gainesville, Texas, has done an outstanding job as the Cooke County Emergency Manager, especially during and after Hurricane Katrina.

As the Cooke County Emergency Manager, Mr. Fletcher has successfully managed the relief efforts conducted in his community, including a shelter that housed many displaced Louisianans.

I stand here today to sincerely thank Ray Fletcher for his hard work. It is people like him that I am proud to call a fellow Texan. Through his contribution, he not only stands as a devoted and giving American citizen, but he serves as an inspiration to others.

TESTIMONY ON HUMAN RIGHTS IN CENTRAL ASIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. SMITH of New Jersey. Mr. Speaker, I would like to submit the following testimony for the RECORD.

Good morning. It's a pleasure for me to speak before you today, the Middle East and Central Asia subcommittee. I want to commend the subcommittee for organizing this important hearing and for your work concerning the ongoing problems in Central Asia.

The peoples of Central Asia are largely Muslim, with a history of living under Russian rule for centuries. Despite our hopes and modest expectations that these nations would matriculate from dictatorships to democracies, from my vantage point as Co-Chairman of the U.S. Commission on Security and Cooperation in Europe, the disappointing reality over the last fifteen years is that most are moving in the wrong direction. Moreover, in all countries of the region "super-presidents" dominate the political arena while their families, friends and favored few exploit the country's natural resources. Corruption among the elite is pervasive, as is cynicism among the populace. Legislatures and judiciaries have languished while the authorities maintain tight control of the most important media outlets.

Yet despite these similarities, the five countries of Central Asia run the gamut from the standpoint of democratization and human rights observance: I would like to offer quick character sketches of each and then suggest some policy options.

Kyrgyzstan represents one positive advance, as the only country in Central Asia where the head of state won his job in a fair contest. In last March's Tulip Revolution, opposition leaders mobilized popular resistance to yet another rigged election and ousted Askar Akaev. He was replaced by President Kurmanbek Bakiev, who won in a genuine landslide. Media outlets which were under pressure can now report freely on events. All this proves that Central Asians are ready for democracy. But Kyrgyzstan faces many problems. Parliament was elected in a rigged vote, and criminal elements are increasingly influential. A series of assassinations of parliamentarians has unsettled the Kyrgyz and their friends abroad. Moreover, leaders in nearby states have been disturbed by the precedent of "people power" in their neighborhood.

On the other hand, under the megalomaniac "president for life" Saparmurat Niyazov, gas-rich Turkmenistan is the last one-party state in the former Soviet bloc. No dissent or religious freedoms are allowed and all media glorify the "great" leader. Citizens must study Niyazov's Rukhnama—a pseudo bible-mishmash of history, folklore and anthropology which seeks to supplant traditional Turkmen sources of spirituality. No other institutions or individuals have been allowed to emerge. Not only are all human rights violated, none of the bases of modern statehood have been fostered, leaving Turkmenistan's people ill-prepared for the day when Niyazov inevitably leaves the scene.

Tajikistan is the only state in Central Asia where Muslim political parties are legal, an outcome of the bloody civil war fought between 1992 and 1997. The agreement ending those hostilities brought opposition parties into government, a major step forward for Central Asia. But lately President Imomali Rakhmonov has been concentrating power. In 2004, he orchestrated a referendum that will allow him to remain in office until 2020, if he wins next year's presidential election—he is preparing by clamping down on potential rivals. Two weeks ago an opposition figure was sentenced to 23 years in prison on charges many see as politically motivated. At the same time, Rakhmonov has been muzzling the media, with various independent newspapers closed down or under constant pressure.

In oil-rich Kazakhstan Nursultan Nazarbaev has been President since the late 1980s and is running for re-election in December. Opposition parties are registered but have no representatives in parliament. Independent and opposition newspapers are harassed or fined for libel. The new and regressive national security amendments limit religious freedoms by increasing registration requirements, banning unregistered religious groups, greatly curtailing missionary activity, and permitting the suspension of registration of a religious organization. Nevertheless, Kazakhstan wants to be Chairman of the OSCE in 2009, a consensus decision that will have to be made in 2006. While I would like to see a Central Asian country in that position, chairmanship of the OSCE must be earned. A grade of "excellent" from OSCE election monitors on the presidential contest in December is the minimum requirement. Many more improvements in human rights performance will be needed before U.S. backing for Kazakhstan's candidacy could be given in good conscience.

Uzbekistan's President Islam Karimov has banned all opposition. Censorship remains in effect, torture is pervasive and thousands of people are in jail on political or religious grounds—Islamic observance is permitted only within state structures. Lagging economic reform has crimped business development and aggravated widespread poverty, all of which was recently documented by a very thorough Human Rights First report. Demonstrating the lows the regime will take to squash dissent, Uzbek authorities last week subjected one of the country's most prominent human rights defenders, Elena Urlaeva, to forcible psychiatric treatment, injecting her against her will with powerful psychotropic drugs.

Her troubles began when she was put under house arrest in May to prevent her protesting the violence in Andijon. Last May, armed men assaulted a prison in Andijon where local businessmen were being held for alleged Islamic radicalism. Troops responded the next day by shooting indiscriminately at large crowds. According to eyewitnesses, hundreds, perhaps thousands were killed. The U.S. Government, along with the OSCE, UN and European Union, has called for an independent investigation into Andijon. President Karimov has refused and state-run Uzbek media outlets have accused the U.S. of assisting with Islamic terrorists. The allegation would be funny if it weren't so chilling.

Andijon has been a watershed in Uzbekistan's post-independence history and in U.S.-Uzbek relations. As of today, our bilateral ties are in a deep freeze and Tashkent has demanded that our military base at K-2, which was supplying coalition forces in neighboring Afghanistan, be shut down.

As you can see, the countries of Central Asia have much in common but have different prospects of future development. I believe the United States can help move them in a positive direction, while balancing the priorities of security cooperation, energy supplies and democratization.

It is worth recalling President Bush's 2003 Whitehall Palace speech during his trip to the United Kingdom in which he acknowledged past mistakes in U.S. foreign policy: "in the past, [we] have been willing to make a bargain; to tolerate oppression for the sake of stability . . . yet this bargain did not bring stability or make us safe. It merely bought time, while problems festered and ideologies of violence took hold."

Considering this, U.S. policy must support those Central Asian governments which have made progress towards democratization, especially Kyrgyzstan. We must also use our influence to urge those in the middle to improve their performance and those on the extremes to begin moderating their behavior. If we are to defeat terrorism and instill democracy and human rights in this region, we must do more.

That is why I've introduced H.R. 3189, the Central Asia Democracy and Human Rights Act of 2005. If there is to be lasting success in fighting terrorism, the U.S. must break away from policies that back dictators who suppress and terrorize their own people, as repression will mostly likely breed future terrorism. The United States Government should therefore use every means at its disposal to move the countries of Central Asia to greater respect for democracy and human rights. U.S. engagement should support American values, promote long-term stability and security in the region, and ensure that all assistance programs support and reinforce these goals. In short, the bill facilitates engagement with those countries that want to engage.

In President Bush's second inaugural speech, he declared "it is the policy of the United States to seek and support the growth of democratic movements and institutions in every nation and culture, with the ultimate goal of ending tyranny in our world." My bill fulfills this policy directive by providing constructive foreign assistance to support democratization and human rights, while conditioning all non-humanitarian U.S. assistance to the individual governments of Central Asia, both economic and military, on whether each is making "substantial, sustained and demonstrable progress" towards democratization and full respect of human rights in keeping with their OSCE commitments.

The legislation would require that the President make an annual determination whether such progress is being made by examining five categories: democratization; free speech; freedom of religion; torture; and rule of law/trafficking in persons. If a country is not certified, economic and military assistance would be withheld in a graduated format. My bill provides greater flexibility to the President, as it allows the U.S. to express dissatisfaction in a significant way while not immediately ending all aid programs to the central governments in this strategic region of the world. The President is also provided with a national security waiver.

Notably, withheld money is not lost. The President is authorized to reallocate withheld funds to provide financial assistance (including the awarding of grants) to foreign and domestic individuals, NGOs, and entities that support democracy, the promotion of democracy and/or full respect of human rights.

The United States should use every means at its disposal to encourage democratization in Central Asia. Democracy in that part of the world will ultimately promote long-term stability and security in the region. That's the objective of my legislation. I hope the Members of the Middle East and Central Asia subcommittee will join me and cosponsor H.R. 3189.

RECOGNIZING THE 25TH ANNIVERSARY OF THE NEW YORK WINE EXPERIENCE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Marvin Shanken, editor and publisher of the Wine Spectator, on the 25th anniversary of the New York Wine Experience a biennial tribute to fine wine from around the globe.

Last month the world's leaders gathered in New York City to commemorate the 60th anniversary of the United Nations. This week another group of world leaders will arrive in New York City, these leaders will represent the world's finest wineries and chateaux and they will be celebrating the 25th anniversary of the New York Wine Experience.

For 25 years now, wine lovers and winemakers have flocked to New York City every two years for the chance to taste fine wines from six continents, under one roof. The Wine experience is the largest wine event in the United States attracting daily crowds numbering in the thousands.

Not only does the Wine Experience showcase outstanding wines, but it also lends a hand to many charities and nonprofit organizations. All proceeds from the event go to the Wine Spectator Scholarship foundation, which in turn provides funding to, the enology and viticulture program at the University of California, Davis, Copia, the American Center for Wine, Food and the Arts and the Culinary Institute of America.

Over the last 25 years, The New York Wine Experience has exposed tens of thousands of people to the world of fine wine and there is no doubt that Marvin Shanken has greatly contributed to the growth of the California wine industry through his work with the event and the Wine Spectator.

Mr. Speaker, at this time I think it is appropriate that we honor and congratulate Marvin Shanken for the success of the New York Wine Experience and its immeasurable contribution to the American and global wine industries. I wish Mr. Shanken and the Wine Spectator well as the New York Wine Experience prospers for another 25 years.

CONGRATULATING ED LUCKS ON BEING INDUCTED INTO THE COLORADO SKI AND SNOWBOARD HALL OF FAME

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to congratulate Mr. Ed Lucks on his induction into the Colorado Ski & Snowboard Hall of Fame for 2005. Mr. Luck's accomplishments have greatly impacted the lives of Coloradans, and he deserves recognition for the many contributions he has made to his community.

Ed Lucks' passion for skiing is matched by his gift of sharing it with others. In 1966, Mr. Lucks began teaching skiing at Arapahoe Basin and discovered his life-long mission to share the sport with disabled people. Working with doctors from an Army hospital, Ed began teaching disabled Vietnam veterans and soon included kids from Children's Hospital in Denver. In 1969, he moved to Snowmass Village and started the adaptive ski program at Aspen where he taught for over 26 years. Mr. Lucks practiced skiing on one leg and skiing blindfolded to see what methods and techniques would work best with his students. If he found a way that a piece of adaptive ski equipment could be improved, he'd spend countless hours modifying it for his students. He has selflessly shared his knowledge and teaching with instructors and volunteers throughout the world.

Mr. Speaker, I ask my colleagues to join with me in expressing our gratitude to Mr. Lucks for contributing to his community in far-reaching ways. We recognize his accomplishments in bringing freedom and confidence through skiing to thousands of people with disabilities through his pioneering techniques and effective experimentation with equipment. I'm proud to offer warm congratulations to Mr. Lucks on his well deserved honor in entering the Colorado Ski Museum's Hall of Fame.

IN HONOR OF C. LYONEL JONES, EXECUTIVE DIRECTOR OF THE LEGAL AID SOCIETY OF CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of C. Lyonel Jones, upon his retirement as Executive Director of the Legal Aid Society of Cleveland. Fortified with a law degree and a deep commitment to protect the legal rights of the poor, Mr. Jones grasped the torch of legal justice in 1966, passed to him by the Legal Aid Society's first attorney, Isador Grossman.

Mr. Jones began working at the Legal Society in the summer of 1966, in a dilapidated building in Cleveland's Hough neighborhood. He witnessed the struggle for civil rights right outside his office door, as the historic Hough Riots had begun just three days earlier. After the rioting had ceased, Mr. Jones united with U.S. Congressman Louis Stokes, Cleveland Mayor Carl Stokes and the NAACP to rebuild the eastside neighborhood. He also provided legal defense to those who were erroneously charged during the riots.

Mr. Jones' kind and humble nature veil his high intellect and legal savvy. His focus on providing quality legal services to those who otherwise could not afford legal representation served to lift the lives of thousands of families and individuals into the light of legal protection and justice. Moreover, Mr. Jones was a champion on behalf of the Legal Aid Society, always finding avenues to raise funds and garner community support.

Throughout the past four decades, Mr. Jones' vision and leadership guided the Legal Aid Society through a significant expansion in staff and services, yet he ensured that the Society's mission remain constant—to provide compassionate and competent support to those unable to afford legal representation, and also to advocate on behalf of vital issues facing our community.

From advocating for the restoration of the Hough neighborhood in the 60's, to winning cases that improved the lives of those living in psychiatric facilities and nursing homes, to advocating on behalf of battered women, to forcing Republic Steel to comply with the EPA's Clean Air Act, Mr. Jones's efforts continue to have far-reaching, positive effects that extend miles beyond northeast Ohio.

Mr. Speaker and Colleagues, please join me in honor and celebration of C. Lyonel Jones, whose integrity, commitment and leadership has given a voice to those who were silent and has offered protection and solutions to those who had neither.

Mr. Jones' thirty-nine year tenure at the helm of the Legal Aid Society brought critical societal issues into the light of day, and his efforts, framed by heart, conviction and an unwavering focus on human rights issues, will exist as a brilliant example for all those who will follow. The work of Mr. C. Lyonel Jones has strengthened the foundation of justice upon which others will continue to build upon; a foundation fortified by their hopeful and courageous efforts focused on the day when these historic words will ring true: ". . . and justice for all."

KIM BROWN, A SALUTE TO HURRICANE VOLUNTEERS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the states along the Gulf Coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one woman for her creditable contribution. Kim Brown has done an outstanding job as the Shelter Operations Director for the Gainesville Red Cross shelter for the Katrina Hurricane survivors.

As the Shelter Operations Director, Ms. Brown coordinates acquisition and distribution of food, clothing, laundry services, transportation, donations, computers, medical care, prescriptions, activities and volunteers for everyone at the shelter.

I stand here today to sincerely thank Kim Brown for her hard work. It is people like Kim that I am proud to call a fellow Texan. Through her contribution, she not only stands as a devoted and giving American citizen, but she serves as an inspiration to others.

H.R. 1409, THE ASSISTANCE FOR ORPHANS AND OTHER VULNERABLE CHILDREN IN DEVELOPING COUNTRIES ACT: PROTECT OUR CHILDREN, PROTECT OUR FUTURE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Ms. SCHAKOWSKY. Mr. Speaker, I support H.R. 1409, the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act. This bill will provide assistance for the most vulnerable children in the poorest of nations for basic care, HIV/AIDS treatment, school food programs, education and employment training assistance, and protection of inheritance rights. This bill also establishes the position of Special Advisor for Orphans and Vulnerable Children within the United States Agency for International Development (USAID) to better coordinate the task of helping these children.

As a mother and as a grandmother, I will not stand by while millions of children all over the world suffer through the most abject, hostile, and inhumane conditions. In the last decade alone, more than one million children were orphaned or separated from their families as a result of war. As of July 2004, there were more than 143 million children living in sub-Saharan Africa, Asia, Latin America, and the Caribbean who were identified as orphans, having lost one or both of their parents. Of this number, approximately 16 million children were identified as double orphans, having lost both parents—the vast majority of whom died from AIDS. According to a joint report of UNAIDS and UNICEF released in July 2004, every 14 seconds a child is orphaned by AIDS worldwide. Even orphans who are adopted continue to live a life of poverty and disadvantages due to the lack of proper infrastructure and the large poverty-stricken population. According to the United Nations Children's Fund (UNICEF), orphans are less likely to be in school and more likely to be working full time. We must help and protect these children from a life of disease, crime, and uncertainty.

I support H.R. 1409 because a child should be receiving a balanced diet, not worrying whether there will be food to eat the next day. A child should live in a secure and safe environment, not in such poverty-stricken conditions that they become victims to the sex trade. Every second, more of tomorrow's leaders are orphaned. We must do all we can to ensure that the world has the opportunity to see and benefit from their leadership, their potential. Over 33 humanitarian, NGO, and child care organizations support the passage of this bill. The valuable programs in H.R. 1409 can make a world of difference for orphans, proving them shelter, medical care, food, and, eventually a new home.

Families across the United States and around the world are willing to welcome and adopt orphans from around the world. This means a new chance at a bright new future for the most vulnerable in our society. We need to do everything we can to make those possibilities a reality. I urge my colleagues to protect our children and our future by voting "yes" on H.R. 1409.

ON THE LIFE, AND VOICE, OF THE LATE AND GREAT BILL KING

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, Holy Toledo, we've lost another great American voice.

Sadly, I rise today to commemorate and celebrate the life of Bill King—a close personal friend—and his legacy as a sports radio personality in the San Francisco Bay Area.

I was deeply saddened when I heard news of the death of this distinguished man. Over the course of the last half century Mr. King grew to become a regular presence in the lives of so many people in the Bay Area. His trademark phrase, "Holy Toledo," remains a household expression across several generations of sports enthusiasts.

Mr. King, a native of Bloomington, Illinois, began his broadcasting career with the Armed Forces Radio Network, while he was stationed on Guam following World War II. He came to the Bay Area in 1958 and worked on the San Francisco Giants broadcast team, and also for Cal football. Throughout his career he did the play-by-play for numerous historic events.

He became the first lead broadcaster for the NBA Warriors franchise when they moved to San Francisco from Philadelphia in 1962. He remained with the Warriors until 1983 and has the distinction of broadcasting through the only championship season (1974–75) in the franchise's history since moving to the Bay Area. Starting in 1966 Mr. King began a 16-year tenure broadcasting for the Oakland Raiders.

From 1981 until his passing he was the lead broadcaster for the Oakland Athletics Baseball franchise. This era included the famous 1989 "Bay Bridge" World Series between the San Francisco Giants and Oakland Athletics. The series, which the A's eventually won, was delayed for 10 days after the Loma Prieta struck the region just minutes before the start of game 3.

The Bay Area and the entire Nation will truly miss Mr. King. For so many people he was the voice that brought our national pastimes to life, play-by-play, one game at a time. I extend my sincere condolences to Mr. King's family, including his wife Nancy Stephens, his stepdaughter, Kathleen Lowenthal, his stepson, John Stephens, and his grandchildren, Julia and John Lowenthal.

THE RENEWED JUDICIAL ASSAULT ON MIKHAIL TREPASHKIN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. SMITH of New Jersey. Mr. Speaker, as Co-Chairman of the Helsinki Commission, I would like to reiterate my concerns regarding the rule of law, or the absence of it, in the Russian Federation today. The case of Mikhail Trepashkin, which I raised in the House last November, highlights the shortcomings and corruption that plague the Russian legal system.

Trepashkin, an attorney and former Federal Security Service (FSB) officer, was arrested on October 24, 2003, just one week before he was scheduled to represent the American relatives of a victim of the 1999 bombings of two Moscow apartment buildings. He was charged with unlawful possession of a firearm. Trepashkin, at the behest of a Russian parliamentarian, had been investigating the bombings and was expected to present findings that suggested the involvement of elements of the FSB in the crime. Russian officials, however, had been quick to characterize the bombings as terrorist attacks, and blamed Chechen separatists. Trepashkin had publicly announced that his research had left him with many suspicious findings, including a statement by the landlord of one of the buildings that the FSB had forced him to falsify the identity of a basement apartment tenant, the suspected source of the blast. In addition, Trepashkin charged that a bomb discovered in an apartment building in the city of Ryazan and safely detonated before it was set to explode, was admittedly placed there by FSB officers who were reportedly conducting a "readiness exercise."

The weapon possession charge against Mr. Trepashkin fell apart in court as witnesses reported seeing a gun only in the hands of the arresting officer. However, the FSB seemed intent on derailing Trepashkin's independent inquiry, and subsequently claimed that Mr. Trepashkin had revealed classified material to unauthorized persons during the course of his investigation. In May 2004, a closed Moscow Military District Court found him guilty of divulging state secrets and sentenced him to four years in a labor camp.

Mr. Speaker, it still seems that Mr. Trepashkin was prosecuted in order to prevent him from releasing potentially damaging information regarding FSB complicity in the bombings. In other words, the security services have apparently manipulated the Russian judicial system to "get its man." As the U.S. State Department expressed it diplomatically, "The arrest and trial of Mikhail Trepashkin raised concerns about the undue influence of the FSB and arbitrary use of the judicial system."

Even though the United States and others had called for an honest and open investigation into the circumstances surrounding the case of Mr. Trepashkin, his situation remained unchanged until August 2005. Suddenly he was released early for good behavior after completing almost half of his original four-year sentence. Regrettably, his reprieve ended as abruptly as his release. Trepashkin was detained at his home and on September 16, 2005 the regional court of Sverdlovsk overturned the lower court's early release decision. The local prosecutor who assented to Mr. Trepaskin early release has now been fired.

Trepashkin had written about the horrible jail conditions of his earlier imprisonment: hunger, sleep deprivation, withholding of medicine, and a substandard, lice-infested cell. It is now reported that conditions after his re-incarceration have become even worse. Apparently his comments to journalists during his brief release, detailing the poor jail conditions aroused the resentment of the prison guards and the administration. Trepashkin is reportedly in poor health, recently suffering an acute asthmatic attack.

Mr. Speaker, the Trepashkin case appears fraught with blatant corruption by Russian law enforcement and unacceptable manipulation of the rule of law to satisfy political vendettas. If the FSB cannot endure criticism from outside and exposure of possible malfeasance within its ranks, how effective can it be in investigating and preventing genuine threats to Russia and beyond? I believe the Russian judiciary system would be better served if the court were to adhere to its original decision to release Mikhail Trepashkin from his unwarranted confinement and allow him to return to Moscow without fear of further reprisals. Persecution of those who seek the truth is not only a violation of an individual's human rights; it further erodes Russia's already weakened democracy.

RECOGNIZING THE NAPA VALLEY MASONIC LODGE NO. 93 OF NAPA VALLEY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the Napa Valley Masonic Lodge No. 93 of Napa Valley, California as it celebrates its 150th anniversary this Saturday, October 29, 2005.

The Napa Valley Masonic Lodge No. 93, which was founded by Napa Valley historical mason George Yount, is an institution in the Napa Valley. The first meeting was held at the Caymus Lodge in Yountville, California. In 1867, the masons of Lodge No. 93 relocated to St. Helena, my hometown, where they continue to meet today.

Since 1855, Lodge No. 93 has helped to forge a stronger brotherhood among the men of the Napa Valley. What was once a group of 13 men now boasts a membership of nearly 200. Men from all walks of life, including farmers, businessmen and doctors have joined this fraternity in an effort to not only better themselves and their families, but to also better the entire community.

Mr. Speaker, on behalf of my fellow colleagues I would like to congratulate the Napa Valley Masonic Lodge No. 93 upon its 150th Anniversary. I wish the organization all the best in its future endeavors.

IRAQ: RESPONSIBLE WITHDRAWAL PLAN NEEDED NOW

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. UDALL of Colorado. Mr. Speaker, the recent referendum approving a new constitution for Iraq has raised hopes for political stability and an improved security situation. But even with this incremental progress, very few informed observers believe there is light at the end of the tunnel.

The Bush administration's decision to wage war in Iraq was constitutionally flawed, poorly planned, ineptly managed and the result has been a strategic national security blunder that promises to haunt our country for decades to come.

The war has devolved into a quagmire that threatens to leave America isolated in a military struggle that is dangerously perceived as a conflict with Islam. It has drained our treasury, stretched our Army to the breaking point, taken over 2,000 American lives, and resulted in more than 40,000 American casualties. It has toppled an evil and sadistic dictator, but at a cost of more than 100,000 Iraqi lives.

The legacy of this war, and its unbelievably poor civilian direction, also threatens to mark George W. Bush as a failed president—a thought I take no great comfort from because a failed presidency hurts America. By taking our democracy into a war of choice, and not a war of necessity, President Bush will have to answer to history. Those in Congress who gave him their trust and vested him with the authority to wage this war will also have to answer for their part in what looks to be a major strategic mistake.

Those of us in Congress who voted against this war must also answer to history. I felt so strongly that I authored my own separate resolution that would have required international support for coercive inspections in Iraq—a plan that would have uncovered false claims about WMD before American blood was spilled in the deserts of Iraq. I stand by my vote as a vote of conscience and believe the wisdom of my cautions about the unintended, but foreseeable consequences of this war have been tragically borne out.

An increasing number of Americans have come to view the war in Iraq as a mistake. I believe strongly that it was a mistake to go to war in the way we did.

However, I am not prepared to say that it has been a mistake for the Iraqi people, because they now have a glimmer of hope that they can create a stable democracy, even though they would have an even greater chance of success had the Bush Administration taken the time to secure international support for their Iraq policy before plunging into war.

I will never believe or say that American soldiers have died and sacrificed in vain—they may rightly claim that their efforts have given hope to the Iraqi people. Sadly, their sacrifice and the excellence of our armed forces have not been matched by the civilian political leadership of our nation.

As it stands now, the Iraqi people are largely dependent on American soldiers for security, and it is this fact that has caused a number of us who opposed the war to reflect on what our future course must be.

For some, the answer is a simple call for "immediate withdrawal" and hopes that a bloodbath and civil war will not follow in the wake of our departure. This is a perfectly understandable response to quagmire, and the terrible price the Bush Administration has exacted for not being completely honest with the American people about the costs or long-term consequences of waging a largely unilateral war to transform the politics of the Middle East.

Let me be absolutely clear. America must withdraw from Iraq. We need a plan that is designed to bring our troops home and make clear to the Islamic world that we harbor no ambitions for permanent bases, Iraqi oil revenues or any military occupation. But how we withdraw is as important as when we withdraw. This means giving the Iraqis time to form a permanent government and establish the means for international support.

We must exercise care in the way our country withdraws, not just to keep faith with promises made to the Iraqi people, but even more importantly because leaving a failed state in Iraq will deeply endanger our country.

Many of the essential elements in a responsible withdrawal plan are clear: holding down the costs to the American taxpayer; transferring security responsibilities to Iraqi forces; preventing Iraq from becoming a bigger breeding ground for terrorism; restoring America's reputation internationally; and honoring the sacrifice of our men and women in uniform. In the coming weeks, I will be laying out my specific proposals to chart a new course for a withdrawal strategy in Iraq.

IN HONOR OF JAHJA LING

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Jahja Ling, director and resident conductor of Cleveland Orchestra's Blossom Festival and long-time member of the Cleveland Orchestra's conducting staff, as he bids farewell to an adoring Cleveland audience and begins another musical journey as music director of the San Diego Symphony.

Jahja Ling is an internationally known pianist and conductor, and has graced the stage of the celebrated Cleveland Orchestra at Severance Hall and at Blossom Music Center for a combined tenure of more than two decades. The artistic luminosity that frames the work of Jahja Ling inspired the personal best from every member of the Cleveland Orchestra and consistently resulted in triumphant performances for audiences of all ages—whether under the stars at Blossom, within the hallowed walls of Severance Hall, or in concert venues around the world.

As founding music director of the Cleveland Orchestra Youth Orchestra, COYO, Jahja Ling's unwavering focus on promoting, supporting and creating opportunities for the musically gifted children of our community has uplifted the lives of an untold number of students of classical music, and inspired countless careers in the realm of the performing arts. The Cleveland Orchestra Youth Orchestra has evolved into a complete symphonic ensemble that includes 110 young musicians. Members are selected from more than 45 cities in 14 counties throughout northern Ohio. In 1998, the COYO held the prestigious honor of being one in only five youth orchestras selected to participate in the 2nd National Youth Orchestra Festival sponsored by the American Symphony Orchestra League. In 2001, the education director at Carnegie Hall invited the COYO to perform as part of their Family Concert Series.

Mr. Speaker and Colleagues, please join me in honor, recognition and gratitude to Mr. Jahja Ling. Mr. Ling's musical radiance, grace, energy and passion for his art and for the Cleveland community consistently shone through in every performance as conductor with the Cleveland Orchestra. Jahja Ling's vital outreach efforts in founding the Cleveland Orchestra Youth Orchestra will forever affect the lives of every young musician, igniting their future dreams, and connecting all of us with the universal power, hope and light of music.

CONGRATULATING DR. LESLIE AUERS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Dr. Leslie Auers of Highland Village, Texas for 15 years of dedication to the healthcare of women in the 26th District of Texas.

Dr. Auers received her Bachelor of Science in Pharmacy from the University of Houston and her medical degree from Texas Tech School of Medicine, where she was in the top 10 percent of her class. She completed her internship and residency at Methodist Medical Center, Dallas in 1987 and 1990, respectively. Dr. Auers served as Chairperson for the Department of Ob/Gyn at Medical Center of Lewisville from 1995 to 1997. Today, she continues to serve the 26th District of Texas with the Obstetrics and Gynecology Associates of Lewisville. Dr. Auers is a member of the Denton County Medical Society, and she is also board certified by the American Board of Obstetrics and Gynecology.

As the founder of Obstetrics and Gynecology Associates of Lewisville, former Chief of Staff for Lewisville Medical Center, and former Chief of Obstetrics at Lewisville Medical Center, I commend Dr. Auers on her commitment to helping the citizens of Denton County.

Mr. Speaker we are truly fortunate in my community to have the type of dedicated medical professional that Dr. Leslie Auers personifies, and I wish her every success during the continuance of her career in medicine.

INTRODUCTION OF THE SCHOOL ENERGY CRISIS RELIEF ACT

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. BACA. Mr. Speaker, I rise to introduce the School Energy Crisis Relief Act to provide relief to school districts that have been hit hard by rising fuel costs. This bill is widely supported and has received endorsements from the Congressional Hispanic Caucus, American Federation of Teachers, National School Boards Association and Council of Great City Schools. I would especially like to thank all 26 of my colleagues who have signed on as original cosponsors.

We all know that gas prices were skyrocketing for months before the major hurricanes disrupted fuel production on the Gulf Coast. While some school districts anticipated rising energy costs and budgeted accordingly this year, many others will fall short of the funding needed to meet these costs. As a result, precious education dollars are being spent to fill the tanks of school buses and to heat classrooms. States with areas with wide-open spaces, including much of the West and Midwest, will be especially hard-hit. Schools in urban areas will bear the brunt of additional fuel costs in order to heat the Nation's oldest, and often least energy-efficient, school buildings.

It's not hard to understand why school buses are gas-guzzlers. According to an article in the USA Today, a Fairfax County school district in Virginia which transports 110,000 students daily pays $2.19 a gallon for diesel fuel. A typical school bus takes 65 gallons. That makes the price of a full tank $142, and it doesn't go far in a vehicle that gets 7 miles per gallon.

The dramatic increase in gas prices therefore imposes a significant burden. For example, in my district, the Colton Joint Unified School District's buses rack up over a million miles a year. In September, the district paid $2.72 for a gallon of diesel fuel, which 2 years ago cost under a dollar. As a result, the district is spending at least $300,000 more to fuel its buses than a couple years ago.

Many school districts across the country are already operating on shoe-string budgets this year. These price hikes threaten to exhaust the budgets of those caught unprepared for higher fuel costs. Recent news reports indicate that some schools are implementing drastic measures to keep their fuel costs under control. In Kentucky, for instance, record gas prices have caused a number of schools to cut back to 4 days of classes a week. Last month, most of Georgia's schools cancelled classes for two days in an effort to conserve fuel.

The School Energy Crisis Relief Act authorizes the Secretary of Energy to issue energy assistance grants to help the poorest school districts across the Nation offset these unexpected and challenging costs. If we don't help school districts cover these energy costs, children won't just get left behind—they will be left at home! At a time when fuel price hikes are creating budget shortfalls for many school districts, America cannot afford to compromise our children's education.

I urge my colleagues to support the School Energy Crisis Relief Act. This legislation will help schools remain open to educate students. We must provide relief to these school districts most in need now.

RECOGNIZING ANDREA NAOMI LEIDERMAN

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise in gratitude to recognize the extraordinary achievements, community leadership and life of Andrea Naomi Leiderman of Mountain View, California. She had recently celebrated her 10th anniversary on June 21, 2005, as Director of Government and Community Relations Director for Kaiser-Permanente Santa Clara, California. I am proud to have known Ms. Leiderman for over 25 years, and have witnessed her unyielding fervor and tenacity in contributing to the community at large. Andrea Leiderman was a tireless advocate for those with no voice in the fields of health care, education, and youth issues.

Ms. Leiderman helped others as a member of the Santa Clara County Board of Education, serving as president in 1995 and 2000. She was a trustee of the Foothill-De Anza Community College District, adjunct professor at Evergreen Valley College, a member of the Human Relations Commission, and former Member of the Executive Board of the California Democratic Party. In fact, Ms. Leiderman was the youngest chairwoman of the Santa Clara County Democratic Party in 1987 (at age 28) and to date, the only woman to hold this position.

Born in Boston, Andrea came to our Valley when she was 4. She grew up on the Stanford University campus and later attended Vassar College, majoring in Political Science. After college, she was a legislative assistant to former Representative Matt McHugh of New York. She was later an LBJ Congressional Fellow for Representative Norm Mineta of San Jose. Andrea received two graduate degrees from the University of California, Berkeley in both Public Policy and Education Administration. She served on the Joint Child Care Commission for the county and was on the Boards of the Mission City Community Fund and the Euphrat Museum of Art.

During her last year and a half struggle with cancer, Andrea was instrumental in getting the necessary approvals for Kaiser Permanente's new Medical Office Building for the South Bay Region.

The loss of Andrea is a terrible blow to our community, her friends and her family. We can take comfort, however, in knowing that in the short time she was with us she made a difference. She enriched the lives of others, especially those in need. She was a true friend and a heroic leader. I join so many others in mourning her.

CONGRATULATING DICK HAUSERMAN ON BEING INDUCTED INTO THE COLORADO SKI AND SNOWBOARD HALL OF FAME

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to congratulate Mr. Dick Hauserman on being inducted into the Colorado Ski and Snowboard Hall of Fame for 2005. Mr. Hauserman's accomplishments have greatly impacted Vail and Steamboat Springs, and he deserves recognition for the many contributions he has made to the promotion of Colorado's ski areas.

One of Vail's founding fathers, Mr. Hauserman helped make Vail prosper into a world class ski destination and also shaped the image of Steamboat's Ski Area. He served on Vail's first board of directors and was one of the primary developers of Vail, participating on the town architecture committee. He worked on the Lodge at Vail and the Hill Building, in addition to building the Plaza Building. In order for Vail to blossom into a world class ski resort, Hauserman realized the resort would need an image. He created Vail's logo, which is still in use today, and helped to design the signature ski school parkas. In 1969, he turned his talents to helping promote the Steamboat Ski Area, widening the trails, creating the Steamboat Springs logo, and making Billy Kidd the resort's spokesperson. In addition to his work at the resorts, Mr. Hauserman has also written two books: "Inventors of Vail" and "On the Road to Vail and Beyond."

Mr. Speaker, I ask my colleagues to join with me in honoring Mr. Hauserman for contributing to Colorado skiing in far-reaching ways. We recognize his accomplishments in helping make Vail and Steamboat Springs premier ski resorts. I'm proud to offer congratulations to Mr. Hauserman on his well deserved induction into the Colorado Ski Museum's Hall of Fame and wish him continued success in his future endeavors.

RESOLUTION HONORING THE FALLEN IN IRAQ AND AFGHANISTAN

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. COSTELLO. Mr. Speaker, I rise today today to express my strong support for the resolution introduced by my colleague, Congressman RAHM EMANUEL, which pays tribute to all the many men and women who have died in defense of our Nation. This week we hit a devastating milestone, marking the death of our 2000th military soldier. They gave their lives to ensure that we enjoy the principles of liberty, justice, and democracy. This resolution allows us to remember, honor, and reflect on the men and women who paid the ultimate price for their country.

Over the course of the war in Iraq and Afghanistan, my district alone has lost 11 soldiers: PFC Matthew Bush, SPC William Dusenbery, CPT John Tipton, SGT Christopher A Wagener, LCpl Drew M. Uhles, SGT Benjamin K. Smith, LCpl Aaron C. Pickering, Cpl Matthew A Wyatt, PFC Wyatt D. Eisenhauer, SPC. Brian M. Romines, and SSG George T. Alexander, Jr. Further, in my district, Jack Montague, a civilian KBR employee for the Halliburton Corporation, died while working in Iraq. Today and every day, we honor their memories and their families who bear the heaviest burden of our freedom. They are not simply statistics; these fallen soldiers were dads, brothers, sons, neighbors, and community leaders. While the grief and pain may not have faded, I hope it is comforting for them to know that their fallen heroes are loved, honored, and respected for their service to our country.

Mr. Speaker, I ask my colleagues to join me in support of this resolution honoring our fallen soldiers and pray for peace.

INTRODUCTION OF THE HEALTH CARE COSTS ACT OF 2005

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. MENENDEZ. Mr. Speaker, today I'm pleased to introduce the Health Care COBRA OffSet Tax Savings (COSTS) Act of 2005. This important legislation is a step forward in helping working families afford quality health care in this country.

Rewarding work is one of the most fundamental core values of our Nation. Our founding fathers built a society on the notion that if you work hard, you will have an opportunity to provide a better future for your children and thus build a stronger, more competitive Nation. And, as we've seen throughout our Nation's history, America's workers have not disappointed.

Unfortunately, however, too many Americans today are working hard every day, but are still unable to make ends meet and provide even the most basic needs for their family, such as food, shelter, or health care. The legislation I'm introducing will help address one of these important challenges: affordable, quality health care for working families.

The statistics are undeniable—almost 46 million Americans have no health insurance and more than 1 million of the uninsured are in my home State of New Jersey. But that's just the beginning of the problem. Even families who are fortunate enough to have health insurance, are struggling to pay the premiums, which in New Jersey, have increased at four times the rate of earnings. Since 2000, the employee share of health care premiums in New Jersey increased almost 43 percent, or almost $400 a year. When family earnings increase by only 10 percent over the same period, it becomes harder and harder to afford health care for your family.

The Health Care COSTS Act does not address the entire problem, but it will help some workers afford to keep their health insurance when they're between jobs. Currently, many workers who receive health coverage through their employer are entitled to keep that coverage for up to 18 months after they leave their jobs. This coverage is known as COBRA coverage. However, many don't take advantage of COBRA coverage because it's simply too expensive. The employee, who has just lost their job, has to pay the full cost of the coverage, making it prohibitively expensive for most families.

The Health Care COSTS Act helps moderate-income families with the cost of COBRA by providing an "advanceable" tax credit for half the cost of these health care premiums. The tax credit would go directly to the health plan administrator, thus reducing the workers' monthly premiums by 50%. This is not a handout, but a helping hand for workers who have contributed to the economic well-being of their community and have earned the opportunity to care for their family while they get back on their feet and find another job.

Clearly, there is much more to do in addressing the health care crisis in this country, but this is an important first step in helping working families afford health care coverage during one of the most difficult and vulnerable times a family might face. I hope this legislation will be a starting point for discussion of the significant challenges families face in affording quality health care in this country.

HONORING REBECCA K. BLOOD ON HER DISTINGUISHED CAREER

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. BOUCHER. Mr. Speaker, it is my pleasure today to honor Rebecca K. Blood on the occasion of her retirement from the American Public Power Association (APPA) after 13 years of work to advance policies of great importance to our Nation's economy and consumers. Throughout her service on behalf of consumer-owned utilities across the country, Ms. Blood has been a highly effective advocate of Federal policies that promote the development of renewable energy sources.

Ms. Blood has many important successes to point to in her distinguished career, including the establishment of the Federal Renewable Energy Production Incentive (REPI) program in the Energy Policy Act of 1992, which was enacted due in large part to her tenacious leadership.

This provision of the Act encouraged significant new development of renewable energy programs in public power communities throughout the country. As well, she has been an important voice for sound Federal licensing processes for our country's hydroelectric facilities, with the goal of ensuring rigorous environmental review within a workable and timely agency process. Ms. Blood has also been intricately involved in clean air issues throughout her career—and is exceedingly knowledgeable of the policy issues related to air emissions and climate change. In all of these areas, she has shown a great ability to develop strong and successful coalitions on behalf of key consumer and environmental interests.

A native daughter of the great State of Michigan, Ms. Blood came to Washington, DC as a graduate of Michigan State University. In the 80's, she served on the staff of Michigan Senator Carl Levin and Congressman Phil Sharp of Indiana. She also worked tirelessly for the two-term Governor Richard Celeste of Ohio, during the development of the Clean Air Act (CAA) of 1990, before going on to make a career in the electricity industry. Throughout her remarkable career, Ms. Blood has always made a point to mentor others, who have greatly benefited from her experience and insights.

Ms. Blood is well known in this town for her integrity, forthrightness, good humor, and unwavering commitment to the many public power communities across the country that she has so ably represented over the past 13 years. I join her many dear friends and colleagues here in Washington, DC in expressing our gratitude for her legacy of work and her steadfast friendship—and wish her all the very best in her future endeavors.

DOMESTIC VIOLENCE AWARENESS MONTH

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. MEEHAN. Mr. Speaker, I rise today in recognition of October as National Domestic Violence Awareness Month. By increasing awareness of the prevalence of domestic violence, we hope that more victims come forward and make use of the services available to assist them.

According to the U.S. Department of Justice domestic violence is defined as, a pattern of coercive behavior designed to exert power and control over a person in an intimate relationship through the use of intimidating, threatening, harmful, or harassing behavior. Partners may be married or not married, heterosexual or homosexual, separated or dating.

Domestic violence is one of the most common and yet least talked about crimes. Nearly one in three adult women experiences at least one physical assault by a partner during adulthood. Approximately four million American women experience a serious assault by an intimate partner each year. Every fifteen seconds in the United States a woman is brutally battered by her partner and a woman is raped every six minutes. During the course of this speech, 15 women will be battered and another will be raped.

Children are also more likely to be abused in homes with domestic violence.

Violence is a learned behavior and children who are abused, or who witness domestic violence, are more likely to abuse their own partners or children, creating a cycle of violence that is difficult to break.

Domestic violence victims are not just those that have witnessed or been subjected to abuse. The impacts of abuse are felt by everyone in contact with the victim. It threatens the well-being of entire communities. Friends, family, co-workers, and communities are often called upon to help repair the lives shattered by domestic abuse.

I became active in the struggle against domestic violence long before I came to Washington. As a prosecutor in the Middlesex County DA's Office, I created priority prosecution policies to put the most violent domestic abusers behind bars. In my first term in Congress I became involved in this issue nationally as an original co-sponsor of the Violence Against Women Act, VAWA. I remain committed to preventing domestic violence and providing victims with the support that they need to this day. I was an active participant in strengthening VAWA with the passage of VAWA in 2000 and I was a co-sponsor of the Debbie Smith Act of 2003, which will improve the investigation and prosecution of sexual assault cases by using DNA evidence. This bill was included in the Justice for All Act of 2004 and became law on October 30, 2004.

Sadly, we are not making as much progress as we need to on this issue. In fact, since 1974 the rate of assaults against women aged 20–24 has increased almost 50 percent. We can and should do much more. We must continue to reach out to victims and restrain abusers. We need to craft stronger legislation and to change existing legislation to ensure that the protections and services included in VAWA extend to all our citizens.

As we recognize National Domestic Violence Awareness Month let us renew our dedication to protecting our Nation's women, men and children from one of the greatest threats to the social fabric of America.

CONGRATULATING GEORGE GILLETT ON BEING INDUCTED INTO THE COLORADO SKI AND SNOWBOARD HALL OF FAME

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to congratulate Mr. George Gillett on his induction into the Colorado Ski Museum's Ski and Snowboard Hall of Fame for 2005. Mr. Gillett's accomplishments have greatly impacted the ski community, and he deserves recognition for the many contributions that he has made.

When George Gillett bought Vail & Beaver Creek Resorts in 1985, a new era for the Colorado ski industry began. With his pioneering focus on customer service, Gillett redefined the skiing experience. He launched a massive installation of high-speed detachable chairlifts at Vail, kick-starting the growth that would make Vail America's number one ski destination.

Mr. Gillett also supported major alpine ski events at a time when most ski areas in America preferred not to host international races. Through his perseverance, Vail hosted the

1989 World Alpine Ski Championships, proving to the world that Colorado could successfully host major international ski championships. Due to his support, Vail later hosted the 1999 World Alpine Ski Championships. George Gillett is still active in the ski community, running Booth Creek Ski Holdings and managing resorts throughout North America. In 1999 Ski Magazine voted him one of the "100 Most Influential Skiers of All Time." His innovative thinking and passion for redefining the ski industry have left a lasting mark on Colorado skiing.

Mr. Speaker, I ask my colleagues to join with me in expressing our gratitude to Mr. Gillett for contributing to his community and industry in far-reaching ways. We recognize his accomplishments in making Vail & Beaver Creek world class ski resorts. I'm proud to offer warm congratulations to Mr. Gillett on his well deserved honor in entering the Colorado Ski Museum's Hall of Fame.

THE SITUATION IN CAMBODIA

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. LEACH. Mr. Speaker, I rise today to express concern about heightened threats to fundamental freedoms in Cambodia.

As my colleagues know, since the 2004 formation of a new coalition government, Prime Minister Hun Sen of the dominant Cambodia People's Party (CPP) has steadily consolidated his authority. According to credible nongovernmental organizations like Human Rights Watch, threats to opposition figures, trade unionists, journalists, human rights defenders and civil society leaders have intensified. Freedom of assembly has become increasingly restricted, while freedoms of speech and association have likewise been significantly curtailed. Meanwhile, the government's longstanding influence over the judiciary has been extended through a so-called "Iron Fist" policy which has included the dismissal or suspension of judges and prosecutors. The courts are increasingly being used to harass and silence government critics.

The coalition between the CPP and the former Royalist opposition party FUNCIPEC has also resulted in ominous new pressures on Cambodia's political opposition, the Sam Rainsy Party, SRP. The immunity of three SRP parliamentarians, including its leader Sam Rainsy, was lifted in February. One of them, Mr. Cheam Channy, was convicted and sentenced to seven years imprisonment in August for the alleged creation of an illegal army. Party leader Sam Rainsy fled Cambodia when his immunity was lifted in February and, fearing arrest because of criminal defamation lawsuits against him, has not since returned.

Here it should be noted that the United States condemned the August 9 conviction by a military court of Cheam Channy and conviction in absentia of Kong Piseth on charges of fraud and establishment of an illegal armed group. According to a State Department spokesperson, the conduct of the trial appeared to violate international standards, again raised questions about the competence and independence of Cambodia's judiciary and constituted further intimidation of opposition voices. The U.S. urged appropriate review of this case. In addition, the U.S. also called on the Cambodian National Assembly to immediately restore the immunity of the Sam Rainsy Party, SRP, parliamentarians that was stripped by the National Assembly on February 3, an action which Washington strongly condemned.

In the view of many observers, the current deteriorating environment in Cambodia is not an isolated event but part of an ongoing trend toward silencing dissident voices and cementing the power the incumbent Prime Minister.

According to reports from the field, attacks on freedom of speech have escalated significantly since the signing of a border treaty between Cambodia and Vietnam on October 10. Relations with their larger neighbor Vietnam has traditionally been a neuralgic issue for many Cambodians, and as a consequence the treaty (the terms of which have not been revealed to the Cambodian public) has been highly controversial. In response, the government of Hun Sen has filed criminal defamation complaints against persons who have criticized the treaty. The Prime Minister appears to be particularly sensitive to accusations of having surrendered Cambodian territory to Vietnam.

Two arrests have been made in connection with criticism of the treaty. Mam Sonando, director of the independent Beehive Radio station in Phnom Penh, was arrested earlier this month on charges of criminal defamation for broadcasting an interview with a Cambodian activist in France who criticized the border treaty. Rong Chhun, president of Cambodia's Independent Teacher's Association, was also arrested this month in connection with a press statement issued by a coalition of groups that was critical of the treaty. He has been charged with criminal defamation and incitement to commit a crime.

According to Peter Leuprecht, Special Representative of the UN Secretary General for Human Rights in Cambodia, these arrests appear to be procedurally unlawful. Both men are now detained in Phnom Penh's Prey Sar prison.

It is my understanding that other Cambodian figures also fear imprisonment because of widespread rumors about further imminent arrests. At least four persons are believed to have entered Thailand for safe haven, and a number of others have apparently gone to other countries. According to credible sources, among those who may be subject to possible arrest are at least two human rights NGOs, several opposition parliamentarians, and a number of political party and trade union activists. Indeed, it would appear that the current climate of fear in Cambodia among civil society leaders and the political opposition is worse than it has been since the violence of 1997, when the current Prime Minister first sought to consolidate his power, and the subsequent 1998 elections.

Mr. Speaker, while Cambodian-Vietnamese relations are of an historically sensitive nature, that issue should not be used by the government in Phnom Penh as a pretext to imprison critics of the Prime Minister or to further manipulate the Cambodian judiciary. More broadly, concern is widespread that the current attacks on free speech are not an isolated event related solely to the border issue, but part of an ongoing campaign to silence political opponents and stifle other critical voices.

In this context, it is incumbent on the United States and other interested countries to urge in the strongest possible terms that the Prime Minister take immediate, credible steps to strengthen Cambodia's democratic institutions, fight corruption, and respect basic human rights. Absent such steps, Cambodia's backsliding on human rights can only have negative implications for Phnom Penh's relations with the United States and other members of the international donor community.

HONORING CORA FAYE DIXON CLAYTON

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. GONZALEZ. Mr. Speaker, I rise today to honor Cora Faye Dixon Clayton, a San Antonio native and civil servant for the 20th Congressional District of Texas. She worked for my father, Congressman Henry B. Gonzalez, for 30 years and truly epitomized public service. Dad trusted her as one of his most able employees, and knew she would do everything possible to help those who came to his office in dire need of help. Sadly, Ms. Clayton who had battled cancer with the same vigor she fought for the people of San Antonio passed away in September.

Born and raised in San Antonio, Ms. Clayton graduated from Phyllis Wheatley High School and later earned a business degree at Our Lady of The Lake University. She began her career at the Fort Sam Houston library, and after Dad won a special election in 1961, he honored a promise he had made to the NAACP to hire an African American for his staff, so he brought Ms. Clayton to Washington, DC for his first term.

Dad knew well the barriers people of color faced before the enactment of Civil Rights legislation and was more than willing to hire a person others shunned because of the color of her skin. So, at the height of the Civil Rights movement, she became the first African American Congressional staffer for a Southern Member. She pulled double duty as his personal secretary and handled constituent casework for 30 years. Dad never could find anyone who could transcribe his dictation as accurately, and what truly amazed him is that she did so with very few errors. After a few years on Dad's Washington staff, she returned to San Antonio yet would often help him as a personal secretary until the end of her service some 30 years later.

Her heart made her an indispensable and loved member of my Dad's team. Co-workers recall the compassion with which she helped constituents resolve their claims. She would bring her years of experience to each and every case and could untangle the toughest red tape so someone's life could be just a little better.

I often think casework is the most important function we have as members of Congress. Of course, passing laws that improve the lives of Americans is very important, but making sure someone gets the benefits they deserve is just as important, if not more so. And, of course, her commitment to bettering the lives of others did not end when she left work as she was also very active in her community through volunteer programs.

I am proud to have known such a remarkable woman, one of the countless public servants who make our government work. My colleagues and I would readily admit that we could accomplish little without our staffs and Dad owed much to people like Ms. Clayton. Our community is poorer and sadder for her leaving it.

I would like to extend my condolences to her two daughters, Michelle "Toni" Clayton Collier and Tina Marie Clayton, two brothers Jessy and Ralph Dixon, and sister Mariam Dixon.

COMMEMORATING THE ANAHEIM ANGELS, AMERICAN LEAGUE WESTERN DIVISION CHAMPIONS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today not only as a Representative, but also as a longtime fan, to congratulate the American League Western Division Champions, the Anaheim Angels.

The Angels' victory was far from predicted and it all came down to game 5, where in a 5 to 3 victory, the Anaheim Angels beat the New York Yankees to become the American League Western Division Champions.

The Angels labored in the beginning, losing their star pitcher Bartolo Colon in the top of the second inning, but the Angels were not out. They rallied behind their relief pitching staff to win game 5, and the Division Championship.

This victory is a testament to the teamwork and abilities of the Anaheim players and I would like to congratulate them.

I must also congratulate and thank Angels' manager Mike Scioscia, coaches Bud Black, Orlando Mercado, Mickey Hatcher, Alfredo Griffin, Ron Roenicke, Joe Maddon and Steve Soliz and the entire Angels' staff.

A very special thanks goes to the Orange County fans who came out to cheer the Anaheim Angels to victory. They were instrumental in bringing the Western Division Championship to Anaheim.

Mr. Speaker, the Anaheim Angels had a great season and I join the residents of Anaheim looking forward to the next.

CONGRATULATING DICK EFLIN ON BEING INDUCTED INTO THE COLORADO SKI AND SNOWBOARD HALL OF FAME

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to congratulate Mr. Dick Eflin on his induction into the Colorado Ski & Snowboard Hall of Fame for 2005. Mr. Eflin's accomplishments have greatly impacted the lives of Coloradans in Crested Butte for many years, and he deserves recognition for the many contributions he has made to this community.

After serving in Germany with the U.S. Air Force, Eflin visited Crested Butte, Colorado with the dream of creating a ski area that could rival the Alps both in beauty and skiing terrain. In 1960, he moved his family to Crested Butte and formed Crested Butte, Ltd. After applying for Forest Service permits and buying land, Eflin's dream of opening his own ski area became reality when Crested Butte Mountain opened on Thanksgiving Day 1961. Although the ski area started with a T-bar and a rope-tow, the next year it grew considerably with the installation of a 7,800-foot long gondola and a terminal building. Due to Mr. Eflin's unwavering determination and vision, Crested Butte was on the map as an up-and-coming ski area.

In addition to his work with Crested Butte, Mr. Eflin worked tirelessly in the local community where he served as President of the Mt. Crested Butte Water & Sanitation District, as well as participating in the Town Council. He started the first regional museum and also ran the Princess Movie Theater and the Eflin Steak House.

Mr. Speaker, I ask my colleagues to join with me in expressing our gratitude to Mr. Eflin for contributing to his community in far-reaching ways. We recognize his accomplishments in making Crested Butte a great ski resort and a wonderful place to live. I'm proud to offer warm congratulations to Mr. Eflin on his well deserved honor in entering the Colorado Ski Museum's Hall of Fame and wish him continued success in his future endeavors.

IN HONOR OF KENNETH W. ALLEN II

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. FARR. Mr. Speaker, I rise today as a former Boy Scout to honor Kenneth W. Allen II, as he retires from 31 years as a professional with the Boy Scouts of America.

Ken served the Scouting effort in six Scout councils throughout California, including San Francisco Bay Area Council, Forty-Niner Council, Santa Clara County Council, Orange County Council, and Great Western Council. For the last four years he led the Monterey Bay Area Council as the Scout Executive, serving Santa Cruz, San Benito and Monterey Counties. I have had the particular pleasure of working with Ken on enhancing and preserving the Pico Blanco Boy Scout Camp in Big Sur that I enjoyed in my youth.

Under his leadership the Boy Scouts of America was enriched with growth in the organization and its outreach to boys. Some of his accomplishments include leading the San Francisco Bay Area Council to expand membership in youth outreach programs by 37.5 percent, and the annual youth membership there increased by 41 percent, more than any other council in the United States. He wrote the original national Scouting curriculum for In-School Scouting, developed and implemented the first In-School Scouting program for Latino youth in Orange County and East San Jose, and prepared public relations strategies for the Boy Scouts of America both at the local level and the national level.

Mr. Speaker, Ken Allen's career has been one of exemplary service to every community he lived in, and even more to the greater community of Scouting. His innovative programs and achievements are an inspiration to all who build our youth and strive to make the world a better place.

IN HONOR OF THE 125TH ANNIVERSARY OF IMMANUEL LUTHERAN CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the leaders and members of Immanuel Lutheran Church of Cleveland, Ohio, as they gather in celebration of 125 years of faith, guidance and hope for parishioners, and for the greater good of the community.

The Church has not moved from its original location. Built more than a century ago, Immanuel Lutheran Church was the center of faith and support for hundreds of immigrant families who journey to America from Germany. Today, Immanuel Lutheran Church continues its mission and remains one of the few churches to conduct weekly services in German. The Reverend Horst Hoyer has faithfully served the congregation for 50 years, and remarkably, he is only the third pastor to serve in the 125-year history of the church.

The warm and inclusive atmosphere of Immanuel Lutheran Church, located in Cleveland's Tremont neighborhood, has remained constant through the years. This spirit of cooperation and unity has served to strengthen the spirit of the church and has also served to strengthen and uplift the surrounding neighborhoods.

Mr. Speaker and colleagues, please join me in honor and recognition of every leader and member, past and present, of Immanuel Lutheran Church, as they celebrate 125 years of offering spiritual guidance for countless families and individuals throughout the Tremont neighborhood and beyond. Since 1880, the parish has evolved in scope and membership, yet the mission and location has remained an unwavering source of faith, hope and light, embracing the spiritual needs and everyday struggles of all members.

INTRODUCTION OF ROCKY FLATS MINERALS ACQUISITION ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a new bill to facilitate the acquisition by the United States of certain mineral rights associated with the Rocky Flats site, in Colorado.

This bill combines the key features of a bill that I introduced earlier this year, cosponsored by Representative BEAUPREZ, and legislation more recently proposed by Colorado's two Senators.

Thus, it combines elements that have bipartisan support and that, together, can lay the basis for answering one of the final questions about the future management of the lands at Rocky Flats.

BACKGROUND

In the 1950s, the Federal Government bought land at Rocky Flats, near Denver, Colorado, for use as a production facility for nuclear-weapon components. However, the purchase did not include all the mineral rights, some of which remained in private ownership.

Production at Rocky Flats ended more than a decade ago. Since then, the Department of Energy, DOE, through its contractors, has been working to have the site cleaned up and closed. As recently as this month, the contractor has indicated that it has completed the cleanup of the site. The regulatory certification of cleanup and closure is now imminent, and when that happens, most of the site will be transferred to the Interior Department for management as a national wildlife refuge pursuant to the Rocky Flats Wildlife Refuge Act.

ROCKY FLATS WILDLIFE REFUGE ACT

In 2001, Congress passed legislation I sponsored with Senator WAYNE ALLARD to guide the future of Rocky Flats. Under that legislation—the Rocky Flats National Wildlife Refuge Act of 2001—once the cleanup and closure are accomplished, most of the land at Rocky Flats will be transferred from the Department of Energy to the Department of the Interior and will be managed as a unit of the National Wildlife Refuge System.

The refuge act includes some provisions related to the non-Federal minerals—primarily sand and gravel—at Rocky Flats. It says "nothing in this [law] limits any valid, existing . . . mineral right" except for "such reasonable conditions on access . . . as are appropriate for the cleanup and closure of Rocky Flats and for the management of the refuge." And it says that a Memorandum of Understanding, MOU, between DOE and Interior is to "address the impacts" mineral rights "may have on the management of the refuge, and provide strategies for resolving or mitigating these impacts."

These provisions were included in the refuge act in order to make clear that while these mineral rights are to be respected as private property, future development of the minerals could have adverse effects on the land, wildlife habitat, and other values of the future wildlife refuge. That is why Congress directed the agencies to consider these potential future effects and work to find ways to mitigate those impacts. So far, however, the Energy and Interior Departments have not been able to agree on what to do about the minerals.

I think the best way to resolve this situation would be for the Federal Government to acquire the minerals. This bill is intended to facilitate that result.

WHAT THE BILL WOULD DO

The bill would—

(1) Authorize DOE to expend funds to acquire some or all of the minerals, including $10 million from its appropriation for fiscal year 2006.

(2) Provide that DOE's expenditure of $10 million for that purpose (or, under certain circumstances, an appropriate payment to specified Federal and State officials for acquisition of Rocky Flats minerals or for habitat restoration at Rocky Flats) will satisfy certain claims the State of Colorado might bring for natural resources damages resulting from past discharges of hazardous substances at or from Rocky Flats; and

(3) Give the Interior Department two additional methods (either instead of or in addition to purchase for cash) for completing such acquisitions—namely: by giving "credits" that could be used instead of cash to pay for oil and gas leases on the Outer Continental Shelf; and/or by allowing federal lands or minerals anywhere in the country to be exchanged for the Rocky Flats minerals (under current law, such exchanges can only occur within the same state—Colorado lands/minerals for other Colorado lands/minerals).

The bill has no compulsory provisions. It would not require that any of the non-Federal interests at Rocky Flats be acquired by the government. It also would not require the owners of any mineral rights to sell any of those rights or to accept anything other than cash for any interests that they decide to sell. Any purchase of mineral rights, any transaction involving the new "credits," or any exchange could take place only with the concurrence of the party selling minerals to the United States.

In addition, the bill includes a provision to make clear that the Federal Government cannot expand the Rocky Flats site by obtaining any non-Federal lands or interests in lands that are outside the site's boundaries except with the consent of the owners of those lands or interests.

In developing earlier bills on this subject, I sought and obtained technical assistance from the Interior Department, gave careful consideration to comments from local governments and others in Colorado, and made revisions to earlier drafts of the legislation in response to points raised in those comments.

The additional provisions in the bill I am introducing today reflect not only the legislation introduced in the Senate but also helpful suggestions by the Rocky Flats Coalition of Local Governments (RFCLOG) and others.

Mr. Speaker, this bill—the "Rocky Flats Minerals Acquisition Act"—is intended to assist in successful implementation of something that is very important for all Coloradans—the establishment of the Rocky Flats National Wildlife Refuge. I think it deserves the support of every Member of the House.

For the information of our colleagues, here is a section-by-section outline of the bill:

SECTION-BY-SECTION OUTLINE

Section 1—

(1) provides a short title: "Rocky Flats Minerals Acquisition Act;"

(2) includes findings regarding the status of Rocky Flats and the desirability of federal acquisition of mineral interests within its boundaries; and

(3) states the bill's purpose as being to facilitate acquisition of mineral and other rights associated with Rocky Flats.

Section 2 provides definitions of key terms used in the bill.

Section 3—

(1) authorizes the Department of Energy (DOE) to purchase Rocky Flats minerals for fair market value from willing sellers;

(2) requires DOE to consult with the Interior Department in order to determine which mineral rights should be given priority for acquisition; and

(3) provides that acquired mineral rights will be retained in Federal ownership and will not be subject to disposal under the mining or mineral leasing laws.

Section 4—

(1) authorizes DOE to use $10 million of the FY 2006 funds appropriated for Rocky Flats (and any other funds appropriated for the purpose) to purchase mineral rights;

(2) provides that any claims the State of Colorado might bring under specified provisions of federal law for natural resources damages resulting from past discharges of hazardous substances at or from Rocky Flats will be satisfied by either—(a) DOE's expenditure of $10 million to purchase mineral rights at the site or, alternatively, (b) DOE's payment to specified Federal and State officials ("Trustees") of either $10 million or the difference between amounts expended to buy minerals at Rocky Flats and $10 million; and

(3) specifies that any funds the Trustees receive from DOE are to be used for purchasing Rocky Flats mineral rights or for habitat restoration projects at Rocky Flats, and spells out how this is to be done.

Section 5—provides DOE will retain administrative jurisdiction over any Rocky Flats lands where active mining is taking place and will not transfer those lands to the Interior Department until completion of reclamation under state law.

Section 6—

(1) authorizes the Interior Department to use appropriated funds, credits (with the concurrence of the party transferring lands or interests to the United States), exchanged lands or interests therein, or any combination of these, to acquire mineral interests or other non-Federal interests at Rocky Flats;

(2) defines "credits," making clear that they can only be used for bonus bids or royalty payments for oil or gas leases on the Outer Continental Shelf, can be transferred, and must be used within 10 years of their issuance;

(3) specifies that while exchanges can involve BLM lands or interests in any State, only lands or interests identified as suitable for disposal under current law can be transferred to private ownership through such an exchange;

(4) specifies that no lands or interests therein outside the exterior boundaries of Rocky Flats can be acquired by the United States for the purposes of the Rocky Flats National Wildlife Refuge Act except with the consent of the owners of such lands or interests;

(5) provides that interests acquired by the United States under the bill will be managed as part of the wildlife refuge and cannot be developed or transferred out of Federal ownership; and

(6) specifies that the bill adds to the Interior Department's existing authority and does not reduce any authority the Department already has.

HONORING JOHN H. ADAMS

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Ms. PELOSI. Mr. Speaker, today I rise to recognize the legacy of John H. Adams, co-founder and president of the Natural Resources Defense Council (NRDC). In 1970, with a small group of lawyers, he created the non-profit NRDC to protect the planet's wildlife and wild places, and ensure a safe and healthy environment for all living things. As NRDC celebrates its 35th anniversary, Mr. Adams prepares to step down as its president and continue as a senior advisor, pursuing special projects on those issues about which he cares most passionately.

Mr. Adams brought together lawyers, scientists, and policy experts to help build, enforce and reinforce the solid foundation of federal statutes that have provided a legal basis for protecting the environment. Mr. Adams' tenure with the organization encompasses the creation of pioneering laws like the Clean Air and Clean Water Acts, as well as more recent battles over global warming and energy security.

Nationally and internationally, NRDC became a leader in the fight against acid rain, water pollution, and urban smog. The organization has fostered stronger protections for our oceans, coasts, natural landscapes, forests, and wildlife. Under Mr. Adams' guidance, the New York-based NRDC has become one of the world's most effective advocacy organizations, with more than 1 million members and activists and a staff of nearly 300.

Along with his efforts as president of NRDC for 35 years, Mr. Adams taught for 26 years as an adjunct faculty member at New York University Law School, where he created the NYC/NRDC Environmental Law Clinic. He is chairman of the board of the Open Space Institute, created for the protection of land in New York State. He also serves on boards of the Woods Hole Research center, League of Conservation Voters, Centers for American Progress, American Conservation Association, and the Duke University's Nicholas Institute for Environmental Policy Solutions.

In addition to his great professional success and public service, Mr. Adams is fortunate to share his life with his wife Patricia, to whom he has been married 40 years. Together, they have three grown children.

I commend John H. Adams for his 35 years of protecting the environment, safeguarding our natural resources and protecting our public health. He has created an environmental legacy that will serve to benefit the citizens of the United States for generations to come.

PERSONAL EXPLANATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Ms. PRYCE of Ohio. Mr. Speaker, on vote No. 533 regarding final passage of H.R. 554, the Personal Responsibility in Food Consumption Act, my vote was inadvertently not recorded. Had it been recorded it would have shown an "aye" vote to reflect my strong support for this legislation.

OXI DAY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. BILIRAKIS. Mr. Speaker, I rise proudly to celebrate "oxi" day. The historical significance of this day and what it meant to the outcome of World War II cannot be overstated. The outcome of a decision made on a day in 1940, had a profound impact on the conducting of the war by Nazi Germany. We're talking about a stand made by a small, battered and courageous nation, namely Greece, against the larger, more powerful aggressors Italy and Germany.

By October of 1940, World War II had begun, and the Nazi war machine was already in high gear. Along with Hitler's ally, Italian dictator Benito Mussolini, the German and Italian forces were threatening the whole of Europe. European nations were bowing to tyranny and destruction as the Germans and the Italians marched through Europe.

Great Britain endured Germany's aerial bombardment, forcing Hitler to seek another avenue to subdue the British. Hitler intended to eliminate British operations in the Mediterranean in order to weaken their ability to deter German advances.

To achieve this, Hitler needed the Axis powers to strike at British forces in Greece. By conquering Greece, Hitler would gain access to an important connecting link with Italian bases in the Dodecanese islands. This would give the Italians a strangle hold on British positions in Egypt, where British forces were already facing attack from the Italian army in north Africa. The British considered the defense of Egypt vital to allied positions in the oil rich Middle East.

On October 28, 1940, the Italian Ambassador in Athens presented an insulting ultimatum to Greek Prime Minister Metaxas, demanding the unconditional surrender of Greece or Italy would declare war and invade Greece. Mussolini had given the Greek Prime Minister Metaxas three hours to reply.

Prime Minister Metaxas responded with the now historic word "oxi," which means "no" in Greek. His statement embodied the true spirit of the Greek people. His words of defiance echoed the same devotion and love of country that Greek patriots exhibited during their war of independence against the Ottoman empire when they shouted the defiant words "liberty or death." Prime Minister Metaxas" actions marked the beginning of one of the world's most heroic efforts against tyranny and oppression. Italy then invaded.

It is important to note that in addition to Greece having a population seven times smaller than Italy, the disparity in their armed forces was even greater: Italy had close to ten times the firepower of Greece in its army and navy and seven times the troops. Italy's large air force had total air superiority since Greece had a very small defensive air force. However, despite their lack of equipment, the Greek army proved to be well-trained and resourceful. Within a week of the invasion, it was clear that Italian forces were suffering serious setbacks despite having control of the air and fielding superior armored vehicles.

On November 14th, the Greek army launched a counter-offensive and quickly drove the Italian forces back into Albania. By the next month, the Greeks had captured the town of Pogradec in eastern Albania. The fighting continued for a few more months . . . it was clear that the Greeks were not going to stand for defeat. In a last ditch effort to bring the war to a close before the Italians would be forced to ask Hitler to intervene, they launched another assault on March 12, 1941. After six days of fighting, the Italians had made only insignificant gains, and it became clear that German intervention was necessary.

On April 6, 1941, Hitler ordered the German invasion of Greece. It took the Germans five weeks to finally end the conflict. This delay proved to be critical to the outcome of the war. Italy's inability to capture Greece enabled the British to win major victories against Mussolini's forces in north Africa. This solidified British positions in the region as well as in Cyprus. In addition, it contributed to the failure of the German Barbarossa campaign to conquer Russia.

Due to Mussolini's humiliating defeat by the Greeks in Albania and Greece, Hitler was compelled to capture the Balkans, mainly Yugoslavia and Greece, thus, delaying his Barbarossa plan to invade and capture the Soviet Union before the winter of 1941. The Greek resistance, both in Albania, and in the other famous battle in Crete, altered, favorably for the allies, his Barbarossa time table by at least six months.

Perhaps most importantly, the Germans never gained the advantage against the British. Although Germany had conquered much of Europe, its inability to decimate British and Russian forces early in the war would eventually prove to be fatal. Thanks to the heroic Greek resistance and their countless sacrifices, the war tide had been permanently changed for Hitler due to the delay of this critical time table.

Nearly one million Hellenes died during that time. That was 14 percent of the population in 1940. That is equivalent to losing 39 million people in this country today in the case of a war to defend our country.

The entire Western world, discouraged and fearful of the Axis powers and the growing ugly war, took hope from these incredible victories. British Prime Minister Winston Churchill said of the Greeks: "Today we say that Greeks fight like heroes, from now on we will say that heroes fight like Greeks."

Mr. Speaker, "oxi" day is an inspiration to all those who cherish democracy and freedom. It marks defiance against terrible odds. As an American of Greek descent, I am proud to honor the memory of those brave patriots who fought for freedom for themselves and ultimately for all the free world on this important day.

BREAST CANCER AWARENESS MONTH

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. BISHOP of New York. Mr. Speaker, I rise to support the observance of October 2005 as Breast Cancer Awareness Month. This month provides an important opportunity to raise the level of awareness and education among American women about the importance of annual mammograms and monthly breast self-examinations in the fight against breast cancer.

Like most American families, Long Islanders are all too familiar with the loss of a loved one to some form of cancer. Breast cancer in particular remains the leading cause of death among women between the ages of 40 and 55. My sister-in-law, Abby Irwin, was among them, having died at the age of only 41 after a courageous eleven-year struggle against breast cancer.

This year alone, over 200,000 new cases of breast cancer will be diagnosed in the United States. In fact, a woman is diagnosed with a new case every three minutes. And one out of every eight women who live to the age of 85 will develop breast cancer in her lifetime.

However, there is good news: the survival rate of women who have breast cancer is 96 percent when detected in the early stages. I am very grateful that my mother, for instance, is a twenty-year survivor. She is one among two million survivors nationwide.

By observing Breast Cancer Awareness Month, we can do even more to promote the effectiveness of life-saving mammograms and monthly breast self-exams as the keys to early detection and prevention. Furthermore, we can recognize and applaud national and community organizations for their work in promoting awareness about breast cancer, providing information, and offering treatment to its sufferers. In my Long Island, New York district, I am proud to have an active and involved Breast Cancer Advisory Board that includes leading researchers, advocates and support personnel as well as survivors.

Mr. Speaker, I encourage each of my colleagues to join in paying tribute to the survivors, volunteers, and health care professionals who combat breast cancer and save lives each day. Until we find a cure, we should continue to do all that we can to increase research funding and expand prevention awareness for all women who are at risk today.

HONORING MARINE COLONEL WAYNE J. HALLEM OF FLINT, MI

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. KILDEE. Mr. Speaker, it is with great honor that I ask my colleagues to join me in paying tribute to U.S. Marine Colonel Wayne J. Hallem of my hometown of Flint, Michigan. Colonel Hallem is receiving a promotion to his present rank by Lt. General Michael A. Hough on November 2, 2005 at a ceremony at the Pentagon.

I have known Wayne and his family for many years. He spent his entire childhood in Flint, graduating from Flint Southwestern High School and Michigan State University, earning a degree in Criminal Justice and a commission as a 2nd Lieutenant via the Platoon Leadership Course (Combined) in 1983.

After completing Basic School in Quantico, Colonel Hallem reported to MCB Quantico Security Battalion for duty as a Military Police Platoon Commander. He then attended Naval Flight Training in Pensacola, Florida where he earned his designation as a Naval Aviator. After qualifying as a CH–53E pilot, Colonel Hallem reported to HMH–466, where he worked in a number of positions. He also made two deployments with the 15th and 11th Marine Expeditionary Units (Special Operations Capable) and participated in Operations Desert Storm, Desert Shield, Team Spirit, Desert Stay, Eager Mace and Nautical Mantis. His awards include the Meritorious Service Medal with Gold Star, Air Medal with Numeral "2", Navy Commendation Medal, Selected Marine Corps Reserve Medal, National Defense Service Medal, Global War on Terrorism Service Medal, Korean Defense Service Medal, Humanitarian Service Medal, Outstanding Volunteer Service Medal, Armed Forces Reserve Medal with "M" Device and several Unit Awards and Expeditionary Medals.

During his participation in Desert Storm, Colonel Hallem flew approximately 60 missions. After serving for 10 months in Desert Storm, Colonel Hallem volunteered to remain in the Middle East in order to allow married Marines to return to their families. That kind of sacrifice represents the spirit of Wayne Hallem and is why I am so honored to pay tribute to him today.

In March of 1993, Colonel Hallem reported to the 4th Marine Aircraft Wing in New Orleans where he worked as a pilot and instructor. But more importantly, it is here where Wayne met his wife, Denise. They were married in New Orleans in October of 1995 and they now have three children, Sidney, Jake and David. Colonel Hallem was stationed in Japan for several years before being transferred back to Andrew Air Force Base in Maryland. He also maintains a career flying commercial aircraft for Northwest Airlines. Colonel Hallem's commitment to a strong America was evident once again when he was mobilized back into active duty in support of the global war on terrorism. Today, Colonel Hallem is the Director of the Crisis Response Center, Marine Corps Operations Center, the Pentagon, Washington, DC.

I know that family is very important to Wayne. He is close to his parents and his brother, Joe as well as his extended family. He is actively involved with all of his children. Whether he is watching Sidney play football and soccer, or playing Monopoly with Jake or playing catch with David, Wayne cherishes his time with his family. Despite his busy schedule, Wayne finds time to stay involved in neighborhood activities and go on field trips with his children's school.

Wayne also deeply values his relationship with his friends and colleagues. He was always looked upon as a leader in the Marines. In fact, many of his Marine friends continue to seek Wayne's counsel when they consider career decisions and personal issues. It is a role that is well suited for Wayne.

I have been friends with Wayne's parents for decades, and I know Joan and Jim are extremely proud of Wayne's accomplishments.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Marine Colonel Wayne Hallem on his promotion to the rank of Colonel. His dedication and service to our country and his commitment as a husband, father and friend serve as an example for all of us. I wish Wayne all the best on his future endeavors.

HONORING BONNIE DETTMER—2005 CASTRO VALLEY BUSINESS PERSON OF THE YEAR

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. STARK. Mr. Speaker, I rise with my colleague and neighbor Ms. BARBARA LEE to pay tribute to Bonnie Dettmer who is being honored as the 2005 Castro Valley Business Person of the Year in Castro Valley, California.

Bonnie Dettmer died recently and her admirers felt it a fitting tribute to honor her as the 2005 Castro Valley Businessperson of the Year. She was the Castro Valley Chamber of Commerce's top administrator for twenty years and worked tirelessly, during her long tenure as Executive Director, to make Castro Valley a better place to live and work.

She achieved many milestones as Executive Director of the Castro Valley Chamber of Commerce. Her noteworthy accomplishments include personal outreach to businesses in Castro Valley to increase membership, serving as liaison to the Castro Valley Sheriff's Department and membership on the Sheriff's Advisory Committee, working to negotiate a water pipeline installation through Castro Valley that proved to be least disruptive to the business and community at large, honoring over 380 students for awards as Student Citizens of the Year at the Chamber's annual luncheon, leading an Anti-Racism march in Castro Valley and uniting the community to denounce bigotry and racism, and organizing hundreds of volunteers to successfully manage community events, such as the Fall Festival, Volunteer Recognition Night, and Citizen of the Year.

She is a recipient of the Rotary Paul Harris Fellowship Award for "Service Above Self", an award from the Private Industry Council and a

Public Education Service Award for her commitment to the Student Citizen of the Year Program.

Friends and admirers describe Ms. Dettmer's love for Castro Valley. She would work her regular 40 hours a week and then add another 20 to 30 hours on nights and weekends. She left a special mark on any activity in which she was involved.

The Business Person of the Year Award will be presented in her memory at the Castro Valley Chamber's annual luncheon on November 1, 2005. We join the community in honoring her memory by designating the award to this well deserved, exemplary community leader. We shall miss Bonnie Dettmer. She leaves a legacy of accomplishments that will continue to be felt for many years to come.

THE SHOCK AND AWE OF REPUBLICAN SCHOOL VOUCHERS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. OWENS. Mr. Speaker, disgracefully taking advantage of the misery of the evacuees of Katrina the Republicans have launched a backdoor, covert, but not so subtle effort to establish a federally funded school voucher program on a mass scale. The Republicans call this initiative by the code name Family Education Reimbursement Act (FERA). Under FERA parents would be given an account number that provides up to 6,700 dollars per general education student and 8,200 dollars per special education student. At present Federal voucher intervention exists only in Washington DC for 1,700 students. FERA may expand this reach of vouchers to more than 200,000 students. Overwhelming Federal power will impose a partisan Republican experiment that has already been rejected by local citizens across the nation. The Bush administration under the cover of disaster relief, will deliver a far-reaching blow of mass destruction to public schooling in the Gulf Coast region. Needless to say this voucher beachhead will place all public schools in the nation at high risk. For the children of disaster area schools America can do better. Make school reconstruction a priority and speed the return of evacuated families home to their school districts. Providing adequate opportunity for all must be raised above the narrow partisan tricks of the Republican Party.

CONGRATULATING MR. HENRY GREEN FOR HIS ELECTION TO THE PRESIDENCY OF THE INTERNATIONAL CODE COUNCIL BOARD OF DIRECTORS

HON. JOHN J.H. "JOE" SCHWARZ

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. SCHWARZ of Michigan. Mr. Speaker, I rise today to congratulate Mr. Henry Green, a lifelong resident of Lansing, Michigan, on his recent election to President of the Board of Directors of the International Code Council, ICC. Mr. Green was elected to the ICC Board of Directors in 2002 and most recently served as its Vice President.

For the past 3 decades, Mr. Green has been a tireless advocate for building safety and enforcement of building codes. In 1989, he was appointed Executive Director of the Bureau of Construction Codes and Fire Safety of the State of Michigan to provide management and oversight for construction and fire safety programs, a position which he still holds.

For nearly 10 years, in addition to his work with the State of Michigan, Mr. Green has served in national leadership positions with the ICC, a membership association dedicated to building safety and fire prevention that develops the codes used to guide the construction of our residential and commercial buildings, including our homes and the businesses, schools and places of worship we visit regularly. These are the codes in use by over 16,000 jurisdictions across the country, including those at the local, State and Federal level. Besides being a distinguished citizen of my District and the State of Michigan, in my opinion, the ICC Board of Directors has elected an outstanding candidate and dedicated public servant to lead the organization.

I would also like to take this opportunity to recognize the rest of the ICC Board of Directors for their efforts to ensure a sound built environment. Those individuals include: Immediate Past President Frank Hodge, Vice President Wally Bailey, Secretary/Treasurer Steven Shapiro, Jimmy Brothers, Terrence Cobb, John Darnall, Gerald George, John LaTorra, Ron Piester, Ed Berkel, William Duck, William Dupler, Greg Johnson, Ron Lynn, James Ryan, Kevin Scott, Adolf Zubia and outgoing Immediate Past President Anne VonWeller.

TRIBUTE TO SARAH MOORE GREENE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. DUNCAN. Mr. Speaker, one of the greatest leaders and one of the finest women I have ever known is receiving the highest honor awarded by the Urban League, the Whitney M. Young Award.

Sarah Moore Greene has devoted her life to serving her community. In East Tennessee, she is a pioneer in education, politics, and civil rights.

She worked very hard throughout the 1950s and 1960s to desegregate lunch counters and theaters. She was also the first African-American to serve as a Tennessee delegate to the Republican National Convention, as well as the Knoxville Board of Education.

Her extensive service on the Board was so groundbreaking that the Sarah Moore Greene Magnet Technology Academy in Knoxville is named in her honor.

I have come to know Sarah quite well over the years. She worked in a part-time capacity for me, my late father, and Howard H. Baker, Jr.

Mr. Speaker, this Nation is a better place today because of the life led by Sarah Moore Greene.

I would like to call to the attention of my colleagues and other readers of the RECORD the following article from the October 27th edition of the Knoxville News Sentinel.

[From the News Sentinel, October 27, 2005]

MAGNET FOR ADMIRATION

(By Chandra Harris)

"When people come to Knoxville" and hear about Sarah Moore Greene, "they want to meet me," the 93-year-old said.

That's because she has both an elementary school and a day named in her honor. She's the go-to person for her East Knoxville neighbors looking for work.

Her name is linked with kindergarten implementation in schools, after she was named the first black to serve on the Knoxville Board of Education.

When talk turns to civil rights in Knoxville, her name comes up for her tireless efforts to desegregate lunch counters and theaters.

In politics, her name comes up for being the first black to serve as a Tennessee delegate to the Republican National Convention.

Hundreds of awards, accolades and praise from Urban League and NAACP affiliates speak to what Greene won't. Her humbleness won't allow her to drum on about her pioneer days on fronts no one else had yet touched.

The Knoxville Area Urban League will let Greene's light of greatness shine by bestowing on her tonight its highest honor, the Whitney M. Young Award.

Greene said the award, named after a former National Urban League executive director and civil rights leader, "touches my heart the most." She will receive it during the league's annual gala at the Knoxville Convention Center.

She puts her humility aside when speaking of her ways with a stove and the secret ingredients she uses to create mouth-watering homemade rolls and Key lime pie.

On Sundays in the kitchen Greene hobbles on what she sometimes calls her "bad legs" to put together a meal that leaves faint smells of home-cooking throughout her quaint home on Linden Avenue.

Her quaint house, outfitted outside with containers of flowers, was partially destroyed by a fire in the late '90s but was later restored at the wish of Greene.

"I want to stay right here with my people," she said. "I don't desire to move. I can do everything from right here," she said. "I still drive."

Grocery trips and visits to the beautician are a regular occurrence for Greene behind the wheel of her Dodge Stratus.

At 6 a.m. "I am hitting the floor and once ("Today Show's") Katie (Couric) and Matt (Lauer) go off, I know it is time to start my day and answer phone calls," said Greene.

Moving at a snail's pace doesn't hamper Greene, who counts her blessings daily for the movement of her limbs.

The 50-year-plus member of Mount Zion Baptist Church said she doesn't need "spoiling" just yet from the community, "but when I holler for some help, I hope somebody will come and help me," she said.

For now, "as the young people say, 'You've got to roll with the punches,'" she said.

It's something she has been doing since the age of 5 when she lost her mother to cancer.

"I didn't know what it meant to have a mother," Greene said, reflecting on her days growing up in Madisonville, Tenn.

The second oldest of four children—her two brothers and sister are deceased Greene said her father was all she needed to make it in a world where "I didn't even know I was discriminated against."

Walking beside her to school every day was "a little white girl. She lived right down the road from me. She was one of my best friends," Greene said.

The two would walk together for two miles before parting ways; Greene would walk another mile to get to her school, the colored school.

Her father, a horticulturalist, believed in education, even though he could neither read nor write. But Greene didn't figure that out until her teen years "when I saw him with the (newspaper) upside down."

"He bluffed me all that time," she said with a chuckle.

The son of a slave, Greene's father didn't teach "bitterness or hatred to us."

The lessons of hate came later, after she moved to Knoxville in her early 20s.

"I really didn't know I wasn't liked because of my skin color until I came here," Greene said.

"I was all about equality and fair treatment of everyone," said Greene of her roles during the civil rights movement.

Education was and still remains a passion of hers.

"This is what I dedicated my life to and I have no regrets," said Greene, who was married for more than a decade before divorcing.

Knox County has "not always had kindergarten," said Greene, who operated a private kindergarten in East Knoxville during the 1930s. "This was something I pushed as a school board member. I was laughed at . . ."

"That was my platform."

A platform she has not wavered from. Times have changed and technology has evolved but Greene still believes children are the most precious beings of our time.

"Your beliefs and dreams will come to pass if you have some hope and someone believes in you," said Greene, who doesn't have children of her own but considers the children of Knoxville hers.

When she was a child it was family members and friends who planted her seeds of hope: "They tell me I was walking at 8 months and my mother said I was going to be somebody great," she recalls.

Children at the Sarah Moore Greene Magnet Technology Academy don't realize the enormity of the Knoxville matriarch when they ask: "Why did your mother name you after our school?"

She gives a sheepish smile, knowing her legacy is one they will come to know.

Greene spends her days striving for the betterment of all people.

"If we all spent time doing this, in a unified way, then all the problems of the world would be solved," she said.

"Some may consider me old, but age is just a figure, not a mindset," she said. "I am going to do all I can, for as long as I can, for all people."

"I want my name to be always attached to the betterment of all of God's children, which I hope we all are."

HOUSE OF REPRESENTATIVES—*Monday, October 31, 2005*

The House met at 3 p.m. and was called to order by the Speaker pro tempore (Mr. THORNBERRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 31, 2005.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, on this Halloween, once called All Hallow's Eve, the vigil of the feast of all saints, we ask You to guard and protect the children of the world.

Lord, they may no longer know the reasons behind the costumes or the feast, but they still enjoy scary stories and poking fun at sinister characters of scripture and fable.

Dressing up as skeletons and ghosts once mocked death and removed fear of dying. Because tomorrow's feast, when all the saints come marching in, was full of joy and promise, both children and adults came to know there was still time to change and become the holy people God intended them to be.

Lord, some days even on Capitol Hill, there is darkness and it can be full of apprehension and fear; but the promise of tomorrow in the land of free democracy can always bring joy and glory to Your holy name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, October 27, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Capitol, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on October 26, 2005 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

Sincerely,

DON YOUNG,
Chairman.

Enclosures.

RESOLUTION—DOCKET 2737

WRECK POND, MONMOUTH COUNTY, NEW JERSEY

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is directed to review the report of the Chief of Engineers on Sandy Hook to Barnegat Inlet, New Jersey, published as House Document 332, 85th Congress, 2nd Session, and other pertinent reports to determine whether modifications of the recommendations contained therein are advisable at the present time in the interest of navigation improvements, flood damage reduction, environmental restoration and protection, and related purposes, with special emphasis on Wreck Pond, Monmouth County, New Jersey, including Black Creek and associated waters.

RESOLUTION—DOCKET 2738

WEST FELICIANA PARISH, LOUISIANA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Mississippi River and Tributaries, published as House Document 308, 88th Congress, 2nd Session, and other pertinent reports to determine whether modifications of the recommendations contained therein are advisable at the present time in the interest of environmental restoration and protection, recreation, waterfront and riverine preservation, and enhancement along the Mississippi River in the area of West Feliciana Parish, Louisiana.

RESOLUTION—DOCKET 2739

NORTHAMPTON AND LEHIGH COUNTY STREAMS, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is directed to review the report of the Chief of Engineers on the Delaware River and its tributaries, Pennsylvania, New Jersey, and New York, published as House Document 179, 73rd Congress, 2nd Session, as it relates to the Northampton and Lehigh County Streams and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of environmental restoration and protection, floodplain management, flood damage reduction, water quality control, groundwater and subsidence management, comprehensive watershed management, recreation and related purposes.

RESOLUTION—DOCKET 2740

VERMILION RIVER, LOUISIANA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on Bayou Teche, Teche-Vermilion Waterway, and Vermilion River, Louisiana, published as Senate Document Numbered 93, 77th Congress, 1st Session, and other pertinent reports to determine whether modifications of the recommendations contained therein are advisable at the present time in the interest of navigation along the Vermilion River from the Gulf Intracoastal Waterway to Lafayette, Louisiana.

RESOLUTION—DOCKET 2741

ELIZABETH RIVER, ELIZABETH, NEW JERSEY

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is directed to review the report of the Chief of Engineers on the Elizabeth River, New Jersey, published as House Document No. 249, 89th Congress, 1st Session, and other pertinent reports to determine whether modifications of the recommendations contained therein are advisable at the present time in the interest of navigation improvements, flood damage reduction, environmental restoration and protection, and related purposes in the area of Elizabeth River, Elizabeth, New Jersey.

RESOLUTION—DOCKET 2742

NORTH CENTRAL PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army, is directed to review the report on the Susquehanna River, New York, Pennsylvania, and Maryland, published as House Document 702, 77th Congress; 2nd Session; the report on the Ohio River and Tributaries, Pennsylvania, Ohio, and West Virginia, published as House Document 306, 74th Congress, 1st Session, and other pertinent reports that encompass Warren, McKean, Potter, Tioga, Lycoming, Centre, Cameron, Elk, Clearfield, Jefferson, Clarion, Venango, Forest, Clinton, Crawford, and Mifflin Counties, Pennsylvania, to determine whether modifications of the recommendations contained therein are advisable in the present time in the interest

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of environmental restoration and protection, water supply, floodplain management, and related purposes, with special emphasis on abandoned mine drainage abatement and reestablishment of stream and river channels.

RESOLUTION—DOCKET 2743

EASTCHESTER BAY, TURTLE COVE, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is directed to review the report of the Chief of Engineers on Eastchester Creek (Hutchinson River), New York, published as House Document 749, 80th Congress, 2nd Session, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of navigation improvements, flood damage reduction, environmental restoration and protection, and related purposes to areas of Eastchester Bay, Turtle Cove, New York.

RESOLUTION—DOCKET 2744

CEDAR RIVER WATERSHED, AUSTIN, MINNESOTA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Iowa and Cedar Rivers, Iowa and Minnesota, published as House Document 166, 89th Congress, 1st Session, and other pertinent reports to determine whether any modification to the recommendations contained therein are advisable in the interest of flood damage reduction, environmental protection and restoration, recreation, and related purposes in the Cedar River watershed, Minnesota.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, October 26, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House, The Capitol,
Washington, DC.

DEAR MR. SPEAKER: Enclosed please find resolutions approved by the Committee on Transportation and Infrastructure on October 26th, 2005, in accordance with 40 U.S.C. §3307.

Sincerely,

DON YOUNG,
Chairman.

Enclosures.

NEW CONSTRUCTION AND RENOVATION—U.S. BORDER STATIONS—CALAIS, ME

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives that pursuant to 40 U.S.C. §3307, appropriations are authorized for construction of two U.S. border stations and renovation of one U.S. border station totaling 116,245 gross square feet and 12 inside and 121 outside parking spaces located in Calais, Maine, at an additional site cost of $1,096,000 (site acquisition cost of $332,000 was previously authorized), a new and additional design and review cost of $1,617,000 (design and review cost of $2,937,000 was previously authorized), management and inspection cost of $3,589,000, and estimated construction cost of $43,844,000 for a combined estimated total project cost of $53,415,000, a prospectus for which is attached to, and included in, this resolution.

DESIGN—U.S. COAST GUARD CONSOLIDATION—WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for design of a 1,000,000 gross square foot facility, located at the West Campus of St. Elizabeths Hospital in Washington, DC, at a design and review cost of $24,900,000, a prospectus for which is attached to, and included in, this resolution.

AMENDED PROSPECTUS—CONSTRUCTION—U.S. BORDER STATION—JACKMAN, ME

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, additional appropriations are authorized for construction of a 61,581 gross square foot facility including 12 inside and 28 outside parking spaces located in Jackman, Maine, at an additional site cost of $812,000 (site cost of $500,000 was previously authorized), additional design and review cost of $657,000 (design and review cost of $1,595,000 was previously authorized), and an additional estimated construction cost of $11,319,000 (management and inspection cost of $1,445,000 and construction cost of $14,234,000 were previously authorized) for a combined estimated total project cost of $30,562,000 a prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolutions dated June 21, 2000, which authorized $619,000 for design; July 18, 2001, which authorized $249,000 for additional design; June 26, 2002, which authorized $753,000 for management and inspection and $8,441,000 for construction; and July 23, 2003, which authorized $6,267,000 for construction and $1,445,000 for site and design and management and inspection.

AMENDED PROSPECTUS—CONSTRUCTION—U.S. BORDER STATION—CHAMPLAIN, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, additional appropriations are authorized for construction of a 108,500 gross square foot facility including 381 outside parking spaces located in Champlain, New York, at an additional site cost of $241,000 (site cost of $409,000 was previously authorized), additional design and review cost of $3,609,000 (design and review cost of $3,391,000 was previously authorized), additional management and inspection cost of $5,231,000 (management and inspection cost of $2,519,000 was previously authorized), and an additional estimated construction cost of $43,429,000 (construction cost of $32,512,000 was previously authorized) for a combined estimated total project cost of $91,341,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends the Committee resolution dated July 23, 2003, which authorized $42,831,000 for additional site, design and review, management and inspection, and construction (including $4,000,000 for site acquisition and design and review appropriated pursuant to P.L. 108-7 and $3,800,000 for site acquisition and design and review authorized by Committee Resolution on November 7, 2001).

AMENDED PROSPECTUS—CONSTRUCTION U.S. BORDER STATION—MASSENA, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, additional appropriations are authorized for construction of a 66,075 gross square foot facility including 10 inside and 162 outside parking spaces located in Massena, New York, at an additional site cost of $458,000 (site cost of $532,000 was previously authorized), additional design and review cost of $1,450,000 (design and review cost of $4,378,000 was previously authorized), additional management and inspection cost of $1,881,000 (management and inspection cost of $3,500,000 was previously authorized), and an additional estimated construction cost of $45,994,000 (construction cost of $8,236,000 was previously authorized) for a combined estimated total project cost of $66,429,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolutions dated June 26, 2002, which authorized $100,000 for site acquisition and $1,546,000 for design and review and July 21, 2004, which authorized $432,000 for additional site, $2,832,000 for additional design and review, $5,040,000 for additional management and inspection, and $48,938,000 for additional construction.

PROSPECTUS—SITE AND DESIGN PEACE ARCH U.S. PORT OF ENTRY—BLAINE, WA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, additional appropriations are authorized for construction of a 90,904 gross square foot facility including 156 outside parking spaces located in Blaine, Washington, at an additional design and review cost of $1,038,000 (design and review cost of $2,752,000 was previously authorized), management and inspection cost of $2,999,000, and an estimated construction cost of $42,497,000 for a combined estimated total project cost of $56,346,000 (site acquisition cost of $7,060,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution. This resolution is in addition to a Committee resolution dated July 23, 2003, which authorized $7,060,000 for site acquisition and $2,752,000 for design and review.

NEW CONSTRUCTION—MATERIAL PRICE INCREASES—VARIOUS PROJECTS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, additional appropriations are authorized for material price increases for the construction of projects located in New York City, New York; Houston, Texas; and Cape Girardeau, Missouri, at an estimated additional construction cost of $48,634,000, a prospectus for which is attached to, and included in, this resolution.

DESIGN—VARIOUS LOCATIONS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the design of projects scheduled for the Peachtree Summit Federal Building, located in Atlanta, Georgia at a design cost of $5,941,000; Birch Bayh Federal Building and U.S. Courthouse, located in Indianapolis, Indiana at a design cost of $1,342,000; Minton-Capehart Federal Building, located in Indianapolis, Indiana at a design cost $1,923,000; IRS Customer Service Center, located in Andover, Massachusetts; Margaret Chase Smith Federal Building, Post Office and U.S. Courthouse, located in Bangor, Maine at a design cost of $1,587,000; Dr. A.H. McCoy Federal Building, located in Jackson, Mississippi at a design cost of $3,529,000; G.T. "Mickey" Leland Federal Building, located in Houston, Texas at a design cost of $2,208,000; Post Office and U.S. Courthouse, located in San Antonio, Texas at a design cost of $500,000 for a total design cost of $21,915,000, for which a prospectus is attached to, and included in, this resolution.

ALTERATION—JAMES A. WALSH UNITED STATES COURTHOUSE—TUCSON, AZ

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the James A. Walsh United States Courthouse located at 38 South Scott Avenue, in Tucson, Arizona at an estimated construction cost of $14,029,000, and management and inspection cost of $2,107,000 for a combined estimated total project cost of $17,724,000 (design and review cost of $1,588,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

AMENDED PROSEPECTUS—ALTERATION—EISENHOWER EXECUTIVE OFFICE BUILDING—PHASE I—WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, additional appropriations are authorized for the alteration of the 17th Street portion of the Eisenhower Executive Office Building located at Pennsylvania Avenue and 17th Street, NW., in Washington, DC, at an additional design and review cost of $500,000 (design and review cost of $5,718,000 was previously authorized and $515,000 was provided through a reprogramming), an additional estimated construction cost of $14,650,000 (estimated construction cost of $63,531,000 was previously authorized and $5,718,000 was provided through a reprogramming), and an additional management and inspection cost of $550,000 (management and inspection cost of $5,686,000 was previously authorized and $343,000 was provided through a reprogramming) for a total additional cost of $15,700,000 and an estimated total project cost of $97,211,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolutions dated June 26, 2002, authorizing $7,500,000 for design and management and inspection and July 23, 2003, authorizing $65,757,000 for management and inspection and construction.

AMENDED PROSPECTUS—ALTERATION—FEDERAL OFFICE BUILDING 8—WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, additional appropriations are authorized for the alteration of Federal Office Building 8 located 2nd and C Streets, SW., in Washington, DC, at an additional design and review cost of $663,000 (design and review cost of $10,062,000 was previously authorized), an additional estimated construction cost of $13,598,000 (estimated construction cost of $126,080,000 was previously authorized), and an additional. management and inspection cost of $429,000 (management and inspection cost of $6,491,000 was previously authorized) for an estimated total project cost of $157,323,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolutions dated July 18, 2001, authorizing $7,761,000 for design and July 23, 2003, authorizing $134,872,000 for additional design, management and inspection, and construction.

ALTERATION—GSA—HEATING, OPERATION AND TRANSMISSION DISTRICT—STEAM HEATING SYSTEM—WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the GSA Heating, Operations and Transmission District Steam Heating System, in Washington, DC, at a design and review cost of $1,096,000, an estimated construction cost of $16,200,000, and management and inspection cost of $1,487,000 for a combined estimated total project cost of $18,783,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—HERBERT C. HOOVER BUILDING—WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Herbert C. Hoover Building located at 1401 Constitution Avenue, NW., in Washington, DC, at an additional design and review cost of $11,100,000 (design and review cost of $16,900,000 was previously authorized), an estimated construction cost of $422,901,000, and management and inspection cost of $32,100,000 for a combined estimated total project cost of $483,001,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—MARTIN LUTHER KING, JR. FEDERAL BUILDING—ATLANTA, GA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for Phase II of the alteration of the Martin Luther King, Jr. Federal Building, in Atlanta, GA at an estimated construction cost of $28,137,000 and management and inspection cost of $1,992,000 for a combined estimated total project cost of $47,280,000 (design and review, estimated construction and management and inspection cost for Phase I totaling $17,151,000 were previously authorized), a prospectus for which is attached to, and included in, this resolution.

ALTERATION—JAMES L. WATSON—UNITED STATES COURT OF INTERNATIONAL TRADE—NEW YORK, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the James L. Watson United States Court of International Building at a design and review cost of $720,000, an estimated construction cost of $8,892,000, and management and inspection cost of $829,000 for a combined estimated total project cost of $10,441,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION IN LEASED SPACE—JAMES L. KING FEDERAL BUILDING—UNITED STATES COURT OF APPEALS—MIAMI, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the James L. King Federal Building at a design and review cost of $147,000, an estimated construction cost of $2,064,000, and management and inspection cost of $64,000 for a combined estimated total project cost of $2,275,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION IN LEASED SPACE—WINCHESTER CENTER—KANSAS CITY, MO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Winchester Center, located in Kansas City, Missouri, at a design and review cost of $140,000, an estimated construction cost of $2,278,000, and management and inspection cost of $148,000 for a combined estimated total project cost of $2,566,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—EISENHOWER EXECUTIVE OFFICE BUILDING—PHASE II—WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Eisenhower Executive Office Building, located in Washington, DC, at an additional design and review cost of $3,118,000 (design and review cost of $4,788,000 was previously authorized), an estimated construction cost of $97,183,000, and management and inspection cost of $17,416,000 for a combined estimated total project cost of $122,505,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—RICHARD B. RUSSELL FEDERAL BUILDING—ATLANTA, GA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Richard B. Russell Federal Building, located in Atlanta, Georgia, at a design and review cost of $375,000, an estimated construction cost of $3,730,000, and management and inspection cost of $142,000 for a combined estimated total project cost of $4,247,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—SOCIAL SECURITY ADMINISTRATION—NATIONAL COMPUTER CENTER—WOODLAWN, MD

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Social Security Administration's National Computer Center, located in Woodlawn, Maryland, at a design and review cost of $407,000, an estimated construction cost of $8,477,000, and management and inspection cost of $848,000 for a combined estimated total project cost of $9,732,000, a prospectus for which is attached to, and included in, this resolution.

AMENDED PROSPECTUS—ALTERATION—FEDERAL CENTER BUILDINGS 104/105—SAINT LOUIS, MO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, additional appropriations are authorized for the alteration of Federal Center Buildings 104/105, located in St. Louis, Missouri, at an additional design and review cost of $374,000 (design and review cost of $1,635,000 was previously authorized), an additional estimated construction cost of $3,377,000 (estimated construction cost of $17,991,000 was previously authorized), and an additional management and inspection cost of $374,000 (management and inspection cost of $1,794,000 was previously authorized) for a combined estimated total project cost of $25,545,000, an amended prospectus for which is attached to, and included in, this resolution. This resolution amends Committee Resolution dated July 18, 2001, which authorized $19,785,000 for additional design, construction, and management and inspection.

Alteration—Samuel M. Gibbons United States Courthouse—Tampa, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the Samuel M. Gibbons United States Courthouse located at 801 N. Florida Avenue, Tampa, Florida at an estimated design cost of $815,000, an estimated construction cost of $7,558,000, and management and inspection cost of $541,000, for a combined estimated total project cost of $8,914,000, a prospectus for which is attached to, and included in, this resolution.

Alteration—Warrren E. Burger Federal Building and United States Courthouse—St. Paul, MN

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. 3307, additional appropriations are authorized for the alteration of the Warren E. Burger United States Courthouse located at 316 Robert Street, St. Paul, Minnesota, at an additional estimated design cost of $1,908,000 (design and review cost of $2,591,000 was previously authorized), an additional estimated construction cost of $20,155,000 (estimated construction cost of $33,745,000 was previously authorized), and management and inspection cost of $3,971,000 (management and inspection cost of $2,899,000 was previously authorized), for a combined estimated total project cost of $65,269,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends a Committee Resolution dated July 21, 2004, which authorized $36,664,000 for estimated construction and management and inspection.

Lease—General Services Administration, 1800 F Street, NW., Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. 3307, appropriations are authorized to lease up to 492,000 rentable square feet of space for the General Services Administration currently located in government-owned space at 1800 F Street, NW., in Washington, DC, at a proposed total annual cost of $22,140,000 for a lease term of 5 years, with 2 (two) additional one-year extensions, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—U.S. Army Corps of Engineers, 333 Market Street, San Francisco, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. 3307, appropriations are authorized to lease up to 111,227 rentable square feet and 24 parking spaces for the U.S. Army Corps of Engineers, and other agencies, currently located in leased space at 333 Market Street, in San Francisco, California, at a proposed total annual cost of $4,341,826 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Department of Agriculture, 1800 M Street, NW., Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. 3307, appropriations are authorized to lease up to approximately 205,388 rentable square feet of space for the Department of Agriculture currently located in leased space at 1800 M Street, NW., in Washington, DC, at a proposed total annual cost of $9,447,848 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Department of Commerce—Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 311,000 rentable square feet of space for the Department of Commerce currently located at the Herbert C. Hoover Building in Washington, DC, at a proposed total annual cost of $14,306,000 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 801 Eye Street, NW., Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 115,870 rentable square feet of space for the Department of Homeland Security currently located in leased space at 801 Eye St., NW., in Washington, DC, at a proposed total annual cost of $5,330,020 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Department of Homeland Security, U.S. Coast Guard, 2100 2nd Street, SW., Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 577,000 rentable square feet and 40 parking spaces for the Department of Homeland Security, United States Coast Guard, currently located in leased space at 2100 2nd Street, SW., in Washington, DC, at a proposed total annual cost of $17,310,000 for a lease term of 5 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Department of Justice, Drug Enforcement Administration, 801 Eye Street, NW., Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 84,000 rentable square feet and 182 parking spaces for the Department of Justice, Drug Enforcement Administration, currently located in leased space at 801 Eye Street, NW., in Washington, DC, at a proposed total annual cost of $3,864,000 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Department of Justice, Office of Justice Programs, 810 7th Street, NW., Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 98,096 rentable square feet and 55 inside parking spaces for the Department of Justice, Office of Justice Programs, currently located in leased space at 810 7th Street, NW., in Washington, DC, at a proposed total annual cost of $4,512,416 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Department of State, 515 22nd Street, NW., Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 122,496 rentable square feet and 17 parking spaces for the Department of State, currently located in leased space at 515 22nd Street, NW., in Washington, DC, at a proposed total annual cost of $5,634,816 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Department of State, 2121 Virginia Avenue, NW., Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 165,302 rentable square feet and 129 parking spaces for the Department of State, currently located in leased space at 2121 Virginia Avenue, NW., in Washington, DC, at a proposed total annual cost of $7,603,892 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Department of Veterans Affairs, Administrative Services Division, 801 Eye Street, NW., Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 98,096 rentable square feet of space for the Department of Veterans Affairs, Administrative Services Division, currently located in leased space at 801 Eye Street, NW., in Washington, DC, at a proposed total annual cost of $4,512,416 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Federal Election Commission, 999 E Street, NW., Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 149,526 rentable square feet and 34 parking spaces for the Federal Election Commission, currently located in leased space at 999 E Street, NW., in Washington, DC, at a proposed total annual cost of $6,878,196 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Food and Drug Administration, 1401 Rockville Pike, Rockville, MD

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 104,892 rentable square feet for the Food and Drug Administration, currently located in leased space at 1401 Rockville Pike, in Rockville, Maryland, at a proposed total annual cost of $3,356,544 for a lease term of 5 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Environmental Protection Agency, Boston, MA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 232,388 rentable square feet and 398 parking spaces for the Environmental Protection Agency, currently located in leased space at One Congress Street, in Boston, Massachusetts, at a proposed total annual cost of $11,049,042 for a lease term of 5 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—National Nuclear Security Administration—Albuquerque, NM

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 306,949 rentable square feet and 825 parking spaces for the National Nuclear Security Administration, currently located in multiple locations in Albuquerque, New Mexico, at a proposed total annual cost of $8,594,572 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Department of Agriculture, 3101 Park Center Drive, Alexandria, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 186,599 rentable square feet and 12 inside parking spaces for the Department of Agriculture, currently located in leased space at 3101 Park Center Drive, in Alexandria, Virginia, at a proposed total annual cost of $5,224,772 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Department of Defense, 400 Army Navy Drive, Arlington, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 240,872 rentable square feet and 471 inside parking spaces for the Department of Defense, currently located in leased space at 400 Army Navy Drive, in Arlington, Virginia, at a proposed total annual cost of $8,830,520 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Department of Defense, 1500 Wilson Boulevard, Rosslyn Plaza North, Northern Virginia

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 526,397 rentable square feet and 73 inside parking spaces for the Department of Defense, currently located in leased space at 1500 Wilson Boulevard and Rosslyn Plaza North, in Northern Virginia, at a proposed total annual cost of $18,423,895 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Lease—Drug Enforcement Administration, 600–700 Army Navy Drive, Northern Virginia

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 593,100 rentable square feet and 268 parking spaces for the Drug Enforcement Administration, currently located in leased space at 600–700 Army Navy Drive, in Arlington, Virginia, at a proposed total annual cost of $21,401,700 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Multiple Agencies—Ballston Metro Center, 901 North Stuart Street, Arlington, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 135,282 rentable square feet and no parking spaces for the multiple agencies currently located in leased space at the Ballston Metro Center, 901 North Stuart Street, in Arlington, Virginia, at a proposed total annual cost of $4,734,870 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF COMMERCE—PATENT AND TRADEMARK OFFICE—NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 168,468 rentable square feet and no parking spaces for the Department of Commerce, Patent and Trademark Office, currently located in leased space at 2809 Jefferson Davis Highway, in Arlington, Virginia, at a proposed total annual cost of $5,896,380 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION—JACKSONVILLE, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 129,672 rentable square feet and 129 parking spaces for the Federal Bureau of Investigation, currently located at 7820 Arlington Expressway, in Jacksonville, Florida, at a proposed total annual cost of $4,668,192 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION—INDIANAPOLIS, IN

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 110,531 rentable square feet and 142 parking spaces for the Federal Bureau of Investigation, currently located in both government owned and leased space, in Indianapolis, Indiana, at a proposed total annual cost of $4,200,178 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION—LOUISVILLE, KY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 120,197 rentable square feet and 115 parking spaces for the Federal Bureau of Investigation, currently located in multiple government owned and leased locations in Louisville, Kentucky, at a proposed total annual cost of $4,327,092 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION—DETROIT, MI

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 266,200 rentable square feet and 271 parking spaces for the Federal Bureau of Investigation, currently located in multiple government owned and leased locations in Detroit, Michigan, at a proposed total annual cost of $10,914,200 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION—JACKSON, MS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 109,819 rentable square feet and 85 parking spaces for the Federal Bureau of Investigation, currently located in multiple government owned and leased locations in Jackson, Mississippi, at a proposed total annual cost of $3,733,846 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION—OMAHA, NE

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 112,337 rentable square feet and 85 parking spaces for the Federal Bureau of Investigation, currently located in multiple leased locations in Omaha, Nebraska, at a proposed total annual cost of $4,044,132 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION—CHARLOTTE, NC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 171,460 rentable square feet and 175 parking spaces for the Federal Bureau of Investigation, currently located in multiple leased locations in Charlotte, North Carolina, at a proposed total annual cost of $6,001,100 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION—NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 165,000 rentable square feet and 106 parking spaces for the Federal Bureau of Investigation, currently located in leased space in Merrifield and Arlington, Virginia, at a proposed total annual cost of $5,775,000 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—INTERNAL REVENUE SERVICE—PHILADELPHIA CAMPUS CONSOLIDATION—PHILADELPHIA, PA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 862,692 rentable square feet and 1,800 parking spaces for the Department of the Treasury, Internal Revenue Service, currently located in multiple leased locations in Philadelphia, Pennsylvania, at a proposed total annual cost of $29,202,124 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION—KNOXVILLE, TN

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 99,130 rentable square feet and 95 parking spaces for the Federal Bureau of Investigation, currently located in government owned space in Knoxville, Tennessee, at a proposed total annual cost of $3,097,813 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION—FREDERICK COUNTY, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 947,000 rentable square feet and 1,232 parking spaces for the Federal Bureau of Investigation, in Frederick County, Virginia, at a proposed total annual cost of $33,145,000 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—ENVIRONMENTAL PROTECTION AGENCY—CENTERS FOR DISEASE CONTROL AND PREVENTION—SEATTLE, WA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 172,322 rentable square feet and 18 parking spaces for the Environmental Protection Agency and Centers for Disease Control and Prevention, currently located at 1200 Sixth Avenue, in Seattle, Washington, at a proposed total annual cost of $6,548,236 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

There was no objection.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 27, 2005 he presented to the President of the United States, for his approval, the following bill.

H.R. 1409. Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debate.

There was no objection.

Accordingly (at 3 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 1, 2005, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4868. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Certification Program for Imported Articles of Pelargonium spp. and Solanum spp. To Prevent Introduction of Potato Brown Rot [Docket No. 03-019-3] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4869. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Asian Longhorned Beetle; Addition and Removal of Quarantined Areas in New Jersey [Docket No. 05-066-1] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4870. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Tuberculosis; Amend the Definition of Affected Herd [Docket No. 02-111-2] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4871. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designations; New Mexico [Docket No. 04-068-3] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4872. A communication from the President of the United States, transmitting a request of FY 2006 emergency proposals, totaling $17.1 billion, that are reallocated from available funding in teh Federal Emergency Management Agency (FEMA) Disaster Releif Fund (DRF); (H. Doc. No. 109–64); to the Committee on Appropriations and ordered to be printed.

4873. A communication from the President of the United States, transmitting a request of a proposal to rescind $2.3 billion in funding from lower-priority federal programs and excess funds; (H. Doc. No. 109–65); to the Committee on Appropriations and ordered to be printed.

4874. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on International Relations.

4875. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Trawl Gear in the Gulf of Alaska [Docket No. 041126332-5040-05; I.D. 092805E] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4876. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-05; I.D. 092805A] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4877. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "Review and Report on Current Standards of Practice for Pharmacy Services Provided to Patients in Nursing Facilities" in response to Section 107(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub. L. 108–173; jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLATTE: Committee on Agriculture. H.R 3405. A bill to prohibit the provision of Federal economic development assistance for any State or locality that uses the power of eminent domain power to obtain property for private commercial development or that fails to pay relocation costs to persons displaced by use of the power of eminent domain for economic development purposes, with an amendment (Rept. 109–261, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4128. A bill to protect private property rights, with an amendment (Rept. 109–262). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on Transportation and Infrastructure, Financial Services, Resources, and Education and the Workforce discharged from further consideration. H.R. 3405 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. FALEOMAVAEGA introduced a bill (H.R. 4182) to remove the restriction that amendments of, or modifications to, the constitution of American Samoa, as approved by the Secretary of the Interior pursuant to Executive Order 10264 as in effect January 1, 1983, may be made only by an Act of Congress; which was referred to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1668: Mr. FATTAH.

H.R. 2257: Mr. GRIJALVA, Mr. WAXMAN, Mr. GENE GREEN of Texas, Mr. ROSS, Mr. CARTER, Mr. SESSIONS, Mr. FRANK of Massachusetts, and Mrs. MALONEY.

H.R. 2328: Ms. HARRIS.

H.R. 3042: Mr. VAN HOLLEN.

H.R. 3606: Mr. CAMP.

H.R. 3936: Mr. BARROW.

H.R. 4098: Mr. LEWIS of Georgia.

H.R. 4099: Mr. FORD, Mr. TANCREDO and Mr. SAM JOHNSON of Texas.

H.R. 4121: Mr. BURTON of Indiana.

H.R. 4128: Mr. HEFLEY, Mr. PRICE of Georgia, Mrs. WILSON of New Mexico, Ms. FOXX, Mr. SHIMKUS, Miss MCMORRIS, Mr. WOLF, Mrs. MILLER of Michigan, Mr. HENSARLING, Mr. KENNEDY of Minnesota, Mr. GALLEGLY, Mr. DAVIS of Kentucky, Mr. BUYER, Mr. GILLMOR, Mr. HALL, Mrs. SCHMIDT, Mr. HOSTETTLER, Mr. HAYES, Mr. RENZI, Mr. SESSIONS, Mr. MACK, Mr. SULLIVAN, Mr. CALVERT, Mr. MARCHANT, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. SALAZAR, Mr. WALDEN of Oregon, Mr. REICHERT, Mr. SHUSTER, Mr. DAVIS of Tennessee, Mr. KOLBE, Mr. MURPHY, Mr. MANZULLO, Mr. MCCOTTER, Mr. DEFAZIO, Mr. WICKER, Mr. FLAKE, and Mr. MCHENRY.

H. Con. Res. 230: Mr. MCHUGH and Mr. KING of Iowa.

H. Con. Res. 287: Mr. FORD.

H. Res. 483: Ms. SOLIS and Mr. SIMMONS.

H. Res. 504: Mr. MCGOVERN, Mr. WILSON of South Carolina, Mr. SHAW, and Mr. MILLER of Florida.

SENATE—*Monday, October 31, 2005*

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, give us the grace and power to choose the more challenging right. Keep us from being too easily deflected from laudable goals. Deliver us from the procrastinations that cause us to miss opportunities. Strengthen us to finish what we start as You give us wisdom to clearly know the path we should travel. Save us from the folly that is deaf to conscience and the arrogance which will not accept advice. Open our hearts to the entry of Your spirit so that we may experience abundant living.

Use our lawmakers today for Your glory. Once again, Lord, we thank You for the life and legacy of Rosa Parks.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 4 p.m., with the time equally divided.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, we will open the session with a period of morning business until 4 p.m. At 4 today the Senate will begin consideration of the 2005 deficit reduction bill. Under the order entered into last Friday, the time from 4 to 5 today will be under the control of the chairman of the Budget Committee, Senator GREGG.

As a reminder, the majority leader has announced that there will be no rollcall votes during today's session. We will remain on the deficit reduction bill for the remainder of this week. The agreement allows a specific division of debate time over the next few days with the statutory time limit to expire at 6 p.m. on Wednesday.

It will be a busy week with rollcall votes occurring until we complete action on the deficit reduction measure. We will alert Members later as to when the first votes can be expected.

I would also suggest to Senators that we may also consider any conference reports that may become available, including the Agriculture appropriations conference report.

SUPREME COURT NOMINATION OF JUDGE SAMUEL ALITO, JR.

Mr. McCONNELL. Mr. President, this morning the President of the United States nominated Judge Samuel Alito of the Third Circuit Court of Appeals to be the next Associate Justice of the Supreme Court. We are beginning to learn that Judge Alito has an extremely impressive career. He is an alumnus of Princeton, where he was a member of Phi Beta Kappa. He graduated from Yale Law School where he was editor of the Yale Law Journal, and he clerked for Judge Leonard Garth on the same court where Judge Alito now sits.

Judge Alito has devoted his professional life to serving our country. He served in the U.S. Army Reserves. He served as an assistant U.S. attorney in the appellate division and as a U.S. Attorney for the District of New Jersey. He served as an assistant to the Solicitor General where he argued 12 cases before the Supreme Court. For the last 15 years he served as a Federal appellate judge on the Third Circuit Court of Appeals.

As the President noted this morning, Judge Alito has in fact more judicial experience than any Supreme Court nominee in the last 70 years. Over the course of his outstanding career, Judge Alito has consistently been praised for his legal acumen. In fact, one attorney who appeared before him said that "to describe Judge Alito as outstanding is to use understatement. He's the best judge on the circuit, maybe the country."

Judge Alito has also been praised for his calm, courteous, and thoughtful demeanor. I had a chance to experience that this morning myself when I met with him.

Lawyers who have appeared before him describe him as measured and judicious. They have said he "has a fine, nice demeanor . . . He couldn't have a keener demeanor" was one observation. Another said, "He is never discourteous or abusive." Another said, "He is forthright and fair." Another said he "reaches honest decisions."

With his outstanding abilities, it is no wonder the American Bar Association gave Judge Alito its highest rating of unanimously well qualified, which means everybody on the committee found him well qualified. That is the highest ranking the ABA can give.

In supporting his confirmation to the Third Circuit, our former colleague Senator Bill Bradley said of Judge Alito that as U.S. Attorney "he had a reputation of being tough but fair. Without a lot of fanfare, without calling daily press conferences, he has inspired his office with a low key sense of professionalism."

Given his impressive abilities and his calm, thoughtful demeanor, it is also not surprising that the Senate has twice confirmed Judge Alito unanimously to important legal positions.

As the confirmation process goes forward, we will learn a lot more about Judge Alito, but it appears the President has made a truly outstanding choice. I am confident the Senate will proceed on a bipartisan basis and in a thoughtful, measured way. We had a fair and dignified process for Chief Justice Roberts, and I am confident we will similarly have a respectful process for Judge Alito.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is in morning business.

NOMINATION OF SAMUEL ALITO

Mr. LEAHY. Mr. President, on Friday, the President formally withdrew from the Senate his nomination of Harriet Miers to be Associate Justice of the U.S. Supreme Court. Today, he announced his intention to nominate Judge Samuel Alito to that same position. To those who are keeping count, this will be the third nomination to fill

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the seat vacated by the future retirement of Justice Sandra Day O'Connor made by the President.

Justice O'Connor is still there. Three people have been nominated to fill her seat. I am concerned that the nomination may be a needlessly provocative nomination. Obviously, I will do as I have always done on nominees of both Republican and Democratic Presidents. I will make up my mind based on the hearings. But the President had before him a number of names of people who would have gotten probably 95 or 100 votes out of this Chamber, virtually every Republican and virtually every Democrat. Such a nomination would have united, not divided, the country. It appears that instead of uniting the country through his choice, the President chose to reward one small faction of the party and risked dividing the country. Instead of rewarding a small faction, which has put him under a great deal of pressure, I wish he would have rewarded the American people, all 280 million of us. There were many conservative Republican candidates who could have easily been confirmed.

Just last week, the President succumbed to partisan pressure from the extreme rightwing of the Republican Party to withdraw his nomination of Harriet Miers. The pressure did not come from the Democrats. Actually, the pressure did not come from the majority of Republicans. It came from one small, vocal wing of the Republican Party.

I believe the President abdicated his own role in the Constitution's process of selecting Supreme Court Justices and allowed his own choice to be vetoed by extremists within his party without hearings by the Judiciary Committee or a vote by the Senate.

Both the distinguished chairman of the committee, Senator SPECTER, and myself said, Why do we not have hearings and then make up our mind?

The Miers nomination became an eye-opening experience for the country, exposing for all to see what a vocal and virulent wing of the Republican Party really wants. These are not the mainstream Republicans I know in my own State of Vermont, the party that has done so much for our green mountain State. This wing did not want an independent Federal judiciary. They want a rightwing litmus test, not the selection of Justices and judges who will be fair and impartial in applying the law. They, in fact, demand judges who will guarantee the results they want.

With turmoil engulfing the White House, with no exit from the disastrous and deadly occupation of Iraq, with an escalating Federal debt, and with obscenely high profits that continue to pile up for the administration's oil company friends, catering to an extreme wing of one political party jeopardizes the vital checks and balances that protect ordinary Americans.

It is a pity that the President thought his position was so weak that he had to bend to a narrow but strident faction of his political base. The Supreme Court is the ultimate safeguard of our system to protect the fundamental rights of all Americans. I hope the White House is not using this announcement today to try to distract the public from the scandals and failures that are mounting by the day for this administration. Nor will the press be fooled into assuming this is the only issue before America.

With the announcement of Judge Samuel Alito to fill the position to be vacated by Justice O'Connor, the White House failed to follow through with its initial discussions and engage in meaningful consultation. I regret the President has not chosen a clear path of a consensus candidate to unite the American people and the Senate. Actually, the Nation and the Senate would have overwhelmingly welcomed his choice if he had.

Now, as I said, I am not forming a final judgment as to the merits of this nomination, just as I did with now Chief Justice Roberts when he was initially nominated to fill the Sandra Day O'Connor seat, a seat not yet vacated. I said I would not make up my mind until after the hearing, and I will do that, but an initial review of Judge Alito's record suggests areas of significant concern for all of us. His opinions from the Federal bench demonstrate that he would go to great lengths to restrict the authority of Congress to enact protective legislation to protect people in the areas of civil rights, consumer protection, and the rights of workers, consumers, and women. Judge Alito has also set unreasonably high standards for ordinary Americans who are victims of discrimination to meet before being allowed to proceed with their cases.

The Democratic leader of the Senate and I wrote to the President last week. We urged him to pick one of the many qualified, mainstream women and minority candidates who could win widespread bipartisan support in the Senate. Even more importantly, they would get the same widespread public support in America.

We noted the unique circumstances that now attend this nomination and that make it essential that Justice O'Connor be replaced by a mainstream nominee, not by an activist who would bring an ideological agenda to the Court.

The Court that serves America should reflect all America, but although President Bush declared in reference to filling Justice O'Connor's seat on the Court that he is "mindful that diversity is one of the strengths of the country," with the nomination of Judge Alito, of course, he weakens that strength. Should Judge Alito ultimately be confirmed, the Court will lose some of that diversity.

There were a lot of highly qualified women, highly qualified African Americans, highly qualified Hispanics, and other individuals who could well have served as unifying nominees while adding to the diversity of the Supreme Court. I am one Senator who looks forward to the time when the membership of the U.S. Supreme Court is more reflective of the country it serves.

As the grandson of Italian and Irish immigrants, I know that Italian Americans, like all of my mother's family, and President Bush's guest, the Italian Prime Minister, will be feeling pride today, but this nomination does not add to the diversity of the Supreme Court any more than I add to the diversity of the Senate.

I imagine this announcement is a disappointment to many Hispanic Americans who had expected the President to seize this historic opportunity given to him for a third time by nominating the first Hispanic to the Court. I also imagine that all of the women in our Nation's Capital today to honor Rosa Parks, the first woman to lie in state in the Capitol Rotunda for her work in bringing racial justice to our Nation, are somewhat saddened that the seat of the first woman to serve on our Highest Court is not going to be filled by another woman.

I do not expect Democrats to engage in the kinds of personal attacks on this nominee that the rightwing used to force the President to withdraw his nomination of Ms. Miers, whom he described as the best qualified person in the country to replace Justice O'Connor. I do believe we need to take the time necessary to examine the record of the nominee in the Reagan Justice Department and on the bench before we proceed with full and thorough hearings.

The stakes for the American people could not be higher with this new nomination. Justice O'Connor brought an open mind to the cases she reviewed. She served especially as a moderating influence on the Court. The person who replaces her replaces a pivotal vote on our most powerful Court. That person has the potential to dramatically tilt the Court's balance. Maintaining the stability of the Court is crucial for the Nation, and that is going to be an important factor for me as I consider this nomination.

At this critical moment and in light of the circumstances that led to the withdrawal of the Miers nomination, all Senators should perform our constitutional advice and consent responsibility, but we should do it with heightened vigilance. The Supreme Court is the guarantor of the rights of all Americans.

I look forward to the hearings. I will, as I did before, work with Senator SPECTER, the chairman, to make sure they are open and fair as they were for Chief Justice Roberts. Those were open and fair hearings because we had the time to prepare for them. I urge the President and even the leadership of this august body to allow the Judiciary Committee to take the time to do it right. It is far more important to do it right than to do it fast.

The appointment must be made in the Nation's interest, not to serve the special interests of any partisan faction, even though today we have one that is claiming credit for destroying the chances of Harriet Miers but for also in effect telling the President of the United States who to appoint as his third nominee for this one seat.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I have some remarks about Rosa Parks and the events of the day. I see the Senator from North Dakota. I do not know what his timeframe is, but I am to preside and relieve the chair at 3.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I ask unanimous consent to follow the Senator. I would like to speak as well in morning business. I would like to speak for 15 minutes. I ask unanimous consent to speak following the presentation by my colleague.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alabama.

ROSA PARKS

Mr. SESSIONS. Mr. President, I thank the Senator for his courtesy. I know we had the opportunity a few moments earlier to discuss Rosa Parks as we viewed her casket. It was indeed just a few hours ago, right down this hall, that Rosa Parks' body lay in honor in the Capitol Rotunda, the site where our Nation pays its highest respects to our most noteworthy citizens. She was the first woman ever to be so honored.

How is it possible that a seamstress born in Tuskegee, AL, who had never held elective office or any high political or military position, be so highly recognized? Just 6 years ago, she was awarded the Congressional Gold Medal, which I was pleased to be a sponsor of in this Senate. She was also awarded the Presidential Medal of Freedom.

It is a story I would suggest that only divine providence could write. The theological concept is well known: His power and authority being made manifest by lifting persons of apparent low estate to great heights.

Certainly, the life of Rosa Parks produced an advancement of freedom, equality, and progress. These accomplishments rose from her steadfast courage and strength that she found from above. As a result, she fulfilled her calling, and she met her challenge on that afternoon when she came home weary from work, with dignity and integrity.

I was not yet 10 years old when these events happened in Montgomery, AL, 85 miles north of my home in rural Alabama. We did not even have a television set that year. We got one a few years later. I have a recollection of the events, the boycott of 382 days, and some understanding and recollection of the momentous court decisions that resulted.

Make no mistake, the races in the South in the 1950s were, for the most part, openly and legally separate. That is the way it was. Although the mantra was "separate but equal," the reality was separate and unequal.

Mr. PRYOR. Mr. President, I join Arkansans in mourning the loss of Rosa Parks, known throughout the Nation as the "Mother of the Freedom Movement."

As people line up to pay their respects to Mrs. Parks in the Capitol Rotunda today, I cannot help but remember the incredible impact she had on our Nation. Rosa Parks is the first woman to lie in the Capitol Rotunda, which is a testament that her actions are just as significant today as they were in 1955.

Mrs. Parks once remarked that her show of defiance to move to the back of the bus was simply because she was tired of being humiliated, tired of following archaic rules forbidding her from sitting in the front of a public bus or entering public buildings through the front door. But, history will remember Rosa Parks for shaking America's conscience and changing the course of our Nation for the better.

Mrs. Parks' courage to sit down for equal rights ignited others to stand up for theirs.

Reverend Martin Luther King, Jr., stood up to call for equality and justice for all Americans, inspiring and organizing thousands of activists to stand up with him. Four students in Greensboro, NC, sat in at a Woolworth's lunch counter, standing up for their right to be served.

And, Daisy Bates led the Little Rock Nine to stand up for their right to an equal education. The Little Rock Nine taught America that "separate" was not "equal." Nine Black students—Ernest Green, Elizabeth Eckford, Gloria Ray Karlmark, Carlotta Walls LaNier, Minnijean Brown Trickey, Terrence Roberts, Jefferson Thomas, Thelma Mothershed Wair and Melba Pattillo Beals—defied hatred and threats to attend the all-White Central High School for a better education.

Of Rosa Parks' battle for equality, Minnijean Brown Trickey said:

> I don't think until the bus boycott we had a sense of our power. . . . The general feeling was if she could do it, we could do it. She was really a heroine to us. She was an ordinary woman and we were ordinary kids and it seems we had a relationship.

As a former student of Central High, I can attest to the influence Rosa Parks and the Little Rock Nine continue to have in the hallways today.

We know that Rosa Parks' inspiring story lives on in the pages of every history textbook across America. Her legacy also endures at the Rosa and Raymond Parks Institute for Self Development, which she founded in Detroit. The center offers career training and encourages teens to stay in school and take advantage of the opportunities available to them.

I am just one of millions of Americans who admired Rosa Parks' tenacity and life's work. She earned countless accolades and awards for her efforts in the civil rights movement, including the Congressional Gold Medal Award—the Nation's highest civilian honor. In honoring Mrs. Parks with the Medal of Freedom, President Clinton reminded us that:

> Freedom's work is never done. There are still people who are discriminated against. There are still people that because of their human condition are looked down on, derided, degraded, demeaned, and we should all remember the powerful example of this one citizen. And those of us with greater authority and power should attempt every day, in every way, to follow her lead.

Although Rosa Parks served as a catalyst to get the wheels turning in the civil rights movement, our journey is not completed. We can honor her memory by continuing her work to stand up for equality and justice for all Americans.

Still, this was the reality of more than 100 years of history. Change was not favored. It had been and would be resisted.

Of course, while the South was open and notorious about its segregation policies, research in recent years has shown that there were places all over this great land that secretly or overtly discriminated against those of African decent. But in the South, discrimination was not only openly acknowledged: it was the law of the land. The fact was that in Montgomery, AL, on December 1, 1955, it was the law of the city of Montgomery that "colored" persons on city buses must sit in the back. As one who loves and admires his home state and her people—I believe there are none finer—this is painful to acknowledge, but facing the painful truth is essential for reconciliation and progress.

So, on December 1, 1955, Rosa Parks, refused to go to the back of the bus—a city bus—in violation of city law. And it sparked, and sparked is the right word, a nationwide confrontation—a confrontation between our American ideals, and our religious concepts, and the grim reality of that day.

Southerners were angry, embarrassed, resistant, introspective, hostile, and pained. They watched, much like I did in Hybart, the drama unfold and they were forced to deal with an ugly reality they would rather have ignored.

Rosa Parks' gumption resulted in a 382 day boycott of the city bus system let by a young 26-year-old preacher. new to town. at Dexter Avenue Baptist Church. a block from the Capitol—A Capitol building proudly known as the First Capital of the Confederacy. That young preacher. of course. was Dr. Martin Luther King, Jr. And. there was a young attorney. Mr. Fred Gray. who had come back to Alabama after receiving his degree from Case Western Reserve University determined to "become a lawyer. return to Alabama. and destroy everything segregated I could find." He would become a legend in his own right. being a part of some of the most historic cases in civil rights and American history. The young Federal trial Judge, an Eisenhower appointee. Judge Frank M. Johnson. would become perhaps the most courageous. clear, and authoritative judicial voice for equal justice in America. And. the lawyer who argued the case for Rosa Parks in the U.S. Supreme Court—Thurgood Marshall—who would later sit on that very court.

The very words, "the back of the bus" went to the heart of the problem. Separate was not equal: it was not fair: it was discriminatory against a class of Americans solely because of the color of their skin. I knew Judge Frank Johnson. He was courageous and followed the law. He did not believe he was an activist. He did not believe he was amending the constitution. Judge Johnson believed he was simply being faithful to the plain words of the constitution—words that guaranteed everyone "equal protection of the laws." Sending someone to the back of the bus because of the color of their skin violated that principle he ruled, and the Supreme Court agreed.

This simple act by a courageous woman, a seamstress, but one who was well aware of the danger she faced, at 42-years of age. sparked the civil rights movement and justly earned her the title "Mother of the Civil Rights Movement."

Today. in Montgomery. AL. there exists a museum—part of Troy State University—that sits on the spot where she was arrested. It has a school bus. like the one she rode that day. which has interactive capabilities so that children can sit in it and get a better feel for the events of the day. It has more exhibits. and I commend this fine, historical museum to any who would want to learn more of Rosa Parks and the movement she sparked. I was pleased to sponsor legislation that this Congress passed to provide funds to help establish the museum.

While there are many problems between the races today. the de jure, the statutes and ordinances that enforced segregation are gone. And. I am proud that the people of Montgomery have come to see the positive benefits of ending discrimination and that they have chosen to honor Mrs. Parks in this way.

Everyone knows, virtually everyone. that as a result of the movement she sparked. today's Montgomery is a different and better place. Today we also look with pride on the historic Dexter Avenue Baptist Church. that once heard the powerful sermons of a young Dr. Martin Luther King, Jr. And we look with respect on the Civil Rights Memorial—a striking monument of black granite and cascading water—which honors those who gave their lives in the pursuit of equal justice.

Thus. it is true: Ms. Parks' efforts helped spark the dynamic social changes that have made it possible for positive and historical change for Montgomery. Alabama. and America. But. in fact, Ms. Parks' contributions extend beyond even the borders of our Nation. In his book Bus Ride to Justice. Mr. Fred Gray. who gained fame while in his 20's as Ms. Parks' attorney. and as one of the early African-American attorneys in Alabama—he was a lead attorney in many of Alabama's other famous civil rights cases—wrote—and I do not believe it is an exaggeration—these words:

> Little did we know that we had set in motion a force that would ripple though Alabama. the South. and the Nation. and even the world. But from the vantage point of almost 40 years later. there is a direct correlation between what we started in Montgomery and what has subsequently happened in China. eastern Europe, South Africa and. even more recently. in Russia. While it is inaccurate to say that we all sat down and deliberately planned a movement that would echo and reverberate around the world. we did work around the clock, planning strategy and creating an atmosphere that gave strength. courage. faith and hope to people of all races. creeds. colors and religions around the world. And it all started on a bus in Montgomery. Alabama. with Rosa Parks on December 1, 1955.

For her courage. for her role in changing Alabama. the South. the Nation, and the world for the better. our Nation owes a great debt of thanks to Rosa Parks. Placing her body in our Capitol's Rotunda. lying in honor, the first woman who has ever been so honored. is a fitting recognition of her towering achievement.

And. as I conclude. I think it is important to note the recent death of another Alabamian who played a key role in the early civil rights movement in America—Vivian Malone—who crossed the school house door into the University of Alabama.

We must also celebrate that very special event that occurred two weekends ago when another native Alabamian. the Secretary of State. Condoleezza Rice. returned to Alabama. visited her family's church and unveiled the statue of the four little girls, one of whom she knew and played with, who were killed in a bomb attack at the 16th Street Baptist Church. It was also good, earlier today, to stand and discuss Rosa Parks' life with Alabama native and U.S. Congressman John Lewis, who, inspired by Rosa Parks, began a lifetime of leadership in the civil rights movement culminating in his election to Congress. Alabama has the highest number of African-American elected officials of any State in the country. We are proud of that. Progress has certainly been made but we must work harder to ease divisions and tensions and promote progress. Let us so pledge on this historic day. Let us allow the steadfastness and peacefulness of Rosa Parks' life, which started the civil rights movement on the basis of faith and morality. not violence, to be our guide in this century as we seek to further the gains she championed.

Mr. DORGAN. Mr. President. will Senator SESSIONS yield for a question?

Mr. SESSIONS. I will be pleased to yield.

Mr. DORGAN. Mr. President, earlier this morning I was in the Senate rotunda with Senator SESSIONS and Senator LEVIN from Michigan. As we stood in the Rotunda. in addition to paying honor to this great woman whose body lies in State in the Capitol Rotunda. we spoke just a bit about each of our recollections of what Rosa Parks meant to us and to our country.

I want to follow on the statement by Senator SESSIONS to say that as I was in the Rotunda this morning, I was thinking about what kind of courage it must have taken for this woman. a 42-year-old seamstress. getting on a bus at the end of the day. perhaps tired from working all day. understanding that there were then police dogs and fire hoses and clubs and beatings and a lot of trouble. a lot of trouble, I was thinking about the courage it would have had to take for that woman to have done what she did. Her actions of sitting in that seat on that bus and refusing to move to the back of the bus were simple, elegant, dignified but also enormously courageous. I think that is a lesson for all Americans.

I couldn't have been more pleased when the Congress. the House and the Senate, did something that was unusual in the history of America. We took action to have the remains of Rosa Parks lie in State in the Rotunda of the U.S. Capitol Building, the first woman to be so honored in the history of the United States of America. I was enormously moved this morning. standing with my colleagues. Senator SESSIONS and Senator LEVIN. I know most of our colleagues visited the Rotunda this morning as well. But I did want to follow on his comments about this extraordinary woman who will live forever in the history of this great country of ours.

Mr. SESSIONS Mr. President. I thank the Senator for his eloquent comments. It was. indeed, a pleasure to be with Senator LEVIN—she was his constituent when she moved to Michigan—and hear some of his insights and hear him say that Michigan had bought the actual bus in which she rode on that day and has restored it and made it a museum.

So her life, indeed, continues to reverberate all over the country and, as Fred Gray said, the impact of her actions have spread worldwide. I thank the Senator for his comments and yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from North Dakota is recognized.

ENERGY

Mr. DORGAN. Mr. President, there is much happening in Washington, DC, and in our country. Picking up the periodicals, Newsweek or Time magazine, or the morning paper for that matter, you see stories of scandal and stories of controversy and all kinds of interesting things with respect to politics and the economy and things that affect our daily lives. I wanted to talk for a moment, once again, about the issue of energy because, while we will deal with a lot of things—this week, for example, something called the reconciliation bill—most people will deal this week with the challenge of pulling up to the gas pump and putting perhaps 16 or 18 gallons of gas in their tank and trying to find $50 to pay for it. As the chill is in the air these days in our country, people will begin thinking about how they will pay for the increased cost of natural gas to heat their homes, particularly in our part of the country where that will increase by 60 percent over a year ago. They will wonder about how they will find the money to pay for that cost because heating your home is not a luxury. Heating your home is a necessity.

I have spoken previously about a woman named Sarah Swifthawk. She was a grandmother. She died in the United States of America—she froze to death. She was a member of the Pine Ridge Reservation in South Dakota. This grandmother laid down to go to sleep on a cot in a home that had plastic where windows should have been. At, I believe, 30 or 35 degrees below zero that evening, others huddled together for body warmth in that family, but this grandmother was laying on a cot, and the next morning she was dead; frozen to death—in the United States of America, not a Third World country, in the United States of America.

I point that out only to say this issue of the cost of shelter, the cost of energy, the requirement that we find ways to keep people warm during cold temperatures can mean the difference between life and death. It did for Sarah Swifthawk.

Now the question is, in this month, October, and then November of the year 2005, what do we do about the prices and the cost of energy now for this winter? Perhaps it is not such a big problem for people who serve in this Chamber or in the House of Representatives. Perhaps they can easily pay the monthly heating bill. But there are many in this country who cannot. The question is, What do we do for them?

The oil companies will say: This is about the free market system and the price of oil, and therefore the price of gasoline and natural gas and home heating fuel, it is just a function of the free market system.

The price of oil is to the free market system like mud wrestling is to the performance arts. It has no relationship at all—none. Let me describe why. There are three things that happen with respect to the price of oil. No. 1, we have this planet in which a substantial portion of the oil reserves are under the sand halfway around the world.

So oil ministries from those countries get together around the table and decide how much they are going to produce and how much that production should impact prices.

Second, the largest oil companies—much larger and bigger and stronger because of blockbuster mergers—decide how they are going to use more raw muscle in the marketplace. And believe me, they have plenty, given the blockbuster mergers.

Third, the futures markets which are supposed to provide liquidity for trading of commodities—in this case, oil—have become orgies of speculation.

So you have these three issues that together tell us now that a barrel of oil is worth $60 or $65.

Let me tell you the results of all of that. The oil companies are filling up their treasuries, and the American consumers are emptying their bank accounts.

Let me give you some examples.

ExxonMobil last week said their profits were up 75 percent for the third quarter—$9.9 billion. Conoco-Phillips—by the way, ExxonMobil used to be two companies, Exxon and Mobil. Then they fell in love. That is economic talk, I guess, about mergers and acquisitions. And they get married. Now it is ExxonMobil.

Conoco-Phillips used to be Conoco and Phillips, two companies. Now it is one company. They too had some sort of financial romance and got married, Conoco-Phillips, profits up 89 percent, third quarter to third quarter.

Last year—I am not talking about this year's prices—the world's 10 biggest oil companies earned more than $100 billion on sales of over $1 trillion. This year, of course, it is going to be much higher than that. ExxonMobil last year had $25 billion net profit and spent almost $10 billion of it to buy back their stock.

BusinessWeek asked this question. This is not some liberal journal, this is BusinessWeek. They asked:

> Why isn't big oil drilling more? Rather than developing new fields, oil giants have preferred to buy rivals, drilling for oil on Wall Street. While that makes financial sense, it is not a substitute for new oil.

Again, this is BusinessWeek. This isn't some politician, it is not some liberal publication someplace.

> Oil has been over $20 a barrel almost continuously since mid-1990's. That should have been ample incentive for oil companies to open new fields, since projects are designed to be profitable with prices in the low- or mid-teens. Nevertheless, drilling has lagged. Far from raising money to pursue opportunities, oil companies are paying down debt, buying back shares, and hoarding cash—

And drilling for oil on Wall Street.

Sixty-six million homes in this country are heated mainly with natural gas and home heating oil. Their heating bills this winter are going up on average 48 percent. It is going be up over 60 percent for those in my region of the country who are heating with natural gas.

What have I proposed with respect to that? I proposed that if the oil companies are not using this additional cash—unprecedented amounts of cash in the history of corporate America—to explore for more oil or build more refineries—and oh, by the way, they are the ones that have been closing refineries. I know it is fashionable during political discussions to talk about, It is the environmentalists' fault or Calvin Coolidge's fault or somebody else's fault that we don't have enough refinery capacity. It is the energy companies that have themselves shut down refineries. When they have mergers, they shut down refineries.

If they are not using these unprecedented gains in corporate America to explore for more oil or build additional refineries, then I believe they ought to be recaptured with a windfall profits tax, the proceeds of which should be sent back to the American consumers in the form of a rebate.

I noticed last Friday that my colleague from New Hampshire, Senator JUDD GREGG, indicated that he would support—he called it an excess profits tax. He would use the proceeds, at least from the press reports, of an excess profits tax for the purpose of providing additional low-income home heating fuel assistance, among other things. I believe we should provide additional low-income energy help for low-income citizens in this country. We are going into a winter season. We don't have that adequately funded. Three times we have tried on the floor of the Senate, and three times we failed. We should try again—and we will. And this Senate one day will decide that perhaps keeping people warm in the winter is as important as providing millionaires tax cuts on their yearly tax bills.

Someone will say that is class warfare. I don't mean class warfare at all. I just make the point that the last two tax cuts have produced $32 million a year in tax reductions for people whose incomes are over $1 million a year, and more. Perhaps we should capture a part of that $32 million. Surely those who are earning $1 million-plus a year could give up just a little of the tax cuts they have received, and we could divert it to try to help those who are low-income folks going into winter trying to figure out how they will pay a 60-percent increase in natural gas bills to heat their homes, at a time, by the way, when the Exxon Corporation and others are showing the highest profits in their history.

The American people who struggle to pay these bills, take a look at these companies: ExxonMobil, Shell-BP, Chevron-Texaco, Conoco-Phillips.

By the way, Chevron-Texaco used to be two companies. There used to be Exxon, and then there was Mobil; then there was Chevron, then there was Texaco; then there was Conoco and then there was Phillips. They all got married. So now we have just a few companies—75-percent increase, 68-percent increase, 89-percent increase. I am talking about increase in profits.

At the same time this is going on, by the way, the American people are paying through the nose at the gas pumps, and we are setting them up to pay a dramatic increase to heat their homes this winter.

Once again, one group is filling their treasury, and the other group is emptying their bank accounts. Guess which is which. The oil companies are filling their treasuries, and average Americans are having to empty their bank accounts to pay the price.

Let me give you some numbers, if I might. In January of last year, the price of a barrel of oil was $34.50 a barrel. At that price, the oil companies had the highest profits in the history of the oil industry. Now it is almost $30 a barrel above that. That is about $7 billion more a month in profits.

The Shell report, which was received in my office about two months ago talked about their financial performance in 2004. This is last year, when prices averaged around $40 a barrel. The report says: We achieved the highest net income in our history, 48 percent higher than the year before, as a result of higher oil and natural gas prices. It goes on to say that these higher profits occurred even though the company produced less oil than the previous year. They produced less and saw a 50-percent increase in their profits. The same is true with other companies saying: We had higher profits, but we produced less.

As I indicated, my colleague, Senator JUDD GREGG, has indicated publicly that he would support an excess—I call it a windfall profits tax. He would use it for the purpose of providing low-income energy assistance.

I personally believe that this money doesn't belong to the Government. I don't want to bring it in the Treasury. I want to capture some of that which they are not using to expand our energy supply and use it to give rebates to the consumers. They are, after all, the ones paying the price. Taking it from the consumers, putting it in the energy companies' treasuries, and then bringing it into the Government means you have taken money from the consumers to Government. I would just as soon provide a rebate back to the consumers.

I know that when we talk about this, the oil industry has an apoplectic seizure. They get all upset. I understand that. They are making more money than ever. I have been supportive of the energy industry. I hope we find substantial new reserves. While I don't support opening ANWR, I believe that is one of those pristine areas which was set aside, not to be opened first, but to be opened last, if ever. I do support opening up Lease 181 in the Gulf of Mexico. I hope we can do that. I would like to see us vote on opening that lease area. We have substantial proven reserves that exist there.

There are other things on which I do support the energy industry. People said: Well, if you think prices are too high, what about when they are too low? I was one of those who supported an $18 price and did support a proposal for an $18 price, including tax credits to get to that price for marginal wells. I have supported the energy industry in many areas, but I cannot support, I don't think the American people support, and I don't believe the Senate should support these kinds of excess windfall profits that far exceed anything that is reasonable and seeing these profits gathered at the expense of the American people often who can least afford it.

There are some who, as I said when I started, make the case. Well, this is just the market system at work. This isn't the market system. That is all nonsense. The market system is fine. I used to teach some economics at college. I was able to overcome that afterward. I understand free markets and the market system. The free market system needs a referee from time to time. Do you know that we pay one 7-foot, 2-inch basketball player the equivalent of 1,000 elementary school teachers? That is the market system. Does that make sense? Probably not; the market system. There is a judge on television, Judge Judy. It seems kind of out of sorts when I have been channel-surfing and I see her. I understand from a magazine article that she made $25 million in a year. I think the Chief Justice of the Supreme Court makes $190,000. Market system? Well, you know. You can take a look at the market system and see areas where there needs to be from time to time somebody who says: This isn't fair, it doesn't make any sense. The market system is not perfect. It is not the market system, however, that produces a $60-plus barrel of oil.

I mentioned before that there are three factors. I described OPEC ministers with substantial control over the supply of oil; the larger, more muscular oil companies made larger by mergers, exerting more muscle in the marketplace; and the futures market becoming a speculative bazaar, all of which then produce this remarkable price for energy. It has an impact on every single American. Some perhaps don't care. But the question is this: If we in this country are going to pay these prices for a barrel of oil and, therefore, gasoline and natural gas, if we are going to pay these prices, should they result in more exploration in a greater supply of energy with greater energy security for this country's future? Shouldn't they? That is not what is happening. What is happening—I described BusinessWeek—is these companies more and more are buying back their stock. They are hoarding the cash. They are drilling for oil on Wall Street where oil doesn't exist. That is not in the country's interest.

I take some hope from my colleague, Senator JUDD GREGG's press statements last Friday. I take some hope from the statements by the Speaker of the House. He held a press conference suggesting that the oil companies should be investing more in exploration. His remedy was the equivalent of beating them over the head with a feather. But, nonetheless, he was speaking out about the need to produce more energy. It is the case even with the majority leader of the Senate talking about that. I think perhaps, if not seeing the light, at least there are people here who are feeling the heat from drivers, from people who are worried about heating their homes in the winter, who take a look at the price and say it is unfair. The question isn't whether it is unfair; the question is, What do we do about it? Apparently the Speaker of the House, the majority leader of the Senate, and our colleague from New Hampshire think it is unfair.

What do we do about it? We can sit around and mop our brow, we can grit our teeth, wring our hands, and we can fret. We do that petty well. I don't know of any body that does that better than the U.S. Senate. But that doesn't do much for those being hurt in this country.

What we ought to do, in my judgment, is employ and adopt a windfall profits tax, gather from that windfall profits tax the revenue that is being taken from consumers unfairly, and use it as a rebate back to consumers. My proposal would be a windfall profits tax, the one I introduced with Senator DODD and others; that is, if the energy companies are, in fact, sinking their profits back into the ground to explore for more oil and build additional refineries above ground, they wouldn't be paying an excess windfall profits tax. That is not what they are doing with their money. Don't take it from me; take it from their own financial reports because that is not what they are doing with their money. I believe they ought to be paying a 50-percent windfall tax for oil above $40 a barrel, and that excise tax ought to be redistributed to the American consumers who are the ones ultimately paying the bill. It ought to be distributed to them as a rebate for those consumers. We will have more to talk about this week on this subject.

I took some heart on Friday to hear a Member of the Senate from the other side of the political aisle has come to the same conclusion I have reached, and that is that these profits are far above that which is supportable or justifiable, profits far above that which would be created by a free market system; that the consumers are being treated unfairly. The Senate ought to do something about it. The question isn't whether we should do it. Of course we should. The question is, which method or which strategy do we employ? Do we decide this money grab goes to the Government—grab some of it and bring it here? Or do we decide this money comes from the consumer and ought to go back to the consumer in the form of the rebate?

I make a final point. We will again be confronted with this question of heating fuel assistance for low-income Americans. But it is not only low-income Americans who are being injured, who will be hurt by these prices. There are a lot of working families who just get by and who will look at this 60-percent increase in the cost to heat their home this winter in my part of the country and wonder how on Earth will they be able to do that.

I have described profits of the heads of the oil companies. Let me read total 2004 compensation for the chief executive officers: $33 million, $64 million, $4 million, $16 million, $8 million. These are salaries and compensation packages for the folks who run the companies that are charging these prices.

The people have a right to ask the question, how on Earth is this allowed? We will have more to talk about as we go along this week. I hope, finally, there might be some tipping point at which the Senate says we must address this issue.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. FISH AND WILDLIFE SERVICE AND WATERFOWL POPULATION SURVEY

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 259, S. Res. 255.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 255) recognizing the achievements of the United States Fish and Wildlife Service and the Waterfowl Population Survey.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GREGG. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 255) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 255

Whereas every spring and summer teams of United States Fish and Wildlife Service pilot-biologists take to the skies to survey North America's waterfowl breeding grounds flying more than 80,000 miles a year, crisscrossing the country just above the treetops and open fields, they and observers on the ground record the number of ducks, geese, and swans and assess the quality and quantity of water-fowl breeding habitats;

Whereas the pilot biologists operate from the wide open bays and wetlands of the eastern shores of North America to some of the most remote regions of Canada and Alaska, and are documenting an important part of our wildlife heritage;

Whereas the Waterfowl Population Survey, operated by the United States Fish and Wildlife Service, is celebrating its 50th anniversary in 2005, is featured on the 2005-2006 Duck Stamp, and has been recognized by the Congressional Sportsmen's Foundation for its contribution to waterfowl hunting;

Whereas the Waterfowl Population Survey Program has evolved into the largest and most reliable wildlife survey effort in the world;

Whereas for more than 50 years cooperative waterfowl surveys have been performed by the United States Fish and Wildlife Service, the Canadian Wildlife Service, State and provincial biologists, and nongovernmental partners; and

Whereas survey results determine the status of North America's waterfowl populations, play an important role in setting annual waterfowl hunting regulations, and help guide the decisions of waterfowl managers throughout North America: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements and contributions of the Waterfowl Population Survey Program;

(2) expresses strong support for the continued success of the Waterfowl Population Survey Program;

(3) encourages the United States Fish and Wildlife Service in its efforts to broaden understanding and public participation in the Waterfowl Population Survey Program by increasing partnerships to continue growth and development of the Survey; and

(4) reaffirms its commitment to the Waterfowl Population Survey Program and the conservation of the rich natural heritage of the United States.

Mr. GREGG. Mr. President, in a few minutes, under the regular order, we will proceed to the deficit reduction bill.

DEFICIT REDUCTION OMNIBUS RECONCILIATION ACT OF 2005

The PRESIDING OFFICER. The Senator is correct. Under the previous order, the hour of 4 o'clock having arrived, the Senate will proceed to consideration of S. 1932, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1932) to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

Mr. GREGG. Mr. President, I ask unanimous consent that the presence and use of small electronic calculators be permitted in this Chamber during consideration of S. 1932.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that time spent in quorum calls requested during consideration of S. 1932 be equally divided between the majority and minority managers of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, at this point we turn to what is one of the more significant pieces of legislation to come before the Senate and the Congress during this session of the Senate. We always hear that. Whatever legislation comes to the Congress, they always say, Well, it is a significant piece of legislation—and it is. There is very little that he we do that cannot have that identification. But this one is a little unique because for the first time in 8 years under Republican leadership, this Congress will, if we are successful in passing this bill, conferencing it and then sending it on to the President, reduce the deficit of the United States through addressing what is the most significant item of spending in the Federal budget—mandatory programs. This is a major effort. As I said, it has not occurred in 8 years. The last time it happened was in the mid-1990s, and it has not occurred because people did not want to do it. It did not occur because it is not an easy thing to do. It is not easy to control the rate of the growth of the Federal Government, and it is not easy to control the growth of mandatory entitlement programs which is what this bill does.

So it is an important step in the direction of fiscal responsibility, and it is one which I am very proud to have the opportunity to bring here to the floor as chairman of the Budget Committee.

Let me explain quickly what the problem is so that people will understand the scope and concern of the issue of mandatory spending because it is going to impact not only America today but, more importantly, it is going to affect our children and our children's children if we do not do something positive in the area of trying to control Federal spending on mandatory programs.

Mandatory programs are programs which people have a right to. In other words, if you were in the military and are a veteran, you have entitlement to certain benefits. If you are at a certain income level in this country, you have a right to certain benefits. If you are a student going to college and you meet certain income levels, you have a right to certain types of benefits. If you are a senior citizen in this country today, you have a right to certain benefits under the Medicare Program and the Medicaid Program, depending on your income level, and those payments have to be made.

In other words, mandatory programs are programs where there is no discretion. The Federal Government has to pay out a certain amount of money because the law says that if a person meets a certain set of criteria, then that person has a right to the support of that program.

Mandatory programs used to be a small percentage of the Federal Government, but today they have grown—and this has occurred over the last 20 years, actually in the post-1970 period—to be the largest part of the Federal Government.

This chart reflects that. Back in 1975, mandatory programs represented a very small percentage. They are the orange bar here.

Discretionary programs—let me explain discretionary programs. They are programs which are funded every year. Those are the ones you think of relative to Government, such as national defense, education, cleaning up the environment. That is called a discretionary program. Every year the Government makes a decision, under the appropriations bill process, that we are going to spend this much on foreign aid; we are going this spend this much on defending our country; we are going to spend this much on homeland security; we are going to spend this much on education.

That is a discretionary program. We can change that every year. Nobody has a right to that money. Mandatory programs, as I said, people have a right to the program. So as we see the orange bar, in 1985, it was 45 percent of the Federal Government, discretionary being the balance. So there was an equal split between discretionary and mandatory. But you see that by today's accounting, mandatory programs represent approximately 56 percent of the Federal budget, the largest item in the Federal budget, and they are growing. In fact, this chart shows it rather dramatically. So that by the year 2015, they will be 62 percent of the Federal budget and essentially absorbing most of the Federal spending.

What is the practical implication of that? Well, it means that if we are going to discipline ourselves as a government, we have to be willing to look at mandatory programs. The only way you can look at mandatory programs is through something called the reconciliation process. That is what we have in the Chamber today, a bill which controls the amount of spending the Federal Government does in the mandatory area and therefore reduces the debt if it reduces that spending.

Why is it important to do this? Well, I mentioned the major programs in the mandatory area involve mostly health care and people who are retired: Social Security, Medicare, and Medicaid. And as a quirk of fate, there is this population group called the postwar baby boom generation, which is the largest generation in the history of our Government. This group has changed the country in every 10-year period. It has impacted the way the Nation lives. In the 1950s, we had to build a huge number of schools to meet the needs of this generation. In the 1960s, this generation had a huge impact on civil rights and women and, of course, in the Vietnam debate. In 1970s and 1980s and 1990s, this generation has been the most productive generation in the history of our country because it is the largest and also the best educated over that period and as a result has caused our country to obtain huge wealth, and we as a nation have been very prosperous as a result of this generation putting its oars in the water.

But now this generation, the baby boom generation, is moving toward retirement and moving toward retirement rather quickly. By 2008, members of this generation will start to retire, and by 2030 this generation will, for all intents and purposes, be retired. And the effect of this huge generation retiring is it is going to put massive demands on people who are working: in other words, our children, my children, children of the baby boom generation, and their children are going to have to pay taxes to support the retirement benefits of this massive generation.

To try to put it into perspective, in 1950, there were about 16 people working for every 1 person retired. Today, there are about 3½ people working for every 1 person retired. By the time we hit the year 2030, there will only be 2 people working for every person retiring in this country because the baby boom generation is huge.

What is the impact on our Federal Treasury but more especially on the taxing of our children and our children's children when this happens?

This chart, in red, shows it most dramatically. These are the three programs in the Federal Government—Social Security, Medicare, and Medicaid—and the spending they absorb.

Now, historically, Federal spending, the amount spent by the Federal Government, has averaged about 20 percent of the gross national product for a long time. That is the blue line here. And you can see that back in 1980, Social Security, Medicare, and Medicaid took up about 8 percent of the gross national product, and the balance was taken up in the Federal spending on national defense and other items.

Today, that number has gone up so that it represents about 10 percent of the gross national product being absorbed by Social Security, Medicare, and Medicaid. But as you can see from this chart, by about the year 2030, when this baby boom generation is fully retired, these three programs alone—Social Security, Medicare, and Medicaid—will use up all the revenues of the Federal Government—all of them. They will represent, in spending, 20 percent of gross national product.

The practical implications of that are that you will have no money available for national defense, for education, for environmental cleanup, for all the different things you would like to do—for veterans affairs—because these three spending programs—Social Security, Medicare, and Medicaid—will essentially be absorbing 20 percent of the gross national product, unless—unless—you want to dramatically increase the taxes on our children so that they actually end up paying more than 20 percent of gross national product in taxes or you are willing to slash programs and the benefits going to seniors.

Neither of those options are very attractive, to say the least. If you look in the outyears, you see that these programs continue to accelerate even faster, so that by the year 2050, these programs are actually absorbing almost 30 percent of the gross national product. So we have to address this.

Well, it is similar to that old television ad that used to be aired. There was an oil filter ad that said: You can pay me now or pay me later, and if you pay me later, it is going to cost a heck of a lot more. You can replace the oil filter today for $14 or a year from now or in 6 months you are going to have to replace the engine in your car for $2,500. You have the choice.

We can act now and do some constructive and conscientious things to try to bring under control the rate of growth of entitlement spending, mandatory spending, that red line there, or we can bury our heads in the sand and say those are our children's problems, and they are going to have to pay our retirement benefits; we are not going to worry about them.

Well, the Republican Congress and the President have decided it is not good policy to pass this problem on to our children and it is not fair and it is not right. So we produced a budget this year which, as I mentioned, for the first time in 8 years has moved into the sacred ground of trying to address controlling the rate of growth of mandatory spending and thus reducing the size of the Federal deficit. It has been complicated, it has been difficult, but we have made progress, and we now have in the Chamber this bill which does some very constructive things in this area.

The bill itself represents about $71 billion, in gross terms, in reducing deficit spending over the next 5 years. However, because we felt there were some initiatives which needed to be taken in moving forward to make these savings and to accomplish this deficit reduction, because we felt there should also be initiatives to move forward, the net number in this bill of actual deficit reduction is about $29 billion.

You may say, and some of our commentators have said: Well, it is not enough. This is small potatoes. Let me begin by saying, in New Hampshire, $39 billion is not small potatoes. I don't think it is anywhere in the United States, except in Washington. And more importantly, if you don't move forward with this attempt, you are essentially doing nothing, which means you have made no effort in the area of deficit reduction and no effort in the area of getting our spending under control.

Now, why do we net out about $30 billion of new spending in this effort? As I mentioned, the total bill is about 71 and the spending reduction is about 39. Well, there are two major initiatives in this bill which account for most of the initial spending. The first is that the majority of the money from each one of the subcommittees—I should explain this quickly. Each committee in the Congress was asked to save a certain amount of money in their area of responsibility. The Finance Committee was asked to save $10 billion, the Agriculture Committee was asked to save $3 billion, the Education and Labor Committee was asked to save $13 billion. The Education and Labor Committee, in reaching its savings target, decided to reduce corporate subsidies that benefit people who lend money to students. Basically, they took a policy position that the corporate subsidies were too high in this area.

In doing that, they felt that some of the savings from reducing those corporate subsidies should flow to students. So under the leadership of Chairman ENZI, there is essentially a major new push for funding programs that assist low-income students, low-income students who need assistance to go to college. That is good policy. We know that our country, if it is going to be competitive as we move into this century, has to be smarter, brighter, and more capable than the rest of the world, and the way you do that is by giving people the opportunity to go to college, no matter what their income levels are, and we give them an incentive to do that so they can be creative, imaginative, better educated and thus pursue better careers. And that is what we want, better careers for people. It creates jobs and opportunity throughout this country when we do that. So the HELP Committee—Health, Education, Labor, and Pensions Committee—came back with a program which had the $13 billion of savings in it, most of it through reducing corporate subsidies, lender corporate subsidies, and at the same time put a significant amount of new dollars, about $11 billion, into helping students, low-income students especially, go to college.

The second major initiative is in the area of trying to keep doctors engaged in the Medicare Program. We know we have a lot of doctors who don't believe they are adequately compensated under Medicare and, as a result, are less inclined to see patients.

The most important thing a patient needs if they are on Medicare is to see a doctor. That is fundamental to Medicare. There was a glidepath—it wasn't a glidepath; I guess it was a glidepath, it was coming down—to cut by 4.5 percent the salaries of doctors participating in Medicare. The chairman of the Finance Committee, Chairman GRASSLEY, in a very foresighted decision, said that is not going to work because that means patients won't have access to doctors because doctors won't be treating patients if they have that sort of financial detriment placed on their back.

Basically, in his bill, he has saved significant dollars in the area of health care. He has put a considerable amount of those dollars into the effort to keep doctors whole. There is no big increase in here for doctors, but basically they are at a freeze level. I guess it is a 1-percent increase, in fact, and that means we will have more access for people, patients will have more opportunity to see people they need to see when they are sick. That is an important initiative.

All the spending—almost all the spending; I can't say all—almost all the spending programs in this bill, to the extent there are spending programs in this bill, are focused on low- and moderate-income people—in fact, almost entirely low and moderate efforts to give people more access to health care and students more access to college education.

That being added up, we now have on the floor a $35 billion deficit reduction package. That is a major step forward. On top of that, there are major initiatives in this bill to address the pension issue. We know we have a serious problem coming at us in these areas: Medicare, Medicaid, and Social Security, but running right along with that, as one might expect, is a huge problem coming at us in the private pension area.

The pension guarantee fund, which essentially is a fund for when a company goes bankrupt—and we certainly are hearing a lot about that recently with our airlines—rather than allowing that company to completely wipe out that pension plan and all the people who worked for that company all their lives wake up one morning and find out they don't have a pension, even though they paid into it for years, this Pension Benefit Guaranty Corporation guarantees a certain percentage of that pension will be paid—not all of it but a percentage of it. Because there have been so many bankruptcies and because we have had such a huge pressure on old-line industries in this country who had defined benefit plans, the Pension Benefit Guaranty Corporation is looking at a $30 billion to $50 billion deficit, which means it cannot meet its liabilities, which means, once again, at risk are even the slimmed-down pensions which come to people who find their pensions in the Pension Benefit Guaranty Corporation.

So in this bill there is an attempt to move toward solvency in that corporation, and that is good policy. Again, that came out of Senator ENZI's proposals, and he should be congratulated for it. His committee ended up with the largest lift, so to say, in this effort, and they did an excellent job in meeting that requirement.

This is a very balanced bill, the bottom line of which is very simple: We are going to reduce the deficit by $35 billion in 5 years and that, quite honestly, translates—this is a big delta into the outyears—even into significantly more money as we move into the next 5 years.

This is a significant step forward in the area of fiscal discipline. It is something that needs to be done in this country, and it is something this Republican Congress has been willing to step up to try to do.

How has the other side reacted? We are going to hear a lot of people on the other side say this is a terrible bill because it cuts spending on the poor while it cuts taxes for the rich. That is the theme on the other side. It is a little hard to defend that position, quite honestly, in light of what this bill actually does.

First off, this bill does not cut spending to the poor. To the extent there is new spending in this bill, it actually assists especially low-income students. The Medicaid changes are focused primarily on pharmaceuticals and, in addition, are designed to give Governors much more flexibility.

I will tell you right now that a Governor who is worth his or her salt is going to be able to expand—expand—

their care to low-income individuals under these proposals because they will have more flexibility. You give a good Governor more flexibility and they will need less dollars to do what they know is right. Because the stringencies of the Federal Government are so extraordinary, they waste a tremendous amount of money trying to meet the obligations. But there are no reductions in this bill toward low-income individuals. The reductions are focused on the pharmaceutical side. They are focused on trying to get the Medicaid system under control using good practices of management, something which I know the other side resists. But that is the way it works.

Then there is this concept of there is a tax cut for the rich in here. First off, this bill has no tax cut in it at all. None. There is no tax relief in this bill. I wish it did have tax relief, but it has no tax relief. It cannot have tax relief, and I think this point needs to be made, and later on I will ask the Parliamentarian for his precise description of this point. But under this bill, if it has tax relief, it would mean the second reconciliation bill on tax relief could not be undertaken, as I understand it, and, therefore, this bill has been scrubbed of any tax relief activity.

But the other side continues to say it is a tax bill. It is not. This is an opportunity—an opportunity—for the other side to vote to reduce the deficit by $39 billion—that is all it is—and to do it in a responsible way where we expand patients' access to health care, where we expand student loans, and where we get under control, finally, to some extent, some of these major entitlement programs, especially in the pension area, in the education area, and in the Medicaid area—which leads me to my other point.

We are hearing a lot of crying of wolf from the other side on the tax relief issue. We are going to hear over and over the refrain: If you look at the tax bill that is going to come next, $70 billion, there is actually a net loss to the Treasury of $30 billion or so because this reduces spending by $39 billion, but the tax bill puts in tax relief of $70 billion. The next bill, hopefully, will put in tax relief of $70 billion, but let's go to what the items are on that list.

The next bill, the tax bill, is going to have in it a series of items that expire this year and next. What are the items that expire this year the other side appears to be opposed to because they say they are opposed to tax reconciliation? There is this alternative minimum tax. If we don't put in place relief for the alternative minimum tax, I think it is something like 8 or 9 or maybe even 20—the number is huge—million people, middle-income people, will suddenly pay taxes they did not pay before. It is a tax increase. The other side wants the increased taxes on those people, I guess. They want to raise the taxes on 8 to 9, 20 million people.

Next is the research and experimentation tax credit. This is one of the most important tax credits at the Federal level because it encourages companies to be creative and, as we know, the reason we are competitive as a nation is because we create better products and we have better research, R&D, and that is what creates jobs and careers in this country. I guess the other side of the aisle wants to eliminate the R&D tax credit. They want to raise taxes on entrepreneurship and on creativity.

The next tax that will expire in the next 2 years is the deduction for teachers' classroom expenses. This is the deduction we give to teachers who are good enough to, out of their own pocket, buy crayons for their classrooms; buy books for their classrooms, something they think their kids need. We decided teachers should have that type of help.

Not the other side of the aisle. I guess they want to raise taxes on teachers who do that. They want to raise those taxes.

The deduction for qualified educational expenses, once again, that is tied to the teachers' classroom expenses.

A deduction for State and local sales taxes—I have to admit, I am not sympathetic to letting the State and local taxes be deducted because New Hampshire doesn't have a sales tax. We also don't have an income tax. If you want to live where somebody knows how to handle their money, come to New Hampshire. But most of the high-tax States in this country—Connecticut, Massachusetts, New York, New Jersey, Illinois, and California—and let me see, how many Republican Senators are from those States? I can't remember. I don't think there are any. In all of those States, the sales tax is a huge portion of their revenue. Yet the other side of the aisle, I guess, does not want people in those States to be able to deduct their sales tax because they do not want the next tax reconciliation bill to come through here. Very ironic. I think it shows the hypocrisy, maybe, of the other side of the aisle when they come in here claiming they are opposed to the reconciliation bill when, in fact, the beneficiaries of this reconciliation bill are going to be the high-tax States, most of whom are represented by Democratic Members in the Senate. The list goes on.

I hope people, when they hear this constant refrain in grand, large terms, will ask specific questions: What is that tax you want to raise on people? What is the tax increase you want to stick people with? Do you want people to have to pay more because they cannot deduct their sales tax? Do you want people to pay more because they are stuck with the alternative minimum tax? Do you want people to pay more because the teacher bought crayons for the classroom? Those are the questions you need to ask.

So this proposal coming from the other side is really a straw dog, and it is a lot of hyperbole. But if you look behind the hyperbole and ask the substantive question. What are they really proposing, you see quickly they have no substance to their argument, and that, in fact, this is their opportunity, if they wish to try to reduce the deficit, to vote for this bill which cuts the deficit by $39 billion.

We can also ask, Where is the Democratic budget that gives us an alternative? Have we seen a Democratic budget that has given us an alternative? We were on the floor for 50 hours, but we never saw a budget from the Democratic Party. Never. And we are going to be on the floor for 20 hours with this reconciliation bill. Are we going to see an alternative bill? I don't think so.

In fact, we put together what the Democratic proposal has been since we started with the budget program, how much they have proposed in new spending. You cannot read this. There is so much spending, we couldn't put it in big letters. We ended up with little letters. You can't read it because there is so much spending. But it adds up to almost $500 billion of new spending that has been proposed by our colleagues on the other side of the aisle since January 1, just this year, $500 billion almost.

So maybe that is their proposal. They never really fleshed this out in specifics, so we went back and asked—clearly, if they had their way, they would probably want to increase spending—what is their specific proposal to reduce the deficit? What is that specific proposal? We went back and found out what it was, and here it is. This is the specific proposal of my colleagues on the other side of the aisle for reducing the deficit: A blank page. A blank page.

There is going to be a lot of hyperbole in the next few days about how this bill doesn't do this or how it doesn't do that, but what this bill does is it reduces the deficit by $39 billion over the next 5 years. That cannot be denied. And the one major vote, the one opportunity people are going to have in this Senate as a result of the hard deficit is going to occur when we have final passage of this deficit reduction bill. We are going to be debating it for 20 hours, and then, hopefully, we will go to a vote.

I, again, congratulate all the chairmen of all the different committees who were able to hit this target in what is a very difficult time and a very difficult task.

I yield the floor to one of the architects of this bill who did an extraordinary job, Senator GRASSLEY.

The PRESIDING OFFICER (Mr. BURR). The Senator from Iowa.

Mr. GRASSLEY. Mr. President. I very much thank Senator JUDD GREGG, chairman of the powerful Budget Committee, for his leadership and for doing what has not been done in this Senate, it is my understanding, since 1997: We have a budget reconciliation bill that will reduce the deficit by changing programs that are either appropriated or on automatic pilot that tend to never get reviewed as often as they should in order to watch the taxpayers' money wisely.

Senator GREGG's commitment to fiscal discipline has informed and defined this process, and I am grateful for his efforts.

As he just did, I congratulate the chairmen of seven other authorizing committees whose titles of this bill, along with the Finance title that I am going to talk about, comprise this giant legislation that we call reconciliation that Senator GREGG successfully reported last week.

I know that it was not easy for the chairmen of these eight committees to reach consensus and to move their titles forward. These chairmen and the members of their committees have every right to be proud of the work they have done achieving savings but also implementing policies that will help American workers.

Today, we have saved nearly $40 billion over 5 years—to be more accurate, $39.1 billion over 5 years—and that is $4.1 billion more than Congress even directed these committees to do back in April when the budget was adopted. Considering the 8 years since this has been done, this is a significant accomplishment and one of which we ought to be proud.

Many of the proposals in my committee's title, as well as the other titles of this bill, have bipartisan support. Some of them have been proposed by the administration in its budget which came out last February. While I am hopeful that during the debate this week, we will be able to persuade a number of Democrat Members to vote in favor of this bill, I recognize that the budget process is often a partisan exercise and that we will be able to count on few, if any, votes from the Democrat side of the aisle.

As the chairman of the Senate Budget Committee made very clear with his chart that was blank, we have not seen a Democrat proposal. Why? Because they do not want to bite the bullet and do what is hard to suggest from their point of view—how to reduce the deficit—unless it might be by raising taxes because often that is their solution, whereas I myself have never come to the conclusion that the American public is undertaxed. I never have my taxpayers telling me that they are undertaxed. The problem of the budget deficit is that Congress overspends.

In developing my part of this budget reconciliation proposal, I attempted to address a number of bipartisan priorities. These efforts were acknowledged by my colleagues during last week's Senate Finance Committee markup, and I want those members of the Finance Committee to know that I appreciate their kind words. Rather than having their kind words, I would rather have had those Democrats vote for this bill coming out of my committee rather than having it come out on an 11-to-9 partisan vote.

The Finance Committee portion represents nearly a year's worth of work on behalf of members of my committee and the staffs of the respective members, as well as committee staff.

The Senate Finance Committee title achieves a net of $10 billion in savings from Medicare and Medicaid by reducing wasteful spending and by closing loopholes. The Finance title also targets resources to preserving and improving Medicaid, the State Children's Health Insurance Program, and Medicare. In particular, the Medicaid provisions in the title will also produce additional resources for States in operating their Medicaid Programs. In so doing, this bill protects Medicaid benefits for the most vulnerable of our society.

The Senate Finance Committee title cracks down on Medicaid fraud and abuse by encouraging States to aggressively pursue Medicaid fraud by implementing in the respective States, beyond the 13 that have done it, State false claims acts, which in comparable legislation at the Federal level is the single most important tool that U.S. taxpayers have to recover the billions of dollars stolen through fraud every year. In addition, my Finance Committee title requires suppliers that do business with Medicaid to have a false claims act education program so that those with evidence of fraud against Medicaid know they may pursue these claims on behalf of the Government and help to recover stolen funds. In order to fight Medicaid fraud, the Senate Finance Committee title dramatically increases resources to fight fraud and abuse in Medicaid. This then will protect State and Federal budgets and generate substantial savings from this investment.

My committee's title also achieves savings by helping State Medicaid Programs obtain millions in payments owed by third-party payers each year. It also produces savings by ending drug manufacturers' gaming of the system by closing the authorized generic loophole so that appropriate rebates are paid to the States.

The Senate Finance Committee title helps preserve services to beneficiaries by ending overpayments to pharmacies, by reforming the broken system used to reimburse pharmacists for prescription drugs, which is based on the flawed average wholesale price formula, costing taxpayers lots more money than it should. There have been 13 reports in the last 5 years dealing with an average wholesale price formula done by the Congressional Budget Office, the Inspector General's Office, and from the Government Accountability Office, all calling for reforming the Medicaid pharmacy payment formula and ending overpayment for prescription drugs. These overpayments have been costing the States, as well as our Federal Government, billions of dollars needlessly.

The bill also includes provisions to protect rural pharmacies and encourage greater use of cost-saving generic drugs. In addition, my portion of this reconciliation bill balances the savings derived from pharmacy payment reforms with an increase in the rebate paid to State Medicaid Programs by drug manufacturers from 15.2 percent to 17 percent.

On the Medicare side, the Finance title calls for the phaseout of the budget neutral modification to the MedicareAdvantage risk adjuster. This provision will help ensure that the health status risk adjuster required by the Balanced Budget Act of 1997 meets its objective of providing accurate payment to plans based on their enrollees' health. The title also repeals the MedicareAdvantage regional stabilization fund.

There are concerns about these provisions, and some people have argued that we should not touch the MedicareAdvantage Program. In response, I point out that the phaseout of the risk adjuster was announced three times: first in February in the President's budget; second, with the 2006 rates; and again in the September CMS factsheet. So plans submitted their bids knowing full well that the phaseout was going to happen.

When we worked on the Medicare Modernization Act—and that was in 2003—the idea was that if the funds were not needed, then the dollars were to be returned to the U.S. Treasury. We have strong regional preferred provider organization participation. Regional preferred provider organizations are in 21 out of the 26 regions into which the country has been divided. Regional preferred provider organizations have several other safeguards to make sure they are available.

The base MedicareAdvantage rates have been fixed. There are risk corridors, network adequacy requirements, the essential hospital fund, and a moratorium on local PPOs. The title does not affect any of these safeguards, so we feel this money going back to the Federal Treasury under this bill is the right thing to do.

The Finance Committee title of this bill also preserves access to health care for seniors in Medicare by providing a

1-percent payment update to all providers paid under the Medicare physician fee schedule. This replaces a 4.4-percent payment cut that physicians are scheduled to receive in 2006 under the existing formula. So we change that formula to make sure that the 4.4-percent cut does not go through. On top of that, there is a small increase for our physicians.

The Part B premium is affected due to changes included in the title that affect Part B spending. While some provisions lower Part B spending, other provisions increase the spending. However, there is no effect on the Part B premium paid by our seniors until the year 2007. It is also important to keep in mind that the Part B premium increase does not affect low-income beneficiaries. In fact, I worked hard to extend the QI Program so that Part B premiums would continue to be covered for these individuals.

Avoiding the physician payment cut has strong support in the Senate. In July of this year, 89 Senators from both sides of the aisle sent a letter to the White House Office of Management and Budget calling for the removal of Part B drugs from the physician payment formula. This change, which the administration has the authority to make, would permit Congress to address the longstanding programs with the Medicare formula for reimbursing physicians.

Certainly, we are all concerned about any impact on Part B premiums, but this Senate is almost unanimous in its support of addressing this, as evidenced by the 89 signatures calling for changes in the formula that were sent to the administration. To be clear about this, the changes in the physician fee called for in that letter would also increase Part B premiums to our senior citizens. It is important that we take steps to maintain access to physician services in the Medicare Program. The benefits in Medicare are not worth much if beneficiaries cannot find a doctor when they need one.

Another important area addressed by the Senate Finance Committee is long-term care costs. Recognizing that long-term care costs account for significant spending in the Medicaid Program, this bill makes key provisions in long-term care for seniors and the disabled. Consistent with a proposal put forth by President Bush, this bill includes a "money follows the person" rebalancing demonstration program. This program would direct grants to States to increase use of home- and community-based services rather than institutional care, and it would eliminate barriers that prevent or restrict the flexible use of Medicaid funds so that individuals may receive support for long-term services in a setting of their choice. This is empowering people.

The title also provides new options for private coverage of long-term care through the long-term care partnerships and promotes the availability of programs of all-inclusive care for the elderly in rural areas.

The Finance Committee title also addresses a number of Medicare priorities while also achieving savings in other areas of Medicare. To begin, being mindful of the unique needs of rural residents and the facilities that serve them, the title protects access to Medicare services for rural beneficiaries.

First, the title would extend the hold-harmless provisions for the small rural hospitals and sole community hospitals from implementation of the hospital outpatient prospective payment system.

Second, it would expand coverage of additional preventive benefits under the Federal qualified health centers.

Third, it would extend the Medicare Dependent Hospital Program, which provides financial protections to rural hospitals with less than 100 beds that have greater than 60 percent of their patients coming from Medicare.

Another issue I suspect we will hear a good deal about during this debate over the next few days is the impact that Hurricane Katrina had when it devastated hundreds of thousands of our fellow Americans.

The title would provide for a much needed downpayment to those States that have suffered as a result of Hurricane Katrina. I am committed to ensuring that the families who have suffered so greatly as a result of this national tragedy receive the services they need to rebuild their lives, and the States which have been affected are made whole.

The Finance Committee title of this bill also provides funding to strengthen and improve the Medicaid and State Children's Health Insurance Program. As my colleagues know, as many as 23 States are projected to experience shortfalls in the Children's Health Insurance Program over the next 2 years. The national total of these State Children's Health Insurance Program shortfalls is near $1 billion. The Senate Finance Committee title includes temporary provisions that will stem these State shortfalls and ensure that States are not forced to curtail or end their Children's Health Insurance Program coverage for vulnerable low-income children.

In order to continue to improve the Medicaid and Children's Health Insurance Programs, the Senate Finance Committee title in this reconciliation bill also includes outreach and enrollment efforts so that children eligible for public health assistance receive that assistance.

This legislation also addresses a fundamental flaw in our current Medicare payment system. Right now, Medicare payment policies do not encourage high-quality care. In other words, doctors get the same reimbursement and hospitals get the same reimbursement whether they are doing the highest quality of care or whether they do not care, and people are always going back into the hospital because the job is not done right the first time. So we have come to the conclusion that we need to reward quality and we need to provide incentives to invest more in health care information technology and other efforts that will improve health care quality.

This reconciliation bill does just that. This bill implements recommendations from the Institute of Medicine and also from the Medicare Payment Advisory Commission. These provisions are based on the bipartisan Medicare Value Purchasing Act, which is S. 1356, introduced by me and my Democratic colleague, the leader on the other side of the aisle of the committee, Senator BAUCUS of Montana. The legislation creates quality payments under Medicare for physicians and other providers, including hospitals, health plans, skilled nursing facilities, home health organizations, and end stage renal disease facilities.

Finally, the Senate Finance Committee title includes the Family Opportunity Act. The Family Opportunity Act was motivated by the circumstances of individual families—the Melissa Arnold family of Iowa and the Dylan Lee James family. You could say they are representative of hundreds of thousands of families. Both are families we use as an example of those who relied on Medicaid health services for their children with disabilities, and both families ended up risking eligibility for Medicaid as a result of financial eligibility rules that continue to create disincentives for parents to work and stay working and even improve their employment opportunities.

Acute need persists for the Family Opportunity Act. It is just as important today as it was over the past several years that I have been fighting to get the Family Opportunity Act law. I have heard from a number of families in Iowa and across the country, speaking of the imperative to enact the Family Opportunity Act. They tell me about their son or daughter or grandchild, and how much they love their child or grandchild and how important it is to tell their story. They tell about the illness or disability that their families have been struggling with for years.

Then they describe how dad and mom could comfortably support their family but must remain poor, even unemployed, in order that their child receive the health care coverage they need. These parents want to work and provide for their families but must put the health care of their child first.

If we are able to successfully pass the legislation—we have been able to pass this legislation in the Senate, but it did not get through the House of Representatives. If we are successful again, we will achieve important savings that help put our fiscal house in order as well as preserve benefits and ultimately expand access through the Family Opportunity Act for families in Iowa and across the Nation.

The Finance Committee title of this bill achieves significant savings in Medicare and Medicaid by reducing wasteful spending and closing loopholes. It then directs much of these savings to make improvements in these programs that expand access to health care services, protect health care coverage for kids, and protect access to Medicare beneficiaries.

But the bottom line is more than $10 billion in savings in existing programs or additional money being recouped from fraud or money coming in from fees. The bottom line to the Federal deficit is $10 billion.

I have two summaries of the Finance Committee title. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Summary of Title VI

Title VI of the Deficit Reduction Omnibus Reconciliation Act of 2005 achieves significant budget savings, slashes wasteful spending, and targets resources to preserve program integrity, improve access to health care, and preserve and protect Medicare and Medicaid.

SPENDING REDUCTIONS

MEDICAID

PRESCRIPTION DRUG PAYMENT REFORMS

Redefines average manufacturer price (AMP) to reflect discounts and rebates available to retail pharmacies and then uses that definition for payments to pharmacies and for the calculation of the best price.

Defines weighted average manufacturer price (WAMP) as the basis of a new payment system for these drugs and for a new federal upper limit for multiple source drugs.

Clarifies nominal price definition to ensure that sales made at a nominal price are appropriately included in AMP calculations.

Creates a new federal upper limit for payments to states for covered drugs that goes into effect January 1, 2007 (with a later transition for states without '06 legislative sessions) of AMP+5% for single source drugs and WAMP – 15% for multi-source drugs.

Includes language that requires states to provide appropriate dispensing fees to pharmacists and sets factors upon which they should be based.

Creates an interim payment policy for 2006 capping the current federal upper limit at 125% of the July 1, 2005 AWP, WAC, or direct price levels.

–$4.595 billion/5 years

REFORM OF MEDICAID ASSET TRANSFER RULES AND LOOPHOLES

Closes loopholes in current Medicaid law concerning transfer of assets to limit the circumstances under which persons may intentionally shelter assets in order to qualify for Medicaid.

This section includes the following provisions to close other loopholes that exist in current law:

Requires states to apply partial month penalties.

Requires states to accumulate transfers in computing the period of ineligibility.

Requires that annuities are treated the same as trusts under current law.

Requires that certain notes and loans are considered countable.

Requires private annuities be based on actuarial life expectancy.

Limits transfers to purchase life estates.

States would be required to provide a notice of the undue hardship waiver process to any individual applying for Medicaid who would be subject to a penalty period so they may request a waiver of the penalty period.

States would be required to provide for a timely process for determining whether an undue hardship waiver will be granted, and a process for appeal of an adverse determination.

–$335 million/5 years

FRAUD, WASTE AND ABUSE

Enhancing third party recovery. The section creates useful new tools for existing third party recovery programs: (1) clarifies that PBMs must respond to claims; (2) clarifies that self-insured plans must turn over eligibility data; and (3) clarifies that states can recover claims for up to three years from the date of service.

Limitation on use of contingent fee arrangements. The section gives the Secretary authority to implement standards for states in their use of contingent fee contracts.

State False Claims Act. Creates an incentive for states to implement state False Claims Acts by providing them with an enhanced FMAP for any settlements reached through a state False Claims Act.

False Claims Act employee education program as a condition of participation. Requires employers that do more than $1M business with Medicaid to have a False Claims Act education program for their employees.

Prohibition on payments to States for prescriptions drug claims that have already been submitted and paid. This section clarifies in statute that pharmacists cannot bill Medicaid for drugs that have been paid for previously and restocked.

–$512 million/5 years

STATE FINANCING OF MEDICAID

MCO Provider Tax Reform

This provision would treat managed care organizations the same as other providers for purposes of applying current law on provider taxes. This section permits states that have a Medicaid-only managed care provider tax to keep it.

–$75 million/5 years

TARGETED CASE MANAGEMENT REFORMS

The Targeted Case Management provision clarifies the definition of case management services. The provision specifies that "case management services" include: assessment activities, the development of a specific care plan, referral and related activities to help an individual obtain needed medical, social educational and other services, monitoring and follow up activities.

Further clarifies that "case management services" do not include the direct delivery of medical, educational, social or other services, such as: research gathering, assessing adoption placements, recruiting or interviewing potential foster care parents, serving legal papers, homes investigations, and transportation.

–$760 million/5 years

DRUG REBATE AND RELATED PROVISIONS

Close Authorized Generics Loophole

Improved regulation of authorized generic drugs. This section requires CMS to include the best price of an authorized generic in the calculation of the best price for the branded drug.

–$180 million/5 years

Increase Flat Rebate Amount to 17% in 2006

Increase in rebates for covered outpatient drugs. This section increases the rebate paid by innovator drug manufacturers from 15.1% to 17% and on noninnovator drugs from 11% to 17%.

–$1.400 billion/5 years

Physician Administered Drugs

Requires the collection and submission of utilization data for certain physician administered drugs. This section requires states to begin collecting information on physician administered drugs for the purpose of insuring the state receives the proper rebate amount.

–$150 million/5 years

Subtotal—Medicaid Spending Reductions: –$8.007 billion/5 years

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MEDICARE

PART A

EXTEND MEDICARE BAD DEBT POLICY TO SKILLED NURSING FACILITIES

As proposed in the President's FY 2006 budget, this provision would reduce Medicare's reimbursement of skilled nursing facility bad debt (unpaid beneficiary co-pays and deductibles) from 100% to 70% of allowable costs.

Medicare skilled nursing facility bad debt payments have increased 44% from 1996 to 2000.

Congress provides a 30% reduction in Medicare bad debt payments to hospitals. This policy would equalize the SNF bad debt payment rate making it consistent with the bad debt payment rate for hospitals.

–$250 million/5 years

PROHIBIT PHYSICIAN SELF-REFERRALS TO PHYSICIAN-OWNED LIMITED SERVICE HOSPITALS

Prohibits new physician-owned limited service hospitals from having any ownership or investment interest by physicians who refer Medicare or Medicaid patients to the hospital. Confirms that the "whole hospital" exception would not apply to any new physician-owned limited service hospital effective June 8, 2005.

Physicians are generally prohibited from referring Medicare and Medicaid patients to facilities in which they have a financial interest, unless they have an ownership or investment interest in the whole hospital and not merely a subdivision of the hospital.

In 2003, Congress established that the "whole hospital" exception would not extend to physician-owned limited service hospitals (hospitals that are primarily engaged in cardiac, orthopedics or surgical care) for an 18–month period.

Allows existing physician-owned limited service hospitals to continue operation with certain restrictions.

–$22 million/5 years

PART B

DME PAYMENT AND MAINTENANCE FEE REFORMS

Part B of Medicare pays for certain pieces of durable medical equipment (DME) under a capped rental method. Medicare currently pays 120% of the purchase price over 15 months.

Suppliers can bill Medicare for maintenance and servicing (usually 10% of the purchase price) 6 months after the 15 month rental period ends and once every 6 months thereafter. Suppliers are allowed to bill even if maintenance is not provided.

This provision would require DME rentals to be purchased after the 13th month, which would eliminate payments for 2 months and eliminate payments for maintenance and servicing unless otherwise necessary.

This would reduce the price Medicare pays suppliers from 120% to 105% of the purchase price.

–$910 million/5 years

PART C

Eliminate Budget-Neutrality Modification to Risk Adjusted Payments to Medicare Advantage Plans

This provision would codify the Administration's proposed phase-out of its budget neutral modification that undermines the Medicare Advantage risk-adjusted payment system.

Permits true comparisons based on health status of beneficiaries enrolled in Medicare Advantage to beneficiaries enrolled in fee-for-service Medicare.

Ensures that underlying BBA-mandated health status based risk adjusted payment system will produce accurate payments for a beneficiary with a particular health status who enrolls in Medicare Advantage.

This provision is consistent with a June 2005 MedPAC recommendation.

–$6.460 billion/5 years

ELIMINATE REGIONAL MEDICARE ADVANTAGE PPO STABILIZATION FUND

Repeals fund established to promote plan entry and retention in Medicare Advantage program.

In an August 2005 Fact Sheet on the Medicare Advantage program, the Centers for Medicare and Medicaid Services indicated that the program has "stabilized and flourished."

As of January 1, 2006, regional Medicare Advantage plans will be available in 21 out of the 26 Medicare Advantage regions, indicating that plans are experiencing fewer than anticipated challenges in entering regions.

Does not affect any other provisions to promote regional PPOs such as risk-corridors, local PPO moratorium, essential hospital fund, and network requirements.

This provision is consistent with a June 2005 MedPAC recommendation.

–$5.440 billion/5 years

OTHER MEDICARE

PAY FOR PERFORMANCE

Requires the Secretary of Health and Human Services to develop and implement value-based purchasing programs under Medicare for acute-care hospitals, physicians and practitioners, Medicare Advantage plans, end-stage renal disease (ESRD) providers, home health agencies, and to take initial steps toward value-based purchasing for skilled nursing facilities.

Outlines the process and requirements for the development, implementation, and updating of a Quality Measurement System that will guide reporting and value-based purchasing programs.

Principles for Medicare value-based purchasing include:

Building upon existing system and involving all relevant stakeholders.

A two-phased implementation that first ties Medicare reimbursement updates to the reporting of quality measures, and then creates a quality pool to reward providers for meeting certain thresholds of quality improvement and quality attainment.

The amount of Medicare payments in the quality pool will start at 1% of provider payments scaling up to 2% over a 5-year period.

Increased transparency and mandatory reporting of quality data to ensure that beneficiaries and the public have access to information to help them make informed health care decisions.

–$4.510 billion/5 years

Subtotal- Medicare Spending Reductions: –$18.637 billion/5 years

Subtotal—Gross Spending Reductions: –$26.644 billion/5 years

PROGRAM IMPROVEMENTS

MEDICAID AND SCHIP

IMPROVED FRAUD AND ABUSE OVERSIGHT

HEALTH CARE FRAUD AND ABUSE CONTROL PROGRAM/MEDICAID INTEGRITY FUND

Under current law, funds from the Health Care Fraud and Abuse Control (HCFAC) account are used by federal agencies in their efforts to control fraud and abuse in health care programs. Funds go to the HHS OIG and to the Department of Justice. The additional funding provided would be used to continue efforts to find erroneous and fraudulent uses of Medicaid and SCHIP funding and provide an increase in audits and evaluations of state Medicaid programs.

$403 million/5 years

PRESERVING AND IMPROVING ACCESS TO HEALTH CARE

FAMILY OPPORTUNITY ACT

Under current law, parents of severely disabled children who work lose Medicaid eligibility for their disabled children if they have income and resources above the poverty level.

The Family Opportunity Act, which has broad bipartisan support, would allow these parents to go to work and earn above-poverty wages while maintaining health care for their disabled children.

Key Provisions:

Medicaid "buy-in" for disabled children whose family income or resources are at or below 300% of the poverty level ($58,050.00 for a family of four).

Funds for demonstration projects in 10 states to provide services to Medicaid enrolled children with psychiatric disabilities at home, instead of in an institution.

Funds for information and outreach centers to serve families with disabled children.

Immediate access to Medicaid coverage for those children who are "presumed eligible" for Supplemental Security Income (SSI).

$872 million/5 years

ADDRESSING SCHIP SHORTFALLS

Under current law, CMS projects that as many as 23 states are projected to experience funding shortfalls in their SCHIP programs over the next 2 years.

Consistent with the SCHIP proposal in the President's budget, this provision addresses SCHIP shortfalls by redistributing a portion of these balances from states that have SCHIP surpluses to states that have SCHIP shortfalls.

Permits states to use up to 10% of their 2006 and 2007 allotments for outreach activities.

Prohibits future SCHIP waivers for non-pregnant adults. Provides that redistributed funds for shortfall states must be spent on targeted low-income children in order to receive the enhanced SCHIP-match. States that wish to use the redistributed funds for individuals other than targeted low-income children may do so but at their regular FMAP matching rate.

Continues authority for certain "qualifying states" to use funds for Medicaid expenses. Qualifying states include: Connecticut, Hawaii, Maryland, Minnesota, New Hampshire, New Mexico, Rhode Island, Tennessee, Vermont, Washington and Wisconsin. Public Laws #108-74 and 108-27 allowed qualifying states to use up to 20% of the state's 1998–2001 allotments to pay for Medicaid eligible children above 150% FPL that were part of a state's Medicaid expansion prior to enactment of SCHIP. The 1998-2000 allotments "expired" in 2004. The 2001 allotments "expired" at the end of the FY 2005. Therefore, currently, no spending under these provisions is permitted.

"Covering Kids" which provides $25 million for fiscal year 2006 for grants to eligible entities to conduct outreach and enrollment efforts designed to increase enrollment and participation of eligible children under Medicaid and SCHIP and promote understanding of the importance of health insurance coverage for prenatal care and children.

$205 million/5 years

MONEY FOLLOWS THE PERSON DEMONSTRATION

Provides for demonstration projects to encourage community based services to individuals with disabilities rather than institutional long-term care services.

· This provision offers states a financial incentive to expand the number of individuals who can receive home and community-based services by providing an enhanced federal match rate for the cost of service expenditures for one year for individuals who are relocating from an institution into the community.

Authorizes grants by HHS to states for the following purposes:

To increase the use of home and community based services, rather than institutional services.

Eliminate barriers that prevent or restrict the flexible use of Medicaid funds to enable individuals to receive support for appropriate and necessary long term services in the settings of their choice.

To increase the ability of the State Medicaid program to assure home and community based long term care services to eligible individuals, who choose to transition from an institution to a community setting.

Ensure that procedures are in place to provide quality assurance for eligible individuals receiving Medicaid home and community based long term care services and to provide for continuous quality improvement in such services.

$105 million/5 years

IMPROVED LONG TERM CARE OPTIONS

EXPAND LONG-TERM CARE PARTNERSHIP PROGRAM

Encourages the purchase of private long term care insurance by providing persons who have exhausted the benefits of a private long-term care insurance policy to access Medicaid under different means-testing requirements. This proposal is designed to result in savings to the Medicaid program by delaying the need for Medicaid coverage of long term care expenses.

Repeals the federal legislative ban on new long-term care partnership programs to allow any state in the nation the option of implementing a long term care insurance partnership program.

Establishes consumer-protections consistent with National Association of insurance Commissioner recommendations.

Requires the Secretary, in consultation with stakeholders, to develop standards to permit reciprocity of policies across states.

Establishes a national clearinghouse for information on long-term care insurance policies.

$10 million/5 years

OTHER PROVISIONS

Targeted temporary relief to certain parishes in Louisiana, counties in Mississippi and Alabama, and the state of Alaska FMAP (Sec 6032). This section reimburses states at 100% FMAP for any claims paid on behalf of an individual living in a specific parish in Louisiana or county in Mississippi and Alabama the week of August 28, 2005. This increase is temporary, beginning on August 28, 2005 and ending on May 15, 2006. It also creates a statutory floor for the FMAP for the state of Alaska at the 2005 FMAP level for 2006 and 2007.

$1.940 billion/5 years

Provides an adjustment to the District of Columbia's DSH allotment reflective of actual audited base year costs that all other Medicaid programs now use in their computation.

$100 million/5 years

Provides for podiatrists to be treated as physicians, as is the case under Medicare. The provision expands the definition of "physician services" under Medicaid to include a doctor of podiatric medicine with respect to the functions such a person is legally authorized to perform by the state in which he/she practices. States would now be required to cover the medical services of podiatrists.

$55 million/5 years

Provides for a 10-state demonstration project under which institutions for mental diseases not publicly owned or operated, would be eligible to receive reimbursement for Medicaid eligible recipients between the ages of 21–64 for the sole purpose of stabilizing an emergency medical condition.

$30 million/5 years

Subtotal Medicaid Spending: $3.722 billion/5 years

MEDICARE

PART A

REHABILITATION 75% RULE

Sets implementation of the "75% rule," which is a criteria used to determine whether a hospital or unit qualifies as an inpatient rehabilitation facility (IRF) and thus for higher Medicare payments, at the 50% level through June 30, 2007.

Allows facilities more time to comply with the 50% threshold. Those IRFs that failed to meet the 50% compliance will be given an additional 6 months to meet this threshold. If after 6 months the facility remains noncompliant, the Secretary would revoke the facility's IRF status and collect any overpayments.

Calls for a study to identify and review the types of patients, medical conditions and rehabilitation providers that are unable to meet CMS' qualifications. Establishes a rehabilitation advisory council to provide advice and recommendations on the coverage of rehabilitation services under Medicare.

$105 million/5 years

EXTEND AND IMPROVE MEDICARE DEPENDENT HOSPITAL (MDH) PROGRAM

Extends the Medicare Dependent Hospital (MDH) program, which was created to provide financial protections to certain rural hospitals with less than 100 beds that have a greater than 60 percent share of Medicare patients, through 2011.

Allows hospitals the option to use 2002 base year costs, in addition to base year costs from 1982 or 1987.

Improves the .blended payment rate by raising it from 50 percent to 75 percent of the difference between prospective payment system (PPS) payments and cost-based payments.

Removes the 12 percent disproportionate share hospital (DSH) payment cap for qualifying hospitals.

$14 million/5 years

PART B

SHORT TERM PHYSICIAN PAYMENT UPDATE

Physician payment updates are determined using the Sustainable Growth Rate (SGR) formula, which is based on four factors: .

Medicare Economic Index (MEI)

Number of beneficiaries in Fee-For-Service Medicare

Expenditures due to changes in law or regulations

Growth in real GDP per capita.

Actual spending has been higher than spending projected by the SGR formula, which will result in negative updates for the next six years.

Eliminating the SGR formula and adjusting payments for inflation would cost $154.5 billion over 10 years.

This provision would provide physicians with a positive 1.0% update in 2006.

$10.8 billion/5 years

THERAPY CAP MORATORIUM

In 1997, the BBA created a financial cap on the amount of money Medicare could spend per beneficiary for outpatient therapy services.

Two caps were set at $1,500 indexed to the Medicare Economic Index (MEI); one for physical therapy and speech language therapy, the other for occupational therapy.

Since 1999, Congress has twice enacted a moratorium on implementation of the therapy caps. The moratorium is set to expire in 2006.

This provision would extend the moratorium for one year.

$710 million/5 years

HOLD HARMLESS PAYMENTS FOR RURAL HOSPITAL OUTPATIENT DEPARTMENTS

MedPAC has stated that rural hospitals' financial performance under the outpatient prospective payment system (OPPS) is expected to decline by 2006.

Hold harmless payments are targeted to rural sole community hospitals and other rural hospitals with 100 or fewer beds.

The hold harmless policy should be extended because it targets the specific rural hospitals most affected.

This provision would extend hold-harmless payments under the OPPS through calendar year 2006.

This provision is consistent with a March 2005 MedPAC recommendation.

$170 million/5 years

ESRD COMPOSITE UPDATE

MedPAC has found beneficiary access to care is good, provider capacity is increasing, quality is improving, and provider access to capital is good.

This provision would provide a 1.6% increase in the composite rate update for 2006, consistent with the update provided in the MMA.

ESRD facilities will be paid for quality and efficiency starting in 2007 under the Medicare Value-Based Purchasing Act.

$520 million/5 years

EXPAND AVAILABILITY OF PACE IN RURAL AREAS

Establishes site development grants and a technical assistance program for up to 15 PACE sites in rural areas.

Creates a fund to provide partial reimbursement for incurred expenditures above a certain level.

$37 million/5 years

INTERNATIONAL VOLUNTEERS

There are several older Americans that volunteer overseas for programs sponsored by 501(c)(3) organizations.

During this time, volunteers are required to purchase insurance that provides international health benefits.

Volunteers are also required to pay Medicare Part B premiums in order to avoid future penalties and delayed enrollment when they return to the United States.

This provision would waive the Part B late enrollment penalty and would establish a special enrollment period for these individuals upon their return to the United States.

$20 million/5 years

MEDICARE PAYMENT ADJUSTMENT TO FEDERAL QUALIFIED HEALTH CENTERS

Federal Qualified Health Centers (FQHCs) are located in areas where care is needed but scarce.

This provision would allow FQHCs to provide diabetes outpatient self-management training services and medical nutrition therapy services.

A health care professional (including registered dietician or nutrition professional) under contract with the center can now provide services in an FQHC.

This provision would also allow FQHCs to be eligible for Health Care for the Homeless grants.

$40 million/5 years

Subtotal Medicare Spending: $12.916 billion/5 years .

Subtotal—Gross Spending: $16.638 billion/5 years

PACKAGE TOTALS

Medicaid: Savings: −$8.007 billion;

Spending: $3.722 billion; Net: −$4.285 billion (Figures are over five years.)

Medicare: Savings: −$18.637 billion; Spending: $12.916 billion; Net: −$5.721 billion.

Package Net Savings: −$10.006 billion over five years.

Mr. GRASSLEY. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RUBY JUBILEE OF THE CRISIS CALL CENTER IN RENO, NEVADA

Mr. REID. Mr. President, I rise today to honor the Ruby Jubilee of the Crisis Call Center in Reno, NV. For 40 years, volunteers have provided intervention, prevention, referral, and education services to the people of Nevada. The center has been a lifeline for countless individuals. While its volunteers know how valuable their efforts are, we will never know how much pain they have prevented or the full extent of the healing they have promoted.

The Crisis Call Center was founded in 1966 at the University of Nevada, Reno to combat the high rate of suicide. However, its scope grew over time. Now an independent nonprofit, the Crisis Call Center offers support to all individuals in crisis, including victims of sexual assault and child and elder abuse and neglect. It is still the leading community organization working to end suicide in Reno.

Additionally, the Crisis Call Center runs outreach projects for youth and seniors, groups that are at high risk for depression and suicide. I am particularly impressed by The Senior Connection, a specialized hotline to provide advocacy, support, and education to seniors. Uniquely, the services are provided by seniors for seniors.

The Crisis Call Center is one of the oldest continuously operating crisis centers in the country. It has provided a model for the many that followed and its innovative approaches ensure that it will be a leader for many years to come. I hope that you will join me in celebrating this milestone and in looking forward to the important work the Crisis Call Center will perform in the future.

SEQUENTIAL REFERRAL OF S. 1803

Ms. SNOWE. Mr. President, I respectfully ask unanimous consent that the following letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE ON HOMELAND
SECURITY AND GOVERNMENTAL AFFAIRS,
Washington, DC, October 31, 2005.

Hon. WILLIAM FRIST,
Majority Leader, U.S. Senate, Washington, DC.

DEAR LEADER FRIST: Pursuant to paragraph 3(b) of S. Res. 400 of the 94th Congress, as amended, I request that S. 1803, the Intelligence Authorization Act for Fiscal Year 2006, as just reported by the Committee on Armed Services, be sequentially referred to the Committee on Homeland Security and Governmental Affairs for a period of ten days. I am making this request because this bill amends the Privacy Act, Section 552a of Title 5 of the United States Code, and the Privacy Act falls within the jurisdiction of the Committee on Homeland Security and Governmental Affairs pursuant to Senate Rule 25 and S. Res. 445 of the 108th Congress.

This request is without prejudice to any request for an additional extension of five days, as provided for under the resolution. Moreover, the amended resolution provides that the period of referral does not begin to run until the Committee to which the bill is referred receives the bill "in its entirety and including annexes." Thus, the ten days of initial referral will not begin until the Committee on Homeland Security and Governmental Affairs receives the classified annex to the bill as well as the bill and report. Finally, I request that I be consulted with regard to any unanimous consent or time agreements regarding this bill.

Sincerely,

SUSAN M. COLLINS,
Chairman.

SENATE BUDGET RECONCILIATION BILL

Mr. CORZINE. Mr. President, I rise today to express my serious concern about and opposition to the Senate budget reconciliation package.

The bill we are considering today contains harmful program cuts that would fall disproportionately on the most vulnerable in our society. And though its sponsors claim it is fiscally responsible, it is part of a budget reconciliation package that adds to the deficit rather than reducing it.

This legislation cuts funding for health care provided through the Medicaid Program, which provides health insurance to poor children, pregnant women, and elderly. My colleagues on the other side of the aisle argue that we must cut waste and fraud in the Medicaid Program. I agree with that. But, what I don't agree with is taking money out of this critical safety net program—without which millions of Americans would be uninsured—and using that money to pay for tax cuts for people with high incomes. This amounts to a direct transfer of benefits that just doesn't make any sense.

In addition, much of the reduction in Medicaid spending comes not from reducing costs but from shifting them to States. The Federal Government can make its books look a little prettier, but one way or the other, taxpayers are still paying the same bill. Some of the cuts also come from reducing important services. For example, under this bill, my home State of New Jersey would lose critical Federal resources that it relies on to provide health insurance to parents of children enrolled in the State Children's Health Insurance Program, SCHIP. And, the State would be prohibited from using any SCHIP funding to expand coverage to other adult populations. In fact, my State has estimated that it will lose $44.6 million in Federal SCHIP funding. As usual, the most vulnerable in our society will feel the most pain from these cuts, while reaping the least benefit from the associated tax breaks.

The reconciliation bill also includes authorization for oil drilling in the Arctic National Wildlife Refuge, which I strongly oppose. It is simply unacceptable that the majority is using the protection of deficit-reduction procedural rules to enact controversial, environmentally damaging policy. In fact, the language opening the coastal plain does not even afford ANWR the same environmental protections afforded to every other wildlife refuge or public land that is currently open to oil and gas development.

The cost to our environment is too great to bear and will not improve our energy independence. Drilling in ANWR, by nearly all credible predictions, is expected to yield only marginal amounts of oil that will have little or no effect to reduce our Nation's dependence of foreign oil.

Adding insult to injury, not one cent of the savings achieved from the cuts in this legislation will be going towards reducing the deficit. Instead, they will be used to pay for barely half the cost of the package of tax breaks that will be considered next in the reconciliation process. So it would be wrong to pat ourselves on the back and misrepresent today's legislation as "fiscally responsible" because that only tells part of the story.

Our Nation faces serious challenges right now, with the war in Iraq, the war on terror, and the need to rebuild the gulf coast region devastated by Hurricane Katrina. We must keep our economy strong by keeping our workforce competitive and investing in our human and physical capital. Now is not the time to be cutting important benefits for those in need.

If we intend to seriously confront these issues, we need to stop with the irresponsible fiscal policies that have driven us deep into deficit. We need to stop with the wasteful tax cut giveaways. And we need to stop forcing the most vulnerable members of our society to pay for the costs of our irresponsibility.

This legislation before us today accomplishes none of these goals, and so I cannot support it. Mr. President, we can do better than this.

BREAST CANCER AWARENESS MONTH

Mr. JOHNSON. Mr. President, today, I want to discuss the importance of breast cancer awareness. October is National Breast Cancer Awareness Month, and during this time, a concerted effort is being made to bring awareness to the public about the importance of women taking control over their health. As a husband of a two-time breast cancer survivor, I am deeply committed to supporting this campaign and to finding a cure for this awful disease.

I understand that finding out that a loved one has breast cancer is frightening news and one of the most difficult experiences any family can encounter. Unfortunately, far too many families face these challenges each year. In fact, according to the American Cancer Society, one in three women is diagnosed with breast cancer. Yet initiatives, such as the National Breast Cancer Awareness campaign, are working to help to decrease these numbers by educating women about the importance of preventive efforts such as self-exams and mammograms.

Even though we have the most advanced medical technologies and experts in the world, we have continued to face increases in the prevalence of breast cancer in recent years. In fact, research has shown that breast cancer rates have increased progressively since 1998. Though the national rate of breast cancer mortality has fallen since 2002, still approximately 24 percent of South Dakota women diagnosed with breast cancer do not survive.

One of the best ways to decrease the breast cancer mortality rate is through early detection and treatment, which is the fundamental goal of the National

Breast Cancer Awareness campaign. Recognizing this goal, each year my wife Barbara and I sponsor a mammogram van at the South Dakota State Fair. This mammogram van, provided by a local health care facility, offers two days of free mammograms for uninsured, low-income women. We are proud to sponsor such an important service. As we learned with Barbara's case, early detection and treatment is key in beating this disease and that is why women must have access to mammogram exams.

Because of the work of the American Cancer Society, scientists, researchers, and the National Breast Cancer Awareness Month campaign, I look forward to the future when women and families do not have to hear the words "breast cancer." And until that day comes, I will continue to show my support for the goals of this critical campaign for women's health.

VOTE EXPLANATION

Mr. NELSON of Florida. Mr. President, due to my travel to survey the damage caused by Hurricane Wilma, I missed the vote on Senator BYRD's title I amendment on the Labor-HHS appropriations bill. If I had been present, I would have voted to waive the Budget Act and approve Senator BYRD's amendment.

ADDITIONAL STATEMENTS

HONORING FELIPE TRUJILLO ROYBAL, WORLD WAR II VETERAN

• Mr. BINGAMAN. Mr. President, I rise today to honor SFC (Ret.) Felipe Trujillo Roybal and to recognize his lifelong service to this country. His dedication and commitment to this country is to be commended.

Mr. Roybal served 33 years in the U.S. Army and is a veteran of Vietnam, The Korean war and World War II. Mr. Roybal will be honored for his heroic service to our Nation when his name is registered in the National World War II Memorial.

Mr. Roybal joined the Army in 1937 and served in World War II as a paratrooper in the 82nd Airborne Division. During World War II he participated in the Normandy drop and received a Purple Heart for bravery, Parachute Wings, the Combat Infantryman Badge, the Merit Award, and the European Command Badge. He then served in the Korean war and received his second Purple Heart after becoming a prisoner of war, later escaping. He enlisted his services as a Green Beret in the Special Forces Division in the Vietnam war. Mr. Roybal was assigned to critical defense duty due to his elite training in the Special Forces and was praised for his immense dedication to our country.

Mr. Roybal and his wife, Bertha Morales, are native New Mexicans and have been married for 57 years. They are the proud parents of three daughters and the grandparents of two grandsons. All who have had the opportunity to know them have been touched by their kindness and generosity. So today it is with great admiration that I pay tribute to Mr. Roybal and his courageous service to this country.•

TRIBUTE TO JOEL STUBBLEFIELD

• Mr. PRYOR. Mr. President, I rise today to pay tribute to the life of Joel R. Stubblefield, president and chancellor of the University of Arkansas at Fort Smith. For over 22 years, Joel made immeasurable contributions to education in Arkansas, serving the students and citizens of Fort Smith with passion and dedication.

Following his studies at Ouachita Baptist University and Syracuse University and his military training at the Army Command and General Staff College, Joel dedicated his life to improving education opportunities for others. He strengthened programs and increased faculty at UA Fort Smith and established the Western Arkansas Technical Center for high school students who sought to take college courses to get ahead.

With his vision and leadership, Joel elevated UA Fort Smith from a 2-year to a 4-year institution. He increased enrollment by more than 100 percent, while simultaneously improving the quality of the curriculum dramatically. As president and chancellor, Joel raised nearly $60 million in private donations for new buildings, equipment, and scholarships. Yet as willing as Joel was to raise money for the school, he was just as eager to donate his own funds. Joel was known to use personal resources to pay students' tuition and he refused a salary increase for 5 years because he was unable to raise faculty salaries. Joel once even bought a bicycle for a student who did not have transportation.

Earlier this summer, Joel shared with me his latest goals for higher education in northwest Arkansas. He loved the University of Arkansas at Fort Smith and dedicated himself fully to its continued improvement. We can honor Joel's memory by applying the same commitment and generosity toward improving educational opportunities for Arkansas students.•

HONORING THE WOMEN OF VFW AUXILIARY UNIT NO. 60

• Mr. JOHNSON. Mr. President, I rise today to publicly commend the Veterans of Foreign Wars Auxiliary Unit No. 60 from Humboldt, SD, for their many years of devoted service to the Humboldt community.

In late November of 1929, the Humboldt VFW Auxiliary No. 60 began with only 10 members. Seventy-six years later, Unit No. 60 boasts 68 devoted and patriotic members, all from the Humboldt community and surrounding areas.

Each year, Unit No. 60 participates in numerous community activities. In addition to volunteering at the Sioux Falls VA hospital and donating money for personal care items, coffee, and other products on the VA wish list, the women of Unit No. 60 also help coordinate Bingo Night, the VA Halloween party, and a variety of Christmas activities. During the holiday season, these caring and patriotic ladies also distribute gifts while visiting shut-ins and veterans residing in nursing homes. Each December, they send stamps to community members serving in the military, and also buy postage for local groups wishing to send care packages to soldiers overseas. Additionally, during Scholarship Week, held every November at the West Central School District, these altruistic women bring apples to all the teachers, aids, janitors, members of the kitchen staff, and administration.

For the past 14 years, members of the Humboldt VFW have been fixtures at the annual Threshing Bee held every August. For 3 days, they prepare breakfast and sell their famous homemade pies from their familiar canvas tent. In turn, funds they raise support community projects. This year, Unit No. 60 graciously donated to numerous local charities and organizations, namely: West Central Future Farmers of America, Community Club Fund, Volunteer Firemen, Volunteer Ambulance, Buddy Walk, Special Olympics, and Creative Arts for Veterans, in addition to purchasing dictionaries that were distributed to third-grade students at West Central Elementary.

Mr. President, I am proud to have this opportunity to honor the Veterans of Foreign Wars Auxiliary Unit No. 60 for their outstanding and compassionate service. Their commitment to our Nation's veterans and to furthering and enhancing the education of elementary school students is admirable. I strongly commend their years of hard work and dedication, and I am very pleased that their substantial efforts are being publicly honored and celebrated. It is with great honor that I share their impressive commitment to civic duty with my colleagues.•

TRIBUTE TO THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF MISSOURI, ON ITS 30TH ANNIVERSARY

• Mr. BOND. Mr. President, it is with great pleasure that I rise to celebrate the 30th anniversary of the Associated Students of the University of Missouri.

Recognizing the need to establish a means by which students could become involved and impact the political process, the Associated Students of the

University of Missouri, ASUM, began in June of 1975. While their first chapter opened in Columbia, ASUM has grown and extended to include student representatives from every branch of the University of Missouri system.

As the student voice in State and Federal government, ASUM works diligently to encourage the student body to participate in the political process. Through their student advocacy, ASUM has achieved many accomplishments over the last 30 years including the establishment of the Bright Flight Scholarship Program, the appointment of a student representative to the Missouri Board of Curators, sales tax exemptions on textbooks, and loan forgiveness programs for teachers and medical/veterinary doctors who serve in high-need areas of Missouri. It has been my pleasure to work with the ASUM specifically on the reauthorization of the Higher Education Act.

I congratulate the Associated Students of the University of Missouri on their first 30 years of political advocacy for students and look forward to working with them for years to come.●

MESSAGE FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 420. An act to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes.

H.R. 1461. An act to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 2744 making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 37. An act to extend the special postage stamp for breast cancer research for 2 years.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 420. An act to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes; to the Committee on the Judiciary.

H.R. 1461. An act to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 31, 2005, she had presented to the President of the United States the following enrolled bill:

S. 37. An act to extend the special postage stamp for breast cancer research for 2 years.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4456. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Balanced System for Measuring Organizational and Employee Performance within the Internal Revenue Service" ((RIN1545-BE46)(TD 9227)) received on October 25, 2005; to the Committee on Finance.

EC-4457. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "October-December 2005 Bond Factor Amounts" (Rev. Rul. 2005-67) received on October 25, 2005; to the Committee on Finance.

EC-4458. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—November 2005" (Rev. Rul. 2005-71) received on October 25, 2005; to the Committee on Finance.

EC-4459. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2005 Based Period T-Bill Rate" (Rev. Rul. 2005-70) received on October 25, 2005; to the Committee on Finance.

EC-4460. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067; to the Committee on Banking, Housing, and Urban Affairs.

EC-4461. A communication from the Acting Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report that funding for the State of North Carolina as a result of Hurricane Ophelia on September 11-17, 2005, has exceeded $5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC-4462. A communication from the Acting Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report that funding for the State of Texas as a result of Hurricane Rita beginning on September 20, 2005, and continuing has exceeded $5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC-4463. A communication from the Acting Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report that funding for the State of Louisiana as a result of Hurricane Rita beginning on September 20, 2005, and continuing, has exceeded $5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC-4464. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance" ((Doc. No. FEMA-7780)(44 CFR 64)) received on October 25, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-4465. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((Doc. No. FEMA-7893)(44 CFR 64)) received on October 25, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-4466. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((Doc. No. FEMA-7577)(44 CFR 65)) received on October 25, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-4467. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 70 FR 52939" (44 CFR 67) received on October 25, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-4468. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((Doc. No. FEMA-7891)(44 CFR 64)) received on October 25, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-4469. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 70 FR 52936" (44 CFR 65) received on October 25, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-4470. A communication from the Acting Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the Board's compliance with the Federal Manager's Financial Integrity Act for fiscal year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4471. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2007 Budget Request; to the Committee on Rules and Administration.

EC-4472. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to loan guarantees to

Israel; to the Committee on Foreign Relations.

EC–4473. A communication from the Director of the Peace Corps transmitting, a report entitled "Peace Corps Accomplishments 2001-2004"; to the Committee on Foreign Relations.

EC–4474. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Asian Longhorned Beetle; Addition and Removal of Quarantined Areas in New Jersey" (APHIS Docket No. 05-066-1) received on October 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4475. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Certification Program for Imported Articles of Pelargonium spp. and Solanum spp. to Prevent Introduction of Potato Brown Rot" (APHIS Docket No. 03-019-3) received on October 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KYL:

S. 1940. A bill to create a national register of cases of child abuse or neglect; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. BENNETT, Mr. REID, and Mr. ENSIGN):

S. 1941. A bill to direct the Secretary of Agriculture to convey certain real property in the Dixie National Forest in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. INOUYE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 146, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 407

At the request of Mr. JOHNSON, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 407, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1278

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1278, a bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes.

S. 1512

At the request of Mr. SARBANES, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1512, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 1516

At the request of Mr. LOTT, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1516, a bill to reauthorize Amtrak, and for other purposes.

S. 1633

At the request of Mr. TALENT, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1633, a bill to allow law enforcement officers to represent themselves as minors on the Internet to better protect America's children from sexual predators.

S. 1926

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1926, a bill to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

S. CON. RES. 46

At the request of Mr. BROWNBACK, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Con. Res. 46, a concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

S. RES. 219

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 219, a resolution designating March 8, 2006, as "Endangered Species Day", and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. BENNETT, Mr. REID, and Mr. ENSIGN):

S. 1941. A bill to direct the Secretary of Agriculture to convey certain real property in the Dixie National Forest in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise today along with my cosponsors Senators BENNETT, REID, and ENSIGN to introduce a very simple piece of legislation. The bill would direct the Secretary of Agriculture to convey, at fair market value, 112 acres of property in the Dixie National Forest to Mr. Kirk Harrison. Let me explain why this legislation is necessary.

Mr. Harrison's family settled in southern Utah's Pinto Valley in 1860. The family was among the first to locate to the area. The Harrison family established their property boundaries by constructing fences that are still standing today. The family cleared, irrigated, and settled the property in question and continued to plant and harvest crops, raise livestock, maintain fences, and otherwise work the land for more than 150 years. During that time, the family exercised unrestricted use, relying on those boundaries established in 1860.

In 1885, the Harrison family applied for and was granted a patent to those lands. Subsequent surveys in 1881 and 1905 found no discrepancies between the boundaries asserted by the Harrison family and the actual boundaries of the adjacent Forest Service lands.

It was not until 1984, when the Forest Service employed an independent firm to perform a survey, did any inconsistency arise. The 1984 survey found that the land occupied by the Harrison family was in violation of the boundary established in the 1885 patent.

The 1984 survey was flawed for two principal reasons: First, a rock survey monument used in the 1881 survey is 37 feet away from a different rock monument used in the 1905 survey, creating significant confusion. Neither of these monuments could be located or used during the 1984 survey. Next, the 1984 surveyors did not accept an historic "rock mound" monument, despite the fact that other surveyors had.

The Harrison family has used this land for nearly 150 years. Mr. Harrison wants nothing more than to be able to continue to use the land that his family settled and has used for so long. While Mr. Harrison has worked to resolve this issue with the Forest Service for nearly 15 years, the parties have not been able to agree upon a viable solution. This legislation offers a fair, commonsense answer to the problem.

The bill would direct the Secretary of Agriculture to sell Mr. Harrison 112 acres at fair market value. This represents slightly more land than the

Harrison family's original property to satisfy the Forest Service's requirement that boundaries be uniform. The Forest Service stipulates that its national forest boundaries must be straight and manageable, and the purchase of additional acreage will fulfill that requirement. The bill also would ensure that the Secretary uses the proceeds from the sale of the land to purchase other acreage for the Dixie National Forest. In my view, this legislation is the easiest and most effective way to resolve this longstanding dispute.

I am aware that some concerns have been raised about this bill in the past. For example, some have expressed concerns that this legislation would restrict sportsmen's access to the Dixie National Forest, prevent landowners from obtaining water, and allow for the subdivision of the land. However, since those concerns were raised, the plan has been cleared by the Washington County Commission, the State hunter interests, and the majority of landowners in the Pinto Valley. Only after receiving assurances that these groups did not oppose this legislation did I decided to move forward.

Thank you, Mr. President.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2345. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 2346. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2345. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. _____. INCLUSION OF EXCESS DEPARTMENT OF DEFENSE PROPERTY ON SANTA ROSA AND OKALOOSA ISLAND IN GULF ISLANDS NATIONAL SEASHORE.

Section 7 of Public Law 91–660 (16 U.S.C. 459h–6) is amended—

(1) by inserting "(a)" before "There are"; and

(2) by adding at the end the following new subsection:

"(b) If any of the Federal land on Santa Rosa or Okaloosa Island, Florida, under the jurisdiction of the Department of Defense is ever excess to the needs of the Armed Forces, the Secretary of Defense shall transfer, without reimbursement, the excess land to the administrative jurisdiction of the Secretary of the Interior. The Secretary of the Interior shall administer the transferred land as part of the seashore in accordance with the provisions of this Act.".

SA 2346. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 188, after line 24, add the following:

SEC. 6037. 100 PERCENT FMAP FOR MEDICAL ASSISTANCE PROVIDED TO A NATIVE HAWAIIAN THROUGH A FEDERALLY-QUALIFIED HEALTH CENTER OR A NATIVE HAWAIIAN HEALTH CARE SYSTEM UNDER THE MEDICAID PROGRAM.

(a) MEDICAID.—The third sentence of section 1905(b) (42 U.S.C. 1396d(b)) is amended by inserting ", and with respect to medical assistance provided to a Native Hawaiian (as defined in section 12 of the Native Hawaiian Health Care Improvement Act) through a federally-qualified health center or a Native Hawaiian health care system (as so defined) whether directly, by referral, or under contract or other arrangement between a federally-qualified health center or a Native Hawaiian health care system and another health care provider" before the period.

(b) EFFECTIVE DATE.—The amendment made by this section applies to medical assistance provided on or after the date of enactment of this Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been rescheduled before the Committee on Energy and Natural Resources.

The hearing originally scheduled for Thursday, November 3, 2005 at 10 a.m. in Room SD-366 of the Dirksen Senate Office Building, will now be held on Tuesday, November 15, 2005 at 10 a.m. in the same room.

The purpose of the hearing is to evaluate and receive a status report on the Environmental Management programs of the Department of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC, 20510–6150.

For further information, please contact Clint Williamson 202–224–7556 or Steve Waskiewicz at 202–228–6195.

AUTHORITIES FOR COMMITTEES TO MEET

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations be authorized to meet on Monday, October 31, 2005, at 1 p.m., for a hearing entitled "Corruption in the United Nations Oil-for-Food Program: Reaching a Consensus on UN Reform."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DORGAN. I ask unanimous consent on behalf of Senator BAUCUS that the following Finance Committee fellows and interns be allowed floor privileges during the consideration of the reconciliation bill: Ray Campbell, Jorlie Cruz, David Hain, Richard Litsey, and David Schwartz.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, before we begin normal debate, I have a series of unanimous consent requests I wish to propound. I ask unanimous consent that the following staff members, two from my staff and two from Senator CONRAD's staff, named on the list I send to the desk, be given "all access" floor passes during the Senate consideration of S. 1932: Cheri Reidy and Jim Hearn, John Righter and Jim Esquea.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that Tatiana Lamon be granted privilege of the floor during consideration of S. 1932 and votes that may occur in relation thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, NOVEMBER 1, 2005

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Tuesday, November 1. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. 1932, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. Mr. President, tomorrow the Senate will resume consideration of the deficit reduction bill. I remind my colleagues that we will have a full week ahead considering this measure, and we will complete action on it this week. Senators should anticipate long days with many votes. I ask Senators to plan their schedules accordingly and to work with the bill managers in offering amendments to this bill.

As a reminder, the Senate will recess from 12:30 until 2 p.m. to accommodate the weekly policy luncheons.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. GRASSLEY. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:58 p.m., adjourned until Tuesday, November 1, 2005, at 9 a.m.

EXTENSIONS OF REMARKS

INTRODUCTION OF NATIONAL EMERGENCY FAMILY LOCATOR SYSTEM

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 2005

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise to address the House about a bill that I have introduced recently—The National Emergency Family Locator System.

We talk a great deal about being prepared as a Nation for when disaster strikes. Yet the images of the devastation of Hurricane Katrina are still fresh in our minds.

Prior to Katrina, the dialogue in Washington was focused on preparedness in case of a terrorists attack.

However, given the number of missing children, what is becoming more and more apparent is that our government needs to have the capacity to assist in reuniting families after disaster strikes.

We must have a National Emergency Family Locator System. This bill, which is a companion bill to Senator OBAMA'S Senate bill S.1630, will take us in that direction.

This legislation directs the Department of Homeland Security to create a national service, so that after an emergency, displaced individuals can call one phone number or go to one website, and post their location or to be able to use this same secure, centralized system to check the status of missing loved ones.

Finally, this bill directs the Department of Homeland Security to create a Family Preparedness Education program that encourages families to sit down and discuss how the family will reunite if disaster strikes their community.

These are not pleasant conversations, but they are conversations that our Nation's families need to be having given the climate we now live in.

I ask my colleagues to cosponsor this legislation and I look forward to working with the Department of Homeland Security in implanting these important programs.

HONORING THE 2005 WINNERS OF THE RUTGERS UNIVERSITY PRESIDENT'S EXCELLENCE IN SERVICE AWARD

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 2005

Mr. ANDREWS. Mr. Speaker, I rise today to commend and honor this year's winners of The Rutgers University President's Recognition Program. The Excellence in Service Awards acknowledge the exceptional individual contributions of university staff employees. It recognizes employees who provide superior sustained service, exceptional creativity and resourcefulness, and continually contribute to a positive work environment. The winners of this award are Erica Anderson, Camille S. Andrews, Jeanette Danner, David Maiullo, Joan McCracken, and Christinia Strasburger. The school and I are both extremely proud of your accomplishment.

The second award, the Bridge Award, is given to small teams. These teams are nominated for an extraordinary accomplishment demonstrated by the completion of a special project or activity during the last year, while giving a superior, sustained effort. The winning teams of this award are:

Blackboard System Implementation and Course Development Support Team, Team members: Ksenia Adamovitch, Jennifer S. Scalf, Monique R. Bonilla, Alan R. Shareshian, Marie J. Botticelli, Palma C. Sisco, Miguel Angel Estremera, Judy Soncrant, Alex V. Flinsch, Karen Yvette Swift, Norma Grace, Daniel R. Villanueva, Martin F. O'Reilly, William J. Yodlowsky, Elizabeth C. Rowe, and Mingkun S. Zhou.

GLBA Compliance—Risk Assessment, Office of Financial Services—Camden, Team members: Christopher V. Caracino, Domenick C. Nasuti, Marlene L. Druding, Stevenson Pierrejacques, Elizabeth A. Gorman, Joyce A. Sepanic, Maria V. Grace, Pamela Yvette Wells.

LSDA Project Team, Team members: Barbara Bastek, Jean McDonald-Rash, Cory J. Bastek, Digna M. Solis, Jo-Ann Craig, Erin A. Sullivan, and Rene E. Graham.

GLBA Compliance Team, Team members: Melvin L. Brown, Beckman Rich, Jo-Ann Craig, Bruce T. Rights, Nicholas DiGiovanni, Sanjana Rimal, Donald J. Gordon, Rosa M. Rivera, Keith B. Grant, Brian T. Rose, Ellen Harris-Small, Diane D. Spalluto, Lance D. Jordan, Timothy L. Stein, Nathan Kaplan, Theresa G. Wooding, Stanley A. Kolasa, Richard L. Woodland, and Stevenson Pierrejacques

RU Info Project Team, Team members: Elizabeth M. Brennan, John A. Kanopka, Eve C. Burris, Debra L. Norman, Elizabeth A. DeMauro, Cynthia B. Paul, Joanne M. Dus-Zastrow, James R. Stapleton, Jennifer L. Hollis, Sherrie Ann Tromp, Eric G. Jacobson, Matthew J. Weismantel, Mary Gail Bellas, and Kevin M. Zygler

"RU Safe?" Planning Committee, Team members: Rashel L. Carnefix, Laura Luciano, James R. Doyle, Francesca M. Maresca, Amy Ellen Hackett, Anthony Mireles, Rhonda L. Harris, Daniel R. Pascale, John A. Kanopka, Brenton F. Smith, Steven S. Keleman, and Christine E. Sohn.

Rutgers Cook College & NJAES (New Jersey Agricultural Experiment Station) Resource Center, Team members: Richard Buckley, Gary Huntzinger, Lori A. Gillar, Holly S. Kennington, Michael J. Green, Stephanie L. Murphy, Stephen Griglak, Sabrina Tirpak, Michele Hujber, Bonnie G. Wasielewski, Tina M. Hunter, and Philip Wisneski

Web Transcript Project Team, Team members: Patricia Brophy, Lidia A. Levkovitch, Paula M. Couto, Cruz F. Lopez, Miguel Angel Estremera, Thomas McKeon, and Norma Grace, Eugene R. Pizzaia, George R. Hryvniak, and Terry L. Richartz.

TOPOFF Planning Committee, Team members: Richard R. Dinan, Mark D. McLane, Steven S. Keleman, Joanne O'Brien, Douglas S. Kokoskie, Alejandro Ruiz, Dorothy Kozlowski, Michael D. Smith, Rosemarie H. Kulp, Gregory J. Trevor, Edward Lifshitz, and James John Zawistowski.

Rutgers Learning Centers New Programs Team, Team members: Mary Ann Cancio, Shawn Taylor, Maryann Puccio, Matthew Winkler, Christine E. Sohn, and Calvin Yu.

All of the winners have truly earned these awards. I commend them for their hard work and dedication. Along with their fellow nominees, they are vital to making Rutgers a great University, and I hope they continue their excellent work.

SOCIETY OF MILITARY WIDOWS, DESERT ROSE CHAPTER 14 OF TUCSON, ARIZONA

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 2005

Mr. HAYWORTH. Mr. Speaker, as American soldiers valiantly serve and fall in the defense of an enduring freedom this nation and its allies are bringing to Iraq and Afghanistan, I am pleased to recognize an extraordinary sisterhood of supporters dedicated to bringing comfort and assistance to our military widows. That is the purpose and legacy of the Society of Military Widows and its Desert Rose Chapter 14 based in Tucson, Arizona, as described in a recent news article that appeared in the Arizona Daily Star. With congratulations and gratitude for the marvelous work the Society is doing, I am pleased to enter the following article into the CONGRESSIONAL RECORD.

[From the Arizona Daily Star, Oct. 6, 2005]

A SISTERHOOD OF SUPPORTERS—SOCIETY ENSURES THAT MILITARY WIDOWS ARE NOT ALONE

(By Levi J. Long)

It was 3 a.m. when Dee Ruelas found herself in front of a computer staring at the words "military widow."

They weren't easy for her to type. Her husband, Command Sgt. Maj. David A. Ruelas, with the Arizona Army National Guard, had died of a heart attack 1 month before. They had been married less than 10 years.

"That was something I never thought I'd do so soon," said Ruelas, a 57-year-old northeastern Tucson resident. "It took me a while

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to even utter the word 'widow.' But there I was . . . searching for something."

What Ruelas said she found via the Internet that night was direction and "a sisterhood of supporters and friends."

For 25 years, the Society of Military Widows Desert Rose Chapter 14—based on Tucson's East Side—has been helping widows of active-duty and retired military personnel by lobbying on their behalf for health and retirement benefits. The society also serves as a support group of sorts for recent widows.

"Our goal is to support our members and to help them at a time that can be difficult," said Pat Shecter, president of the local society.

While recent widows are still in mourning, they often deal with mounting paperwork involving health-care and survivors' benefits, Shecter said. For some, the process can be hard to navigate and understand, she said. "We want people to know that we're here to help."

Over the last two decades, the society has worked on behalf of military widows receiving survivors' benefits. A few years ago, members started a successful grass-roots campaign to lobby Congress to give widows and their dependents continued health coverage after age 65 through Tricare for Life, a medical insurance plan for military retirees.

"When our husbands re-enlisted, they were promised that they would get free medical care for themselves and their dependents," said Shirley Degan, a local member and national chaplain for the society. "We made sure it happened."

Degan said the society also took on Congress when it limited the amount of money widows were supposed to receive through survivor benefits. Under survivor benefit plans, military personnel could opt for their surviving dependents to get 55 percent of their retirement pay after their deaths. But a new law created by Congress limited the amount given to survivors, capping it at 35 percent after age 62 when widows became eligible for Social Security, Degan said.

Again the group lobbied against the cut and was able to get the government to restore the amount to 55 percent, though getting it to that amount is still a sore subject among members, Degan said.

Annual 5 percent increments, starting this month, are being paid each year. It's expected to be at 55 percent by 2008, Shecter said.

"By the time it's back up, a lot of our members might not be here," Shecter said of the members, who are mostly in their 70s and 80s. Still, the group goes on with political causes its members believe in.

Joining with the National Association for Uniformed Services and other organizations, the society is part of an effort to get a constitutional amendment passed that would make it illegal to desecrate the American flag. It also wants to ensure its own future. With more than 25 nationwide chapters and 4,200 members, the society is campaigning to get younger members to join. Most current members—including the 230 local members—are widows of World War II, Korean War and Vietnam War veterans.

"A lot of young women don't know we're here for them," said Marilyn Savage, a past president of the society. "They're going to need to take care of their families. And we can help them with securing what's due to them."

Ruelas, one of the chapter's youngest members, is chair-woman of the society's membership committee. She said she wants to do her part to make sure the society continues to exist. "We want to be a resource for widows, especially younger ones, who aren't familiar with the group," she said.

Though it's been two years since David's passing, Ruelas said seeing little things throughout their house makes her feel like he is still around. "It's calming to know he's here," she said. "I can feel his presence and I know I can go on."

About the society: Society of Military Widows Desert Rose Chapter 14 of Tucson is a nonprofit group affiliated with the National Association for Uniformed Services. The society is open to widows of active-duty and retired military. Call Pat Shecter at 574–5338 for an application, newsletter and membership information. For more information, visit the Web site www.militarywidows.org.

COMMENDING LIFETIME TELEVISION ON THE MINISERIES "HUMAN TRAFFICKING"

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 2005

Ms. MILLENDER-McDONALD. Mr. Speaker, this week, Lifetime Television is airing a miniseries that can only be described as "Must See TV" for all of us in the United States Congress.

"Human Trafficking" tells a story that we cannot afford to ignore any longer. The movie depicts the plights of 4 young victims ranging from a single mother from the Czech Republic tricked into selling herself into slavery, to a 12-year-old girl from New Jersey kidnapped while on vacation with her parents. Their stories are horrific, but they are far from fantastical.

Each year upwards of a million people are trafficked within countries and across borders all over the globe. Human trafficking affects men, women and children, but women and children represent an unfortunate lion's share of trafficking victims. Selling people into forced labor and prostitution cannot be called anything other than slavery. The people and organizations that perpetrate this travesty are criminals of the lowest order and deserve to be brought to justice.

The practice of trafficking in persons must be of paramount concern to the U.S. Administration, Congress, and the international community. We cannot sit idly by while this nefarious practice continues and criminals continue to make enormous profits at the expense of innocent victims.

I want to thank Lifetime for its courage in bringing this issue to the forefront of this Nation's conscience. Aiming for similar results, I recently introduced a resolution, H. Res. 490, which encourages the United Nations to establish a commission that will look into the atrocities of human trafficking, exploitation and slavery. I hope you will all join me in support of that resolution. When we as a body and as a Nation infuse this issue with the bright light of our collective disbelief and horror that in the year 2005 the crime of slavery still afflicts our world, we will be that much closer to seeing its end in the coming years.

Lifetime, with the premier of this movie has made the necessity of our action so much more apparent and for that they deserve our commendation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 1, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 2

9 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine funding needs for pandemic influenza preparedness.
SD-124

9:30 a.m.
Environment and Public Works
To resume hearings to examine the response to Hurricane Katrina.
SD-406

Foreign Relations
To hold hearings to examine Avian Influenza.
SD–419

Homeland Security and Governmental Affairs
To hold hearings to examine why the levees failed relating to Hurricane Katrina.
SD–342

Indian Affairs
To hold an oversight hearing to examine In Re Tribal Lobbying Matters, Et Al.
SH-216

2 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 1548, to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska, S. 1541, to protect, conserve, and restore public land administered by the Department of the Interior or the Forest Service and adjacent land through cooperative cost-shared grants to control and mitigate the spread of invasive species, S. 1552, to amend Public Law 97-435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009, H.R. 482,

to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and S. 405, to provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport.

SD–366

2:30 p.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SH–216

Judiciary

Constitution, Civil Rights and Property Rights Subcommittee

Business meeting to markup S.J. Res. 1, proposing an amendment to the Constitution of the United States relating to marriage.

SD–226

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

NOVEMBER 3

9:30 a.m.

Judiciary

Business meeting to consider pending calendar business.

SD–226

10 a.m.

Veterans' Affairs

To hold hearings to examine the rebuilding of VA assets on the Gulf Coast.

SR–418

Joint Economic Committee

To hold hearings to examine the current economic outlook.

2175 RHOB

10:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine agricultural transportation and energy issues.

SH–216

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

NOVEMBER 4

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment-unemployment situation for October 2005.

2226 RHOB

NOVEMBER 7

12:30 p.m.

Judiciary

To hold hearings to examine the nomination of Harriet Ellan Miers, of Texas, to be an Associate Justice of the Supreme Court of the United States.

SH–216

NOVEMBER 8

9:30 a.m.

Foreign Relations

To hold hearings to examine Kosovo.

SD–419

2:30 p.m.

Agriculture, Nutrition, and Forestry

Research, Nutrition, and General Legislation Subcommittee

To hold hearings to examine the Pet Animal Welfare Statute.

SDG–50

NOVEMBER 9

9:30 a.m.

Commerce, Science, and Transportation

Energy and Natural Resources

To hold joint hearings to examine energy pricing and profits.

SD–106

2 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine Department of Defense Business Transformation and Financial Management Accountability.

SR–232A

NOVEMBER 10

10 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine the impact of the Wright amendment, which restricts travel into and out of Dallas Love Field for commercial flights with more than 56 seats.

SD–562

10:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nominations of Charles R. Christopherson, Jr., of Texas, to be Chief Financial Officer, and James M. Andrew, of Georgia, to be Administrator, Rural Utilities Service, both of the Department of Agriculture.

SR–328A

NOVEMBER 15

10 a.m.

Energy and Natural Resources

To hold hearings to examine a status report on the Environmental Protection Management programs of the Department of Energy.

SD–366

NOVEMBER 17

10 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine aviation safety.

SD–562

POSTPONEMENTS

NOVEMBER 3

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine regulations for the national security personnel system.

SD–342

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine the nominations of Jeffrey D. Jarrett, of Pennsylvania, to be Assistant Secretary for Fossil Energy, and Edward F. Sproat III, of Pennsylvania, to be Director of the Office of Civilian Radioactive Waste Management, both of the Department of Energy.

SD–366

NOVEMBER 8

10 a.m.

Energy and Natural Resources

To hold hearings to examine the progress made on the development of interim and long-term plans for use of fire retardant aircraft in Federal wildfire suppression operations.

SD–366

NOVEMBER 9

11:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

SENATE—*Tuesday, November 1, 2005*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of our going out and coming in, give us Your wisdom to know what we should do.

Deliver us from the cowardice that runs from the truth.

Deliver us from the lethargy that will not learn the truth.

Deliver us from the prejudice that will not see the truth.

Deliver us from the stubbornness that will not accept the truth.

Deliver us from the pride that will not speak the truth.

Strengthen our Senators today to do Your will. Give them the courage to make bold ventures for Your glory. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

DEFICIT REDUCTION OMNIBUS RECONCILIATION ACT OF 2005

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1932, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 1932) to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

The PRESIDENT pro tempore. Under the previous order, the time until 8 p.m. shall be divided between the Senator from New Hampshire, Mr. GREGG, for 4½ hours and the Senator from North Dakota, Mr. CONRAD, for 5½ hours.

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will immediately resume debate on the deficit reduction package after a brief statement I have to make.

Chairman GREGG opened debate on the bill yesterday and will be here managing the bill this morning. Last week we entered an agreement which divided the statutory time limit between 3 days, with all time expiring on Wednesday at 6 p.m.

During today's session, Senators will be able to offer amendments. However, votes on those amendments will be stacked to occur at a later time. I will be working with the Democratic leader to determine the best time for those votes to occur. I had hoped that we could dispose of some of the proposed amendments with votes during today's session. However, at this point, we have several scheduling conflicts, and we may have to delay those votes until tomorrow. On Wednesday, we have several Members attending the funeral of Rosa Parks, and we will need to schedule votes to accommodate that service as well.

Having said that, this will be a very busy week. Senators will be able to offer amendments after the expiration of time and that leads to the so called vote-arama. I encourage Senators to offer their amendments during the debate period so that we can limit the amendments considered after time expires.

I do not believe the vote-arama is the most constructive use of the Senate's time, and I believe most Members are frustrated with that process—at least halfway through the vote-arama, as they express that frustration directly to me and leadership. During those consecutive votes, the Senate votes on amendment after amendment with very little time and little explanation of the amendments.

So I hope we can do it in an orderly process over the next several days. I do want Members to come to the floor early so we can show some restraint when the 20 hours of debate time is complete.

Finally, I want to remind everyone that we will be considering the appropriations conference reports as they arrive from the House. Once the House has completed action and those conference reports become available, we will address them. We have the Agriculture appropriations conference report already, and we will be scheduling that for a vote sometime this week.

AVIAN FLU

Mr. President, on another issue, I want to make a few comments. Shortly, the President will begin to unveil his plan to prepare the Nation against the threat of bird flu or avian flu, a potential for initially an epidemic and then pandemic nobody was thinking very much about a year ago.

I do thank the President for his bold and decisive leadership. He recognizes the urgency for our Nation to take immediate action to prepare for and to prevent the spread of such a pandemic and the impact it would have on this Nation and, indeed, nations throughout the world.

Last night, the Secretary of Health and Human Services began briefing people on the plan that will be laid out by the President today. He has been discussing in meetings over the last several weeks the importance of comprehensive organization at all levels of Government. It is not just a Federal issue or a State issue or a local issue, it is all three. The vertical integration of communication and response and preparedness is complex, but it is something that we absolutely must address. We would have to mobilize from the very top vertically at the Federal, State, and local level in ways that we never had to in the past.

The Secretary explained at the National Press Club last week all of this using the analogy of a dry forest, that it takes only one little spark to set a fire in a forest, and if we are close to where the spark ignites, usually you can just stamp it out. But if it is allowed to spread and it really goes beyond any size that can be contained, that whole forest is left in smoldering ruins. I would simply add to that analogy that in a forest you could have many different little sparks which aggravate and increase the challenges to the system itself. If you can isolate those sparks or that spark very quickly, you can stamp out that potential for a pandemic, and ultimately you can save millions of lives. That is why it is absolutely critical we think of the response, of preparedness in this country. Indeed, this is a global challenge, and we have to work with our partners throughout the world.

In fact, if you had to look at the likelihood of a pandemic and how it starts, it would probably be in Asia or Southeast Asia, and therefore we have a real obligation to address concerns in this country as well as around the world.

In the Senate, we are working hard to develop a comprehensive prevention and preparedness plan. We have now passed two separate measures to increase the national stockpile of vaccines and the antiviral drugs, drugs like Tamiflu. This month the HELP Committee, the Health, Education, Labor, and Pensions Committee, passed a measure to protect vaccine makers from the frivolous lawsuits that we absolutely know discourage vaccine production and which, in part, has explained why we have gone from several dozen vaccine manufacturers in this country down to fewer than a handful. The bill that the HELP Committee has addressed and passed out of committee also establishes a Biomedical Advanced Research Development Agency, called BARDA, which would support this bug or identifying what the etiology is, the bug that starts it, all the way to creating a drug.

This agency, BARDA, would focus on the gaps that exist in the system today. The agency would help researchers move from egg-based vaccine manufacture—and right now for the avian flu you depend on millions and millions and millions and millions and millions of eggs to grow this vaccine, and today it does not make sense because you can with the appropriate research target and focus, develop a cell manufacture that doesn't require any eggs, that you could ramp up very quickly, in a short period of time, and you don't have to worry about, yes, we are going to have to have an egg-based vaccine, so where are all 20, 30, 40 million eggs, chicken eggs, that you need to cultivate this vaccine for weeks and weeks and weeks?

It is the sort of effort that BARDA would focus on to incentivize, to fill this gap in our system today.

In the 20th century, we have seen three outbreaks of avian flu, avian bird flu. The worst of those occurred in 1918. A lot of people have gone back to read about that Spanish flu. It is called Spanish flu, though it probably started in this country in Kansas. Half a million Americans died, somewhere between 40 and 50 million people worldwide. And the people say why this bug, why this drug, why does it have to be, why do you have to narrow that window and speed things up? If you look back on the Spanish flu, in 24 weeks' time, more people were killed in the world than have been killed by HIV/AIDS in 24 years. In 24 weeks, more people died of the avian flu than in 24 years of HIV/AIDS. Speed, efficiency, appropriate research and development, appropriate vaccine production needs to be done rapidly, quickly.

Secretary Levitt warns that if the past is a prologue, we are long overdue for a pandemic. If you look throughout history at pandemics, you cannot only look at it on a regular basis but a periodic basis. Worse yet, the current virus looks and acts more like the virus of 1918 than any of its other cousins that we have seen to date—if you come back and analyze H5N1 and you compare it to the virus of 1918.

So what do you do? Americans look for leadership, look for bold leadership, and we are seeing it from the President of the United States. I pulled off my desk, as I was coming over, last month's National Geographic, which asks the question: "The next killer flu:" And over in little letters here it says, "Can we stop it?" "The Next Killer Flu: Can we stop it?" And the answer to that is, yes, we can, using technology for research, bold leadership, Government resources, private sector resources.

We know that H5N1 is spreading. Romania reported two bird cases yesterday. Last week, Indonesia and Thai authorities reported new cases of bird-human transmission. To date, avian flu has infected more people and more poultry than any previous strain. In fact, over 160 million birds have either died or been killed because of this avian flu in the last year.

Since 2003, there have been 121 people confirmed to have avian flu and half of them have died. 61 have died. That is a 50-percent mortality. The Spanish flu in 1918 had a mortality of about 2.5 percent—2.5 percent—and in this country, less than that. We are talking about a virus right now that has a mortality rate of 50 percent.

Last week, I met with Dr. Robert Webster, again, from St. Jude's Children's Research Hospital, which is in Memphis, TN. He is one of the leading authorities on H5N1. As he explains, there are 16 families of avian influenza. That virus mutates billions of times a day. It is constantly changing, which is why it is such a challenging opponent for us. And with each of these changes in this mixing bowl of the virus itself, the human-to-human transmission becomes more likely. If and when it becomes a pandemic, we have no natural immunity. That is the bad thing. It is not similar to the regular flu. If you have the flu one year and you get it next year, you already have some antibodies built up, but nobody in this room, nobody listening to me right now, nobody has any natural immunity to this. So when you get hit, you get sick very quickly, and of the people hit so far, one out of every two died. Again, panic and paralysis, even talking about it, people get so anxious.

The good news is there are things we can do in terms of prevention, preparedness, stockpiling, educating our first responders and that, indeed, is what the President will spell out. I look forward to hearing more specifically about the President's plan. I urge my colleagues to spend time studying the issue.

There is absolutely no reason to panic, but we do need to be prepared, and today we are underprepared. Indeed, we have no higher duty than to protect the health, the well-being, and the security of the American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from North Dakota.

Mr. CONRAD. Mr. President, the subject under discussion is the matter before us entitled the "Deficit Reduction Omnibus Reconciliation Act of 2005." Big words that are meant to communicate, but it reminds me a little of the old saying: You can't tell a book by its cover. If there was ever a case of that, this is it. You need to know that this is a book of many chapters. We need to read all of the chapters to know the conclusion. I can assure you the conclusion is not deficit reduction. No, this budget has nothing to do with deficit reduction. This budget is all about increasing the debt and increasing the deficits.

Describing this package as deficit reduction is a little like the blindfolded man describing an elephant by only touching its tail. The blindfolded man might describe the elephant by just holding its tail as small, long, and slick. Well, that is not the whole story. That is an accurate description as far as it goes, but it misses the larger truth. That is the case with describing this budget action as deficit reduction. It is only the first chapter. You have to read all of the chapters to get the full meaning. The truth is, this budget increases the deficit and explodes the debt. That is the larger truth.

The budget that was enacted earlier this year actually increases the deficit by $168 billion over the 5 years of its life. It does not reduce the deficit. It increases the deficit. We would have less of a deficit if we put the whole budget on cruise control, but that was not the choice the majority made. They made a choice, consciously, to write a budget that, even in the face of record deficits and massive increases in debt, increases the deficits even further. I know it is hard to believe, but that is the fact of the matter. The budgets that have been written by our colleagues on the other side of the aisle increase the deficits.

Budget reconciliation is a part of the overall budget process. Budget reconciliation is special provisions, fast-track provisions that enjoy special protection under the rules of the Senate. But remember, what we are dealing with this week is the first chapter. The first chapter contains spending cuts of $39 billion. But that is only part of the package. The next chapter will have tax cuts of $70 billion. If you put those two chapters together, you don't have a reduction of the deficit, you have an increase in the deficit of over $30 billion.

Chapter 3 is the chapter our colleagues on the other side of the aisle hope you will not read. Chapter 3 increases the debt of the country by $781 billion. That is what this book is all about: increasing the debt of the country when we have already taken on record amounts of debt.

Back to chapter 1 and chapter 2. Chapter 1 cuts spending by $39 billion, but it is quickly followed by chapter 2 that cuts taxes $70 billion. The combined effect of chapters 1 and 2 is very clear. It is not deficit reduction, not what is on the cover of the book; it is a deficit increase, an increase in debt.

If we go back to what the President told us when he started us down this course, he told us in 2001:

> [W]e can proceed with tax relief without fear of budget deficits, even if the economy softens.

That is what he told us. Look at what has happened. Now we can look back and we can check the record and we can see whether the President was right or was he wrong.

Back at the time in 2001 that the President proposed these massive tax cuts, this was the outlook according to the Congressional Budget Office and the administration. This was their outlook going forward, a range of possible outcomes from a worst-case scenario to the best-case scenario. They adopted the midline that told us we were going to experience some $6 trillion of surpluses over the next 10 years.

But look what happened in the real world. Look what happened in actuality. We didn't get the worst possible outcome under the projections that were provided. We got way below the worst possible outcome. This red line is what actually happened compared to the projections, and instead of trillions of dollars of surpluses, what we have are trillions of dollars of debt.

I can remember when we were having that debate. My Republican colleagues told me when I warned them that you can't bet on this 10-year forecast, that it is highly unlikely to come true, many of my Republican colleagues told me: KENT, you are far too conservative. Don't you understand, when we have these big tax cuts, we are going to get even more revenue. We are not going to be at this midrange of forecasts of possible outcomes; we are going to be well above it because these tax cuts are going to generate much more revenue.

Again, now we can go back and check the record as to what actually happened. We did not get some great boost. Instead what we got was an ocean of red ink. Instead what we got were these massive deficits.

Previous Presidents have said that facts are stubborn things. Facts are stubborn things. And the facts are that this fiscal policy has taken us deep into the deficit ditch. Despite all of the President's promises that would not occur, he was simply wrong.

The next year the President told us:

> . . . [O]ur budget will run a deficit that will be small and short-term. . . .

We can go back and check the record on that as well. He said that in 2002. Look what has happened since. The deficits have exploded. In 2003, we had what was then the largest deficit ever. In 2004, the deficit got even bigger. In 2005, the deficit was the third largest we have ever had. So, again, the President was simply wrong in his prediction.

If we look at this from a historic vantage point and look back to 1980 and look at the outlays or spending of the United States and the revenues, we see some very interesting things. This is all expressed as a percentage of our gross domestic product, which is what economists say is the best way to make these comparisons because it takes out the effect of inflation and real growth. So we are comparing apples to apples here.

Look what has happened. This is the spending line of the United States. It was up over 23 percent of gross domestic product in the previous Bush administration. Then we got to the nineties, and the Democrats put in place a plan that led us to reduce spending, and each and every year spending came down as a share of GDP.

In 2000, we had a change of administration, and here is what has happened to spending. Spending has gone up. Spending has gone up, but it is still well below where we were in the eighties and nineties. These are facts.

Why did the spending go up? The spending went up largely for three reasons. One, national defense; two, homeland security; three, rebuilding New York and bailing out the airlines.

All of us supported on a bipartisan basis this increase in spending. This was in response, obviously, to 9/11 and a national emergency. So, yes, spending went up. Virtually all of it is accounted for by defense, homeland security, and rebuilding New York and aid to the airlines.

Now we are at a place where spending is at about 20 percent of gross domestic product. But look what happened on the revenue side of the equation. Again going back to the eighties, we were at about 19 percent of gross domestic product on revenue. We had a series of tax cuts then that opened up deficits as spending was not reduced to make up the difference. Then we got to the nineties and again we had a plan that was put in place. Revenue increased every year until we actually got to the circumstance in which we were running surpluses. For 2 years, we not only ran surpluses, but we stopped using Social Security money for other purposes.

Then in 2000, with the change of administration, a series of tax cuts was put in place, and we experienced an economic slowdown and the revenue side of the equation collapsed. Until last year, we had the lowest revenue as a share of gross domestic product since 1959. We have had an increase in this last year, but the forecasters are saying that will level out going forward as a share of gross domestic product, leaving us with this very large gap between spending and revenue and, hence, ongoing massive deficits. That is the reality we find ourselves in today.

The next year, in 2003, the President told us:

> [O]ur budget gap is small by historical standards.

I think if you measure it fairly, what you find out is that is not the case either. What the President has been focusing on is only the deficit. The deficit this last year was $319 billion, but that isn't what got added to the debt. What got added to the debt of the country was not $319 billion, it was $551 billion. The largest part of the difference is Social Security because last year, under the President's plan, $173 billion of Social Security money was taken to pay for other programs. That all gets added to the debt, but it is not counted in the deficit calculation.

When you add in those items that were not counted in the deficit, what you find is that the increase in the debt was, instead of the 2.6 percent that many have asserted, the actual difference between spending and revenue, the actual difference in addition to the debt was 4.5 percent of gross domestic product, and that number is a danger sign.

Most economists say your deficits should not be above 2.5 percent of GDP. The truth is, what got added to the debt last year was 4.5 percent of GDP. In the European Union, you cannot be a member in good standing if you run deficits in excess of 3.0 percent of GDP.

The big difference is what is happening with Social Security because back in the eighties, the deficits had almost nothing to do with Social Security. Social Security was running very small surpluses at the time. In fact, if you go back to 1983, there was no Social Security money to take to spend for other programs. There was no surplus in Social Security. But look what has happened since. Social Security surpluses have grown dramatically. This was intended, this was designed to prepare for the retirement of the baby boom generation. The whole idea was to use these surpluses to pay down debt or to prepay the liability. That is not what has been done.

Under the President's policy, all of this Social Security money is being taken to pay for other programs. That is what is happening. All of it is getting added to the debt, all of it has to be paid back, and there is no plan to do it.

This is the difference between the eighties and now. In the eighties, almost no Social Security funds were available to be taken to pay for other items, now we have—just last year—$173 billion in that year alone.

Over the next 10 years, under the President's plan, they are going to take $2.4 trillion of Social Security money to pay for other things. That is a dangerous course.

Now, the President told us just last year:

> So I can say to you that the deficit will be cut in half over the next 5 years . . .

All of his assertions so far have been proved wrong. Now he tells us: Do not worry, we are going to cut the deficit in half over the next 5 years.

First, I do not think that is the appropriate test because we are in the sweet spot of the budget cycle. This is the time when we should not be running deficits at all because this is right before the baby boomers retire, and we are running these massive surpluses in Social Security. Those funds should have been used to either pay down debt or prepay the liability. Instead, the money has been hijacked. The money has been taken to pay for other things—digging a much deeper hole for the future. So when the President says the deficit will be cut in half over the next 5 years, that is not even the right test. This is not a time when we should be running deficits at all.

Beyond that, if one pierces the veil on the President's claim that the deficits are going to be cut in half, here is what they find out: He got there by just leaving out things. He just left out war costs, did not have any war costs in his budget past September 30 of this year. Does anybody believe the war costs ended on September 30 of this year? That is what the President's budget said.

He did not just leave out war costs, he left out the cost of dealing with the alternative minimum tax. The alternative minimum tax, which is the old millionaire's tax and is rapidly becoming a middle-class tax trap. It costs $700 billion to fix. The President just left that out of his budget.

The President wrote a 5-year budget instead of the 10-year budgeting that used to be done because at the end of the fifth year, the cost of his tax cut proposals explodes, driving us deeper into deficit and deeper into debt. Apparently, he did not want to share that information with the American people.

When one looks at the long-term outlook with those things added back in that the President left out, what one sees is a slight improvement in the deficit in the short term, but then it just explodes beyond the 5-year budget window. Why is that the case? Well, I have mentioned some of the reasons.

The first reason is war costs. In the mid-session review, the President had included $50 billion for ongoing military operations, but the Congressional Budget Office tells us that $50 billion does not begin to cover the real costs. They say the real cost is going to be $333 billion. So the President has left out a big chunk of spending that others say we will experience.

Second, by adopting a 5-year budget—it used to be 10-year budgets—the President is hiding this fact: The cost of his tax cut proposals explodes right beyond the 5-year budget window. Is this not interesting? This dotted line is the end of the 5 years of the budget proposal presented by the President. Look what happens to the cost of his tax cut right beyond the fifth year. The cost of the President's tax cut proposal explodes right beyond the end of the fifth year.

Maybe it should not be a surprise that the President switched from 10-year budgeting to 5-year because he would have had a very hard time explaining how his plan will reduce the deficit when factoring in the exploding cost of his tax cuts, the additional cost of war, and the cost to fix the alternative minimum tax.

By the way, the pattern is much the same with the alternative minimum tax. The alternative minimum tax, which virtually everyone says needs to be reformed, the President did not put one thin dime in his budget proposal to deal with that. According to the Congressional Budget Office, it will cost $774 billion to fix. The President does not have any of it in his budget.

Look at the pattern. Here again, the dotted line is the end of the 5-year budget proposal of the President. Here is the pattern of costs of fixing the alternative minimum tax. What happens if we do not fix the alternative minimum tax? Well, here is what happens: In 2005, 3.6 million taxpayers were affected. If we fail to act, by 2010, 29 million taxpayers will be affected. So people are in for a big surprise. They thought they were going to get a tax cut? Instead, they are going to get into the swamp of the alternative minimum tax: 3.6 million people affected this year, 29 million affected 5 years from now if we fail to act. It costs $770 billion to fix, and there is not one dime in the President's budget to do it.

Here is what the President said in 2001 about the importance of paying down debt. The President told us at the time:

> . . . (M)y budget pays down a record amount of national debt. We will pay off $2 trillion of debt over the next decade. That will be the largest debt reduction of any country, ever. Future generations shouldn't be forced to pay back money that we have borrowed. We owe this kind of responsibility to our children and grandchildren.

The President was right about one thing. We do owe that responsibility to future generations, but he did not pay down any debt. Instead, the debt has exploded. The budget that my colleagues on the other side of the aisle passed and the budget that we are moving to take final action on does not pay down any debt. It explodes the debt. It takes the debt from $7.9 trillion now, and it increases it by more than $600 billion a year each and every year of the life of this budget—this after the President told us he is going to have maximum pay-down of the debt. There has been no pay-down of the debt. He is exploding the debt.

Every minute in 2005, the budget policies of our colleagues on the other side of the aisle increased the national debt by over $1 million. Every minute of every day, they have increased the debt by over $1 million.

What are the consequences of this fiscal failure? The consequences are very clear. Foreign holdings of our debt have exploded. It took 200 years to run up $1 trillion of debt held by foreign countries and foreigners. This President has doubled it in 4 years. We have gone from $1 trillion of foreign holdings of our debt to $2 trillion. That is an utterly unsustainable course. That is the outcome of the fiscal policy of this administration. It is not conservative; it is reckless. This is a policy of exploding our debt.

Who holds this debt? Well, I might add it is interesting that President Bush did in 4 years what 42 Presidents took 224 years to do. Forty-two Presidents ran up $1 trillion of external debt. This President exceeded them in 4 years. This President ran up more debt held by foreigners in 4 years than the other 42 Presidents combined in the history United States. Let me repeat that. This President ran up more debt held by foreigners in 4 years than 42 other Presidents ran up in 224 years. That is a record of fiscal failure unmatched in the history of this country.

They call themselves conservatives? Why, they should call themselves borrowers because that is what they are doing. They are engaged in the greatest borrow-and-spend spree in American history.

Who are we borrowing the money from? Increasingly, we are borrowing it from foreigners, from foreign governments, from foreign investors. Now we owe Japan over $684 billion. We owe China over $240 billion. We owe the United Kingdom over $170 billion. My favorite, the Caribbean Banking Centers, we owe the Caribbean Banking Centers over $100 billion. Where did they get their money? Anybody here do their banking in the Caribbean? We owe them over $100 billion. This is conservative? What is conservative about this? Some say this is strengthening the country. How is that? How does it strengthen the country to borrow more and more money from abroad?

This is all happening at the worst possible time—before the baby boomers retire. We are facing a demographic tsunami, and here it is: This is a depiction of the numbers of people in the baby-boom generation. We have less than 40 million people who are eligible for Social Security and Medicare now, and we are headed for 81 million. That changes everything. Instead of preparing for it, this President has dug the hole deeper and deeper. There is nothing conservative about what is being done.

Let us go back to the so-called budget reconciliation that is before us today. The cover on the book says: Deficit Reduction. One has to read the book. They have to read every chapter of the book to find out the conclusion, and the conclusion has nothing to do with deficit reduction. Oh, no. The first chapter cuts spending $39 billion, but the second chapter cuts revenue $70 billion. So guess what: No deficit reduction here. The deficit is increased, not reduced. Then one has to read the third chapter of the book. What is found there? They are going to increase the debt $781 billion—one of the biggest increases in our national debt ever. If they get that increase, this President alone, in the 4 years he has been in power so far, will have run up the debt by $3 trillion.

In the next 5 years, he is going to run up the debt another $3 trillion. There used to be a TV show—what did they call it—the "Six Million Dollar Man"? We have the $6 trillion President because the effect of his policies will be to run up the debt of this country by $6 trillion. That is truly stunning.

Here is the record. In 2002, debt was increased by $450 billion. In 2003, debt was increased by $984 billion. In 2004, it was increased by $800 billion. Now our friends on the other side want to increase the debt by $781 billion. That is a grand total of more than $3 trillion of additional debt. We know that, if this budget is passed, they are going to add another $3 trillion of debt over the next 5 years—a combined total of this President's policies of $6 trillion. That is this President's plan. Unfortunately, that is the plan of this Congress.

Don't take my word for it. This is a budget they euphemistically call a deficit reduction plan. If this weren't so serious, this would be very amusing. They place the title of "Deficit Reduction" on this plan. Come on. Here is what this plan does according to their own tables. Go and look in the conference report on the budget that was done earlier this year by the majority party in the House and the Senate. This is their conclusion about what is going to happen. This is their conclusion. You see the debt going up every year by more than $600 billion. That is their plan. If you look at the next 5 years, the debt under their plan is going to increase by more than $3 trillion, and they are out here with this book entitled "Deficit Reduction Act," and their plan increases the debt by $3 trillion over the next 5 years. Have words lost their meaning? They call this deficit reduction. They are increasing the debt over $3 trillion, and they label this deficit reduction. That is breathtaking.

Chapter 2 of this book is to extend certain tax benefits, tax cuts. Many of those I support, but some of them are just overwhelmingly directed at the most wealthy among us. If you look at chapter 1 being written here, and chapter 1 being written over on the House side—by the way, the House budget is very clear. It is going to cut food stamps. It is going to cut Medicaid. The House bill takes from the least among us so that they can give to those who have the most.

When I say "give to those who have the most," let me talk about two provisions that are in their tax plan. Extending dividends and capital gains cuts will, on average, give a millionaire a tax break for 1 year of over $35,000. Those earning less than $50,000 a year will get $6. Those earning from $50,000 to $200,000 a year, on average, will get $112. Those earning from $200,000 to $1 million a year will get, on average, $1,480. Those earning more than a million dollars a year will get $35,000 a year. It is a very interesting set of values. It is a very interesting set of priorities, to cut Medicaid and cut food stamps. This is not the Senate bill I am talking about. I am talking about the House bill. The House bill cuts food stamps, cuts Medicaid, cuts aid for those who are the least among us, takes the resources and gives them to those who have the most.

I don't know in what Bible they read that. I have not read any Bible that says the value ought to be take from those who have the least and give to those who have the most. In fact, I don't know of any holy book of any religion that says that is a value, that what we ought to be doing is taking from those who have the least among us to give to those who have the most among us. I don't know of any religion that has that as a value.

I know our colleagues on the other side will say: Wait a minute here. These tax cuts have fueled economic growth.

There are tax cuts that are helpful to economic growth. That is undeniable and clear. In 2001, I supported a significant package of tax cuts, tax cuts that the Congressional Budget Office told us would get a large bang for the buck in terms of economic growth. Part of those were included in the package. In fact, many of them were, and I supported those.

But many of these provisions simply went too far in terms of their cost and have pushed us over into a sea of red ink, massive deficits, and massive debt. They simply went too far.

Here is the record on revenues as a share of gross domestic product. In 2000, we were at a historic high. That is absolutely clear. Tax cuts were justified in 2000. I didn't think the magnitude of the tax cuts were justified, but clearly we needed tax cuts, partly to give lift to the economy. My own proposal to our colleagues actually had more tax cuts in the short term, much more than the President's plan, to give lift to the economy because that made good economic sense. But they put tax cuts on top of tax cuts on top of tax cuts and plunged revenue to 16.3 percent in 2004. That is the lowest it has been since 1959, and far below the level of spending for which they have all voted. So the result is red ink, massive red ink.

Here is what the Chairman of the Federal Reserve has said about deficit-financed tax cuts, because that is what is going on here now. We are borrowing the money to give tax cuts. From whom are we borrowing the money? Increasingly, we are borrowing it from the Japanese, the Chinese, Caribbean banking centers, to give tax cuts to the most wealthy among us. Does that really make sense? Is that really defensible? I don't think it makes any sense.

I am not alone. Chairman Greenspan, in his testimony before the Budget Committee last year, said:

> If you are going to lower taxes you should not be borrowing essentially the tax cut. That over the long run is not a stable fiscal situation.

Chairman Greenspan has it right. We should not be borrowing to provide tax cuts, and we certainly should not be borrowing from foreign governments and foreigners to finance tax cuts. We certainly should not be borrowing more and more money from Japan and China and Caribbean banking centers and who-all knows who else in order to finance these tax cuts, driving us deeper and deeper into the deficit ditch before the baby boomers retire.

About the baby boomers, that is not a projection. They are alive today. They are going to retire. They are going to be eligible for Social Security and Medicare. About all I hear from the other side is they will cut Social Security, and they will cut Medicare in order to fill in the difference. That is where this is all headed. Make no mistake about it. Our colleagues on the other side of the aisle, their full intention is to shred Social Security and to shred Medicare in order to avert a fiscal disaster. We are headed for a train wreck. It is just as clear as it can possibly be.

What have our colleagues done? They have come out with this very, I would say misleading title on a book, saying it is a Deficit Reduction Act. When you read all the chapters of the book, it is not a deficit reduction proposal. It increases the deficit and explodes the debt.

Chapter 1, yes, they cut spending $39 billion over 5 years. Chapter 2, they cut revenue $70 billion over the same time. That increases the deficit by $31 billion. But chapter 3, that is the one they do not want you to read. You will not hear them talking about chapter 3 at all out here because they do not want you to know about chapter 3. In chapter 3, they are going to increase the debt by $781 billion. This is after they have already run up the debt over $2.5 trillion over the last 4 years. Now they are fixing to increase the debt another $3 trillion over the next 5 years, and they are out here with a book called "Deficit Reduction." Oh, no, I don't think the American people are going to buy that. I don't think the American people are going to be fooled by that. I don't think the American people are going to conclude that what this is about is reducing the deficit because it is not.

The simple truth is, this budget plan increases the deficit and it explodes the debt.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator began with 5.5 hours, and he has consumed 42 minutes. So it is approximately 4 hours 45 minutes, approximately, remaining.

Mr. CONRAD. Mr. President, let me say that on our side we have enjoyed working with the chairman of the committee very much. He is absolutely professional and fair and his word is good. We have had a very good working relationship on the Budget Committee. Obviously, we have disagreements about policy, but on the committee we have tried not to disagree in a disagreeable fashion. I have respect and admiration for the chairman of the committee, and we are going to try to work together to handle amendments in an expeditious and professional way so the time is well used.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, let me echo the comments of the Senator from North Dakota relative to his staff and himself. They are extraordinarily professional. As he mentioned, we do have some disagreements, but we do it in what I think is an appropriate way. We discuss the policy. We disagree on policy. But it is never personal, and there is always a cooperative spirit to try to do the business of the Senate. I greatly admire his professionalism and his staff's professionalism.

I understand the Senator from North Dakota has another 4 hours. I regret we are not going to hear him speak for that entire period of time because this last hour was certainly "chartlizing"; not scintillating but "chartlizing."

The Senator has made a number of points, some of which I actually agree with but most of which I must say I find inconsistent with the facts that are on the ground. With what do I agree? I agree with the fact we are headed toward a fiscal problem of immense proportions primarily driven by the fact that we have a tremendous baby boom generation that is about to retire. Yesterday I spoke at some length about that. That is why we need to initiate efforts to get under control spending of the Federal Government, especially in the mandatory accounts—mandatory accounts being those accounts which people have a right to, simply because of their situation, whether it is a fiscal situation or personal situation. They may be a former member of the military—veterans benefits; they may be of a certain age; they may be of a certain income.

The most significant mandatory programs which are facing us are, of course, the entitlement programs benefiting retired individuals—Social Security, Medicare, and Medicaid. The only way you can address retired programs, mandatory programs, is through a reconciliation bill which is what we have before us today, a deficit reduction bill, because you have to change the law in order to accomplish changes in the ways those bills are going to spend money over the years to come.

So the Republican Congress, the leadership and the membership, has stepped forward with an aggressive proposal to try to do that. It is the first time in 8 years that we have seen an effort to try to put some brakes on the rate of spending on the mandatory side of the Federal Government.

Thirty-five billion dollars, $35 billion original instruction, and $30 billion is what the committees of the Senate have reported back in deficit reduction initiatives in this bill which is before us today. It cannot be discounted so casually, as the Senator from North Dakota has. He has essentially said it is not a deficit reduction because there will be a bill afterward that will give tax relief or it is not deficit reduction because the debt goes up. The simple fact is that those are inaccurate statements.

This bill, if you vote for it, will reduce the deficit by $39 billion in its present form. That is a fact, a simple, incontrovertible fact. There will be a tax relief bill that will follow this bill.

I wish to point out that my colleague from North Dakota—and he has openly said this—is going to probably vote for a lot of the amendments to that tax relief bill because they are good initiatives which need to be done. As he mentioned, the AMT, as he mentioned—I am not sure he mentioned it, but others have mentioned the State and local sales tax deductibility or deductibility of certain education expenses which teachers incur when they are trying to spend money on their classroom or the savings credit—all of these—or the R&D tax credit which makes us more competitive as a nation. The other side of the aisle is saying all those taxes should be raised on all those people. Are they saying that the 8 million people who fall under AMT should have their taxes raised? Are they saying people in the United States who get to deduct their sales tax should have their taxes raised? Are they saying that teachers who buy crayons for the classroom should have their taxes raised? Are they saying that small businesses, especially those that go out and invest in opportunity and creativity by doing R&D expansion, should have their taxes changed and raised? Maybe they are. Clearly, if they are claiming that the next bill, the tax relief bill, is a bad bill—that is what they are claiming because that bill is going to be made up primarily of those initiatives.

We can get into a debate about dividends and capital gains, also.

What has generated the revenue in this country in the last few years? We have seen one of the most dramatic expansions in revenue in this country in the last 20 years and rate of growth of revenue as a result of having cut taxes and given people more incentive to be creative, go out and invest, create careers for people, and create economics to create jobs.

This chart shows, as we have watched the tax cuts put into place, that revenues have been jumping every year. Why? They are headed back to the historical mean where they have been traditionally. They have been jumping because people have had an incentive to go out and invest, to create economic activity, to take risks, to create careers, create jobs, and that is taxable activity which is coming back to the Federal Government.

Sure, revenues have dropped dramatically, as many of the charts the Senator from North Dakota pointed out show. But the drop in those revenues was a function of two events which we had very little control over: the bursting of the bubble of the 1990s, which was the largest bubble in the history of world, bigger than the South Sea Bubble. It was the Internet bubble, and it burst. Quite honestly, we should have gone into a dramatic depression as nation as a result of that burst. But because this President had the foresight to put into place a tax credit on the productive side of the ledger, we did not see that dramatic economic downturn. We saw a reduction, and that reduction dropped revenues.

We were hit with 9/11. Never before has this Nation been hit with an event like 9/11 where we lost thousands of people on our soil here in the United States. Pearl Harbor, obviously, is a comparable. But the civilian losses were overwhelming, and the economic loss was dramatic. We were hit with a body blow to our economy. So that line went down again.

We had the bursting of the bubble, compounded by the single largest attack on our Nation certainly since Pearl Harbor, arguably exceeding Pearl Harbor in many ways, and the economic impact forced the economy down further. That is why the economy dropped. It wasn't the tax cuts that dropped the revenue. The tax cuts have been shown to increase revenues and will continue to increase revenues.

For the other side to take the position that anything else is happening is wrong because the facts are clear. The revenues are going up, and they are jumping dramatically back to the norm, 18 percent gross domestic product for the revenue. A lot of that is a function of tax relief which we will be seeing in the tax package which will be coming here to extend those tax relief initiatives in the next bill. But this bill is about reducing the deficit by $39 billion, $35 billion being the original instruction. It is a huge step in the right direction.

Now we should ask, I believe—and I think the Senator from South Carolina is going to make this point rather dramatically—what is the response from the other side of the aisle? The response from the other side of the aisle, as I believe the Senator from South Carolina is going to point out, is that their proposal is to spend more money. That is their proposal for reducing the debt around here. They are going to spend more money. That doesn't work.

Since January, they have proposed spending increases which have exceeded or reached almost a half-trillion dollars in new programs, new initiatives, which isn't too surprising because that is the philosophy of the other side of the aisle. I don't think anyone takes that as a surprise. On the other hand, where is their proposal to cut the deficit, to reduce the debt, which the Senator from South Carolina talks about?

We searched, and we found their proposal. Wow.

Here it is. Here is the Democratic proposal on the budget. They have no budget. They haven't proposed a budget. Even when they were in the majority, they didn't propose a budget. At least they didn't bring one to the floor. They have no proposal at all to reduce the deficit or to reduce the debt. They do have a lot of concerns about our proposal. That is understandable because we wrote it. They didn't vote for it. There was not one Democratic vote for our budget. You wouldn't expect us to basically draft their language, but we are willing to take proposals, if they have them, to reduce the debt, to reduce the deficit, proposals which are constructive. But so far, there has been no budget from the other side of the aisle.

There will be a lot of targeted amendments, I presume, to spend more money, which will raise taxes on working Americans and on Americans generally. But as a practical matter, their efforts to reduce the deficit or reduce the debt are extraordinarily limited, especially compared to what we have done.

This is the summary of what this bill does. It is not the tax bill. This is not the tax relief bill. This is the debt reduction bill. It reduces by $71 billion entitlement spending, and $32 billion of new spending is put in place because we believed it was important to assist certain groups and because it was fair. The vast majority or large percentage of the $71 billion came from education accounts by reducing the corporate subsidies for lenders. Rather than take all of that money in deficit reduction, we believed a significant amount of that money—about half—should flow back into student accounts to assist low-income students in getting a college education. It is a good proposal. The key to our Nation's capacity to compete is that we have creative and productive people. That means you have to send people to college. We have to help especially low-income kids get to college. This bill does that to the tune of $11 billion. Maybe the other side is opposed to that.

In addition, we want to make doctors more available to patients. We want senior citizens, when they walk into a clinic or into their health care area, to be able to see a doctor. We know that under the present law, doctors are going to be cut by 4.5 percent in their spending, and they are going to drop out of the Medicare system. The Finance Committee decided to fix that and hold doctors harmless by essentially freezing their pay rather than cutting it 4.5 percent. That is where the money is.

But the net effect of this bill is a $39 billion reduction in the deficit. You can say it is not much. I happen to think it is a lot. In South Carolina, $39 billion is a lot of money. In Ohio, $39 billion is a lot of money. In New Hampshire, $39 billion is a lot of money.

This bill is a lot of money put toward debt reduction. In my opinion, we should be passing it and actually should be passing it on a bipartisan basis because if the other side genuinely wants to reduce the debt and reduce the deficit, they have to vote for this bill. This is their opportunity.

I yield the floor to the Senator from South Carolina who will have a lot of thoughts on this issue.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

Mr. CONRAD. Mr. President, I have recognition.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. CONRAD. Mr. President, I understand the frustration of my colleague because his party has given him an impossible task—to come out and defend a budget plan that explodes the debt.

You notice there was not one comment by the Senator about the debt. Here is why there was no comment about the debt. Here is what has happened to debt under their watch. When President Bush took office, the gross debt of the United States was $5.6 trillion. Each and every year, the debt has gone up by $500 billion or $600 billion. In 2002, it went up to $6.2 trillion, a $500 billion increase; in 2003, $6.8 trillion, it went up another $600 billion; the next year, $7.4 trillion, another $600 billion; the next year, $7.9 trillion, it went up another $500 billion. Here is what it is slated to do under the budget plan they have put in place.

The debt keeps going up, up, up, by $600 billion a year by their own calculation, and they are out here touting that they have a deficit reduction package. Excuse me. Have words lost their meaning? They are out here talking about reducing the deficit, and their fiscal plan has done nothing but explode the debt of our country from $5.7 trillion when they took over and we are headed for over $11 trillion of debt by the time they are done. And they are out here touting a plan of deficit reduction. Come on. Come on. That doesn't pass the laugh test.

I understand the Senator from South Carolina was up here with a chart the other day that he called the Democratic Spend-O-Meter chart. Let me address that.

The Democratic Spend-O-Meter chart of the Senator from South Carolina is a complete concoction. He claims that the Democratic amendments this year would cost $470 billion. Absolute nonsense. Their Spend-O-Meter ignores the fact that many of the Democratic amendments were offset. He didn't count those offsets. In fact, because they included additional deficit reduction, the net effect of all Democratic amendments on the budget resolution would have reduced deficits by $57 billion.

Their Spend-O-Meter also double-counts the cost of some Democratic amendments because they treat them as if they were a package instead of offered individually. Some Democratic amendments covered the same subject area as an earlier amendment and would never have been offered if that earlier amendment had passed.

Their Spend-O-Meter also overstates the cost of Democratic amendments by misleading and falsely assigning 5-year costs to 1-year amendments. Most of these Democratic amendments were for only 1 year, but they have taken them and made them into 5-year amendments.

Those weren't our amendments. That is your concoction. That is your fabrication. That is not right.

Democratic amendments to the 2006 budget resolution would have reduced the deficit by $57 billion. Republican amendments to the 2006 budget resolution actually worsened the deficit by $79 billion. That is the real story of what happened earlier this year—net cost of GOP amendments: $79 billion of additional red ink; net effect of Democratic amendments: $57 billion of reduction in the deficit.

I also want to respond to the more general accusation that Democrats just want to spend. I would like to remind my colleagues of the record. Under the last Democratic administration, spending as a share of the economy came down steadily year after year, falling from 22.1 percent of gross domestic production to 18.4 percent of gross domestic production. During the term of the Democratic administration, spending went down.

Now I will compare that to the time since the Republicans gained control. Under our Republican friends, spending has gone from 18.4 percent of gross domestic production to 22.2 percent of gross domestic production. Who are the big spenders? When we were in control, spending went down. When they have been in control, spending has gone up.

That is not the end of the story. The bottom line is deficits. Here is the difference in the deficit records of various administrations going back to the Reagan administration. They were in significant deficit the entire period of the Reagan administration. The Bush administration, Bush 1, dramatically increased the deficits. Under the Clinton administration, we pulled out of deficit and actually went into surplus for 3 years. In fact, 2 of the 3 years we were actually able to stop raiding Social Security trust funds.

Here is the deficit record under the second Bush administration: They plunged us right back into deep deficits and massive increase in debt. Now they have a budget plan that, by their own terms, by their own calculations, increases the debt of the country by $3 trillion over the next 5 years—and they are out here talking about reducing the deficit.

I suppose they can make the claim, but I don't think it will stand up very well. I don't think it will stand up to much scrutiny because we can look at the package—even this little package before the Senate right now. The fact is, there are many chapters to this book. The first chapter cut spending $39 billion. That is in the face of increasing the debt by $3.4 trillion over the next 5 years. They talk about it being a good start. I would say it is virtually no start. It is no start when you consider the second chapter which will cut the revenue by $70 billion. The combined effect is to increase the deficit.

If anyone wonders, go to chapter 3 where they increase the debt in 1 year alone by $781 billion. And they call themselves fiscally conservative? My goodness, that is conservative? That is not any definition of conservative I have read anywhere.

Let's see what is happening to the debt under our friends. They came in and it was $5.7 trillion and they have already run it up to $8 trillion. Here is what their budget proposal is doing now. If we adopt the 5-year budget plan, they will have run the debt of the country from $5.7 trillion to over $11 trillion. That is their record.

What are the results of these policies? The results of these policies are to build a wall of debt. Every year, debt is going up $600 billion a year under their budget plan. These are their numbers. Not my numbers, their numbers.

What does that translate into? That translates into an increase of debt by over $1 million a minute. That is the fact. That is what we are talking about.

What is the result? The result is in 4 years, they have doubled the debt held by foreign countries. U.S. debt held by foreign countries and foreign investors has doubled. It took 224 years to run up $1 trillion of foreign-held debt. In only 4 years, they have doubled it.

Here is the record, looking at the other 42 Presidents in American history. It took them 224 years to run up $1 trillion of external debt. This President has exceeded them in 4 years. This President has run up over $1 trillion of foreign-held debt in his term: $1.05 trillion versus 42 other Presidents, $1.01 trillion. It is pretty stunning what has happened.

And the result? Here it is: We now owe Japan over $684 billion. We owe China $248 billion. We owe the United Kingdom over $174 billion. We owe the Caribbean Banking Centers over $100 billion. This strengthens the country? How does that strengthen the country?

They do not want anyone to read chapter 3 of the book. No. They want to talk about deficit reduction. It is a wonderful title, but it has no relationship to the facts. The budget they have before the Senate does not reduce any deficit. They increase the deficit. They explode the debt. Under their own calculations they will increase the debt over the 5 years of this budget proposal by over $3 trillion. They have the chutzpah to come out here and talk about deficit reduction.

Let's read the third chapter of their book. The third chapter increases the debt limit of the United States in 1 year by $781 billion. And they are out here talking about deficit reduction? Come on.

The chairman said accurately we did not present a budget. That is exactly right, we did not present a budget. Why didn't we present a budget? Because they are in control. They are in control of the White House. They are in control of the Senate. They are in control of the House. We first had to try to defeat their proposal. Only then would we have had an opportunity or a chance to offer an alternative.

The first test was, can we defeat their budget? I tried my darnedest. The chairman knows that. I tried very hard to defeat the budget proposal they put before our colleagues because it exploded the debt by their own calculations by more than $3 trillion over the next 5 years. But I didn't succeed. They won. They passed their budget. If we could have stopped them, if we could have defeated them, then an alternative would have been in order and I would have been happy to offer an alternative if we had a chance to prevail. There was no chance to prevail. They won. The country lost, but they won. The country lost because their budget did not reduce the deficit. It increased the deficit and it exploded the debt.

By their own calculations, this 5-year budget they have put together will increase the debt of our country by $3 trillion. That is a fact.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from New Hampshire.

Mr. GREGG. I yield such time as the Senator from South Carolina may use.

Mr. SARBANES. Mr. President, could I inquire what the parliamentary situation is.

The PRESIDING OFFICER. Time is controlled today between the Senators from New Hampshire and North Dakota.

Mr. SARBANES. How much time is available to each side?

The PRESIDING OFFICER. The Senator from North Dakota has 4 hours 33 minutes. The Senator from New Hampshire has 4 hours 3 minutes.

Mr. SARBANES. I understand the Senator from New Hampshire has now yielded to the Senator from South Carolina. Could I inquire, so I have some idea of the sequencing, how much time the Senator from South Carolina will be using?

Mr. DEMINT. Ten or 15 minutes.

Mr. GREGG. After the Senator from South Carolina speaks, I intend to speak for 15 minutes and offer an amendment. Then it would be back to your side for whatever time you wish to take, so about half an hour from now.

Mr. SARBANES. Would it be possible to make an opening statement before the chairman of the committee offers an amendment?

Mr. GREGG. I want to get the amendment in the queue. I will offer the amendment and then I will let the Senator from North Dakota yield to you for whatever you need for an opening statement—15 minutes?

Mr. SARBANES. Ten minutes.

Mr. GREGG. And then back to me to explain the amendment.

Mr. SARBANES. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I thank the Senator for yielding.

I find the comments of the Senator from North Dakota very curious, if not amusing. I find the opposition to this deficit reduction package perplexing.

How can we come to the Senate and rail against deficits and, at the same time, rail against spending cuts? Some of my colleagues have gotten comfortable with voting against something before they vote for it.

In 1993, when the Senate was considering mandatory spending reductions much like we are considering today—only then it was $77 billion, about twice as much as we are considering cutting today—the Senator from North Dakota supported it. Not only did he support it, he took the lead in pushing for more spending cuts. To quote the Senator from North Dakota:

> I am one of those on the Democratic side who insisted on more spending cuts . . . I did so because I believed very strongly that we had to have more spending cuts to have balance in this program . . . Madam President, we succeeded . . . We got more spending cuts.

The Senator also said:

> When we talk about there being too much spending, when we talk about the Federal

budget being out of control. Medicare and Medicaid are part of the explanations.

And, again, in 1997, when the Senate was considering mandatory spending reductions which totaled $107 billion, which is almost three times what we are considering today, the Senator from North Dakota supported it, too. Again, he not only voted for it but he called for even more spending cuts.

Again, the Senator said:

> I, too, am proud to have voted for the provisions that we passed this morning that will finish the job of balancing the unified budget . . . Frankly, I would have done more by way of deficit reduction. I wish we had been more ambitious. I wish we would have done more in the long-term reform of entitlement programs, but that was not to be. That is for another day.

This is all very confusing to me. How can the Senator be for spending reductions in 1993, in 1997, but then oppose them today? I don't want to make any assumptions, but this appears to be politically driven because the only thing that has changed since 1993 and 1997 is the man in the White House.

The Senator is correct that the Republicans are now in the majority. But history will show that the Republicans in the majority in the 1990s worked with President Clinton to cut the budget and balance the budget over time.

Our country faces many difficult challenges. But my colleagues continue to talk a good game while they obstruct at every turn. It actually reminds me of an experience when I was a teenager taking lifeguarding classes at a swimming pool. One of the parts of the final test for that lifeguarding class was to swim to the bottom of the deep end, pick up a concrete block, bring it back to the surface and then swim to the other side of the pool. Every day when I get up in Washington, DC, I feel I have to go down to the bottom of the pool and pick up my Democratic colleagues and drag them across the pool.

On energy, while we hear rhetoric in the Senate blaming the President for high energy prices, the Democrats vote en bloc to keep us from developing the oil resources we have in this country. In a committee meeting last week we wanted to build new refineries, modern, environmentally safe refineries on old military bases, but the Democrats voted en bloc to stop it.

I heard this morning from the Senator from North Dakota about spending Social Security on other things. Yet when Republicans this year proposed we stop spending Social Security on other things and save it in Treasury notes, they en bloc came out against it.

The same thing is happening today on deficit reduction.

They say they want deficit reduction, but they are on the floor speaking out against it. I find the comments coming from the other side of the aisle very interesting. I keep hearing how "we are opposed to budget deficits," but this chart will show how they spend, spend, spend.

If I could—and my colleague from North Dakota referenced some of the amendments that we brought up last week, which they said were offset—I think it is important, when we speak on the floor, we get our facts straight. Because these are the amendments offered by the Democrats that would increase the budget by over a half a trillion dollars, none of which were offset. There were other amendments offered with some offsets, but, as shown on this chart, this would increase the spending and the deficit by over a half a trillion dollars.

If we look at it in total—since we are using some moving charts this morning—if we want to be accurate—again, this gets back to the concrete block analogy—we are trying to cut spending in this Senate, which is only a third of what we did last time we went through this same procedure, with Democratic support, yet amendments have been offered that have taken this all the way up to the top of $500 billion and beyond, with the new amendments that were offered last week.

It is important, as a nation, we address difficult issues in a sound, fiscally responsible way. This bill before us this week is very modest, with spending cuts that reduce no care to the poor; they are cutting wasteful spending and fraud from Medicaid and other programs. This should be an easy vote for every Member of the Senate. There is other spending that we need to address. This bill should be easy.

I encourage all of my colleagues to set the rhetoric aside. Let's leave the concrete block at the bottom of the pool and swim across it together and get this done on behalf of the American people.

Mr. President, I thank the Chariman for this time and yield back.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 2347

Mr. GREGG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from New Hampshire [Mr. GREGG], for Mr. FRIST, for himself and Mr. GREGG, proposes an amendment numbered 2347.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide amounts to address influenza and newly emerging pandemics)

At the appropriate place, insert the following:

SEC. ___. ASSISTANCE TO COMBAT INFLUENZA AND NEWLY EMERGING PANDEMICS.

(a) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated in title VII, there are appropriated $2,780,000,000 to enable the Secretary of Health and Human Services to carry out the activities described in subsection (c).

(b) ADDITIONAL AMOUNTS.—Out of any money in the Treasury of the United States not otherwise appropriated in title III, there are appropriated $1,174,000,000 to enable the Secretary of Health and Human Services to carry out the activities described in subsection (c).

(c) ACTIVITIES.—From amounts appropriated under subsections (a) and (b), the Secretary of Health and Human Services shall utilize—

(1) $577,000,000 to intensify surveillance of influenza and other newly emerging pandemics and outbreaks;

(2) $2,800,000,000 for the development and stockpiling of antivirals and vaccines for influenza and other newly emerging pandemics; and

(3) $577,000,000 to establish a seamless network of Federal, State, and local authorities for preparedness relating to influenza and other newly emerging pandemics.

Mr. GREGG. Mr. President, it is my understanding that at this point the Senator from North Dakota is yielding time to the Senator from Maryland, and it will be taken from the time of the Senator from North Dakota. After the Senator from Maryland makes his statement, I will reclaim the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I thank the Chair.

Mr. President, I rise to speak on the measure before us. As we well know, budgets are all about priorities. The budget resolution which was passed earlier this year paved the way for the reconciliation legislation which is now before us, legislation which I strongly believe represents the wrong set of priorities for America.

I say this for two primary reasons. One is the adverse impact this legislation will have on the Nation's soaring budget deficit; in effect, what it does to the fiscal underpinnings of our economy. The second very strong reason is the impact this legislation will have on families all across the country.

I commend the able Senator from North Dakota, Mr. CONRAD, for his very effective leadership on this issue. He has been consistent throughout in trying to bring a sense of fiscal responsibility to our budget deliberations. His presentation earlier today has maintained that strong commitment, as he set out the fiscal consequences of the path on which we are proceeding.

The reconciliation process, which originated in the mid-1970s, provides fast-track procedural protections for reconciliation bills, which are supposedly designed to help achieve the goal of reducing budget deficits. Regrettably, that goal has been absent from the reconciliation process since 1997, which was the last time the Congress considered a reconciliation bill that actually sought to bring down the deficit. In fact, in recent years, the reconciliation process has been used not to bring down the deficit but to cut taxes. So a process designed to help reduce budget deficits has actually made our deficits worse, significantly worse, by speeding through the Congress package after package of excessive tax cuts.

This year's reconciliation process is no different. The budget resolution, which passed on a party-line vote earlier this year, provided fast-track procedural protection for both a spending bill and a tax bill. Both were provided this protection under the reconciliation process. So if one is to see the impact made on the deficit by the reconciliation process, one has to take into account both of these measures. Only one of the two is before us today. But the other is scheduled to follow next week. They constitute part of a package.

Now, the budget resolution, passed earlier in the year, required various committees to make $35 billion in spending cuts. The effort to implement that is reflected in the legislation before us today. That same budget resolution required the Finance Committee to report a tax bill that reduces revenues by $70 billion. So we have a requirement, under the budget resolution now being implemented by this fast-track procedure, of $35 billion in spending cuts which I understand is actually coming in at $39 billion—and $70 billion in tax cuts.

The consequence of using this reconciliation process for both the spending cuts and the tax cuts will be to increase the budget deficit by more than $30 billion. So the reconciliation legislation, originally designed for the purpose of budget deficit reduction, is not, in fact, going to reduce the budget deficit; it is going to increase the budget deficit. This bill is really about trying to make room for more tax cuts, primarily benefitting the people at the very top of the income and wealth scale.

When you look at the reconciliation instructions in the budget resolution, on both the tax and spending sides, that conclusion is inescapable. The reconciliation legislation is a clear example of a fiscal policy that places a higher priority on tax cuts than on funding needed services and reducing the deficit. To me, that is a misplaced priority but, regrettably, one that has marked this administration.

Now, if the ranking member would yield for a couple of questions?

Mr. CONRAD. Yes, sir.

Mr. SARBANES. It is my understanding that when President Bush came into office in 2001, the fiscal situation which he inherited was one where we actually we were running a surplus in the Federal budget, if I am not mistaken. We were projecting a surplus, over the next 10-year period—2002 to 2011—of $5.6 trillion. I say to my colleague: is that correct? That was the projection at the time?

Mr. CONRAD. That is correct.

Mr. SARBANES. Of course, these were projections. We recognize that. But they were the best estimate that could be made. Over a 10-year period, we were projecting a surplus of $5.6 billion. In fact, some said we were paying down the debt too quickly, if the Senator will recall?

Mr. CONRAD. Yes, they did. In fact, they were concerned we were going to pay off too much debt.

Mr. SARBANES. As I understand it, today, after this series of excessive tax cuts the President has pushed through, using this reconciliation process—actually, I think, abusing it, not using it, because it was designed to reduce deficits, not to increase deficits—but using this fast-track procedure, the President and his allies in the Congress have pushed through a series of excessive tax cuts.

So as I understand it, we are now in deficit, $317 billion for the fiscal year that just ended, and we are facing projected deficits, over the next 10 years, of $4.5 trillion; is that correct?

Mr. CONRAD. The Senator is correct. So we have had a swing from projections of a $5.6 trillion surplus to more than a $4 trillion deficit. That is a swing of $10 trillion.

Mr. SARBANES. Mr. President, I want to underscore what the very able Senator from North Dakota has pointed out. This is an incredible deterioration in the fiscal position of our Nation. We have gone, in less than 5 years' time, from projecting a surplus of $5.6 trillion, over a 10-year period, to a point where we are now projecting a deficit of $4.5 trillion over a 10-year period. And as the able Senator points out, that is a swing in our fiscal position of $10 trillion—$10 trillion in the wrong direction. It is incredible when one stops to think about it.

Mr. CONRAD. I would say to the Senator, if I could, the situation is even much worse. Why is it much worse? Because the deficits understate what is happening to the debt.

Last year, for example, the deficit went up by something over $300 billion, but the debt went up by $551 billion. Most of the difference is the money they are taking from Social Security. Last year, they took, under the President's plan, $173 billion of Social Security money and used it to pay for other things. It all gets added to the debt, but none of it counts toward the deficit calculation.

Mr. SARBANES. Could I ask the Senator, who is holding this debt?

Mr. GREGG. Will the Senator yield for a question?

Mr. SARBANES. Certainly.

Mr. GREGG. As the Senator knows, I did yield to the Senator to make an opening statement. The understanding was it would be for about 10 minutes. It has been about 15 now. I am wondering if the Senator is planning on going on for an extended period of time.

Mr. SARBANES. If I could have 4 or 5 more minutes, I could draw to a close.

Mr. GREGG. That would be great. I thank the Senator.

Mr. SARBANES. I thank the chairman.

Well, as was pointed out, rather than conserving the budget surplus, which President Bush inherited, he has chosen to risk our fiscal future through excessive tax cuts—tax cuts targeted to those who need them the least. This reconciliation process before us will only continue that pattern.

The reconciliation process is supposed to provide special protection to measures to bring the deficit down, not to provide special protection to a combination of measures, as we have here: some spending cuts but greatly exceeded by tax cuts.

So the net result of the reconciliation measures to be considered this week and next week will be an increase in the deficit of $30 billion. I don't know anyone who can contest that. It is pretty well conceded.

The instructions made it clear from the outset there was to be $35 billion in spending cuts—and they have increased it a few billion—and $70 billion in tax cuts. You put the two together, you have an increase in the deficit of over $30 billion.

We are facing serious future challenges. The Senator from North Dakota has been the leader in pointing out to us the need to consider the baby boomers as they approach retirement age, the impact that will have on the fiscal situation of the country, and how we can deal with that in a balanced and equitable way. That discussion is not taking place. Instead, we have this fast-track process in which the most vulnerable amongst us are asked to make the sacrifices in terms of the programs being cut, such as Medicaid and Medicare.

The New York Times, in an editorial on October 26, titled "Stalking the Poor to Soothe the Affluent," said:

> Impoverished Americans are being set up as targets this week in Congress's desperate attempt to find budget cuts after four straight years of tax cuts for the affluent.

I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. As I draw to a close, I just want to underscore what is happening. I had put a question to the Senator from North Dakota and there wasn't an opportunity to answer. Our debt is escalating at a faster rate than the budget deficit, which compounds the situation. Who is holding this debt? Who is buying this paper and, therefore, has claims against U.S. citizens looking out into the future?

Mr. CONRAD. Increasingly, this debt is being held by foreign countries and foreign investors. If you think about it, during the President's watch so far, he has increased the debt from $5.6 trillion to $7.9 trillion. That is a $2.3 trillion increase in the debt so far under his watch. I keep urging my colleagues to understand that you can't tell a book by its cover. This cover says it is deficit reduction. That is just the first chapter. You have to read all the chapters to conclude what is happening.

What is happening is, as the Senator has correctly described, the first chapter is, cut a little bit of spending. The second chapter is, cut even more revenue. The third chapter is—and this is the one they really don't want people to read—increase the debt of the country by $781 billion for 1 year. That will take the total up to over $3 trillion of added debt in just the 5 years that this President has been in power. Who is holding the debt?

Increasingly, it is foreigners. This President has increased foreign holdings of our debt by a trillion dollars. It took 42 Presidents 224 years to run up a trillion dollars of external debt. This President has more than doubled that amount in 4 years.

Mr. SARBANES. Mr. President, I close with this observation: In one of his plays, Tennessee Williams has a character, Blanche Dubois, who says: I have always depended on the kindness of strangers. That is what is happening to the fiscal future of the United States of America. We are becoming increasingly dependent on foreign nations, in many instances central bankers, not individuals, central bankers buying our debt, holding this paper, financing this deficit, underwriting this debt. The United States, as a consequence, is losing a measure of its strength and independence which only underscores the seriousness of the situation we confront.

Mr. CONRAD. Well, we owe Japan over $680 billion.

Mr. GREGG. Mr. President, point of order: No question was asked by the Senator from North Dakota. Is it correct to have an interchange of this nature?

Mr. CONRAD. I interpreted a question from the Senator.

Mr. SARBANES. I asked the Senator who was holding the debt.

Mr. CONRAD. He had asked who was holding the debt, and this is who is holding the debt.

Mr. GREGG. The Senator from North Dakota's response was not in relationship to a question.

The PRESIDING OFFICER. The Senator from Maryland has the floor. He may not ask questions of other Senators, but he may respond to questions from other Senators.

Mr. CONRAD. I would be happy to ask the Senator from Maryland a question, if he would yield for that purpose.

Mr. SARBANES. Certainly.

Mr. CONRAD. The Senator can see here the answer to the question he posed to me. I would ask: Who is holding the debt?

Mr. SARBANES. As I look at the chart which the Senator has presented, Japan has $684 billion of it; China, $248 billion—and that is rapidly escalating, moving upwards very fast—the United Kingdom, $174 billion. Caribbean banking centers are holding over $100 billion of our national debt. This is a recipe for eventual disaster if we don't get this situation under control. The budget reconciliation process ought not to be used in such a way that the ultimate result is going to be an increase in our deficit and a further runup of the debt.

I thank the chairman and the ranking member for this opportunity to speak. I again commend Senator CONRAD from North Dakota for the effective and consistent leadership he has provided over the years in addressing the important question of the fiscal underpinnings of our national economy.

I yield the floor.

EXHIBIT 1

STALKING THE POOR TO SOOTHE THE AFFLUENT

Impoverished Americans are being set up as targets this week in Congress's desperate attempt to find budget cuts after four straight years of tax cuts for the affluent. House Republicans propose harmful cuts in Medicaid access and benefits, while forcing another 10 hours of work from welfare families and giving states free rein to pile more draconian reductions onto the most vulnerable citizens.

This gross political posturing does not even translate into true savings. While imperiously proclaiming cuts of $50 billion over five years, Congressional leaders are determined to fiddle more harmfully with the revenue half of the budget and to pass an additional $70 billion in upper-bracket tax cuts.

The proposals would have the federal government—supposedly the protector of the neediest—give the states broad leeway to restrict current benefits; to require co-payments by the poor for medicine and for care by doctors and emergency rooms; and to cut preventive care for children, who represent half of the Medicaid roll. The food stamp program would probably also be hit with a $1 billion cut, and even welfare payments to elderly people who are sick would be crimped by using federal bookkeeping tricks.

One particularly boneheaded proposal would severely cut the funds for child support enforcement by $4 billion. This program currently returns $4 in benefits from natural parents for every dollar invested.

The proposals are so appalling that moderate Republicans are even said to be considering a show of life on the floor. In contrast, Senate Republicans are shaping cuts that would spare the poor's Medicaid and other safety nets, while finding savings in Medicare overpayments.

The Senate approach is obviously preferable, but it is also rooted in the G.O.P.'s pre-election fiction that overspending is the basic problem. The tax cuts should be scuttled and the poor protected.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I had, as a matter of courtesy, yielded the floor so the Senator from Maryland could speak; he said for 10 minutes. It has now been a half hour. Cooperation does help in this institution.

Cooperation also helps on bills such as this. The Senator from North Dakota has taken considerable time to talk about the reduction in the deficit in the 1990s and the fact that we went into surplus, claiming it as an action of the Democratic Party. The deficit reduction which occurred during that part, there was another player in that, and that was the Republican Congress which essentially asked President Clinton to pursue a course of a balanced budget. And with some reticence, the final agreement was reached, and a balanced budget bill was passed. It was passed in cooperation. There was cooperation from Republican membership with a Democratic President.

It would be nice if we had that cooperation today from our Democratic colleagues. I find it uniquely ironic that they have decided to oppose a bill which reduces the deficit by $35 billion—that initially was the demand; it was a proposal put forward; now it is up to $39 billion—on the representation that, well, they can't support this bill because there may be a later bill that gives tax relief. You can't have it both ways. You can't claim you are for deficit reduction and for reducing the debt and then vote against the one opportunity you are going to have to do so. The one opportunity is this bill. This isn't a tax relief bill. There are no tax relief proposals in this bill at all. This is not a bill that in any way harms people of lower incomes.

In fact, the vast majority of the new spending in this bill is directed specifically at low-income students and patients on Medicare and assisting both of them. The Medicaid proposals in this bill were crafted by the Finance Committee to make sure they focused on making that program more efficient. It will actually, if the language in this bill passes, have an impact on the pharmaceutical industry but not on low-income individuals who benefit from Medicaid. In fact, because it has significant expansion of the flexibility of Governors to deal with Medicaid, most of the Governors you talk to, any that are sort of good managers, are saying they can do a lot more. They are going to be able to deliver a lot more Medicaid services to a lot more people as a result of the language in this bill, even though it saves money in the Medicaid accounts, because they are giving Governors more flexibility.

This is a bill which actually produces significant improvements in the delivery of services in this country to low-income individuals, especially those who want to go to college, those who are benefiting from Medicare, and those who are benefiting from Medicaid. At the same time, it reduces the deficit by $39 billion, or $35 billion if the amendment I just offered happens to be passed.

To say that you are not going to vote for this bill because there may be some bill coming down the road that gives tax relief to people is not consistent, and then to argue that you are for deficit reduction on top of that. This is your opportunity to vote for deficit reduction. This is it. This is the only vote you are going to get—at least in this exercise of reconciliation—to reduce the deficit. So vote for this. And if you are not happy with the tax relief package, vote against the tax relief package. Take the good, which you allegedly claim you want, which is deficit reduction, and reject what you consider to be bad, which is the tax relief package coming later.

Mr. SARBANES. Will the Senator yield for a question?

Mr. GREGG. No, I will not yield at this time.

The tax relief package to which they are opposed, which is coming down the pike, which they allege is part of this package so they have to vote against the debt reduction deficit reduction package, let's talk about what is in that package potentially.

The alternative minimum tax: Something like 8 million people will be added to the alternative minimum tax if we don't extend what is known as the patch, if we don't exempt those people from being added to it. That is a $30 billion item right there. The folks on the other side want to vote against the tax reconciliation bill. They want to raise taxes on 8 million people. They want to create a tax revenue of $30 billion by making the alternative minimum tax apply to middle-income Americans. That is their choice.

The research and experimentation tax credit, the R&D credit, this is the credit which allows entrepreneurs, especially small businesses, to invest in R&D, which produces jobs, which makes our country more competitive, which keeps jobs from going overseas, which gives people careers. This is one of the most important tax initiatives in our Tax Code because it increases economic activity and increases opportunity and jobs. They want to vote against that one. Fine. Raise the taxes on small business and entrepreneurs who want to do R&D. That is the second largest item, $7 billion, that is going to expire in the next 2 years.

The deductibility of qualified credits, teachers' deductibility. We talked about that before. When teachers go out and buy things for their classrooms, they get a deduction for it. If they want to raise taxes on teachers, go ahead, have a tax increase on teachers.

The deduction for State and local sales taxes: Which States benefit from the deductibility of State and local taxes? Massachusetts, Connecticut, New York, New Jersey, Illinois, California—those are the high tax States. They are the ones with the highest sales taxes. How many Republican Senators are there from those States? I don't think there are any. But that is one of the items. They appear to want to raise taxes on people in those States by making their sales tax not deductible.

I have to tell you, I come from New Hampshire. We don't have a sales tax or an income tax. If you want to eliminate the deductibility of sales taxes, it is no skin off our nose. But I don't think it happens to be that great a policy. But that appears to be the position that is being taken here, if you listen to the other side as they excoriate the package of proposals that is coming at us as a result of the reconciliation process: First, the deficit reduction bill, the debt reduction bill; second, the reconciliation bill on taxes, the majority of which includes these right here. And these are the ones that are expiring in the next 2 years.

Then the third is the debt ceiling, which is put under reconciliation. Well, you know, we are at war. We had a downturn of dramatic proportions as a result of the bursting of the Internet bubble, and this country's expenses have gone up rather significantly because of those two factors—especially the cost of the war. In fact, if you look at discretionary spending, almost the entire increase is an attempt to fight terrorism and protect our Nation. Now, it may be that the other side of the aisle does not want to pay those bills, that they think we should not do a debt increase. Well, if you do that, the Federal Government defaults on its debt, chaos occurs in the marketplace, and people's savings will be wiped out not only in the United States but across the globe.

Maybe that is the fiscal position of the other side of the aisle. A debt reduction bill is a technical step in the sense it increases our ability to borrow the money. We are going to borrow the money because we have the debts. It is like saying, when you get your credit card bill, you are not going to pay it. Well, the practical implication of not paying is you file bankruptcy. Maybe the other side's position is let's file bankruptcy. It seems to be we should do nothing. However, the rate at which that credit card is being charged—because this is the only bill that does that. This is a deficit reduction bill. The $39 billion bill that is pending before us is a deficit reduction bill. So if you are not going to vote for this bill, you have no credibility on the issue of whether you are willing to cut the deficit or debt. It is one separate bill.

Mr. SARBANES. Will the Senator yield.

Mr. GREGG. I will not yield. I yielded to the Senator for 30 minutes when he asked for 10, and to tell you the truth, I don't think that was consistent with the comity of the Senate.

Mr. SARBANES. Now, the Senator should yield on that point.

Mr. GREGG. No, I will not yield.

Mr. SARBANES. On questioning the comity of the Senate, the Senator should yield on that point.

Mr. GREGG. I will not yield on that point.

The next item: The second point is how much money have we generated from this tax cut. The tax cut has energized a significant increase in revenue to us relative to the budget. We have seen a 14-percent increase in 2005. We will see a 6-percent increase in 2006, and it is projected that this will continue to go up significantly as we move into the outyears. That is because as you reduce the tax rate on working Americans, you significantly expand the revenue of the Federal Government because people become more productive and they generate more activity, which generates income to the Federal Government.

That has been proven over and over and over again. The tax cuts of President Bush have shown that, the tax cuts of President Reagan showed it, and the first person to show it in fairly definitive terms was President John F. Kennedy, who put forth his tax cut which generated significant revenues to the Federal Government.

We are seeing a dramatic expansion in the revenue activity of this Government. To say anything else is inaccurate. Yes, the budget deficit is $314 billion, but it was supposed to be $440 billion or $420 billion. We have generated $100 billion of reduction in the deficit and almost all of it, almost all of it has been a function of new revenues coming into the Federal Government. There has also been essentially a freeze on discretionary spending, nondefense, which has been good, but essentially all that revenue has come out of this, come out of the fact that we cut taxes and we have generated more economic activity.

So when the argument is made that the tax cuts are inappropriate and that we are generating cuts for wealthy individuals at the expense of low-income individuals, it is just not consistent with the fact. The fact is, this deficit reduction plan significantly reduces the deficit but does it in a way that does not impact low-income individuals. In fact, the new spending initiatives in this plan, which are fully paid for by offsetting reductions, dramatically benefit low-income individuals, especially those who are working, who are going to college, and who are trying to benefit from Medicare.

Secondly, the tax provisions which will be coming in the next exercise, which is independent of this exercise, are provisions which are generally supported by most Americans. They are the deductibility of the R&D tax credit, deductibility of education credits, deductibility of savings credits. State and local taxes, sales taxes, and, of course, the AMT fix. The tax revenues of this country are going up dramatically on an annual basis, and they are projected to continue to go up. So we don't have a problem that we are an undertaxed society. We have a problem that we are not controlling spending.

The pending amendment which I sent to the desk is an amendment to address the fact that we are confronting a very significant threat in the world called avian flu. This Congress, this Senate, has tried to address this issue a couple times, but we know the avian flu issue is a ticking time bomb out there. Whether it is going to happen today or whether it is going to happen—well, not today, obviously, but whether it is going to happen within 12 months or 2 years or 5 years, we know the threat should avian flu transfer from birds over to humans is huge because we have a record to look to, which is the pandemics of the early part of this century.

We need to get ready for it, and we all recognize it, and there is an urgency to do that. It has been a bipartisan push to try to accomplish that. So this amendment essentially takes some of the dollars which have been saved in excess of the original reconciliation instruction and applies those dollars to try to address the pandemic situation.

In trying to accomplish that, we have addressed what I think is a significant need. In addressing the avian flu issue, it is more than just a money issue. We all know that. There has to be an incentive for the vaccine industry to aggressively pursue some sort of cure to address not only avian flu but avian flu as it mutates through various systems. That has not been accomplished yet. But we know it will not be accomplished until we are successful in standing up to the vaccine industry and making sure that they have the resources to pursue an adequate treatment.

This amendment tries to accomplish that, and thus I have offered it.

At this point I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I think the chairman of the Budget Committee just summed up the position of his party when he said we have to borrow the money because we have the debt. That is exactly right. Their party has put us on a fiscal course to explode the debt. And when the Senator talks about deficit reduction, which is on the cover of the book of the matter that we are discussing today—it says deficit reduction—it just doesn't have any credibility because it is part of a package. The package is the budget that was passed earlier this year. This reconciliation process we are going through now was authorized by that budget. That budget didn't reduce any deficit; it increased the deficit. Most seriously, it exploded the debt.

Well, here it is. The budget we are working to conclude increases the debt by $3.4 trillion over the next 5 years. The spending cut they have out here right now is $39 billion. By the way, they are about to reduce that because the first amendment from our colleagues on the other side is a spending amendment.

But let's look at the whole package, the whole package that our colleagues have offered the country, have offered the Senate. If doesn't reduce the deficit, it doesn't reduce the debt, it dramatically expands the debt—not by my calculation but by their calculation. Here is their calculation of the increase in the debt of their 5-year budget proposal. They are going to run up the debt $3.4 trillion. This spending out here over 5 years of $39 billion basically does not touch it.

Now, my colleague had a whole list of possible tax cuts and said, well, maybe we are for increasing the taxes on the American people, on those various items. I support extension of many of those tax cuts, but I believe they ought to be paid for. That is the way we used to do business around here. We used to have a provision we called pay-go, and if you wanted to increase spending or you wanted to have more tax cuts, you could do it, but you had to pay for it. There is an old-fashioned idea: pay for it. Our colleagues over here don't want to pay for anything. They want every tax cut, they want every spending provision—this increase in spending. They are in control. The spending they are complaining about, they passed it. They control the Senate of the United States. They control the House of Representatives. They control the White House. Every dime of this spending that they are complaining about, they passed—every dime of it. The President has not vetoed one spending bill. Every dime of this spending they supported.

But here is what they did on the revenue side. This is what has happened to the revenue. The revenue side of the equation collapsed, and, yes, we have had an upkick in the last year, absolutely. The Senator is correct. Revenue has increased in the last year. But look at where it is. It is way below the historical level. The result of this combination of their spending increases and their tax cuts has been to explode the deficits. We have had in the last 3 years the largest deficits in the history of the country. They have exploded the debt—not by my calculation but by their own calculation and by the historic record.

Look, when this President came in, the debt was $5.7 trillion. In 5 years he is going to have added $3 trillion, if this budget plan passes. They ran up the debt another $551 billion for the last year alone. They are going to increase the debt of this country in the 5 years of this Presidency by $3 trillion, and in the next 5 years they are going to run it up another $3 trillion.

Now, facts are stubborn things. It is very interesting that my colleague on the other side, when he put up the possible tax cuts they are talking about, left this one out. You didn't see this. You didn't see this one mentioned, the capital gains and dividends tax cuts. Here is the distribution of those tax cuts, who gets them: Those earning over $1 million a year will get, on average, a $35,000 tax cut. Those earning less than $50,000 a year, this is what they get: $6—$6. That is what my colleagues on the other side of the aisle think is a fair distribution of the tax cuts—$6 for those earning less than $50,000 a year, $35,000 for those earning over $1 million a year. And one of the ways they reduce the cost of all this is to take from the least among us.

Go look at what the House of Representatives is proposing by way of their spending cuts. They are going to cut Medicaid, they are going to cut food stamps, the things that go to the least among us so that they can give additional tax cuts to those who have the most among us.

That is not a value that I have read in any Bible. My Bible does not say take from the least among us to give to the most among us. I have not seen that in any chapter of the Bible or, for that matter, in any holy book. Virtually every religion—perhaps every religion—has as a value that we help the least among us. We don't take from the least among us to give to those who have the most. But that is exactly what is before us in this proposal.

Again I say to my colleagues, you can't separate out the first chapter of the book they have labeled deficit reduction; you have to read the whole book. You have to read all the chapters. If you read the chapters of this book, what you find is in chapter 1, they cut a little bit of spending, in chapter 2 they cut even more revenue, and in chapter 3, they explode the debt by $781 billion. And they call it deficit reduction? Please.

If you look at the whole book, if you read the entire book, what you find is they are going to increase the debt of our country by $3 trillion over the next 5 years. And they are out here talking about deficit reduction? No, that dog won't hunt.

I rise to offer an amendment with Senator NELSON and Senator FEINGOLD to restore some budget discipline. We want to go back to the pay-as-you-go rule that served this country so well in previous years. I thank Senator NELSON and Senator FEINGOLD for their leadership on this issue. I see Senator FEINGOLD is on the floor.

Our amendment is simple. It restores the original pay-go rules preventing new mandatory spending and new tax cuts unless they are paid for. My colleague talks about all the additional tax cuts he wants. That is fine. I will support a lot of them, but we have to pay for them. Otherwise, we are borrowing money from China, Japan, the Caribbean Banking Centers, and all the rest to give tax cuts that, in many cases, go predominantly to the wealthiest among us. What a bizarre strategy that is.

The proposal we are making today eliminates a loophole in the current pay-go rule which exempts tax cuts and spending increases that are provided for in the budget resolution. We don't have to pay for them if they are in the budget resolution. This huge loophole encourages fiscally irresponsible behavior, which is exactly how I would characterize the budget that is before us. It is fiscally irresponsible—fiscally irresponsible to increase the debt by $3 trillion when we have already almost $8 trillion of debt. If people are serious about fiscal discipline, this is their chance to prove it.

I would like to take a moment to remind my colleagues of the history of pay-go and why it is important to reinstate the original pay-go rule.

The rule was adopted in 1990 at a time when the Federal Government was facing unprecedented deficits, just as we are today. Originally, the pay-go rule created a 60-vote point of order against tax cuts and mandatory spending that would increase the deficit. Tax cuts and increased spending either had to be paid for or face a 60-vote point of order. Back in the nineties, the budget discipline of pay-go helped us turn record deficits into record surpluses. But the pay-go rule we have now has lost its teeth. What we are left with is a pale reminder of what pay-go used to be.

The current pay-go rule exempts all policies assumed in every budget resolution. As a result of these changes, the budget resolution this year advocated borrow-and-spend policies. Here is what our current fiscal picture looks like: record budget deficits as far as the eye can see; an ocean of red ink. That is where we are now, and that is where we are headed.

In this year's budget, the majority paved the way for these reconciliation bills that are before us now that will actually increase the budget deficit. How? By shaving $39 billion of spending over 5 years, but then by cutting revenue $70 billion. The combined effect is to increase the deficit by $31 billion, and we already have record deficits. The whole idea of reconciliation was to provide fast-track protection to deficit reduction. Now it has been hijacked, and they are using these special provisions and special protections to increase the deficit. It is a perversion of the process.

Federal Reserve Chairman Alan Greenspan opposes tax cuts that are financed by increasing the deficit. Here is what he told Congress last year.

Question from Congressman SPRATT:

> Let me ask you this. You said you were for extension of the original pay-go rule, which would apply to tax cuts as well as to entitlement increases. Does that mean you would advise us that as we approach these sunsets and expirations in existing tax cuts, that they be offset before the renewal be passed?

Mr. Greenspan:

> Yes, sir.

That is the answer the chairman was perhaps seeking. He wants to extend these tax cuts. Many of them I do as well. But I want to pay for them. That is what pay-go provides. Here is what the Fed Chairman had to say on the question of restoring the original pay-go: "Yes, sir," when asked a direct question if we should restore pay-go. Earlier this year in testimony before the House Budget Committee, Chairman Greenspan again reiterated his support for fully offsetting the costs of all tax cuts:

> If you're going to lower taxes, you shouldn't be borrowing essentially the tax cut. And that over the long run is not a stable fiscal situation.

That is what we are doing here: Put it on the charge card, run it up, borrow the money. Where are we borrowing it? Increasingly we are borrowing it from abroad. Under this President, we have increased our debt held by foreign countries by over 100 percent. It took 42 Presidents 224 years to run up a trillion dollars of external debt. This President has doubled it in 4 years. That is an utterly unsustainable course.

Chairman Greenspan said before the House Budget Committee earlier this year:

> All I'm saying is that my general view is that I like to see the tax burden as low as possible. And in that context, I would like to see tax cuts continued. But, as I indicated earlier, that has got to be, in my judgment, in the context of a pay-go resolution.

That is what we are offering today, a pay-go resolution. You can have more spending; you have to pay for it. You can have more tax cuts; you have to pay for them. That is the budget discipline we had earlier in the nineties, and it worked well in drawing us out of record deficits and back into surplus.

In the past, the chairman of the Budget Committee has agreed with the Fed Chairman's wise counsel. During the fiscal year 2002 supplemental bill, the Budget chairman had this to say. This is Chairman GREGG:

> The second budget discipline, which is pay-go essentially says if you are going to add a new entitlement program or you are going to cut taxes during a period, especially of deficits, you must offset that event so that it becomes a budget-neutral event that also lapses.

He went on to say:

> . . . If we do not do this, if we do not put back in place caps and pay-go mechanisms, we will have no budget discipline in this Congress and, as a result, will dramatically aggravate the deficit which, of course, impacts a lot of important issues, but especially impacts Social Security.

The Budget Committee chairman was right then, and if he took the same position now, he would be right now because the measure we are offering is pay-go. If you want to have new spending, pay for it. If you want to have more tax cuts, pay for them. That is critically important given the fact that the deficits and debt are going up, up, and away under this underlying budget resolution.

What we are offering today eliminates the pay-go loophole. The current pay-go rule exempts all tax cuts and mandatory spending increases assumed in any budget resolution, no matter how much they increase deficits. Our proposal is to go back to what has worked in the past. It is traditional pay-go. It says all mandatory spending and all tax cuts that increase deficits must be paid for or they have to get a supermajority vote of 60 votes.

Mr. President, I yield to my colleague from Wisconsin such time as he may use.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I am very pleased to cosponsor the amendment that will be offered by my good friend, the Senator from North Dakota. There is no Senator more dedicated to a fiscally responsible Federal budget and to restoring sound budget rules than Senator CONRAD. I have had the pleasure of watching him do his work, now in his 13th year of leadership on this issue. He is an acknowledged expert on the budget and the rules that govern its consideration.

You don't actually have to be a KENT CONRAD to understand the pay-go rule. As he said, it is very straightforward. It is a commonsense requirement. Whenever Congress wants to spend money through entitlements or the Tax Code, we have to pay for it. That rule, as he pointed out in the past few minutes, has been an effective restraint on the appetites of Congress and the White House, and it was absolutely critical to our ability and success in balancing the Federal books during the 1990s.

It is no coincidence that when this body stopped following that rule, the bottom dropped out from under the budget. Four and a half years ago, the Congressional Budget Office projected that in the 10 years thereafter, the Government would run a unified budget surplus of more than $5 trillion. Now we are staring at what is almost a mirror image of that 10-year projection, except instead of healthy surpluses under any reasonable set of assumptions, we are now facing immense deficits and backbreaking debt.

This has to stop. Running deficits causes the Government to use the surpluses of the Social Security trust fund for other Government purposes rather than to pay down the debt and help our Nation prepare for the coming retirement of the baby boom generation.

As Senator CONRAD has noted, it isn't just the annual budget deficits that are the problem, it is our debt. Every dollar we add to the Federal debt is another dollar we are forcing our children to pay back in higher taxes or fewer Government benefits.

As I noted before during the pay-go debates we have had over the years, when the Government in this generation chooses to spend on current consumption and to accumulate debt for our children's generation to pay, it does nothing less than rob our children of their choices, to which I think they should be entitled, just as we have been. We make our choices to spend on our wants, but what we are doing here is saddling them with the debts they must pay from their tax dollars and their hard work, and that is not right.

That is why I am proud to join Senator CONRAD in offering this amendment to reinstate the pay-go rule. We need a strong budget process. We need to exert fiscal discipline. When the pay-go rule was in effect, that tough fiscal discipline governed the budget process. Under the current approach, it is exactly the other way around. The annual budget resolution determines how much fiscal discipline we are willing to impose on ourselves and that, obviously, simply has not worked.

When Congress decides it would be nice to create a new entitlement or enact new tax cuts, and then adjusts its budget rules to assist those policies, we are inviting a disastrous result. And that is exactly what we have seen happen.

As I noted during the budget resolution, if you want to lose weight, you set the total calories you are allowed to consume first, and then you make the meals fit under that cap. It is not the other way around. Imagine trying to lose weight by deciding what you want to eat first and then setting the calorie limit to accommodate your cravings. If you want to eat cake, fine; dial up the limit on your calorie intake. If you want a couple of extra beers—which, of course, in Wisconsin we are fond of—that is fine, too. Raise the calorie limit accordingly.

It may taste pretty good at the time but one will probably almost certainly end up gaining weight, just like this Nation is racking up debt.

Because this ill-advised diet is exactly how the current mutated version of pay-go works, and we have seen the results, the debt we are leaving our children and grandchildren that we will have has been putting on massive amounts of weight. This amendment that the Senator from North Dakota will offer would simply return us to the rule under which Congress operated for the decade of the 1990s.

As the Chair well knows, it was instrumental in balancing the Federal budget. Many of us lived under that rule, and we know how effective it was. This amendment is a truth test. Our colleagues who are genuinely serious about reducing the deficit and returning to a balanced budget will vote for it.

A real pay-go rule by itself will not eliminate the annual budget deficits and balance the budget, but we also know that we will never get there without a real pay-go rule.

I, again, thank Senator CONRAD for his leadership on this and the other critical budget issues and I strongly urge my colleagues to support his commonsense, time-tested amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank my colleague, Senator FEINGOLD, one of the most valued members of the Budget Committee, somebody who has been absolutely consistent on these issues and who has tried over and over to get the pay-go rules reinserted so we would have some assistance in restoring budget discipline.

I told a reporter the other day I have never seen this town so disconnected from reality as it is today. We have a measure before us that they call deficit reduction in the first chapter when we all know, if we read the whole book, it has nothing to do with deficit reduction. It is explosion of debt. Because by the time we get to the third chapter, what we find out is they are going to increase the debt by $781 billion all the while they are talking about reducing the deficit. It is like words have lost their meaning. It is as though, what is the book, "1984," George Orwell—war is peace, love is hate, deficit reduction is deficit increase. This labeling ceases to have meaning when people come out and say they are doing one thing, when they are doing precisely the opposite thing.

It is going to be hard to fool people about this because people know we have big deficits. The last three deficits are the biggest in our history and people know the debt is increasing. They may not know the exact numbers, but they know the debt is not going down; the debt is going up. The hard reality is this budget package that is steaming through is going to increase the debt of the United States by $3 trillion over the next 5 years and that is by their own calculations. That is not my calculation. That is not the calculation of Senator FEINGOLD. That is their own budget document's calculation. It says they are going to increase the debt $3 trillion. They are talking about over the same period of time a $39 billion spending cut, which is chapter 1. Chapter 2 is they cut the revenue $70 billion, so now they have increased the deficit. Chapter 3, they are going to increase the debt by $781 billion. That is just one year. The 5-year effect of their budget, and this is all part of the package, is to increase the debt $3 trillion, and they are going to spend a week talking about how they are reducing the deficit.

One of the best things we can do is restore the pay-go rules. Pay-go rules say if one wants to spend more money, pay for it; want more tax cuts, pay for them. That is a rule we ought to have. That is a rule we used to have. That is a rule that helped. It was not the only thing that worked, but it helped.

I hope very much that this body will adopt the pay-go provision we are putting before them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I have been listening to this debate, and my least favorite part of being in the Senate is probably the floor debate that we have because it is rhetoric. It is not the substance that we ought to be debating on the Senate floor.

What we are talking about right now is an omnibus deficit reduction reconciliation bill, and it has $39 billion worth of savings in it. One can go ahead and talk about other legislation that will come up later and add those in different directions and come up with different numbers, but what we are talking about right now is deficit reduction. We spent a lot of time and a lot of effort to get it that way. Much of it is bipartisan, but we will not hear that kind of discussion on the floor probably. One will from me because I want to give some credit to the people who have worked with me on arriving at the biggest part of this reconciliation package in a very bipartisan way.

Senator KENNEDY is the ranking member on the HELP committee, and my committee had responsibility for $13.65 billion in spending cuts over 5 years. We not only met that goal, we exceeded that goal. I want to say a little bit about how we did it. We did it in several areas. One of them is higher education. We provided more for kids going to college while we also provided savings. In the pensions area, we reduced potential outlays, and that saves money. In the area of FDIC reform, we reduced outlays so that we had savings so that we could provide for insurance for people at their retirement time that will aid communities. I will talk about all of that as we go along. I would like to begin by commending Leader FRIST and Chairman GREGG for keeping the budget reconciliation process on track this year. Our shared commitment to meaningful deficit reduction is the reason that this package is on the floor this week. The omnibus deficit reduction reconciliation bill of 2005, which is S. 1932, is an ambitious step toward meaningful deficit reduction.

The budget agreement that Congress approved in April requires eight authorizing committees to produce $34.7 billion in spending cuts. As chairman of the Committee on Health, Education, Labor, and Pensions, that is a big bite of the apple, but it is not when it comes to the budget spending. My committee received the largest reconciliation instruction. It was $13.65 billion in spending cuts over 5 years. That is nearly 40 percent of the overall target. I am pleased to report that we exceeded that target and reported legislation with a net savings of $16.4 billion over 5 years.

That is an additional $2.75 billion beyond HELP's reconciliation target. So there is a significant amount of extra savings in the health, education, labor, and pensions component of this package, title VII, which I will discuss momentarily.

Now, 2 weeks ago, the HELP Committee reported a bipartisan bill that garnered support from four Democrats, in addition to all of the committee Republicans. We achieved this savings in several ways. One was the Higher Education Act reauthorization. It has been held up for some period of time because we are trying to identify proper funding levels, and reform programs so that more people can get more training. This will ultimately lead to students obtaining better skills, resulting in fewer jobs being outsourced. It is not just a college age situation. It is a college age-to-retirement situation and it includes careers. We addressed that separately in the Workforce Investment Act reauthorization. That separate bill passed 20 to 0 in the committee. So it was unanimous and unanimously bipartisan.

I also mentioned that the HELP Committee passed a bipartisan pension bill that garnered support from both sides of the aisle, but it was not unanimous. I have to explain why. We also have to solve the pension problem in this country so that people who have earned pensions get the pensions. We have worked on a comprehensive pension package. In fact, we passed a comprehensive pension package in the HELP committee and then we merged it with a comprehensive pension reform bill from the Finance Committee. We have to go through the process of getting that bill through on the floor and then conferencing it with the House who have yet a third version of the bill. I am hoping that we can do that full package that way. But in that part of the process, when we were doing that bill as a stand-alone bill, there was one section in there that dealt with some hybrid forms of pension plans. I had one person on one side of the aisle who did not think we had gone far enough and one person on the other side of the aisle who thought we had gone too far. So we had two dissenting votes on that whole package.

When we take the pension reconciliation to the floor, as we are doing right now, we are not able to do the comprehensive pension package that we had reported previously. We are limited to reducing the outlays, which means increasing the fees. That would not be my preference for the way to go. There is a little provision in there that says that if we pass a complete reform, it will supersede what we are doing in reconciliation. I am assuming, and am pretty sure, the dissenting votes that we had when we worked the reconciliation package out of committee, which was both a combination of the education package and the pensions package, that the dissension was over having to raise fees in the pension part of the package. Otherwise, if it had been, again, just a stand-alone on the education part, I am pretty sure we would have had a unanimous, bipartisan vote. But we did have people from both sides of the aisle, in what I consider to be fairly significant numbers, supporting this. Writing this package has been a challenging process because it has required months of bipartisan negotiations. Spending reconciliation bills involve tough choices, about which programs to responsibly reform and how to reinvest subsequent savings, while still meeting deficit reduction goals. I am pleased about the role that the Health, Education, Labor, and Pensions Committee has played in this process.

I would like to briefly walk through the Health, Education, Labor, and Pensions title of the reconciliation bill. The HELP Committee's title has two components, as I mentioned, one dealing with higher education, the other with pensions. The higher education provisions in the reconciliation legislation are similar to the comprehensive higher education reauthorization bill that the HELP Committee agreed to unanimously in September, as I mentioned.

In addition to exceeding our reconciliation target, the title VII of the legislation provides additional benefits to students and strengthens access to higher education. Now, I have to say that one of the ways that we worked enthusiastically on doing this was when we were doing the budget process and outlining how much had to be saved by the various parts. First, in the pension area, we worked hard to come up with a reasonable number that could happen without businesses being put out of business. We wanted to do it so that people would be encouraged to continue pensions. I think that we have done that.

In the education portion, I asked the chairman of the Budget Committee if we could not work a little deal where if we saved more than the $7 billion that we were required under the budget act to save, if we could not have half of what we saved, with it really not starting until we got to the $7 billion. We had to get to $7 billion but if we got to $14 billion we would get half.

That gave us some incentive to look at what is actually happening in the higher education area and see ways that we could save.

I appreciate the enthusiastic participation of everybody on the committee and their staff because that is what allows these things to happen.

I have to tell you that the largest part of this, of course, comes from ending some corporate subsidies.

Title VII of the reconciliation bill reduces the deficit by $9.8 billion over 5 years. That is an additional $2.8 billion beyond the committee's $7 billion higher education savings target.

This also provides over $8 billion in increased grant assistance for low- and middle-income students, including $2.25 billion targeted to juniors and seniors in college majoring in math and science subjects or foreign language critical to national security. That is a junior-senior package for low- and middle-income students that will, I hope, bridge the gap that we are beginning to have with China and India on having people who are technically capable of keeping our economy growing.

Again, I want to emphasize that is $8 billion of increased grant assistance for low- and middle-income students. I don't think I used the word "rich" students in there. Did I? No, low- and middle-income students with a special target of math, science, and foreign languages critical to national security. We have to do something in this country to launch a greater interest in math and science if we are going to maintain the economic edge that we have at the present time. Our kids have to realize there is competition out there, that there are people who want their jobs, that there are people out there who want to be the employer of Americans, not the employee of Americans.

We have the $8 billion in increased grant assistance for low- and middle-income students.

It also reduces borrower origination fees which will benefit the students who finance some or part of their education through loans. That is a cost of $1 billion.

It incorporates language to provide financial relief to students impacted by Hurricane Katrina, including cancelling loans disbursed in the 2005-2006 academic year to students in impacted areas. That is a cost of $105 million.

Those are loans that could be difficult to use in light of the hurricane. But it takes care of that part.

We have an interest in doing some other things and need to do some other things with it yet.

But that is an outline of how cumulatively the higher education reforms save approximately a net of $9.8 billion, bringing the total deficit reduction in the package to $16.4 billion over 5 years.

I want to emphasize that those things are paid for that we talk about there.

The second component of the HELP Committee title addresses premiums to the Pension Benefit Guaranty Corporation, PBGC. The understanding when the resolution was adopted in April was that an additional $6.65 billion in deficit reduction would be achieved through pension reforms. It continues to be my hope that these savings can be accomplished in a bipartisan fashion outside of reconciliation. In reconciliation, however, we are in a position to only raise the PBGC premium instead of also addressing the funding rule that will ultimately determine plan solvency. In other words, this could drive more people into bankruptcy. But it is the best that we can do under the rules we have under budget reconciliation.

This legislation makes three changes to the current law that will generate approximately $6.7 billion in savings over 5 years. Here is how it does it.

It first increases the flat-rate premium paid by all single-employer plans, and it increases it from $19 to $46.75 per participant and indexes the increase to wage inflation.

Next, it raises the participant premium for multi-employer plans from $2.60 to $8 immediately, and likewise indexes the increase to wage inflation.

Third, it includes a new premium requiring companies to terminate their defined benefit plans through bankruptcy to pay a premium of $1,250 per participant for 3 years but only after the company successfully emerges from bankruptcy.

Why did we do that third part? That should be a part of coming out of bankruptcy—to repay some of the money that had to be potentially paid out, and paid out during the time the company was going through bankruptcy. But if we don't do that third part, what we were faced with doing was going with the singly-employer plan, flat-rate premium going from $19 to $59. We were able to keep it back at $46.75. Under the comprehensive bill, again, which I prefer to do, but it is not an option at this point in time, that would raise the premium to only $30 per participant. That is still a pretty significant rate, $19 to $30 per participant. And the reconciliation measure before us raises the premium to $46.75 per participant.

There are savings under the comprehensive reform, but this meets the requirements of getting to that $6.7 billion with the assurance that PBGC will be able to meet its payments as people's retirements come up who have been relegated to that system.

The short answer to why the premium was raised so high is we do not have as many legislative options in reconciliation as we have outside reconciliation. But it has to be done. This is one of the two to get it done. None of us want this premium ultimately to be enacted into law. Adopting a comprehensive reform will solve that problem. But for now, the premium of $46.75 is the "least bad" option that we face.

To be clear that this premium label will be reduced, the bill language includes a special rule that the premiums contained in the reconciliation bill shall not go into effect if comprehensive pension reforms that accomplish the same savings are enacted before the end of this year. It is a pretty tight timeline.

I would also like to address some of the additional titles in the reconciliation package.

Two weeks ago, the Senate Banking Committee passed a budget resolution package that included S. 1562, the Safe and Fair Deposit Insurance Act of 2005. That is a bill that I introduced this year along with Senators JOHNSON, HAGEL, and ALLARD. S. 1562 gained the support of a wide majority of Republicans and Democrats on the Banking Committee before the markup. It is also supported by the Department of the Treasury and the FDIC. I believe passing S. 1562 is crucial for the healthy operations of our Nation's banks and credit unions. The current FDIC system is in desperate need of improvement. Over the past 20 years, deposit insurance has been eroded by inflation and growing deposits falling to the dangerously low levels we have today. S. 1562 would give the FDIC statutory authority to make the deposit insurance fund healthy again, and in a way that accounts for the riskiness of each of the institutions it insures.

This bill is very important to keep the retirement funds and savings of Americans safe. In our rural towns and communities, depositors depend upon their local credit union or their local bank to deposit their hard-earned money. These financial institutions, in turn, lend money to local businesses and invest in their communities. This relationship benefits the customer, the institution, and the community. My bill would ensure that this relationship can continue into the future, adapting to changing economic cycles or unexpected crises.

I am also pleased the Senate Energy Committee included provisions to meet its budget reconciliation target that allows for responsible exploration in ANWR. With the energy crises our Nation faces, it is imperative that we make the most of our domestic supply. Wyoming is contributing dramatically to that supply but nothing like what could be done with ANWR. ANWR is a world-class resource, and with proper protections in place—and there are proper protections—we can recover the resource without damaging the area.

While the ANWR provisions will help our Nation's energy crisis, another rumored provision threatens to further burden consumers and burden an important industry in my State. Fortunately, the Judiciary Committee did not include a tax on explosives to meet their reconciliation goal. Such a tax would have been extremely costly to the mining industry and, in my view, did not make sense. The committee's decision to use other methods to meet their reconciliation number ensures that in this energy crisis consumers are not forced to pay even more to heat their homes and keep on the lights.

I want to reiterate just a little bit that in this budget reconciliation package the biggest part of the heavy lifting comes from Health, Education, Labor and Pensions.

We worked in a bipartisan way to provide for higher education and additional benefits for low- and middle-income students, and for juniors and seniors in that low- and middle-income situation to provide even more, if they will do math and science to meet some critical needs for their country. We have taken care of pensions.

There are some important things in this bill that should not be confused with other bills or other times. There are some very significant things that can happen if we can get this done. They can happen immediately for many of our college students.

I will work as much as possible to make sure that any savings that come from education go to education.

I really think that is the way it has to be. That is the principle under which my committee worked to make sure that we had the incentive for savings.

In closing, I look forward to working with my colleagues this week and in conference to complete work on this important legislation.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

AMENDMENT 2351

Mr. CONRAD. Mr. President, I ask unanimous consent to lay aside the pending amendment and to call up my amendment on pay-go, which is at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself, Mr. NELSON of Florida, and Mr. FEINGOLD, proposes an amendment numbered 2351.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To fully reinstate the pay-as-you-go requirement through 2010)

At the end of title VI, insert the following:

SEC. . PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any 1 of the 3 applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection. the term "applicable time period" means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms "direct-spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of ⅗ of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) SUNSET.—This section shall expire on September 30, 2010.

Mr. CONRAD. Mr. President, I also ask unanimous consent that the Democratic leader be recognized when the Senate reconvenes at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I now yield 10 minutes to the Senator from Florida, Mr. NELSON, who is a very important member of the Senate Budget Committee. Senator NELSON has been one of the most consistent Members on the Budget Committee, insisting on a return to fiscal discipline. I very much appreciate his leadership on this pay-go amendment, which is an attempt to restore the basic budget discipline.

The PRESIDING OFFICER. Does the Senator from North Dakota yield time off general debate or the amendment?

Mr. CONRAD. I will yield time off the amendment.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Thank you, Mr. President.

As we judge this question of whether we have any fiscal sanity here, I thought, in the old days, when I came here 27 years ago and was a freshman member of the House Budget Committee, that fiscal conservatism was that we tried to balance the budget and that we did so through the very painful process of spending cuts and tax increases.

Yet we have been on a course since I came back to Washington 5 years ago, having entered into a fiscal condition of this country where we had a very healthy surplus, that is exactly the opposite. We have gone on a course that calls for tax cuts and spending increases, and, "va-boom," suddenly the big surplus has vanished. We have a huge deficit and a huge deficit that is projected for years into the future to add to the national debt by some $5 trillion over the course of the next decade.

Is it any wonder that some economic sectors of the economy are getting a little shaky? I can tell you that the demands on spending are not going to subside.

I just came back from Florida yesterday, from a very poor section of Florida that got hit with winds clocked as high as 158 miles an hour coming off of Lake Okeechobee at Belle Glade and Pahokee and South Bay. And those communities are devastated. They need help in jobs. They need help with infrastructure. They need help with trying to exist.

Yet we are facing a budget brought to the Senate today to cut social programs in order to finance additional tax cuts. Something is wrong with this picture. It is not bringing America back to the fiscally conservative position of moving toward balancing the budget.

We had a fiscal year ending with a deficit of over $400 billion. We are moving to a deficit in this fiscal year of over $300 billion and all of that is adding to the national debt.

We have a budget that, in fact, is providing $39 billion in savings, but next week we will consider a budget that is going to take away all of those savings with $70 billion in tax cuts, for a net of $31 billion more in debt. Is this the kind of fiscal policy we ought to be conducting and an annual deficit that keeps going up and up, that took us out of surplus, and is taking us into the red more and more with the national debt? I don't think so.

I thank my former chairman and the ranking member, the distinguished Senator from North Dakota, who says this Senator has been consistent in saying exactly this. It seems it is wrongheaded and reverse conservative economics.

When we look at where some of these spending cuts are coming from, they are coming from student loans, $7 billion in cuts and increased fees. By the way, I visited two of our State universities this past weekend, visiting with the administration of two of the distinguished universities in Florida. Florida tuition rates are going up. The minority communities, particularly in Historically Black Colleges, are having a very difficult time. They have dropping enrollment because those students are not able to get the financial assistance. Is this the equal opportunity society we want for America? I don't think so. Why are we cutting student loans?

The ability of America to be competitive in the global marketplace depends on us having an educated public. So we are adopting, if this budget is passed, a policy that says we do not think student loans and financial assistance are a priority. That is like the farmer who goes out and eats his seed corn and then he doesn't have any corn the next year to plant for the crop. This is not the kind of policy we should have.

On the other side of the Capitol, the House has cuts in their budget that will come to conference, and of course they will insist in conference committee that their cuts prevail—food stamps, cut $844 million. They had $9.5 billion cut in Medicaid, the health care program for the poor. Food stamps, the food program for the poor. Child support enforcement, $5 billion cut in the House.

I thought we were in a society that wanted to encourage going after deadbeat dads to support their children. Are we going to cut this enforcement of child support? That is what is coming over from the House. Federal foster care assistance; how many children do we have today who need foster care? We need to promote adoption, but we do not get all of the adoptions completed. There are children who need homes. And we are going to cut that Federal support for foster care?

Somehow if we continue down the line of this kind of thinking, we are continuing to push this country to a country of haves and have-nots. That is not where we want to go. I am going to offer an amendment next week when we have the tax section of this budget reconciliation to say if we are going to have tax cuts, true fiscal conservatism, we are going to have to pay for them. What the American people want, if we are going to have spending increases and if we are going to have additional tax cuts—which is the drop in revenue the American people want—is for spending increases and tax cuts to be paid for. We have one right here. It is Senator CONRAD's amendment. We will have another one next week and it will be my amendment. Let's start supporting some fiscal conservatism around here.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator from Florida for his remarks. I thank him, as well, for his leadership. I have thought many times I wish there were more BILL NELSONs in the Senate because he has been a very strong voice on fiscal responsibility and in paying our bills and not shoveling the debt off to our kids and not continuing this policy of borrowing more and more money from abroad.

Is the Senator seeking recognition to respond?

Mr. ENZI. I was going to offer an amendment Senator KENNEDY will want to speak on. We are working here together.

Mr. CONRAD. Mr. President, parliamentary inquiry: At this point we are on the pay-go amendment. It would require consent, would it not, to lay aside the pending amendment?

The PRESIDING OFFICER (Mr. ALLEN). That is correct.

Mr. CONRAD. If I might say to my colleague, if we could go to Senator KENNEDY, he has only requested 5 or 10 minutes, and then at that point we could consider the amendment.

Mr. ENZI. I have no problem.

Mr. CONRAD. Senator KENNEDY is recognized for 10 minutes.

Mr. KENNEDY. Seven minutes is fine.

Mr. CONRAD. I yield 7 minutes or the time the Senator might consume.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend the Senators from North Dakota and from Florida, my colleagues, who have spoken so eloquently about the fundamental challenge facing this Nation in terms of its priorities. They have outlined in significant detail the choices before this country. We will define the priorities this week and next week in allocating scarce resources for this Nation. They have spoken very clearly, effectively and convincingly. I intend to support their leadership on the underlying legislation.

A few hours ago I had the opportunity with my friend and colleague, the chairman of the Subcommittee on Appropriations for Labor, Health and Human Services and Education, Senator SPECTER, to attend at NIH the President's announcement of his program on the avian flu virus. This is an issue which the Senate has also, appropriately, focused on.

We have had a number of colleagues very much involved in this debate, led by my friend, the Senator from Iowa, Senator HARKIN, including Senator OBAMA from Illinois, Senator REID from Nevada, Senator BAYH from Indiana, and Senator DURBIN from Illinois. Others have been very much involved in this issue, including the majority leader and others.

Last week, the Senate appropriated $7.9 billion to develop the vaccines, antivirals, global detection system, surge capacity, and other priorities necessary to protect the public health. The President reiterated strong support for those efforts. Global detection is a high priority: the ability to detect locally in the United States, a high priority; the development of vaccines, a high priority; the development of antivirals, a high priority; and cell research, a high priority, so we can have an alternative in the development of vaccines as opposed to research on eggs which have been used in the past.

We have, at last, a proposal by the administration on how we ought to deal with the avian flu. I commend the leadership provided by the chairman of our HELP Committee, Senator ENZI, and also Senator BURR, who has been very involved and active in developing legislation, including incentives to attract new investment into developing and stockpiling antivirals and vaccines.

Hopefully, we will be able to work out a system by which those, particularly the first responders, who take the vaccines or antivirals and suffer adverse consequences will have some opportunity for compensation. We also want to make sure the companies are going to reproduce these products in ways which meet high standards, and we are in the process of doing that.

Senator ENZI and Senator BURR have been working on this issue for some time. We have all enjoyed working with them. We will all examine carefully the details of the President's preliminary proposal. The Senate is on record now, voting for $7.9 billion for these endeavors. This has been an enormously important undertaking.

The President has talked about $7.1 billion; the Senate passed the Harkin proposal for $7.9 billion; and Senator GREGG has offered $4.4 billion. The appropriations will have to be worked on through. Under the leadership of Senator HARKIN, the Senate has responded to this challenge with a very effective downpayment. We certainly look forward to working with the administration on the proposal we have just received.

As we talk about priorities for this country, I also want to mention the achievement of our Committee on Health, Education, Labor and Pensions under the leadership of Senator ENZI. The bill we reported significantly and dramatically increases need-based aid and other benefits for students struggling to afford college. The bill includes $11.5 billion in new funding for this purpose, and still meets the reconciliation target for savings mandated by the Committee on the Budget. The House did not follow that pattern.

The House did not follow the pattern of the Senate. But we will see an increase from $4,050 to $4,500 in the maximum grant for Pell-eligible students. That is an extraordinary achievement and accomplishment. As one who has been out here, even recently, trying to get an increase of $200 in the Pell grants, to know this is going to be achieved—a $450 increase—is enormously important. Then there are the additional kinds of programs that will provide some $1,500 on top of that for Pell-eligible students studying math and science and high-need foreign languages. It is really a downpayment, in a very important way, in improving the nation and making the nation more competitive in math and science.

So I certainly hope our colleagues will get a chance to examine exactly what we did on the higher education proposals. There are some items that I might have altered or changed, but I think the overall results on this will be enormously important to students.

Mr. President, how many minutes do I have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 15 seconds remaining.

Mr. KENNEDY. Mr. President, I ask the Senator, may I have 2 more minutes?

Mr. CONRAD. Mr. President, I am happy to yield an additional 2 minutes to the Senator.

Mr. KENNEDY. Finally, when we are talking about the substance of the matter on education and what has been achieved, we also want to be very conscious of the fact that some 370,000 children in the Gulf area—in Louisiana, Mississippi, and Alabama—were displaced by the hurricanes. We know there has been an enormous upheaval in these children's lives. We have not, to this date, provided help and assistance to those children and to the schools that are trying to educate those children.

I certainly hope in this reconciliation bill we have the opportunity to provide a downpayment to help those children. We have listened to the eloquence of the Senators from Louisiana, from all the Senators from the gulf region, but particularly the Senators from Louisiana, MARY LANDRIEU and DAVID VITTER—others as well—on this issue. But I would hope from the eloquence and the sense of need that has been outlined on the floor, and in meetings that all of us have had with Senator LANDRIEU and others about the needs of these children, that we would somehow find the opportunity to provide help and assistance to these children in this current legislation.

I see on the floor the former Secretary of Education, Senator ALEXANDER, who has fashioned and shaped and worked with us on a proposal that can make an important difference to the children in that region. I am very thankful to him, and to Senator DODD, and of course to our chairman, Senator ENZI, for all their work on this. I am very hopeful we will have an opportunity, this week, to meet our responsibilities to these children. These children did not know about this hurricane. The hurricane affected children in public schools and private schools. I think this is an urgent national challenge in a very real way. When children are presented with that kind of a situation, common sense, decency, and our values require us to provide help and assistance to them. Our children and our schools cannot wait any longer for the relief they so obviously and urgently need and deserve. I look forward to working with our colleagues to address those particular needs this week.

I thank my colleague, Senator CONRAD, for yielding this time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent to set aside the pending amendment so I can offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, reserving the right to object, and I will not object, I do want to, for the record, indicate we have had a number of requests that we move to delay the offering of this amendment. I will not do that.

Senator ENZI has been a very responsible member of the committee. He has every right to offer his amendment. The fact is, if he were delayed at this point, he could offer his amendment later. So those who are seeking to delay might force him into the vote-a-thon, but I believe Senator ENZI, who has been a fully responsible member of the committee, deserves his opportunity to offer this amendment, and I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2352

(Purpose: To provide elementary and secondary education assistance to students and schools impacted by Hurricane Katrina and to lower origination fees)

Mr. ENZI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will please report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for himself, Mr. KENNEDY, Mr. ALEXANDER, and Mr. DODD, proposes an amendment numbered 2352.

Mr. ENZI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. ENZI. Mr. President, I join my colleagues, Senator KENNEDY, Senator ALEXANDER, and Senator DODD, in offering an amendment to S. 1932, the Deficit Reduction Omnibus Reconciliation Act of 2005.

As chairman of the committee on Health, Education, Labor, and Pensions, my committee received the largest reconciliation instruction of $13.65 billion in spending cuts over 5 years. That is nearly 40 percent of the overall target. I am pleased to report that we exceeded that target, and reported legislation that will net $16.4 billion over 5 years. That is an additional $2.75 billion beyond HELP's reconciliation target. So there is a significant amount of extra savings in HELP's component of this package—Title VII—which this amendment addresses.

This amendment ensures that extra savings generated from education will be returned to education. Let me be clear, additional savings from students should be returned to students, just as they are in the other part of the reconciliation bill.

The amendment provides additional relief for students enrolled in postsecondary education who take out Federal student loans to pay for their education expenses. This amendment also addresses the elementary and secondary education challenges faced by the 372,000 schoolchildren displaced by Hurricane Katrina, their families, and the schools that opened their doors to accommodate the thousands of displaced students.

I congratulate Senator ALEXANDER for his tremendous work in this area. He is in charge of the subcommittee that handles this area and did a tremendous job of pulling together different people, different opinions, different situations in coming up with a very comprehensive amendment that would solve those issues. I have to say, he did that in conjunction with Senators KENNEDY and DODD and myself. It was a very bipartisan effort.

There are some very sticky issues in this area that needed to be dealt with, and were dealt with, and it will take care of a significant body of students that need some significant help to make sure they get their education this year. We do not want kids in K through 12 out of school. We want them in school. And when we are forcing them on to other schools, we want to make sure that is taken care of, too.

First, I will discuss the additional relief for students enrolled in postsecondary education. The Higher Education Act amendments that are included in S. 1932 represent a significant boost in need-based grant aid for our neediest postsecondary students. Also included is a provision to relieve the fees that students pay to borrow under the Federal student loan programs.

The amendment I am offering today provides significant benefits to student borrowers, and makes Federal student loans more affordable. The amendment would reduce even further those origination fees for postsecondary students. The current fee of 3 percent would be reduced to 2 percent. Origination fees were originally applied to help reduce Federal spending on the guaranteed student loan program. It is time that students stop paying these fees to ensure the program's solvency.

Reducing these fees for students will save dependent students up to $500 dollars and will save independent and graduate students even more.

The average dependent student borrowing under the Federal Family Education Loan program or the Direct Loan program currently pays several hundred dollars in origination fees. Since the majority of students capitalize these fees, they will also pay interest on these fees for 10 years or more. Independent students could pay twice as much.

Over the life of the student's loan, these fees and the interest paid on them can add up to several thousand dollars, and they do not help students pay for tuition. These fees do not make any difference on the ability of students to afford college, and in many cases they only represent additional expenses.

This amendment begins to phase out these fees. At the 6.8 percent interest rate in the underlying higher education bill, this change could save dependent students nearly $500 over the life of their loans. Over $125 of that would be interest payments. With this amendment, independent students could save more than $1,000 and graduate students would save even more.

This amendment also addresses the elementary and secondary education challenges faced by the 372,000 schoolchildren displaced by Hurricane Katrina, their families, and the schools that opened their doors to accommodate them.

This amendment includes provisions from the Hurricane Katrina Elementary and Secondary Education Recovery Act, which is S. 1904, a bipartisan compromise that accomplishes the common goal of providing relief to support the instruction and services that the students displaced by this terrible storm need in order to continue their education, regardless of whether it is in a public or nonpublic school.

Over 300,000 students and their families were displaced by Hurricane Katrina. Their lives were disrupted, and they have no sense of when they will be able to return to their home communities. With this amendment we will be providing one-time, temporary, emergency aid on behalf of these students. All of us can agree that these displaced students deserve help to continue their education under these extraordinary circumstances caused by a disaster of unprecedented scope.

According to the U.S. Department of Education, schools in 49 States and the District of Columbia have opened their doors to help students displaced by this storm. Nine States have received more than 1,000 displaced students. Texas has enrolled as many as 60,000 students. The Houston independent school district alone enrolled 4,700 displaced students, hired 180 new teachers, added 37 new bus route, and ordered about 10,000 new textbooks to accommodate them. These statistics represent just the tip of the iceberg in terms of the number of schools that have accepted displaced students from the Gulf States. Approximately 25 to 30 percent of these students were attending nonpublic schools, and in their new communities the nonpublic schools have opened their doors to these students.

These States and schools need realistic, fiscally responsible assistance from the Congress to accommodate the students they have taken into their education system. This amendment will provide the relief necessary to support the instruction and other school services the displaced students need regardless of the school they are attending. Students will get the education services they need so that they can return as quickly as possible to their home school district without losing educational ground at a time when their lives have been turned upside down.

Our top concern was to make sure that all displaced students continued their education. School provides a sense of routine that is important in assuring students that things will return to normal. School provides them with access to a support system of friends and teachers, which is invaluable as they and their families continue to come to grips with the aftereffects of the storm. Some students are already returning home as their schools reopen, but severe problems of displacement do remain. Many schools will remain closed for the entire school year.

This amendment does not make permanent changes to Federal education laws. It is a one-time, temporary solution that sets aside ideological differences to make sure children are not harmed unnecessarily by the impact of this unprecedented disaster.

Developing this language was a difficult task, as we have limited resources, but we are faced with an almost unlimited need. It provides a comprehensive approach to address the needs of the hundreds of thousands of students who have been displaced. It focuses on the immediate needs of students with the expectation that they will return home to their local school.

Let me describe what this amendment does. First and foremost, it provides support for all displaced students, ensures accountability, and is fiscally responsible. Children displaced by this storm do not have the resources of their home communities to rely on for friends, activities, learning opportunities, and stability. These resources will assist students in their adjustment to new schools, new materials and standards, new classmates, and new teachers.

The amendment provides for a restart fund for special school reopening grants for school districts directly affected by the hurricane. These grants are meant to supplement FEMA funding to ensure the effective use of Federal funds. They can be used to repurchase textbooks and instructional materials, establish temporary facilities while repairs are being made, help reestablish the data that was destroyed, and pay salaries of teachers and other personnel who are working to reopen these schools.

The largest portion of the funding under this amendment is focused on easing the temporary transition of students into new schools, both public and nonpublic, through one-time emergency aid. These funds will be used to help defray the additional costs incurred as a result of enrolling displaced students, and they can be used for purposes such as supporting basic instruction, purchasing educational materials and supplies, and helping schools temporarily expand facilities to relieve overcrowding.

It provides assistance to schools in a nonideological and responsible way. It is based on the number of students, public and nonpublic, reported by local school districts to the State. The funding flows through regular channels to local school districts and accounts established on behalf of students attending nonpublic schools. The amendment maintains public control of public money to ensure accountability.

Quarterly payments are made based on the head count of the displaced students temporarily enrolled in schools, with a maximum amount of $6,000—$7,500 for students with disabilities—per displaced students, or the cost of tuition, fees and transportation for nonpublic students, for the four payments.

States apply for these funds and are required to establish income eligibility criteria for aid on behalf of students in nonpublic schools. Nonpublic schools must waive or reimburse tuition in order for accounts to be established for their displaced students. Parents of displaced students must clearly make the choice for their child to attend a nonpublic school, and the nonpublic school must attest to the use of funds and the numbers of displaced students in attendance. Nonpublic schools shall use funds in secular and neutral ways, not for religious instruction, proselytization, or worship. Displaced children cannot be discriminated against on the basis of their race, color, national origin, religion, disability, or sex.

The assistance provided through this amendment is temporary. It sunsets at the end of this school year. This amendment is necessary because of the extraordinary circumstances and the emergency nature of this situation.

Through the savings in this reconciliation bill, we have the opportunity not only to authorize programs that will serve the thousands of children affected by Hurricane Katrina, but to defer the costs required to meet their education needs. Investing these funds in this way will meet an immediate need, but education is a longer-term investment in the future of our country and its ability to compete in a global economy. We must focus our efforts on ensuring that the educational needs of the children affected by this unprecedented emergency are addressed, and I believe that this amendment achieves that goal.

I urge my colleagues to support this amendment, and support returning additional education savings to the education needs of our students. I urge my colleagues to support student access to postsecondary education, which is critical to our ability to compete in the global marketplace. I can think over no better investment in the future of our students, businesses and Nation.

I ask unanimous consent that Senator LANDRIEU be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, when Senator REID is recognized at 2 p.m., I yield him such time as he may consume.

I understand the Senator from Virginia has a motion at this time.

The PRESIDING OFFICER. The Senator from Virginia.

ROSA PARKS FEDERAL BUILDING

Mr. WARNER. Mr. President, I thank my distinguished colleague.

I take this opportunity to propound a unanimous consent request. It has been cleared on both sides.

I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2967, received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 2967) to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan as the "Rosa Parks Federal Building".

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2967) was read the third time and passed.

Mr. WARNER. Mr. President, last week the Senate addressed an identical piece of legislation offered by our distinguished colleagues from Michigan, Senators STABENOW and LEVIN. Senator REID was very active in the consideration of that bill at that time. With the consent on that side and the consent of others on this side, I was successful in getting on an amendment that I had been working on for some 3 years, with Senator LEAHY and others, to name the new annex to the District of Columbia Federal courthouse system in honor of William Bryant. I have known this outstanding African American much of my life, having served as a young U.S. attorney. He was one of our great teachers at that time, having been a senior U.S. attorney. He was the first African American assistant U.S. attorney, the first African American to become chief judge of the district court. He is 94 years old now and in senior status, and I thought it appropriate that the Senate pass that recognition. That bill by the Senator from Michigan, as amended by the Senator from Virginia, was passed by this Chamber last week. I have been assured by the Speaker of the House of Representatives that bill will be on tomorrow's consent calendar. So both bills will be acted upon in due course. This particular bill was introduced by Congresswoman KILPATRICK, in whose district the courthouse will be named. Therefore, it is appropriate that there be a companion piece of legislation.

I thank all those who participated in this and made it possible.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until 2 p.m.

Thereupon, at 12:35 p.m., the Senate recessed until 2:05 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURR).

DEFICIT REDUCTION OMNIBUS RECONCILIATION ACT OF 2005—Continued

The PRESIDING OFFICER. Under the previous order, the minority leader is recognized.

Mr. REID. I thank the Chair.

Mr. President, just a couple of days ago, my son Leif called me and indicated that his lovely wife Amber was going to have another baby. That will be our 16th grandchild.

Mr. President, I have been in public service a long time. Never have I been so concerned about our country. We have gas prices that are really unbelievable. This year, gas prices have been over $3 in the State of Nevada. Diesel fuel is still over $3 a gallon in Nevada.

The majority leader of the House of Representatives is under indictment. The man in charge of contracting for the Federal Government is under indictment. We have deficits so far you can't see them. The deficits have been basically run up by President Bush's administration these last 5 years.

We are the wealthiest nation in the world, but we are very poor as it relates to health care. We have an intractable war in Iraq. Is it any wonder that I am concerned about my family, my grandchildren?

This past weekend, we witnessed the indictment of I. Lewis Libby, the Vice President's Chief of Staff, also on the President's staff, a senior adviser to the President.

Mr. Libby is the first sitting White House staffer to be indicted in 135 years. Is it any wonder that I am concerned about my grandchildren?

This indictment raises very serious charges. It asserts this administration engaged in actions that both harmed our national security and were morally repugnant. A decision made to place U.S. soldiers, our military, into harm's way, I believe, is the most significant responsibility the Constitution invests in the Congress and in the President. The Libby indictment provides a window into what this is really all about: how this administration manufactured and manipulated intelligence in order to sell the war in Iraq and attempted to destroy those who dared to challenge its actions.

These are not just words from HARRY REID. COL Larry Wilkerson, Colin Powell's former Chief of Staff—Colin Powell, of course, was Secretary of State—this man was Chief of Staff for 4 years. Here is what he said about the war in Iraq.

In President Bush's first term some of the most important decisions about U.S. national security, including vital decisions about postwar Iraq, were made by a secretive, little known cabal, made up of a very small group of people led by Vice President DICK CHENEY and Defense Secretary Donald Rumsfeld. But the secret process was ultimately a failure. It produced a series of disastrous decisions.

That is what I am here to talk about today. As a result of its improper conduct, a cloud now hangs over this administration. This cloud is further darkened by the administration's mistakes in prisoner abuse, Hurricane Katrina, and the cronyism and corruption in numerous agencies throughout this administration.

Unfortunately, it must be said that a cloud also hangs over this Republican-controlled Congress for its unwillingness to hold this Republican administration accountable for its misdeeds on these issues.

During the time we had a Democratic President—8 years—and when the Democrats were in charge of the committees, we were in the majority, oversight hearings were held covering the gambit of what went on in that administration. Today, there is not an oversight hearing held on anything.

Let's take a look back at how we got here with respect to Iraq. The record will show that within hours of the terrorist acts of 9/11, senior officials in this administration recognized those attacks could be used as a pretext to invade Iraq. The record will also show that in the months and years after 9/11, the administration engaged in a pattern of manipulation of the facts and retribution against anyone who had gotten in its way as it made its case for attacking, for invading Iraq.

There are numerous examples of how the administration misstated, and manipulated the facts as it made the case for war. The administration's statements on Saddam's alleged nuclear weapons capability and ties with al-Qaida represent the best examples of how it consistently and repeatedly manipulated the facts. The American people were warned time and time again by the President, the Vice President, the current Secretary of State in her other capacities, about Saddam's nuclear weapons capabilities. The Vice President said:

> Iraq has reconstituted its nuclear programs.

Playing upon the fears of Americans after September 11, these officials and others raised the specter that if left unchecked Saddam could soon attack America with nuclear weapons. Obviously, we know now that their nuclear claims were wholly inaccurate. But more troubling is the fact that a lot of intelligence experts were telling the administration then that its claims about Saddam's nuclear capabilities were false—the situation very similar with respect to Saddam's links to al-Qaida. The Vice President told the American people:

> We know he's out trying once again to produce nuclear weapons and we know he has

> a longstanding relationship with various terrorist groups including the al-Qaida organization.

These assertions have been totally discredited—not a little bit, totally discredited. But again the administration went ahead with these assertions in spite of the fact that the Government's top experts did not agree with these claims. Again, Wilkerson is a person in point.

What has been the response of this Republican-controlled Congress to the administration's manipulation of intelligence that led to this protracted war in Iraq? Nothing.

Did the Republican-controlled Congress carry out its constitutional obligations to conduct oversight? No.

Did it support our troops and their families by providing them the answers to many important questions? No.

Did it even attempt to force this administration to answer the most basic questions about its behavior? No.

Unfortunately, the unwillingness of the Republican-controlled Congress to exercise its oversight responsibilities was not limited to just Iraq. We see it with respect to the prison abuse scandal. We see it with respect to Katrina. We see it with respect to the cronyism and corruption that permeates this administration. Time and time again, this Republican-controlled Congress has consistently chosen to put its political interests ahead of our national security. They have repeatedly chosen to protect the Republican administration rather than to get to the bottom of what happened and why it happened.

There is also another disturbing pattern: namely, about how this administration responded to those who challenged its assertions. Often this administration's activity sought to attack and undercut those who dared to raise questions about its preferred course. For example, when General Shinseki indicated several hundred thousand troops would be needed in Iraq, his military career was ended; he was fired, relieved of duty, when he suggested it would take 200,000 troops. Well, it has taken a lot more than that.

When the OMB Director Larry Lindsey suggested the cost of this war would approach $200 billion, he was dumped, fired.

When the U.N. chief weapons inspector Hans Blix challenged the conclusion about Saddam's weapons of mass destruction capabilities, the administration simply pulled out its inspectors.

When Nobel Prize winner and head of the IAEA Mohamed ElBaradei raised questions about the administration's claims of Saddam's nuclear capabilities, the administration attempted to remove him from his post.

When Ambassador Joe Wilson stated there was no attempt by Saddam to acquire weapons from Niger, the administration not only went after him to discredit him, they launched a vicious and coordinated campaign, going so far as to expose the fact that his wife worked as a CIA spy. These people now have 24-hour protection, fearing for their own safety.

Given this administration's pattern of squashing those who challenge its misstatements—and I have only mentioned a few—what has been the response of the Republican-controlled Congress? Absolutely nothing. And with their inactions, they provide political cover for this administration at the same time they keep the truth from our troops who continue to make large sacrifices in Iraq.

Everyone may think the troops in Iraq are 100-percent Republican. I have met a friend, a marine. He was over there when the elections were held 10 months ago. He said where he was, he never even went to the bathroom without a rifle. Wherever he was on duty, all over this area, he said he could not find anyone who was happy with the way the elections turned out. The Republicans will do anything they can to keep the truth from people such as my marine friend. I would give you his name except he is stationed right here in the Marine Corps.

This behavior is unacceptable. The toll in Iraq is as staggering as it is solemn. More than 2,000—2,025 now—Americans have lost their lives. Over 90 Americans have paid the ultimate sacrifice in the month of October alone, the fourth deadliest month in this ongoing 3-year war. More than 15,000 have been wounded. More than 150,000 remain over there in harm's way. Enormous sacrifices have been made and continue to be made.

We have had soldiers and marines from Nevada killed, from Ely, from Las Vegas, from Henderson, from Boulder City, from Tonopah. Every time one of these deaths occurs, it is a dagger in the heart of that community.

This behavior is unacceptable. I am a patient man, Mr. President. I am a legislator, and I know things don't happen overnight. I am a patient man. But the call from my son has put this in perspective. I am worried about my family. The toll in Iraq is as staggering, I repeat, as it is solemn. The troops and the American people have a right to expect answers and accountability worthy of that sacrifice.

For example, more than 40 Democrats wrote a substantive and detailed letter to the President asking four basic questions about this administration's Iraq policy, and we received a four-sentence answer in response:

> Thank you for your letter to the President expressing your concerns with Iraq. I shared your letter with the appropriate administration officials—

Remember, we wrote it to the President—

> and agencies responsible for formulating policy recommendations in this area. Please be assured your letter is receiving close and careful attention. Thank you for your comments. Candy Wolff.

That is a letter that duly elected Senators of the United States Senate wrote to the President of the United States, and we get a letter from Candy Wolff saying: Thanks, we're working on it.

America deserves better than this. They also deserve a searching, comprehensive investigation into how the Bush administration brought this country to war. Key questions that need to be answered include: How did the Bush administration assemble its case for war against Iraq? We heard what Colonel Wilkerson said.

Who did the Bush administration listen to and who did they ignore?

How did the senior administration officials manipulate or manufacture intelligence presented to the Congress and the American people?

What was the role of the White House Iraq Group, or WHIG, a group of senior White House officials tasked with marketing the war and taking down its critics? We know what Colonel Wilkerson says.

How did the administration coordinate its effort to attack individuals who dared challenge the administration's assertions? We know what happened to them. I listed a few.

Why has this administration failed to provide Congress with the documents which will shed light on their misconduct and misstatements? Unfortunately, the Senate committee that should be taking the lead in providing these answers is not. Despite the fact that the chairman of the Senate Intelligence Committee publicly committed to examine these questions more than a year and a half ago, he has chosen not to keep that commitment. Despite the fact that he restated the commitment earlier this year on national television, he has still done nothing except to assemble a few quotes from Democratic and Republican Senators going back to the first Iraq war.

We need a thorough investigation that that committee is capable and tasked to do. At this point, we can only conclude he will continue to put politics ahead of our national security.

If he does anything at this point, I suspect it will be playing political games by producing an analysis that fails to answer any of these important questions. Instead, if history is any guide, this analysis will attempt to disperse and deflect blame away from this administration.

Mr. BOND. Mr. President, will the Senator yield for a question?

Mr. REID. Key facts about the Intelligence Committee's phase II. June 4, 2003: Intelligence Committee commits to bipartisan review of the deeply flawed intelligence on Iraq WMD phase I.

February 12, 2004, Intelligence Committee commits to phase II investigation looking at five areas, including whether the administration exaggerated and manipulated intelligence.

July 9, 2004, committee publishes phase I report on the intelligence agencies' mistakes on Iraq. Senator ROCKEFELLER says publicly that phase II is as yet unbegun. Republican Chairman ROBERTS says it is one of my top priorities.

July 11 on "Meet the Press," Republican Chairman ROBERTS says:

> Even as I'm speaking, our staff is working on phase II and will get it done.

Fall of 2004, House Intelligence Committee, after no follow through on the Iraq WMD investigation, the House announced on May 2003 no final report.

Republican Committee Chairman Porter Goss is selected as CIA Director. Regarding the question of the Valerie Plame leak, Goss previously said: "Show me a blue dress and some DNA and I will give you an investigation."

November 2004, we had the Presidential election.

March 2005, the President's handpicked WMD Intelligence Committee says the intelligence agencies got the intelligence dead wrong, but says that under the President's terms of reference we are not authorized to investigate how policymakers used the intelligence assessments they received from the intelligence community.

March 31, 2005, Senator ROBERTS says it would be a monumental waste of time to replow this ground any further. Replow?

April 10, 2005, on "Meet the Press," Senator ROBERTS commits to Tim Russert that the review will get done.

September 2005, committee Democrats file additional views to their authorization bill blasting the committee for failing to conduct phase II.

There have been letters written to the committee. A press release was issued even saying they were going to go forward with this.

Mr. President, enough time has gone by. I demand, on behalf of the American people, that we understand why these investigations are not being conducted. And in accordance with rule XXI, I now move that the Senate go into closed session.

Mr. DURBIN. Mr. President, I second the motion.

Ms. STABENOW. I second the motion.

The PRESIDING OFFICER. The motion has been made to go into closed session, and it has been seconded. The motion having been made and seconded, the Senate will go into closed session.

The Chair, pursuant to rule XXI, now directs the Sergeant at Arms to clear all galleries, close all doors of the Senate Chamber, and exclude from the Chamber and its immediate corridor all employees and officials of the Senate who, under the rule, are not eligible to attend the closed session and who are not sworn to secrecy. The question is nondebatable.

(At 2:25 p.m., the doors of the Chamber were closed.)

LEGISLATIVE SESSION

(At 4:33 p.m., the doors of the Chamber were opened, and the open session of the Senate was resumed.)

Mr. FRIST. Mr. President, I ask unanimous consent that we now resume open session.

The PRESIDING OFFICER (Mr. MARTINEZ). Is there objection?

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I ask unanimous consent that following my remarks Senator ROBERTS be recognized to speak for up to 15 minutes, to be followed by Senator ROCKEFELLER for up to 15 minutes, with the time yielded from the pending deficit reduction measure; further, that following that time Chairman GREGG or his designee be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FRIST. Mr. President, we are back in open session, and I believe shortly—in about 40 or 45 minutes—we will be back on course on a very important bill that our Nation cares about, which we are on track to complete this week; that is, the deficit reduction bill.

Over the next about 30 or 35 minutes, however, we will be clarifying some of the intention, scheduling, and language with regard to the completion of the report on Iraq prewar intelligence which has been under a great deal of discussion in the past within the Intelligence Committee, and, indeed, a subject of discussion between the chairman and the vice chairman, both of whom will have the opportunity to express their ideas here shortly.

Let me say that I think it is absolutely critical as we move forward on this important issue that we get partisanship out of these discussions of intelligence—important matters, important to this country, important to the American people—and anything and everything we can do to keep these discussions above partisanship is absolutely critical.

We have been in a closed session, and I want all Members to familiarize themselves with what that actually means as we have seen because we were in that session for a little over 2 hours. It is very important that people do not talk about what happened during that session. Again, we will all have to go back because it is very unusual to go into these closed sessions, and, in fact, I think unprecedented, the way we went into this session, which we will probably talk about a little bit more later. I was very disappointed the way we entered into this session, which was a total surprise to me.

Let me also say I have absolute confidence in our Intelligence Committee and in what they are doing in terms of this important work and Senator ROBERTS as chairman.

The one thing that is important for us to mention, for the benefit of our colleagues, is an agreement between the leader and myself to the following three points: that the majority leader and the Democratic leader will appoint three members from their respective parties. This task force of six Senators will meet and report back to leadership no later than the close of business on November 14 the following: The Intelligence Committee's progress on the phase II review of the prewar intelligence and its schedule for completion.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, our representatives will be Senators ROCKEFELLER, LEVIN, and FEINSTEIN.

Mr. FRIST. Mr. President, for the benefit of my colleagues, at this point we have 15 minutes set aside—for up to 15 minutes—for Senator ROBERTS, followed by Senator ROCKEFELLER, and after that we will recognize Chairman GREGG or his designee. And with mutual discussion between the Democratic and Republican leaders, we very much, after the comments by the chairman and vice chairman, want to get back on the deficit reduction bill.

We have a time agreement to complete discussion on that bill by 6 o'clock tomorrow night. There are a lot of Members who want to talk about this very important issue.

The PRESIDING OFFICER. Under the previous order, the Senator from Kansas is recognized for 15 minutes.

Mr. ROBERTS. Thank you, Mr. President.

I think the best face I could put on this—after this unfortunate situation which was totally unexpected by myself, or my staff, or the Republican members on the committee, for that matter, the Republican leadership—is that we have agreed to do what we already agreed to do; that is, to complete as best we can phase II of the Intelligence Committee's review of prewar intelligence in reference to Iraq.

I think it is very important to point out that the Intelligence Committee has had an absolutely outstanding record working with Senator ROCKEFELLER and my colleagues across the aisle to produce the original review in regard to the 2002 National Intelligence Estimate prior to the military activities into Iraq, and also as to whether Saddam Hussein had reconstituted his weapons of mass destruction. That was a 17-to-0 vote. We had some differences, but that report came out. It was a good report. It was a seminal report. As a matter of fact, I take pride in saying that it was a bipartisan effort that was agreed to by the 9/11 Commission, by the WMD Commission that was later formed, and made about 93 or 94 recommendations to the administration of which probably 93 to 94 out of 95 have already been implemented. So we worked in a bipartisan fashion to do that.

We also at the same time—and I am basically quoting from the statement the vice chairman and I made on February 12 of 2004—agreed we would go to something called phase II. There has been a lot of talk about phase II. What is phase II? Why is it that has been delayed, if in fact it has been delayed?

There was some talk on the floor that got a little personal, and I regret that. It seems to me it was rather convenient because it was only yesterday our staff was working with the staff of the minority indicating that not this week but next week we would spend as much time as possible, 5 or 6 days, to complete our work in regard to phase II. It isn't as though it has been delayed. As a matter of fact, it has been ongoing. As a matter of fact, we have been doing our work on phase II. It is difficult, as I will indicate in a minute, while I go through these provisions on what we agreed to do.

So it seems to be a little convenient all of a sudden to go into a closed session of the Senate and call for a full Senate investigation of phase II when the committee is already doing its work. I think that basically is an unfortunate stunt. I would call it something else, but I think probably I will simply leave it at that.

Let me tell you what phase II is all about. Again, let me point out that we took a look at whether Saddam Hussein did reconstitute his weapons of mass destruction. That took us a long time. It is a 511-page report. It is a seminal report. It is a good report, and it signifies what we can do in the committee when we at least let one another know what is going on and we work in a bipartisan fashion.

This is what phase II is all about. That is what we will begin as we have planned to do and what our staff has indicated to the other side's staff in regard to what we were going to do as of next week—that we will start next week, and we will hope to continue that effort. We will cancel all other hearings until we can reach some sort of an accommodation. Now, if we can do this on the WMD report, certainly we can do it in regard to phase II.

My good friends across the aisle are people of good faith. We had strong differences of opinion then. I suppose we will have it in regard to phase II as well. We have seen that happen time and time again. As a matter of fact, we brought up phase II on May 17 of this year.

The biggest issue is as follows. There are five things in phase II: Whether public statements and reports and testimony regarding Iraq by U.S. Government officials made between the gulf war period and the commencement of Operation Iraqi Freedom were substantiated by intelligence information. In other words, the public statements made in the administration and the public statements made by public officials, whether they be in Congress, whether they be in the administration, or whatever, Congress, because we voted for regime change and we voted to go to war. Obviously, the administration, because they looked at the intelligence and thought our national security was in danger, we went to war.

Were the public statements backed up by intelligence or were they backed up by flawed intelligence? We have that material. We were supplied about 300 to 400 names by my colleagues across the aisle from all sorts of statements made by people in the administration. We took a good look at what Members of Congress have said about the same intelligence. I must say, at this point, some of those statements are even more declarative and more aggressive than those made in the administration.

That is the big issue: the use of intelligence. Whether somebody in the administration or somebody in the Congress made a statement that they thought was based on intelligence that was later proved wrong and somehow we are suppose to get in their head and ask: Why did you make that statement? Is that credible?

On May 17, in the spring, we started down the list of statements. We took names off of the statements because I didn't want it to be a situation, in terms of naming who made the statement, because I thought it might perjure or affect how people would vote in the committee. We started down that road. We didn't get very far. We had requests on the total progress of phase II, other portions of phase II.

So we started again on the first statement. Does that first statement match up with the intelligence? We didn't get very far. We started phase II in May, and we went back to work to see what we could get done, where we would agree and come back to the "use" question, when that would be possible.

There are five issues to phase II. Let me read them. The postwar findings about Iraq's weapons of mass destruction and their weapons programs and the links to terrorism and how they compare with prewar assessments. That was done by Charles Duelfer and David Kay. Those two paragraphs are already written. You can simply say that Charles Duelfer and David Kay did not find WMD. That was their conclusion. They made some statements about it. It was commensurate, exactly, with what our WMD report said. There shouldn't be any problem with that. That should be adopted by the committee with hardly any dissent or any discussion.

The third issue is prewar intelligence about postwar Iraq. That is not necessarily true today. It is post-insurgency Iraq. That was my suggestion, saying if the intelligence community at least could figure out what we expected to find in Iraq postwar, post the military action. Where was the intelligence? That is ongoing. That is ongoing because we have what we think is a pretty good report, but we can make it more concise. I can say right off the bat that intelligence was as flawed as the intelligence in regard to the WMD report. We can agree with that. So there are two we can agree on.

Let me go to the next one. Any intelligence activities relating to Iraq conducted by the policy counterterrorism evaluation group and the Office of Special Plans within the Office of the Undersecretary of Defense. This involved a question as to whether Under Secretary Douglas Feith had a special intelligence group that had undue influence in the 2002 National Intelligence Estimate and whether or not that group and that intelligence had an undue influence on the administration's decision to go to war.

We had Under Secretary Feith before the committee. Then we were going to have him up again. And then my good friends across the aisle wanted more information. In the midst of that, there was a statement made by the vice chairman—I will not get into that because it tends to be personal, and I don't want any remarks of mine to be personal, especially after what happened on the Senate floor in regard to this issue. Basically, there was a statement made that what was going on in the Office of Special Plans could be illegal. When that happened, everyone down there at the Office of Special Plans got lawyered up or at least thought about seeking legal representation.

The cooperation between that particular department and our committee was not nearly as good as it was. We can clear that up because we have asked the Department of Defense inspector general to come back and tell us if there was anything wrong in regard to what the Office of Special Plans was doing. We will rely on that. We will put that in the report. We can believe the inspector general of the Department of Defense.

Finally, the use of the intelligence community of information provided by the Iraqi National Congress. Now, remember back when the Congress was talking to members of the Iraqi National Congress. Mr. Chalabi was the head of that group. I had Senator after Senator come to me and ask, Why don't you have Mr. Chalabi appear before the committee? The people supporting him wanted to vote and eventually did vote for regime change.

Then the pendulum swung the other way and people said, Wait a minute. We are not really sure about his position or, for that matter, what he has said in the past, what are you doing, and the question of the INC. The whole question again was, how much effect did the Iraqi National Congress and Mr. Chalabi have on the input to the administration as to whether or not they would go to war.

We have found, basically, as far as I am concerned, there is very little evidence, if any, that would take place.

I wouldn't think that would take too much time, as well.

So those are the five things we had to do in regard to phase II.

Let me repeat, again, yesterday our staff talked with my colleagues' staff across the aisle and their staff—not my colleagues across the aisle but their staff—and said the chairman wants to move on this next week. My conversation in regard to the distinguished vice chairman, I think it was last Wednesday, and let me say it was in the middle of a hearing and let me say it was not exactly clear in terms of any kind of a date, but I did talk to Senator ROCKEFELLER and indicated we had to move, we had to get this done.

He will doubtlessly say they have written letters and they have tried to get me to move and this, that or the other, but we have been doing this all along. Staff has been working on this very diligently. Consequently, I think we are very close. I am very pleased to announce, on schedule, exactly what we planned to do, we will start next week. We will start on Tuesday, and I will announce the time in the morning. Members of the Intelligence Committee will know Tuesday, Wednesday, Thursday, Friday, how long it takes, working in good faith. We will look into phase II and see what we can do and finish that product.

I said a long time ago on the Intelligence Committee we had to work in a bipartisan fashion. I said a long time ago that whatever ended up on the fan, we were going to have to clean it up. I said a long time ago we will let the chips fall where they may, and that went for phase II as well as the WMD special inquiry.

I ought to say one other thing. There was a memo that was highly publicized back about a year and a half ago. That memo, which was not provided to Republicans—obviously, it was a Democratic memo—and paragraph four caused a big fuss. It caused us about a month to sort of walk gingerly around one another and smother each other with the milk of kindness and say, Well, let's see if we can't work things out. And we did. I credit a lot of that to Senator ROCKEFELLER. He is not a partisan man.

Here is the paragraph:

> Be prepared to launch an independent investigation when it becomes clear we have exhausted the opportunity to usefully collaborate with the majority. We can pull the trigger on an independent investigation any time, but we can only do so once. The best time to do so will probably be next year.

Well, the trigger has been pulled today with an executive session of the Senate that is not needed, not necessary, and, in my personal opinion, was a stunt. I plead with my colleagues across the aisle and my colleagues, all Republicans on the committee, next week when we start this, on Tuesday—we will go through Tuesday, Wednesday, Thursday, Friday—I have no illusions, we will have differences, but I plead with you, as we have done in the past, for the good of our national security, and to finish the inquiry on whether or not Saddam Hussein had reconstituted his weapons of mass destruction, we were able to do that, and it became the seminal study for intelligence reform and where we are now with the Director of National Intelligence.

If we can get back to that mode instead of this surprising stunt on the floor to go into executive session, we will be better off.

Phase II, yes, you bet, we have been on phase II, and we will do it exactly as we planned to do it as of next week. I see from the expression of the distinguished President's face my time has expired.

The PRESIDING OFFICER. The time has expired.

Mr. ROBERTS. I thank the President.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for 15 minutes.

Mr. ROCKEFELLER. Mr. President, I thank the Presiding Officer. For the past 30 years, the Senate Intelligence Committee has been remarkably bipartisan. It has performed a terrific oversight factor for the Senate. The resolution creating the committee mandates an oversight role. We are not there watching clouds drift by. The resolution that creates the committee mandates an oversight role of the U.S. intelligence community and a responsibility to carefully review our Nation's most sensitive national security programs. It is very broad and widespread in the handling of highly classified secrets. The committee is designed to be nonpartisan. That is why I am called a vice chairman. That is not true in any other committee. But it is meant to work.

We have reached an agreement that shows what has happened today, in a somewhat abrupt manner, but nevertheless we have reached an agreement on what we will do. That is a large step forward. I congratulate all involved in that.

For the most part, the history has been a good one. Over the past 2 years, I have to say, in all honesty, I am troubled by a concerted effort by this administration to use its influence to limit, to delay, to frustrate, to deny the Intelligence Committee's oversight work into the intelligence reporting and activities leading up to the invasion of Iraq.

In June, 2003, the Senate Intelligence Committee began a formal investigation into the prewar intelligence on Iraq. The primary focus of the investigation was to evaluate the intelligence reporting underlying the claims that Iraq possessed weapons of mass destruction and that Iraq had ties to terrorist groups. Although the Senate resolution establishing the Intelligence Committee intelligence clearly states in Senate resolution 400 we are to look at the "use" of intelligence, the majority on the committee initially rejected attempts by myself and by others to add to the investigation—that is, to add to phase I—how administration officials used or potentially misused intelligence and public statements leading up to the war which maybe helped lead up to the war. Only after considerable insistence by committee members and protracted discussions did the majority leadership of the committee agree to add to the scope of our investigation the issue of how intelligence was used prior to the Iraq war. It is a huge uncovered subject.

On February 12, 2004, the Intelligence Committee unanimously agreed and publicly announced that five issues would be added to the investigation, phase II. One, whether public statements, records and testimony regarding Iraq by Government officials made between the gulf war period, end of gulf war I and the commencement of Operation Iraqi Freedom, whether those statements by Government officials were substantiated by intelligence information.

Prewar intelligence is No. 2, prewar intelligence assessment about postwar Iraq.

Three, any intelligence activities related to Iraq within the Office of Under Secretary of Defense for Policy, headed by one Douglas Feith.

Four, the use of the intelligence community of information provided by the Iraqi National Congress.

Five, the postwar findings about Iraq's weapons of mass destruction and weapons programs and links to terrorism.

Remember, this was constantly being thrown at us, links to terrorism and how they compare to the prewar assessments.

The committee press release explained all of that. Everyone agreed to it, and it added the resolution adopted unanimously today that illustrated the commitment to all members to a thorough review to learning the necessary lessons from our experience with Iraq and ensures that our Armed Forces and policymakers benefit from the best and most reliable intelligence that can be collected.

These five areas of inquiry commonly referred to as phase II were authorized well over a year and a half ago, in February of 2004. It has been 20 months since the committee committed to all Members of the Senate and to the American public a thorough review.

My colleague, the chairman of the committee, has referred to all of the things that have been done. In fact, we have had one hearing. And he referred to work that would take place next week. I didn't know about that. All of a sudden everyone will plow into phase II. I am not critical of that because I think today has helped to create that kind of momentum which I think is important.

Since the committee identified these five issues as a high priority in February of last year, I and other Democrats on the committee have repeatedly urged completion of the review—we agreed to it unanimously—and had been assured by the chairman, time and time again, that the committee will fulfill this commitment.

Yet, despite these repeated assurances, it is clear that only token work, at best, has been done on phase II since it was authorized. That is unacceptable. We have had only one business meeting on phase II, and no report has been written for members to review—nothing.

The public pronouncement of Chairman ROBERTS earlier this year that phase II was "on the back burner" has been, unfortunately, accurate. Do I enjoy saying this? Not particularly, true. But let people know.

The disturbing question is, why has the chairman relegated the phase II investigation to the back burner? Why did he do that?

The fact is—and I hope folks will listen closely—that any time the Intelligence Committee pursued a line of inquiry that brought us closer to the role of the White House in all of this, in the use of intelligence prior to the war, our efforts have been thwarted time and time again.

When it was reported that the Vice President's Chief of Staff Scooter Libby and the National Security Council prepared a draft speech making the intelligence case against Iraq and sent it to the CIA for Secretary of State Powell to give before the United Nations in February of 2003, my staff asked that the committee obtain the NSC, National Security Council, document as part of our ongoing review of how the Powell speech was formulated. Our requests were denied by the majority. Why?

Because of this denial, I personally wrote to the Director of the Central Intelligence Agency, Mr. Tenet, requesting the Libby/NSC input into the Powell speech—it was important to have that information—and other documents in October of 2003. Director Tenet did not respond to my letter, nor did he respond to my two subsequent letters for the NSC paper in January and March of 2003. Why?

Perhaps the answer can be found in last week's National Journal article, which reports that Vice President CHENEY and his Chief of Staff Libby overruled White House lawyers and withheld this information—withheld these documents—from us, and other documents from the Senate Intelligence Committee.

When, during the committee's Iraq investigation, my staff requested that the committee interview the White House speechwriter who wrote the President's 2003 State of the Union Address to better understand how the debunked claim that Iraq was seeking uranium from Niger made it into the President's speech—how it got in there, when the same claim was removed, at the CIA's insistence, a few months earlier in Cincinnati—our request was denied by the majority. Why?

When we requested that the committee obtain a copy of the one-page summary of the Intelligence Community's National Intelligence Estimate on Iraq's weapons of mass destruction programs that was prepared for the President in October 2002, our request was denied by the majority. Why?

And why has the committee's phase II investigation been moribund since February of 2004? When the committee told the American people it would conduct a thorough review, was the promise a hollow one? What other conclusion?

Could it be that the administration has made it clear it does not want the Congress to examine whether intelligence was accurately presented to the American people in the rush to war?

Could it be that the administration has made it clear it does not want Congress to examine the role that Pentagon policy officials under Douglas Feith played in circumventing the intelligence community and preparing an alternative analysis to the White House that drew a link between Iraq and the attacks of 9/11 that the intelligence did not support?

Could it be the administration has made it clear it does not want Congress to examine the claim that the Iraqi National Congress made to the Senate Appropriations Committee in June of 2002 that it was providing intelligence information directly to the Vice President's office—to Mr. Hadley, I believe—and the Office of the Secretary of Defense? Chalabi passed all intelligence agencies in our Government directly into the White House.

The administration's ability to head off any line of inquiry into matters of appropriate congressional oversight is not limited to the Intelligence Committee's Iraq investigation. Despite repeated attempts by me and other Intelligence Committee members to initiate a detailed review of fundamental legal and operational questions surrounding the detention, interrogation, and rendition of suspected terrorists held in U.S. custody—important national security measures that fall squarely within the jurisdiction of the Intelligence Committee—the committee's majority has refused to conduct such an investigation. What are we to do?

The Intelligence Committee's obligation under Senate Resolution 400—"to provide vigilant oversight of the intelligence activities of the United States"—requires us to not only answer questions related to cases of detainee abuse, but to examine the effectiveness of the methods used in interrogations.

But, again, it is apparent to me that the White House has sent down the edict to the majority—and I could say more—that the Congress is not to carry out its oversight responsibilities in detention, interrogation, and rendition matters, or some of the previous matters I discussed, as it would bring uncomfortable attention to the legal decisions and opinions coming from the White House and the Justice Department in the operation of various programs.

Finally, the delay in completing the remaining portion of the Intelligence Committee's Iraq review is inexcusable. Sadly, the committee's delinquency in completing an investigation that it unanimously voted to undertake over 20 months ago has diminished the committee's credibility as an effective overseer of the intelligence community.

But what disturbs me the most is that the majority has been willing, in this Senator's judgment, to take orders from this administration when it comes to limiting the scope of appropriate, authorized, and necessary oversight investigations. This is a very strong statement. The very independence of the Congress as a separate and coequal branch of Government has been called into question.

We need to not only complete the second phase of the Intelligence Committee's investigation, we need to reopen the first part of the Iraq report we released in July of last year, to find out what role the White House played in denying the committee documents it needed to carry out its investigation. That is not a part of the agreement, I fully and freely admit.

It is time the Senate, as a body, own up to our oversight responsibilities and provide the American people the answers we promised we would give them over 20 months ago.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, will the Senators yield for a unanimous consent request?

Mr. CONRAD. I yield.

Mr. LEVIN. Mr. President, I would like to ask the Senator from West Virginia a question.

Has the joint agreement of February 12, 2004, been made a part of the RECORD?

Mr. ROCKEFELLER. Mr. President, I say to the distinguished Senator from Michigan, I have the same document and ask unanimous consent that be printed in the RECORD.

Mr. President, also, there was a reference in the chairman's remarks as to events that went on in the Douglas Feith matter, and he referred to "lawyering up." There is a very clear, easy, simple answer to that, and I ask unanimous consent that be printed in the RECORD, also.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the United States Senate Select Committee on Intelligence, Feb. 12, 2004]

CHAIRMAN ROBERTS AND VICE CHAIRMAN ROCKEFELLER ISSUE STATEMENT ON INTELLIGENCE COMMITTEE'S REVIEW OF PRE WAR INTELLIGENCE IN IRAQ

WASHINGTON, DC.—Senator Pat Roberts (R-KS), Chairman, and Senator Jay Rockefeller IV (D-WV), Vice Chairman, of the Senate Select Committee on Intelligence, today announced that the Committee unanimously agreed to refine the terms of reference of the Committee's ongoing inquiry into pre war intelligence with regard to Iraq. The new terms are as follows:

A. The matters set forth in the joint release of the Chairman and Vice Chairman on June 20, 2003:

1. The quantity and quality of U.S. intelligence on Iraqi weapons of mass destruction programs, ties to terrorist groups, Saddam Hussein's threat to stability and security in the region, and his repression of his own people;

2. the objectivity, reasonableness, independence, and accuracy of the judgments reached by the Intelligence Community;

3. whether those judgments were properly disseminated to policy makers in the Executive Branch and Congress;

4. whether any influence was brought to bear on anyone to shape their analysis to support policy objectives; and

5. other issues we mutually identify in the course of the Committee's review;

B. the collection of intelligence on Iraq from the end of the Gulf War to the commencement of Operation Iraqi Freedom;

C. whether public statements and reports and testimony regarding Iraq by U.S. Government officials made between the Gulf War period and the commencement of Operation Iraqi Freedom were substantiated by intelligence information;

D. the postwar findings about Iraq's weapons of mass destruction and weapons programs and links to terrorism and how they compare with prewar assessments;

E. prewar intelligence assessments about postwar Iraq;

F. any intelligence activities relating to Iraq conducted by the Policy Counterterrorism Evaluation Group (PCTEG) and the Office of Special Plans within the Office of the Under Secretary of Defense for Policy; and

G. the use by the Intelligence Community of information provided by the Iraqi National Congress (INC).

Sen. Roberts said, "Today's agreement reflects a refinement and to a great extent a restatement of the Committee's ongoing review of pre-war intelligence. The resolution adopted unanimously today illustrates the commitment of all members to a thorough review, to learning the necessary lessons from our experience with Iraq, and to ensuring that our armed forces and policymakers benefit from the best and most reliable intelligence that can be collected. I believe that the report which we are currently reviewing will have a profound impact on the future of our Intelligence Community. My hope is that we be able to release our initial report soon and then continue our review as we work toward recommendations. I congratulate all members for their willingness to work together toward these goals."

Sen. Rockefeller said, "This agreement reflects a difficult and lengthy process, but in the end, we were able to reach consensus on the need to expand the investigation into several key areas."

"We will address the question of whether intelligence was exaggerated or misused by reviewing statements by senior policy makers to determine if those statements were substantiated by the intelligence," Rockefeller said. "We will take a closer look at the shortfalls in our intelligence collection. We will compare pre-war estimates to the situation in postwar Iraq, and we will pursue a better understanding of what role the Policy Counterterrorism Evaluation Group and the Office of Special Plans played in pre-war intelligence. There are definitely a few outstanding issues, but we've made a lot of progress, and it's clear that we're moving in the right direction."

RESPONSE TO DEPARTMENT OF DEFENSE LETTER REGARDING SENATOR ROCKEFELLER'S STATEMENT ON UNDER SECRETARY FEITH

In July 2004, officials at the Department of Defense took exception to my characterization of the activities of the office of Under Secretary of Defense Doug Feith. The Senate Intelligence Committee has been investigating these activities as part of its ongoing review of prewar intelligence related to Iraq. After much delay, we received thousands of pages of documents from the Defense Department and conducted several interviews as we have sought to determine the nature and extent of the intelligence activities of this office. At the time of my public statements, our review of these activities was still ongoing and as part of the second phase of the Committee's work on prewar intelligence.

In describing that part of our review I stated that we were seeking to determine if Under Secretary Feith was running a private intelligence operation not authorized in law. For example, Section 502 of the National Security Act of 1947 requires the heads of all departments and agencies of the U.S. government involved in intelligence activities "to keep the congressional oversight committees informed." This requirement relates to the activities of any part of the government not just intelligence agencies. The Committee review is intended to determine if the activities within Under Secretary Feith's office were unauthorized intelligence activities in contravention of this and perhaps other legal requirements. The Committee unanimously agreed to review "any intelligence activities relating to Iraq conducted by the Policy Counterterrorism Evaluation Group (PCTEG) and the Office of Special Plans within the Office of the Under Secretary of Defense for Policy." Implicit in that statement is the possibility that unauthorized intelligence activities may have taken place.

A letter from Assistant Secretary of Defense Powell Moore in July 2004 expressed surprise at my description and asked for an apology. I did not suggest that Mr. Feith has broken a criminal statute. My concern, and that expressed in the Committee's resolution authorizing its investigation, is that some activities of his office may have been unauthorized. The Committee has not reached a conclusion. And cannot reach a conclusion without further investigation.

Mr. LEVIN. Mr. President, one additional unanimous consent request. I ask unanimous consent that it be noted in the RECORD that items C through G in the February 12, 2004, press release setting forth the agreement be noted as being phase II of the agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, we actually now return to the deficit reduction bill, which some of my colleagues may have forgotten. But just to remind them, this bill saves $39 billion off the deficit, and is the first major attempt in 8 years to try to accomplish savings through the process of reducing the rate of growth of our entitlement accounts.

In that context, we have a number of amendments, and we are glad Members have been coming forward with them. We cannot formally agree right now on what the sequence will be, but to outline what we think the sequence will be, it will be Senator LINCOLN going now—we can be sure of that—followed by Senator INHOFE, followed by Senator NELSON, followed by Senator LOTT this evening. And tomorrow morning, the first two amendments will be Senator CANTWELL, dealing with ANWR, and then an amendment by Senator GRASSLEY, dealing with agriculture programs. That is the game plan.

Now, the understanding is that at 8 o'clock tonight we will complete our business today relative to the Deficit Reduction Act, and we will reconvene tomorrow, I believe, at 9 o'clock. Or is it 8:30? I am not sure. In any event, we will formalize that understanding in a few minutes, hopefully, after both sides have had a chance to review those amendments which I outlined.

I now yield to the Senator from North Dakota to yield such time as he may.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, this matter before us, just to remind people after this interruption we have had, is about the so-called reconciliation project. It is part of the budget agreement that was reached earlier this year. On our side, we do not believe this has anything to do with deficit reduction. As we see it, this budget increases the deficit dramatically, and expands the debt. In fact, under the 5 years of the terms of this budget agreement, the debt will increase by more than $3 trillion—$3 trillion. That is not my calculation; that is the calculation of those who have prepared this budget. So to be talking about deficit reduction here, I think, is utterly misleading.

Now, it is true the matter before us at the moment—and I call it "chapter 1" of reconciliation. "Chapter 1" is called deficit reduction. That is because it slices spending by some $35 billion over the next 5 years. During the same time, the debt is going to go up by $3 trillion. But what is to come next week is the second chapter. The "chapter 2" is to reduce revenues by $70 billion. If you put the two together, the deficit is going to go up.

But "chapter 3" is to increase the debt of the United States by $781 billion—$781 billion. If you couple that with the debt increases that have already occurred under this administration's watch, they will have increased the debt of the country, in just 5 years, by $3 trillion. In the next 5 years, under this budget agreement, they are going to increase the debt another $3 trillion. In this very short period of time, they will have accounted for half of all of the debt accumulated by this country over 228 years. That is truly stunning.

Now, the next amendment on this side is offered by Senator LINCOLN, and I yield such time as she may use for that purpose.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, at this time I think we can reach unanimous consent on what at least the next three amendments will be. I ask unanimous consent that the next three people to be recognized for amendments will be Senator LINCOLN, Senator INHOFE, and Senator NELSON. The next amendment after Senator NELSON we expect to be offered by Senator LOTT. The other side has not had a chance to review that amendment yet, so we reserve on Senator LOTT. I further ask unanimous consent that tomorrow morning we will begin with an amendment from Senator CANTWELL, followed by an amendment by Senator GRASSLEY.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. No objection on this side. That is exactly what we worked out, and the chairman states it very well. And we may be able to slip in another amendment later today.

That is the order we have contemplated at this point and the unanimous consent request is entirely in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2356

Mrs. LINCOLN. Mr. President, over 2 months ago, devastating natural disasters occurred in our Gulf Coast States, things that were absolutely out of our control, Mother Nature. Since that time, I and many of my colleagues have tried our hardest to get health care relief to those who were impacted by the tragedy. I say that because I am so saddened, as we have strived so diligently to look at a commonsense way that we could bring health care needs, meeting the health care needs of the victims of that region with absolutely very little success.

In the week following the tragedy, I came to the floor and offered an amendment to the Commerce-State-Justice appropriations bill. I withdrew my amendment because so many people said: We need to do this. Let us work out a bipartisan effort. Let us work together to meet the needs that exist in this devastated region of the Nation. I withdrew my amendment after working with Senators GRASSLEY and BAUCUS to come up with a bipartisan compromise, with the assurance that we would allow a bipartisan compromise to come forward and provide the kind of relief our good neighbors in the Gulf State region needed.

The compromise, the Emergency Health Care Relief Act, which was S. 1716, received overwhelming support on both sides of the aisle. But each time we came to the floor and tried to pass it, there was a handful of Members who objected. We have tried to bring it to a vote at least five times that I am aware of. We listened to the concerns of the Senators who objected. We have scaled back the legislation time and time again, first taking out one piece, then the other, trying to see, accordingly, what we could do to accommodate their concerns, without completely gutting the purpose of providing the kind of relief our fellow Americans need in the gulf region. That scaled-back version was one that Senator BAUCUS offered in the Senate Finance Committee markup last week, and it failed along party lines, with the understanding, many Members said, that there was a need to get something out of committee.

I know how important it is to keep the trains running, but how well do we understand here in this body the needs of our fellow Americans who have been devastated, whose families have been torn apart, whose homes have been demolished, their children's lives and schools destroyed, who have been displaced and put into strange places to go to school? We think about people who have lost their jobs, who have lost their memories in many instances, family albums, wedding albums, things that can devastate you, depress you, and put you in a frame of mind that says: I need someone to embrace me and make me feel like a part of the family again.

Here we are attempting a budget reconciliation. A lot of people across this country think: Oh, budget reconciliation, what is that, yet one more big, long term the Senate uses for something they try to accomplish.

You know what, Mr. President, working American families reconcile all the time, now probably more so than ever before. Their wages are stagnant. The price of gasoline is out of control. The price to heat their homes this winter, the price of health care in general is out of control. They look at all of the things they are surrounded by and what do they do? They reconcile their budgets. They reconcile their household budgets, and they sit down and say to themselves: What is essential to keep our family whole? What is it this family needs to be able to maintain itself as a family, to not become dysfunctional or separated or torn apart, to not be hungry or cold? What is it this family needs? How do we reconcile the fact that our wages have been stagnant, our costs are going out the roof?

What do they do? They sit down and look at the essentials that are necessary. They make a list of what their essentials are, and they address those essentials first. Then they move on to the things that may not be as essential, things that they want to do, but they deal with the essentials of life first. They deal with food, shelter, health care needs, education for their children. These are the decisions working families all across this great Nation are dealing with.

Here we find ourselves in the Senate doing the very same thing for our American family. When I reconcile my budget at home, I try very hard to think of those individuals who my children and I pray for every night when we say our prayers and we say: God bless those people who are homeless, who are hungry, who have lost their homes, who have suffered from natural disasters. I think as we reconcile this budget here, we need to look at our American family and what it is we find essential, that we find as a priority.

I come to this floor to say my sisters and brothers in the gulf coast region are a priority in this American family. Their needs have to be met. We don't need to wait another 8 weeks or 4 months or another year before we make it a priority. We need to reconcile it in this budget in our minds and in our hearts right here today. And if people have a problem with it, then let them pick it apart. Let them come down here and say: We will cover pregnant women, but we are not going to cover the childless adults who have lost their homes and been displaced from their families. We are not going to provide for those individuals.

Let them come down and pick it apart and nickel-and-dime what it is we can do for our American family. Because I have to say, I think a huge part of this Nation's values is represented in the priorities we choose. The priorities we choose have an important impact on the choices we make. We are here to reconcile the choices to be made at this time in our Nation. We are consumed with enormous debt. We are consumed with obligations internationally, with troops whose lives are on the line today in Iraq and Afghanistan. We have unbelievable choices.

But we can't forget about the other choices, the precious children we saw last night trick-or-treating. What is their future? Are they going to have the education they need to be competitive? Are they going to have an economy that is strong? Are they going to have a nation that is well-respected? The heart of it goes back to how we as Americans treat one another. Those are the values we have to begin to look at, particularly in a document such as this.

The underlying bill does contain some assistance for Katrina survivors. I thank the Finance Committee chairman, Senator GRASSLEY, and my colleague, Senator LOTT from Mississippi, who is on the committee. But the truth be told, it is not enough. The hospitals and providers of Louisiana have told us it is not enough. They have told us they can barely keep their hospital doors open past Thanksgiving. How in the world could we imagine that people are going to move back in to the communities of the gulf region to rebuild their homes, rebuild their businesses, bring their children back into school systems, if there is no medical care? I ask my colleagues, would you do that? Would you move your family back into communities where the hospitals are closing their doors? Would you ask your employees to come back to a business where no medical services could be provided? Is that how we treat our American family and the members of our American family?

It is beyond me why it is that we would nickel-and-dime our sisters and brothers in the gulf region. Chairman GRASSLEY himself admitted in the committee that the limited relief in the underlying bill is only a downpayment. I urge my colleagues to take this opportunity to do more than just a downpayment for people whose lives have been destroyed, their families displaced, their homes obliterated, their jobs. Heaven knows what kind of jobs they might have to go back to.

We can provide real relief because we are Americans. We can do better than that by our American sisters and brothers. We are a family. As a family, we can do better than that. We can do better than a downpayment that might keep them open until Thanksgiving. I know we can do better than that. I urge my colleagues to do so.

I am sure the administration and my colleagues who oppose this amendment will say there is money out there for relief. And they are correct that there is money out there. But where is the relief? Congress has passed over $60 billion in FEMA funding, and where has it gone? Who knows? Through October 19, FEMA had placed only $18.2 billion into the Hurricane Katrina disaster relief fund, roughly one-quarter of the available funding, and had reported spending only around $4.1 billion. Nearly 2 months after the hurricane devastated the Gulf States, FEMA has provided only about $2.9 billion out of the $60 billion to individuals and families affected by such a monumental tragedy to a region in our Nation. That is one-tenth of the funding available that has gone to help hurricane survivors.

Even President Bush has realized that the money is not being used appropriately and has proposed reallocating $17 billion of it to do a variety of things, including reconstructing military bases, offering job training, building affordable housing, repairing the wetlands, among many other items. All of these things are great. But will families move back, will companies come back, will schoolchildren come back if there is no health care? Every day we drag our feet, it will cost us more, more to rebuild hospitals, more to bring providers into the region, more to make sure the health care infrastructure is there, whether it is medical schools, hospitals, clinics, ambulance service, all of the necessary needs that come through medical care.

What about health care for the thousands of Katrina survivors who aren't getting their basic health care needs met or for the hospitals and health care providers that came to their aid and States that have already been strapped and now have even more pressure on their budgets?

I do not understand why we continue again to nickel-and-dime these families who have been through so much. Can we not put ourselves in their shoes to understand the devastation they have experienced?

Maude Jordan is an example I used from an article out of the Economist. She is one of the Louisianans who isn't getting her basic health care. She survived on the top of her refrigerator for 3 days to avoid the flood. Then when she was finally taken to Baton Rouge, she made it to a relief center there and was told she didn't qualify for Medicaid because she is a childless adult, and the program doesn't cover childless adults.

All we are asking is to temporarily cover the Maude Jordans who have been devastated by this natural disaster—temporarily cover them. And if people on the other side think that is just too bold of an expansion of the program, then let's take it out. If they want to take it out, let's take it out. Let's not cover the Maude Jordans. I want to, and I think there are others who do, too. But if people think that is just too much sharing and they can't handle it, too much community, let's take it out. Let's just cover the normal people under Medicaid with 100 percent so that Louisiana, when they finally begin to get their feet on the ground, will not have to buckle from the burden of what we will lay upon them in covering their share of this devastation.

Katrina health care in this budget reconciliation bill will not help the Maude Jordans of the world or the thousands of survivors who simply don't have children. And maybe that is what people want to do. If it is, I hope they will come to the floor and make those recommendations.

But what about our health care providers. Last week, an Associated Press article illustrated the dire situation with Louisiana hospitals, saying that the entire hospital system is only a step away from financial disaster. One of those executives is the one I quoted earlier:

> We're out of money, roughly after Thanksgiving.

What a great holiday gift we would provide the people of Louisiana who have lost their hospital system, do not have anywhere to take their children or elderly if they should choose to move back to their home and try to be there during the holiday season. There is no safety net in a hospital, no ability to be reassured that should they need it during the holidays it would be there.

Across the border, Mr. President, in my home State of Arkansas—I have been so proud of Arkansans. I believe they have exhibited the values that we all believe are strong in America, the values of being a good neighbor. They answered the call. They answered the call to be a good neighbor and provided a tremendous amount of care without asking how or when or if they would be repaid.

My hometown, in one of the poorest counties in the country, that had to set up its own health foundation to keep the infrastructure of its health care in place and moving and operating and doors open, took out of that foundation to provide for the evacuees who were coming in, up the Mississippi River Delta and into our communities. And God bless them for doing it, for showing us that this spirit is still alive in this great country; that neighbors do mean something to neighbors and community is important. God bless them for doing it without being asked.

Yet what about us sitting here, not answering their call when they ask, does our American family have those same values? Are they going to come through for us when we have come through for our neighbors? Louisiana's Medicaid Program is considering making big cuts because they don't have the funding to keep it going. Those cuts could result in 100,000 people losing their prescription drug coverage. Over 100,000 low-income children and 2,500 pregnant women could be left without any Medicaid coverage. And Arkansas is operating under a waiver that the administration contends will make them whole. But even the administration admits that they need congressional action to get it done.

How many stories do we have to share, and how many lives have to be impacted before Congress will act? We have to do something now—today. I think it is so critically important as we see American families reconciling themselves in their family budgets, as we looked last night at the importance of community. I don't know about you all, but seeing precious children in our own neighborhood walking alongside my own, learning great things about being part of the community, how to say thank you, how to meet your neighbors, how to be part of a group in a community, it is time for us now to recognize the role we play in this great American community and this great American family and exhibit the values that are so important to Americans: that we would share with one another, that we would look after one another, that we would take care of our sisters and brothers in the Gulf State region.

Mr. GREGG. Will the Senator yield for a question?

Mrs. LINCOLN. Not just yet. Thank you.

The whole idea of community has been lost. Unfortunately, I think it is because there has been this attitude created, a sense or a feeling that makes Americans afraid to share. What does that mean? It just means we are all concerned about "me." But what makes us strong as a country? It is the "we." It is the "we" in Americans. It is when we work together, we not only do better, we do our best. And I think this amendment is a way that Americans can show their best. They can show how important it is to reach out and to take care of our neighbors and a big part of our American family.

My grandmother used to tell me when I would feel down and out: When you feel bad, and you feel like you could do better, she said, stop. She said: Think of somebody who needs something, and go do it for them.

Mr. President, I think America feels down right now. I think they wonder who we are and what we are all about. I think this is the time, as we reconcile whatever it is we are here to do, that we stop and think about who needs us right now and we go do something for them. I happen to think that my brothers and sisters in the gulf region need something. I think it will show all of us the biggest and the best America that we can possibly be.

I thank the Chair. I yield the floor.

Mr. GREGG. Will the Senator yield for a question?

Mrs. LINCOLN. I actually need to yield to my colleague here.

Mr. GREGG. Mr. President, I ask for the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I appreciate that the Senator will not yield. I was going to ask the Senator for a copy of the amendment. Out of courtesy from this side of the aisle, I decided to let her go forward. I appreciate she won't yield to us to find out what her amendment is about.

Mrs. LINCOLN addressed the Chair.

Mr. GREGG. Mr. President, at this point I yield time from our side to the chairman of the Committee of Finance.

Mrs. LINCOLN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am going to speak against the amendment by the Senator from Arkansas, but I want to make clear that I do not object to the substance of the amendment. I am in a position where I have to have a reconciliation. I want to show sympathy for what she is talking about but defending what I have in my mark and also express—and I am summarizing now—that I hope somewhere between now and the final consideration of the reconciliation we are able to take out Katrina relief that I have in mine, do it more broadly, as Senator BAUCUS and I have tried to do, but right now I am not in a position to do that. I hope to move that along, and so today I am a little bit opposite of the Senator and a little bit opposite of Senator BAUCUS.

Mrs. LINCOLN. Will the chairman yield for a brief comment?

Mr. GRASSLEY. Yes, I will.

Mrs. LINCOLN. I thank the Senator.

Mr. GRASSLEY. I would like to yield 1 minute.

Mrs. LINCOLN. That is fine.

Mr. GRASSLEY. For a question or comment.

Mrs. LINCOLN. Earlier, I complimented the chairman on the incredible devotion to this issue and hard work in trying to bring about a compromise, and I am grateful to him.

I would like to apologize to the Senator from New Hampshire who seemed upset that I hadn't put forth my amendment here in writing, but I have it here for him. I thank the chairman for all his hard work.

Mr. GRASSLEY. Mr. President, I thank the Senator from Arkansas for her kind remarks. As I explained, because things have to be compromised in order to get anything done here, it tends to be the majority party's responsibility to move along reconciliation. In that vein, I am somewhat different from the Senator from Arkansas, even though I have sympathy and even though I have spoken in support of it and even though I have worked with Senator BAUCUS on what she wants to accomplish.

So momentarily and throughout this reconciliation bill I have to oppose the amendment by my friend and colleague from Arkansas.

We, of course, Mr. President, were all deeply moved by many of the stories that we have heard on the floor, particularly the stories that the senior Senator from Louisiana tells us about. And it is not only her State but Mississippi and Alabama, stories about people who have lost everything—their homes, their jobs, and, worst of all, more than 1,000 people have died. I am keenly aware that those who have suffered the most are our most vulnerable citizens: the infirm, the displaced, the disabled, and families on welfare. Our hearts go out, as well, to all the others who have suffered so much as a result of this terrible disaster.

I understand the need to act, and my colleague, Senator BAUCUS, and I came together very quickly—now I think 2 months ago almost—well, at least 6 weeks ago—very quickly, in a bipartisan way, in response to my own leader's desire that we move very quickly to respond to this, as he had a news conference the Wednesday after Labor Day, on behalf of those most vulnerable individuals and families who have suffered so greatly.

You know that it is a priority for me to assist those affected by Hurricane Katrina, and I think Senator BAUCUS and I came up with a very good package, and I remain committed to it.

Mr. GREGG. Will the Senator yield?

Mr. GRASSLEY. Go ahead.

Mr. GREGG. Will the Senator yield just to make an apology to the Senator from Arkansas? It appears my staff did have this amendment. I was misinformed. I apologize to the Senator from Arkansas at this point for having stated we didn't have it. I didn't know what was in it; I still don't know what is in it. I presume somebody has it because the Senator from Iowa would not be opposing it if he didn't know what was in it.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Let me say here that for those people who don't see everything that is going on in the Chamber, we just had a Democrat apologize to a Republican, and a Republican apologize to a Democrat. Everything here is not everybody at each other's throat. And I say that to the public at large because we do get along even though we disagree sometimes.

Anyway, I had this reconciliation package come out of my committee, and we are going to it now. And in the provision that we passed we were able to include what I consider a downpayment of what the Senator from Arkansas and the Senator from Louisiana want to accomplish. In their judgment, it is not enough, but it is moving the ball down the road in a way I hope that will get some help to people who need it.

This provision in the reconciliation legislation then makes that downpayment to respond to the health care needs of low-income families affected by Hurricane Katrina. This is a placeholder for spending on the hurricane victims because I believe it is extremely important that we address the needs of those so affected. The legislation provides $1.8 billion to protect Medicaid benefits in Alabama, Louisiana, and Mississippi. The legislation provides targeted temporary relief to parishes and counties affected by the hurricane.

The legislation reimburses States fully at 100 percent of their share of Medicaid costs for any claim paid for medically necessary health care for evacuees. This Federal Medicaid funding increase is temporary. It begins on August 28, 2005, the day the hurricane hit, and ends on May 15, 2006. This is targeted relief for 1.9 million people. It focuses its assistance to the people who need it the most.

I want to be clear. I would prefer to do our full bill on the Senate floor outside the reconciliation process in what we call emergency measures. I remain deeply disappointed in the people who have stood in our way, and they are on my side of the aisle. In my judgment, this administration's stand as well on this has just been plain wrong, and I have said that in committee, and I have said that in news conferences.

Would I like to do more? Certainly. But to do more means that you must pay for it. Frankly, I am concerned about how the Senator from Arkansas is paying for this amendment. While I support taking funds out of FEMA to pay for Katrina relief, doing so on a reconciliation bill is not germane.

So, Mr. President, the provisions in the reconciliation bill provide assistance for the next 8 months for 1.9 million people, and that is a very good start. It is crucial that we do it this way, and we will get it done this way. At least this much will get done.

I encourage my colleagues to support this provision in my bill and, consequently, I ask them to vote against the amendment by the Senator from Arkansas.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from North Dakota.

Mr. CONRAD. Mr. President, I continue to yield to the Senator from Arkansas for the purpose of making a unanimous consent request and also for the purpose of making a unanimous consent request that we go to her amendment, that her amendment be before the body.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2356

(Purpose: To provide emergency health care and other relief for survivors of Hurricane Katrina.)

Mrs. LINCOLN. Mr. President, I ask unanimous consent to lay aside the pending amendment to offer the amendment about which I have just spoken.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for herself, Ms. LANDRIEU, Mr. BAUCUS, Mr. PRYOR, and Mr. KENNEDY, proposes an amendment numbered 2356.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mrs. LINCOLN. Mr. President, I apologize. I guess we brought this amendment to the floor and to the committee so many times I just assumed my colleagues knew what it was. I apologize for any confusion in that regard.

Mr. President, I ask unanimous consent that the time that has been used in the debate on this amendment be charged against the amendment so that it does not get charged against any of my colleague's time.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, I presume the time used by the Senator from Arkansas will be charged to the Democratic side and the time used by the Senator from Iowa and myself will be charged to the Republican side.

The PRESIDING OFFICER. The Senator is correct.

Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I yield to my good friend and my colleague from the gulf region, Senator LANDRIEU from Louisiana.

Mr. CONRAD. Mr. President, will the Senator withhold for just one moment so I might inquire? I think it will be useful for us to know where we are in terms of the time at this point on the amendment and on the bill.

The PRESIDING OFFICER. On the amendment, the minority has consumed 22 minutes. On the amendment, the majority has consumed 9 minutes.

Mr. CONRAD. And can we also have the time left on the bill for today?

The PRESIDING OFFICER. The majority has 1 hour 28 minutes remaining. The minority has 1 hour 3 minutes remaining.

Mr. CONRAD. To further understand, the yielding of time to the Senator from Louisiana is off the amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. I thank the Chair.

Mr. GREGG. Parliamentary inquiry: I am presuming, just to make sure everybody is on the same wavelength, even though the time is off the amendment, the time is also off the underlying 20 hours.

The PRESIDING OFFICER. The Senator is correct.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, now that we have the amendment offered and the time straight, I wish to thank the Senator from Arkansas for her extraordinary leadership on this issue because this is not the first time she has come to the Senate floor. She has spent hours on the Finance Committee and hours on this floor trying to describe to our colleagues the critical nature of this situation.

She comes from a State that was not directly hit by the hurricane but was, nonetheless, impacted, as so many other States were that had the goodness, the graciousness, the wherewithal, and the inclination to take on thousands and thousands of people from Louisiana and Mississippi, truly tens of thousands of people who fled for safety, for security, for food, and for shelter.

It has been 64 days since Katrina hit and about 50-some-odd days since Rita hit, two of the deadliest storms in U.S. history. But it was not just the storms that did us in, not just the category 4 or category 5 storms of 175-mile-an-hour winds that did us in. It was the 17 levee breaks in one of the largest cities and metropolitan areas in the United States. And not just any city—an international city, an international region, the heart of the energy coast, the city that secures the mouth of the Mississippi River and, may I say, the parishes that surround the great city of New Orleans—Jefferson, St. Tammany, Plaquemines, St. Bernard, and to the south we have parishes such as Vermillion, and along the southwestern part of the State, Calcasieu, and Cameron that were hard hit by Rita. There were over 2 million people displaced because of the storms and the subsequent levee breaks. It was the largest catastrophe, natural disaster in the history of the Nation.

Our frustration—the Senator from Arkansas, the Senator from Montana, and other Senators from the Democratic side, and even Senator GRASSLEY—is that it has been very difficult for people in Washington, particularly members of the administration and the majority party, to understand the desperate and unprecedented nature of this disaster and what it has done to people—poor, middle income, and wealthy.

Let me share a statistic in terms of doctors that is quite startling. Doctors are not usually in a poor category, nor are they really in any government program in a sense. Most doctors make a considerable amount of money, and most doctors live in very nice homes. They have studied hard, and they have worked hard. Most doctors would not be in a Government program. But just to give a sense of the displacement, there were 6,000 active patient care physicians in this region before the storm. Sixty-five days ago, there were 6,000 active patient care physicians. Over two-thirds, 4,486 have basically been displaced out of 3 central New Orleans parishes that were evacuated.

Not only do we not have hospitals or clinics, our doctors are gone and our nurses are gone. The system is literally collapsing as we speak. That is why Senator LINCOLN has been here not just today but almost every one of these 64 days trying to get this body and Congress to understand the magnitude of the disaster, the unprecedented nature of the disaster, and why it is important for us to provide a few billion dollars to help us keep the lights on, get our doctors back, our nurses back, keep what hospitals we can standing up, because an unprecedented number of people have not just lost their homes but have lost their jobs and, as a result, have lost whatever health care, whatever access to good care they needed.

Let me make one other point. The point I want to make in my short time—the ranking member of the Finance Committee is here—as Senator LINCOLN said, this is about choices. I believe we as a Congress can make better choices. We can do better. We can do better by the people we serve.

The reason I say that is because the majority party is in a position to write the rules. We are writing a rule today that basically says we are going to provide $70 billion for tax-cut extensions. Some of them may be good, but we are deciding as a Congress that we are going to give $70 billion in tax cuts for 5 years. That is $14 billion a year. Yet when Senator LINCOLN and Senator BAUCUS come to the floor to say we need $6.2 billion to just help people who have lost their homes, lost their churches, lost their schools, lost their neighborhoods, and lost their jobs, to just give the poorest of the poor access to health care so they can take care of their cancer or diabetes or even desperate mental health situations just for a few months or a year, we are told that we cannot afford that.

It is about choices. It is about the choices we are going to make on spending and tax cuts. We are basically told: I am sorry, Louisiana, Mississippi, and Alabama. The only thing you rate is $1.8 billion for health care. That is all you rate, and that is all this will do, is take care of just the Medicaid Program that was only in the 13 parishes.

But what I have to explain to people is, because New Orleans is the largest city in Louisiana, because this region is the largest economic contributor—it is a profit center to the State—our State budget is now struggling with a $1.5 billion to $3 billion shortfall in the State general fund. As a result of the loss of revenue due to this catastrophic event, our entire program is struggling, not just in the parishes in which the hurricane hit, where the wind blew, the waters rose, the trees fell, and the homes collapsed, but our whole State is struggling. That is why Senator LINCOLN and Senator BAUCUS come to the floor and say: We thank you for the $1.8 billion, but it is not enough to keep our program up and running this year.

This is not just any program. This is not a program that Louisiana thought about. This is a Federal program. It is in the essence of a Federal-State partnership, as you know, Mr. President, from your work in Tennessee. The Federal Government puts up 70 percent, and the State government puts up 30 percent. What I am here to tell you is the State partner has experienced a great setback. The State partner is going to have a very hard time, if not impossible time, putting up the 30-percent match to keep our children and our poorest citizens, as well as those who are vulnerable, in health care for the year.

So we come here 65 days after the storm, when we are spending money on everything we can imagine—from new programs, expansion of programs, tax cuts—to say, please consider a basic service of health care, not just for the parishes that were affected and the counties in Mississippi but for the whole States of Louisiana and Mississippi that are struggling.

Particularly in Louisiana's case, we were harder hit, we had more levees break, our major city was flooded. Jackson was not flooded. New Orleans was flooded. Our major economic base, from our ports to our energy industry, have been directly impacted and revenues have fallen off precipitously.

Let me share one other statistic and then I am going to wrap up. I asked my staff to give me something so I can explain to people what the losses are. They went back to 2003. Now, this is only 2 years. This is an average of people who are unemployed in Louisiana. We work hard just like everyone else. We averaged about 135,000 people unemployed in June of 2003. Let us pick June of 2004: We had 119,000 people receiving unemployment. Let us go to January 2005: We had 119,000 people. Right before the storm in August of 2005, we had 122,000 people unemployed.

So I think one can say over the last 2 years we have had roughly an average of 120,000 people unemployed. In one month, our number jumped from 122,000 to 227,000 people—100,000 people in one month are seeking unemployment. That is how desperate people are. It has never happened in these 2 years. I bet if we went back and looked at it for the last 20 years, the only spike that one would find like this is maybe in the 1980s when the oil industry collapsed and almost everybody in Louisiana lost their livelihood. We have not seen this in so long, we do not remember a time such as this.

I do not know why we are having a hard time explaining this to an administration and to the majority about how desperate the situation is. We are not ungrateful for the steps that have been taken. We are not ungrateful for the FEMA money that is slowly getting to us. What we are saying is we need to do better.

Today, how do my colleagues think I felt watching the President of the United States stand up and tell everybody that he was going to allocate $8 billion for the avian flu? I do not know where he is getting the $8 billion for the avian flu. All we are asking for is $6.2 billion to keep a health care system of the whole State standing up until we can figure out what we might need to do because we do not have all the answers. It has only been a few weeks. Our system has basically collapsed. It is going to take us a little bit more time to figure out what the long-term solution is.

For the people that Senator LINCOLN talked about that stayed on their refrigerator for 3 days, for Mr. Albert Bass, who was a painter in the ninth ward, who went to the hospital with a 104-degree fever, his Medicaid application has been denied; he needs help now. For Ms. Stewart, who lives in Jefferson Parish, she was a teacher; she has been denied Medicaid. She is 51. She is married. Her husband receives Social Security. She was diagnosed with cancer. Her cancer is back. Her health situation is worsening. She has no more income. I need to tell Mrs. Stewart what her outlook is.

What I am going to tell her is, we are going to find money for the avian flu, we are finding money for Iraq, we are finding money for a tax cut, we are going to raise $4 billion more by selling off spectrum, but I am sorry, we cannot get you into a hospital.

The final thing I am going to say, maybe the majority does not like that it is a Government program. So Senator LINCOLN, Senator BAUCUS, Senator GRASSLEY come up and say, well, let us have some way for the businesses that had people on unemployment—I mean insurance, the businesses have collapsed, but these businesses are valiantly trying to keep people on their insurance program because they know the desperate situation of their employees.

I cannot say what most businesses are going through. Business owners are taking money out of their own pocket, going into their own savings account, trying to pay their employees with no money coming in the front door. These businesses have been in business 30 years. These employees have been loyal to them. They have showed up for work every day. Talk about public-private partnerships. This amendment is an $800 million fund that is not a new program. It goes to our insurance commissioner to try to help work with small businesses and businesses so that people can keep their health insurance, so that they do not fall onto the Government payroll, so they do not become wards of the State.

This is self-help. This is partnership. This is self-reliance. With all of that, we have been told, no, come back later.

We are going to continue to come back because while we are grateful for the $1.8 billion, it is so far short of what we need to stabilize our health care system. For a State that is 4.5 million people, that has literally been punched in the gut and is rolling back, this administration has got to do better by the people of Louisiana, Mississippi, and the gulf coast. Charity starts right at home. Strength begins right at home. Our war is right at home in the Gulf Coast States. When one is fighting cancer, it is about as tough as it gets. When one has their son or daughter dying of a fatal disease, it is about as tough as it gets. That is a private war that people are going through. We keep walking away from it, pretending that it is going to go away. Well, it is not going to go away. I am not going to go away. The Louisiana delegation is not going to go away.

Finally, we will realize that this is not a regular hurricane. This was an unprecedented catastrophe that has taken a major economic center to its knees, and it is going to take more than whitewashing and press conferences and a little bit of money drabbed here and there to stand us up so that we can continue to be the great region we are, pay taxes to this country and contribute to the economic benefit.

As I said, we are not a charity case. We have contributed billions of dollars to this Government and will continue to. In our hour of need, we have to come and ask for pennies on the dollar. So I hope that we can do better. We must. We can. There is most certainly room in this budget on the spending side or the tax side to do better.

We are grateful for the $1.8 billion, but we need Senator LINCOLN's amendment, we need the leadership of Senator BAUCUS. I thank Mr. GRASSLEY, the Senator from Iowa, the Republican leader of the Finance Committee, who has been a champion on this issue. If he had a little more support from his caucus and from the administration, we might get more than a Band-Aid, because we are hemorrhaging.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I do not know who is yielding the time.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Arkansas controls the time.

Mrs. LINCOLN. What is the time remaining on our side, please?

The PRESIDING OFFICER. The Senator has 18 minutes remaining.

Mr. LOTT. Parliamentary inquiry: How much time remains on this side of the aisle on this issue?

The PRESIDING OFFICER. The Senator has 51 minutes remaining.

Mr. LOTT. Has the Senator from Montana spoken on this subject?

Mr. BAUCUS. Not yet. I plan to speak now.

Mr. LOTT. Mr. President, I want to speak on the subject also, but I would defer to the ranking member of the committee, and then hopefully I could speak right after that.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. I yield time to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, 9 weeks ago yesterday, Hurricane Katrina hit the gulf, killing over 1,000 people, displacing over 1 million people, leaving the region with a cleanup bill that might reach $200 billion. Katrina left a gaping need in health care in the affected States and those that are hosting States. I do not know how to say it any other way but that the devastation is biblical.

I visited the area 5 or 6 weeks ago. Other Senators did, too. I do not think there is any Senator who actually visited who would come up with any other feeling or belief that it is biblical. Unfortunately, very few Members of this body have actually been there. Unfortunately, very few Members of this body have actually seen the area, seen what is left, and it is not much, whether it is in Louisiana, New Orleans or the Gulf States. It is incredible how much the area has been destroyed. People who are alive do not have jobs, do not have homes, do not have schools, do not have their lives. It is absolutely incredible, and it is devastating. It is biblical. I do believe firmly, if every Senator in this institution were to see the areas affected, see the people, see what is happening, there would be a different result.

We have become too academic around here. We read too many memos. We talk too much among ourselves. There is too much sort of theory, not enough actual on the ground, what really is going on. If Senators were to see it, feel it, taste it, smell it, there is no doubt in my mind that this amendment offered by the Senator from Arkansas would pass, it would pass unanimously, and we would not be debating it. We would be probably asking how could we help some more.

So in the meantime, how has this Congress responded? To be fair, it has not. Incredibly, it has not. In the hurricane's wake, the chairman of the Finance Committee and I drafted a bill to cover evacuees under Medicaid for a short period of time, 5 months, to help provide health care to low-income people who do not have their jobs anymore, who do not have health insurance anymore, who do not have a place to put their kids in school, do not have homes—just temporary health care, 5 months. That was the bill we offered, a bill that Senator GRASSLEY and I put together.

Who supported it? Everybody in the affected States, Republicans, Democrats, Senators, Governors, supported it. Did we get it passed? No. We cover evacuees below the poverty level of $9,500. Think of that. People who earn that low income need help, particularly in the circumstances faced by the people in the aftermath of this destruction of the hurricane.

Our amendment also would cover pregnant women and kids at twice that income level. That is not a lot of money. That is about $19,000 a year. That is all. Pregnant women and kids with incomes above that much would not get covered by our amendment but up to that level, $19,000 a year, that is all, pregnant women who only earn $19,000 a year. We say let's help them out for 5 months but at least help them out. That bill did not pass.

What else did Senator GRASSLEY and I provide for? Well, an $800 million fund for health care providers' uncompensated care cost. What is that all about, uncompensated care? What does that mean? That means help to those hospitals, those doctors, who gave free medical care out of the goodness of their hearts. Free medical care to people, regardless of what it cost, they just gave it; it is uncompensated care. Because those folks did not have insurance coverage, they did not have ways to pay the bills. It was free care. So we are saying, those hospitals are Good Samaritans, those doctors are Good Samaritans. They were not compensated at all for their care, so let us give them a little bit, $800 million—that is all. I know that the true uncompensated care cost is many times that. We are saying, let's help those Good Samaritans and show them that we care.

And who is "we"? We are the American people who pay taxes. We are Members of the Senate saying, OK, we represent our people back home. Those of us offering this amendment say we believe that our people in our States want to help out. They want to help these people who do not have health care, who have lost their jobs, lost their health insurance, help people who are in desperate need of help.

Indefinitely? No, for 5 months. For a long time? No. For a huge amount? No, a little bit. We think the American people want to help give some care to those people who need it and who are good Samaritans. But this body so far has said we are not going to help those good Samaritans. We are going to leave them out in the cold.

Senator GRASSLEY and I also suggested giving 16 months of full Federal funding to the beleaguered Federal programs of the affected States. What does that mean? That means for 16 months we, as Americans, are going to help those States meet their Medicaid bills—for 16 months. But our bill has been blocked. It has been blocked by a small group of Senators on the other side of the aisle.

What do these Senators on the other side of the aisle say? What is their reason for blocking this bill, this little, small bill that helps some people for a short period of time? What do they say? That our bill provides an open-ended expansion of Medicaid. It is the camel's nose under the tent. It is a theoretical, ideological argument.

They argue also that the Government, that is HHS, Department of Health and Human Services, can take care of this crisis without congressional action. They say you don't need that, Congress. We, the administration, can take care of this. That is what they say. They also argue that our legislation is unnecessary spending. They keep those same arguments in effect today.

Let me take those points on one by one. On the first, the amendment before us provides, as did the bill Senator GRASSLEY and I offered, temporary 5-month Medicaid coverage. It is not indefinite; it is temporary, 5 months. We also suggest the President can renew that coverage for an additional 5 months, but that is it. It is not an open-ended Medicaid expansion. It is getting help to those who need it; not down the road, not forever, but now, because people need health care now. That is not something they can postpone. When you need health care, you need it right now. What about the argument that the administration, HHS, can take care of this problem without congressional action, that the administration can take care of Katrina health needs through something called Medicaid waivers?

Simply put, that is not true. It is simply not true. They cannot do that under the law. They need a change in the law to do that. They cannot do that on their own. Last week in the Finance Committee, HHS testified they do need legislation to provide additional funds for the States to meet Katrina health needs. They admitted it before the Finance Committee. They also said the plan to provide only $100 million for new funds for uncompensated care costs—that $100 million is a paltry pittance compared to what is needed in the State of Louisiana alone.

I might say, too, legislation is needed to address these needs, but the President still has not asked Congress to pass the legislation to make that happen. We provide it in this amendment, but they do not.

Finally, Senators on the other side of the aisle argue that this bill constitutes wasteful spending; since we have already appropriated $60 billion through FEMA, two-thirds unspent, we should use those funds first. These same Senators argue we should scale back the bill's pricetag.

I have listened to my colleagues on the other side of the aisle. Senator LINCOLN has listened to them. Senator LANDRIEU has listened to them. We want to get legislation passed. We want to help people in some way.

Guess what. In the spirit of compromise we scaled back our bill, offsetting it with unspent FEMA funds. That is, we are doing what the Senators wanted us to do. The amendment before us reduces the cost of the Katrina health package by giving 12 months of State Medicaid relief instead of 16 months; it removes the reductions in 29 State Medicaid programs—that bothered them, we removed that part—and by using unspent FEMA funds to offset its costs, the amendment does what the White House advocated last week.

As you know, last week the White House proposed redirecting $17 billion in unspent FEMA funds to help rebuild the gulf coast. Let's look at that $17 billion. Of that $17 billion, $3.3 billion would go to reconstruct military bases—not health care needs but military bases—and $2.3 will be spent on highways and bridge construction.

I am speaking perhaps out of place here, but I visited the military bases that have been the subject of this amendment here. Yes, there is damage there, but it does not begin to compare with the other damage, the damage to the homes and the roads and the bridges, the lost jobs and health care needs. There is no comparison. I don't know why we are spending $3.3 billion to reconstruct a military base but not spending the money to help people with their health care needs.

Mr. President, $410 million would help farmers remove debris and rehabilitate the land. Those are good causes. But the President's request doesn't ask for increased health care funding. It does not help those hospitals or doctors who were Good Samaritans by providing uncompensated care relief. It does not help States care for evacuees through their overburdened health care programs, and it doesn't help patients now.

As I say, this amendment, to remind my colleagues what one of the opponents on the other side argued for a moment ago—it does it. What is that? When trying to move this bill through the Senate, a Senator on the other side, on September 30, said, and I quote him:

> The question is not whether we should or want to provide assistance. But we want to make sure we do it in a way that ensures that resources get where they are most needed and in a way that takes advantage of the $45 billion or so that has already been appropriated but has not been committed yet.

Guess what. That is what this amendment does. It uses unspent funds to meet the urgent health care needs of Katrina victims. More than 9 weeks after this major national disaster hit our shores, we are still waiting for this Congress and the President to act on Katrina health care needs. The reconciliation bill we are considering provides some help for victims, but the $1.8 billion in the bill is not enough. It has been called a downpayment. It is not a downpayment; it is an end payment in the minds of the administration and those on the other side of the aisle. It is a last payment; it is not a downpayment. Why is it not a downpayment? Because they are saying no to extra funds being suggested here. So it is not a downpayment. That is flat inaccurate. It sounds nice, but it is inaccurate.

We need to provide more Federal funds to help the affected States. Louisiana is in very dire financial straits. It will have to cut its Medicaid program by an estimated 40 percent if that State doesn't get funds by the end of this year. Think of that. It has to cut Medicaid by huge amounts if it does not get the needed funds.

We also need to provide the funds for uncompensated health care costs to ensure providers—doctors, hospitals, health centers, the Good Samaritans—are recognized. And we need to ensure that low-income survivors get the health care they need, whether or not they meet Medicaid's rigid eligibility rules.

In Louisiana alone, half of those who have applied for Medicaid have been turned away because they don't meet those standards. Think of that. Half the people in Louisiana have been turned away. They have health care needs. It is diabetics, cancer patients, people with dire needs who are turned away. We are not talking about high-income levels. Currently, a single mom who makes more than $2,500 a year would not get covered. Think of that. We are raising that to $9,500 a year. Right now, in the view taken by the other side of the aisle, a single mom who makes more than $2,500 a year would not get coverage. She would not get any help.

What are we saying? Let's raise it up to $9,500 at least. That is not a lot of money; $9,500 a year. That is not a lot of money. If she makes more than that, she doesn't get help, but if she makes up to that level, she does get some help.

This is not right, that this amendment is not being passed. It will not be agreed to. It is clear by the tone of this debate here. The Senator from Louisiana said we are going to keep working until we get something passed. Why? Because it is the right thing to do.

I see the chairman of the Budget Committee is sitting there, deeply pondering, his chin on his hand there. I am saying to the chairman: There is a way to do this. The way to do it is to pay for it out of unspent Katrina appropriated dollars. There is a way to do this.

I know the chairman is very concerned about total costs. He should be concerned about total costs. That is his job. But there is a way to do this and that is through this amendment. It is through the already appropriated dollars that are unspent. It does not add to the deficit, does not add to the budget woes the chairman is worrying about. There is a way of doing this.

I am calling upon all of us as Senators to find a way to do this. We all know it is the right thing to do. We all know it is the right thing to give temporary health care assistance to people in the affected areas. We all know that. We all know it is the right thing to do to help some of those hospitals and doctors who have been Good Samaritans get a little bit of help because all America wants to help. We all know that. All America wants to help those doctors and those hospitals a little bit.

I say to my good friend from New Hampshire, find it in his head and in his heart to help make this thing work because it is so important to so many people who are counting on us to recognize them, give them a little bit of hope—that is the very least we can do—and support the amendment offered by the Senator from Arkansas.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. I will yield to the Senator from Mississippi such time as he may use off the amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the Senator from New Hampshire, the manager of this important legislation, for yielding at this time. He has been very patient as this amendment has been discussed. And the distinguished Senator from Oklahoma certainly has been patient, thinking he was going to have to wait 5 or 10 minutes after this amendment, so I will try to be brief.

Let me say there is no question in my mind about what our needs are in Mississippi and Louisiana. The people I love the most, my neighbors, my family, and constituents I have represented for 33 years, are hurting. They need lots of help.

Right across the hall now are 12 superintendents from south Mississippi saying: Help us, please, and do it quickly because FEMA is not delivering trailers for our employees. We are open because we want to get our children back in school, but we need operating expenses, we need help right away. Not just rebuilding, we need help to keep operating because the tax base has been destroyed—no ad valorem tax, no sales tax, nothing in some of the counties that are affected.

Look, I know firsthand how bad this situation is. Every time I go home it breaks my heart again. Fortunately, the people there are resilient and determined to come back. They appreciate any help we give them. They don't whine a lot, from my neck of the woods, they just keep working.

I agree with what has been said here in a lot of areas. First, this Senate has not done enough to help the people, and what we have done is being slow-rolled by the Office of Management and Budget and FEMA. The list of horror stories, if I put them in the RECORD, would stagger my colleagues here.

A good job is not being done—yet. The money we passed, $63 billion almost, probably—maybe $40 billion has been spent. Meanwhile, some contractors have not been reimbursed; schools have not gotten a nickel; the Mississippi Department of Transportation is not being reimbursed for the money they have already spent. There are horror stories of what Congress has not yet done in terms of changing the law. There is a bill pending right now at the desk from the Government Affairs and Homeland Security Committee, S. 1777, that would do an awful lot to help our people in a lot of areas by changing the laws, by removing caps. It would not necessarily cost a lot more money. It would extend the time for unemployment benefits from 26 weeks to 39 weeks, and so on and so on. There is a lot we could be doing. We ought to do it.

But what is this bill we are working on? This is the deficit reduction legislation, I thought. I thought this is where we found places where we could make savings where money is not being properly spent, or spent to the best effect. Several committees have worked to come up with the savings we have. And, by the way, gee whiz, we came up with more money than the budget required. So, "Gee, where can we spend it?"

Yes, I am one of the ones who is trying to do that. I supported the effort of Chairman GRASSLEY and Ranking Member BAUCUS to get a bill through—I don't know, 6 weeks ago—that would have provided $8.5 billion, I think it was, for Medicaid. I didn't cosponsor it because there were things in there I was uncomfortable with, but I thought we needed to take action quickly.

So we came down to this. Now it is $1.8 billion. How did we get $1.8 billion for Katrina in the deficit reduction bill? I don't want to brag too much; I am not even particularly proud of it. But I said if you don't put that in there, I won't vote for the bill, and if I didn't vote for it, it wouldn't have passed because, unfortunately, we have to do it with all Republican votes.

Democrats won't help us at all. That is why it is in here. But it is not enough. It is not all we need. The plate has been passed. We got a little help. Now I am going to come back and say give me another $2 billion, $3 billion, or $4 billion. That is going to depend on how we add to the deficit. This is not all it is going to be. But this is a good start, $1.8 billion.

I have gotten to the point where I am saying I don't want it all, just help me a little. This is responsible, what we have done here—$1.8 billion to increase the Federal match for Medicaid in the FEMA disaster counties. That is an important differentiation.

One of my problems I keep arguing about is I have people in northwest Mississippi who are not in the disaster area. We shouldn't increase the eligibility for them. They weren't hit by the hurricane.

I would be perfectly willing to just say: Governors of Louisiana, Mississippi, and Arkansas, we are going to give you X dollars for Medicaid, and you make sure it gets to the people who really need it. I have not been able to sell that. A lot of what we need can be done by OMB without us doing a thing. They could take it out of the $60 billion-plus that we passed.

But I don't think we should use deficit reduction or the need for Medicaid help to immediately increase eligibility. I don't think we ought to provide 100 percent FMAP to all of Mississippi and Louisiana, including in those areas that were not affected. We may need to increase eligibility, but this is supposed to be to help people who were hit by the disaster, who were displaced by the disaster, or live in the area and lost everything.

I tried to make a point to my colleagues when they said we have to be fiscally responsible. I say help me explain to the people in Hancock County, MS, who lost their job, their house, their car, their truck, their boat, their dog, that we have to make sure we are fiscally responsible. I am not going to do that. We are going to help that person. That person has a slab, a mortgage, and no job. We are going to help them or I am not going to be part of an institution or government that will not help people in America who are hurting like that.

I can get just as passionate. I lost my house. I am emotional about that. Everybody around me lost their houses. And people who worked all their lives and saved everything, they have lost it all. This hurricane is a great equalizer. If you are poor and you lost everything, you have nothing. If you are middle income and you lost everything, you have nothing. If you are a retired doctor and you lost your home and your car, you ain't got much left.

We need to do more. There is no question about that. But we do the right thing here by raising the FMAP 100 percent for those areas that are affected. We need to do more in this uncompensated care area, and we are going to do more.

But I ask my colleagues—I know how heartfelt this is for my colleague from Louisiana and the Senator from Arkansas. They are trying to do the right thing. But I am just saying, let us not pursue the perfect at the expense of the good. I was a part of the deal. I got all I could. I will come back at the next round in conference and try to get more.

When we get through this, we will be back trying to get what we need. But to my colleagues from the affected States and those who want to help us, I want to remind them that when you ask for more than you are really entitled to, or when you ask for things not in the hurricane-affected area, or for people not in the affected area, you are hurting your credibility. When you ask for a huge number and include things that maybe are not in the area, and I could do that, then our colleagues say: Wait a minute. We have to make sure we help those people who really need it, but we don't do things under the cover of the hurricane that can't be justified on behalf of the American taxpayer.

Having been critical about the recovery, let me just say to everybody—to volunteers, to the military, to the private sector, to the faith-based groups, to this institution, to so many people who have helped us when we have been on our knees—we appreciate it. We have to do a lot more. But I don't think we are in a position to be looking a gift horse in the mouth.

Let us do this now, and let us keep working because we have a long way to go.

This hurricane was so overwhelming, the damage is so monumental that it overwhelmed Federal agencies. Nobody can really appreciate what we are dealing with here. It is just more than we ever dreamed, including people like me. I have been through six hurricanes, two tornadoes, an ice storm, and a flood. I have never seen anything like this.

We are not going to fix this tonight, in a week, in a month, or in many months. It is going to take years.

I want to make sure, my colleagues, that I come back to you again and again and say: We need this help. I have done my homework. It is justified, and we need you to do it on behalf of these people.

Thank you very much. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. LINCOLN. Mr. President, what is the time agreement?

The PRESIDING OFFICER. The Senator from Arkansas has no time remaining. There is 50 minutes remaining in opposition.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, under the unanimous consent agreement, the understanding was that we move on to the Inhofe amendment and to the Nelson amendment. And although it wasn't agreed to, I believe it can now be agreed to that the amendment in order after the Nelson amendment will be the Lott amendment, except if we end up going into tomorrow, the first two amendments will be Senator CANTWELL's amendment followed by Senator GRASSLEY's amendment.

If Senator LOTT's amendment or Senator NELSON's amendment do not come up tonight, we follow those two amendments. Is that correct?

Mr. CONRAD. The chairman, as always, has it exactly right.

Mr. GREGG. I ask unanimous consent that be the order of business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, for the information of our colleagues, because we have a half dozen Senators or more on this side who have asked to have time to speak on the bill, let me send a message in this way, if I can, to our colleagues and the staff who are listening. Obviously, the events of this afternoon have blown a hole in the time on the budget bill. What was the game plan before this afternoon has clearly been altered. Now, we have tried to lay out a schedule of amendments, as the chairman has just indicated. Next, we will go to Senator INHOFE.

Could Senator INHOFE give us a picture of how long he might require?

Mr. INHOFE. Yes. I respectfully say I can do mine in probably 15 minutes.

Mr. CONRAD. Then there may be some discussion on the Inhofe amendment on this side. Then we would go to Senator NELSON. That would be in approximately 20 minutes, perhaps, for the information of Senators.

How long would Senator NELSON require?

Mr. NELSON of Florida. Ten minutes.

Mr. GREGG. We will have a response, I presume. That is another 20 minutes.

Mr. CONRAD. Then we go to Senator LOTT.

Maybe that helps, for the information of our colleagues, as we try to go through this bill with some efficiency as we get toward the end of this day. We will close, by prior agreement, at 8 o'clock.

Mr. NELSON of Florida. Mr. President, may I inquire? There are two amendments that I will be offering in tandem. What is the procedure that the Senators would like me to use in offering those amendments? They deal with the same subject.

Mr. GREGG. I don't think the agreement reflected two amendments; it reflected one amendment. Let us take a look at it while the amendment of Senator INHOFE is going forward and see if we can work it out.

The PRESIDING OFFICER. The unanimous consent agreement is for one amendment.

The Senator from Oklahoma is recognized.

AMENDMENT NO. 2355

Mr. INHOFE. Mr. President, I ask unanimous consent that the pending amendments be set aside for the purpose of considering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself, and Mr. CHAMBLISS, proposes an amendment numbered 2355.

Mr. INHOFE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To cap non-defense, non-trust-fund, discretionary spending at the previous fiscal year's level, beginning with FY 2007)

"Beginning with fiscal year 2007 and thereafter, all non-defense, non-trust-fund, discretionary spending shall not exceed the previous fiscal year's levels, for purposes of the congressional budget process (Section 302 et al. of the congressional Budget Act of 1974), without a ⅔ vote of Members duly chosen and sworn."

Mr. INHOFE. Mr. President, I want to make a couple of observations. I happen to be one of the very first Members of the Senate to go down after Katrina to Louisiana and Mississippi. In fact, actually, we went all the way from New Orleans to Alabama in a helicopter. The devastation that took place is incredible. It reminded me a little bit of the tornadoes we have seen in Oklahoma. The difference is a tornado normally will affect about 5 square miles as opposed to a couple thousand square miles.

I certainly wouldn't want anything that I say to imply that we are not deeply sympathetic to the problems of the people of Louisiana and Mississippi, and to a lesser degree in Alabama. But I have to observe, as I have been listening to this debate, that you can always pour more money on a problem. This is something we have seen in government forever.

The Senator from Montana outlined a lot of things on which we need to spend more money, as did many others over here. You can always do that. I would question whether it is the Federal Government's responsibility to take care of everything that happens when a disaster occurs. We didn't expect that in Oklahoma, and I don't think it should be expected. For one thing, we couldn't do it.

The other day, there was an op-ed piece by the senior Senator from Alaska, Mr. TED STEVENS. He talked about the 1964 earthquake and the devastation. He actually had to go out and repair his own house and do a lot of this work, and not even 10 percent of that was taken care of by the Federal Government. We have a mindset now that somehow the Federal Government has deep enough pockets to take care of all of these problems. Frankly, it is just not right.

It is not true. You can't have it. We are going to have to get a handle on this thing, and I want to help.

I can say them in a relatively short period of time. I have been working on a solution to this problem with an amendment for quite some time. I have actually wanted to offer it previously on appropriations bills. But to do that, I would have to initiate a program of negating paragraph 4 of rule XVI of the rules. I don't think that is appropriate. It has been done three times in the last couple of weeks by three of the Democrat Senators. I don't criticize them for it, but I think if I do this on the Republican side it would be the first time that procedure would have been exercised, and it would not be appropriate.

Last Thursday or Friday, toward the end of the week, I had a colloquy on the floor with Senator FRIST, and we specifically discussed bringing up the amendment that I have in mind on the budget reconciliation bill. I am not naive. It could be that there will be a budget point of order against it. It doesn't really make any difference. We are going to get a vote on this bill.

This is a very simple solution to a very complex problem. I understand a bill is going to be introduced which is going to eliminate all earmarks. That sounds real good. There is a big population out there that thinks this is going to solve the problem. But it doesn't solve the problem.

I mentioned this the other day when my junior Senator brought up a bill to do away with a bridge up in Alaska. I said: Look, you are looking at something where one of the few things that really works well in Washington is the way we handle the Transportation bill. What we do is determine by a formula that no one thinks is fair. Because you always want more in your own State, you take into consideration highway mortalities, the number of road miles, the donee status, and then you come up with a formula. That formula will allocate to the States an amount of money. This money, I might add, is money that has been paid in taxes at the pumps so that it goes to improving our transportation system. When you do this, if you send that to the States and they say, all right, you in the States determine the priorities that you have in the State of Florida, or in the State of New Hampshire, what do you think is the proper thing? That is either done by the elected representatives or by the local people.

In my State of Oklahoma, we have the transportation commission with eight commissioners in eight geographic areas of the State. They prioritize projects, and it is done very well.

With have earmarks to lock in these projects. That can be done, and these decisions are made locally.

There is a mentality in Washington that if a decision is not made in Washington, it is not a good decision. It is a little bit arrogant to say, Yes, the money has gone out to these States, but we in our wisdom do not think it should be spent on those projects that they think it should be spent on in this State—in this case, the State of Alaska, the well-known bridge, so-called Bridge to Nowhere, when, in fact, that bridge was a bridge that was for economic development, according to the Alaska Department of Transportation. They said out of 100 projects, that was No. 4 from the top because they want to develop that area and they cannot develop the area because people cannot get to the area. I am not sure whether I agree with that, but I don't care; that was their decision, not our decision in Washington to make.

If we were to pass a bill to eliminate all earmarks—it is not going to save money in the Transportation bill; almost all of that was below the line in formulas—all it would say is if you eliminate that earmark, then you are going to have to go back and decide what you want to spend that money on. The money is not going to be saved. The money is going to still go to some projects, but we will have dictated that from Washington, DC. I am not saying this critically, because some of my closest friends and good conservatives believe if you eliminate earmarks, you will resolve a problem. You are not going to resolve it.

But there is a way to do it. I have a very simple amendment that will do that. The White House has been looking at ways to cut unnecessary spending. The White House, to their credit, proposed a package of $2.3 billion in cuts. On October 24, 2005, Scott McClelland briefed the press regarding the White House's efforts, stating that certainly an area we have been looking at is rescinding spending increases, and congressional leadership has been looking at this for a long time.

There is a simple solution to this. I have a one-sentence amendment that I will offer to the reconciliation bill. A lot of people think you have to get long and involved verbiage before you can do something good. When I was in the House in 1994 on the issue that ended up being considered the greatest single reform in the history of the House of Representatives, that was my amendment. It was one sentence. You do not have to have long, complicated sentences.

I will read the one sentence that is in this amendment. I know one of the cosponsors of this is the Presiding Officer. It says:

> Beginning with fiscal year 2007 and thereafter, all nondefense nontrust fund discretionary spending shall not exceed the previous fiscal year's levels without a two-thirds vote.

Why a two-thirds vote? Something like Katrina comes along, something that is unanticipated, sure, two-thirds of the people may decide we should do something. That is not going to happen very often.

Let me be a little bit partisan because I have heard a statement—not a misquote but certainly taken out of context—one of the Republican Senators saying that all Senators are big spenders; they are all big spenders equally.

Frankly, that just is not right. Yet we do have a solution to this problem. I will show that spending is a partisan issue. This chart shows the Democrat amendments we have seen so far. I can update this. The bottom line is that it is $530 billion—half a trillion—for these Democrat amendments. They are from Senators BINGAMAN, STABENOW, BYRD, AKAKA, HARKIN, KENNEDY, DAYTON, DORGAN, BIDEN, CLINTON. It goes on and on. These are amendments that were offered. These are amendments that were defeated—most of them. All the amendments were considered. If you add up all those amendments by the Democrats in this Senate, that is what you get—half a trillion. If you carry that out to the end of a 10-year period, it is over $1 trillion. Those are specific amendments offered.

We stood in the Senate a few minutes ago and listened to several Senators talk about how much more money we should be spending on these programs. We are going to hear it. I am sure tonight and tomorrow we will hear it. Nonetheless, that is a fact. My solution will not get into entitlements. That will be addressed with reconciliation. There are other ways of doing that.

Of course, right now the defense spending will have to stay up because we went down in our defense spending during the 1990s. We have to rebuild the military. We all understand. I believed the primary top functions that should be performed by Government would be national defense and infrastructure.

In the case of infrastructure, that is money people have paid. That is a moral issue. Most people believe that when they pay the high taxes at the pumps, somehow that will get into building roads and repairing roads. It should. Unfortunately, the highway trust fund has been robbed. The aviation trust fund and other trust funds have been robbed. They need to be kept intact.

However, this very simple solution is one that should pass this Senate. Because of a procedural vote, it might be a budget point of order and need 60 votes to pass. However, if you look at what many of my colleagues on the Democrat side have said—Senator BIDEN said specifically on more spending cuts:

> If I had designed a deficit reduction plan, I would have done it differently.

Senator DORGAN says that we need to provide spending cuts in a significant manner.

Senator FEINGOLD says:

> We also need to continue to cut spending in Federal programs . . .

Senator LEVIN stated how we need to cut spending. The last thing he says in the 1993 reconciliation, the same thing we are talking about today:

> Discretionary spending is frozen for 5 years.

He advocated freezing discretionary spending. That is exactly what my amendment does.

It says:

> Beginning with fiscal year 2007 and thereafter, all nondefense nontrust fund discretionary spending shall not exceed the previous fiscal year's level without a two-thirds of majority vote.

It is very simple, cut and dry, something that can pass. And there will be a vote on this, whether it is a procedural vote or a vote on the content. I hope those individuals who have a more complicated approach to this will recognize this is something that is doable.

I have had the unfortunate experience this year of trying to find every bill that comes up that is over either the budget or last year's spending, and I have opposed that because this is the only way we will get this back in order.

I recognize this is a time when we are going to have deficits. The American people understand that. We do know we had a rebuilding job to do in the military. Then along came September 11, and we are in the middle of a war. We have to prosecute this war. Then Katrina and some of the other disasters have taken place. We recognize these are difficult times. This is one area in discretionary spending that we can do something.

I look forward to getting a vote on this.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the chart the Senator has put up here labeled "Democrat spendometer" is a complete fabrication, a total concoction. That chart suggests Democrats have offered amendments costing $460 billion this year. False. Absolutely false. I know the Senator has borrowed that chart from somebody else. He did not prepare the chart, but he has used the chart, and the chart is wrong.

First, the "spendometer" ignores the fact that many of those Democratic amendments were offset. In fact, because they included additional deficit reduction, the net effect of all Democrat amendments to the 2006 budget resolution would have reduced deficits by $57 billion. The "spendometer" double-counts Democratic amendments because it treats them as if they were a package instead of offered individually.

Many of the Democratic amendments covered the same subject areas as an earlier amendment that was defeated and would never have been offered if the earlier amendment had been agreed to.

The "spendometer" also overstates the cost of Democratic amendments in the most egregious way—by transferring 1-year amendments into 5-year amendments. That really strains credibility. To convert amendments that were offered for 1 year on an appropriations bill and make them into 5-year amendments in cost is a complete concoction.

The fact is, on the budget resolution, Democratic amendments would have reduced the deficit by $57 billion; the net cost of Republican amendments was $79 billion. They would have increased the deficit by $79 billion.

Our colleague says it is a partisan issue, spending. He is right. During the last Democratic administration, spending went down as a share of gross domestic product. That is. the economists say, the best way to measure it. Spending went down each and every year during the last Democratic administration, from 22 percent of gross domestic production down to 18.4 of gross domestic production. Democrats. when they were in charge, cut spending.

Let's look at the Republican record. Here is what has happened under the Bush administration. Each and every year, spending has gone up, with one exception. of the time they have been in control. We went from 18.4 percent the last year the Democrats were in control, and we are up to 20.2 percent of gross domestic production now that Republicans have been in control.

The story does not end there. The bottom line is what has happened to the debt. When our Republican colleagues took over. the debt of the country was $5.7 trillion. They have increased the debt each and every year by $500 or $600 billion. They have gone from $5.7 trillion this year. The end of 2005. the debt was up to $7.9 trillion. Under the budget that is before the Senate now, they will take the debt up to over $11 trillion. That is the record of our colleagues on the other side. They are in control. They control the House, they control the Senate, they control the White House, and they are leaving this country a legacy of debt. debt, debt.

Here is the reality. When they came in and they took control of everything. the debt of this country was $5.7 trillion. Today. they have increased it to $8 trillion. And this is, by the way. when the President said he was going to have maximum paydown of the debt. But look where it is headed. Under the budget in the Senate now, they will raise the debt over the next 5 years to $11 trillion. This is unbelievable. They are approaching $6 trillion of added debt while they have been in control. and they are out here claiming that we are the spenders. Hello? We are not in control. They are in control. They are the ones running up the debt. They are the ones running up the debt.

It does not end there. The package they have that they claim is deficit reduction is not deficit reduction. Read all the chapters of the book before you reach a conclusion of what the message is. The message of our friends on the other side is debt on top of debt. The first chapter is the one we have before the Senate now that slices spending a little bit over 5 years. Then we come back, cut taxes more. and add to the deficit. But the third chapter is they will increase the debt limit by $781 billion for 1 year alone. That brings their 4-year total to over $3 trillion of added debt. And the budget they have before the Senate, a 5-year budget—these are not my numbers, these are their numbers—they will run up the debt another $3 trillion.

Here is the bottom line: It took 42 Presidents 224 years to run up $1 trillion of foreign-held debt. And this President in 4 years has exceeded what 42 Presidents over 224 years had done to the debt of this country.

If they want to start talking about deficits and debt, bring it on. Their record is a record of deficits and debt unparalleled in the history of this Nation. Let me repeat. it took 42 Presidents 224 years to run up a trillion dollars in foreign holdings of U.S. debt. This President has more than doubled it in 4 years.

So I hope every time that "spendometer" chart comes out, they are prepared to listen to this speech all over again because that chart is a complete concoction.

On the Inhofe amendment itself, the Budget Committee has never held a hearing on this amendment. This amendment from the Senator from Oklahoma tries to decide the appropriate level of discretionary funding for years to come: in fact, permanently. This amendment says that an increase in funding over the previous year's level for nondefense, nontrust fund funding would be subject to a two-thirds vote point of order.

Just so our colleagues understand the upshot of this amendment—and I am certain it is well intended—this amendment would seek to freeze funding for homeland security. for veterans health care. for education. for the National Institutes of Health. and many more priorities. and not just for 1 year. but permanently.

Is anybody listening? The Senator's amendment seeks to freeze funding for the Department of Homeland Security. for veterans health care. for education. for the National Institutes of Health, not for 1 year. but permanently. Permanently is a long time.

Sixty-six Senators could support increased funding for our veterans or for homeland security. But it would not be enough under this amendment of the Senator from Oklahoma because he would freeze funding for those functions permanently, unless you could get a two-thirds vote.

We have a point of order in the Congressional Budget Act under section 306 for exactly this reason. This far-reaching change to our system of enforcing spending restraint should not be made without Budget Committee oversight. And it certainly should not be done as part of a fast-track vehicle with limited debate. This amendment clearly and completely violates section 306 of the Congressional Budget Act, and it is not germane. At the appropriate point, I will bring that budget point of order.

Ms. STABENOW. Will the Senator yield?

Mr. CONRAD. At this point, we have to go to Senator NELSON, unless Senator INHOFE has—

Mr. INHOFE. Yes. I want to respond. I thought I had the floor.

Parliamentary inquiry, Mr. President: Do I have the floor?

The PRESIDING OFFICER (Mr. THUNE). The Senator from Oklahoma now has the floor.

Mr. INHOFE. All right. Well, let me do this. I think the Senator from Georgia wants to make a comment. I would like to yield to him. Then I would like to respond to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. I thank the Senator from Oklahoma.

Mr. President, I say, very quickly, I have been sitting here listening to this debate with real interest. My friend from North Dakota, who always makes good, strong, passionate arguments, first, fails to respond to the Democratic spendometer.

All of those are Democratic amendments. Every one of them spends exactly the amount of money the Senator from Oklahoma said it spends. It is half a billion dollars that would have been added to the deficit had Republicans not defeated those amendments.

Secondly, I would say, I guess I get lost in this verbiage sometimes, but here we are, this week, for the first time in 8 years, addressing the issue of spending and trying to reduce spending that has already been committed. It has been a very difficult exercise. As the Senator from North Dakota knows, who serves on the committee I chair, we had a difficult time in the Agriculture Committee coming up with some reasonable reductions in spending. Of course, while he did not vote for any of those reductions in spending, which is going to help the deficit, some Democrats did. At the end of the day, we are going to save $70 billion. We are going to reduce mandatory spending by $70 billion.

So I think the Senator from North Dakota has made the argument for the amendment the Senator from Oklahoma has authored by saying if we are serious about cutting spending, let's cut spending. This amendment is going to hold our feet to the fire. This amendment in and of itself does not reduce spending. But the Senator from North Dakota is right; no, it freezes spending. It says we are not going to spend any more money. But if two-thirds of the Members of the Senate say it is OK to spend it, then we will increase spending over the previous year.

That is a pretty dadgum good thought and a novel thought, and I applaud the Senator from Oklahoma for coming up with that. Because if two-thirds of us agree we ought to spend more money, it is probably the right thing to do. But if two-thirds of us do not agree to do it, then it is probably not the right thing to do.

So I think the Senator from North Dakota makes the argument for the amendment of the Senator from Oklahoma. I urge an affirmative vote on it at the appropriate time.

Mr. GRASSLEY addressed the floor.

Mr. INHOFE. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I ask the Senator, would you like me to yield time to you? I am trying to finish this.

Mr. GRASSLEY. Yes.

Mr. INHOFE. Mr. President, I yield to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I get a little tired of people on the other side of the aisle making the point that tax cuts are responsible for the deficit we have, when you consider we inherited a recession from the previous administration, and we had September 11, and because of the catastrophe of September 11, income to our Federal Treasury went down from $2.1 trillion to $1.75 trillion. That went on over a period of 3 years before the economy turned around.

Then, to find fault with the tax cuts of 2001 and 2003, a person no less than Chairman Greenspan said those tax cuts were what turned this economy around. And turning the economy around, we have $274 billion more coming into the Federal Treasury in the year 2005 than we did in 2004.

And then, especially when you measure deficits by gross national product, our deficit now is less than it was in 1993 under Clinton. Our deficit now is less than it was under Reagan in 1982, and a lot less in the case of 1982.

Now, what I rise for is this: the justification that was made this morning that we are having this reconciliation bill, cutting expenditures, so we can cut taxes. We are not going to cut taxes any more. We have done that in 2001 and 2003. That tax policy is what turned this economy around and brought in $274 billion more this year than last year, even $70 billion more in the last 10 months than we estimated back in February would come in this year.

But the case the other side is making that we want to have further tax cuts—if we take no action, what they want to do is have an automatic tax increase. We have a lot of tax provisions that are going to sunset this year. If we do not keep tax policy the way it is, we are going to have a tax increase.

Now, they like to have more money coming in so they have more money to spend. I would like to have somebody on the other side of the aisle tell me how high taxes have to be to be high enough to satisfy their appetite to spend money. I have never heard that. But the fact is, they can have a tax increase and not even have to vote for it. So we have to take action between now and the end of the year to make sure the existing tax policy, that was good for the economy, keeps this economy going, as Chairman Greenspan has given those tax cuts credit for where we are.

I want to tell my colleagues what is going to happen if we do not take action before the end of the year to continue the tax policies that would otherwise sunset, that somehow they do not want us to continue.

Our objective is to preserve current levels of tax relief. These tax increases would occur if my friends on the other side of the aisle—and maybe even an occasional Republican or two—have their way and thwart the reconciliation bill in the process.

First, the tax relief plan continues the hold harmless provision of the alternative minimum income tax. This piece of the plan, the largest, I might add, is worth about $30 billion to 14 million American families. You can see by this chart, if we do not take action, we are going to have about 5 million middle-income taxpayers paying more taxes next year because they will get hit by the alternative minimum income tax.

I want to remind everybody that the alternative minimum income tax was meant to hit the very wealthy, who were taking advantage of every tax loophole they could and not paying any tax, that they ought to pay something. But it was never meant to hit middle-income America.

We are going to have in my State of Iowa 65,000 more Iowans pay tax they were never supposed to pay if we do not take action between now and December 31.

Look at all the places where I wish I could think of all the people who have been complaining the most about what we are talking about. But the point is—North Dakota, for instance, I think it ought to be pretty obvious. Do you want 13,364 North Dakotans to pay additional tax if we do not take action before the end of the year?

Mr. CONRAD. No.

Mr. GRASSLEY. Well, I am glad to hear that. But I have heard different rhetoric from the other side. And Michigan is here, if I can find Michigan. We ought to put things in alphabetical order, but it does not matter. It does not matter. You are going to have tens of thousands of people or hundreds of thousands of people paying additional tax if we do not take action.

Now, that is just one provision.

We reduce the capital gains from 20 percent down to 15 percent, and we have been told that is already figured into the stock market. Do we want to let the middle-income taxpayers pay a higher capital gains tax? I do not think so, because there are so many middle-income people now who are investing through their IRAs, through their 401(k)s, that we do not want them to be hit by this.

We have the tax deductibility of college tuition. We have the small savers credit. We have the small business expensing provisions that are going to sunset at the end of the year.

All of these provisions have been bipartisan. Millions of American taxpayers rely on these provisions. Do my friends want to take away the deductibility of college tuition for middle-income Americans that is capped at $60,000? These people who are sending their kids to college ought to have, beyond December 31 of this year, the ability of taking advantage of that deduction.

We have the small savers credit. Do my friends want to take away the expensing of equipment for small business? I don't think so. But they would lead you to believe that we want to cut taxes for the rich. The plan addresses expiring business and individual provisions that we call extenders. These provisions include the research and development tax credit, State sales tax deductibility, and the deductibility of teachers' out-of-pocket expenses. Do the people who say we are going to give tax cuts to the wealthy consider our teachers, who pay out-of-pocket expenses for the classroom, that they ought to not have the tax deductibility for that? That is going to end December 31.

Mr. INHOFE. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. INHOFE. I believe the pending amendment is the Inhofe amendment. If I may beg the indulgence of the Senator from Iowa, if I could go ahead and conclude my remarks on my amendment and respond to the Senator from North Dakota, he could go back on the reconciliation bill and finish his remarks.

The PRESIDING OFFICER. The Senator from Oklahoma may reclaim the time that he yielded the Senator from Iowa.

Mr. INHOFE. I don't want to do it unless the Senator from Iowa agrees, because his remarks are excellent. If I could finish, it would be a matter of a couple minutes, and then you could get back on the reconciliation bill, if that would be acceptable to the Senator from Iowa.

Mr. GRASSLEY. Go ahead. You interfered with me. Go ahead.

Mr. INHOFE. Mr. President, let me go ahead and conclude.

First, I have a great deal of respect for the Senator from North Dakota, but I disagree with him. Let me point out a couple of things that I believe are not correct.

The Senator from North Dakota said a lot of these amendments were dealing with the same thing. They are not. If you look at them, each one has a subject matter. They are not dealing with the same thing. Secondly, he said they are offset. I would ask the Senator from North Dakota if he can name one that is offset. You can't because these are not offset. The budget analysts said all of these were not offset amendments. They were amendments that were offered, and they were offered by Democrats. And when you add up all the money that is in these amendments that they have offered—I believe most of these were rejected—it would have been an additional half-trillion dollars. It is very clear they are offered by the Democratic Senators.

I started off my remarks by saying we are in a unique situation now. Fortunately, the recession is behind us now. That is not a factor. But this President had to rebuild a military. Then 9/11 came. He had to get involved in a war. Then we had a couple of disasters that were almost unprecedented. I said at the beginning of my remarks, this is not something we can handle in 1 year or even maybe 2 years. But nonetheless, we have to do something specific to get into this thing and to get this thing done, and there is a way of doing it without overly complicating it. That is my amendment.

I would like to also respond to the Senator from North Dakota in his statement about tax cuts. I agree with the Senator from Iowa; they say over and over again that we want to have tax cuts, as if you are cutting revenues when this happens. There was a very great President of the United States that was elected in 1960. His name was John Kennedy. John Kennedy, in 1962, said—and these are his exact words; I don't have to read it because I memorized it: We have serious problems in this country. We are going to have to increase revenue. If you want to increase revenue, then you have to reduce marginal rates, and that will happen. He reduced marginal rates and, sure enough, the revenues did increase.

Then along came President Reagan in 1980. President Reagan started the 8-year period that had the greatest marginal rate tax cuts of any 8-year period in the history of America. If you take the total amount of money and add up the marginal tax rates in 1980, it was $244 billion. In 1990, it was $466 billion and almost doubled in that decade that was the greatest number of tax cuts in the history of this country. I know Democrats don't like to cut taxes. But you can increase revenue by cutting taxes, we have proven over and over again. It happened after World War I. It happened during the Kennedy administration. It happened during the Reagan administration, and it has already happened during the Bush 2 administration.

We can sit around and talk about these things. The bottom line is, if we want to do something about it, there is going to be a vote. You will have a chance to register your belief as to whether or not you want to do something about the deficit. It has already been suggested there will be a budget point of order. That is fine with me. That means there has to be 60, instead of a majority, to get it passed. At least at that time, when that vote takes place, the American people will know who in this Chamber is serious about reducing the deficit, about cutting spending.

With that, Mr. President, that is the argument I make on my amendment. I look forward to getting a vote at the appropriate time, whether it is a vote on my amendment or a vote on a budget point of order.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the very able Senator from Oklahoma has asked me for a list of the amendments that were offered on the Democratic side that were offset. He asked me to name one.

Mr. INHOFE. Up here.

Mr. CONRAD. Yes, from that list. I won't name one. I will name 10. The Bingaman amendment on education, completely and totally offset; the Stabenow amendment on first responders, completely and totally offset; the Byrd amendment on Amtrak, completely offset; the Akaka amendment on veterans, completely offset; the Harkin amendment on education, completely offset; the Kennedy amendment on education, completely offset; the Dayton amendment on IDEA, completely offset; the Dorgan amendment on tribal programs, completely paid for; the Biden amendment on COPS, completely paid for; the Byrd amendment on transit highway, completely paid for, offset.

That chart is a total and complete concoction and fabrication. These are budget resolution matters I have talked about where the combined effect of Democratic amendments was to reduce the deficit $57 billion because they were offset.

In addition, what that chart does is, it takes on appropriations bills amendments that were offered for 1 year, and our friends on this chart have multiplied them into 5-year amendments. They weren't 5-year amendments. They were 1-year amendments. Appropriations bills are for 1 year, not for 5 years. They have taken them and multiplied them by 5. That is false.

Beyond that, those amendments were not offered as a package. They were offered individually. So they would offer an amendment. The amendment was defeated. The money was still available for a different amendment. To then add them up and multiply it by 5 and forget about the offsets and put out a chart here on the Senate floor that suggests that is a fair representation is way beyond the pale.

Mr. INHOFE. Will the Senator yield? First of all, I did yield the floor. I don't have the floor anymore. But I am not going to be able to stay. I would like to respond to some of the things you have said as you progressed further. Would you yield to allow me to do so?

Mr. CONRAD. I would.

Mr. INHOFE. I appreciate that very much. First of all, I have been told by the budget analysts that, in fact, they were not offset. Some of them proposed tax increases. You could call that an offset. I don't. That is increasing taxes to do it.

We are getting off center from the purpose of my amendment. My amendment does something specifically that you can't argue against. You are either for or against it. As I look at these, these are specific amendments. It shows the amount, what the amendment does, and the years that would be affected. So it is true that that would be over a 5-year period because that is what the amendment was for. But if you take that on to the end of it——

Mr. CONRAD. Will the Senator yield?

Mr. INHOFE. You are yielding to me. Let me finish here. It would actually be over $1 trillion, if you carried it out to the end of a 10-year period. I understand what you are saying about 1 year, and that is fine.

Mr. CONRAD. There is no merit to that chart. There just isn't.

Mr. INHOFE. These are all specific amendments.

Mr. CONRAD. I have the floor now, Senator. Let's be factual here. That chart is a complete concoction. That is all there is to it. That takes amendments that were offered for 1 year, multiplies them by 5, doesn't count the offsets. In the budget resolution, we offset our amendments. We paid for them. That is an offset. When you pay for things around here, that is an offset. I know that is a new idea around here, but that is what we are offering in our amendment, pay-go. We say, you can have new tax cuts. The Senator from Iowa says, we are going to kill all the tax cuts. No, we are saying if you want more tax cuts, you have to pay for it. If you want more spending, you have to pay for it. That is what pay-go is about. That is what Democrats have offered in this fight. We have offered the pay-go amendment. It used to be in place. We used to have it. We used to have that authority. We used to have that budget discipline. If you want to have new tax cuts, pay for them. If you want new spending, pay for it.

In addition to the fact that I listed 10 amendments that were offset that don't show up on their chart as offset, that chart is false on every single one of those amendments. In addition to that, they have taken 1-year appropriations amendments and multiplied them into 5-year amendments. Please, those weren't our amendments. Those are a concoction of what our amendments were.

I hate to say this, but our friends have lost sight of the fact that they are in control. These deficits and debt didn't skyrocket under our watch. Our friends control the White House. They control the Senate. They control the House of Representatives. They have since 2000. And the debt of the country has gone up from $5.7 trillion to $7.9 trillion. And under the budget that is being considered—and this legislation is part of that package—it is going to go up to $11 trillion.

They have raised the debt of this country in 6 years by almost $6 trillion. It wasn't Democratic spending because your side has been in control. Every dime of this spending occurred on your watch. Every dime of this increase in debt is your responsibility. These have been your budgets. These have been your plans. These are your deficits and your debt. You have stacked it up on the American people. I repeat: It took 42 Presidents, 224 years to run up a trillion dollars of external debt, debt held by foreign countries, foreign investors. This President has exceeded it, exceeded a trillion dollars of additional external debt, debt held by foreigners. This President exceeded it in 4 years.

Mr. INHOFE. Will the Senator yield?

Mr. CONRAD. I will not. What has been added to the debt of this country will weigh us down for years to come, and this is debt added by our friends on this side of the aisle. Every dollar of spending that has occurred has been spending that they voted for, that they supported.

I now yield 10 minutes to the Senator from Michigan off the amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I thank the Chair. I thank my colleague and esteemed leader, our ranking member on the Budget Committee.

I rise this evening to oppose the amendment of my friend from Oklahoma, as well as the entire budget resolution that is in front of us.

Together, America can do better than this budget and this amendment. Basically, what the amendment is saying is, if we want to invest in education so every child has the opportunity to succeed in America, we wish to create greater opportunity, it would take 67 votes. If we want to provide another tax cut for those most blessed in this country, those doing most well, the best of anyone in terms of their financial situation, that would take 51 votes. If we want to invest in science and new cures for Alzheimer's and Parkinson's and diabetes, it would take 67 votes. If we wish to give to those most blessed with resources in our country a tax cut, it would take 51 votes.

That is the wrong set of priorities for our country. I support tax cuts certainly. I sponsored and worked with colleagues on both sides of the aisle to add a new tax cut for manufacturers so if they create jobs in the United States they have a lower tax rate than if the jobs and business go overseas. Certainly, we agree together that the alternative minimum tax needs to be fixed so middle-class families are not impacted by something that was put into play to affect only those who are the most wealthy from avoiding all taxes.

We could go down the list of things that we support on a bipartisan basis. But where we differ is where we have gone in this country under a failed set of values and priorities.

And this amendment only makes that worse. We can do better than that. Our Nation's budget is designed to reflect the values and priorities of our great country. It is essentially our country's values document. I believe this budget does not honor our Nation's values, and it has the wrong priorities for our country.

I believe this amendment does the same, again, saying if we wish to invest in the health of the country, if we wish to help manufacturers who, in my great State, desperately need our help by changing the way we finance health care in this country, that would take 67 votes. But if we wish, instead, to provide another round of tax cuts to those who are most blessed in this country, that takes 51 votes. That is the wrong set of values and the wrong set of priorities, and we can do better than that in America.

As Americans, we believe we should leave a better future for our children and our grandchildren. The American people expect us to make tough choices, just like they do around their kitchen tables every day, trying to balance the budget. In my home State people are not sure if they are going to have a job, what the pay is going to be, are they going to have their pension, are they going to have to pay more for health care. They are having to make the toughest decisions every day. They expect us to be responsible and make the tough decisions we need to make.

We do this because we don't want our children to have to pay for our debts. That is why we make tough decisions. Parents across the country work hard enough to build a nest egg for their children so they can have a better life than we have had as their parents. We want that. My great concern is that we are losing that for our children. I believe we are in a fight for our way of life in this country and nothing less. And the budget documents in front of us only make that worse, only add to the race to the bottom too many of our families are feeling.

This budget we are considering in two separate reconciliation bills will actually increase the deficit, not reduce it—increase it by $31 billion. America expects us to do better than that. Most Americans might wonder why are we increasing the deficit when we already have the largest deficit in the history of the country. We are fighting wars in Afghanistan and Iraq, and we must help to pay for the rebuilding of the gulf coast for all of those who have lost so much. Since 2001 when we had the largest surplus in history, we have taken a fiscal U-turn, and now we have the largest deficit in history, putting us back in the days of gloomy fiscal policies in the 1980s and early 1990s.

It is important to know there was a choice at that point, as our leader and our side of the aisle has indicated. When I started in the Budget Committee in 2001, we had the largest budget surplus in the history of the country. We had two choices. We could do what we were proposing at the time: take a third of that for stimulating investment in jobs, take a third of that in tax cuts to spur the economy, a third of that for strategic investments to spur the economy through education, innovation, to also spur the economy, and a third of that we wanted to put aside to pay down the debt and to keep Social Security secure. Instead, what happened. Our Republican colleagues rejected our approach, and now we have the largest deficits in the Nation's history due to the fact that all of it was put into a supply-side economics tax cut geared to the wealthiest among us at the expense of all of the rest of America.

Mr. President, these deficits are not free lunches. We have to pay them year by year. And how are we paying for them? Well, we are borrowing billions of dollars from Japan and China. Right now, Japan and China hold almost $1 trillion, $1 trillion of our national debt. And it is growing each and every year. Not only do taxpayers have to pay interest to China and Japan, our Government has refused to crack down on unfair trade practices with these two countries because we are so far in debt to them. I can tell you, coming from the great State of Michigan, our administration's unwillingness to crack down on trade violations, currency manipulation, counterfeit auto parts, and stealing our patents has had a profound impact on our losing jobs in Michigan. They are all related because of our policies in terms of the national debt affecting our inability to, in fact, enforce trade violations.

We can do better than that. Together, America can do better than this. We can get our fiscal house in order and get tough with our trading partners who are not playing by the rules. The reconciliation bill, unfortunately, though, will hurt working families in Michigan. For seniors who have worked hard their entire lives, they will see their most basic services cut. For some working single-parent families, they will see their health insurance cut. For hard-working family farmers, their livelihoods will be put in jeopardy.

With so many working families losing health insurance or paying more for less, is this a good time to be cutting Medicare and Medicaid, our Nation's health insurance programs for seniors and children? We can do better than that.

Also, given all the economic problems hurting our rural communities, including a terrible drought in Michigan, is this a good time to cut programs that help our farmers? Is now the time to force farmers who are struggling into bankruptcy? We can do better that.

This budget's priorities are so different than those of Michigan families. Michigan families want us to fight for good-paying jobs, for affordable health care, and for a secure pension. In essence, they want us to fight to preserve their way of life, the middle class of our country, where they can raise their kids, send them to college, get quality health care, retire with dignity after 30 or 40 years of hard work, and know that pension is going to be there along with Social Security.

Mr. President, America can do better than this document and this amendment. If we make the right budget choices, we can expand health insurance for working families and lower costs. We can create jobs, protect pensions, bring down the deficit if we make better budget choices.

As my colleagues know, our Nation's largest auto parts manufacturer, Delphi, declared bankruptcy 3 weeks ago, threatening 13,000 jobs in Michigan and 35,000 jobs nationwide. Its workers may not only lose their jobs, they will lose their health care and their pension; in other words, everything they have worked for for their entire lives, everything they have earned, everything they are counting on for themselves and their families. Tragically, this budget package does nothing for them. It increases the deficit, which hurts our economy, gives Japan and China the upper hand in trade negotiations, cuts health care, and does nothing to protect people. That is why I intend to vote no on this budget and on the amendment. I will continue to fight for Michigan's families who are struggling every single day, and I believe it is not just Michigan families struggling now but American families all across our great country.

I worry about whether their way of life is going to continue to exist. They want a change. They know we can do better than this.

They know this budget debate really is a proxy for a larger philosophical debate, a larger choice on values and priorities.

The Republican approach to governing is that you are on your own—no matter what the issue.

We believe that all families need jobs, health care, quality schools and a secure pension.

The Republican approach is that you are on your own.

If you lose your job, you are on your own. If your Medicare premiums rise 13 percent, you are on your own. If your schools are not performing well, you get a school voucher. And if your pension is threatened, you can try to get some of it back from the PBGC.

Mr. President, America can do better. Together, we can create good jobs, maintain our middle class way of life and get our country back on track.

But this budget will take us in the wrong direction.

I urge my colleagues to oppose it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I think the time has expired on our side. I am prepared to yield back. Things are getting a little redundant. I stand by this chart. I have a friendly disagreement with my good friend from North Dakota. I do agree that there are some offsets with tax increases. I do not consider that something that we should be embracing. There are still spending increases, budget increases, and we need to do something about it now.

I would say this: If the reverse were true, and if all of the amendments to increase the deficit came from the Republican side, I would still introduce this amendment.

I am going to yield back so that my friend from Florida can take up his amendment because he is next in line. But I would say this: Even if it were done on this side of the aisle as opposed to that side of the aisle, I would still say we have to do something for my 12 grandkids, and that is really get a handle on this.

My amendment is good. There are all kinds of people endorsing it. The National Taxpayer's Union is supporting my amendment. I am going to read it one more time and then I am going to yield back the remainder of my time and there will be a vote on it.

> Beginning with fiscal year 2007 and thereafter, all nondefense, non-trust-fund, discretionary spending shall not exceed the previous fiscal year's levels . . . without a two-thirds vote of Members duly chosen and sworn.

With that I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I understand now we go to Senator NELSON's amendment. I understand he needs about 10 minutes. I would suggest that Senator NELSON have until 5 of 8. We are going to wrap up at 8. And then I have the 5 minutes from 7:55 to 8 o'clock to respond to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Reserving the right to object, I don't want to get frozen out of this time situation. If the Senator is saying that——

Mr. GREGG. We are giving your side 12 minutes, and I am getting 5 minutes. It does not sound to me that you are getting frozen out.

Mr. CONRAD. This Senator may be frozen out, and this Senator is going to object unless he is not frozen out. I am happy to go to Senator NELSON. Why don't we let him go and then see where we stand at the end. But I am not going to enter into an agreement that would not permit me to answer if I felt something required an answer.

AMENDMENT NO. 2357

Mr. NELSON of Florida. Mr. President. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself and Mr. KERRY, Ms. CANTWELL, Mrs. MURRAY, Mr. REID, and Mr. KENNEDY, proposes an amendment numbered 2357.

Mr. NELSON of Florida. Mr. President. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To hold Medicare beneficiaries harmless for the increase in the 2007 Medicare monthly part B premium that would otherwise occur because of the 2006 increase in payments under the physician fee schedule)

On page 268, between lines 10 and 11, insert the following:

(d) PREMIUM TRANSITION RULE.—

(1) 2006.—

(A) PREMIUM.—Nothing in this section shall be construed as modifying the premium previously computed under section 1839 of the Social Security Act (42 U.S.C. 1395r) for months in 2006.

(B) GOVERNMENT CONTRIBUTION.—In computing the amount of the Government contribution under section 1844(a) of the Social Security Act (42 U.S.C. 1395w(a)) for months in 2006, the Secretary of Health and Human Services shall compute and apply a new actuarially adequate rate per enrollee age 65 and over under section 1839(a)(1) of such Act (42 U.S.C. 1395r(a)(1)) taking into account the provisions of this section.

(2) 2007.—

(A) PREMIUM.—The monthly premium under section 1839 of the Social Security Act (42 U.S.C. 1395r) for months in 2007 shall be computed as if this section had not been enacted.

(B) GOVERNMENT CONTRIBUTION.—The Government contribution under section 1844(a) of the Social Security Act (42 U.S.C. 1395w(a)) for months in 2007 shall be computed taking into account the provisions of this section, including subparagraph (A).

(e) EXTENSION OF PRESCRIPTION DRUG DISCOUNTS TO ENROLLEES OF MEDICAID MANAGED CARE ORGANIZATIONS.—

(1) IN GENERAL.—Section 1903(m)(2)(A) (42 U.S.C. 1396b(m)(2)(A)) is amended—

(A) in clause (xi), by striking "and" at the end;

(B) in clause (xii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(xiii) such contract provides that payment for covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity shall be subject to the same rebate agreement entered into under section 1927 as the State is subject to and that the State shall have the option of collecting rebates for the dispensing of such drugs by the entity directly from manufacturers or allowing the entity to collect such rebates from manufacturers in exchange for a reduction in the prepaid payments made to the entity for the enrollment of such individuals.".

(2) CONFORMING AMENDMENT.—Section 1927(j)(1) (42 U.S.C. 1396r-8(j)91)) is amended by inserting "other than for purposes of collection of rebates for the dispensing of such drugs in accordance with the provisions of a contract under section 1903(m) that meets the requirements of paragraph (2)(A)(xiii) of that section" before the period.

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r-8) on or after such date.

Mr. NELSON of Florida. Mr. President, we reach a major watershed point now as we consider the budget, for contained in this budget is an increase of $1 billion required of senior citizens in the payment of their Medicare Part B premiums. This amendment that I am proposing cuts out that increase and offsets it. I am pleased to be joined by a number of colleagues who have cosponsored this amendment. Senator KERRY had wanted to speak on it, and it is my understanding that he is not here at this late hour, but he may speak later.

This is an amendment to protect seniors from these drastic increases in their Medicare Part B monthly premiums.

I thank all the Senators who have worked with me on this amendment. What our senior citizens are facing is when they pay a monthly premium, when they enroll in the Part B premium, that premium covers physician care, home health care, skilled nursing services, physical therapy, and other services. There are 42 million people in this country who are Medicare beneficiaries. Three million of them are in Florida. They are legitimately concerned about the growing out-of-pocket health care expenses. Why should they be? Let's look at history.

Over the past 3 years, the part B beneficiary premium has increased 50 percent. In 2006, the premium will increase by another 13 percent, to $88.50 per month. That represents a $10.30 increase over last year's monthly premium.

Our seniors simply cannot afford another premium increase on their fixed incomes. If anybody doubts what I am saying, remember gasoline used to be $1.50. Gasoline has approached $3. We have senior citizens in my State and all of the States who cannot afford to drive to the doctor anymore because they are on a fixed income. And now this bill would tack on an additional billion dollars more in Part B premiums.

This Senator does not believe that at this particular time seniors should bear this burden of another billion dollars in spending out of their pockets. I believe we should and I believe we can fix the physician payment rate without increasing the Part B premiums.

Another part of this reconciliation bill gives physicians a 1-percent payment update in 2006. This would avert what would be very unfortunate for physicians—a 4.3-percent cut under the sustainable growth rate formula used to update physician payments. I have supported and I continue to support improving the reimbursement rates for Medicare providers, including physicians. Without action in this area, we are going to continue to see individuals and communities underserved because no quality providers, including physicians, are going to be available to offer these services if they keep getting cut.

However, when the cost of physician care goes up, the Medicare Part B premium under the law must rise to cover it. Any change Congress makes to increase physician payment rates under reconciliation will be reflected in a beneficiary premium for senior citizens for Medicare Part B in 2007.

Under the current law, if the physicians are going to get the increase instead of a cut, that means that in order to pay that under the current law, the senior citizens are going to have to increase their Part B Medicare premium payments by approximately $1 billion. In response, what we are offering to do in this amendment is protect our seniors, for this amendment would exclude from the Part B premium the cost of the reconciliation package payment increase for physicians. Senior citizens would be held harmless from the effect of the reconciliation package and would, therefore, not see an increase in their premiums due to this physician fix, and it is going to keep the physician fix in place by increasing their reimbursements.

This amendment is revenue neutral. How is it paid for? Where is the offset? It is paid for by negotiating lower prescription drug prices for Medicaid's HMOs. This amendment would help to ease the financial burden on our parents and grandparents without harming the physicians who serve them.

We have to look out for these grandparents and parents who are on fixed incomes. I hope we are going to get some bipartisan support. I urge all of our colleagues to join me in this effort to protect our Nation's senior citizens.

Mr. President, I have been waiting for quite a while to offer this amendment. I said that I was going to be less than 10 minutes. I am happy to conclude in less than 10 minutes, but the import of this amendment is far beyond the time I have used to offer the amendment tonight.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, first, I appreciate the Senator from Florida being concise in presenting this amendment. I thank him for that and for sticking with the time as was represented. It was appropriate and generous of him.

The amendment, obviously, has an impact on the deficit. It would expand it. As a practical matter, it really has to be put in the context of the overall Medicare adjustments in this bill and in other bills because under the new drug program, seniors will actually see a significant discount. They will save about $5 on their prescription drugs over what was expected.

The Part B premium increase which will occur as a result of this bill will be $1.60. It seems more than reasonable to have structured an agreement where we will essentially allow patients to see doctors because we will be giving them the opportunity to see doctors because the doctors will actually participate in the system, whereas they might well opt out if we cut their pay by 4.3 percent.

Under this bill, of course, we avoid that because the Finance Committee has put together a package which allows us to basically hold doctors harmless. It is reasonable that seniors—we are not talking about low-income seniors here because their entire Part B premium is picked up by the Government. We are talking about middle and high income. Not to pick anybody specific, but Bill Gates's father, who is probably doing very well, or my mother, for example, has a right to the Part B premium and, therefore, is subsidized by working Americans, people who are in day-to-day jobs, to the tune of 75 percent. It is reasonable that we ask seniors to participate in the Part B premium, as they get the benefit of it, to the extent of 25 percent. This bill simply continues that process while making sure seniors will have access to doctors by basically supporting the initiatives of holding doctors harmless from a pay cut.

The underlying bill has some very positive spending initiatives, and one of them happens to be giving more access to more patients who are under Medicare. So I believe we should be supporting this amendment rather than offering amendments which will essentially undermine this effort.

Mr. NELSON of Florida. Mr. President, will the Senator yield on this point?

Mr. GREGG. I will be happy to yield for a question.

Mr. NELSON of Florida. I will put it in the form of a question. Will the Senator be surprised to know that instead of it being $1.80, it is more like a $3-per-month increase in the Part B premium for seniors, on top of the 18-percent increase that is, in fact, going to be added just in this present year?

Mr. GREGG. I would be surprised to know that because, as I understand it from staff, the estimate, as by CMS, is $1.68. But I guess we can turn to the record and find that out. You may be right, CMS may be right.

In any event, the number seems to be reasonable in the context of the benefit being received, which is seniors are being asked to pay for 25 percent of the Part B, which is not a great deal compared to what Americans who are working are being asked to pay, which is 75 percent of that.

Mr. NELSON of Florida. Will the Senator yield for another question?

Mr. GREGG. Certainly.

Mr. NELSON of Florida. Given the fact that there are 42 million seniors who would be affected, would the Senator be surprised to know that this is a total of $1 billion that will come out of the pockets of seniors by the increased Medicare Part B premiums?

Mr. GREGG. I would presume the seniors are going to have to pay some of the cost of the Part B premium. As I said before, they are paying 25 percent of it. As I note, working Americans are being asked to pay tens of billions of dollars to support that benefit. In many instances, seniors who are receiving the benefits are moderate- and high-income seniors who have higher incomes than those working Americans who are working at a restaurant as servers or who are working on a factory line or working at a garage or who are working in maybe even a minimum wage job and are being asked to bear the burden of the HI insurance costs.

So it does seem reasonable and I think most seniors view it as reasonable that they pay 25 percent of the cost of their Part B premium. Yes, that adds up, if you take all the seniors in America—there are a lot of them—to a fairly significant number. So I would agree with that.

Mr. NELSON of Florida. Will the Senator yield for a final question?

Mr. GREGG. I will yield for a final question.

Mr. NELSON of Florida. Since this Senator was disciplined in his comments as promised, would the Senator be surprised that this amendment causes no increase in the Part B premium to senior citizens by offsetting what would be the enhanced payment to drug companies under the Medicaid increase that is going to the drug companies when they go over to HMOs from the current law that holds the drug companies to a discounted rate?

Mr. GREGG. In response to the Senator, the practical effect of what the Senator is proposing is to change a contractual agreement which the drug companies have already entered into. The basic effect of that would mean probably you would have fewer people willing to participate in the system and, as a result, seniors would have fewer choices. And I suspect that the practical effect, if the Senator's amendment were to go forward, is that the seniors would have fewer choices.

One of the few advantages of the Part D program, which I still am not all that enamored of, is that it is giving seniors a variety of choices in their drug benefit. As seniors become more educated as to what those options are, they are going to be impressed that there are so many options on the table, and they can tailor their pharmaceutical needs to the options available to them. If you change the contractual agreements which encourage people to offer that type of opportunity, you obviously are going to undermine the number of options that would be available, in my opinion.

Mr. GRASSLEY. Mr. President, this bill includes a 1.0 percent payment update to physicians for 2006. This was done to maintain beneficiary access to physician services. After all what good are Medicare benefits if you can't get in to see a doctor.

Within the bill, the impact on the part B premium is calculated based on *all* the provisions that affect Part B. This amendment would only hold the beneficiary harmless from the impact caused by the physician update.

Other provisions included in the bill would increase Part B spending and there are other provisions that decrease Part B spending—so why should we single out physicians?

In June, Senator BAUCUS and I sent a letter to the Office of Management and Budget calling for removal of Part B drugs from the physician payment formula. This letter was signed by 87 additional Senators from both sides of the aisle. If the administration were to remove Part B drugs from the formula—it would also increase the Part B premium over a number of years.

This letter did not suggest the need for a hold harmless. I wanted to point this out to my colleagues who supported this letter.

Some may feel that the Medicare drug premiums along with the Medicare part B premium may be a significant cost burden to beneficiaries. However, CMS recently announced that Medicare drug premiums will be lower than expected. The average monthly premium will be $32.20. That is $5 less per month than previously estimated.

Even if the part B premium is increased in 2007, the increase is nothing close to the $5 saved in the prescription drug premiums. And keep in mind that the part B premium increase does not affect low-income beneficiaries. Their premiums are paid for by the government. In fact, I worked hard to extend the QI program so Part B premiums would be covered. Currently, 16 percent of beneficiaries enrolled in Part B receive this assistance and more are eligible.

In addition, a MedPAC survey issued earlier this year found that 22 percent of beneficiaries already had trouble getting an appointment with a new primary care physician and 27 percent reported delays in getting an appointment. Payment cuts to physicians will only make these existing access problems worse.

I am also opposed to the provision used to pay for this amendment.

Regarding Medicaid MCO rebate, this amendment would in effect increase the rebate paid by drug manufacturers by making the rebate available to Medicaid managed care plans.

The bill we are considering today increases the rebate paid by drug manufacturers to States through the Medicaid program to 17 percent. The bill also closes a pair of loopholes that have the impact of increasing the rebate.

First, we require the best price of an authorized generic to be considered in the brand name drug's best price calculation. That will have the effect of increasing the rebate.

Second, we require physicians to notify the State Medicaid program of what drugs the physician administers in the office. Under current law, States are permitted to collect rebates on the drugs but nothing in statute requires physicians to disclose that information. As a result, States miss out on the appropriate rebate.

When all these policies are taken into consideration, we have increased the rebate paid by drug manufacturers by $1.7 billion.

Now I understand my colleague might not think that's enough, but I would encourage you to look at a CBO report put out this past June examining the price of name brand drugs. That report shows that the effective rebate being paid by drug manufacturers is actually 31.4 percent not 15 percent.

I am also concerned about the substantive implications of your offset. These Medicaid health plans are private businesses that can negotiate low drug prices. I think it runs contrary to the policy this committee passed in the MMA to allow the plans to negotiate the best deal they can get and then give them a rebate on top of that.

Yes, I do realize the Medicaid Commission accepted your offset in its recommendation, but I am quite certain the Medicaid Commission stamp of approval would not win your support for other proposals we could be considering today. We have looked at this area and come up with responsible policy that addresses loopholes. I don't think we need to further increase the rebate beyond what is already included in the bill.

Therefore, I urge my colleagues to oppose the amendment and the offset that funds it.

MORNING BUSINESS

NEVADA DAY

Mr. REID. Mr. President, I rise to commemorate an important day in Nevada's history. One hundred and forty-one years ago, on October 31, 1864, Nevada was admitted into the Union as the 36th State.

I am proud of Nevada's heritage. Native Americans have called Nevada home for thousands of years, evidenced by the spectacular petroglyphs found in our mountain ranges. Pioneers blazed trails across the Nevada frontier and miners discovered lines and lodes of precious minerals that would to lead to Nevada's designation as the Silver State. While we honor and maintain our heritage, we also look with excitement at what Nevada has become today.

Every year, we welcome tens of thousands of people from across the Nation who want to make Nevada their home. We are one of the fastest growing States in the country, and all Nevadans, past and present, have made the Battle Born State what it is today. From the glittering lights of The Strip to the quiet strength of the bristlecone pines in the Great Basin, Nevada is a place we are proud to call home. Nevada is the majestic Ruby Mountains, the world-famous Black Rock Desert, magnificent Lake Tahoe, hard-working mining towns, and of course, Las Vegas, the world-class destination where millions of people from all over the world come to visit every year.

From the population centers of Las Vegas and Reno to rural communities that remain the heart of the American west, I have traveled all over the State in my decades-long career as an elected representative, and I am privileged to represent Nevadans here in Washington. Every day, I stand on the Senate floor and do the best I can for the Silver State and all those who call Nevada home.

I stand with my fellow Nevadans to honor our rich history and heritage and look forward to our bright future.

TRIBUTE TO SAM MOORE

Mr. McCONNELL. Mr. President, I rise today to pay tribute to the voice of Kentucky agriculture, Mr. Sam Moore. Mr. Moore is retiring as president of the Kentucky Farm Bureau after 7 successful years and will be forever remembered as the Kentucky farmer's greatest advocate.

Mr. Moore, a native of Butler County, first became involved with the Kentucky Farm Bureau in the late 1960s when he joined the Bureau's Young Farmer Program. By 1973 he was selected as Outstanding Young Farmer by the Kentucky Jaycees, and he knew he had found his calling in working with and for his fellow Kentucky farmers.

Mr. Moore has served on the Kentucky Farm Bureau's board of directors since 1975, and will continue to serve in an at-large capacity after his term as president ends. He is also a member of the American Farm Bureau's board of directors, and holds positions on the boards of the Southern Farm Bureau Life Insurance Company and Farm Bureau BanCorp. He has also served as president of the Kentucky Farm Bureau Mutual Insurance Company.

Mr. Moore has been a leader of the Butler County Farm Bureau and is a member of the American Soybean Association, the Kentucky Beef Cattle Association, and the Kentucky Corn Growers Association. He also serves on the boards of the Kentucky Grain Insurance Fund and the Kentucky Council on Agriculture.

Mr. Moore was elected as the bureau's president in December 1998 after 7 years of service as its first vice president. Immediately upon assuming office, he was faced with a major change in the tobacco farming industry: the leading tobacco companies and the State governments had reached an agreement called the Master Settlement Agreement, which would place significant funds into the various States' treasuries.

Mr. Moore was the driving force behind a bill in Kentucky to allocate half of Kentucky's proceeds from the Master Settlement Agreement—$3.6 billion over 25 years—into a new State fund that would dedicate the money to projects that develop the State's agriculture market, encourage environmental stewardship, support family farms, and fund agricultural research and development.

The whole process is overseen by the Kentucky Agricultural Development Board, which Mr. Moore has served on since its inception. Thanks to Mr. Moore and the board's efforts, Kentucky's agriculture industry is transforming to meet the needs of more Kentuckians.

But perhaps Mr. Moore's crowning achievement is his pivotal role in engineering the tobacco buyout of 2004. I worked side by side with Mr. Moore in that effort, and can testify that his hard work and dedication to moving that project through was critical to our success.

Thanks to Mr. Moore's efforts, Congress passed and the President signed a tobacco buyout bill that will guarantee $2.5 billion to Kentucky farmers and their families over the next 10 years. Farmers now have the opportunity to explore other areas of agriculture, free from the restraints the government placed on tobacco farming for so long. Nothing was more important to Sam's Kentucky Farm Bureau members—and so Sam worked long and hard, until he delivered.

Sam is the co-owner of the Green River Feed Mill and also serves as a director of Morgantown Bank & Trust. He farms over 4,300 acres, producing corn, soybeans, wheat, and cattle. He and his gracious wife Helen have six wonderful children.

Sam has dedicated decades of his life to farming and his fellow farmers because he loves farming so much. He has made a lot of friends across the State over the years, and I am proud to be one of them. Any friend of Sam Moore will tell you he spent his entire career with the Kentucky Farm Bureau thinking only of what was best for his members.

Mr. President, I ask my colleagues to join me in commending Mr. Sam Moore for his years of service to Kentucky.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On January 7, 2005, Robert Martin, an openly gay man, was found severely beaten at an abandoned school in Ashburn, GA. Before the beating Martin was being taunted about his sexual orientation by the man who later attacked him. The man that attacked Martin is still being sought by police.

I believe that our Government's first duty is to defend its citizens, in all circumstances, from threats to them at home. The Local Law Enforcement Enhancement Act is a major step forward in achieving that goal. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

DARFUR

Mr. KERRY. Mr. President, we must not lose sight of the devastating humanitarian crisis in Darfur, where some 3000.000 people were killed in the genocide and almost 2 million more forced into displacement camps. While some progress has been made in ending large scale attacks by government forces, daily attacks against civilians and aid workers continue in a climate of lawlessness, and the Khartoum government still has not reined in the Janjaweed militia. Given these circumstances, I remain concerned that the administration has not done enough to bring about a peace agreement in the region.

The African Union soldiers sent to Darfur to date have made some progress in providing much needed protection. However, their mandate and current personnel levels are not sufficient to keep the civilians and aid workers safe. America and the international community should work to ensure that the African Union is able to get more peacekeepers into place, with an expanded mandate that allows them to complete their important work.

I ask unanimous consent to have printed in the RECORD a Christian Science Monitor article from October 25, 2005 describing the current problems Darfur and providing some sensible proposals to solve them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Oct. 25, 2005]

HELP AFRICANS HELP THEMSELVES IN SUDAN

(By Jeremy Barnicle)

WEST DARFUR, SUDAN.—As a white foreigner visiting a displacement camp here, I was greeted with the chant, "khawaja no kwa." "The foreigners say no," they sang, meaning international intervention helped curb the violence and ease the suffering in Darfur. The song was a gesture of thanks and respect.

The wealthy world fulfilled the first part of its obligation to the people here when it finally started sending emergency aid over a year ago. The second part of that obligation—helping African Union (AU) soldiers provide security for the 2 million people driven from home by the conflict—would consolidate humanitarian gains in Darfur and, as important, serve as a long-term investment in the stability of the entire continent.

In Darfur, the international community—specifically NATO and the United States—has a unique opportunity to help Africans provide security for their own conflict zones. The village raids have largely subsided, and access for aid workers has improved dramatically in Darfur over the past year, but the countryside is now racked with lawlessness and warlordism. Neither the government of Sudan nor the rebel parties seem able to control the violence.

Within this challenging context, it is critical that Darfurians living in refugee camps start to go home and recover their lives. Peace talks between the government of Sudan and various rebel groups continue in Nigeria, but there is little hope of a durable political agreement in the near future. Meanwhile, the people of Darfur are stuck suffering between no war and no peace.

Their most basic needs are met in displacement camps, but the situation is unsustainable: The longer they are displaced the more expensive it becomes for the international community and the less likely it is that they'll ever get home to rebuild their own communities. Ask a Darfur refugee what she wants and inevitably the answer is "to go home, but only if there is security."

People will return to Darfur only when they have security assurances they see as credible, and that's where the AU force comes in.

So far, the AU mission in Sudan has surpassed expectations. Displaced women used to be terrified of leaving camps to collect firewood, as armed men would stalk the outskirts of town and prey on them. Now, women can time their trips outside to coincide with AU patrols, which deter assaults. This is a development of which the AU and its backers should be proud.

The problem is that there are currently only about 6,000 AU troops in Darfur, an area the size of Texas. The AU says it plans to ramp that number up to about 12,000 by 2006. That would be too little, too late.

In order to help get Darfurians back home and back on track in safety, the AU would need to hit that 12,000 as soon as possible and be prepared to send at least a few thousand more if necessary. The U.S. and NATO are already providing important logistical and technical support for the AU mission, but standing up this larger force would require a speedy and substantial increase in their financial commitments. The U.S. specifically needs to apply diplomatic pressure to ensure that our allies meet the pledges they have made to the AU.

That commitment is the least the world can do. Consider this comparison. Following the war in Bosnia, the international community secured the country—especially high refugee return areas—by providing more than 18 peacekeepers per thousand Bosnians. In Kosovo, the world came up with 20 peacekeepers per thousand people. In Darfur right now, there is one AU soldier per thousand people, spread over a much larger geographic area. That is disgraceful.

An increased investment in the AU's peacekeeping capability now would also advance a huge shared goal for Africa and the West: to help Africans protect Africans. Several of the continent's conflicts need sustained, legitimate, outside military intervention and history proves that the West is unwilling to commit its own troops in any meaningful way.

Some respected analysts have called for NATO to deploy its own peacekeepers to Darfur. That is an appealing idea, but the fact of the matter is that the government of Sudan will never accept NATO troops on its soil, and their presence could actually further destabilize the region.

An indigenous peacekeeping force legitimized by international support and conforming to international standards is critical to mitigating conflict, enabling humanitarian access, and easing human suffering in Africa.

LIHEAP FUNDING

Mr. CARPER. Mr. President, when I was governor of Delaware I was guided by a principle I learned years ago—if something is worth doing, it's worth paying for.

I served from 1993 to 2001, and we balanced the budget every year I was in office.

The principle of paying for the things that are worth doing is not always easy to follow. In fact, sometimes it's quite difficult.

It's especially difficult when we face the choice of how to fund important programs that we know provide vital services.

The Low-Income Home Energy Assistance Program, LIHEAP, is one of these important programs.

I believe that LIHEAP is worth funding and I think it's worth paying for.

And we need to pay for it because we are now in the unfortunate situation of having been saddled with record budget deficits for as far as the eye can see.

Unfortunately, more often than not, the current administration has shown us the opposite of good fiscal leadership. Instead of sticking to the motto, "if it's worth doing, it's worth paying for," this administration has chosen to cut taxes and increase spending more than any other administration in the past 30 years. The result: record budget deficits and a bleak fiscal outlook.

This administration has turned the largest budget surplus in history into the largest deficits in history.

It is for these reasons that we must consider how to pay for increased funding for this vital program and for others as well.

The Labor, Health and Human Services and Education Appropriations Subcommittee took an important step toward providing adequate LIHEAP funds by including $2.183 billion in their fiscal year 2006 committee-reported bill. This represents a small increase over last year's funding levels. This is a good starting point.

However, we know that energy prices are rising and household heating bills will rise accordingly this winter. According to the U.S. Energy Information Administration, consumers who heat their homes with natural gas prices—about 55 percent of U.S. households—are expected to see their heating bills rise by 48 percent this winter. Those who heat with oil will pay 32 percent more, those who heat with propane will pay 30 percent more, and those who heat with electricity will pay 5 percent more.

For that reason, I contacted the Appropriations Committee in September to express the need for increased funding. I urged that they provide $1.276 billion in emergency LIHEAP funding as part of a comprehensive supplemental appropriations bill to address Hurricane Katrina and the effects it has had on energy production and the cost of energy for U.S. consumers. This additional funding would provide an approximately 60 percent increase over fiscal year 2005 levels.

Unfortunately, we have not yet had the opportunity to consider a Katrina supplemental and during the week of October 24, 2005 we were faced with the choice of how to increase funds for LIHEAP as part of the Labor, Health and Human Services and Education appropriations bill.

I am not comfortable supporting a $3.1 billion increase in LIHEAP funding if it is not offset by either a reduction in spending or an increase in revenues. I believe that we can increase funds for LIHEAP but I also believe that we need to pay for it.

As a result, I worked with my colleague, Senator BEN NELSON to search for ways to achieve enough savings to pay for additional funding for the LIHEAP program in fiscal year 2006.

Senator NELSON and I filed an amendment on October 26, 2005 to increase LIHEAP funding by $1.6 billion in fiscal year 2006. This would provide a 73 percent increase in funding over fiscal year 2005 levels. The increase would be offset with $1.6 billion from three tax provisions that either close tax loopholes or clarify and bring greater consistency to current law. We believe that these offsets are balanced—all three have gained support in the Senate in the past—and we believe that our colleagues could support their use as an offset for the LIHEAP program.

I would like to add even more funding to LIHEAP, but with the offsets Senator NELSON and I were able to identify, we were able to file an amendment that would increase funds by $1.6 billion.

Unfortunately, we did not have the opportunity to vote on the Carper/Nelson amendment during consideration of the fiscal year 2006 Labor, Health and Human Services and Education appropriations bill. I will continue to search for ways to increase LIHEAP funding and likewise will continue to search for additional offsets to help pay for such an increase.

I believe in the LIHEAP program: I believe it serves a vital function in helping as many as 5 million low-income households who need a bit of help paying their energy bills or weatherizing their homes.

However, I also believe that as Americans, we can and must find ways to pay for our priorities. LIHEAP is worth funding, and it's worth paying for.

HONORING OUR ARMED FORCES

HONORING ARMY SPECIALIST CHRISTOPHER T. MONROE

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Kendallville. Christopher Monroe, 19 years old, died on October 25 in Basra, Iraq. With his entire life before him, Chris risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Remembered for his strong family ties and devotion to the Army, Chris was killed while filling in for a friend on a convoy, a change from his typical desk job. After September 11, Chris had yearned to serve his country and follow in the family tradition of military service. He begged his mother to allow him to enlist early at age 17. The 2004 East Noble High School student had been in Iraq for only a couple months when he was killed. Friends and family recounted that Chris was an outgoing, generous young man who had given up his Christmas leave to allow others in his unit to be with their families for the holidays. His mother, Annette, told local media outlets that she was proud of her son and that he died doing what he was born to do. Chris was engaged and was planning an October 2006 wedding.

Chris was killed while serving his country in Operation Iraqi Freedom. He was a member of the Army Reserve's 785th Military Police Battalion, based out of Fraser, MI. This brave young soldier leaves behind his father Perry Bolton II; his mother Annette Monroe; and his brothers Greg and Nick.

Today, I join Chris's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Chris, a memory that will burn brightly during these continuing days of conflict and grief.

Chris was known for his dedication to his family and his love of country. Today and always, Chris will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Chris's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Chris's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Christopher Monroe in the CONGRESSIONAL RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Chris's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Chris.

ADDITIONAL STATEMENTS

IN HONOR OF WILLIAM O'NEILL

• Mr. DODD. Mr. President, I rise today to honor a dedicated public servant and a dear friend, former Connecticut Governor, William O'Neill.

I had the honor of serving the people of Connecticut alongside Bill O'Neill for over 15 years, during which time we shared many of the same views and principles about the future of our great State. When I first took office in the U.S. House of Representatives in 1975, Bill O'Neill was the majority leader of the Connecticut House of Representatives. And, in December 1980, as I was preparing to take the oath of office as a newly elected U.S. Senator, Bill O'Neill became the new Governor of Connecticut, replacing the beloved Ella Grasso, who had resigned for health reasons.

Bill O'Neill had a remarkable ability to connect with the citizens of Connecticut. He was a pragmatic leader, but he also took pains to be forward-thinking. As a result, not only did Bill serve one of the longest gubernatorial tenures in Connecticut history, he also had one of the most influential.

Bill O'Neill understood the immense value of education to both the future of our State and the entire Nation. He fought to pass the Education Enhancement Act, which, among other things, improved the quality of Connecticut teachers and improved student performance. He oversaw the consolidation of the four "State" colleges—Eastern, Western, Southern, and Central Connecticut State University—into a stronger unified system. And he funded critical capital improvements on campuses throughout Connecticut.

He invested in a strong transportation infrastructure. In the aftermath of the tragic collapse of the Mianus River Bridge, soon after he became Governor, he responded not with a quick fix but by making long-term investments that have served Connecticut and the rest of the northeastern United States for decades and that will continue to do so for years to come. He made these commitments despite the devastating effects of the Reagan administration's budget cuts. He looked to impact Connecticut's long-term needs, and, as a consequence, he repaired Connecticut's roadways, overhauled the bus and train lines, and modernized Bradley International Airport.

Bill O'Neill worked hard to protect the environment. He strictly enforced the Clean Water Act, instituted reporting requirements for toxic substances used in manufacturing, and set aside large tracts of land to be used for the benefit of the general public.

Governor O'Neill was also dedicated to bringing the best public servants, regardless of background, into our State government. He nominated the individuals who would become the first woman chief justice and the first African-American justice on the Connecticut Supreme Court. And he appointed the first woman attorney general and treasurer in Connecticut history.

Bill O'Neill will be honored this week on the 15th anniversary of his retirement from public service at Central Connecticut State University, where there is a professorship in "Public Policy and Practical Politics" endowed in his name. The athletic center at Western Connecticut State University, where I recently had the honor of delivering remarks with former President Clinton, also bears the name of the former Governor.

It is fitting and appropriate that Bill O'Neill's name graces these fine institutions of higher learning and others throughout the State of Connecticut, and that he is being honored with this ceremony.

Bill O'Neill has served this country for over 50 years—as a fighter pilot during the Korean war, as a six-term member of the Connecticut House of Representatives, as Lieutenant Governor, and as the Governor of Connecticut for more than a decade.

At a critical time in our State's and our country's history, Connecticut was fortunate to have the leadership of this remarkable patriot. His wisdom, his vision, and his ability to accomplish concrete changes for the good of the people of our State set a standard for public service that inspired me and I know continues to inspire those of us who believe in the value public service.

Bill O'Neill is a true public servant and has been a long-time friend. I wish him, his wife Nikki, and his family my best wishes on this wonderful occasion.•

ANNOUNCING THE BIRTH OF GRIFFIN MACK LUGAR

• Mr. LUGAR. Mr. President, Char and I want to share with all of our colleagues and friends the joyous news of the birth of Griffin Mack Lugar on October 26, 2005, at Sibley Memorial Hospital in Washington, DC. Griffin was a healthy 8 pounds at birth. His parents are our son, John Hoereth Lugar, and his wife, Kelly Smith Lugar, daughter of Robert Lee Smith and Renee Routon Smith. Griffin was born at 8:13 p.m. and within the next hour, John's brother, David Lugar, joined Char and me in the hospital room to see a very healthy newborn baby and to congratulate John and Kelly and to share their joy during unforgettable moments. On the next day, Griffin met his brother, Preston Charles Lugar, who was born at Sibley Memorial Hospital on February 20, 2004. The two boys and their parents are now safe and healthy in their Arlington, VA residence.

Kelly and John were married on November 5, 2001, in the Washington Cathedral with Dr. Lloyd Ogilvie, former Chaplain of the Senate, presiding. They and their families and guests had enjoyed a rehearsal dinner in the Mansfield Room of the Capitol on the night before the wedding. Kelly worked with many of our colleagues during her service to the administration of President George Bush and our former colleague, Secretary of Energy, Spencer Abraham, as Deputy Assistant Secretary with responsibilities for congressional relations. She now has a private consulting business. A graduate of the University of Texas, she was once a member of the staff of Congressman Ralph Hall of Texas. John Lugar came with us to Washington, along with his three brothers, 28 years ago. He graduated from Langley High School in McLean, VA; Indiana University, and received his masters of business administration degree from Arizona State University. He is currently a vice president with Jones Lang LaSalle, a commercial real estate services and investment management firm.

We know that you will understand our excitement and our gratitude that they and we have been given divine blessing and responsibility for a glorious new chapter in our lives.•

MERCER COUNTY DRUG FREE COMMUNITY SUPPORT PROGRAM

• Mr. ROCKEFELLER. Mr. President, I rise today to recognize the Mercer County Drug Free Community Support Program. The course provides initiatives towards fighting substance abuse, developing links between the community and its leaders in helping to educate the public, and allow young citizens the opportunity to help their peers. They have received numerous awards for their work in helping the citizens of Mercer County deal with problems they may encounter daily, be it alcohol, prescription drugs, or illegal substances. The county has received a prestigious national award for its efforts, and deserves acknowledgment and praise for this accomplishment.

Recognizing the importance that this program brings to the community is important; America's Promise, the Alliance for Youth announced that Mercer County is the winner of a national award to identify the 100 Best Communities for Young People; the award shows the true extent of the value of such programs as the Mercer County drug-free program, helping communities create better lives for the people who live in areas afflicted by substance abuse, and the problems arising from drug abuse. The 100 Best Communities for Young People celebrates outstanding, innovative efforts across the country that improve the well-being of our young citizens. Mercer County truly deserved this award for its efficient and pioneering ways of dealing with social problems and substance abuse.

Mercer County has put in place community programs that help teens learn about problems arising from drug abuse, social misconduct, and other related issues. One particular project which deserves praise is the "teen court" in which offenders are judged by their peers. The Mercer County Teen Court was designed to provide youth with the necessary tools to demonstrate the power they have, individually and collectively, to influence others and make positive changes in their own lives and in their community. The teen court is especially effective in allowing teens the chance to see what problems have arisen from their offense, and to be given a punishment fitting to the crime handed out by their own peers.

As a Vista volunteer in 1964, I realized the importance of community work in combating poverty, helping individuals and low-income neighborhoods make positive changes for themselves and their communities. The Mercer County Drug Free Community Support Program is also part of the Creating Opportunities for Youth coalition, a group of community leaders who work hard creating a strategy to address the problematic behaviors plaguing our children and youth in the community.

The organization plays a vital role in helping young citizens avoid the dangers of substance abuse; government grants and awards have allowed the program to set up successful workshops that deal with educating youngsters and parents alike. It is, in effect, a leading community source for prevention and awareness of substance abuse. The program has worked closely with leaders and the citizens to bring together Mercer County and, as a result, it is a good, safe place to live, work, and raise children.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and two withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SUDAN—PM 29

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the Sudan emergency is to continue in effect beyond November 3, 2005. The most recent notice continuing this emergency was published in the Federal Register on November 2, 2004 (69 FR 63915) .

The crisis between the United States and Sudan constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency on November 3, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force comprehensive sanctions against Sudan to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *November 1, 2005.*

MESSAGE FROM THE HOUSE

At 10:38 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 61. Concurrent resolution authorizing the remains of Rosa Parks to lie in honor in the rotunda of the Capitol.

ENROLLED BILL SIGNED

At 6:44 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3765. An act to extend through March 31,2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bill was referred, as indicated:

S. 1803. A bill to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Homeland Security and Governmental Affairs pursuant to section 3(b) of S. Res. 400, 94th Congress, as amended by S. Res. 445, 108th Congress, for a period not to exceed 10 days of session.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4476. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Non-Vessel-Operating Common Carrier Service Arrangement" (FMC Docket No. 05–05) received on October 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4477. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Knapps Narrows, Maryland" (RIN1625–AA09) received on October 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4478. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 2 regulations): [CGD05–05–122], [CGD13–05–037]" (RIN1625–AA00) received on October 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4479. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones: Port Valdez and Valdez Narrows, Valdez, AK" (RIN1625–AA87) received on October 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4480. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events (including 5 regulations): [CGD05–05–105], [CGD05–05–107], [CGD13–05–009], [CGD05–05–098], [CGD05–05–104]" (RIN1625–AA08) received on October 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4481. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations (including 5 regulations): [CGD01–05–029], [CGD01–05–020], [CGD01–05–061], [CGD09–05–081], [CGD09–05–080]" (RIN1625–AA09) received on October 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4482. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS)—Waiver of Fees" (RIN1010-AD27) received on October 31, 2005; to the Committee on Energy and Natural Resources.

EC-4483. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Regulations Implementing Energy Policy Act of 2005; Pre-Filing Procedures for Review of LNG Terminals and Other Natural Gas Facilities" (Docket No. RM05-31-000) received on October 31, 2005; to the Committee on Energy and Natural Resources.

EC-4484. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of a violation of the Antideficiency Act by the Department of the Air Force, case number 03-03, relative to the Ogden Air Logistics Center, Hill Air Force Base, Utah; to the Committee on Appropriations.

EC-4485. A communication from the Deputy General Counsel, Government Contracting/Business Development, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "The Very Small Business Program" (RIN3245-AF38) received on October 31, 2005; to the Committee on Small Business and Entrepreneurship.

EC-4486. A communication from the Deputy General Counsel, Office of HUBZone Empowerment Contracting, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "HUBZone, Government Contracting, 8(a) Business Development and Small Business Size Standard Programs" (RIN3245-AF21) received on October 31, 2005; to the Committee on Small Business and Entrepreneurship.

EC-4487. A communication from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on October 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-4488. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Immunology and Microbiology Devices; Classification of AFP–L3% Immunological Test Systems" (Docket No. 2005N-0341) received on October 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-4489. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Amendment of Final Monograph for Over-the-Counter Nasal Decongestant Drug Products" ((RIN0910–AF34) (Docket No. 2004N–0289)) received on October 21, 2005; to the Committee on Health, Education, Labor, and Pensions.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. LINCOLN:

S. 1942. A bill to suspend temporarily the duty on 1-Methoxy-2-propanol in solvent; to the Committee on Finance.

By Mrs. LINCOLN:

S. 1943. A bill to extend the temporary suspension of duty on 1,5-Naphthalenedisulfonic acid, 2-[[8-[[4 -[[3-[[[2-(ethenylsulfonyl) ethyl]amino]carbonyl]phenyl]amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-1-hydroxy-3, 6-disulfo-2-naphthalenyl]azo]-, tetrasodium salt; to the Committee on Finance.

By Mrs. LINCOLN:

S. 1944. A bill to extend the temporary suspension of duty on Cuprate(3-), [2-[[[3-[[4-[[2-[2-(ethenylsulfonyl)ethoxy]ethyl]amino]-6-fluoro-1 3,5-triazin-2-yl]amino]-2-(hydroxy-.kappa.O)-5-sulfophenyl]azo-.kappa.N2]phenylmethyl]azo-.kappa.N1]-4-sulfobenzoato(5-)-.kappa.O] trisodium; to the Committee on Finance.

By Mrs. LINCOLN:

S. 1945. A bill to extend the temporary suspension of duty on 2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[[2-[[4-fluoro-6-[[5-hydroxy-6-[(4-methoxy-2-sulfophenyl)azo]-7-sulfo-2-naphthalenyl]amino]-1,3, 5-triazin-2-yl]amino]-1-methylethyl]amino]-1,3, 5-triazin-2-yl]amino]-3-[[4-(ethenylsulfonyl)phenyl]azo]-4-hydrox`-, sodium salt; to the Committee on Finance.

By Mrs. LINCOLN:

S. 1946. A bill to extend the temporary suspension of duty on 7,7'-[1,3-propanediylbis[imino(6-fluoro-1,3,5-triazine-4, 2-diyl)imino[2-[(aminocarbonyl)amino]-4,1-phenylene]azo]]bis-, sodium salt; to the Committee on Finance.

By Mr. SUNUNU (for himself, Mr. DURBIN, Mr. VITTER, Mr. KERRY, and Mr. PRYOR):

S. 1947. A bill to amend chapter 21 of title 38, United States Code, to enhance adaptive housing assistance for disabled veterans; to the Committee on Veterans' Affairs.

By Mrs. CLINTON (for herself and Mr. SUNUNU):

S. 1948. A bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR (for himself and Mr. OBAMA):

S. 1949. A bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes; to the Committee on Foreign Relations.

By Mr. LUGAR:

S. 1950. A bill to promote global energy security through increased cooperation between the United States and India in diversifying sources of energy, stimulating development of alternative fuels, developing and deploying technologies that promote the clean and efficient use of coal, and improving energy efficiency; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 185

At the request of Mr. NELSON of Florida, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 633

At the request of Mr. JOHNSON, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 757

At the request of Mr. CHAFEE, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from Oregon (Mr. WYDEN), the Senator from Indiana (Mr. LUGAR), the Senator from South Carolina (Mr. GRAHAM) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 859

At the request of Mr. SANTORUM, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 859, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 1110

At the request of Mr. ALLEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1120

At the request of Mr. DURBIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1132

At the request of Mr. COLEMAN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1132, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1184

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1184, a bill to waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member.

S. 1285

At the request of Ms. STABENOW, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1285, a bill to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

S. 1286

At the request of Mr. KENNEDY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1286, a bill to require States to report data on medicaid beneficiaries who are employed.

S. 1315

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 1315, a bill to require a report on progress toward the Millennium Development Goals, and for other purposes.

S. 1417

At the request of Mr. CRAIG, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1417, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 1462

At the request of Mr. BROWNBACK, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1462, a bill to promote peace and accountability in Sudan, and for other purposes.

S. 1800

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1800, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit.

S. 1915

At the request of Mr. ENSIGN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1922

At the request of Mr. CONRAD, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1922, a bill to authorize appropriate action if negotiations with Japan to allow the resumption of United States beef exports are not successful, and for other purposes.

S. 1931

At the request of Mr. CONRAD, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1931, a bill to state the policy of the United States on the intercontinental ballistic missile force.

S. CON. RES. 55

At the request of Mr. CRAIG, the names of the Senator from Virginia (Mr. WARNER), the Senator from Vermont (Mr. LEAHY), the Senator from North Carolina (Mr. BURR), the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. Con. Res. 55, a concurrent resolution expressing the sense of the Congress regarding the conditions for the United States to become a signatory to any multilateral agreement on trade resulting from the World Trade Organization's Doha Development Agenda Round.

S. RES. 273

At the request of Mr. COLEMAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Res. 273, a resolution expressing the sense of the Senate that the United Nations and other international organizations shall not be allowed to exercise control over the Internet.

S. RES. 292

At the request of Mr. LAUTENBERG, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 292, a resolution calling on the President to condemn the anti-Israel sentiments expressed by the President of Iran, Mahmoud Ahmadinejad, on October 26, 2005.

S. RES. 293

At the request of Mr. MCCAIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Res. 293, a resolution calling for a free and fair presidential election in the Republic of Kazakhstan.

AMENDMENT NO. 762

At the request of Mr. NELSON of Florida, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 762 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1958

At the request of Mr. BAYH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 1958 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SUNUNU (for himself, Mr. DURBIN, Mr. VITTER, Mr. KERRY, and Mr. PRYOR):

S. 1947. A bill to amend chapter 21 of title 38, United States Code, to enhance adaptive housing assistance for disabled veterans; to the Committee on Veterans' Affairs.

Mr. SUNUNU. Mr. President, today I introduced the "Specially Adapted Housing Grants Act of 2005" to help all disabled veterans move home from medical facilities. The bill upgrades eligibility criteria for housing assistance grants to better reflect the needs of today's veteran community.

Before discussing the legislation's merits, I want to acknowledge my House colleague, Representative JOHN BOOZMAN of Arkansas, who serves as Chairman of the Veterans' Affairs Subcommittee on Economic Opportunity. Congressman BOOZMAN has demonstrated real leadership on this issue through his bill, the "Veterans Housing/Improvement Act of 2005. H.R. 3665. Section 101 of Congressman BOOZMAN's bill is almost identical to the measure that I have sponsored. The House Veterans Affairs' Committee recently approved his legislation, and the full House is expected to consider the bill in the near future. I am grateful to Congressman BOOZMAN for his considerable efforts to advance a measure that will help improve the lives of many disabled veterans, and I am happy to advance his efforts here in the Senate with this bill.

I appreciate the support of my Senate colleagues, Senators DURBIN, VITTER, KERRY and PRYOR, who have added their names as original cosponsors of the "Specially Adapted Housing

Grants Act of 2005." Their endorsement of this bill represents bipartisan agreement on Capitol Hill that Congress must constantly evaluate veterans programs to make certain that our Nation provides responsive support to veterans.

While representing New Hampshire in the House and Senate, I have worked to ensure that those who served in our armed services receive their hard-earned benefits quickly and in full. Too often, out-of-date and burdensome regulations deny qualified veterans from receiving the benefits to which they are entitled. Whenever possible, it is imperative that we remove red tape that does not take into account the realities faced by today's veterans.

Guided by these facts, I have introduced legislation to reform rules that determine requirements for a Department of Veterans Affairs (VA) grant program that helps many disabled veterans make their homes suitable for occupancy. Currently, a disabled veteran must at least partly own his or her residence to receive VA housing assistance grants to perform necessary residence modifications, such as installing wheelchair ramps or railings. However, many younger veterans returning from Iraq and Afghanistan have not yet had the opportunity to become homeowners. Being ineligible for VA help to modify their homes, these veterans and their families often are compelled to either shoulder the costs of retrofitting their residences or face extended stays in VA medical facilities.

My bill would establish a 5-year pilot program to allow severely disabled veterans who live temporarily with family to receive up to $10,000 in adaptive housing assistance; less severely disabled veterans could receive a maximum of $2,000. This grant money will help ensure that all disabled veterans—regardless of whether they own property—are able to leave hospitals and return home as quickly as possible.

Also, mindful that these individuals will likely purchase their own residence, the bill would allow disabled veterans to receive two additional Specially Adaptive Housing Grants to be used for homes that they own in the future. Severely disabled veterans could receive a total of $50,000 to modify residences; less severely disabled veterans would be eligible for a total of $10,000. Only one of the three total grants could be used for a temporary residence, such as a family-owned home.

America's veterans have made enormous sacrifices to protect our Nation and the ideals for which it stands. Our country owes a special obligation to those men and women who have become disabled as a result of their service. Under no circumstances should these American heroes be divided into groups of "haves" and "have nots."

This Nation can do no less than to ensure that all disabled veterans are returned to the normalcy of home life as quickly and comfortably as possible. The common sense changes put forth in the legislation I have introduced aim to do just that, and I look forward to working with my colleagues in the House and Senate to ensure that its provisions become law as soon as possible.

By Mrs. CLINTON (for herself and Mr. SUNUNU):

S. 1948. A bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. CLINTON. Mr. President, today I am introducing The Cameron Gulbransen Kids and Cars Safety Act of 2005 with my colleague Senator SUNUNU, a bill to improve the child safety features in new vehicles. This bill is named after a 2 year old Long Island boy who was killed when his father accidentally backed over him. Although this effort is too late to save little Cameron, it is named in his honor and aimed at preventing other families from suffering the same fate.

I also want to thank my friend and colleague, Congressman PETER KING for championing this issue in the House of Representatives.

While we hear a great deal about automobile accidents, we don't hear nearly as much about non-traffic automobile accidents, which can be just as tragic.

Since 1999, close to 975 children have died in non-traffic, non-crash incidents. This translates into a death almost every other day. The average age of victims in these cases is just 1 year old. And in 70 percent of backover cases, a parent, relative or close friend is behind the wheel.

As of October 15th of this year, there have been 317 non-traffic incidents resulting in ER treatment—tragically, 188 resulted in fatalities. New York State alone has suffered over 60 non-traffic incidents, 15 of them fatalities. These tragedies are heart-wrenching, not only due to the unimaginable suffering these families endure, but also because they are preventable.

The Cameron Gulbransen Kids and Cars Safety Act makes all passenger motor vehicles safer in three important ways. First, it requires a detection system to alert drivers to the presence of a child behind the vehicle. This system will prevent backing up incidents involving death and injury, especially to small children and the disabled. Second, it will ensure that power windows automatically reverse direction when they detect an obstruction—preventing children from being trapped, injured or killed when playing with power car windows. And finally, the bill will require the vehicle service break to be engaged in order to prevent vehicles from unintentionally rolling away.

Just as important, this bill will help parents by making them more aware of the dangers their vehicles pose to kids. Our legislation establishes a child safety information program to collect non-traffic, non-crash incident data and to disseminate vital information to parents about ways to mitigate the dangers cars pose.

This bill proves that with modest, cost-effective steps, we can prevent many tragic car-related accidents from occurring. The technology exists that can save children's lives at relatively low cost and new innovations are being developed all the time. Power window sensors, for example, cost only $8-12 a window. Brakeshift interlocks are already standard in most passenger vehicles, but where they aren't, they cost only $5 a car. Backover warning systems cost approximately $300 a car, but they are still far cheaper than the DVD systems that can run up to $2000 and stereo systems that go for up to $800—costs that are commonly absorbed into the cost of new cars. There is no reason that we are not using these new technologies to save lives.

This kind of modest regulatory response to a safety problem has many precedents. Back in 1956, in response to a slew of tragic child suffocations, Congress passed the Refrigerator Safety Act to ensure that refrigerators could be opened from the inside and no child could again be trapped inside. When 156 kids died from airbags, the Federal Government regulated a design change. The government even changed the design of garage doors after 56 children were killed by them.

This is a comparable situation—this inexpensive technology could save thousands of children's lives.

So, I am proud to be introducing the Cameron Gulbransen Kids and Cars Safety Act of 2005 today and I urge all my colleagues to join me in supporting this bill. Together, we can make cars and kids safer in this great country.

By Mr. LUGAR (for himself and Mr. OBAMA):

S. 1949. A bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, today I rise on behalf of myself and Senator OBAMA to introduce the Cooperative Proliferation Detection, Interdiction Assistance, and Conventional Threat Reduction Act of 2005.

This legislation aims to support the priority the Administration has placed on the detection and interdiction of weapons of mass destruction, their means of delivery and related materials, as well as dual-use items of proliferation concern. The legislation also contains important conventional weapons threat reduction measures that have previously been approved by the Foreign Relations Committee.

I ask unanimous consent that the text of the remarks Senator OBAMA and I made this morning at the Council on Foreign Relations regarding this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR OBAMA ON THE INTRODUCTION OF THE COOPERATIVE PROLIFERATION DETECTION, INTERDICTION, ASSISTANCE, AND CONVENTIONAL THREAT REDUCTION ACT

Mr. President, I rise today to join Senator Lugar in introducing the Cooperative Proliferation Detection, Interdiction Assistance, and Conventional Threat Reduction Act.

Earlier today, Senator Lugar and I appeared at the Council on Foreign Relations to discuss our recent trip to Russia, Ukraine, and Azerbaijan and talk about this new piece of legislation.

Now, few people understand these challenges better than the co-founder of the Cooperative Threat Reduction Program, Senator Lugar, and this is something that became particularly clear to me during one incident on the trip.

We were in Ukraine, visiting a pathogen laboratory in Kiev. This is a city of two and a half million, and in a non-descript building right in the middle of town stood this facility that once operated on the fringes of the Soviet biological weapons program.

We entered through no fences or discernible security, and once we did, we found ourselves in a building with open first-floor windows and padlocks that many of us would not use to secure our own luggage.

Our guide then brought us right up to what looked like a mini-refrigerator. Inside, staring right at us, were rows upon rows of test tubes. She picked them up, clanked them around, and we listened to the translator explain what she was saying. Some of the tubes, he said, were filled with anthrax. Others, the plague.

At this point I turned around and said "Hey, where's Lugar? Doesn't he want to see this?" I found him standing about fifteen feet away, all the way in the back of the room. He looked at me and said, "Been there, done that."

Of course, Senator Lugar has been there and he has done that, and thanks to the Cooperative Threat Reduction Programs he co-founded with Senator Sam Nunn, we've made amazing progress in finding, securing, and guarding some of the deadliest weapons that were left scattered throughout the former Soviet Union after the Cold War.

As we discussed with the Council on Foreign Relations, this is one story that shows our job is far from finished at a time when demand for these weapons has never been greater.

Right now, rogue states and despotic regimes are looking to begin or accelerate their own nuclear programs. And as we speak, members of Al Qaeda and other terrorists organizations are aggressively pursuing weapons of mass destruction, which they would use without hesitation.

We've heard the horror stories—attempts by rogue states to recruit former Soviet weapons scientists; terrorists shopping for weapons grade materials on the black market. Some weapons experts believe that terrorists are likely to find enough fissile material to build a bomb in the next ten years—and we can imagine with horror what the world will be like if they succeed.

Today, experts tell us that we're in a race against time to prevent this scenario from unfolding. And that is why the nuclear, chemical, and biological weapons within the borders of the former Soviet Union represent the greatest threat to the security of the United States—a threat we need to think seriously and intelligently about in the months to come.

Fortunately, the success of Cooperative Threat Reduction—especially in securing nuclear weapons—serves as a model of how we can do this. And so the question we need to be asking ourselves today is, what is the future of this program? With the situation in Russia and the rest of the former Soviet Union so drastically different than it was in 1991, or even in 1996 or 2001, what must we do to effectively confront this threat in the days and years to come?

The answers to these questions will require sustained involvement by the Executive Branch, Congress, non-governmental organizations, and the international community. Everyone has a role to play, and everyone must accelerate this involvement.

For my part, I would suggest three important elements that should be included in such a discussion.

First, the Nunn-Lugar program should be more engaged in containing proliferation threats from Soviet-supplied, civilian research reactors throughout Russia and the Independent States.

The Department of Energy and others have certainly made progress in converting civilian reactors to low-enriched uranium, taking back spent fuel, and closing unnecessary facilities.

Yet, a serious threat still remains. Many of these aging research facilities have the largest, least secure quantities of highly enriched uranium in the world—the quickest way to a nuclear weapon. For a scientist or other employee to simply walk out of the lab with enough material to construct a weapon of mass destruction is far too easy, and the consequences would be far too devastating. Not to mention the environmental and public health and safety catastrophe that could come from a failure to store and transport these materials safely and securely.

In a way that balances the needs of science and security, more needs to be done to bring these materials—as well as other sources that can be used to construct improvised nuclear weapons and radiological devices—under control and dramatically reduce the proliferation threat they pose.

In the years ahead, this should become an increasing priority for the Nunn-Lugar program, the Congress, and the Russians, who are already taking important steps to help implement these programs.

I want to turn to a second critical area: biological weapons threat reduction programs.

Throughout the Cold War, the Soviet Union was engaged in a massive undertaking in the field of germ warfare.

At its height in the late 1980' s, this program stockpiled of some of the most dangerous agents known to man—plague, smallpox, and anthrax—to name just a few. As one book says, "disease by the ton was its industry."

Besides the devastation they can cause to a civilian population, biological agents can also be effective in asymmetrical warfare against U.S. troops. While they are often difficult to use, they are easy to transport, hard to detect, and, as we saw in Kiev, not always well secured.

Here in Washington, we saw what happened when just two letters filled with just a few grams of Anthrax were sent to the U.S. Senate. Five postal employees were killed and the Senate office buildings were closed for months.

This was two letters.

Fortunately, however, we've made some good progress on this front. For years, Nunn-Lugar programs have been effectively upgrading security at sites in six countries across the former Soviet Union. And the Kiev story is heading in the right direction—while we were in Ukraine, Senator Lugar, through his tireless and personal intervention, was able to achieve a breakthrough with that government, bringing that facility and others under the Cooperative Threat Reduction program.

But because of the size, secrecy, and scope of the Soviet biological weapons program, we are still dangerously behind in dealing with this proliferation threat. We need to be sure that Nunn-Lugar is increasingly focused on these very real nonproliferation and bioterrorism threats.

One of the most important steps is for Russia to permit the access and transparency necessary to deal with the threat.

Additional steps should also be taken to consolidate and secure dangerous pathogen collections, strengthen bio-reconnaissance networks to provide early warning of bio-attack and natural disease outbreaks, and have our experts work together to develop improved medical countermeasures. As the Avian Influenza outbreak demonstrates, even the zealous Russian border guard is helpless against the global sweep of biological threats.

My third recommendation—which I'll just touch briefly on and let Senator Lugar talk about in more detail—is that we need to start thinking creatively about some of the next-generation efforts on nuclear, biological, and chemical weapons.

On our trip, we saw two areas where this is possible: elimination of heavy conventional weapons, and interdiction efforts to help stop the flow of dangerous materials across borders.

In Donetsk, I stood among piles of conventional weapons that were slowly being dismantled. While the government of Ukraine is making progress here, the limited funding they have means that at the current pace, it will take sixty years to dismantle these weapons. But we've all seen how it could take far less time for these weapons to leak out and travel around the world, fueling insurgencies and violent conflicts from Africa to Afghanistan. By destroying these inventories, this is one place we could be making more of a difference.

One final point. For any of these efforts that I've mentioned to work as we move forward, we must also think critically and strategically about Washington's relationship with Moscow.

Right now, there are forces within the former Soviet Union and elsewhere that want these non-proliferation programs to stop. Our detention for three hours in Perm is a testament to these forces. Additionally, in the last few years, we've seen some disturbing trends from Russia itself—the deterioration of democracy and the rule of law, the abuses that have taken place in Chechnya, Russian meddling in the former Soviet Union—that raise serious questions about our relationship.

But when we think about the threat that these weapons pose to our global security, we cannot allow the U.S.-Russian relationship to deteriorate to the point where Russia does not think it's in their best interest to help us finish the job we started. We must safeguard these dangerous weapons, material, and expertise.

One way we could strengthen this relationship is by thinking about the Russians as more of a partner and less of a subordinate in the Cooperative Threat Reduction effort.

This does not mean that we should ease up one bit on issues affecting our national security. Outstanding career officials who run the Nunn-Lugar program—people like Col. Jim Reid and Andy Weber who were with us at the Council this morning—will be there every step of the way to ensure that U.S. interests are protected.

Time and time again on the trip, I saw their skill and experience when negotiating with the Russians. I also saw their ability to ensure that shortcomings were addressed and programs were implemented correctly.

But thinking of the Russians more as partners does mean being more thoughtful, respectful, and consistent about what we say and what we do. It means that the Russians can and should do more to support these programs. And it means more sustained engagement, including more senior-level visits to Nunn-Lugar program sites.

It's important for senior officials to go and visit these sites, to check their progress and shortcomings; to see what's working and what's not. But lately we haven't seen many of these visits. We need to see more.

We also need to ensure that the Cooperative Threat Reduction umbrella agreement, due to expire in 2006, is renewed in a timely manner.

And we need to work together to obtain a bilateral agreement on biological threat reduction.

The Russians, however, must also realize that with greater partnership comes greater responsibility.

There is no doubt that there is a tough road ahead. It will be difficult. And it will be dangerous.

But, when I think about what is at stake I am reminded by a quote from the late President Kennedy given in a speech at American University in 1963 about threats posed by the Soviet Union.

"Let us not be blind to our differences—but let us also direct attention to our common interests and to the means by which those differences can be resolved . . . For in the final analysis, our most basic common link is that we all inhabit this small planet. We all breathe the same air. We all cherish our children's future. And we are all mortal."

Much of what President Kennedy described in 1963 remains true to this day—and we owe it to ourselves and our children to get it right.

I look forward to working with Senator Lugar on this legislation and, more broadly, on this issue for years to come.

Council on Foreign Relations, "New Directions for Cooperative Threat Reduction," Senator Richard G. Lugar, November 1, 2005

It is a pleasure to appear before the Council on Foreign Relations with my good friend Senator Barack Obama. As you have heard, we had an extremely successful trip in August. I appreciate his strong support for the Nunn-Lugar Program. In his first year in the Senate, he has committed himself to improving the U.S. response to the threat posed by weapons of mass destruction. We discussed existing programs and new opportunities extensively during our trip, and we are eager to share with you the first public mention of the joint legislative initiative that developed from our findings.

I was particularly pleased that Barack chose Nunn-Lugar as the subject of his first foreign travel as a Senator. This choice was not an accident or the result of a last-minute whim. During his Senate campaign, well over a year ago, he identified the threat posed by unsecured weapons of mass destruction as the greatest national security threat facing the United States. On the Foreign Relations Committee, he has followed these issues intensely, and he has been a steadfast voice of support for non-proliferation efforts.

Our trip in August was spent hiking through nuclear weapons storage sites, picking through piles of mortar rounds and landmines, touring missile elimination facilities, examining laboratories containing deadly pathogens, and—for three hours—being detained in the visitors lounge at a remote Russian airfield, near Perm.

Barack, I want to make sure you understand that your future congressional travels are unlikely to include so many glamorous tourist hotspots.

It's safe to assume that none of the reporters who have joined us today are from Frommer's or Lonely Planet.

I have had the opportunity to visit the former Soviet Union to tour Nunn- Lugar sites and facilities once or twice a year for the last 14 years. As Barack witnessed, these trips serve a greater purpose than our personal edification. They are designed to invigorate and endorse the work of a program that both of us see as vital to our national security. On many previous trips, weapons facilities were opened to Americans for the first time, including such notable facilities as the SevMash submarine base, birthplace of the Typhoon nuclear missile submarine. Political support for Nunn-Lugar activities can never be taken for granted. Not everyone in the former Soviet Union, and indeed, not everyone in our own country believes that these programs should be a priority. The Nunn-Lugar program and associated non-proliferation efforts have required constant stewardship and support from the Congress. In this context, I am enthused and encouraged by Senator Obama's commitment to adding his strong voice and creativity to the proliferation challenge.

Since its founding, Sam Nunn and I always have regarded Nunn-Lugar as more than a government program. We have seen it as a disarmament concept and non-proliferation tool worthy of adaptation and expansion. The Nunn-Lugar program and people like Jim Reid and Andy Weber, who manage its day to day operations, represent a tremendous national security asset that can be applied to situations well beyond the scope of the original Nunn-Lugar legislation. Indeed, the program's aims have been expanded from the focus on safeguarding and destroying strategic nuclear weapons to a much broader array of goals involving safely disposing of all types of nuclear, chemical, and biological weapons and materials, as well as employing former weapons scientists. In 2003, I offered the Nunn-Lugar Expansion Act, which was signed into law by President Bush. It allowed, for the first time, Nunn-Lugar funds to be used anywhere in the world, not just within the boundaries of the former Soviet Union. As I have advocated frequently, U.S. officials should be prepared to extend the Nunn-Lugar concept whenever opportunities present themselves. Some potential applications for the program North Korea, for example—seem remote today. But the same could have been said for the Soviet Union in the 1980s.

In this spirit, Senator Obama and I are introducing legislation, today, that will again extend the Nunn-Lugar concept to new areas of endeavor. Our bill is entitled the "Cooperative Proliferation Detection, and Interdiction Assistance and Conventional Threat Reduction Act."

As Barack described, our trip included an examination of conventional weapons stockpiles near Donetsk, Ukraine. We also visited Baku, Azerbaijan, where we observed the mock interdiction of a naval vessel playing the role of nuclear smuggler.

These visits and our subsequent joint research have convinced us that the United States can and should do more to eliminate conventional weapons stockpiles and assist other nations in detecting and interdicting weapons of mass destruction. We believe that these functions are underfunded, fragmented, and in need of high-level support.

The U.S. government's current response to threats from vulnerable conventional weapons stockpiles is dispersed between several programs at the Department of State. We believe that the planning, coordination, and implementation of this function should be consolidated into one office at the State Department with a budget that is commensurate with the threat posed by these weapons.

We are particularly concerned that our government has the capacity to deal quickly with vulnerable stockpiles of shoulder-fired anti-aircraft missiles, known as MANPADS. In recent years, concerns have grown that such weapons could be used by terrorists to attack commercial airliners, military installations, and government facilities here at home and abroad. Al Qaeda reportedly has attempted to acquire MANPADS on a number of occasions.

The Lugar-Obama bill recognizes that the proliferation of conventional weapons is a major obstacle to peace, reconstruction, and economic development in regions suffering from conflict and instability. It calls upon the State Department to implement a global effort to seek out and destroy surplus and unguarded stocks of conventional armaments and to cooperate with allies and international organizations when possible.

In Ukraine, we saw stacks of thousands of mortars, anti-personnel landmines, and other weapons, left over from the Soviet era. The scene there is similar to situations in other states of the former Soviet Union, Africa, Latin America, and Asia. I have also witnessed these threats firsthand in Albania and Georgia, where those governments have requested assistance in eliminating MANPADS, tactical missile systems, and millions of tons of ammunition and weapons.

In many cases, the security around these weapons is minimal—particularly when the weapons are no longer being used by a nation's military. But as we have seen in Iraq, even obsolete weaponry and explosives can be reconfigured with deadly results. If foreign governments know that the United States is poised to help them eliminate such weapons, they will be more likely to come forward with requests for help, as Albania and Georgia did.

Inevitably, some countries will decline our assistance, and their stockpiles will remain unsecured. But this is not a reason to fail to secure the stockpiles that are opened to us. Every stockpile represents a theft opportunity for terrorists and a temptation for security personnel who might seek to profit by selling weapons on the black market. The more stockpiles that can be safeguarded or eliminated, the safer we will be. We do not want the question posed the day after an attack on an American military base, embassy compound, or commercial plane why we didn't take these threats seriously.

Two years ago the Department of Energy combined several nonproliferation programs into the Global Threat Reduction Initiative (GTRI) charged with identifying, securing, and disposing of vulnerable nuclear materials and equipment around the world. We used GTRI as a blueprint for the organizational and programmatic structure needed in the conventional arms elimination arena. By merging activities in a single office at the State Department and making it the lead Federal agency in efforts to eliminate nonstrategic missile systems, MANPADS, and all small arms, we will raise the profile and value of this important work.

The second part of the Lugar-Obama legislation is focused on U.S. efforts to assist allies in detecting and interdicting weapons of mass destruction. The Nunn-Lugar Program is our country's first line of defense against the threat posed by weapons and materials of mass destruction. It attempts to secure weapons of mass destruction at their source. The Department of Homeland Security is our last line of defense, focused on detecting these threats inside U.S. borders and responding to attacks, if they occur. Our bill would bolster the second line of defense, namely, our ability to stop weapons of mass destruction that have been taken from the source, but have not yet reached the United States.

To strengthen the second line of defense, we believe that we must improve the capabilities of other nations. The United States military and intelligence services cannot be everywhere. We need the cooperation and vigilance of like-minded nations to detect and interdict WMD threats. The United States has constructed the Proliferation Security Initiative, which enlisted the participation of other nations in the interdiction of WMD. PSI is an excellent step forward in our communications with foreign governments on WMD interdiction. But what is lacking is a coordinated effort to improve the capabilities of our foreign partners so that they can play a larger detection and interdiction role.

The Lugar-Obama bill creates a single office dedicated to supporting the detection and interdiction of WMD. The State Department engages in several related anti-terrorism and export control assistance programs to foreign countries. But these programs are focused on other stages of the threat, not on the detection and interdiction of WMD cargo. Thus, we believe there is a gap in our defenses that needs to be filled.

The Lugar-Obama bill earmarks 25 percent of the Nonproliferation, Anti-terrorism, Demining, and Related Programs account to address the shortcomings in the State Department's response. This would have amounted to $110 million this year. Our bill goes one step further by calling on the State Department to also commit 25 percent of annual foreign military financing amounts to nations for the purchase of equipment to improve their ability to detect and interdict WMD. This would represent a potent but flexible tool that could help build a network of WMD detection and interdiction capabilities world wide.

Senator Obama and I give the State Department the flexibility to determine how these funds should be used. This is because a "one-size-fits-all" approach does not work with FMF funds. Some recipients of U.S. security assistance, such as Israel, already are capable of detecting and interdicting WMD. Other potential recipients are unable to utilize effectively such detection and interdiction assistance because they lack the basic military structures to employ it. We require the Administration to outline for Congress the rationale behind the decision not to invoke the 25 percent requirement clause. Through this reporting requirement, we are seeking to ensure that Congress remains an active participant in important decisions on foreign military financing.

I am confident that the ongoing reorganization of the arms control and non-proliferation bureaus, under the direction of Under Secretary Bob Joseph, provides us with an excellent opportunity to reshape, refocus and reinvigorate the State Department's non-proliferation mission. The Lugar-Obama legislation is intended to assist in the transformation of the Department's efforts.

The U.S. response to conventional weapons threats and the lack of focus on WMD detection and interdiction assistance must be rectified if we are to provide a full and complete defense for the American people. We look forward to working closely with the Administration on these proposals and will benefit from their recommendations on ways to perfect our legislation. The Lugar-Obama bill is a critical step forward in improving our ability to protect the United States and its citizens.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2347. Mr. GREGG (for Mr. FRIST (for himself and Mr. GREGG)) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

SA 2348. Mr. SCHUMER (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2349. Mr. SCHUMER (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2350. Mrs. MURRAY (for herself and Mr. DEWINE) submitted an amendment intended to be proposed by her to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2351. Mr. CONRAD (for himself, Mr. NELSON, of Florida, Mr. FEINGOLD, Mr. OBAMA, Mrs. FEINSTEIN, Mr. SALAZAR, and Mr. HARKIN) proposed an amendment to the bill S. 1932, supra.

SA 2352. Mr. ENZI (for himself, Mr. KENNEDY, Mr. ALEXANDER, Mr. DODD, Ms. LANDRIEU, Mr. COCHRAN, Mr. LOTT, and Mrs. HUTCHISON) proposed an amendment to the bill S. 1932, supra.

SA 2353. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2354. Mr. NELSON, of Florida (for himself, Ms. STABENOW, Mr. HARKIN, Mrs. CLINTON, Ms. MIKULSKI, Mrs. MURRAY, Mr. KOHL, and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2355. Mr. INHOFE (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1932, supra.

SA 2356. Mrs. LINCOLN (for herself, Ms. LANDRIEU, Mr. BAUCUS, Mr. PRYOR, and Mr. KENNEDY) proposed an amendment to the bill S. 1932, supra.

SA 2357. Mr. NELSON, of Florida (for himself, Mr. KERRY, Ms. CANTWELL, Mrs. MURRAY, Mr. REID, and Mr. KENNEDY) proposed an amendment to the bill S. 1932, supra.

TEXT OF AMENDMENTS

SA 2347. Mr. GREGG (for Mr. FRIST (for himself and Mr. GREGG)) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows;

At the appropriate place, insert the following:

SEC. ___. ASSISTANCE TO COMBAT INFLUENZA AND NEWLY EMERGING PANDEMICS.

(a) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated in title VII, there are appropriated $2,780,000,000 to enable the Secretary of Health and Human Services to carry out the activities described in subsection (c).

(b) ADDITIONAL AMOUNTS.—Out of any money in the Treasury of the United States not otherwise appropriated in title III, there are appropriated $1,174,000,000 to enable the Secretary of Health and Human Services to carry out the activities described in subsection (c).

(c) ACTIVITIES.—From amounts appropriated under subsections (a) and (b), the Secretary of Health and Human Services shall utilize—

(1) $577,000,000 to intensify surveillance of influenza and other newly emerging pandemics and outbreaks;

(2) $2,800,000,000 for the development and stockpiling of antivirals and vaccines for influenza and other newly emerging pandemics; and

(3) $577,000,000 to establish a seamless network of Federal, State, and local authorities for preparedness relating to influenza and other newly emerging pandemics.

SA 2348. Mr. SCHUMER (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows;

On page 125, strike lines 3 through 14.

SA 2349. Mr. SCHUMER (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows;

On page 125, strike lines 3 through 14 and insert the following:

(b) EXTENSION OF REBATES TO MEDICAID MANAGED CARE ORGANIZATIONS.—

(1) IN GENERAL.—Section 1903(m)(2)(A) (42 U.S.C. 1396b(m)(2)(A)) is amended—

(A) in clause (xi), by striking "and" at the end;

(B) in clause (xii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(xiii) such contract provides that payment for covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity shall be subject to the same rebate agreement entered into under section 1927 as the State is subject to.".

(2) Conforming Amendment.—Section 1927(j)(1) (42 U.S.C. 1396r-8(j)91)) is amended by inserting "other than for purposes of collection of rebates for the dispensing of such drugs in accordance with the provisions of a contract under section 1903(m) that meets the requirements of paragraph (2)(A)(xiii) of that section" before the period.

(3) Effective Date.—The amendments made by this subsection take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) on or after such date.

SA 2350. Mrs. MURRAY (for herself and Mr. DeWine) submitted an amendment intended to be proposed to that bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows;

On page 647, between lines 11 and 12, insert the following:

(3) in subsection (d)—

(A) in paragraph (2), by striking "is an orphan or ward of the court" and inserting "is an orphan, in foster care, or ward of the court or was in foster care";

(B) in paragraph (6), by striking "or" after the semicolon;

(C) by redesignating paragraph (7) as paragraph (8); and

(D) by inserting after paragraph (6) the following:

"(7) has been verified as both a homeless child or youth and an unaccompanied youth, as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a), during the school year in which the application for financial assistance is submitted, by—

"(A) a local educational agency liaison for homeless children and youths, as designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii));

"(B) a director of a homeless shelter, transitional shelter, or independent living program; or

"(C) a financial aid administrator; or".

SA 2351. Mr. CONRAD (for himself, Mr. Nelson of Florida, Mr. Feingold, Mr. Obama, Mrs. Feinstein, Mr. Salazar, and Mr. Harkin) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows;

At the end of title VI, insert the following:

SEC. . PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) Point of Order.—

(1) In General.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any 1 of the 3 applicable time periods as measured in paragraphs (5) and (6).

(2) Applicable Time Periods.—For purposes of this subsection, the term "applicable time period" means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) Direct-Spending Legislation.—For purposes of this subsection and except as provided in paragraph (4), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) Exclusion.—For purposes of this subsection, the terms "direct-spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) Baseline.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) Prior Surplus.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) Waiver.—This section may be waived or suspended in the Senate only by the affirmative vote of ⅗ of the Members, duly chosen and sworn.

(c) Appeals.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) Determination of Budget Levels.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) Sunset.—This section shall expire on September 30, 2010.

SA 2352. Mr. ENZI (for himself, Mr. Kennedy, Mr. Alexander, Mr. Dodd, Ms. Landrieu, Mr. Cochran, Mr. Lott, and Mrs. Hutchison) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows;

At the end of title VII, insert the following:

Subtitle D—Hurricane Relief

SEC. 7951. FINDINGS.

Congress finds the following:

(1) Hurricane Katrina has had a devastating and unprecedented impact on students who attended schools in the disaster areas.

(2) Due to the devastating effects of Hurricane Katrina, a significant number of students have enrolled in schools outside of the area in which they resided on August 22, 2005, including a significant number of students who enrolled in non-public schools because their parents chose to enroll them in such schools.

(3) 372,000 students were displaced by Hurricane Katrina. Approximately 700 schools have been damaged or destroyed. Nine States each have more than 1,000 of such displaced students enrolled in their schools. In Texas alone, over 45,000 displaced students have enrolled in schools.

(4) In response to these extraordinary conditions, this subtitle creates a one-time only emergency grant for the 2005–2006 school year tailored to the needs and particular circumstances of students displaced by Hurricane Katrina.

SEC. 7952. IMMEDIATE AID TO RESTART SCHOOL OPERATIONS.

(a) Purpose.—It is the purpose of this section—

(1) to provide immediate and direct assistance to local educational agencies in Louisiana, Mississippi, and Alabama that serve an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina;

(2) to assist school district administrators and personnel of such agencies who are working to restart operations in elementary schools and secondary schools served by such agencies; and

(3) to facilitate the re-opening of elementary schools and secondary schools served by such agencies and the re-enrollment of students in such schools as soon as possible.

(b) Payments and Grants Authorized.—From amounts appropriated to carry out this subtitle, the Secretary of Education is authorized to make payments, not later than November 30, 2005, to State educational agencies (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801 et seq.)) in Louisiana, Mississippi, and Alabama to enable such agencies to award grants to local educational agencies serving an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(c) Eligibility and Consideration.—In determining whether to award a grant under this section, or the amount of the grant, the State educational agency shall consider the following:

(1) The number of school-aged children served by the local educational agency in the academic year preceding the academic year for which the grant is awarded.

(2) The severity of the impact of Hurricane Katrina on the local educational agency and

the extent of the needs in each local educational agency in Louisiana, Mississippi, and Alabama that is in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(d) APPLICATIONS.—Each local educational agency desiring a grant under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require to ensure expedited and timely payment to the local educational agency.

(e) USES OF FUNDS.—

(1) IN GENERAL.—A local educational agency receiving a grant under this section shall use the grant funds for—

(A) recovery of student and personnel data, and other electronic information;

(B) replacement of school district information systems, including hardware and software;

(C) financial operations;

(D) reasonable transportation costs;

(E) rental of mobile educational units and leasing of neutral sites or spaces;

(F) initial replacement of instructional materials and equipment, including textbooks;

(G) redeveloping instructional plans, including curriculum development;

(H) initiating and maintaining education and support services; and

(I) such other activities related to the purpose of this section that are approved by the Secretary.

(2) USE WITH OTHER AVAILABLE FUNDS.—A local educational agency receiving a grant under this section may use the grant funds in coordination with other Federal, State, or local funds available for the activities described in paragraph (1).

(3) PROHIBITIONS.—Grant funds received under this section shall not be used for any of the following:

(A) Construction or major renovation of schools.

(B) Payments to school administrators or teachers who are not actively engaged in restarting or re-opening schools.

(f) SUPPLEMENT NOT SUPPLANT.—

(1) IN GENERAL.—Except as provided in paragraph (2), funds made available under this section shall be used to supplement, not supplant, any funds made available through the Federal Emergency Management Agency or through a State.

(2) EXCEPTION.—Paragraph (1) shall not prohibit the provision of Federal assistance under this section to an eligible educational agency that is or may be entitled to receive, from another source, benefits for the same purposes as under this section if—

(A) such agency has not received such other benefits by the time of application for Federal assistance under this section; and

(B) such agency agrees to repay all duplicative Federal assistance received to carry out the purposes of this section.

SEC. 7953. HOLD HARMLESS FOR LOCAL EDUCATIONAL AGENCIES SERVING MAJOR DISASTER AREAS.

In the case of a local educational agency that serves an area in which the President has declared that a major disaster exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina, the amount made available for such local educational agency under each of sections 1124, 1124A, 1125, and 1125A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333, 6334, 6335, and 6337) for fiscal year 2006 shall be not less than the amount made available for such local educational agency under each of such sections for fiscal year 2005.

SEC. 7954. TEACHER AND PARAPROFESSIONAL RECIPROCITY; DELAY.

(a) TEACHER AND PARAPROFESSIONAL RECIPROCITY.—

(1) TEACHERS.—

(A) AFFECTED TEACHER.—In this subsection, the term "affected teacher" means a teacher who is displaced due to Hurricane Katrina and relocates to a State that is different from the State in which such teacher resided on August 22, 2005.

(B) IN GENERAL.—A local educational agency may consider an affected teacher hired by such agency who is not highly qualified in the State in which such agency is located to be highly qualified, for purposes of section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) and section 612(a)(14) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)), for a period not to exceed 1 year, if such teacher was highly qualified, consistent with section 9101(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(23)) and section 602(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(10)), on or before August 22, 2005, in the State in which such teacher resided on August 22, 2005.

(2) PARAPROFESSIONAL.—

(A) AFFECTED PARAPROFESSIONAL.—In this subsection, the term "affected paraprofessional" means a paraprofessional who is displaced due to Hurricane Katrina and relocates to a State that is different from the State in which such paraprofessional resided on August 22, 2005.

(B) IN GENERAL.—A local educational agency may consider an affected paraprofessional hired by such agency who does not satisfy the requirements of section 1119(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(c)) in the State in which such agency is located to satisfy such requirements, for purposes of such section, for a period not to exceed 1 year, if such paraprofessional satisfied such requirements on or before August 22, 2005, in the State in which such paraprofessional resided on August 22, 2005.

(b) DELAY.—The Secretary of Education may delay, for a period not to exceed 1 year, applicability of the requirements of paragraphs (2) and (3) of section 1119(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)(2) and (3)) and section 612(a)(14)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)(C)) with respect to the States of Alabama, Louisiana, and Mississippi (and local educational agencies within the jurisdiction of such States), if any such State or local educational agency demonstrates that a failure to comply with such requirements is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of local educational agencies within the State.

SEC. 7955. ASSISTANCE FOR HOMELESS YOUTH.

(a) IN GENERAL.—The Secretary of Education shall provide assistance to local educational agencies serving homeless children and youths displaced by Hurricane Katrina, consistent with section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433), including identification, enrollment assistance, assessment and school placement assistance, transportation, coordination of school services, supplies, referrals for health, mental health, and other needs.

(b) EXCEPTION AND DISTRIBUTION OF FUNDS.—

(1) EXCEPTION.—For purposes of providing assistance under subsection (a), subsections (c) and (e)(1) of section 722 and subsections (b) and (c) of section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(c) and (e)(1), 11433(b) and (c)) shall not apply.

(2) DISBURSEMENT.—The Secretary of Education shall disburse funding provided under subsection (a) to State educational agencies based on demonstrated need, as determined by the Secretary, and such State educational agencies shall distribute funds, that are appropriated under section 7958 and available to carry out this section, to local educational agencies based on demonstrated need, for the purposes of carrying out section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433).

SEC. 7956. TEMPORARY EMERGENCY IMPACT AID FOR DISPLACED STUDENTS.

(a) TEMPORARY EMERGENCY IMPACT AID AUTHORIZED.—

(1) AID TO STATE EDUCATIONAL AGENCIES.—From amounts appropriated under this subtitle, the Secretary of Education shall provide emergency impact aid to State educational agencies to enable the State educational agencies to make emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools to enable—

(A) such eligible local educational agencies and schools to provide for the instruction of displaced students served by such agencies and schools; and

(B) such eligible local educational agencies to make immediate impact aid payments to accounts established on behalf of displaced students (referred to in this section as "accounts") who are attending eligible non-public schools located in the areas served by the eligible local educational agencies.

(2) AID TO LOCAL EDUCATIONAL AGENCIES AND BIA-FUNDED SCHOOLS.—A State educational agency shall make emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools in accordance with subsection (d).

(3) STATE EDUCATIONAL AGENCIES IN CERTAIN STATES.—In the case of the States of Louisiana and Mississippi, the State educational agency shall carry out the activities of eligible local educational agencies that are unable to carry out this section, including eligible local educational agencies in such States for which the State exercises the authorities normally exercised by such local educational agencies.

(b) DEFINITIONS.—In this section:

(1) DISPLACED STUDENT.—The term "displaced student" means a student who enrolled in a school (other than the school that the student was enrolled in, or was eligible to be enrolled in, on August 22, 2005) because such student resides or resided on August 22, 2005, in an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The term "eligible local educational agency" means a local educational agency that serves—

(A) an elementary school or secondary school (including a charter school) in which there is enrolled a displaced student; or

(B) an area in which there is located an eligible non-public school.

(3) ELIGIBLE NON-PUBLIC SCHOOL.—The term "eligible non-public school" means a non-public school that—

(A) is accredited or licensed or otherwise operates in accordance with State law;

(B) was in existence on August 22, 2005; and

(C) serves a displaced student on behalf of whom an application for an account has been made pursuant to subsection (c)(2)(A)(ii).

(4) ELIGIBLE BIA-FUNDED SCHOOL.—In this section, the term "eligible BIA-funded school" means a school funded by the Bureau of Indian Affairs in which there is enrolled a displaced student.

(c) APPLICATION.—

(1) STATE EDUCATIONAL AGENCY.—A State educational agency that desires to receive emergency impact aid under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary of Education may reasonably require, including—

(A) information on the total displaced student child count of the State provided by eligible local educational agencies in the State and eligible BIA-funded schools in the State under paragraph (2);

(B) a description of the process for the parent or guardian of a displaced student enrolled in a non-public school to indicate to the eligible local educational agency serving the area in which such school is located that the student is enrolled in such school;

(C) a description of the procedure to be used by an eligible local educational agency in such State to provide payments to accounts;

(D) a description of the process to be used by an eligible local educational agency in such State to obtain—

(i) attestations of attendance of eligible displaced students from eligible non-public schools, in order for the local educational agency to provide payments to accounts on behalf of eligible displaced students; and

(ii) attestations from eligible non-public schools that accounts are used only for the purposes described in subsection (e)(2)(A); and

(E) the criteria, including family income, used to determine the eligibility for and the amount of assistance under this section provided on behalf of a displaced student attending an eligible non-public school.

(2) LOCAL EDUCATIONAL AGENCIES AND BIA-FUNDED SCHOOLS.—An eligible local educational agency or eligible BIA-funded school that desires an emergency impact aid payment under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require, including documentation submitted quarterly for the 2005-2006 school year that indicates the following:

(A) In the case of an eligible local educational agency—

(i) the number of displaced students enrolled in the elementary schools and secondary schools (including charter schools and including the number of displaced students who are served under part B of the Individuals with Disabilities Education Act) served by such agency for such quarter; and

(ii) the number of displaced students for whom the eligible local educational agency expects to provide payments to accounts under subsection (e)(2) (including the number of displaced students who are served under part B of the Individuals with Disabilities Education Act) for such quarter who meet the following criteria:

(I) The displaced student enrolled in an eligible non-public school prior to the date of enactment of this Act.

(II) The parent or guardian of the displaced student chose to enroll the student in the eligible non-public school in which the student is enrolled.

(III) The parent or guardian of the displaced student submitted an application requesting that the agency make a payment to an account on behalf of the student.

(IV) The displaced student's tuition and fees (and transportation expenses, if any) for the 2005–2006 school year is waived or reimbursed (by the eligible non-public school) in an amount that is not less than the amount of emergency impact aid payment provided on behalf of such student under this section.

(B) In the case of an eligible BIA-funded school, the number of displaced students, including the number of displaced students who are served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), enrolled in such school for such quarter.

(3) DETERMINATION OF NUMBER OF DISPLACED STUDENTS.—In determining the number of displaced students for a quarter under paragraph (2), an eligible local educational agency or eligible BIA-funded school shall include in such number the number of displaced students served during such quarter prior to the date of enactment of this Act.

(d) AMOUNT OF EMERGENCY IMPACT AID.—

(1) AID TO STATE EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—The amount of emergency impact aid received by a State educational agency for the 2005–2006 school year shall equal the sum of—

(i) the product of the number of displaced students (who are not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)), as determined by the eligible local educational agencies and eligible BIA-funded schools in the State under subsection (c)(2), times $6,000; and

(ii) the product of the number of displaced students who are served under part B of the Individuals with Disabilities Education Act, as determined by the eligible local educational agencies and eligible BIA-funded schools in the State under subsection (c)(2), times $7,500.

(B) INSUFFICIENT FUNDS.—If the amount available under this section to provide emergency impact aid under this subsection is insufficient to pay the full amount that a State educational agency is eligible to receive under this section, the Secretary of Education shall ratably reduce the amount of such emergency impact aid.

(2) AID TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES AND ELIGIBLE BIA-FUNDED SCHOOLS.—

(A) QUARTERLY INSTALLMENTS.—

(i) IN GENERAL.—A State educational agency shall provide emergency impact aid payments under this section on a quarterly basis for the 2005-2006 school year by such dates as determined by the Secretary of Education. Such quarterly installment payments shall be based on the number of displaced students reported under subsection (c)(2) and in the amount determined under clause (ii).

(ii) PAYMENT AMOUNT.—Each quarterly installment payment under clause (i) shall equal 25 percent of the sum of—

(I) the number of displaced students (who are not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)) reported by the eligible local educational agency or eligible BIA-funded school for such quarter (as determined under subsection (c)(2)) times $6,000; and

(II) the number of displaced students who are served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) reported by the eligible local educational agency or eligible BIA-funded school for such quarter (as determined under subsection (c)(2)) times $7.500.

(iii) TIMELINE.—The Secretary of Education shall establish a timeline for quarterly reporting on the number of displaced students in order to make the appropriate disbursements in a timely manner.

(iv) INSUFFICIENT FUNDS.—If, for any quarter, the amount available under this section to make payments under this subsection is insufficient to pay the full amount that an eligible local educational agency or eligible BIA-funded school is eligible to receive under this section, the State educational agency shall ratably reduce the amount of such payments.

(B) MAXIMUM PAYMENT TO ACCOUNT.—In providing quarterly payments to an account for the 2005–2006 school year on behalf of a displaced student for each quarter that such student is enrolled in a non-public school in the area served by the agency under subsection (e)(2), an eligible local educational agency may provide not more than 4 quarterly payments to such account, and the aggregate amount of such payments shall not exceed the lesser of—

(i)(I) in the case of a displaced student who is not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), $6,000; or

(II) in the case of a displaced student who is served under part B of the Individuals with Disabilities Education Act, $7,500; or

(ii) the cost of tuition and fees (and transportation expenses, if any) at the non-public school for the 2005–2006 school year.

(e) USE OF FUNDS.—

(1) DISPLACED STUDENTS IN PUBLIC SCHOOLS.—An eligible local educational agency or eligible BIA-funded school receiving emergency impact aid payments under this section shall use the payments to provide instructional opportunities for displaced students who enroll in elementary schools and secondary schools (including charter schools) served by such agency or in such a school, and for other expenses incurred as a result of the agency or school serving displaced students, which uses may include—

(A) paying the compensation of personnel, including teacher aides, in schools enrolling displaced students;

(B) identifying and acquiring curricular material, including the costs of providing additional classroom supplies, and mobile educational units and leasing sites or spaces;

(C) basic instructional services for such students, including tutoring, mentoring, or academic counseling;

(D) reasonable transportation costs;

(E) health services (including counseling and mental health services); and

(F) education and support services.

(2) DISPLACED STUDENTS IN NON-PUBLIC SCHOOLS.—

(A) IN GENERAL.—An eligible local educational agency that receives emergency impact aid payments under this section and that serves an area in which there is located an eligible non-public school shall, at the request of the parent or guardian of a displaced student who meets the criteria described in subsection (c)(2)(A)(ii) and who enrolled in a non-public school in an area served by the agency, use such emergency impact aid payment to provide payment on a quarterly basis (but not to exceed the total amount specified in subsection (d)(2)(B) for the 2005-2006 school year) to an account on behalf of such displaced student, which payment shall be used to assist in paying for any of the following:

(i) Paying the compensation of personnel, including teacher aides, in the non-public school, which funds shall not be used for religious instruction, proselytization, or worship.

(ii) Identifying and acquiring curricular material, including the costs of providing additional classroom supplies (which shall be secular, neutral, and shall not have a religious component), and mobile educational units and leasing sites or spaces, which shall not be used for religious instruction, proselytization, or worship.

(iii) Basic instructional services, including tutoring, mentoring, or academic counseling, which services shall be secular and neutral and shall not be used for religious instruction, proselytization, or worship.

(iv) Reasonable transportation costs.

(v) Health services (including counseling and mental health services), which services shall be secular and neutral and shall not be used for religious instruction, proselytization, or worship.

(vi) Education and support services, which services shall be secular and neutral and shall not be used for religious instruction, proselytization, or worship.

(B) VERIFICATION OF ENROLLMENT.—Before providing a quarterly payment to an account under subparagraph (A), the eligible local educational agency shall verify with the parent or guardian of a displaced student that such displaced student is enrolled in the non-public school.

(3) PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES.—

(A) IN GENERAL.—In the case of a displaced student who is served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), any payment made on behalf of such student to an eligible local educational agency or any payment available in an account for such student, shall be used to pay the cost of providing the student with special education and related services consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) SPECIAL RULE.—

(i) RETENTION.—Notwithstanding any other provision of this section, if an eligible local educational agency provides services to a displaced student attending an eligible non-public school under section 612(a)(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(10)), the eligible local educational agency may retain a portion of the assistance received under this section for such student to pay the cost of providing such services.

(ii) DETERMINATION OF PORTION.—

(I) GUIDELINES.—Each State shall issue guidelines that specify the portion of the assistance that an eligible local educational agency in the State may retain under this subparagraph. Each State shall apply such guidelines in a consistent manner throughout the State.

(II) DETERMINATION OF PORTION.—The portion specified in the guidelines shall be based on customary costs of providing services under such section 612(a)(10) for the local educational agency.

(C) DEFINITIONS.—In this paragraph:

(i) SPECIAL EDUCATION; RELATED SERVICES.—The terms "special education" and "related services" have the meaning given such terms in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(ii) INDIVIDUALIZED EDUCATION PROGRAM.—The term "individualized education program" has the meaning given the term in section 614(d)(2) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(2)).

(f) RETURN OF AID.—

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY OR ELIGIBLE BIA-FUNDED SCHOOL.—An eligible local educational agency or eligible BIA-funded school that receives an emergency impact aid payment under this section shall return to the State educational agency any payment provided to the eligible local educational agency or school under this section that the eligible local educational agency or school has not obligated by the end of the 2005–2006 school year in accordance with this section.

(2) STATE EDUCATIONAL AGENCY.—A State educational agency that receives emergency impact aid under this section, shall return to the Secretary of Education—

(A) any aid provided to the agency under this section that the agency has not obligated by the end of the 2005-2006 school year in accordance with this section; and

(B) any payment funds returned to the State educational agency under paragraph (1).

(g) LIMITATION ON USE OF AID AND PAYMENTS.—Aid and payments provided under this section shall only be used for expenses incurred during the 2005–2006 school year.

(h) ADMINISTRATIVE EXPENSES.—A State educational agency that receives emergency impact aid under this section may use not more than 1 percent of such aid for administrative expenses. An eligible local educational agency or eligible BIA-funded school that receives emergency impact aid payments under this section may use not more than 2 percent of such payments for administrative expenses.

(i) SPECIAL FUNDING RULE.—In calculating funding under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) for an eligible local educational agency that receives an emergency impact aid payment under this section, the Secretary of Education shall not count displaced students served by such agency for whom an emergency impact aid payment is received under this section, nor shall such students be counted for the purpose of calculating the total number of children in average daily attendance at the schools served by such agency as provided in section 8003(b)(3)(B)(i) of such Act (20 U.S.C. 7703(b)(3)(B)(i)).

(j) NOTICE OF OPTION OF PUBLIC SCHOOL OR NON-PUBLIC SCHOOL ENROLLMENT.—Each State receiving emergency impact aid under this section shall provide, to the parent or guardian of each displaced student for whom a payment is made under this section to an account who resides in such State, notification that such parent or guardian has the option of enrolling such student in a public school or a non-public school.

(k) BY-PASS.—If a State educational agency or eligible local educational agency is unable to carry out this section, the Secretary of Education may make such arrangements with the State as the Secretary determines appropriate to carry out this section on behalf of displaced students attending an eligible non-public school in the area served by such agency. For a State in which State law prohibits the State from using Federal funds to directly provide services on behalf of students attending non-public schools and provides that another entity shall provide such services, the Secretary of Education shall make such arrangements with that entity.

(l) NONDISCRIMINATION.—

(1) IN GENERAL.—A school that enrolls a displaced student under this section shall not discriminate against students on the basis of race, color, national origin, religion, disability, or sex.

(2) APPLICABILITY AND SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—

(A) IN GENERAL.—To the extent consistent with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the prohibition of sex discrimination in paragraph (1) shall not apply to a non-public school that is controlled by a religious organization if the application of paragraph (1) would not be consistent with the religious tenets of such organization.

(B) SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—Notwithstanding paragraph (1) and to the extent consistent with title IX of the Education Amendments of 1972, a parent or guardian may choose and a non-public school may offer a single sex school, class, or activity.

(C) ENROLLMENT.—The prohibition of religious discrimination in paragraph (1) shall not apply with regard to enrollment for a non-public school that is controlled by a religious organization, except in the case of the enrollment of displaced students assisted under this section.

(3) GENERAL PROVISION.—Nothing in this section may be construed to alter or modify the provisions of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(4) OPT-IN.—A displaced student assisted under this section who is enrolled in a non-public school shall not participate in religious worship or religious classes at such school unless such student's parent or guardian chooses to opt-in such student for such religious worship or religious classes.

(5) RULE OF CONSTRUCTION.—The amount of any payment (or other form of support provided on behalf of a displaced student) under this section shall not be treated as income of a parent or guardian of the student for purposes of Federal tax laws or for determining eligibility for any other Federal program.

(m) TREATMENT OF STATE AID.—A State shall not take into consideration emergency impact aid payments received under this section by a local educational agency in the State in determining the eligibility of such local educational agency for State aid, or the amount of State aid, with respect to free public education of children.

SEC. 7957. ORIGINATION FEES FOR STUDENT LOANS.

(a) SPECIAL ALLOWANCES.—Notwithstanding section 438(c)(2) of the Higher Education Act of 1965 (as amended by this Act) (20 U.S.C. 1087-1(c)(2)), subparagraph (A) of section 438(c)(2) of such Act shall be applied by substituting "2.0 percent" for "3.0 percent" with respect to loans for which the first disbursement of principal is made on or after July 1, 2007.

(b) ORIGINATION FEES FOR FEDERAL DIRECT LOANS..—Notwithstanding subsection (c) of section 455 of the Higher Education Act of 1965 (as amended by this Act) (20 U.S.C. 1087e(c)), the first sentence of such subsection shall be applied by substituting "1.0 percent" for "not less than 1 percent and not more than 3 percent" with respect to loans for which the first disbursement of principal is made on or after July 1, 2007.

(c) REPEAL OF ORIGINATION FEES.—

(1) Amendments.—Sections 438(c) and 455(c) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(c), 1087e(c)) are repealed.

(2) Effective date.—The amendments made by paragraph (1) shall take effect on July 1, 2011.

(d) Nonapplicability of Sunset Provision.—Section 7959 shall not apply to this section or to the amendments made by this section.

SEC. 7958. AUTHORIZATION AND APPROPRIATION OF FUNDS.

There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, $1,660,000,000 to carry out this subtitle, of which—

(1) $450,000,000 shall be available to carry out section 7952;

(2) $10,000,000 shall be available to carry out section 7955; and

(3) $1,200,000,000 shall be available to carry out section 7956.

SEC. 7959. SUNSET PROVISION.

Except as otherwise provided in this subtitle, the provisions of this subtitle shall be effective for the period beginning on the date of enactment of this Act and ending on August 1, 2006.

SA 2353. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 391, between lines 2 and 3, insert the following:

(c) Prospective Termination of 9.5 Percent Minimum Special Allowance Payment.—Section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(B)) is amended by adding at the end the following:

"(vi) Notwithstanding clauses (i), (ii), and (v), the quarterly rate of the special allowance shall be the rate determined under subparagraph (A), (E), (F), (G), (H), or (I), as the case may be, for a holder of loans—

"(I) that were made or purchased on or after the date of enactment of this clause; or

"(II) that were not earning a quarterly rate of special allowance determined under clause (i) or (ii) as of the date of enactment of this clause.".

SA 2354. Mr. NELSON of Florida (for himself, Mrs. Stabenow, Mr. Harkin, Mrs. Clinton, Ms. Mikulski, Mrs. Murray, Mr. Kohl, and Mr. Dorgan) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 368, between line 5 and 6, insert the following:

SEC. 6116. PROTECTION FOR MEDICARE BENEFICIARIES WHO ENROLL IN THE PRESCRIPTION DRUG BENEFIT DURING 2006.

(a) In General.—Section 1851(e)(3)(B) (42 U.S.C. 1395w–21(e)(3)(B)) is amended—

(1) in clause (iii), by striking "May 15, 2006" and inserting "December 31, 2006"; and

(2) by adding at the end the following new sentence:

"An individual making an election during the period beginning on November 15, 2006, and ending on December 15, 2006, shall specify whether the election is to be effective with respect to 2006 or with respect to 2007 (or both).".

(b) Extending Open Enrollment Period for 2006.—

(1) In general.—Section 1851(e) (42 U.S.C. 1395w–21(e)) is amended—

(A) in paragraph (2)(B)—

(i) in the heading, by striking "**FOR FIRST 6 MONTHS**";

(ii) in clause (i)—

(I) by striking "the first 6 months of 2006" and inserting "2006"; and

(II) by striking "the first 6 months during 2006" and inserting "2006";

(iii) in clause (ii), by inserting "(other than during 2006)" after "paragraph (3)"; and

(iv) in clause (iii), by striking "2006" and inserting "2007"; and

(B) in paragraph (4), by striking "2006" and inserting "2007" each place it appears.

(2) Conforming amendment.—Section 1860D–1(b)(1)(B)(iii) (42 U.S.C. 1395w–101(b)(1)(B)(iii)) is amended by striking "subparagraphs (B) and (C) of paragraph (2)" and inserting "paragraph (2)(C)".

(c) Effective Date.—The amendments made by this section shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

SA 2355. Mr. INHOFE (for himself and Mr. Chambliss) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

"Beginning with fiscal year 2007 and thereafter, all non-defense, non-trust-fund, discretionary spending shall not exceed the previous fiscal year's levels, for purposes of the congressional budget process (Section 302 et al of the Congressional Budget Act of 1974), without a ⅔ vote of Members duly chosen and sworn."

SA 2356. Mrs. LINCOLN (for herself, Mrs. Landrieu, Mr. Baucus, Mr. Pryor, and Mr. Kennedy) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows;

At the end of subtitle A of title VI, add the following:

CHAPTER 7—EMERGENCY HEALTH CARE AND OTHER RELIEF FOR SURVIVORS OF HURRICANE KATRINA

Subchapter A—Emergency Health Care Relief

SEC. 6081. DEFINITIONS.

In this subchapter:

(1) Direct impact parish or county.—

(A) In general.—The term "direct impact parish or county" means a parish in the State of Louisiana, or a county in the State of Mississippi or Alabama, for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina and which the President has determined, before September 14, 2005, warrants individual and public assistance from the Federal Government under such Act.

(B) Exclusion.—Such term does not include a parish in the State of Louisiana or a county in the State of Mississippi or Alabama which the President has determined warrants only public assistance from the Federal Government under such Act as a result of Hurricane Katrina.

(C) Authority to rely on web site posted designations.—The Secretary of Health and Human Services shall post on the Internet Web site for the Centers for Medicare & Medicaid Services a list of parishes and counties identified as direct impact parishes or counties in accordance with this paragraph. Any such parish or county that is posted on such Web site as a direct impact parish or county shall be treated for purposes of subparagraph (A) as described in such subparagraph.

(2) DRM assistance.—The term "DRM assistance" means the short-term, non-cash, temporary, in-kind, emergency disaster relief health program established under section 6082 to assist Katrina Survivors in accordance with that section.

(3) DRM coverage period.—

(A) In general.—The term "DRM coverage period" means the period beginning on August 28, 2005, and, subject to subparagraph (B), ending on the date that is 5 months after the date of enactment of this Act.

(B) Authority to extend DRM coverage period.—

(i) In general.—The Secretary may extend the DRM coverage period for an additional 5 months. Any reference to the term "DRM coverage period" in this subchapter shall include any extension under this clause.

(ii) Notice to Congress and States.—The Secretary shall notify the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Chairs and Ranking Members of the Committee on Finance of the Senate and the Committees on Energy and Commerce and Ways and Means of the House of Representatives, and the States at least 45 days prior to—

(I) extending the DRM coverage period; or

(II) if the Secretary determines not to extend such period, the ending date described in subparagraph (A).

(4) Katrina survivor.—

(A) In general.—The term "Katrina Survivor" means an individual who is described in subparagraph (B) or (C).

(B) Residents and evacuees of direct impact parishes and counties.—An individual who, on any day during the week preceding August 28, 2005, had a primary residence in a direct impact parish or county.

(C) Individuals who lost employment.—An individual whose—

(i) worksite, on any day during the week preceding August 28, 2005, was located in a direct impact parish or county; and

(ii) employment with an employer which conducted an active trade or business on August 28, 2005, in a direct impact parish or county and with respect to whom such trade or business is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained in connection with Hurricane Katrina, is terminated.

(D) Treatment of current Medicaid beneficiaries.—Nothing in this subchapter shall be construed as preventing an individual who is otherwise entitled to medical assistance under title XIX of the Social Security Act from being treated as a Katrina Survivor under this subchapter.

(E) Treatment of homeless persons.—For purposes of this subchapter, in the case of an individual who was homeless on any day during the week described in subparagraph (B), the individual's "residence" shall be deemed to be the place of residence as otherwise determined for such an individual under title XIX of the Social Security Act.

(5) POVERTY LINE.—The term "poverty line" has the meaning given that term in section 2110(c)(5) of the Social Security Act (42 U.S.C. 1397jj(c)(5)).

(6) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(7) STATE.—The term "State" has the meaning given that term for purposes of title XIX of the Social Security Act (42 U.S.C 1396 et seq.).

(8) STATE MEDICAID PLAN.—The term "State Medicaid plan" means a State plan for medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), including any medical assistance provided under a waiver of such plan.

SEC. 6082. DISASTER RELIEF MEDICAID.

(a) AUTHORITY TO PROVIDE DISASTER RELIEF MEDICAID.—

(1) IN GENERAL.—Notwithstanding any provision of title XIX of the Social Security Act, a State shall, as a condition of participation in the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), provide medical assistance to DRM-eligible Katrina Survivors (as defined in subsection (b)) under a State Medicaid plan during the DRM coverage period in accordance with the following provisions of this section.

(2) AUTHORITY TO PROVIDE DRM ASSISTANCE AS SEPARATE COMPONENT OF REGULAR STATE MEDICAID PLAN OR UNDER SUCH PLAN.—

(A) IN GENERAL.—A State may provide DRM assistance without submitting an amendment to the State Medicaid plan and as a separate component of the State Medicaid plan or, subject to subparagraph (B), under such plan.

(B) CONDITIONS FOR PROVISION OF DRM ASSISTANCE UNDER REGULAR STATE MEDICAID PLAN.—A State may only provide DRM assistance under the State Medicaid plan if the State provides such assistance in accordance with the requirements of this section and the State is able to separately identify and report expenditures or other information attributable to the provision of such assistance.

(b) DRM-ELIGIBLE KATRINA SURVIVOR DEFINED.—

(1) IN GENERAL.—In this section, the term "DRM-eligible Katrina Survivor" means a Katrina Survivor whose family income does not exceed the higher of—

(A) 100 percent (200 percent, in the case of such a Survivor who is a pregnant woman or child) of the poverty line; or

(B) the income eligibility standard which would apply to the Survivor under the State Medicaid plan.

(2) SPECIAL RULE FOR KATRINA SURVIVORS WHO ARE RECIPIENTS OF DISABILITY INSURANCE BENEFITS.—In the case of a Katrina Survivor who is a recipient of disability insurance benefits under section 202 or 223 of the Social Security Act (42 U.S.C. 402, 423), paragraph (1) shall be applied to such Survivor by substituting "300 percent of the supplemental security income benefit rate established by section 1611(b)(1) of the Social Security Act (42 U.S.C. 1382(b)(1))" for subparagraph (A) of such paragraph.

(3) NO RESOURCES, RESIDENCY, OR CATEGORICAL ELIGIBILITY REQUIREMENTS.—Eligibility under paragraph (1) shall be determined without application of any resources test, State residency, or categorical eligibility requirements.

(4) INCOME DETERMINATION.—

(A) LEAST RESTRICTIVE INCOME METHODOLOGIES; PROSPECTIVE DETERMINATION.—The State shall use the least restrictive methodologies applied under the State Medicaid plan under section 1902(r)(2) of the Social Security Act (42 U.S.C. 1396a(r)(2)) in determining income eligibility for Katrina Survivors under paragraph (1) and shall determine family income for such Survivors only prospectively from the date of application.

(B) DISREGARD OF UI COMPENSATION AND DISASTER RELIEF ASSISTANCE.—In determining such income eligibility, the State shall disregard—

(i) any amount received under a law of the United States or of a State which is in the nature of unemployment compensation by a Katrina Survivor during the DRM coverage period, including unemployment assistance provided under section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177); and

(ii) any assistance provided (in cash or in kind) to a Katrina Survivor from any public or private entity as a result of Hurricane Katrina.

(5) DEFINITION OF CHILD.—For purposes of paragraph (1), a DRM-eligible Katrina Survivor shall be determined to be a "child" if such Survivor meets the definition of "child" under the State Medicaid plan.

(6) CERTAIN INDIVIDUALS DEEMED TO BE DRM-ELIGIBLE KATRINA SURVIVORS.—

(A) IN GENERAL.—Upon submission of an application from an individual attesting that the individual is an individual described in any of the categories described in subparagraph (B), or, if an individual is an individual described in subparagraph (C), the State shall deem the individual to be a DRM-eligible Katrina Survivor for purposes of eligibility for DRM assistance during the DRM coverage period.

(B) CATEGORIES DESCRIBED.—For purposes of subparagraph (A), the categories described in this subparagraph are the following:

(i) KATRINA SURVIVORS ENROLLED IN A STATE MEDICAID PLAN AS OF THE BEGINNING OF THE DRM COVERAGE PERIOD.—Any Katrina Survivor who can provide proof of enrollment in a State Medicaid plan as of August 28, 2005.

(ii) KATRINA SURVIVORS WHO ARE RECIPIENTS OF UNEMPLOYMENT COMPENSATION.—Any Katrina Survivor who, during the DRM coverage period, is a recipient of an amount paid under a law of the United States or of a State which is in the nature of unemployment compensation, including unemployment assistance provided under section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177).

(iii) KATRINA SURVIVORS ENROLLED IN DRM ASSISTANCE IN ANOTHER STATE.—Any Katrina Survivor determined by another State to be a DRM-eligible Katrina Survivor who was enrolled in DRM assistance in that State and who relocates to the State during the DRM coverage period.

(C) KATRINA SURVIVORS PROVIDED MEDICAL ASSISTANCE PRIOR TO DATE OF ENACTMENT.—

(i) IN GENERAL.—An individual described in this subparagraph is any Katrina Survivor who is provided medical assistance under a State Medicaid plan in accordance with guidance from the Secretary during the period that begins on August 28, 2005, and ends on the date of enactment of this Act.

(ii) NONAPPLICATION TO CHILD HEALTH ASSISTANCE.—In the case of an individual who is a Katrina Survivor who is provided child health assistance under a State child health plan in accordance with guidance from the Secretary during the period described in clause (i), such individual shall not be deemed to be a DRM-eligible Katrina Survivor for purposes of receiving DRM assistance under this section. Nothing in the preceding sentence shall be construed as prohibiting such an individual from submitting an application for DRM assistance.

(c) ELIGIBILITY DETERMINATION; NO CONTINUATION OF DRM ASSISTANCE.—

(1) STREAMLINED ELIGIBILITY PROCESS.—The State shall use the following streamlined procedures in processing applications and determining eligibility for DRM assistance for DRM-eligible Katrina Survivors and eligibility for the payment of private health insurance premiums under section 107(b)(2)(A):

(A) ONE-PAGE APPLICATION.—A common 1-page application form developed by the Secretary of Health and Human Services in consultation with the National Association of State Medicaid Directors. Such form shall—

(i) require an applicant to provide an expected address for the duration of the DRM coverage period and to agree to update that information if it changes during such period;

(ii) include notice regarding the penalties for making a fraudulent application under subsection (h);

(iii) require the applicant to assign to the State any rights of the applicant (or any other person who is a DRM-eligible Katrina Survivor and on whose behalf the applicant has the legal authority to execute an assignment of such rights) under any group health plan or other third-party coverage for health care;

(iv) require the applicant to—

(I) list any health insurance coverage which the applicant was enrolled in immediately prior to submitting such application; and

(II) indicate whether the applicant would rather receive DRM assistance from a State in accordance with this section or, if private health insurance is available, assistance in paying the premiums for such health insurance under section 6088(b)(2)(A); and

(v) be translated by the Secretary into languages other than English, and in cultural contexts, that are most appropriate for the applicants expected to submit such forms.

(B) SELF-ATTESTATION.—Self-attestation by the applicant that the applicant—

(i) is a DRM-eligible Katrina Survivor; and

(ii) if applicable, requires home and community-based services provided under such DRM assistance in accordance with subsection (d)(3).

(C) NO DOCUMENTATION.—The State shall not require documentation evidencing the basis on which the applicant qualifies to be a DRM-eligible Katrina Survivor or, if applicable, requires home and community-based services.

(D) ISSUANCE OF ELIGIBILITY CARD.—

(i) IN GENERAL.—Subject to clause (iii), the State shall, immediately upon submission of a complete application (including the self-attestation required under subparagraph (B)) by an applicant, issue a DRM assistance eligibility card to the applicant.

(ii) VALIDITY; NOTICE OF TERMINATION DATE.—A DRM assistance eligibility card shall be valid as long as the DRM coverage period is in effect and shall be accompanied by notice of the termination date for the DRM coverage period and, if applicable, notice that such termination date may be extended. If the Secretary extends the DRM coverage period, the State shall notify DRM-eligible Katrina Survivors enrolled in DRM assistance of the new termination date for the DRM coverage period.

(iii) APPLICATION TO STATES THAT ELECT TO PROVIDE DRM ASSISTANCE UNDER THE REGULAR

STATE MEDICAID PLAN.—In the case of a State that elects under subsection (a)(2) to provide DRM assistance under the State Medicaid plan, the State may issue to an applicant who submits a complete application an eligibility card that is similar to the cards issued by the State to enrollees in the State medicaid plan, but only if the State is able to adapt the card in a manner which clearly identifies that the applicant is eligible for DRM assistance and provides notice of the termination date for the DRM coverage period (and the new termination date applicable if the Secretary extends such coverage period).

(E) APPLICATION FOR MEDICAL ASSISTANCE UNDER REGULAR STATE MEDICAID PLAN.—Concurrent with the issuance of an eligibility card under subparagraph (D), the State shall provide the applicant with an application for medical assistance under the State Medicaid plan.

(F) PRESUMPTIVE ELIGIBILITY.—

(i) STATES THAT PROVIDE FOR PRESUMPTIVE ELIGIBILITY UNDER THE REGULAR STATE MEDICAID PLAN.—In the case of a State that, as of the date of enactment of this Act, provides for a period of presumptive eligibility under the State Medicaid plan in accordance with section 1920, 1920A, or 1920B of the Social Security Act (42 U.S.C. 1396r-1, 1396r-1a, 1396r-1b), the State shall deem an applicant to be a DRM-eligible Katrina Survivor eligible for DRM assistance in accordance with this section, subject to subsection (g), if the applicant completes an application for such assistance, presents it to a provider or facility participating in the State Medicaid plan that is qualified to make presumptive eligibility determinations under such plan (which at a minimum shall consist of facilities identified in section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)), and it appears to the provider or facility that the applicant is a DRM-eligible Katrina Survivor based on the information in the application.

(ii) APPLICATION TO STATES THAT DO NOT PROVIDE PRESUMPTIVE ELIGIBILITY UNDER THE REGULAR STATE MEDICAID PLAN.—In the case of a State which does not provide for a period of presumptive eligibility under the State medicaid plan, the State may elect to provide for a period of presumptive eligibility for DRM assistance by designating qualified providers (as defined in section 1920(b)(2) of such Act (42 U.S.C. 1396r-1(b)(2)) as providers that are specifically designated by the State to make presumptive determinations in accordance with clause (i) with respect to eligibility for such assistance, but only if—

(I) the State elects to provide for a period of presumptive eligibility for such assistance for all Katrina Survivors who may be DRM-eligible Katrina Survivors in accordance with subsection (b); and

(II) the qualified providers designated by the State to make determinations of presumptive eligibility for such assistance, at a minimum, consistent of facilities identified in section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) that are qualified providers under section 1920(b)(2) of such Act.

(G) CONTINUOUS ELIGIBILITY.—Continuous eligibility, without the need for any redetermination of eligibility, for the duration of the DRM coverage period.

(2) NO CONTINUATION OF DRM ASSISTANCE.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no DRM assistance shall be provided after the end of the DRM coverage period.

(B) PRESUMPTIVE ELIGIBILITY FOR MEDICAL ASSISTANCE UNDER REGULAR MEDICAID PLAN.—

(i) IN GENERAL.—If a State, as of the date of enactment of this Act, provides for a period of presumptive eligibility for medical assistance under the State Medicaid plan in accordance with section 1920, 1920A, or 1920B of the Social Security Act (42 U.S.C. 1396r-1, 1396r-1a, 1396r-1b), the State shall provide a DRM-eligible Katrina Survivor who is receiving DRM assistance from the State in accordance with this section and who, as of the end of the DRM coverage period, is an individual for whom a period of presumptive eligibility would be provided under the State Medicaid plan, with presumptive eligibility for medical assistance under the State Medicaid plan.

(ii) STATE OPTION TO PROVIDE PRESUMPTIVE ELIGIBILITY.—If a State is a State to which clause (i) does not apply, the State may elect to provide for a period of presumptive eligibility for medical assistance under the State Medicaid plan for a DRM-eligible Katrina Survivor who is receiving DRM assistance from the State in accordance with this section and who, as of the end of the DRM coverage period, is an individual for whom a period of presumptive eligibility would be provided under the State Medicaid plan in accordance with section 1920, 1920A, or 1920B of such Act, if the State were to provide such a period of presumptive eligibility under the State Medicaid plan:

(iii) STATE OPTION FOR ALL STATES TO PROVIDE PRESUMPTIVE ELIGIBILITY TO OTHER POPULATIONS OF DRM-ELIGIBLE KATRINA SURVIVORS.—In addition to the populations of DRM-eligible Katrina Survivors described in clauses (i) and (ii), a State to which clause (i) or (ii) applies, may elect to provide for a period of presumptive eligibility for medical assistance under the State Medicaid plan for other DRM-eligible Katrina Survivors who are receiving DRM assistance from the State in accordance with this section as of the end of the DRM coverage period.

(iv) LENGTH OF PERIOD.—A presumptive eligibility period provided in accordance with clause (i), (ii), or (iii) shall be provided until the earlier of—

(I) the date on which a determination with respect to the Survivor's application for medical assistance under the State Medicaid plan is made; or

(II) the end of the 60-day period that begins on the first day after the end of the DRM coverage period.

(C) PREGNANT WOMEN.—In the case of a DRM-eligible Katrina Survivor who is receiving DRM assistance from a State in accordance with this section and whose pregnancy ended during the 60-day period prior to the end of the DRM coverage period, or who is pregnant as of the end of such period, such Survivor shall continue to be eligible for DRM assistance after the end of the DRM coverage period, including (but not limited to) for all pregnancy-related and postpartum medical assistance available under the State Medicaid plan, through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends.

(d) SCOPE OF COVERAGE.—

(1) CATEGORICALLY NEEDY BENEFITS.—The State shall treat a DRM-eligible Katrina Survivor as an individual eligible for medical assistance under the State plan under title XIX of the Social Security Act on the basis of section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), with coverage for such assistance retroactive to items and services furnished on or after August 28, 2005 (or in the case of applications for DRM assistance submitted after January 1, 2006, the first day of the 5th month preceding the date on which such application is submitted).

(2) EXTENDED MENTAL HEALTH AND CARE COORDINATION BENEFITS.—The State may provide, without regard to any restrictions on amount, duration, and scope, comparability, or restrictions otherwise applicable under the State Medicaid plan (other than restrictions applicable under such plan with respect to services provided in an institution for mental diseases), to DRM-eligible Katrina Survivors extended mental health and care coordination benefits which may include the following:

(A) Screening, assessment, and diagnostic services (including specialized assessments for individuals with cognitive impairments).

(B) Coverage for a full range of mental health medications at the dosages and frequencies prescribed by health professionals for depression, post-traumatic stress disorder, and other mental disorders.

(C) Treatment of alcohol and substance abuse.

(D) Psychotherapy, rehabilitation, and other treatments administered by psychiatrists, psychologists, or social workers.

(E) Subject to restrictions applicable under the State Medicaid plan with respect to services provided in an institution for mental diseases, in-patient mental health care.

(F) Family counseling.

(G) In connection with the provision of health and long-term care services, arranging for, (and when necessary, enrollment in waiver programs or other specialized programs), and coordination related to, primary and specialty medical care, which may include personal care services, durable medical equipment and supplies, assistive technology, and transportation.

(3) HOME AND COMMUNITY-BASED SERVICES.—

(A) IN GENERAL.—In the case of a State with a waiver to provide home and community-based services granted under section 1115 of the Social Security Act or under subsection (c) or (d) of section 1915 of such Act, the State may provide such services to DRM-eligible Katrina Survivors who self-attest in accordance with subsection (c)(1)(B)(ii) that they require immediate home and community-based services that are available under such waiver without regard to whether the Survivors would require the level of care provided in a hospital, nursing facility, or intermediate care facility for the mentally retarded. Such DRM-eligible Katrina Survivors include (but are not limited to) individuals described in subparagraph (B).

(B) INDIVIDUALS DESCRIBED.—Individuals described in this subparagraph are individuals who—

(i) on any day during the week preceding August 28, 2005—

(I) had been receiving home and community-based services under a waiver described in subparagraph (A) in a direct impact parish or county;

(II) had been receiving support services from a primary family caregiver who, as a result of Hurricane Katrina, is no longer available to provide services; or

(III) had been receiving personal care, home health, or rehabilitative services under the State Medicaid plan or under a waiver granted under section 1915 or 1115 of the Social Security Act; or

(ii) are disabled (as determined under the State Medicaid plan).

(B) WAIVER OF RESTRICTIONS.—The Secretary shall waive with respect to the provision of home and community-based services under this paragraph any limitations on—

(i) the number of individuals who shall receive home or community-based services under a waiver described in subparagraph (A);

(ii) budget neutrality requirements applicable to such waiver; and

(iii) targeted populations eligible for services under such waiver.

The Secretary may waive other restrictions applicable under such a waiver, that would prevent a State from providing home and community-based services in accordance with this paragraph.

(4) CHILDREN BORN TO PREGNANT WOMEN.—In the case of a child born to a DRM-eligible Katrina Survivor who is provided DRM assistance during the DRM coverage period, such child shall be treated as having been born to a pregnant woman eligible for medical assistance under the State Medicaid plan and shall be eligible for medical assistance under such plan in accordance with section 1902(e)(4) of the Social Security Act (42 U.S.C. 1396a(e)(4)). The Federal medical assistance percentage applicable to the State Medicaid plan shall apply to medical assistance provided to a child under such plan in accordance with the preceding sentence.

(e) TERMINATION OF COVERAGE; ASSISTANCE WITH APPLYING FOR REGULAR MEDICAID COVERAGE.—

(1) NOTICE OF EXPECTED TERMINATION OF DRM COVERAGE PERIOD.—A State shall provide DRM-eligible Katrina Survivors who are receiving DRM assistance from the State in accordance with this section, as of the beginning of the 4th month (and, if applicable, 9th month) of the DRM coverage period with—

(A) notice of the expected termination date for DRM assistance for such period and, if applicable, any extension of the DRM coverage period and the expected termination date for the extension of such period;

(B) information regarding eligibility for medical assistance under the State's eligibility rules otherwise applicable under the State Medicaid plan; and

(C) an application for such assistance and information regarding where to obtain assistance with completing such application in accordance with paragraph (2).

(2) APPLICATION ASSISTANCE.—A State shall provide DRM-eligible Katrina Survivors who are receiving DRM assistance from the State in accordance with this section with assistance in applying for medical assistance under the State Medicaid plan for periods beginning after the end of the DRM coverage period, at State Medicaid offices and at locations easily accessible to such Survivors.

(3) STATE REPORTS.—A State providing DRM assistance in accordance with this section shall submit to the Secretary the following reports:

(A) TERMINATION AND TRANSITION ASSISTANCE TO REGULAR MEDICAID COVERAGE FOR DRM-ELIGIBLE KATRINA SURVIVORS ELIGIBLE FOR SUCH ASSISTANCE.—Not later than the last day of the 3rd month of the DRM coverage period, a report detailing how the State intends to satisfy the requirements of paragraphs (1) and (2).

(B) ENROLLMENT.—Not later than 3 months after the end of the DRM coverage period, a report regarding—

(i) the number of Katrina Survivors who are determined to be DRM-eligible Katrina Survivors; and

(ii) the number of DRM-eligible Katrina Survivors who are determined to be eligible for, and enrolled in, the State Medicaid plan.

(4) SECRETARIAL OVERSIGHT.—The Secretary of Health and Human Services shall ensure that a State is complying with the requirements of paragraphs (1) and (2) and that applications for medical assistance under the State Medicaid plan from DRM-eligible Katrina Survivors for periods beginning after the end of the DRM coverage period are processed in a timely and appropriate manner.

(5) NO PRIVATE RIGHT OF ACTION AGAINST A STATE FOR FAILURE TO PROVIDE NOTICE.—No private right of action shall be brought against a State for failure to provide the notices required under paragraph (1) or subsection (c)(1) so long as the State makes a good faith effort to provide such notices.

(f) 100 PERCENT FEDERAL MATCHING PAYMENTS.—

(1) IN GENERAL.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b), the Federal medical assistance percentage or the Federal matching rate otherwise applied under section 1903(a) of such Act (42 U.S.C. 1396b(a)) shall be 100 percent for—

(A) providing DRM assistance to DRM-eligible Katrina Survivors during the DRM coverage period in accordance with this section;

(B) costs directly attributable to administrative activities related to the provision of such DRM assistance, including costs attributable to obtaining recoveries under subsection (h);

(C) costs directly attributable to providing application assistance in accordance with subsection (e)(2); and

(D) medical assistance provided in accordance with subparagraph (B) of subsection (c)(2), and DRM assistance provided in accordance with subparagraph (C) of that subsection, after the end of the DRM coverage period.

(2) INCLUSION OF ASSISTANCE PROVIDED TO KATRINA SURVIVORS PRIOR TO DATE OF ENACTMENT.—Any assistance provided to a Katrina Survivor under a State Medicaid plan in accordance with guidance from the Secretary during the period that begins on August 28, 2005, and ends on the date of enactment of this Act, shall be treated as a DRM assistance provided to a DRM-eligible Katrina Survivor during the DRM coverage period for purposes of paragraph (1).

(3) 100 PERCENT FEDERAL MATCHING PAYMENTS FOR COSTS FOR PROVIDING CHILD HEALTH ASSISTANCE PRIOR TO DATE OF ENACTMENT; RESTORATION OF ALLOTMENTS USED TO PROVIDE SUCH ASSISTANCE.—With respect to child health assistance for items and services furnished during the period described in paragraph (2) to a Katrina Survivor—

(A) notwithstanding section 2105(b) of the Social Security Act (42 U.S.C 1397ee(b)), the Federal matching rate for providing such child health assistance under a State child health plan and for costs directly attributable to all administrative activities that relate to the provision of such child health assistance, shall be 100 percent;

(B) payments to a State for the provision of such assistance shall not be considered to be payments from an allotment for the State under section 2104 of such Act (42 U.S.C 1397dd); and

(C) any payments that were made to a State for the provision of such assistance prior to such date of enactment, shall be disregarded for purposes of determining the unexpended amount of any allotment available for expenditure by the State under that section.

(4) DISREGARD OF PAYMENTS.—Payments provided to a State in accordance with this subsection shall be disregarded for purposes of applying subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308).

(g) VERIFICATION OF STATUS AS A KATRINA SURVIVOR.—

(1) IN GENERAL.—The State shall make a good faith effort to verify the status of an individual who is enrolled in the State Medicaid plan as a DRM-eligible Katrina Survivor under the provisions of this section. Such effort shall not delay the determination of the eligibility of the Survivor for DRM assistance under this section or the provision of such assistance to the Survivor.

(2) EVIDENCE OF VERIFICATION.—A State may satisfy the verification requirement under subparagraph (A) with respect to an individual by showing that the State providing DRM assistance obtained information from the Federal Emergency Management Agency, the Social Security Administration, the Internal Revenue Service, or the State Medicaid Agency for the State from which individual is from (if the individual was not a resident of such State on any day during the week preceding August 28, 2005).

(h) PENALTY FOR FRAUDULENT APPLICATIONS.—

(1) INDIVIDUAL LIABLE FOR COSTS.—If a State, as the result of verification activities conducted under subsection (g) or otherwise, determines after a fair hearing that an individual has knowingly made a false self-attestation described in subsection (c)(1)(B), the State may, subject to paragraph (2), seek recovery from the individual for the full amount of the cost of DRM assistance provided to the individual under this section.

(2) EXCEPTION.—The Secretary shall exempt a State from seeking recovery under paragraph (1) if the Secretary determines that it would not be cost-effective for the State to do so.

(3) REIMBURSEMENT TO THE FEDERAL GOVERNMENT.—Any amounts recovered by a State in accordance with this subsection shall be returned to the Federal government.

(i) EXEMPTION FROM ERROR RATE PENALTIES.—

(1) IN GENERAL.—All payments attributable to providing DRM assistance in accordance with this section, including during a period of presumptive eligibility for such assistance in accordance with subsection (c)(1)(F), shall be disregarded for purposes of section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)).

(2) APPLICATION OF ERROR RATE PENALTIES FOR PRESUMPTIVE ELIGIBILITY PERIODS FOR MEDICAL ASSISTANCE AFTER THE END OF THE DRM COVERAGE PERIOD.—The rules for application of such section under the State Medicaid plan, as in effect on the date of enactment of this Act, shall apply with respect to any period of presumptive eligibility for medical assistance under such plan provided by a State in accordance with subsection (c)(2)(B).

(j) PROVIDER PAYMENT RATES.—In the case of any DRM assistance provided in accordance with this section to a DRM-eligible Katrina Survivor that is covered under the State Medicaid plan (as applied without regard to this section) the State shall pay a provider of such assistance the same payment rate as the State would otherwise pay for the assistance if the assistance were provided under the State Medicaid plan (or, if no such payment rate applies under the State Medicaid plan, the usual and customary prevailing rate for the item or service for the community in which it is provided).

(k) APPLICATION TO INDIVIDUALS ELIGIBLE FOR MEDICAL ASSISTANCE.—Nothing in this section shall be construed as affecting any rights accorded to an individual who is a recipient of medical assistance under a State Medicaid plan who is determined to be a DRM-eligible Katrina Survivor, but the provision of DRM assistance to such individual shall be limited to the provision of such assistance in accordance with this section.

(l) No Entitlement to Regular Medical Assistance Solely on the Basis of Receipt of DRM Assistance or in the Absence of a New Application for Medical Assistance.—Notwithstanding paragraphs (3) and (8) of section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), and section 435.930(b) of title 42, Code of Federal Regulations, subject to subparagraphs (B) and (C) of subsection (c)(2), and subsection (d)(4), nothing in this section shall be construed as providing an individual who is a DRM-eligible Katrina Survivor who receives DRM assistance in accordance with this section, with an entitlement to receive medical assistance under the State Medicaid plan after the end of the DRM coverage period—

(1) solely on the basis of the individual's receipt of such DRM assistance; or

(2) in the absence of a new application submitted by such individual for medical assistance under such plan.

(m) Limitation With Respect to Application to Medicare Prescription Drug Benefit.—In the case of an individual who is a DRM-eligible Katrina Survivor who receives DRM assistance from a State in accordance with this section, and who is eligible for part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) or enrolled in part B of title XVIII of such Act (42 U.S.C. 1395j et seq.)—

(1) the State payment required under section 1935(c) of such Act (42 U.S.C. 1395u–5(c)) shall be determined without regard to the provision of DRM assistance to such individual; and

(2) such individual shall not be treated as a subsidy eligible individual for purposes of eligibility for the low-income subsidies provided under section 1860D–14 of such Act (42 U.S.C. 1395w–114) with respect to the prescription drug coverage provided under part D of title XVIII of such Act (42 U.S.C. 1395w–101 et seq.), or enrollment in such coverage, solely on the basis of the provision of DRM assistance to such individual.

(n) No DRM Assistance if the Secretary Is Making Payments on Behalf of the Individual for Private Health Insurance.—A DRM-eligible Katrina Survivor may not receive DRM assistance from a State in accordance with this section during any period in which the Secretary is making a payment for a health insurance premium on behalf of such Survivor under section 6088(b)(2)(A) with respect to that period.

SEC. 6083. TARGETED MEDICAID RELIEF FOR MAJOR DISASTER PARISHES AND COUNTIES IN LOUISIANA, MISSISSIPPI, AND ALABAMA.

(a) 100 Percent Federal Matching Payments for Medical Assistance Provided in Major Disaster Parish or County.—

(1) In general.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), for items and services furnished during the period that begins on August 28, 2005, and ends on August 31, 2006, the Federal medical assistance percentage for providing medical assistance for such items and services under a State Medicaid plan to any individual, including a Katrina Survivor, residing in a major disaster parish or county (as defined in subsection (c)), and for costs directly attributable to all administrative activities that relate to the provision of such medical assistance, shall be 100 percent.

(2) Application to child health assistance.—Notwithstanding section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)), for items and services furnished during the period described in subsection (a), the Federal matching rate for providing child health assistance for such items and services under a State child health plan in a major disaster parish or county, and for costs directly attributable to all administrative activities that relate to the provision of such child health assistance, shall be 100 percent.

(b) Moratorium on Redeterminations.—During the DRM coverage period, the States of Louisiana, Mississippi, and Alabama shall not be required to conduct eligibility redeterminations under the State's Medicaid plan.

(c) Major Disaster Parish or County Defined.—For purposes of subsection (a), a major disaster parish or county is a parish of the State of Louisiana or a county of the State of Mississippi or Alabama for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina and which the President has determined, as of September 14, 2005, warrants individual or public assistance from the Federal Government under such Act.

SEC. 6084. AUTHORITY TO WAIVE REQUIREMENTS DURING NATIONAL EMERGENCIES WITH RESPECT TO EVACUEES FROM AN EMERGENCY AREA.

(a) In General.—Section 1135(g)(1) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)) is amended by adding at the end the following:

"Any geographical area in which the Secretary determines there are a significant number of evacuees from an area that is considered to be an emergency area under the preceding sentence shall be considered to be an 'emergency area' for purposes of this section.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if enacted on August 28, 2005.

SEC. 6085. EMERGENCY ASSISTANCE FOR STATES WITH SIGNIFICANT NUMBERS OF EVACUEES WITH RESPECT TO THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE FOR FISCAL YEAR 2006.

(a) In General.—If the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b))) determined for a State described in subsection (b) for fiscal year 2006 is less than the Federal medical assistance percentage determined for such State for fiscal year 2005, the Federal medical assistance percentage for the State for fiscal year 2005 shall apply to the State for fiscal year 2006 for purposes of titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.).

(b) State Described.—For purposes of subsection (a), a State described in this subsection is a State that, as of September 30, 2005, is hosting at least 10,000 Katrina Survivors described in section 6081(4)(A), as determined on the basis of Federal Emergency Management Authority data.

SEC. 6086. EMERGENCY ASSISTANCE TO MEDICARE BENEFICIARIES.

(a) Exclusion of DRM Coverage Period in Computing Medicare Part B Late Enrollment Period.—In applying the first sentence of section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) in the case of an individual who, on any day during the week preceding August 28, 2005, had a residence in a direct impact parish or county, there shall not be taken into account any month any part of which is within the DRM coverage period.

(b) Written Plan on Transition of Certain Full-Benefit Dual Eligible Individuals to Prescription Drug Coverage Under Medicare Part D.—

(1) In general.—Not later than December 1, 2005, the Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall submit to Congress a written plan on how the Secretary will provide for the transition of coverage of prescription drugs for full-benefit dual eligible individuals (as defined in section 1935(c)(6) of the Social Security Act (42 U.S.C. 1396u–5(c)(6)) who, on any day during the week preceding August 28, 2005, had a residence in a direct impact parish or county, from the Medicaid program under title XIX of such Act to the Medicare program under part D of title XVIII of such Act.

(2) Requirements.—The plan shall address issues relating to the following:

(A) The application of the rules for automatic assignment into prescription drug plans under section 1860D–1(b)(1)(C) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)(C)).

(B) The communication by the Secretary and sponsors of prescription drug plans to individuals described in paragraph (1) of—

(i) information regarding such rules; and

(ii) if such an individual is automatically assigned to a plan, information on the plan.

(C) Beneficiary protections related to the emergency use of out-of-network and nonformulary benefits, including under circumstances related to a lack of medical records and access to prescribing physicians.

(D) Any other area determined appropriate by the Secretary.

SEC. 6087. RELIEF FOR HOSPITALS LOCATED IN A DIRECT IMPACT PARISH OR COUNTY.

(a) Increase in Medicare Payments to Hospitals for Bad Debt.—During the DRM coverage period, section 1861(v)(1)(T)(iv) of the Social Security Act (42 U.S.C. 1395x(v)(1)(T)(iv)) shall be applied by substituting "0 percent" for "30 percent" with respect to—

(1) a hospital located in a direct impact parish or county; and

(2) any other hospital, but only to the extent that the bad debt is related to items and services furnished to an individual who, on any day during the week preceding August 28, 2005, had a residence in a direct impact parish or county.

(b) Waiver of Certain Medicare Quality Reporting Requirements for Hospitals.—During the DRM coverage period, section 1886(b)(3)(B)(vii) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(vii)) shall not apply to a hospital that is located in a direct impact parish or county.

SEC. 6088. DISASTER RELIEF FUND.

(a) Establishment.—There is established in the Treasury of the United States the Disaster Relief Fund (in this section referred to as the "Fund") which—

(1) shall be administered by the Secretary; and

(2) shall consist of amounts made available under subsection (h).

(b) Use of Amounts in Fund.—Amounts in the Fund shall be used by the Secretary for the following:

(1) Payments to providers.—The Secretary shall make payments directly to medicaid providers described in subsection (e) to offset the costs incurred by such providers as a result of Hurricane Katrina.

(2) Payments for private health insurance coverage.—The Secretary shall make payments to State insurance commissioners for the purpose of making payments to health insurance issuers—

(A) on behalf of individuals that would otherwise qualify for DRM assistance from the State under section 6082 but for subsection (n) of such section for such individual's share of their health insurance premium; and

(B) on behalf of qualified employers for the employer share of their employee's health insurance premiums, but only with respect to the days on which the employer meets the definition under subsection (f).

(c) Rules for Payments to Providers.—

(1) Consultation.—In making payments to medicaid providers under subsection (b)(1), the Secretary shall consult with the Louisiana Department of Health and Hospitals, the Mississippi Department of Health, and the Alabama Department of Public Health in order to best identify the providers with the greatest need of such payments.

(2) Priority.—In making payments to medicaid providers under subsection (b)(1), the Secretary shall give priority to community-based hospitals, physician practices, and other providers located in a direct impact parish or county where the health care infrastructure was destroyed or nearly destroyed.

(3) Description of need and how funding will be used.—In order for a medicaid provider to be eligible for a payment under subsection (b)(1), the provider shall provide the Secretary with a description of the need for the funding and how the funding will be used.

(4) Timing for first payment.—The first payment to medicaid providers under subsection (b)(1) shall be made by not later than 10 days after the date of enactment of this Act.

(d) Rules for Payments on Behalf of Individuals for Private Health Insurance.—

(1) Streamlined eligibility process.—In making payments on behalf of individuals under subsection (b)(2)(A), the Secretary shall use the streamlined eligibility process under section 6082(c)(1).

(2) No payments if the individual is receiving DRM assistance.—No payments may be made on behalf of an individual under subsection (b)(2)(A) with respect to any period in which the individual is receiving DRM assistance from a State under section 6082.

(e) Medicaid Providers Described.—For purposes of subsection (b)(1), medicaid providers described in this subsection are—

(1) any provider under such title, including a supplier of medical assistance consisting of durable medical equipment (as defined in section 1861(n) of such Act (42 U.S.C. 1395x(n)), that, during a period after August 28, 2005, as determined by the Secretary—

(A) experiences a significant increase, as determined by the Secretary, in their patient caseload; or

(B) experiences a significant drop, as determined by the Secretary, in their patient caseload, including a provider that is temporarily closed during such period; and

(2) any other provider under such title, including such a supplier, determined appropriate by the Secretary.

(f) Qualified Employer Defined.—For purposes of subsection (b)(2)(B), the term "qualified employer" means any employer—

(1) which conducted an active trade or business on August 28, 2005, in a direct impact parish or county; and

(2) with respect to which the trade or business described in paragraph (1)—

(A) is inoperable on any day during the DRM coverage period as a result of damage sustained in connection with Hurricane Katrina; or

(B) is not paying salary or benefits to employees on any day during the DRM coverage period as a result of damage sustained in connection with Hurricane Katrina.

(g) Expediting Implementation.—The Secretary shall promulgate regulations to carry out this section which may be effective and final immediately on an interim basis as of the date of publication of the interim final regulation. If the Secretary provides for an interim final regulation, the Secretary shall provide for a period of public comments on such regulation after the date of publication. The Secretary may change or revise such regulation after completion of the period of public comment.

(h) Appropriation.—Out of any money in the Treasury not otherwise appropriated, there is appropriated to the Fund $800,000,000 for fiscal year 2005, to remain available until expended.

(i) Application of Appropriations Funding Provisions.—Amounts provided in this section for making payments to medicaid providers under subsection (b)(1) shall be governed by the terms of division F of the Consolidated Appropriations Act, 2005 (Public Law 108–447, 118 Stat. 3112) (or succeeding appropriations measures for a fiscal year) that apply to funding for Grants to States for Medicaid under Title XIX of the Social Security Act.

SEC. 6089. NONAPPLICATION OF CERTAIN PROVISIONS.

Notwithstanding any other provision of this Act, this Act shall be applied without regard to subsections (a) and (b) of section 6032.

Subchapter B—TANF Relief

SEC. 6090. REIMBURSEMENT OF STATES FOR TANF BENEFITS PROVIDED TO ASSIST FAMILIES OF STATES AFFECTED BY HURRICANE KATRINA.

(a) In General.—Section 3 of the TANF Emergency Response and Recovery Act of 2005 is amended to read as follows:

"SEC. 3. REIMBURSEMENT OF STATES FOR TANF BENEFITS PROVIDED TO ASSIST FAMILIES OF STATES AFFECTED BY HURRICANE KATRINA.

"(a) Eligibility for Payments From the Contingency Fund.—

"(1) Period of applicability.—Beginning with August 29, 2005, and ending with September 30, 2006, a State described in paragraph (2) or (3) shall be considered a needy State for purposes of section 403(b) of the Social Security Act (42 U.S.C. 603(b)).

"(2) Direct impact states.—A State described in this paragraph is Louisiana, Mississippi, or Alabama.

"(3) Other states.—

"(A) In general.—A State is described in this paragraph if the State provides any benefit or service that may be provided under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to a family which—

"(i) has resided in a direct impact State described in paragraph (2);

"(ii) has travelled (not necessarily directly) to the State from such direct impact State as a result of Hurricane Katrina; and

"(iii) if applying for benefits or services on or after October 28, 2005, the State has determined is not receiving cash benefits from any program funded under such part of any other State.

"(B) Application to territories.—

"(i) In general.—Notwithstanding section 403(b)(7) of the Social Security Act, a territory (as defined in section 1108(c)(1) of such Act (42 U.S.C.1308(c)(1)) shall be considered to be a State described in this paragraph for purposes of this section.

"(ii) Disregard of payments.—Section 1108(a) of the Social Security Act (42 U.S.C. 1308(a)) shall be applied without regard to any amounts paid to a territory (as so defined) in accordance with this section.

"(b) Monthly Payments.—Notwithstanding paragraph (3)(C)(i) of subsection (b) of section 403 of the Social Security Act (42 U.S.C. 603), and in addition to any other amounts paid to a State under that subsection, the total amount paid during a month to a State under this section shall not exceed the following:

"(1) Direct impact states.—In the case of a State described in subsection (a)(2), such amount shall not exceed, ¼ of 20 percent of the State family assistance grant.

"(2) Other states.— In the case of a State described in subsection (a)(3), such amount shall not exceed the lesser of—

"(A) the total amount of Hurricane Katrina Emergency TANF Benefits (as defined in section 6(c)(1)) provided by the State to families described in subsection (a)(3); or

"(B) ¼ of 20 percent of the State family assistance grant.

"(c) No State Match or Maintenance of Effort Required.—Sections 403(b)(6) and 409(a)(10) of the Social Security Act (42 U.S.C. 603(b)(6), 609(a)(10)) shall not apply with respect to a payment made to a State by reason of this section.

"(d) Increase in Funding to the Extent Necessary To Ensure That States Will Be Able To Access the Contingency Fund.—For the period described in subsection (a)(1), paragraph (2) of subsection (b) of section 403 of the Social Security Act (42 U.S.C. 603) shall be applied without regard to the limitation on the total amount specified in such paragraph and funds appropriated pursuant to such paragraph shall be available for payments authorized under this section and under such subsection (b).".

(b) Retroactive Effective Date.—The amendment made by subsection (a) shall take effect as if included in the enactment of the TANF Emergency Response and Recovery Act of 2005.

SEC. 6091. INCREASE IN AMOUNT OF ADDITIONAL TANF FUNDS AVAILABLE FOR HURRICANE-DAMAGED STATES.

(a) In General.—Section 4 of the TANF Emergency Response and Recovery Act of 2005 is amended—

(1) in subsection (a)(2), by striking "20 percent" and inserting "40 percent"; and

(2) in subsection (b), in the matter preceding paragraph (1), by inserting "(at any time during or after the period described in section 3(a)(1))" after "may not be imposed".

(b) Retroactive Effective Date.—The amendments made by subsection (a) shall take effect as if included in the enactment of the TANF Emergency Response and Recovery Act of 2005.

SEC. 6092. RULES FOR RECEIPT OF HURRICANE KATRINA EMERGENCY TANF BENEFITS AND APPLICATION TO CHILD SUPPORT REQUIREMENTS.

(a) In General.—Section 6 of the TANF Emergency Response and Recovery Act of 2005 is amended to read as follows:

"SEC. 6. RULES FOR RECEIPT OF HURRICANE KATRINA EMERGENCY TANF BENEFITS AND APPLICATION TO CHILD SUPPORT REQUIREMENTS.

"(a) In General.—During the period described in section 3(a)(1), a State described in paragraph (2) or (3) of section 3(a) or an Indian tribe with a tribal family assistance plan approved under section 412 of the Social Security Act (42 U.S.C. 612) may provide Hurricane Katrina Emergency TANF Benefits under the State or tribal program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)

“(b) CERTAIN RULES WAIVED.—

“(1) IN GENERAL.—Hurricane Katrina Emergency TANF Benefits shall not be considered assistance for purposes of sections 407, paragraphs (2), (3), or (7) of section 408(a), 411, or section 454(29) of the Social Security Act (42 U.S.C. 607, 608(a), 611, 654(29)).

“(2) LIMITED WAIVER OF RULES UNDER SECTION 454(4)(A)(I).—

“(A) IN GENERAL.—Subject to subparagraph (B), such benefits shall not be considered assistance for purposes of section 454(4)(A)(i) of such Act (42 U.S.C. 654(4)(A)(i)).

“(B) EXCEPTION FOR FAMILIES ALREADY RECEIVING CHILD SUPPORT SERVICES OR WHO APPLY FOR SUCH SERVICES.—Subparagraph (A) shall not apply with respect to such benefits that are provided to a family who—

“(i) at the time such benefits are provided, are receiving child support services under a State plan under section 454 of such Act (42 U.S.C. 654); or

“(ii) applies for child support services under such a State plan on behalf of a child who is receiving such benefits.

“(c) HURRICANE KATRINA EMERGENCY TANF BENEFITS.—

“(1) IN GENERAL.—In this section, the term ‘Hurricane Katrina Emergency TANF Benefits’ means any benefit or service that may be provided under a State or tribal program funded under part A of title IV of the Social Security Act to support families which the State or Indian tribe deems to be needy families based on their statement, circumstance, or inability to access resources and who—

“(A) are described in section 3(a)(3); or

“(B) subject to paragraph (2), reside in a State described in section 3(a)(2).

“(2) LIMITATION.—Any benefit or service provided under a State or tribal program funded under part A of title IV of the Social Security Act in a State described in section 3(a)(2) to a family who the State or Indian tribe deems to be a needy family in accordance with paragraph (1), shall only be considered to be a Hurricane Katrina Emergency TANF Benefit if the State or Indian tribe designates that the benefit or service is to be treated as a Hurricane Katrina Emergency TANF Benefit.

“(d) SIMPLIFIED DATA REPORTING.—

“(1) IN GENERAL.—Each State or Indian tribe which provides Hurricane Katrina Emergency TANF Benefits shall report to the Secretary of Health and Human Services on a monthly basis the following information:

“(A) The total amount of expenditures attributable to providing Hurricane Katrina Emergency TANF Benefits.

“(B) The total number of families receiving such benefits.

“(C) To the extent the State determines it is able to do so, the total amount of such benefits provided that are—

“(i) cash;

“(ii) child care; or

“(iii) other benefits and services.

“(2) REPORTS TO CONGRESS.—The Secretary of Health and Human Services shall submit, on a monthly basis, a compilation of the reports submitted in accordance with paragraph (1) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.”.

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the TANF Emergency Response and Recovery Act of 2005.

Subchapter C—Miscellaneous Provisions

SEC. 6093. DISCLOSURE BASED ON VALID AUTHORIZATION.

(a) IN GENERAL.—Section 223(d)(5) of the Social Security Act (42 U.S.C. 423(d)(5)) is amended by adding at the end the following:

“(C) Notwithstanding any other provision of law, if the Commissioner of Social Security provides to a custodian of records a copy, facsimile, or electronic version of an authorization obtained from the individual to disclose records to the Commissioner, then such custodian shall not be held liable under any applicable Federal or State law for disclosing any record or other information in response to such request, on the basis that the authorization relied upon was a copy, facsimile, or electronic version of the authorization.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to disclosures of records or other information made on or after the date of enactment of this Act.

SEC. 6094. EMERGENCY PROCUREMENT AUTHORITY IN SUPPORT OF HURRICANE KATRINA RESCUE AND RELIEF EFFORTS.

(a) SMALL BUSINESS RESERVATION OFFSET.—Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) is amended by adding at the end the following: .

“(4) For any contracts involving the use of the special emergency procurement authority under section 32A(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 428a(c)), the dollar ceiling of the small business reservation established in paragraph (1) shall be adjusted to match the applicable amount of the simplified acquisition threshold.”.

(b) RETENTION OF SMALL BUSINESS SUBCONTRACTING.—Section 8(d)(4)(D) of the Small Business Act (15 U.S.C. 637(d)(4)(D)) is amended—

(1) by striking “(D) No contract” and inserting the following:

“(D) SMALL BUSINESS PARTICIPATION.—

“(i) IN GENERAL.—No contract”; and

(2) by adding at the end the following:

“(ii) EMERGENCY PROCUREMENTS.—

“(I) IN GENERAL.—For any contract which otherwise meets the requirements of this subsection, and which involves the use of special emergency procurement authority under section 32A(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 428a(c)), the subcontracting plan required under this subsection shall be negotiated as soon as is practicable, but not later than 30 days after the date on which the contract is awarded.

“(II) PAYMENT.—Not greater than 50 percent of the amounts due under any contract described in subclause (I) may be paid, unless a subcontracting plan compliant with this subsection is negotiated by the contractor.”.

(c) LIMITATIONS ON INCREASED MICRO-PURCHASE THRESHOLD.—Notwithstanding any other provision of law, the authority granted under section 101 of the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-62), including the modifications under subsection (d), shall—

(1) be restricted for use solely within the geographic areas designated by the President as disaster areas due to Hurricane Katrina;

(2) not be exercised in a manner inconsistent with any Federal law providing for local preference in disaster relief and recovery contracting; and

(3) terminate 120 days after the date of enactment of this Act.

(d) MODIFIED THRESHOLD.—Notwithstanding section 101(2) of the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109–62), the amount specified in subsections (c), (d), and (f) of the section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) for purchases necessary for support of Hurricane Katrina rescue and relief operations shall be $50,000, or such an amount in excess of $50,000, but not to exceed $250,000, as may be approved by the head of the executive agency concerned (or any delegate of the head of such executive agency, who shall be an officer or employee of such executive agency who is a warranted contracting officer for making Federal acquisitions).

(e) OMB GUIDANCE ON USE OF GOVERNMENT CREDIT CARDS FOR MICRO-PURCHASES.—

(1) GUIDANCE REQUIRED.—Not later than 14 calendar days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue clear and concise guidance regarding the use of Government credit cards by Federal agencies to make micro-purchases under subsections (c), (d), and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428), as modified by this section.

(2) ELEMENTS.—The guidance under paragraph (1) shall include—

(A) a list of Government officials with the authority to approve purchases under subsection (d) in amounts in excess of $50,000, designated by agency, title, and pay grade;

(B) the number of credit cards, by agency, that may be utilized for purchases under subsection (d) in amounts in excess of $50,000;

(C) procedures for the immediate review of any purchase under subsection (d) in an amount in excess of $50,000 that was not approved by an official specified in that paragraph as required by that paragraph;

(D) procedures for the audit of all purchases made on Government credit cards after the expiration of subsection (d) under subsection (c); and

(E) procedures to ensure that such purchases are made with small business concerns and local small business concerns, to the maximum extent practicable under the circumstances.

(3) REPORTS ON PURCHASES.—Not later than 180 days after the date of the enactment of this Act, the head of each executive agency making any purchase under subsection (d) in an amount in excess of $50,000 shall submit to the appropriate Congressional committees a report on each such purchase made by such agency, including—

(A) a description of the property or services so purchased;

(B) a statement of the purpose of such purchase;

(C) a statement of the amount of such purchase;

(D) a statement of the name, title, and pay grade of the officer or employee of such agency making such purchase; and

(E) whether such purchases were made with small business concerns.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate Congressional committees” means—

(A) the Committees on Appropriations, Small Business and Entrepreneurship, Finance, and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Appropriations, Small Business, and Government Reform of the House of Representatives.

SEC. 6095. TRANSFER OF FUNDS.

Notwithstanding any other provision of law, of the amounts made available to the Department of Homeland Security under the heading "Disaster Relief" under the heading "Emergency Preparedness and Response" of Public Law 109-62 (119 Stat. 1991), such sums as are necessary to carry out this chapter shall—

(1) be made available to the Secretary to carry out this chapter;

(2) be used by the Secretary to carry out this chapter; and

(3) remain available until expended.

SA 2357. Mr. NELSON of Florida (for himself, Mr. KERRY, Ms. CANTWELL, Mrs. MURRAY, Mr. REID, and Mr. KENNEDY) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 268, between lines 10 and 11, insert the following:

(d) PREMIUM TRANSITION RULE.—

(1) 2006.—

(A) PREMIUM.—Nothing in this section shall be construed as modifying the premium previously computed under section 1839 of the Social Security Act (42 U.S.C. 1395r) for months in 2006.

(B) GOVERNMENT CONTRIBUTION.—In computing the amount of the Government contribution under section 1844(a) of the Social Security Act (42 U.S.C. 1395w(a)) for months in 2006, the Secretary of Health and Human Services shall compute and apply a new actuarially adequate rate per enrollee age 65 and over under section 1839(a)(1) of such Act (42 U.S.C. 1395r(a)(1)) taking into account the provisions of this section.

(2) 2007.—

(A) PREMIUM.—The monthly premium under section 1839 of the Social Security Act (42 U.S.C. 1395r) for months in 2007 shall be computed as if this section had not been enacted.

(B) GOVERNMENT CONTRIBUTION.—The Government contribution under section 1844(a) of the Social Security Act (42 U.S.C. 1395w(a)) for months in 2007 shall be computed taking into account the provisions of this section, including subparagraph (A).

(e) EXTENSION OF PRESCRIPTION DRUG DISCOUNTS TO ENROLLEES OF MEDICAID MANAGED CARE ORGANIZATIONS.—

(1) IN GENERAL.—Section 1903(m)(2)(A) (42 U.S.C. 1396b(m)(2)(A)) is amended—

(A) in clause (xi), by striking "and" at the end;

(B) in clause (xii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(xiii) such contract provides that payment for covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity shall be subject to the same rebate agreement entered into under section 1927 as the State is subject to and that the State shall have the option of collecting rebates for the dispensing of such drugs by the entity directly from manufacturers or allowing the entity to collect such rebates from manufacturers in exchange for a reduction in the prepaid payments made to the entity for the enrollment of such individuals.".

(2) CONFORMING AMENDMENT.—Section 1927(j)(1) (42 U.S.C. 1396r-8(j)91)) is amended by inserting "other than for purposes of collection of rebates for the dispensing of such drugs in accordance with the provisions of a contract under section 1903(m) that meets the requirements of paragraph (2)(A)(xiii) of that section" before the period.

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r-8) on or after such date.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INHOFE. Mr. President, I would like to announce that the Committee on Environment and Public Works will hold a hearing on November 2 at 9:30 a.m. to receive testimony on the response to Hurricane Katrina.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a joint hearing has been scheduled before the Committee on Energy and Natural Resources and the Committee on Commerce, Science and Transportation.

The hearing will be held on Wednesday, November 9, 2005, at 9:30 a.m. in Room SD-106 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony regarding energy pricing and profits.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Lisa Epifani 202-224-5269 or Shannon Ewan at 202-224-7555.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 1, 2005, at 9:30 a.m. in closed session to receive a briefing to provide an update on the progress of the joint improvised explosive devices (IED) Task Force.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, November 1, at 10 a.m., on the nominations of Shana Dale, to be Deputy Administrator, National Aeronautics and Space Administration, Mark Rosenker, to be Member, National Transportation Safety Board, and Kathryn Higgins, to be Member, of the National Transportation Safety Board,

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, November 1, 2005, at 2:15 p.m. to hold a Business Meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial and Executive Nominations" on Tuesday, November 1, 2005 at 2:30 p.m. in the Dirksen Senate Office Building Room 226.

Witness List:

Panel I: The Honorable Ted Stevens United States Senator, R-AK; and The Honorable Mitch McConnell United States Senator, R-KY.

Panel II: Erick Nicholas Vitaliano to be United States District Judge for the Eastern District of New York; Gregory F. Van Tatenhove to be United States District Judge for the Eastern District of Kentucky; Joseph Frank Bianco to be United States District Court Judge for the Eastern District of New York; and Timothy Mark Burgess to be United States District Judge for the District of Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. ENZI. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on Tuesday, November 1 at 10 a.m. The purpose of the hearing is to receive testimony on the National Park Service's draft management policies, including potential impact of the policies on park operations, park resources, interaction with gateway communities, and solicitation and collection of donations.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GREGG. Mr. President I ask unanimous consent that Glenn Kaminsky, a legislative fellow in the offices of Senator LIEBERMAN, be granted the privilege of the floor during consideration of S. 1932.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFICIT REDUCTION OMNIBUS RECONCILIATION ACT OF 2005—Continued

MODIFICATIONS TO AMENDMENT NO. 2352

Mr. GREGG. Mr. President, I ask unanimous consent that the Enzi amendment No. 2352 be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modifications are as follows:

of the Higher Education Act of 1965 (as amended by this Act) (20 U.S.C. 1087e(c)), the second sentence of such subsection shall be applied by substituting "2.0 percent" for "2.5 percent" with respect to loans for which the first disbursement of principal is made on or after July 1, 2007.

(c) REPEAL OF ORIGINATION FEES.—

(1) AMENDMENTS.—Sections 438(c) and 455(c) of the Higher Education Act of 1965 (20 U.S.C. 1087-1(c), 1087e(c)) are repealed.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on July 1, 2011.

(d) NONAPPLICABILITY OF SUNSET PROVISION.—Section 7959 shall not apply to this section or to the amendments made by this section.

SEC. 7958. AUTHORIZATION AND APPROPRIATION OF FUNDS.

There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, $1,660,000,000 to carry out this subtitle, of which—

(1) $450,000,000 shall be available to carry out section 7952;

(2) $10,000,000 shall be available to carry out section 7955; and

(3) $1,200,000,000 shall be available to carry out section 7956.

Mr. JOHNSON. Mr. President, I have recently received a very powerful and thoughtful letter from the Presiding Bishop of the Evangelical Lutheran Church in America, ELCA, of which I am a member. While my religious faith is central to the values which inform my political decisions, these decisions are never based exclusively on direction I might receive from my religious denomination's leaders.

Nonetheless, in this instance I believe that this letter, signed by all 66 ELCA bishops, sends the Senate a profoundly important and timely message concerning the budget reconciliation bill currently before this body.

I ask unanimous consent that this letter be printed in the RECORD, and I urge all my colleagues to take this message of Christian compassion and values to heart.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EVANGELICAL LUTHERAN CHURCH IN AMERICA

DEAR MEMBERS OF CONGRESS, We write to you as religious leaders seeking justice for millions of vulnerable and dispossessed people in our Nation. As Bishops of the Evangelical Lutheran Church in America we represent diverse regions but speak with one voice about the fundamental responsibility of the government, as an expression of the will of the people, to protect the least of its citizens and provide for the poorest in our society. In this spirit we ask specifically that you oppose any attempt to move forward on the budget reconciliation measures now before Congress.

Cuts to mandatory spending called for in the reconciliation package would decrease valuable assistance to millions of low-income families, children, elderly and people with disabilities. Even as the number of people living in poverty and without insurance has increased dramatically in the past five years, the last few tragic weeks in the Gulf Coast area have put a face, indeed, thousands of new faces, on poverty in the heart of our society. Programs such as Food Stamps, Medicaid, the State Children's Health Insurance Program (SCHIP), and Temporary Assistance to Needy Families (TANF) help to keep struggling families together and assist low-income working families in moving to higher economic ground. This is not the time to cut such important programs while using the cuts to pay for tax breaks for those who don't need them.

The Biblical record is clear. The Scriptural witness on which our faith tradition stands speaks dramatically of God's concern for and solidarity with poor and oppressed communities while speaking firmly in opposition to governments whose policies place narrow economic interests driven by greed above the common good. Jesus speaks and acts unequivocally on behalf of those on the margins of society. St. Paul writes forcefully about the importance of community and expands the definition of those we call brothers and sisters in Christ. As Americans open their homes to embrace neighbors from Gulf Coast states, as non-profit and religious organizations provide relief services, we strongly urge you to reflect on your role as a government official in providing for the least in our society and ask that you oppose any attempt to move forward with the budget reconciliation process.

Peace Be With You,
BISHOP MARK S. HANSON,
Presiding Bishop,
Evangelical Lutheran Church in America.

ALABAMA

Bishop Ronald B. Warren

ALASKA

Bishop Ronald D. Martinson

ARIZONA

Bishop Michael J. Neils

ARKANSAS

Bishop Floyd M. Schoenhals

CALIFORNIA

Bishop Murray D. Finck
Bishop David G. Mullen
Bishop Dean W. Nelson

COLORADO

Bishop Allan C. Bjornberg

CONNECTICUT

Bishop Margaret G. Payne

DELAWARE

Bishop H. Gerard Knoche

FLORIDA

Bishop Edward R. Benoway

GEORGIA

Bishop Ronald B. Warren

HAWAII

Bishop Murray D. Finck

IDAHO

Bishop Martin D. Wells

ILLINOIS

Bishop Warren D. Freiheit
Bishop Paul R. Landahl
Bishop Gary M. Wollersheim

INDIANA

Bishop James R. Stuck

IOWA

Bishop Philip L. Hougen
Bishop Michael A. Last
Bishop Steven L. Ullestad

KANSAS

Bishop Gerald L. Mansholt

KENTUCKY

Bishop James R. Stuck

LOUISIANA

Bishop Paul J. Blom
Bishop Kevin S. Kanouse

MAINE

Bishop Margaret G. Payne

MARYLAND

Bishop Ralph W. Dunkin
Bishop H. Gerard Knoche
Bishop Theodore F. Schneider

MASSACHUSETTS

Bishop Margaret G. Payne

MICHIGAN

Bishop Gary L. Hansen
Interim Bishop Kenneth R. Olsen
Bishop Thomas A. Skrenes

MINNESOTA

Bishop Jon V. Anderson
Bishop Craig E. Johnson
Bishop Peter Rogness
Bishop Peter Strommen
Bishop Harold L. Usgaard
Bishop Rolf P. Wangberg

MISSISSIPPI

Bishop Ronald B. Warren

MISSOURI

Bishop Gerald L. Mansholt

MONTANA

Bishop Richard R. Omland

NEBRASKA

Bishop David L. deFreese

NEVADA

Bishop David G. Mullen
Bishop Michael J. Neils

NEW HAMPSHIRE

Bishop Margaret G. Payne

NEW JERSEY

Bishop E. Roy Riley

NEW MEXICO

Bishop Allan C. Bjornberg

NEW YORK

Bishop Stephen P. Bouman
Bishop Marie C. Jerge
Bishop Margaret G. Payne

NORTH CAROLINA

Bishop Leonard H. Bolick

NORTH DAKOTA

Bishop Duane C. Danielson
Bishop Richard J. Foss

OHIO

Bishop Callon W. Holloway, Jr.
Bishop Marcus C. Lohrmann
Bishop Marcus J. Miller

OKLAHOMA

Bishop Floyd M. Schoenhals

OREGON

Bishop Paul R. Swanson

PENNSYLVANIA

Bishop Roy G. Almquist
Bishop Carol S. Hendrix
Bishop Ralph E. Jones
Bishop A. Donald Main

Bishop Donald J. McCoid
Bishop Gregory R. Pile
Bishop David R. Strobel

RHODE ISLAND

Bishop Margaret G. Payne

SOUTH CAROLINA

Bishop David A. Donges

SOUTH DAKOTA

Bishop Andrea F. DeGroot-Nesdahl

TENNESSEE

Bishop Ronald B. Warren

TEXAS

Bishop Allan C. Bjornberg
Bishop Paul J. Blom
Bishop Kevin S. Kanouse
Bishop Ray Tiemann

UTAH

Bishop Allan C. Bjornberg

VERMONT

Bishop Margaret G. Payne

VIRGINIA

Bishop James F. Mauney
Bishop Theodore F. Schneider

WASHINGTON

Bishop William Boerger
Bishop Robert D. Hofstad
Bishop Martin D. Wells

WASHINGTON D.C.

Bishop Theodore F. Schneider

WEST VIRGINIA

Bishop Ralph W. Dunkin

WISCONSIN

Bishop Robert D. Berg
Bishop George G. Carlson
Bishop James A. Justman
Bishop Thomas A. Skrenes
Bishop Paul W. Stumme-Diers
Bishop April Ulring Larson

WYOMING

Bishop Allan C. Bjornberg

BAHAMAS

Bishop Edward R. Benoway

PUERTO RICO

Bishop Margarita Martinez

U.S. VIRGIN ISLANDS

Bishop Margarita Martinez

SLOVAK ZION SYNOD

Bishop Wilma S. Kucharek
(CT, IL, MI, NJ, NY, OH, PA)

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2744

Mr. GREGG. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the immediate consideration of the conference report to accompany H.R. 2744, the Agriculture appropriations bill. I further ask unanimous consent that there be 2 hours of debate equally divided between the majority and minority and that upon the use or yielding back of time, the Senate proceed to vote on the adoption of the conference report, all without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING APPRECIATION FOR THE CONTRIBUTION OF CHINESE ART AND CULTURE

Mr. GREGG. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 56 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 56) expressing appreciation for the contribution of Chinese art and culture and recognizing the Festival of China at the Kennedy Center.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GREGG. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 56) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 56

Whereas mutual cultural understanding and appreciation helps to advance the overall bilateral relationship between the United States and China;

Whereas Chinese cultural achievements have enriched the world for over 5,000 years;

Whereas Chinese artists both in China and in the United States have excelled in music, dance, fashion, theater, film, and the visual arts;

Whereas the John F. Kennedy Center for the Performing Arts is hosting a month-long celebration of Chinese cultural contributions at the Festival of China in October 2005;

Whereas the event, with more than 50 performances and exhibitions and over 800 artists, will be the largest festival in the history of the Kennedy Center;

Whereas the Kennedy Center characterizes the Festival of China as the "the largest celebration of Chinese performing arts in American history";

Whereas events like the Festival of China, along with efforts to promote educational and scientific cooperation between the United States and China, further mutual understanding between our two societies;

Whereas publicly- and privately-funded exchange programs and other forms of Sino-American contacts foster positive relations; and

Whereas cultural events like the Festival of China help strengthen diplomatic, commercial, and political cooperation between the United States and China: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the diverse array of cultural contributions made by Chinese artists based in China, the United States, and around the world benefit the entire international community;

(2) the Kennedy Center, along with the Chinese Ministry of Culture, should be commended for promoting Chinese achievement in the arts at the Festival of China;

(3) the significant undertaking and efforts necessary to organize the Festival of China provides a unique opportunity for bilateral cooperation;

(4) building upon the Festival of China, additional efforts that promote cultural understanding between the United States and China should be encouraged;

(5) the United States and China should work to promote cultural, as well as scientific and educational, cooperation between the two countries;

(6) the United States and China should continue to promote exchange programs, such as the Festival of China, as a vital tool for advancing mutual understanding and cooperation between the people of the United States and the people of China; and

(7) the hundreds of performers and individuals who have contributed their time and effort to make this landmark celebration of Chinese culture and the arts a success are to be congratulated.

ORDERS FOR WEDNESDAY, NOVEMBER 2, 2005

Mr. GREGG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 8:30 a.m. on Wednesday, November 2. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. 1932, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GREGG. Tomorrow, the Senate will continue its work on the deficit reduction bill, and under the time agreement, all time will expire at 6 p.m. tomorrow evening. I remind my colleagues to work with the bill managers if they plan to offer amendments. We will complete this bill this week. We will work through Thursday and Friday, if necessary, to finish this important measure. I encourage Senators to be judicious in offering amendments so that we can avoid a multiday vote-arama that will spill into Friday's session.

I remind Senators that we will need to dispose of the Agriculture appropriations conference report this week as well, and we will be slotting in debate time for that probably tomorrow evening.

MORNING BUSINESS

Mr. GREGG. I ask unanimous consent that there be a period for morning business with Senators permitted to speak up to 10 minutes each, with Senator WYDEN permitted to speak up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object—I do not intend to object—I ask to modify the unanimous consent request to speak for up to 20 minutes, and I would also like to ask, with the leave of the Chair and the ranking minority Member, that Senator NELSON be allowed up to 2 minutes. I think he had one additional comment that he wanted to make about his proposal.

Mr. GREGG. I believe my unanimous consent request was for 20 minutes for the Senator from Oregon, and I will add to that that the Senator from Florida be given 2 minutes.

Mr. WYDEN. I thank the distinguished chairman of the committee. I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. GREGG. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order, following the remarks of the Senator from Florida and the Senator from Oregon.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

MEDICARE PART B

Mr. NELSON of Florida. Mr. President, I rise to respond to the Senator from New Hampshire, to point out that the offset to the amendment that would freeze the Medicare Part B premium for senior citizens is not as the Senator from New Hampshire had been led to believe in Medicare Part D, which is the prescription drug benefit. No, the offset is in the new proposed changes to Medicaid that would make Medicaid be distributed through the States through managed care.

Under the current law, the prescription drugs that are available through Medicaid have to be discounted and provided to Medicaid recipients. The new waivers to the States allowing Medicaid to be dispensed through HMOs is going to allow those discounts to go away, and it will be a negotiated item. There is a savings of up to $2 billion if one does not allow that law to be changed so that the discount goes away by law.

Therefore, Medicaid recipients very possibly pay more. It is that savings, by keeping that discount of up to $2 billion, which is the offset that we pay for, keeping senior citizens whole by not raising their Medicare Part B premiums.

The PRESIDING OFFICER. The Senator from Oregon.

AMERICA CAN DO BETTER

Mr. WYDEN. Mr. President, America can do better than making a policeman walking the beat pay a higher Federal tax rate than someone who makes their money on capital gains and dividends. Unfortunately, the Advisory Panel on Federal Tax Reform today sent to the President a recommendation that will widen the gap between our middle class workers and the fortunate few.

I am a Democrat who believes in markets, I believe in wealth creation, I believe in entrepreneurship, but I also believe in what Henry Ford said. He, of course, was the great industrialist. He made it clear that he wanted to make money and he wanted to do well but he said: For me to make money, my workers have to have enough money to be able to buy my cars.

What concerns me tonight is that the middle class, the folks who are hurting, have gotten short shrift once again from the special advisory panel on tax reform.

These are the folks, the middle class folks, who are walking an economic tightrope, balancing their medical bills against their energy bills, trying to set aside money to save for retirement and health. They are the ones who deserve a break.

I heard mention tonight that Democrats, Senators on my side of the aisle, were not interested in cutting taxes. Well, I proposed last week to cut taxes for millions of middle class people and folks with incomes up to $150,000 by eliminating scores of exemptions, deductions and special interest breaks that exist on both the individual side of the code and the corporate side of the code.

What we saw today is the special advisory panel on tax reform wanted none of that. They did not want to make those kinds of tough choices that step on the toes of special interests, powerful interests with big lobbies. Instead, what they did is take it once again out of the hide of middle income people who would be asked to give up tax breaks and support for concerns such as child care.

When we already have a big gap between those who work for wages and those who make their income on capital gains and dividends, how can it be that it is now proposed to widen that gap?

I think we would be well advised to look back to 1986, when the late President Reagan worked in a bipartisan way with Democrats, both with the Senate and the other body, to come up with a proposal that I think—certainly its foundation would be very appealing now. It makes sure that all income is treated equally. That is what this country has always been about. I do not want to soak anybody. I do not want to discriminate against anybody. But I do not think it is right for workers to have to pay a higher effective tax rate than those who make their money on capital gains and dividends. Income ought to be treated the same. That is what the country is all about. It seems to me that the advisory panel on tax reform missed a big opportunity today when they widened the gap between those who work for wages and those who make their income from wealth.

If one looks at the tax panel's recommendations, in effect, they throw three strikes at the middle class and they lob softballs to the special interests. The first pitch is a slider that shifts a sizable tax burden away from those at the top to the middle income taxpayers. That is followed by a fast ball that takes away many of the deductions and credits such as those for child care and medical needs that middle income Americans have come to rely on. The third pitch is a change-up. The plan may look revenue neutral, but when it flies across the plate, it adds billions of dollars to the budget deficit and will force middle class Americans and their children to pay for tax cuts for the fortunate few.

Under this special advisory panel plan that was proposed today, the middle class simply strikes out. Certainly, those who are at the top are going to enjoy the grand slam that is offered by the panel's plan. The panel would cut their tax rates, those at the very top, once again and there is not the kind of massive housecleaning of the tax system either.

I proposed in my legislation, S. 1927, the Fair Flat Tax Act of 2005, that everybody pays their fair share, not just cutting the tax rates for the fortunate, making up for it by having the middle class subsidize those tax breaks, but mine would treat all income equally. To carry out our proposal, we include a new, simplified 1040 form, one page, 30 lines, for every individual taxpayer. There are three brackets rather than the current system.

Under my proposal the brackets are 15, 25, and 35, and we create a flat corporate rate of 35 percent. This plan is more fair because it would no longer disproportionately favor the most affluent at the expense of the middle class.

Certainly, the tax breaks that my legislation calls for step on toes. I pay for those middle class tax cuts. The proposal has been scored by the experts at the Congressional Research Service. I pay for the middle class tax cut by eliminating scores of tax breaks that are now in the Code for individuals and businesses. Certainly, some of them are going to object, already have. It seems to me that it is worth it to make a radical statement about tax laws, and that is that America can do better than a two-tiered tax system which forces a policeman to pay a higher effective tax rate than an investor who makes his income on capital gains dividends. What is fair about taxing a firefighter's hard-earned wages at a higher percentage than a corporate executive?

Under the current Federal Tax Code, all income is not created equal, and under what the panel proposed today to the President of the United States, the equality gap between the middle class and the fortunate few is going to grow.

Under the proposal that was sent to the President today, Americans who work for wages would further subsidize the cuts, credits, and deferrals of those who make their money from investments such as capital gains and dividends.

Personally, I think there were other opportunities for innovations that the panel missed. For example, I proposed in my legislation to end favoritism for itemizers. We do that by tripling the standard deduction for single filers from $5,000 to $15,000 and raise the deduction from $10,000 to $30,000 for married couples.

I eliminate the alternative minimum tax, which could snare as many as 21 million Americans in 2006. But instead of forcing middle-class people to pay for that, I go after some of those breaks and exemptions and special interest favors that have made their way into the Tax Code.

I will also say that the panel should have moved to correct a glaring inequity in the current tax system, which is regressive State and local taxes. They were advised about how regressive the State and local taxes have become, but unfortunately they took a pass on dealing with this issue as well.

Under current law, low- and middle-income taxpayers get hit with a double whammy. Compared to the fortunate few, they pay more of their income in State and local taxes. Poor families pay more than 11 percent, and middle-income families pay about 10 percent of their income in State and local taxes, while the most affluent pay much less, only about half that. Because many low- and middle-income taxpayers do not itemize, they get no credit on their Federal form for paying State and local taxes. In fact, two-thirds of the Federal deduction for State and local taxes goes to those with incomes above $100,000.

Under my legislation, the Fair Flat Tax Act, for the first time the Federal Tax Code would look at an individual's entire tax situation. My legislation would look at an individual's combined Federal, State, and local tax burden and give credit to low- and middle-income individuals to correct for regressive State and local taxes. By contrast, the advisory panel that reported to the President today proposes to eliminate the current State and local tax deduction with no credit or other mechanism to address the total tax burden that is paid by individuals in this country. So once again, the panel's approach further skews the overall tax burden toward low- and middle-income taxpayers, with the fortunate few benefiting and the middle class getting hammered again.

The proposal I have made keeps in place the deductions most important for our middle-class citizens and particularly the investments they make—the investments they make in their home, in their retirement, in education—those concerns that are so important to maintaining a middle class in our country.

In contrast to the proposal made by the advisory panel today, my legislation means that the vast majority of American taxpayers will see a cut, particularly the middle class in our country. The Congressional Research Service has indicated that all Americans, particularly the middle class and those with incomes up to $150,000, will see tax relief. The President's panel, the advisory panel that reported today, itself said that most taxpayers under its plan will not see much difference in their taxes.

We are going to have a battle of ideas. We hear often that there ought to be a debate about specific proposals. Now we have one. The advisory panel that reported to the President of the United States said, by their own analysis, that most taxpayers under their proposal will not see much difference in their taxes.

Under the proposal I have made for a fair, flat tax rate, what is going to happen in this country, according to the independent analysts at the Congressional Research Service, is that millions of middle-class people will get a tax cut, and all Americans with incomes up to $150,000 will see tax relief. Where the panel throws strikes at the middle class, I say it is time to give the middle class a break. I certainly question the fairness of the President further cutting tax rates for those who are the most affluent in this country while the gap widens between those who depend on their wages to support their families.

Finally, to illustrate the contrast, the proposal made by the panel today does nothing to deal with the hemorrhage that we have in the Federal budget. My proposal, on the other hand, according to the Congressional Research Service, makes a real start at reducing the budget deficit and would actually whittle down these budget deficits approximately $100 billion over the next 5 years.

In summary, I am very troubled by the recommendations coming from the advisory panel today because they continue to twist the Tax Code away from equal treatment of all income, widening the chasm between people who get wages and people who collect dividends. I am troubled that it hits middle-class Americans especially hard, but it treats the special interests and the affluent with kid gloves. And I simply cannot find a sound rationale for adding massively to the country's deficit the way the advisory panel would do. Making the Tax Code simpler and flatter is going to help make it fairer. What is really needed is to provide actual, concrete tax relief to the middle class and to treat work and wealth equally. That was what was done in 1986.

I have been asked several times since introducing this legislation, How is anything going to happen now? The advisory panel's proposal probably goes off to the Federal agency on collecting dust, where they send these commission reports that do not get a lot of attention. But I will tell you that I think there is a chance to strike a chord out across the country with the middle class. That was what was done in 1986 when, on a bipartisan basis, President Reagan and several leading Democrats said, as I am suggesting tonight: America can do better than to tax the middle-class person's wages at a higher rate than it does the people who make their money on capital gains and dividends. If it was good enough for Ronald Reagan in 1986, I think it ought to be pretty appealing to this Congress tonight and in the days ahead.

Now that the debate has been joined, we have the advisory panel's proposal which shows again what their priorities are, which I have outlined tonight. I think they are unfortunate. The legislation I have authored would give significant tax cuts to middle-class folks by eliminating scores of exemptions and deductions and would reduce the Federal deficit at a time when these budget books are hemorrhaging.

The debate is joined. There are two clear alternatives, two clear approaches to this issue of how to approach tax reform now on the table. I look forward to the debate. It is my hope that the Congress, as was done in 1986, can decide this is time to cleanse the Tax Code. Ever since 1986, one break, one exemption, one deduction after another has been added to the Code. Unfortunately, not many of those breaks went to the middle class. They did go to the fortunate few. Now we have a budget deficit that is hemorrhaging and a middle class that is hurting.

Folks want to know what the difference is between the various parties with respect to tax reform. The difference could not be clearer tonight between what I have proposed, a Fair Flat Tax Act, and what the advisory panel proposed this afternoon. I hope the Senate can come together, as was done in 1986, and cleanse the tax system again, since that exercise has not been pursued in 20 years. It can be done on a bipartisan basis as was done in 1986.

I look forward to working with colleagues. I serve on the Finance Committee where such a debate will start. I look forward to working with colleagues on a bipartisan basis.

I yield the floor.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 8:30 a.m. tomorrow.

Thereupon, the Senate, at 8:23 p.m., adjourned until Wednesday, November 2, 2005, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 1, 2005:

FEDERAL RESERVE SYSTEM

BEN S. BERNANKE, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2006, VICE ALAN GREENSPAN, TERM EXPIRING.

BEN S. BERNANKE, OF NEW JERSEY, TO BE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS, VICE ALAN GREENSPAN.

DEPARTMENT OF STATE

STEVEN ALAN BROWNING, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC UGANDA.

JEANINE E. JACKSON, OF WYOMING, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BURKINA FASO.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be Rear Admiral

REAR ADM. (LH) JOHN C. ACTON, 3694

WITHDRAWALS

Executive message transmitted by the President to the Senate on November 1, 2005 withdrawing from further Senate consideration the following nominations:

ROGER FRANCISCO NORIEGA, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006, WHICH WAS SENT TO THE SENATE ON JANUARY 4, 2005.

ROGER FRANCISCO NORIEGA, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006, WHICH WAS SENT TO THE SENATE ON FEBRUARY 14, 2005.

HOUSE OF REPRESENTATIVES—*Tuesday, November 1, 2005*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PORTER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 1, 2005.

I hereby appoint the Honorable JON C. PORTER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

AVIAN FLU: PROTECT AMERICANS

Mr. STEARNS. Mr. Speaker, the prospect of an avian flu pandemic has mobilized government officials and health care professionals across the United States. Every year there is a new outbreak of flu strains, with potentially serious consequences for the elderly, children and people with compromised immune systems. In his address this morning, President Bush accurately differentiated between traditional flu viruses and the avian flu. This specific flu strain, H5N1, is particularly virulent, with a 50 percent mortality rate once contracted. To date, 110 people have been infected, and 60 deaths have been attributed to this flu. The virus has been tracked from Mongolia and Siberia, through the Ukraine and Croatia to Turkey. Avian flu has spread to 16 countries. There is not yet an avian pandemic in the United States, but as we live in an ever-shrinking world with all our travel, we must be prepared for its unwelcome arrival.

In this week's edition of Newsweek, Dr. Margaret Chan, head of preparedness for the World Health Organization, states, "Key factors to combating a global pandemic are early detection, quarantines, availability of vaccines and antiviral drugs, and the state of hospital readiness to treat those infected."

I would like to focus on one of these key factors in particular, the availability of this medication. On May 4 of this year in the Oversight and Investigation Subcommittee where I serve, hearings were held on the current state of preparedness for the upcoming flu season. In those hearings, health officials testified that manufacturing of flu vaccines is an annual process beginning in February with the World Health Organization and the Centers for Disease Control publishing their predictions of flu strains that are most likely to spread that winter. Manufacturing vaccines is a lengthy and complex process that leaves little margin for error. The possibility of contamination of these biologically grown vaccines is great, and, as we saw with the vaccine producer Chiron in 2003, could potentially render entire productions worthless. Fear of liability compounds the short supply of vaccines. In the 1960s, the U.S. had more than 26 vaccine producers in this country. Today only five companies remain. Currently, we rely upon one vaccine producer to make the annual flu cocktails as well as eight other common childhood vaccinations such as measles, mumps, diphtheria and meningitis. Lawsuits make production unprofitable and risky, pushing producers away from vaccines and towards the more lucrative industry of antiviral medications. This raises concern among health experts about resurgence of formerly eradicated diseases if vaccine shortages continue. Congress should consider offering companies incentives to enter the vaccine industry and, of course, limiting the liability burden. These were included in President Bush's avian flu strategy this morning. The President has asked Congress to remove the litigation burden on vaccine manufacturers and fund development of new cell culture techniques. These techniques reduce the time lag between identification of a new pandemic threat and development of a vaccine. Avian flu is the current threat to our Nation's health, but we can be assured it will not be the last. Therefore, increasing our vaccine capacity is necessary to our national security.

There are two antiviral medications available that are believed to treat avian flu, Tamiflu and Relenex. Tamiflu is the more widely recommended medication, and our government is currently building stockpiles of this medication in anticipation of possible outbreaks in this country. However, there is a danger of many individuals building personal Tamiflu stockpiles. The Washington Post reported that 1.7 million prescriptions for Tamiflu were filled in the United States in just the first 8 months of 2005, which is three times more than last year. Personal stockpiles pose a twofold risk. The first is that private consumers reduce the already limited supply of the drug, causing the government to have to compete to fulfill its supply goals, and cause a shortage of supply for public health care providers. The second threat is from individuals incorrectly self-medicating that can lead to development of a resistant viral strain, limiting the medication's effectiveness.

The 2006 agriculture appropriations conference report includes the appropriation of $28 million to control and manage avian flu. We have the ability and obligation to do more. President Bush this morning announced his three-part avian flu strategy to the public, requesting congressional support. This plan incorporates the recommendations of the World Health Organization by monitoring and rapid response to outbreaks, increasing availability of vaccines and antiviral medication, and creating effective pandemic emergency plans in cooperation with State and local authorities. I believe these recommendations are a good start and look forward to reviewing them in further detail.

We must not panic. We must be prepared.

NATIONAL HUNGER AND POVERTY

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized during morning hour debates for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to address the Department of Agriculture's report that was released last week on national hunger data. My home State of Texas ranks at the bottom of this list with 16 percent of households listed as food insecure. This means that at some point, 16 percent of Texans could not provide enough food for their families. This is a staggering number.

Nationally, we did not do much better. Despite improvements in the economy, the number of households at risk for hunger actually increased. We have heard about the mergers, consolidations, buyouts and all the layoffs. As a matter of fact, higher productivity where you can get half the number of people to do the same job the rest of them did is having its impact.

Hiring illegal aliens for less than minimum wage or minimum wage is having its impact. Those people are looking for a better day for their families. They send the money back to Mexico and that leaves them here without anything to eat. We must address this issue. This means that even though more people are working, many are not making enough money to afford basic necessities, namely, food. A full-time minimum wage worker makes less than $11,000 per year. Can you just imagine some of these CEOs making less than $20 million? They would probably starve. These are not just teenagers flipping hamburgers. Thirty-five percent of those earning minimum wage are their family's sole breadwinner. These working poor are faced with the impossible decision of often having to choose between food, clothing, shelter, medicine and utility bills, gas bills.

America was founded on the idea that everyone who works hard can obtain the American dream. Over the past 5 years, this Congress has abandoned those ideals and intensified poverty. We can do better to help American families. It is unconscionable that every day we are here, we are working to see how we can give a bigger tax cut for the wealthy and how we can take it away from the poor. It does not just affect the poor, it affects all of us. Until we are fair about distribution of some wealth, we will never have fairness returned. We have got to invest to solve these problems. That does not mean throwing money at the problem but it does mean paying people a living wage to live on. When we hear about Southwestern Bell, AT&T, TXU laying off 1,200, 1,400, 1,500 people, it impacts those families. Children have to drop out of college or out of school. Families' houses go up in foreclosure. These are law-abiding, working Americans. Do we care? Our record does not show that we care. We simply must address this issue.

I hear all the statistics about the jobs created. Maybe it is like in New Orleans where every job created is going to an illegal alien. That simply is not fair to the American people and most especially it is not fair to people who were in New Orleans who called it home not being able to get the jobs. We have inherited more than our share of both and we have opened arms to receive them in Texas, but we do need to give attention to whether or not we are really helping. If they cannot eat, if they cannot afford shelter, are we helping?

It is the same thing with our borders. Do we help the people to allow them to come over illegally, get hired by the wealthy for 3 or 4 weeks and then they are without jobs? I think we need to take a second look of how we are distributing wealth in this country. Just because the stock market is doing well for 10 percent of the population, it does not mean that everybody else is doing fine. I have heard so many comments about how great the economy is. These people are not even counted in the economy. I thank you, Mr. Speaker, for allowing me to share this with my colleagues, and I hope we heed this.

THE SUPREME COURT

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Texas (Mr. GOHMERT) is recognized during morning hour debates for 1 minute.

Mr. GOHMERT. "The Supreme Court has improperly set itself up as a third house of Congress, reading into the Constitution words and implications which are not there and which were never intended to be there. We have, therefore, reached the point as a Nation when we must take action to save the Constitution from the Court and the Court from itself. We must find a way to take an appeal from the Supreme Court to the Constitution itself. We want a Supreme Court which will do justice under the Constitution and not over it."

The preceding words were a quote from President Franklin D. Roosevelt in 1937. He reformed the Court by appointing eight out of nine justices.

Today, the Supreme Court must have at least one more judge who can read the Constitution without visual hallucinations. It sounds like Judge Alito is such a judge. Without five constitutionally literate justices, the Supreme Court's traditional pronouncement as it enters the courtroom should be changed to that of a confused bailiff in east Texas while flustered who once announced a judge's entrance by proclaiming: "God save us from this honorable court."

GOOD ECONOMIC NEWS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized during morning hour debates for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, there has been a whirlwind of news lately, from Supreme Court nominees to hurricanes and natural disasters and the cost of gasoline. If you were to listen to many folks in this Chamber, you would think that there was absolutely no good news at all, anywhere. I, like most Members of Congress, go home virtually every weekend. When I am home, I try to take every opportunity to listen to people, what are their concerns and what are their interests. They have been worried about a general sense that we here in Washington have gotten distracted from the real issues. I gain strength from those discussions and from those folks at home.

The wonderful news about America is that hardworking men and women across this country are doing just that—they are working hard. To all of them, we owe an incredible debt of gratitude, because they really are the real heroes. Day in and day out, they are the real heroes.

With the challenges that this Nation has faced over the past couple of months, including the record destruction from the hurricanes across the gulf coast and in Florida and the remarkable increases in gas and oil prices, the economy ought to be in the tank, or at least flat, right? It ought not be growing at all.

Hold on, Mr. Speaker. This news, you have not heard in the major media, you have not heard it read in the newspapers, and that is the good news of the wonderful success of our economy, the amazing American economy. This chart shows the gross domestic product, which really is kind of the benchmark of how our economy is performing. This chart demonstrates that in the last quarter, in the third quarter of 2005, the economy grew at a rate of 3.8 percent. That is an increase. This is in spite of Katrina and Rita and all the damage that they brought to our shores. Economists have estimated that if those events had not occurred, this economy would have grown at about 5 percent in the last quarter. The good news is that this economy continues to grow.

The question that most thinking people would ask, how can this be when most of the media, financial and otherwise, keep saying how awful this economy is, how it has no staying power, how it has no energy at all? I am reminded of the old adage that says that even a broken clock is right twice a day. If people keep predicting that there will be a recession, sooner or later they are going to be right.

This chart demonstrates that the past 10 quarters have been phenomenal. That is 2½ years. Growth during that time has been greater than 3 percent for every single quarter and in some of those quarters it has been greater than 4 percent. Again thinking people would ask, What happened 10 quarters ago to bring this about? What began this growth cycle? Curiously, that is about the time when the tax cuts on dividends and the tax cuts on capital gains and the tax cuts on income taxes were clear that they were going to take effect retroactive to January 1, 2003. That is all good news.

What is more, real business investment has grown at an average annual rate of 9 percent over that period of time, nearly twice the rate of the overall economy. This investment in business is exactly what the tax cuts were meant to address. The evidence is very, very clear. The tax cuts have had the effect that they were desired to have.

How about the deficit, you ask? Well, that has improved as well, decreasing by nearly $100 billion over the past fiscal year alone. That is good news, Mr. Speaker. How could that be, lowering tax rates, increasing tax revenue and decreasing the deficit? That is exactly what lowering taxes does.

I have heard my colleagues on the other side say, well, nobody else is being lifted up. In fact, the unemployment rate reached 4.9 percent in August 2005. Most economists will tell you that an unemployment rate of 5 percent is full employment, because people are changing jobs and moving. That is good news surrounding our Nation as it relates to the economy.

Soon Congress must decide whether to make these tax cuts permanent or they will expire. I think the evidence is extremely clear. If we wish this good news on the economy to continue, the tried and true policy of decreasing taxes will result in an increase in economic growth, more money in people's pockets and more financial success for more Americans. Just look at the evidence. This is the evidence that decreasing taxes works for all Americans, 10 straight quarters of economic growth.

I urge my colleagues to embrace this good news and act expeditiously to make certain that the tax cuts be permanent.

TAX COMMISSION MISSES OPPORTUNITY

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Georgia (Mr. LINDER) is recognized during morning hour debates for 5 minutes.

Mr. LINDER. Mr. Speaker, the President's tax commission has completed its work and sent its report to the Treasury Department. When this started 8 or 9 months ago, I said as often as I could that I wish you would not appoint a commission because the only thing that I have seen commissions do in my lifetime is raise taxes. Only on the rich, of course.

Well, guess what: This commission has decided to raise taxes only on the rich. They chose not to do anything bold. They took a tax system that you and I have come to know and love and kept it in place and did nothing to do the exciting things they could have done. The FairTax bill, which I have introduced, would have changed much of what we know about the tax system. For example, the commissioners knew that 22 percent of what we currently pay for at retail represents the embedded cost of the current IRS. You are paying the tax cost and compliance cost of every one of the thousands of corporations and businesses that it took to make that house. The only way a business can pay a bill is through price and consumers are the only taxpayers in the world. They chose to ignore that and leave us disadvantaged in the global economy with a 22 percent tax component in our price system. The FairTax, by getting rid of the IRS, would have ended that. The Tax Foundation has concluded that in 2003 we spent $203 billion just complying with the Tax Code. We spent 6.6 billion man-hours. They chose to ignore that. Getting rid of that cost would add a 2 or $3 trillion tax cut over 10 years to create jobs and create wealth. They chose to ignore that. The FairTax, by getting rid of the IRS, would have eliminated that.

They knew, as we know, that currently 2 to $3 trillion is in the underground economy, not paying taxes. They chose to leave that in place and not change that by keeping the IRS in place. The FairTax, by getting rid of the IRS and taxing consumption, would have taxed the underground economy.

They knew, as we know, that there is today in offshore financial centers, in dollar denominated deposits, $10 trillion. These are deposits that want to be in dollars for safety and they want secrecy. If we were to get rid of the IRS, those dollars would be in our markets and our banks and our credit unions. And we would not have the bankruptcies of Delta and Northwest and United and future bankruptcies to come because their pension plans are not up to par because the driving up of the markets with those $10 trillion would have saved them. They chose to ignore that and did nothing bold.

The President has made a very clear case that Social Security can drown us all. What he did not say was that Medicare was four times as bad as Social Security. They constitute for us today and our grandchildren a $75 trillion problem. Let me put that in perspective for you. If you started a business on the day Jesus Christ was born and lost $1 million a day through yesterday, it would take you another 719 years to lose $1 trillion. $75 trillion.

The FairTax changes the way we gather money for Social Security. Instead of taxing 158 million workers to pay for the retirees, we tax 300 million Americans every time they buy something and 50 million visitors to our shores to save those programs in 15 years by doubling the size of the economy in 15 years. The tax commission chose to ignore that.

Mr. Speaker, it is sad to put all of that effort into play for so many months and come up with such a predictable result, which is to raise taxes on the wealthy. This is not going to change anything. They pointed out in an article in today's paper, two of the commissioners, that the last major simplification was in 1986 and they reduced two levels of taxation and eliminated many deductions. They further pointed out that it has been amended 15,000 times since then. Do they believe that future Congresses are not going to be the same if you have the income tax in place? I think they are wrong. I think they missed a wonderful opportunity to do something bold for our economy and something bold for our country and it saddens me.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 55 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GINGREY) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, the Founders of this Nation were not merely reacting to the problems of their day. They lived with the conviction that something totally new was happening.

The great seal of this Nation presented to the world a new order of the ages. And lest anyone forget where this all came from, the Founders added to the seal, "He," presumably You, Lord God, "has favored our beginnings."

Eternal as You are, enlighten the Members of Congress today to understand that the challenges to be faced today are as old as society: poverty, education, health, stability, and peace. All must be looked at with the freshness of new ideas and contemporary resources. But any attempt to be free of the past is an unworthy illusion, and any attempt to be free of the future is a dangerous mistake. You tell us, "Sufficient for the day is the evil thereof," both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Tennessee (Mrs.

BLACKBURN) come forward and lead the House in the Pledge of Allegiance.

Mrs. BLACKBURN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 3010. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3010) "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPECTER, Mr. COCHRAN, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. DEWINE, Mr. SHELBY, Mr. DOMENICI, Mr. HARKIN, Mr. INOUYE, Mr. REID, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, Mr. DURBIN, and Mr. BYRD, to be the conferees on the part of the Senate.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

RESPONDING TO AVIAN FLU

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, this morning the President at the National Institute of Health outlined his plan for dealing with pandemic flu should this illness jump from birds to people. The President outlined a plan that essentially covered three areas: to be able to detect the outbreak of avian flu anywhere in the world; stockpiling vaccines and medicines; and the response from both the local, State, and Federal level.

To be able to detect the outbreak of avian flu anywhere in the world is going to require a partnership of several countries that will share information and samples, but it is important to remember a threat anywhere is a threat everywhere.

Stockpiling vaccines and increasing the rapidity with which this country can make vaccines ensure that there is reliability and regulatory protection for those countries that are making vaccines.

And, finally, response. Response needs to be at the local, Federal, and State levels. Local officials need to be ready to go, but there also needs to be strategic national stockpiling of supplies and equipment.

Mr. Speaker, the fact remains that the best way to deal with panic is through preparedness. The best way to deal with inflammatory rhetoric is with information. I think the President took some bold steps this morning to outline these plans, and I look forward to the release of the preparedness plan tomorrow.

THE REVEREND DR. SHELVIN JEROME HALL

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to congratulate the Reverend Dr. Shelvin Jerome Hall on his 50 years of service to the Friendship Baptist Church and its surrounding communities in the Chicagoland area. Reverend Hall and his family have been tremendous assets to our community. His wife, a retired Chicago public school teacher; one daughter, Priscilla, a supreme court justice in the State of New York; another daughter, Shelvin Louise, an appellate court judge in Cook County; and his son, an esteemed psychologist. They have been assets to our community, and I congratulate Reverend Hall and his family on 50 years of service.

JUDGE ALITO

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, our Founding Fathers devised a system of government which has served us well for more than 200 years. Ultimately, though, no constitutional system can survive unless it is respected by those who have sworn to protect it. We will find out in the coming weeks whether the liberals in the Senate value demagoguery more than the Constitution.

Judge Samuel Alito has every qualification and character trait you could want in a Supreme Court Justice. He has reverence for the Constitution, he has the humility to remember that his job is to judge, not to legislate. He has a brilliant mind, a compassionate character. He comes from humble origins, which will keep him rooted in the real values of this country. This is precisely the kind of person we need on our Court.

Unfortunately, there are a handful of Senators who are so obsessed with a few controversial issues that they seem bent on tearing down good people no matter what the cost to our democracy. I urge the other body to proceed fairly toward an up-or-down vote on Judge Alito's nomination.

SERGEANT MICHAEL TREMAIN ROBERTSON

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to pay tribute to one of my fallen heroes, Sergeant Michael Tremain Robinson, who died October 25, 2005, of injuries suffered in Samarra, Iraq while serving in the war. He was only 28 years old.

He died at Brooke Army Medical Center, but he suffered his injuries on October 17 when a bomb exploded near a Bradley Fighting Vehicle. We also know that he was known as a humble and quiet spirit, a wonderful medic. He was called Doc Bob.

His Aunt Alma Newsom; his wife, Tanya; his baby son, Xavier; his mother, Barbara Booker; his father, Michael Robinson; grandfather, Simmie Newsom; and his grandparents, Mr. and Mrs. William Robinson, all mourn the loss of this quiet giant, this young man who believed in his country and went back for his second tour of duty.

Mr. Speaker, it is appropriate to honor these fallen heroes, 2,000-plus and growing. In his name, as he is now buried and gone home to his maker, may he rest in peace. But I ask this Congress, this House and Senate in his name to begin to open up and to hold the hearings to determine why we went to Iraq, to treat him as the hero that he was and also so that his family may know the truth.

He took his duty seriously; he was an outstanding and passionate medic and a great American. I pay tribute and finality to Sergeant Michael Tremain Robinson, and my pledge to you is to find the truth.

WATAUGA COUNTY RELAY FOR LIFE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today to congratulate Watauga County, North Carolina, for having the number one Relay for Life program in the country, for a community with a population of 40,000 to 50,000 people.

Relay for Life is a fun-filled overnight event designed to celebrate cancer survivorship and raise money for research and programs of the American Cancer Society. The Watauga County program raised an impressive $333,518 during 2005. This marks the fifth year in a row that they were named the number one team in the United States.

This year's Watauga Relay featured 100 individual teams and a total of more than 1,300 people. This surge of support is the most participation ever in county history. Of the 100 teams, 57 reached all-star status by raising a minimum of $150 per member.

Mr. Speaker, I commend Watauga Relay Chairs Sharon Trivette and Glenda Hodges, along with the hundreds of volunteers who have worked tirelessly to raise hundreds of thousands of dollars for cancer research. I hope to be back here next year to praise them for continuing their winning streak.

FALLEN TEXAS HEROES

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the war, deaths, the southeast Texans, the honored, the names:

PFC John P. Johnson, Houston, United States Army;

Staff Sergeant Russell Slay, Humble, Texas, United States Marine Corps;

Corporal Brian Matthew Kennedy, Houston, Army;

Corporal Tomas Sotelo, Jr., Houston, United States Army;

PFC Wesley Riggs, Baytown, Army;

Sergeant Keelan L. Moss, Houston, United States Army;

PFC Analaura Esparza-Gutierrez, Houston, Army;

PFC Armando Soriano, Houston, United States Army;

PFC Leroy Sandoval, Jr., Houston, Marine Corps.

The volunteers, the brave, the young, the fallen, the freedom fighters, the heroes, the warriors, the band of brothers and sisters. The Americans. That's just the way it is.

PRIVATE PROPERTY RIGHTS

(Mr. CARTER asked and was given permission to address the House for 1 minute.)

Mr. CARTER. Mr. Speaker, the Supreme Court of the United States made one of the worst opinions it has ever made in its history in Kelo v. The City of New London when they announced that they would allow other private individuals to use eminent domain to seize private property to enhance tax dollars for a community.

Mr. Speaker, this is a taking of property totally outside of the Constitution of the United States. I have tried hundreds of these cases. No one is happy when their property is taken; but they realize they are taken for schools, it is taken for highways. Even a highway they want, they do not like to see their property taken. But now we have got a law that says that they can come in because it makes more money for a community.

Mr. Speaker, this is an abomination that we will address this week in this House. It is overtime to address it. I urge my colleagues to join hands across the aisle and stop this horrible taking of property that is the result of this Supreme Court activist opinion.

THE UNITED STATES STANDS WITH INDIA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in the global war on terrorism, we continue to fight against an enemy that has no respect for the sanctity of human life. On Saturday, terrorists detonated three bombs in the busy streets of New Delhi, taking the lives of 62 innocent civilians and wounding over 200 people. By targeting shopping centers and a city bus, terrorists cowardly murdered innocent civilians. Over 60,000 Indians have been killed by terrorists. As these horrendous attacks continue throughout the globe, citizens of all free nations are at risk.

Indian Prime Minister Manmohan Singh condemned the serial blasts in Delhi and vowed that "the government is determined to defeat nefarious designs of terrorist elements. The perpetrators of these heinous acts will be dealt with firmly."

The United States stands with Prime Minister Singh, and we remain dedicated to defeating terrorists who attack our allies. Today our thoughts and prayers are with the Indian people, who are continuing to work with Pakistan for mutual benefit.

In conclusion, God bless our troops; and we will never forget September 11.

□ 1415

SUCCESSFUL AVIAN FLU PREPARATION

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, today, I had the privilege of joining the President for his speech at the National Institutes of Health where he discussed the avian flu and a potential pandemic. He talked about our Nation's strategy to protect outbreaks, expand domestic vaccine protection, stockpile treatments and prepare our response.

The take-home message of all of this is preparation, not panic. It is important that we bring calm to the sea of sensationalism about the bird flu. Is this a threat? Yes, potentially. Do we need to be prepared? Absolutely.

What the President outlined is a strategy for Federal, State and local governments and communities, neighborhoods and families. All must play a role. This cooperation is vital to the strategy and success.

As a doctor, I understand and appreciate the importance of prevention. It is the most efficient and cost-effective way to treat diseases, any disease. That is the goal and the plan, to have a structure in place to rapidly detect outbreaks anyplace in the world, have the medicines and vaccines necessary to treat everyone and respond at every level.

Mr. Speaker, I applaud the President for outlining a proactive, successful course, preventive measures to ensure the safety of all Americans.

SUPPORT FOR SAMUEL ALITO

(Mr. FRANKS of Arizona asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of Arizona. Mr. Speaker, there is a new dawn in America today as President Bush has nominated Samuel Alito to be an associate justice on the United States Supreme Court.

Justice Alito has been a prosecutor and is renowned for courageously taking a stand against organized crime in New Jersey. He was a U.S. Attorney in the District of New Jersey. He has been an assistant attorney general in the Reagan administration, as well as an assistant solicitor general.

Judge Alito is a first generation American. His father was an immigrant from Italy. He has served in the United States Army Reserve for 8 years, being honorably discharged at the rank of captain.

Judge Alito is an outstanding jurist with more experience as a judge than any Supreme Court nominee in the last 70 years. He has been seated on the Third Circuit Court for 15 years and has written opinions on over 300 cases.

Mr. Speaker, Judge Samuel Alito is one of the most prolific, experienced legal minds we have in this country today. We are blessed to have him in public service. I urge the other body to give him the consideration and respect that he has so laboriously earned all of his life.

HOUR OF MEETING ON TOMORROW

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow.

The SPEAKER pro tempore (Mr. GINGREY). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

HEINZ AHLMEYER, JR. POST OFFICE BUILDING

Mr. GUTKNECHT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3548) to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the "Heinz Ahlmeyer, Jr. Post Office Building".

The Clerk read as follows:

H.R. 3548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HEINZ AHLMEYER, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, shall be known and designated as the "Heinz Ahlmeyer, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Heinz Ahlmeyer, Jr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT).

GENERAL LEAVE

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3548.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. GUTKNECHT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3548, authored by the distinguished gentleman from New York (Mr. ENGEL). This bill would designate the post office in Pearl River, New York, as the Heinz Ahlmeyer, Jr. Post Office Building. All members of the New York State delegation have cosponsored this legislation.

Heinz Ahlmeyer, Jr., was a native of Pearl River, New York. He disappeared on his first day of duty in Vietnam. Ahlmeyer was 23 years of age when the Marine Corps sent him on a reconnaissance patrol in Quang Tri province on May 10, 1967, from which he never returned.

Shortly after noon on the day of his death, the patrol came under heavy fire and many of the soldiers were wounded. After several failed attempts, a helicopter was able to land and save the wounded soldiers, although the effort could not retrieve those that had been killed. Because of the enemy presence in the area of the loss, no ground search was possible and Ahlmeyer's remains were not able to be recovered. He was immediately listed as killed in action.

Thirty-eight years later to the day, on May 10, 2005, Heinz Ahlmeyer, Jr., was buried in Arlington National Cemetery with full military honors. In May of 1998, a Joint Field Activity search team was able to find small remnants of American uniforms at the site of the loss in Quang Tri province. Due to DNA and dental records, a military forensics laboratory in Hawaii was able to identify Ahlmeyer in January of 2005.

Finally, the vibrant young man who played football and baseball at Pearl River High School, a hero in every sense of the word, could have a proper burial. Many who knew Ahlmeyer from his high school days attended the funeral in Virginia. Over 100 family members and friends paid respect to the soldier on the 38th anniversary of his death.

I urge my colleagues to come together to honor this brave soldier for his commitment to preserving our freedoms and his bravery in the face of danger.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 3548, legislation naming a postal facility in Pearl River, New York, after the late Heinz Ahlmeyer, Jr. This measure, which was introduced by the gentleman from New York (Mr. ENGEL), a Democrat, on July 28, 2005, and unanimously reported by our committee on October 20, 2005, enjoys the support and cosponsorship of the entire New York delegation.

Heinz Ahlmeyer, a native of New York, grew up in Pearl River. He attended Rockland Community College and graduated from New Paltz College. Upon his graduation, he enlisted in the United States Marine Corps.

While serving on his first tour of duty in Vietnam, Marine Second Lieutenant Heinz Ahlmeyer was on a reconnaissance patrol in the Quang Tri province on May 10, 1967, when he and three other Marines came under fire. It was presumed he was killed in action, but because of heavy enemy fire, commanders felt it was too dangerous to retrieve the bodies.

In January of this year, the military notified his family that, through DNA, his remains were found, giving family and friends closure. And on May 10, 2005, Marine Second Lieutenant Heinz Ahlmeyer was interred with honors at Arlington National Cemetery.

Mr. Speaker, I commend my colleague for seeking to honor the spirit and legacy of this Marine. Naming a post office in his memory is a small token of the appreciation that we can show.

Mr. Speaker, I urge swift passage of this bill.

Mr. Speaker, I yield such time as he may come consume to the gentleman from New York (Mr. ENGEL), the sponsor of the bill.

Mr. ENGEL. Mr. Speaker, I thank my good friend from Illinois for yielding me time, and I thank my friend from Minnesota for being so helpful in passing this bill today.

Mr. Speaker, my colleagues have said it all, but I want to add it is with honor that I stand here today to pay tribute to this brave American, an exemplary New Yorker, Heinz Ahlmeyer, Jr.

Heinz Ahlmeyer, Jr., grew up in my district in Pearl River, New York, which is in Rockland County, a suburb of New York City. He was a popular high school athlete. He played football and baseball at Pearl River High School. His classmates remember him as a happy-go-lucky guy.

After attending Rockland Community College, Ahlmeyer went on to graduate from the State University of New York in New Paltz. Immediately after college, he enlisted in the U.S. Marine Corps at just 23 years old in 1967.

As a second lieutenant, he and three other Marines came under heavy fire from all sides, tragically, on just his first day in Vietnam. Because of the heavy fire surrounding the incident, the four Marines were presumed dead, but, sadly, Ahlmeyer's remains were never recovered, leaving his family and friends without any real closure or sense of peace.

I must say that in Pearl River and Rockland County, it is a wonderful community, and people never forgot about Heinz Ahlmeyer, Jr., and wore tributes to him, wore wristbands and other things to show that the community has never forgotten him.

So for almost 38 years, friends and family wondered if they would ever know exactly what happened to Heinz. Then, finally, in January of this year, they were unexpectedly notified by military officials that, through DNA samples, his remains were found, giving his family and friends and the community much-needed closure. This past May, Ahlmeyer's life was celebrated during his burial at Arlington National Cemetery.

It is important that America, Mr. Speaker, honors their heroes of war, not just for their grieving family and friends but for future generations who might enter into combat. My deepest sympathy goes out to the Ahlmeyer family who I hope may take small comfort in knowing that Heinz has a burial place closer to home. The Heinz Ahlmeyer Post Office in Pearl River will be a daily reminder to the community of his great sacrifice to his country.

I might also add that, at all the parades on Memorial Day and Veterans' Day, the community has made it very clear that this is so important to everyone concerned, so important that we do the right thing, that I really must say I am touched and grateful to my colleagues for the promptness by which this bill has passed out of committee and has come to the floor. So I want to thank everyone on both sides of the aisle who has been involved with this.

We can never bring Heinz Ahlmeyer, Jr., back, but we do always remember him personally, because he was such an exemplary young man and for what he stood for.

When I check and see, he was only 3 years older than I am right now, but, unfortunately, cut down as a very, very young man. Three years older, if he had lived, he would now be entering his late fifties or early sixties.

So we remember him. We show that we are a caring community, that we are a caring country, and this Congress is doing right by Heinz Ahlmeyer, Jr.

Mr. DAVIS of Illinois. Mr. Speaker, I would simply commend again the gentleman from New York for introducing this legislation.

I have no further requests for time, and I yield back the balance of my time.

Mr. GUTKNECHT. Mr. Speaker, I want to thank the gentleman from New York for bringing this bill forward. This clearly is a fitting tribute to an American hero, and I would urge all Members to support passage of H.R. 3548.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and pass the bill, H.R. 3548.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GUTKNECHT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

☐ 1430

LILLIAN McKAY POST OFFICE BUILDING

Mr. GUTKNECHT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2413) to designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the "Lillian McKay Post Office Building".

The Clerk read as follows:

H.R. 2413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LILLIAN MCKAY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, shall be known and designated as the "Lillian McKay Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lillian McKay Post Office Building".

The SPEAKER pro tempore (Mr. GINGREY). Pursuant to the rule, the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT).

GENERAL LEAVE

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. GUTKNECHT. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 2413, offered by the distinguished gentleman from Texas (Mr. POE). This bill would designate the post office in Humble, Texas, as the Lillian McKay Post Office Building.

As the First Lady of Humble, Texas, a small town located just northeast of Houston, Lillian McKay made an impact on the community that will be remembered forever. Officially, she became Humble's First Lady in 1971 when her husband, Dr. Haden McKay, became the mayor of that small town. Dr. McKay served the city of Humble for more than 38 years, as mayor as well as a member of the city council. One thing was for sure: Lillian McKay was always there by his side.

Her philanthropic nature has earned her several prestigious community awards, such as the Humble Area Chamber of Commerce Citizen of the Year, the Yellow Rose of Texas award, Family Time Women of Achievement Community Leader award and, finally, the Northeast Medical Center Hospital Foundation Gala Honoree. Lillian McKay is also closely involved with the Humble Museum as acting curator. She has been an advocate for the museum since its inception in 1976.

This lifelong Texan has given back much more to her community than can ever be documented. Long after the death of her husband, Lillian McKay is still considered the First Lady of Humble, Texas, and will always be remembered as such.

I urge all Members to join me in honoring the lifetime community achievements of this very special and generous woman.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join with my colleague from Minnesota in consideration of H.R. 2413, legislation naming the postal facility in Humble, Texas, after Lillian McKay. This measure, which was introduced by Representative TED POE on May 17, 2005, and unanimously reported by our committee on September 15, 2005, enjoys the support and cosponsorship of the entire Texas delegation.

Lillian McKay, a native Texan, was born in Ammannsville, Texas, and grew up in Fairchilds, Texas. She married and moved with her husband to Humble, Texas.

Known as the First Lady of Humble while her husband served as mayor of Humble, Mrs. McKay has been an active member of the community and has been honored for her contributions. She has received the Humble Area Chamber of Commerce Citizen of the Year award and the Yellow Rose of Texas award, to name a few. She is the curator of the Humble Museum and has remained involved in the museum since its inception.

Mr. Speaker, I commend my colleague for seeking to honor Mrs. McKay in this manner and urge swift passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. GUTKNECHT. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of Texas (Mr. POE).

Mr. POE. Mr. Speaker, I thank the gentleman from Minnesota for yielding me this time, and I thank the gentleman from Illinois for his support of this bill.

Lillian McKay by trade was a nurse; and she met her husband, Dr. Haden McKay, a doctor in Humble, Texas, and there they have spent most of their life supporting people. She is the First Lady of Humble, Texas. She has been for a number of years, and she will always be.

The reason she is the First Lady is because she is always involved in the lives of people, young people, elderly people, all people. She does what she can every day to help someone else. She is the neighbor of the entire community.

Both she and her husband made Humble their home in 1941. In fact, she still lives in that same limestone house that he built for her in 1941. Humble, Texas, is a small, rural town north of Houston, about 27 miles. It started out as an oil field town. Oil was struck there; and one of the landmark roads of Humble, Texas, is Moonshine Hill Road. After oil was struck there, a little oil company started called Humble Oil and Refining Company. Later they changed their name to Exxon. Humble, Texas, never chose to change their name to Exxon, Texas, however.

But Lillian McKay is a great believer in people; and she was always seen going door to door, helping out neighbors, collecting for worthy causes.

Humble, Texas, the small town that it is, is like most small towns. It is very political. But you would never know whether Miss Lillian was a Republican or a Democrat, because she always supported people that she thought would help the community and help the city of Humble, Texas. She is still involved to some extent in helping people who want to run for office and support them no matter what their party affiliation happens to be.

Miss Lillian is a great believer in history. She loves history. She loves Texas history. So she started a museum in Humble, Texas, to preserve the oil-rich heritage of the city. Back in the days when Humble was an oil boom town, she started the museum; and she has selected numerous items to preserve history, Texas history. She has been honored by every group in the State of Texas that promotes such honors for ladies like this.

So, Miss Lillian, we appreciate your service to the people of Texas, your lifelong commitment to helping others, your lifelong commitment to the community and to Humble, Texas, and to the people of Humble.

I thank both Members for their help in the sponsorship of this bill.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for bringing this bill to the House. Clearly, this is a woman who is richly deserving of this honor. I urge all of my colleagues to join me in support of the passage of this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and pass the bill, H.R. 2413.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ALBERT HAROLD QUIE POST OFFICE

Mr. GUTKNECHT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3989) to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the "Albert Harold Quie Post Office," as amended.

The Clerk read as follows:

H.R. 3989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALBERT H. QUIE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, shall be known and designated as the "Albert H. Quie Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Albert H. Quie Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT).

GENERAL LEAVE

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. GUTKNECHT. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3989, as amended. I offer this bill together with my colleague from Minnesota (Mr. KLINE). This bill would designate the post office in Dennison, Minnesota, as the Albert H. Quie Post Office Building.

Let me tell you a little bit about Al Quie. I am privileged to know Al and have known him for a very long time. Al Quie was born on a farm in Wheeling Township in Rice County near Dennison, Minnesota, on September 8, 1923. He attended the grade schools in Nerstrand and high school in Northfield. He graduated from St. Olaf College in 1950.

Mr. Quie served as a pilot in the United States Navy from 1943 to 1945. He later became the owner and operator of a dairy farm there in Rice County. He was the clerk of the District 43 School Board from 1949 to 1952 and a supervisor for the Rice County Soil Conservation District from 1950 until 1954.

Al Quie was elected to the Minnesota State Senate in 1955, and he was elected as a Republican to the 85th Congress by a special election to fill the vacancy caused by the death of United States Representative August Andresen. He was reelected to the succeeding Congresses for 10 consecutive terms. In 1978, he left the Congress to run for Governor of Minnesota where he served from 1979 until 1983.

You cannot talk about Al Quie without talking about his wife, Gretchen, a very special woman, a loving and tender woman; and I remember her so well as the First Lady of the State of Minnesota.

But Al Quie is so many things. He was a true patriot, a very committed Christian, a loving father and husband. He was a principled public servant; and in many respects, he embodied all of the qualities that we in this House should emulate. I think naming a post office after him in his hometown of Dennison, Minnesota, is a very, very small tribute.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 3989, legislation naming the postal facility in Dennison, Minnesota, after Albert Harold Quie. This measure, which was introduced by Representative JOHN KLINE on October 6, 2005, and unanimously reported by our committee on October 20, 2005, enjoys the support and cosponsorship of the entire Minnesota delegation.

Harold Quie, a native of Minnesota, was born on a farm, educated in the State, and served in the U.S. Navy for 2 years. He served in the Minnesota State Senate from 1955 to 1958, before serving in the U.S. House of Representatives in 1958. Representative Quie was reelected and served until 1979 when he was elected Governor of Minnesota. He served as Governor until 1983.

After 25 years in government as a public servant, Representative Quie continued to be a man of the people. He became a lecturer, teacher, and director, and vice president of Prison Fellowship, both in Minnesota and North Dakota. Representative Quie is currently retired, living in Minnesota.

Mr. Speaker, I commend my colleague for seeking to honor the contributions of former Representative and Governor Quie, and I urge swift passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. GUTKNECHT. Mr. Speaker, I am pleased to yield such time as he may consume to my colleague from Minnesota (Mr. KLINE).

Mr. KLINE. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this bill. I think it was Mr. GUTKNECHT's original idea, and I am very pleased that he had it.

Mr. Speaker, I rise today in support of H.R. 3989, this resolution which pays tribute to an outstanding Minnesotan through the designation of the Albert H. Quie Post Office. I express my appreciation to my colleague from Minnesota, as I said, for his leadership, for his initiative in this bill, and for helping us pull the entire Minnesota delegation together. We have unanimous bipartisan support for this resolution.

Mr. Speaker, Al Quie is a lifelong Minnesotan who is guided by a strong faith and the principle of selfless service. Residents of Minnesota's Second Congressional District can be proud of this native son who was born on a farm in Rice County, was educated in Nerstrand and Northfield, and graduated from St. Olaf College in 1950, all institutions in the Second District of Minnesota.

Throughout his life, Al demonstrated his Minnesota values and earned the respect of his fellow citizens. As a pilot in the U.S. Navy, he served his Nation bravely in the final days of the Second World War. Returning to Minnesota, he continued to serve as a member of the District 43 School Board, the Minnesota State Senate, the U.S. House of Representatives, and as Governor of our great State, all accomplishments which have already been mentioned and probably cannot be mentioned enough for this great American.

In his life, faith has always been a clear and guiding principle. As one of the founders of the bipartisan National Prayer Breakfast, Al is responsible for a meaningful tradition which continues today. Attended by every President for the past 50 years, the National Prayer Breakfast unites men and women from across the political spectrum in every area of the country in a common purpose, and, Mr. Speaker, I might add, from countries around the world as this prayer breakfast has grown in participation.

The National Prayer Breakfast was an outgrowth of Al's work in the bipartisan Congressional Prayer Breakfast. Considered "the best hour of the week" by many of us, there are many of my colleagues here in this room today who regularly attend this Members-only gathering, it is still held weekly, providing a welcome opportunity for prayer and fellowship.

Closely intertwined with Al's faith is his love of nature and adventure. Over the course of nine summers, accompanied by friends, colleagues, and his sons, Al traveled the length of the Continental Divide on horseback, journaling along the way.

☐ 1445

Considering it his greatest triumph, he detailed the experience in a book, Riding the Divide, which I highly commend to all of my colleagues. It is a personal account of his adventure and a testimony of his faith journey.

Though the ride to Canada to Mexico may have been his biggest personal triumph, Al's greatest impact on the lives of others may be his work with Prison Fellowship Ministries, a volunteer organization which ministers to prisoners, ex-prisoners, victims and their families, and promotes biblical standards of justice in the criminal justice system.

Through this group, Al's faith has impacted individuals and changed lives. Al Quie's life reflects faith, dedication to service and an enduring commitment to the people of Minnesota. It is an honor as a Minnesotan to pay tribute to him today.

Mr. GUTKNECHT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank my colleagues for bringing forth this resolution.

It would be great to have the opportunity to visit all of those for whom we name post offices, but I think if you really knew Al Quie, you would know that he would be a standard against which we would judge the others.

A lot has been talked about the great things he has done in public service as well as for the community. I first got a chance to interact with him when I started to get involved in the process of politics in 1978 when he ran for Governor. What an amazing man he is. The last two times I saw Governor Quie were in church and in a prison. You might think that is a little bit unusual combination, but he really has brought his faith to those that are in prison and really dedicated himself to that.

This is a person that not only served in many capacities in the State legislature, as a U.S. Congressman and as Governor, but through his work with Prison Fellowship and the Minnesota School Readiness Business Advisory Council, helping people be prepared for school, he has committed himself to the community.

It has already been mentioned about the fact that he has just a gem of a spouse. Those that meet Gretchen know how much that contributes to his strength. If you are known by your fruits, their five children, Fredric, Jennifer, Daniel, Joel and Ben, speak highly of them.

A true leader, a man dedicated to his faith, family State and country. Mr. Speaker, I am pleased to support this bill, pleased to support a bill to name a post office after someone who makes Minnesota nice personified.

Denison, Minnesota, deserves to have their post office named after Governor Quie. I applaud my colleagues for bringing this forward.

Mr. GUTKNECHT. Mr. Speaker, I thank my colleagues. I would just add one thing to the comments of my colleague (Mr. KLINE) and that is that when he rode the Continental Divide, he was in his 70s. An amazing tribute. He is now in his 80s. He and Gretchen still are living happily in Minnesota. I believe that naming this post office is just a small way for us to say thank you for his many, many years of selfless public service.

Mr. Speaker, I hope the Members will join us in supporting this important resolution.

Mr. RAMSTAD. Mr. Speaker, I rise today to pay tribute to a great public servant, a man of great faith and good works, a great American—and a friend to all Minnesotans and many who have served in this House.

Al Quie is a truly honorable man, a "servant leader" of the highest order. I urge my colleagues to support the legislation before us to honor this dedicated public servant. This legislation would designate the post office in Dennison, Minnesota, as the "Albert Harold Quie Post Office."

Mr. Speaker, this is a truly fitting and well-deserved honor for an outstanding former Member of Congress and great Governor of the State of Minnesota. As my friend since I was first elected to the Minnesota Senate in 1980 when Al was Governor, I consider him one of the most honorable people I've known in my 25 years of public service.

Mr. Speaker, Al Quie is truly one of the all-time "greats" of Minnesota government and politics. His record of unquestioned integrity, leadership, legislative accomplishments and public service will forever rank Al Quie as a "giant" in Minnesota history.

Al Quie was born on a farm in Wheeling Township, Rice County, near Dennison, Minnesota, on September 18, 1923. Al Quie's many accomplishments as a Navy pilot, dairy farmer, legislator, Member of Congress, Governor, religious leader and all-star citizen make this honor, the naming of his hometown post office, a truly fitting recognition of his public service.

Al Quie completed all of his formal education within a few miles of the Dennison Post Office; he attended grade school in Nerstrand, high school in Northfield and graduated from St. Olaf College in Northfield in 1950.

Governor Quie served as a pilot in the United States Navy from 1943–1945 and later became the owner and operator of a dairy farm. He was the clerk of District 43 School Board from 1949–1952 and a supervisor for the Rice County Soil Conservation District from 1950–1954. Al Quie was a member of the Minnesota State Senate from 1955–1958 and was elected to the 85th U.S. Congress and served 20 years here in this chamber. He served as the 35th Governor of Minnesota from January 1, 1979, until January 3, 1983.

Mr. Speaker, Al Quie's tireless work to help others since he left the Governor's office with such wonderful organizations as Prison Fellowship has been truly inspirational. His strong faith also serves as a powerful force and profound example for me in my life.

Al Quie has continued his public service in too many ways to fully emunerate here. Al has served on many boards—not only Prison Fellowship Ministries, but Lutheran Brotherhood Mutual Funds, Lutheran Health Systems, Tentmakers, Vesper Society, Nobel Peace Prize Forum, Search Institute, Council on Crime and Justice, Urban Ventures and AGORA.

Al Quie was a member of the Commission on Excellence in Education that wrote "A Nation at Risk." Today, Al is a sought after speaker and mentor as well as a voting member of the Evangelical Lutheran Church in America Church-Wide Assemblies.

Al has also been busy seeing this great nation he served so ably. After completing his service as Governor of Minnesota, he was able to take time to fulfill his life-long dream of riding horseback along the Continental Divide from Canada to Mexico—and write a best-selling book about it, "Riding the Divide." Al Quie has had quite a ride, serving others and leading our state and nation. I am proud to say that today he resides in Minnetonka, Minnesota, my home town in the 3rd Congressional District, which I am privileged to represent.

Al personifies both the greatness and goodness of Minnesota. Above all, Al has been a good friend over the years, and I love, admire and respect him and his wonderful family.

Mr. Speaker, I urge a "yes" vote on this fitting tribute to a great leader and a truly good man, Al Quie.

Mr. SABO. Mr. Speaker, I rise in support of H.R. 3989 and join my Democratic and Republican colleagues from Minnesota in their unanimous support for designating the post office in Dennison, Minnesota as the "Albert Harold Quie Post Office."

Albert Quie is a well-respected former Minnesota Governor, U.S. Representative, and state senator. He grew up on a farm near his hometown of Dennison.

Al Quie was elected to the U.S. House of Representatives in a special election in 1958 and served here for over 20 years.

Governor Quie left the U.S. House in late 1978 to return to Minnesota after his successful gubernatorial bid. While I never served alongside Governor Quie, I've always respected his integrity and humility in his commitment to public service.

Again, I rise in support of naming the Dennison, MN, post office after Albert Harold Quie.

Mr. GUTKNECHT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GINGREY). The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and pass the bill, H.R. 3989, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GUTKNECHT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SUDAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109-66)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the Sudan emergency is to continue in effect beyond November 3, 2005. The most recent notice continuing this emergency was published in the Federal Register on November 2, 2004 (69 FR 63915).

The crisis between the United States and Sudan constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency on November 3, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force comprehensive sanctions against Sudan to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *November 1, 2005.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 50 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COLE of Oklahoma) at 6 o'clock and 30 minutes p.m.

RETURNING TO THE HOUSE OF REPRESENTATIVES THE ENROLLMENT OF H.R. 3765—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

Consistent with House Concurrent Resolution 276, I am hereby returning the enrolled bill H.R. 3765, "An Act to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entitles to expedite the processing of permits," to the House of Representatives for the purposes of making necessary corrections.

GEORGE W. BUSH.

THE WHITE HOUSE, *November 1, 2005.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3548, by the yeas and nays;

H.R. 3989, by the yeas and nays.

HEINZ AHLMEYER, JR. POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3548.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and pass the bill, H.R. 3548, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 43, as follows:

[Roll No. 557]

YEAS—390

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella

Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—43

Andrews
Berman
Boswell
Brown, Corrine
Brown-Waite, Ginny
Capuano
Costello
Cubin
Cummings
Davis (FL)
Davis (TN)
DeLay
Dingell
Doyle
Ford
Gallegly
Gutierrez
Hall
Hastings (FL)
Herseth
Hinchey
Hoyer
Hyde
Istook
Jackson (IL)
Jenkins
Maloney
McCollum (MN)
Miller, Gary
Murtha
Norwood
Oxley
Pearce
Pombo
Rohrabacher
Roybal-Allard
Rush
Shays
Spratt
Terry
Thompson (MS)
Udall (CO)
Wynn

☐ 1854

Mr. RADANOVICH changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCING THE PASSING OF FORMER CONGRESSMAN JOHN N. ERLENBORN OF ILLINOIS

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Mr. Speaker, it is with sadness that I rise to inform the House of the passing on Sunday of one of our beloved former colleagues, John Erlenborn of Illinois.

John Erlenborn served the people of the southwest suburbs of Chicago from 1956 to 1985. After his service in Congress, he served on the board and as president of the Legal Services Corporation from 1989 until 2001. A former president of the U.S. Association of Former Members of Congress, he was well-known and well-loved by all of us.

Our hearts and prayers go out to his wife Dorothy and his wonderful family.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 2967. An act to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

ALBERT HAROLD QUIE POST OFFICE

The SPEAKER pro tempore (Mr. COLE of Oklahoma). The pending business is the question of suspending the rules and passing the bill, H.R. 3989, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and pass the bill, H.R. 3989, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 1, not voting 41, as follows:

[Roll No. 558]

YEAS—391

Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)

Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—1

Abercrombie

NOT VOTING—41

Andrews
Boswell
Brown, Corrine
Brown-Waite, Ginny
Capuano
Costello
Cubin
Cummings
Davis (FL)
DeLay
Dingell
Doyle
Ford
Gallegly
Gutierrez
Hall
Harris
Hastings (FL)
Herseth
Hoyer
Hyde
Istook
Jenkins
Maloney
McCollum (MN)
Miller, Gary
Murtha
Norwood
Oxley
Pearce
Pombo
Rohrabacher
Roybal-Allard
Rush
Shays
Spratt
Strickland
Terry
Thompson (MS)
Udall (CO)
Wynn

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So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the 'Albert H. Quie Post Office'.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, I regret that I missed two votes on November 1st, 2005. Had I been present I would have voted "yes" on both H.R. 3548 (the Heinz Ahlmeyer Jr. Post Office Building Designation Act) and H.R. 3989 (the Albert Harold Quie Post Office Designation Act).

PERSONAL EXPLANATION

Mr. POMBO. Mr. Speaker, on November 1, 2005 I missed recorded votes and would like my intentions included in the Congressional Record. Had I been present, I would have voted "yea" on both H.R. 3548 and H.R. 3989.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the Record to show that, had I been present, I would have voted "yea" on rollcall votes No. 557 and No. 558.

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, I was attending events in my congressional district during today's rollcall votes on H.R. 3548, the Heinz Ahlmeyer, Jr., Post Office Building Designation Act, and H.R. 3989, the Albert Harold Quie Post Office Designation Act.

Had I been present, I would have voted in favor of both bills.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 2216

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 2216, a bill originally introduced by Representative Cox of California, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore (Mr. Cole of Oklahoma). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

AVIAN FLU

(Mr. DeFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DeFAZIO. Mr. Speaker, the President has finally discovered that there is a threat of an avian bird flu pandemic despite the fact that it was discovered about 8 years ago. Experts have been talking about the threat of the pandemic for a number of years. Last year the President in his budget spent $182 million on chastity education and $100 million on preparation for a pandemic. That is for all investment in flus, vaccines, and antivirals and research.

I am glad that he has had a change of heart now. Now he is going to begin to adequately fund the threat, but it is getting pretty late. The U.S. does not make the vaccines. In fact, there is not a very good vaccine available. And we do not make the antivirals. And we are going to have to get in line behind every other country in the world that had better foresight than this administration.

ACROSS-THE-BOARD SPENDING CUTS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, the other day the President spoke out in support of across-the-board spending cuts as an option for reducing Federal spending. I want to applaud the President for joining us on this issue. On October 20, I wrote a letter of thanks to the President, thanking him for supporting across-the-board spending reductions.

In September, along with two of my colleagues, I introduced H.R. 3903, H.R. 3904, and H.R. 3906, 1, 2, and 5 percent across-the-board reduction bills for nondefense, non-Homeland Security discretionary spending. We have 18 members signed as co-sponsors, and I hope to continue building support for the reductions. Every Member in this body should be able to support at least a 1 percent reduction.

This House leadership has actively pushed to rein in spending, and I hope my colleagues will join me in supporting these bills.

House of Representatives,
Washington, DC, October 20, 2005.

Hon. George W. Bush,
The White House,
Washington, DC.

Dear President Bush: Thank you for promising to work with Congress to offset costs for Gulf Coast reconstruction with spending cuts. I know that you and I are committed to act in a fiscally responsible way in paying for the reconstruction efforts.

In your speech on October 4th from the Rose Garden, you stated that you want Congress to pay for as much of the hurricane relief as possible by cutting spending and that you will work with Congress to identify offsets to free up money for the reconstruction efforts. You also called on Congress to make real cuts in non-security spending.

Mr. President, I have introduced three bills that are significant first steps towards meeting your goals. The bills would enact across-the-board 1%, 2%, and 5% reductions in non-defense and non-homeland security discretionary spending. I believe that by working together on these proposals we can show the American people that you and I are dedicated to exercising spending restraint to prevent more federal debt passing on to future generations.

Thank you for your attention to this matter, and I look forward to working with you during the coming months.

Sincerely,

Marsha Blackburn,
Member of Congress.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. Cole of Oklahoma). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to take the Special Order time of the gentleman from North Carolina (Mr. JONES).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, yesterday a subcommittee of the Japanese Food Safety Commission, on Prions, which deals primarily with BSE, or mad cow disease, voted to pursue a course designed to open Japan's borders to U.S. beef. This is something that the beef industry has been waiting for for about 1 year, 1½ years now. And the full committee will vote tomorrow on opening trade with the United States, and then this will begin a 4-week comment period, after which it is assumed that borders will open. So we are hoping that by the end of the year we will see U.S. beef going to Japan.

This is certainly important for our beef industry because Japan was buying at one time roughly $1.7 billion of U.S. beef annually. So it is a huge portion of our beef trade.

Getting the border open has been surprisingly difficult, however. We had two cases of BSE in North America that shut off trade with Japan. Japan has had numerous cases of BSE in recent years. Our current testing system would detect one BSE-positive cow out of 10 million healthy cows with a 99 percent probability. So the odds of a BSE cow getting through our present system is practically nil. So it is a very reliable system.

Contrast this with the scenario currently going on with the European Union. In 2004, last year, there were 756 cases of BSE in the European Union, 756, whereas in all of North America there have been no more than four or five cases in the last 3 years. There have been 189,102 cases of BSE in Europe since BSE was first found several years ago. So it has been a huge amount of trouble that they have had. Yet the United States has experienced practically no exports of our beef to Europe. One would think with that scenario that we would have had a tremendous export opportunity.

The European Union has blocked U.S. beef in violation of WTO rules, also has blocked our pork, our poultry, and genetically modified crops. So the European Union, certainly, has not been a good trading partner; and they have, as I mentioned, violated WTO rules in doing so.

The net agriculture trade deficit between the United States and the European Union was a minus $5 billion last year; so we have taken a big hit in this area.

Current trade talks with the European Union are very important, and we have an excellent trade ambassador, Rob Portman, who is doing a great job and we have great confidence in him, but currently we have an offer on the table which is one by which we would reduce our amber box, our farm subsidies, by 60 percent, from $19 billion to roughly $7.5 billion.

We have asked the European Union to reduce their trade subsidies by 83 percent, from $80 billion down to $15 billion. The EU has countered with an offer to reduce their export subsidies and also their farm subsidies to 39 percent, which is certainly not a very satisfactory counteroffer. As a result, we are somewhat concerned about their response to this whole situation.

It seems that tariffs certainly need to be equalized between the U.S. and the European Union. Currently, our tariffs on goods going into the European Union are roughly 30 percent. Their goods coming into the United States are roughly 12 percent. So here these two large trading partners, with economies of somewhere in the $9 trillion to $11 trillion range, still have a great dichotomy in terms of the actual tariffs that are being charged against the U.S. versus the EU.

The important thing to realize is if these trade agreements are formalized and if they do come into being, this will certainly change the nature and structure of our current farm bill.

A note of caution here, Mr. Speaker. Brazil is waiting there and seeing what is going to happen. Their land is roughly 10 percent of our land value. Their labor costs are about 5 percent of our value. So if we reduce our farm programs, they are going to be a formidable competitor. We certainly think our farmers can compete with anyone in the world; but when the playing field is that unequal, it can be a problem. So it is really important that we realize that trade agreements are tremendous if they are honored and if the playing field is equal, but they can be huge liabilities if one side honors the agreements and the other does not.

So far with the European Union that has been pretty much the situation. So in Congress we need to look at the next WTO round very carefully.

THE CONTINUING WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, every time you look, the rationale for the Iraq war has shifted. It went from being about weapons of mass destruction to removing Saddam Hussein to trying to build a democratic Iraq.

We were told this war would be over in a matter of weeks, and that the Iraqis would be able to finance it with oil sales. We were promised it was not a mission of nation building.

But the reality is we're two years in and we've spent more than $200 billion dollars on this venture. And who is paying for all of this? The American taxpayer.

The outstanding public debt as of October 3 is almost $8,000,000,000,000 (eight trillion). With a population approaching 300 million, each U.S. citizen's share of this debt is about $27,000.

Big government conservatives are spending trillions and wasting billions. Republicans are no longer the party of fiscal conservancy, but the party of runaway spending and corruption.

The majority's oversight of the spending in Iraq has been simply disgraceful. The time for accountability is long overdue. It is time to stop handing the president blank checks.

Each week in Iraq, the deadly attacks continue, and more of our troops are lost. Our death toll now is past 2,000 Americans.

These attacks remind us again of the urgent need to develop a more effective strategy in Iraq—one I and my colleagues on this side of the aisle suggested before we went to war, and one that was disregarded.

The reality in Iraq is that we are creating new terrorists and severely damaging the public impression of the United States in the Muslim world.

We should not be advocating an immediate withdrawal. But we need an exit strategy addressing our goals in Iraq and proposing the announcement of a timetable to draw down the majority of U.S. forces during 2006.

Yet the president still refuses to level with Congress and the American people about when such withdrawals may actually come to pass.

Our military leaders have repeatedly told us that there is no purely military solution in Iraq, and that a political settlement is a necessary element for success.

Meanwhile, the Administration continues urging the American people to "stay the course." That's a bumper sticker slogan, not a strategy.

The dishonesty needs to stop. The American people deserve better.

Our troops have done everything we've asked of them in Iraq. They have acted heroically. They have done their job.

We must have a timetable for withdrawal of U.S. forces—or at the very least a plan for it—something the administration has incredulously failed to do for over two years.

This means conveying that our troops will not be there forever. It means the Iraqis must come together. Only Iraqi unity can stop the insurgency, not a permanent U.S. military presence.

The administration has been sending the wrong message with repeated statements that we will stay in Iraq as long as we are needed.

We should not mislead the Iraqis into thinking they have unlimited time to reach a settlement. The longer they think that, the less likely they will be to act.

The administration needs to speak honestly with the American people. Exaggerating our progress in defeating the insurgency or in creating an Iraqi army paints a dangerous picture. Repeated tours in Iraq and Afghanistan have strained our forces and have hurt recruitment.

The American people are losing patience with the mounting casualties and costs.

Democrats are asking the administration to do its job and to develop a strategy for successful completion of the mission.

It's past time for a plan to ensure that our mission in Iraq is a success and that our brave men and women in uniform can begin to come home soon.

We must support initiatives that provide clear, concrete measures and milestones that our troops need for defeating the insurgency, building up Iraqi security forces, and handing over Iraq to the Iraqi people.

From increased gas prices to corruption in Ohio and Washington; from record spending and record debt to jobs shipped overseas; and from failing to supply body armor to our troops in Iraq to skyrocketing healthcare costs, the Republican agenda has proved a failure.

And they've done nothing to remedy it.

The Republicans are running wild with our tax dollars and it's been a mistake to let this administration continue a policy of incompetence when it comes to Iraq.

It is past time for Republican leadership to answer for record deficits and reckless spending, both in Iraq and in the U.S. It's time for a plan to bring our troops home.

It's a message the American people understand, but Republicans aren't willing to accept.

IRAQ AND AMERICA'S LEADERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last year when it became clear that the United States was unprepared to fight an increasingly hostile and aggressive Iraqi insurgency, Secretary Rumsfeld told our troops: "You have to go to war with the Army you have, not the Army you want."

Well, I am here tonight to tell Secretary Rumsfeld and the other members of the Bush administration that the war in Iraq was started by the government leaders we have, but not the government leaders we want.

Let us take a look at the folks who are running things at the White House. Who is weighing in on this war every single day? First, we have got Scooter Libby, the Vice President's chief of staff. Scooter Libby was in charge of coordinating the intelligence and communications strategy for the war in Iraq until last week. Last week, Libby was indicted by a Federal prosecutor for his role in outing undercover CIA operative Valerie Plame.

Libby's precise role in this scandal is not yet clear, but it is suspected that he shopped Ms. Plame's identity to multiple reporters in an effort to discredit her husband, Ambassador Joe Wilson, who opposed the invasion of Iraq and cited proof that the administration's claims of yellow cake in Niger were actually false.

This political assassination reveals the cold, calculated tactics used by the Bush administration in the buildup to the war. Obviously, the administration was so righteous in their cause that they would do anything to stop those who opposed them, including identifying an undercover CIA agent. Now a Federal investigation is getting to the heart of those callous prewar tactics. Unfortunately, if Scooter Libby is the sole administration official to be punished for the governmental failures that led to the war in Iraq, then he will become a scapegoat of historic proportions.

Libby's boss, Vice President CHENEY, was no less involved in the planning that led to the war. According to reports, Mr. CHENEY badgered and bullied low-level CIA analysts into misinterpreting evidence regarding Saddam's supposed nuclear weapons program. Also, we cannot overlook that Vice President CHENEY was the CEO of Halliburton, the company that has benefited from billions and billions of dollars of contracts in Iraq. How many bids did Halliburton have to place to get these massive construction contracts? Surprisingly, not a single one.

That brings us to former CIA Director George Tenet. As the CIA chief in the months leading up to the war in Iraq, George Tenet personally vetted much of the intelligence that was cited as evidence of Saddam Hussein's weapons of mass destruction "program." Today, we are certain that evidence was completely false. Saddam Hussein did not possess weapons of mass destruction, nor did he have a program that could create weapons of mass destruction.

So what did George Tenet receive for presiding over one of the monumental intelligence failures in modern history? Why, the Presidential Medal of Honor, of course.

Mr. Speaker, it seems that many of the administration have benefited personally and professionally from the war in Iraq, while the rank and file, our soldiers, have suffered a disproportionate share of the burden. You go to war with the Army you have? Well, I have been to Iraq and I have got news for the American people: the Army we have is pretty darn impressive. We ought to be proud of their commitment to America's security, and we ought to be appalled that their civilian superiors have not demonstrated an equal commitment to them. It is our country's highest leaders that we ought to be worried about.

The indictment of those involved in the prewar intelligence would be a start. After more than 2 years of war, over $200 billion spent, continued death and continued suffering, it is time to end this awful game of lies. It is time to end this corruption. Let us support our troops. Let us bring them home to their families where they belong.

BIG LIES AND LITTLE LIES

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, Scooter Libby has been indicted for lying. Many suspect Libby, and perhaps others, deliberately outed Joe Wilson's wife as a covert agent. This was done to punish and discredit Wilson for bringing attention to the false information regarding Iraq's supposed efforts to build a nuclear weapon, information made public in President Bush's State of the Union message in January, 2003. Special prosecutor Patrick Fitzgerald was chosen to determine if this revelation regarding Valerie Plame, Wilson's wife, violated the Intelligence Identification Protection Act. The actual indictment of Libby did not claim such a violation occurred. Instead, he has been charged with lying and participating in a coverup during the 2-year investigation. I believe this is a serious matter that should not be ignored.

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But it is not an Earth-shattering event. This case, like almost everything in Washington, has been driven by politics, not truth, justice or the Constitution. It is about seeking political power, pure and simple, not unlike the impeachment process during the last administration.

There are much more serious charges of lying and cover-ups that deserve congressional attention. The country now knows the decision to go to war was based on information that was not factual. Congress and the people of this country were misled. Because of this, more than 2,000 U.S. troops and many innocent people have died. Tens of thousands have been severely wounded, their lives forever changed, if not totally ruined.

The lies Scooter Libby may or may not have told deserve a thorough investigation, but in the scheme of things, the indictment about questions regarding the release of Valerie Plame's name, a political dirty trick, is minor compared to the disinformation about weapons of mass destruction and other events that propelled us into an unnecessary war. It costs, in life, suffering and money, have proven to be prohibitive. The Libby indictment, unless it opens the door to more profound questions concerning why we went to war, may serve only as a distraction from much more serious events and lies.

The decision to go to war is profound. It behooves Congress to ask more questions and investigate exactly how the

President, Congress and the people were misled into believing that invading Iraq was necessary for our national security.

Why do we still not know who forged the documents claiming Saddam Hussein was about to buy uranium from Niger? Was this information concocted by those who were overly eager to go to war? Why was CIA reluctance regarding this assessment ignored, allowing it to be presented by the President as a clincher for our need to go to war? Other reasons used to justify the war deserve equal attention since the results have been so painful for our country.

If lies were told to justify the invasion of Iraq, the American people deserve to know the truth. Congress has a responsibility to seek this truth and change our policies accordingly. The sooner this is done, the better.

THE MYRIAD OBSTACLES OF DEALING WITH FEMA

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, at the end of this month, most Americans will celebrate Thanksgiving, and we always look forward to being with our families. On our minds this year, however, are the thousands and thousands of Americans who have been uprooted as a result of the hurricanes in the Gulf region who really need a Thanksgiving; and, as we celebrate, we ought to remember them. We ought to ask ourselves how we can really have a Plymouth Rock weekend and find a way to extend a helping hand to our fellow citizens in the South.

Today, the newspaper USA Today had a lead story talking about the lack of help that these Americans are receiving from the Federal Emergency Management Agency and thousands and thousands scattered across over 18,700 zip codes in all 50 States, people whose footing will not be firm come Thanksgiving this November.

It talks about how the lack of FEMA support has hindered the local groups, the church groups, the not-for-profits, that are trying to help these Americans, our fellow citizens, reposition. They talk about how relief groups have been stymied by the Federal Emergency Management Agency's failure to provide basic information about the evacuees.

I would like to place on the record this evening efforts our office has been making to try to connect housing from the North in communities that we represent, whether that housing is inspected mobile homes, manufactured homes and trailers, to move those units south, to move that excess supply south to the Gulf to people who need the help.

Do you know FEMA does not even have a central Web site yet where we can offer these available units? I represent the longest coastal district in Ohio. We have mobile home courts, manufactured housing, fishing trailers, we have all kinds of units that are sitting empty now that are on the list for sale. They could be easily inspected by Ohio inspectors or taken down to Louisiana, Mississippi, Texas, Alabama, places where people have been displaced. FEMA cannot even create a central records system.

The article this morning talks about the National Low Income Housing Coalition and all the trouble they are having getting basic information about who needs help, who needs shelter as we approach Thanksgiving, how many people have been displaced, where are they living. How is it possible this many months after these tragedies we do not have this information?

FEMA spokeswoman Nicol Andrews said she could not explain why at least three relief groups did not get the data. And, by the way, even our government's Center for Disease Control and Prevention and the Federal Deposit Insurance Corporation are waiting to receive this basic information.

Douglas Culkin of the National Apartment Association, one of the most recognized organizations in our country, says that his association, anxious to be helpful, cannot get information on where evacuees are staying; and at an October 17 meeting here in Washington, Mr. Culkin said he was told someone would get him the information. Guess what? He still does not have it. He says it is unconscionable, and I agree.

What could be so hard about linking supply from the North, for example, with people who need help in the South? Why do I have to come down here to the floor of the Congress and let the country know that, again, FEMA just cannot seem to get its act together?

I had to call the office of the new director of FEMA, R. David Paulison, who did return my phone call, and I appreciate it very much, simply to let him know that I wanted somebody in that agency who knew something about housing, or I said, lacking that, get us somebody from the Department of Defense who is used to putting up field housing. Let's get an interagency transfer and someone who can work with us to move supply, excess supply from the North to those who need supply in the South. Even if it is temporary, it is better than nothing as we approach Thanksgiving season. Why should this be so hard?

All you have to do is talk to the people who run the manufactured housing parks, the mobile home parks, the trailer parks. Let us get those units inspected. We can even put them on trains.

I represent a major rail center. We can get them down into Memphis and take them right into Gulfport, Mississippi. What is the problem? Why cannot FEMA help us?

Plenty of stories have been written about Mississippi. The Manufactured Home Association down there says they have sent notices to FEMA offering housing, never receiving a reply. That is from people inside of Mississippi. Then they found out that Mississippi's government, the government of Mississippi, made purchases from outside Mississippi rather than inside Mississippi.

So, Mr. Speaker, I will place this article in the RECORD this evening; and, please, we are begging FEMA, let all Americans have a blessed Thanksgiving this year.

[From USA Today, Nov. 1, 2005]

LACK OF FEMA DATA SLOWS RELIEF

(By Mimi Hall)

Relief groups trying to help Hurricane Katrina evacuees find new homes and reunite with families say they have been stymied by the Federal Emergency Management Agency's failure to provide information about evacuees.

"It's scandalous," said Sheila Crowley of the National Low Income Housing Coalition. "Congress should have hearings about the lack of information that's available."

Crowley said her organization has been trying for weeks to get information that FEMA collected on how many people were displaced from low-income housing and where they are living. She said the group needs the information to "understand the various situations that evacuees find themselves in."

FEMA spokeswoman Nicol Andrews said she couldn't explain why at least three relief groups didn't get the data. She said FEMA is "happy to share" the information except with groups trying to profit from the evacuees.

Most groups that have complained are nonprofits. Others that requested but didn't immediately receive the data were the government's Centers for Disease Control and Prevention and the Federal Deposit Insurance Corporation.

The complaints have sparked the latest wave of discontent against the beleaguered disaster-relief agency. Since Katrina hit the Gulf Coast on Aug. 29, FEMA has been widely assailed for its response.

PICO National Network, a coalition of 1,000 churches, including 100 in New Orleans, also has been trying to collect information about evacuees' whereabouts to help pastors find parishioners and help them contact relatives and friends.

"It's critical that we rebuild all these social networks," PICO's Gordon Whitman said.

Many of the groups are seeking updates to data that FEMA had given to USA TODAY. On Sept. 29, the newspaper published a map showing that tens of thousands of evacuees were scattered across 18,700 ZIP codes in all 50 states.

Douglas Culkin of the National Apartment Association said he wants the information so his association can determine how much apartment stock is available in towns and cities where evacuees are staying. At an Oct. 17 meeting with FEMA officials in Washington, D.C., Culkin said he was told someone would get him the information.

He still doesn't have it. "It's unconscionable," Culkin said.

AVIAN FLU AND THIMEROSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the President of the United States today made a speech before our health agencies that I think was very timely and very important. It dealt with the possible outbreak of the bird flu, better known as the avian flu, and he talked about steps that needed to be taken to speed up the process to create more vaccines to protect the American public against a pandemic that could kill tens of thousands, if not millions, of Americans. I think if is very laudable that he did that.

One of the things he talked about was tort reform to protect the pharmaceutical industry against liability suits, because he said there is only one vaccine manufacturer in the United States, and that is because the vaccine manufacturers have been afraid to produce vaccines because they might be sued on a class action basis. There might be thousands of people suing them because of damage that has been done to them.

So if I were talking to the President tonight, I would say, first of all, Mr. President, I think what you said was very good and what you proposed is very good. There are a couple of things that ought to be added to the mix though, Mr. President, that I think are very important.

First of all, we had hearings for about 4 years on mercury in vaccines. It used to be one in 10,000 children were autistic. Now it is one in 166. We had scientists from all over the world and doctors from all over the United States come in and testify that one of the leading causes of neurological problems in children and adults who are suffering from things like Alzheimer's is they have been damaged by the mercury that is used as a preservative in vaccines. It is called Thimerosal.

We need to get mercury out of all vaccines. Until that happens, I think it is going to be very difficult for this body and the other body to pass legislation to protect the pharmaceutical industries and the vaccine industries against class action lawsuits.

So the first thing I would say to the President was, get mercury out of all vaccines. That is very important.

Second, make the Vaccine Injury Compensation Program user friendly. Right now, people who have had children who have been damaged are losing their homes. They are having to mortgage everything they own to pay for the damage done to their children and loved ones. So we need to make it more user friendly.

There is about $3 billion in that fund. It was created to protect the pharmaceutical industry from class action lawsuits while at the same time providing a mechanism for people who have been damaged by vaccines to get compensation. It needs to be changed. It needs to be improved so that it is more user friendly. If we need to put more money into the fund, the pharmaceutical industry can add a nickel to the cost of each vaccination. That should cover ever any shortfall. That is very important.

The final thing is to make sure that we do not leave anybody behind. There are thousands and thousands and thousands of children and families that have been damaged by the mercury that was in vaccines. We must not forget them. We must make sure that they get compensated for the liability they have incurred, how they have been damaged. It is extremely important.

Right now, we have demonstrations all the time when people come out and say, "My child has been damaged and we do not know what to do about it." The only thing we can do as a government, in my opinion, is to make sure they get compensation from the Vaccine Injury Compensation Fund and get mercury out of all vaccines. If we do that, I will sponsor the legislation to protect them against all class action lawsuits.

I have talked to leaders of the major pharmaceutical companies about this. I said, in exchange for giving you protection against class action lawsuits, make sure people who are damaged by vaccines can get compensation from the Vaccine Injury Compensation Fund and take away one of the leading causes of neurological damage and damage that has been caused by vaccines, neurological problems like autism and Alzheimer's. Get mercury out of all vaccines.

So, Mr. President, if I were talking to you tonight, I would say it is extremely important that we do what you suggested today to protect the American public against a flu outbreak that could kill millions of people, but, at the same time, let us not forget those who have already been damaged by vaccines that were tainted with things like mercury.

ERRONEOUS PREDICTIONS ON THE WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, last week, America reached a tragic milestone in Iraq, the 2,000th American died. As of today, nearly 2,030 Americans have been killed in Iraq and a little over 200 in Afghanistan. In fact, October was the deadliest month in Iraq since January. I say this not to exploit the grief felt by those families who have lost loved ones. Rather, I raise this grim milestone because it should give us, all of us, pause.

Two-and-one-half years after President Bush stood on the deck of the USS *Abraham Lincoln* and declared "mission accomplished," the brave men and women of our Armed Forces are still fighting and dying in Iraq, worse today than during the actual hostilities, and there is no end in sight.

There is not a time to debate how we got into Iraq. There is a place for that. What is more important now is resolving the issues and the sense of how we have gotten into this quagmire and bring our men and women home to their families.

It is time the administration finally leveled with the American people and presented us with a viable strategy towards success and victory. It is time that the President finally surrounded himself with competent leaders who can get the job done, rather than cronies and political operatives interested in advancing a political agenda.

Before the war, General Shinseki said it would take several hundred thousand troops to secure Iraq. Deputy Secretary of Defense Paul Wolfowitz said his estimate was widely off the mark and General Shinseki was let go.

Lawrence Lindsey predicted the war would cost hundreds of billions of dollars. In fact, many ridiculed his estimate and said again he was widely off the mark, that oil revenues would pay for the reconstruction.

□ 1945

His predictions were ignored; and $400 billion later, the tab keeps rising. Some say it will finally cost nearly $1 trillion, this war.

DICK CHENEY famously predicted that we would be greeted as liberators. Let me say, if Iraq treats liberators like this, they have a funny way of greeting liberators.

Weeks after the invasion of Iraq, Secretary of Defense Rumsfeld fought against increasing the troop levels in Iraq. In fact, months before the war, he was still debating whether we needed less than 100,000 troops, when those in the Armed Forces were saying we needed 200,000-plus to win that war.

When the looting broke out in Iraq right after the invasion, Secretary of Defense Don Rumsfeld replied "stuff happens." Later he said during the looting, "freedom is untidy, and free people are free to make mistakes and commit crimes and do bad things." That was the Secretary of Defense. That sense of freedom has led to the situation we have today because we did not create order in that society in Iraq and a sense of who was in control.

In fact, the Defense Secretary has been flat wrong on countless occasions, both before hostilities and after the hostilities. I have lost track of the number of times he has told us that the insurgency was in its "last throes." On March 30, 2003, regarding the fabled weapons of mass destruction, Secretary of Defense Rumsfeld again: "We know where they are. They are in the area around Tikrit and Baghdad."

He has misled us on the number of Iraqis trained to conduct police and military operations. In September of 2003 he said 55,000 Iraqis have been trained. Earlier this year, he told us three battalions were operational. About a month ago, in front of the Senate, we were told that there was only one operational Iraqi battalion. Imagine that: Mr. Speaker, $450 billion, a little over 2,000 American lives, over 10,000 Americans wounded, and one operational Iraqi battalion to show for that, and two elections.

The truth is that the administration's plan for their invasion was brilliantly planned, but they have failed to plan for the occupation, costing American lives, our treasury, and our reputation, and all because of the incompetency of this administration.

Today we are left with a quagmire that has created terrorists and threatens to destabilize the region.

Let me read you what some of the experts in the Republican national security apparatus have said. Retired Army Lieutenant General Odom, former head of the National Security Agency, said the invasion of Iraq "will turn out to be the greatest strategic disaster in U.S. history."

Brent Scowcroft, National Security Adviser to the first President Bush said: "You have to know when to stop using force. You encourage democracy over time, with assistance, and aid, the traditional way. Not how the neocons in this administration do it."

Lieutenant Colonel Lawrence Wilkerson, Colin Powell's former chief of staff in the State Department, called President Bush's foreign policy "ruinous" and said that "we have courted disaster in Iraq, in North Korea, in Iran."

The people I just quoted are not exactly the board of moveon.org or the Democratic Party. These are the pillars and the heads of the national security apparatus of the Republican Party. These experts are saying that it is time for a new direction with new priorities when it comes to Iraq.

We have to get it right in Iraq, but the current path the President has us on is not the path to success; and it is not simply, as he says, the choice between doing more of the same and getting the same results or merely pulling out. Mr. Speaker, $400 billion and one Iraqi battalion. Some are estimating, as I said, the cost of this war will get closer to $1 trillion.

It is time for the President to level with the American people and show us a path to success. We need a performance-based Iraqi strategy. How many police will we be reduced to this quarter? How many police will be reduced next quarter? How many Army members will be produced this quarter, the next quarter, and for the next 2 years, every quarter this administration has to have a performance-based policy on police training, on Army training, on civil society development, on reconstruction, and on the political front so we can finally, in the President's words, stand down. But having given them free rein for nearly 2½ years and we have one battalion operationally ready to show for it, they have abused the trust of the American people.

We need to internationalize our operations in Iraq. We need to convince the world that a stable Iraq is in everyone's interests, and we need to refocus on stopping terrorism. Mr. Speaker after 2½ years and more than 2,000 American lives, it is time we adopted a different strategy, a strategy for victory that will reunite American families and provide Iraq a stable society. It is time the President stopped campaigning and began to lead on the issue of Iraq.

SEEKING OUT THE TRUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE of Texas) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, before I begin my focused remarks, I would like to join my colleague from Ohio, Congresswoman KAPTUR, and ask the same questions of FEMA and the Department of Homeland Security. Having just toured the region in Texas and having been in part of Louisiana in the aftermath of Hurricane Katrina, and now Hurricane Rita, we now are fully aware of the Department of Defense leaving behind people who are in essence homeless.

In the city of Houston, we expect that some 44,000 to 50,000 individuals now housed in hotel rooms will be subsequently evicted because of the time running out. All of these individuals have been hard-working, tax-paying Americans who are now looking not for a hand out, but a hand up. We cannot seem to get FEMA and all of the good works that many of the individual FEMA staff persons have done to recognize that we have a crisis and that we need to engage in some of the catastrophic solutions. That means finding trailers across America wherever they might be. Do not wait and tell us that you cannot find them because they are not manufactured when there are places across America housing or holding various facilities that could be moved. You cannot tell us that you cannot use some of the military bases that have been designated for closing. So I join my colleague, and we will hopefully join in a sense of Congress that will ask FEMA and Homeland Security to move expeditiously to house the thousands of individuals who are not yet housed.

Let me now suggest that as we look to the tragedy in America that some of our citizens have fallen on hard times, might I lift again our praises and respect for the men and women on the front lines in Iraq and, of course, Afghanistan. We have always said when we have come to the floor to raise a question about the Iraq war that this is completely separate from our respect for the men and women who have offered their lives and certainly offered their service on behalf of this country. But it is important, as we have passed this enormous milestone, to be able to again remind America, and of course our colleagues, on the negative impact and negative results of this war.

For each number, a face and family. The front page of our local newspaper, we are reading the names of Jonathan David Rozier, Adolfo C. Carballo, Pedro Contreras, Andrew Houghton, Dexter Kimble, and William M. Amundson. Those are just a few names and pictures on the front page. As well, might I again cite the young man who is buried in my congressional district, Sergeant Michael Robinson.

It is important now, as the American public begins to look for some answers, both to the President and the United States Congress, that we fulfill our duty and our obligation to give them the answers. I think the action of the Senate today, led by the minority leader, Senator REID, was, in fact, a very positive step. It was a step toward telling the truth: what and how was the intelligence used, and how was it represented to the United States Congress for a decision to be made statutorily, by a vote on this floor, not a constitutional vote, to move toward Iraq.

Now, it is obviously true that the American public wants to find solutions; but as we find solutions, we must be keenly aware of finding out the truth. It is important as well to be able to go back and understand how this Congress was able to do its job effectively or not effectively because of the representations and misrepresentations that were made by the administration and others.

So I am calling upon this Congress to do the right thing. Whether we establish a bipartisan select committee to investigate the cooked intelligence to be able to find out the truth or whether or not we instruct a number of our jurisdictional committees to hold hearings, we should begin our work. Doing this work on the past, on how the representations were made and how the ultimate decisions were made does not in any way take away the responsibility that we have for a successful exit strategy for our men and women to be able to come home.

We understand that the American people are serious people. They understand as well that we have responsibilities, and I know that many are concerned about any precipitous action; but we do need a deliberative approach to be able to find a way to bring our young men and women home.

My deepest sympathy to the families who have lost loved ones on the front lines of Iraq and Afghanistan. This country will be forever indebted to you. And that is why in these names we promise you that we will find out the truth so that America, as she moves forward to defend herself in years to come, will have the respect and as well the success that is deserving of the military and the people of the United States of America.

QUESTIONS NEEDING ANSWERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, today is All Saints Day. It is a rather remarkable day. In the 18 years, 17 years I have been in the Congress, I have never seen the other body go into secret session to try and find out the truth of anything. The fact that they had a session over there where they closed the doors to try and get at the truth tells you how bad this situation is.

This morning's New York Times has an article, an editorial by Nicholas Kristof. Now, he is a neocon, certainly from the right, no question about it; but he says, his title is, "What Did Cheney Know and When Did He Know It?" He asks several questions which, I think, although many people do not have the opportunity to read the New York Times, they ought to know about it.

"Did you ask Scooter Libby to undertake his inquiries about Ambassador Joseph Wilson? Why did you independently ask the CIA for information about the Wilsons? Did you know that Mrs. Wilson was a covert officer? Did you advise Mr. Libby to leak information about Mrs. Wilson's work in the CIA to journalists? When Mr. Libby made his statements in the inquiry, allegedly committing perjury, were you aware of what he was saying?" Finally, and I think this is the question that really needs to be dealt with: "Was Mr. Libby fearful of disclosing something about your behavior in the summer of 2003?"

This goes on to suggest that if he did so, "was it a misguided attempt to try and protect you? The alleged lies shielded you," meaning Mr. CHENEY, "by indicating that the information you gave him about Mrs. Wilson instead came from reporters and not from him."

Now, this is a question that the American people deserve an answer to.

Several years ago we sat in this body and listened to a State of the Union address, and the Vice President of the United States sat right up here on the dais, behind the President of the United States, knowing that what the President was saying was not factual. He knew that. How can the President of the United States explain to the American people how he sent people out to find out all this information, found it out, and still was allowed to come before the American people and the Congress and the diplomatic corps and the Supreme Court and the whole administration and tell them something that was not true.

Now, what this event does, and they may try and brush this off as a minor technicality, or it is just perjury; well, we impeached or tried to impeach President Clinton over just perjury, and that was about a sex act. No one died. Two thousand people have died, our people, untold numbers of Iraqis have died, and 10,000 of our people have come home badly, badly wounded. It has cost us $240 billion, money that we did not use to fix the levees in New Orleans or other places in this country where there are problems today.

□ 2000

The question that comes up again and again: Is there no limit in this administration to what will be said or done to promote this war and to protect it? Will they say anything? Is there any limit on what they will bring here as evidence?

The fact is that we hear there is a terror alert. If you look at those terror alerts, they always follow some disaster someplace to get people's mind off it. What has happened this week since the President was made aware of the fact that we had an indictment of the Chief of Staff to the Vice President of the United States? That man works in the White House or in the Executive Office Building right next to it.

What do we have? Well, we certainly have a lot of things here. We today had a big exposé about a flu epidemic. Now, did that just happen yesterday? That has been going on for a long time. The President said he had a flu shot. That flu shot had nothing to do with the avian bird flu from Asia. That is this year's strain of virus. We get them every year. Everybody gets a flu shot every year. They have nothing to do with this pandemic we are talking about. Yet the President makes a big exposé in the White House. And the fact is that this kind of thing to divert people's attention will continually be done to keep them from focusing on the disaster of this morally bankrupt war we are in in the Middle East.

It is time for us to call an end to this. The President has no plan to get out of it. We have no plans. There are no benchmarks for anything. They are going to stay there, and they intend to stay there. As long as there is chaos, they will be able to justify staying there, and that is what they want. They have wanted chaos.

Why did they disband the army? Why did they disband civil service? Why did they not prepare? Because they were intending to have things be in turmoil. Because in turmoil they can keep justifying their existence in Iraq. They should come home. The Vice President, as Mr. Christoff said, should either tell us what was going on or resign.

PRIVATE PROPERTY RIGHTS

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGREY. Mr. Speaker, my fellow colleagues on both sides of the aisle, and our constituents who may be listening to this hour this evening, we are going to talk about something that is well known to the general public, and that is the subject of eminent domain. It is well known, maybe not particularly liked by the general public, but certainly it is well known that, under the power, the government has the power under the Constitution and the fifth amendment to take private property for public use. This is something that has been recognized for 200 years.

An example, the obvious example, of course, of public use would be for a school in a community that is growing rapidly, and youngsters need a place to get that public education. That is a public use of the power of eminent domain, that ability for a government entity, the Federal Government, the State government, a county government or municipal city government to literally take a person's private property for public use purposes and, of course, with just, fair market value compensation. That is something that we all recognize.

As I said, when it is the individual who may have that little tract of land that they have owned for their lifetime and it was willed to them by their parents and willed to their parents by their grandparents, and maybe it is 50 acres, maybe it started out as farmland and ended up as just a homestead and a paid-for residence and a front porch with rocking chairs and a great view and clean air and clean environment and a place for the children and the grandchildren to come and play on the weekends. It is pretty painful indeed when John Q. Public comes knocking on the door. It may be the local school board, good, dedicated men and women who are trying to provide education for the children in the community: and that 30 acres is the last remaining plot of land in the whole county where a new high school is desperately needed because of development, economic development, new subdivisions, new roads.

And people, of course, are powerless in the face of that authority of eminent domain. The only recourse they have, of course, is a plea and an appeal for fair market value of the land that they do not want to sell, they are forced to sell under this constitutional right of eminent domain.

Maybe there is some negotiation. Maybe they are not happy with what is the public entity that is doing the taking, has set the price; and the homeowner, the property owner, small business owner, feels that that is not fair. Then certainly they have the right to appeal in our court system and our judicial system to the superior court of the judicial area in which they happen to lie.

My colleagues, I think you all know that the Supreme Court on June 23 of this year, 2005, made a decision, a narrowly split decision, as this court has done in so many other cases, particularly regarding our traditional values. That is not the purpose of this debate and this discussion, Mr. Speaker, tonight on the floor of this House.

But this 5 to 4 decision all of a sudden expanded this power of eminent domain to include the taking of a person's home, small business for economic development, that is now being interpreted by this split decision of the Supreme Court to qualify under the fifth amendment, under the Constitution, the right to take someone's property by eminent domain for economic purposes, redefining, completely and totally redefining this definition of public use that probably a sixth grader would answer correctly if you asked them: Well, give us an example of public use. They would say a road or a bridge or possibly a public library, certainly a school, maybe even a sewer line easement, a natural gas line easement.

But to suggest to them that, oh, no, now we are talking about taking somebody's property for the purpose of increasing the tax revenue. Let me just kind of set the scenario for my colleagues just as a perfect example.

Under this ruling, June 23, 2005, this atrocious, we think, and of course on the floor of this body of this House with overwhelming bipartisan support, not unanimous but overwhelming bipartisan support, we expressed our outrage over this, the sense of the House, a concurrent resolution expressing our absolute outrage over this decision.

What it basically says and what prompted and predicated this Supreme Court decision was a case in the State of Connecticut, the City of New London, and New London in this case being the defendant, the plaintiff was the property owner, Kelo. Their property was being taken for the purpose of nothing other than increasing the tax base, the tax revenue of that particular section of town where their property happened to be.

The justification for it from the standpoint of the City of New London, that local jurisdiction, was, well, if we are able to take this property, which in our opinion, Mr. Speaker, I think everybody knows I am not a lawyer nor am I a real estate expert, I am just a little old meat and potatoes OB/GYN physician. But what they were going to do was take this property so they could redevelop it. And, again, maybe it could have been a bakery, a small business that some immigrant family two generations came to this country, could not even speak English, but started on a street corner selling bagels and finally developed this little business and had that loyalty and that customer base and that value which we call blue sky on that business; and yet the tax revenue from that little business could be a house, could be your home, was not sufficient.

So the local government entity, in this case the City of New London, decides, well, you know, if we can take that property, that business, indeed maybe even that church or synagogue or mosque, and we can take it by the power of eminent domain and get this broad definition of public use, and we could say, gosh, you know, the increased revenue will allow us to build more soccer fields in the county, more bike trails in the county. Well, maybe, just maybe, and I think without a shadow of a doubt Kelo felt that they did not want another soccer field and they did not want another bike trail, they wanted their property which had been willed to them and their family. They had obtained that property in a legal way. It was theirs. They are good public citizens, pay their taxes on time, contribute to the community, send their children to the public schools, volunteer for the booster's club, doing everything they can to make that community a better place to live.

But can they help it that their business base was such that they only had a certain amount of revenue in any one year? There were just so many doughnuts and bagels to be sold. So they did not have an opportunity to have a high value on their business so that the local community could tax them, and so now they are going to come along and they are going to take that business so somebody else could come in.

Mr. Speaker, in no way am I disparaging any good companies, but I mean, a Ritz-Carlton, even a Starbucks in this area that needs redeveloping pays a lot more taxes; and, yes, maybe some of that money could be put to the public use. But it is not at all what we understand and know and have known for 200 years the definition of a public use.

So that is what we are talking about here, my colleagues, on both sides of the aisle. That is why we are here tonight. I am very fortunate that I have several of my colleagues who have joined me during this hour. They know how important this issue is. It is an important issue of the right to property, second only maybe to life and pursuit of happiness. But the right to property, Mr. Speaker, is one that cannot, should not be abridged.

We are going to have legislation, we are going to have legislation this week, so this is a timely hour so we can explain to our colleagues a little bit about what this bill coming through the House, hopefully the Senate will have a companion bill, this bill coming through the House Judiciary Committee. This majority, this Republican majority is not going to let this Kelo v. New London decision stand, and my colleagues are here with me tonight to talk about that.

The gentlewoman from Tennessee (Mrs. BLACKBURN) is here, and I want at this time to call on her for her remarks, because I know she cares so much about this issue and cares about the folks back in Tennessee.

Mrs. BLACKBURN. I thank the gentleman from Georgia for yielding to me and inviting me to participate this evening as we do talk about our rights and private property rights and what makes America great.

As we begin this discussion, Mr. Speaker, I want to touch on something that a couple of our previous speakers, our colleagues across the aisle, had brought up, because we talk so much about what makes America so unique and so wonderful, and private property is one of those.

□ 2015

I know the gentleman from Georgia (Mr. GINGREY) and so many of our colleagues have joined me in working with some of the individuals in Iraq as they have fought to establish their freedom and to seek to have the opportunity to own private property. And I found it so interesting listening to some of my colleagues as they were talking about how Iraq was a quagmire and things were not going right. And I thought, my goodness, you think about the thoughtfulness that our Founding Fathers put into establishing this Constitution and the years and years and the hard work that went into this as they came together as a body, as they met, as they came about developing that Constitution, as they worked to list out a Bill of Rights and things that they thought would be so important. It did not happen overnight. It did not happen within a year, and it did not happen within 2 years.

I could not help but think we have just witnessed a big vote in Iraq, very successful. Over 65 percent of the people in that great nation came out and voted on a Constitution. We are watching a nation walk very consistently and very slowly. Some days they take a few steps forward. Some days they take a step or two back; but they have to keep plugging along, working toward the time when they will enjoy the freedoms and the fruit and the benefits of a free society. And one of those definitely is private property.

Many of my constituents, as the gentleman from Georgia (Mr. GINGREY) said, they know that that fifth amendment is important. They have worked hard to be able to stake out their little corner of the world. As some of them have said to me, We know something is wrong. It is not happening right in Washington when they see decisions like the Kelo decision. The people have a very fine-tuned sense of right and wrong, and they know it is wrong when the Supreme Court paves the way for the government to come in and seize private property in order to build malls and other commercial-venture structures. They know there is just not something right about that.

I rarely use the term un-American; but, Mr. Speaker, if there is anything that strikes me and my constituents as contrary to our values, it is this Kelo decision and there is just something about it that strikes it being un-American. It was a stunning display of judicial activism as the gentleman from Georgia (Mr. GINGREY) has pointed out.

The Supreme Court stepped all over our property rights. And in Tennessee we watched this with a little bit of added interest because not only did we think in terms of those tangible property rights, but we think about those intellectual property rights that are so very important to our creative community, to our writers, to our television producers, to our film producers, looking at protecting both the tangible and the intellectual property rights. Our rights as Americans, our economy are based on very strong principles of private property ownership, private property protection, and the ability to work hard and to benefit by exercising those rights. It is such a fundamental right that it is hard to imagine our courts infringing upon it, but that is what they have done.

I certainly hope, and I know my colleagues that are gathered here tonight join me in having hope, that American property owners at home will know that they have an ally in this fight and they have an advocate in this discussion, and it is the majority here in this House of Representatives. It is this Republican majority. And I hope that the 69 percent of American homeowners who were watching this debate and watching our work on this legislation this week will know that we stand with them in maintaining that home ownership. We are just as concerned with this eminent domain issue as the American people are and we are going to work to strengthen the laws to protect private property, both real and intangible.

This week we are taking up the Private Property Rights Protection Act. We might not be able to overturn the Supreme Court's Kelo decision, that is not within our jurisdiction; but we can make sure that not one single penny of taxpayer money, not one single penny of Federal funds is used to support the forced taking of your private property by local and State governments. This bill will ensure that any State or locality abusing their eminent domain power by using economic development as a rationale for a taking will not be trusted with Federal economic development funds that could contribute to similarly abusive land grabs. And we are going to provide access to State and Federal courts for those who believe this bill has violated, has been violated in the seizure of their property.

All of us want economic development for our community. We also want our citizens to be secure in the knowledge that their property is just that, that it is their property. We do not want them to fear that that fundamental right has been infringed upon and their property taken for development.

I hope all of my colleagues on both sides of the aisle will join with us in supporting this much-needed legislation.

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman from Tennessee (Mrs. BLACKBURN). It gives me a little bit of a segue as she used the term "activist judges" and I think that that absolutely, Mr. Speaker, is what is going on here. We are in the process, of course, we have just confirmed our new Supreme Court Chief Justice, and now there will be hearing soon in the Senate Committee on the Judiciary for the confirmation, hopefully, of a judge to replace retiring Justice Sandra Day O'Connor. And all the talk, of course, is about the litmus test of abortion. Has the judge, the candidate judge in this instance, a judge, a circuit court judge of some 19 years of experience, what is his record on abortion? Is he pro-life? Is he pro-choice?

Although our colleagues on the other side of the aisle, the members especially of that Committee on the Judiciary, say there is no litmus test; it is not, and that is a huge concern, I think, that issue for the American public. And they are watching very, very closely these proceedings that are going to occur, the hearings in the Senate Judiciary Committee. But this is an example of other things of judicial activism, of legislating literally from the bench. They may not rise quite to the level of the issue of what happened in 1973 in Roe v. Wade, but this is an important issue as is taking God's name, the name of God out of the Pledge of Allegiance.

This is hugely important, and I think we are going to go a little deeper in the hour. I am very pleased that one of our former judicial members probably will be talking to these same issues. At this point, I would first like to call on the gentlewoman from Ohio (Mrs. SCHMIDT), one of our newest Members elected to this body recently in a special election. The gentlewoman and I have had conversations about this issue since June 23, 2005, shortly after she got here, as well as the outrage that she has expressed and the concerns that her constituents have over this back in Ohio.

Mrs. SCHMIDT. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY). I am so glad that you pointed out about the importance of having the right people at the Supreme Court. I think that the judges that serve on the Supreme Court should take another look at the Constitution and recognize that their duty is to not make the law but to interpret the law, because in the Kelo decision, they trampled all over amendment five, or article V. of the Constitution and that is a right to own property.

Our Supreme Court, since the 1940s, has become a little schizophrenic on issues near and dear to our hearts. The right to own property, the right to have liberty before birth, the right to have one Nation under God in the Constitution, is something that is going to be questioned, the right to have public expression, displays of public expression like the Ten Commandments paid for by citizens, they are not clear on whether that can stand or that cannot stand.

Let me backtrack and say what I am talking about. See, for Christmas displays such as the crib or a menorah, you are allowed to put that on public property as long as you also allow on public property something generic like Santa Claus or Rudolph the Red Nosed Reindeer. But in my community in Adams County, when the good people of Adams County wanted to put the Ten Commandments on the four new high schools and they realized that because it was just all by itself it was too religious, they then garnered their money on their own, not public money, to put the Bill the Rights, the Declaration of Independence, other bodies of law surrounding these Ten Commandments to show that it was not isolated and not just a religious expression. But the Supreme Court said, no, you have got to remove the Ten Commandments.

Now we see the same schizophrenic reaction with the right to own property, and I would like to look at the time line in how we got to where we are today and to tell you why I am so impassioned about this.

This really began 50 years ago in 1954 right here in Washington, D.C., when the Supreme Court with Berman v. Parker decided that the city could take blighted property or property that they determined blighted, take it for a public use. But it was not until 1981 in the Poletown Neighborhood Council v. The City of Detroit that the Supreme Court really abridged our right to own property.

In that case General Motors wanted to expand their plant and there was some blighted property there, and some of the home owners did not want to vacate that property. So the city of Detroit determined that they would be better off financially by purchasing the property, allowing General Motors to expand their plant; and the Supreme Court agreed.

In 1984 they reaffirmed this in the case of Hawaii Housing Authority v. Midkiff in the United States Supreme Court. But in 2004, the Michigan Supreme Court backpeddled on the Poletown case. And in the County of Wayne v. Hathcock, the Michigan Supreme Court said, wait a minute, you cannot take private property, not for public use but for a developer's use, and said, no, you cannot take this property because a developer wants to get rich. And this was very important to me, and I will get to it in a minute. But on June 23, 2005, all this was changed with the Kelo case.

Now, why should I care about the Kelo case in this second congressional district? Because of one resident in the city of Norwood, Ohio. Norwood is a great city within the city of Cincinnati, an old German city. And those Germans knew how to build homes. And I know that because my dad, son of German immigrants, built homes in Norwood, Ohio, 70 years ago, and they are still standing today.

□ 2030

He knew how to build a brick structure, solid as a rock. Some of those homes now are ones he built, but some of those homes are right next to a very profitable shopping center.

A developer decided he would like to expand the shopping center. So he went in and told the City of Norwick that he wanted to use eminent domain to take those homes. He offered those people a lot of money, and most of them bought into it because they are getting twice, three times the price that they could get on the open market.

But there is one old man who is 82 years of age. He does not want to give up that home. He has lost his wife, but he raised their children in that home, and her smell is still inside those walls. It is more important for him to live inside those walls, regardless of what money you are offering him, because that is all he has got left in his old age is the memory of the woman he loved. And yet Kelo would say, too bad, too sad, this developer has the right to take your property, to take away your memory.

I am going to stand proud on Thursday and vote for this very important bill. I am going to vote for it not just for the citizens of Ohio or the citizens of the 2nd Congressional District but, most importantly, for that 82-year old man.

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman from Ohio, and I thank her for bringing this right down on a personal level because this is personal and she described it to perfection.

I did not go into the details of what happened in New London, Connecticut. Maybe we will touch on that in just a minute. But the gentlewoman from Ohio (Mrs. SCHMIDT) is absolutely right. That shopping center mogul had the opportunity to offer a fair price, an attractive price, and ended up buying most of the property without exercising or some government entity on his behalf exercising the power of eminent domain.

That gentleman, that 82-year-old gentleman that the gentlewoman described so well, that felt the presence of his wife within the walls of that structure, that German structure, it is okay if he smells popcorn and doughnuts and sees youngsters going to the theater that has been developed all around him. He has the right of property ownership to have that shrine of his, that little shrine right in the middle, and if they want another shot at it after he is gone and they want to deal with his heirs and his children, his grandchildren, then let him offer a price and buy the property.

Mr. Speaker, I want to point your attention to this first poster I have. I do not have many, but this is exactly what the gentlewoman was talking about.

It shows in the baby carriage homeowners and small businesses in the baby carriage. It shows the wheeler dealer with the lollipop. You cannot see it, but on that lollipop, the attraction of the lollipop, is the enticement or the power of eminent domain. And this little youngster on the other side is that shopping center mogul that the gentlewoman was talking about or maybe it is the pharmaceutical company that wanted to build this new research development center in the heart of New London, Connecticut. But not only did they want to develop the property for this research center. God knows we need research and I pay tribute to some of our pharmaceutical companies that bring us these wonder drugs, but they did not, in my opinion, the opinion of Suzette Kelo and the other homeowners that had 15 homes in and around that area, they did not have to take that as well. It was absolutely unnecessary.

And that is the whole issue here, this ability to take, the powerful, in conjunction with a local government jurisdiction, for this expanded purpose of public use or economic development and a higher tax base, somebody's God-given right, constitutional-given right to their own property.

We talked a little bit about the courts. I think at this time it is entirely fitting and appropriate to call on my good friend and colleague from the great State of Texas who knows a little bit about the courts. We are talking about municipal, State, superior, Federal, district, circuit and Supreme Court; and I yield to my colleague, the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I want to thank my friend from Georgia for yielding to me.

It is true, I spent a lot of time as a trial judge down in Texas, about 22 years, trying a whole lot of cases. I have had the fortune, once I came here to Congress, to meet individually with some of our members of the United States Supreme Court to discuss philosophies, certainly not to try to influence them on specific cases but to talk about philosophy, about the United States Constitution. I respect the position that they hold, but to me, this ruling is wrong. It is a misinterpretation of a simple provision in the United States Constitution.

The right of property in this country, sometimes we as Americans take the right of property for granted, but I think a little history is in order.

When people started coming to the United States from Europe and from England, back in those days, in the middle ages, the king or the queen owned all the land, and the king or queen would bequeath certain portions of the king's property to the nobles. The nobles would have extensive land grants, and then they would have serfs, regular folk, work that land. But the real people, the working folks, never owned the land they worked on. It belonged to the nobles and then off to the king.

So when people started coming to America, they started owning their own land. It was an individual right to own property; and, today, it is still, I think, the greatest American desire to own a piece of America, own the land. Usually, we get that with a house, but it is the greatest desire that most Americans have, and more Americans now own homes in this country than ever before, the right to property.

When our forefathers got together and started talking about this new government, this new country, they were influenced a lot by John Locke. John Locke took the position that all of us are born with certain rights because we are individuals. He said hundreds of years ago that man has the natural right to life and to liberty and to property, three rights that really all other rights come from, the right to life, liberty, or freedom as we call it now, and the right to property.

He influenced Thomas Jefferson so much that in the Declaration of Independence Thomas Jefferson wrote that we are given by our Creator certain rights, and he said they were life, liberty and the pursuit of happiness, which includes the right to property.

Then, of course, in the fifth amendment of the United States, in our Constitution, our forefathers reaffirmed the basic rights that John Locke talked about hundreds of years ago and said that no person shall be deprived of life, liberty or property without due process of law. They went on to say in the fifth amendment, nor shall private property be taken for public use without just compensation, a very simple statement, and it is not difficult to understand.

With all due respect to our northeastern law schools, I do not think you have to go there to figure out what the fifth amendment means. It is relatively simple.

You may recall in the movie "The Patriot" with Mel Gibson, that somewhat fictional approach to the American Revolution, how in one scene there General Cornwallis of the British empire was talking to Colonel Tarleton and telling him, if we retake America, you will have all of these lands bequeathed to you by the king, the concept being, in the eyes of the British, the land in America still belonged to the British empire. That is why the American Revolution was so important. It not only gave us life and liberty, it gave us the right to own property.

So property in this country is not just available to kings and to nobles, but it is available to the rest of us. This is why this fifth amendment was put in our Constitution, to give us the right of property.

The argument in the fifth amendment was the whole concept of compensation, the idea that government could take property only if it paid for it and paid the owner of the property. It was never misinterpreted until this summer to have the right of government, we are talking about city councils generally, to take your private property for private use. We are not talking about public use. We are talking about private use, take our property and make a parking mall, a parking lot out of it. No offense to Wal-Mart, but Wal-Mart pays a lot of taxes. They could take my house and much of my neighbors' houses, make a Wal-Mart out of it, and they get a whole lot more tax incentives or taxes from that business than they would from the property owners. So that is the motivation to seize private property, to hand it over to other private entities for money. Mr. Speaker, it boils down to money. Too often, it often always boils down to the money trail.

So the Bill of Rights certainly does not give, I think, government the authority to take private property for private use. The Constitution protects the rights of people. It does not give rights to government. Sometimes we think government has a lot of rights. Government, in our philosophy, only has the power we give it. Government is controlled by us, the people. The Constitution gives the rights to individuals, to people; and one of those rights in the fifth amendment is the sovereign right to own the land, to own a piece of America.

So the Supreme Court has misinterpreted this simple provision of the Constitution and allows city councils to take land, bulldoze our houses without our consent and build a parking lot or a shopping mall. Those citizens' property is safe because it is given this authority, and I am glad to see that this House is doing something about trying to prevent any funding to allow this misinterpretation by the Supreme Court to take place. Certainly, this decision slaps in the face of our heritage. It slaps in the face of our history, our philosophy and what America is all about.

Private ownership of property is vital to freedom. It is vital to liberty, and it is vital to certainly prosperity, and I think the Supreme Court has authorized land grabbing. They have sacrificed private property on the altar of greed. I think it is a big mistake. I think they are wrong. I think they violate the Constitution, and I think this is another example that the Supreme Court has lost its way in this decision and would hope that we can return to an understanding of the Constitution that was intended when it was written, an understanding that most Americans have.

I want to thank my friend from Georgia for allowing me to make some comments on this 5-4 decision by the Supreme Court, this error in judgment that the Supreme Court justices have made.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Texas, the judge, for sharing those thoughts with us.

I wanted to assure the judge, as he well knows, that we intend to do something about it this week, and this is what H.R. 4128 does. It protects private property rights, and we will get into that in just a few minutes.

Earlier we heard, Mr. Speaker, from our colleague from Ohio, and the gentlewoman talked about her father in fact who built some of these little German homes, he being of German ancestry. I am not sure that this next poster that I have got is a picture of a home in Ohio, for that matter even in New London, Connecticut, but, boy, it sure has a German look to me.

I have been to Germany a time or two, a lovely country, and I have seen some residences, some houses, freestanding houses, look a little bit like that. But look at that sign in the front yard, for sale, not by owner, but by government, and that is what we are talking about here. That is exactly what the gentlewoman from Ohio was describing in her district, and this is what the people, quite frankly, in New London, Connecticut, were fighting for.

☐ 2045

As I said a little earlier, a developer who wants to put up a mega store, a big box, a new luxury five-star hotel or a four-star restaurant, or whatever they want to do, expand that shopping center I think we were hearing about earlier, let them do it and let them buy what property they can buy. If a price is offered that is attractive enough, you will have plenty of willing sellers.

And if you have one or two that are unwilling, for the reasons the gentlewoman was describing, I think she pointed out a gentleman 82 years old, been married 50 years, lost his wife, been in the home their whole married life, let some creative architect figure out a way to build around that home and still have an attractive development. It can be done, no question about that, Mr. Speaker.

This next poster, my colleagues, I think is the most important of the three. Because while I have emphasized that under this new expanded ruling of this activist court, this 5-4 decision, that a person's home, where they have raised their children and maybe even their grandchildren and lost their spouse, can be taken for this expanded so-called public use called economic development, bigger tax base, more bucks, or the small business I described, the little bakery.

But look at this, at this poster, this slide. You recognize it. That is a church. It could just as well be a mosque or a synagogue. A place of worship basically is what it is. Guess how much taxes God pays to the local government? None. None.

So if we allow this decision to stand, there will be plenty of incentive to take a small business or a home where the property taxes are not enough. You know, if it were a bigger home and it had 5,000 square feet instead of 2,000 square feet, you could raise the tax base, and if it were a business. But it is paying some taxes. There is revenue, hopefully a profit. These small business owners are definitely taxed, and that tax goes to support the local community.

So if there is an incentive to take their property when there is a tax base, think about what the incentive is going to be for the local government to take God's property, where there is no tax base. It is tax free. We cannot allow that to happen, Mr. Speaker.

I know my colleagues on both sides of the aisle understand this. I know it from the fact that I brought a resolution to this House floor shortly after June 23, and we had Members on both sides of the aisle running to the voting machine to punch that green light expressing their outrage over this decision. So it is certainly not a partisan outrage. We are all upset about it.

This week we intend to do something about it. Indeed, to take God's property so we can put in some high-tax-paying business, restaurant, hotel for the purposes of increasing that tax base. Then you say, oh yes, but this is for the public good because we are going to have money to build more parks and recreation facilities. Indeed. Indeed.

My colleagues, I mentioned the facts in the New London case, and I will not go into that in any more detail, but listen to some of the arguments in that case. The residents, the petitioners, argued the condemnation by the City of New London constituted a violation of the fifth amendment's public use provision: Nor shall private property be taken for public use without just compensation. The judge from Texas talked about that. The gentlewoman from Ohio and the gentlewoman from Tennessee all talked about that.

The residents argued that economic development in and of itself does not constitute a public use. But the City of New London, the defendants in this case, argued that, hey, new jobs, increased tax revenue, that is qualification enough for taking as a public use and, therefore, this taking did not constitute a violation of the Fifth Amendment. They also argued that they were operating in accordance with Connecticut law.

Well, unfortunately, unfortunately, Mr. Speaker, the majority, five of our Supreme Court justices, Justice Stevens, Justice Kennedy, Justice Souter, Justice Ginsburg, and Justice Breyer, agreed with the City of New London, and the majority opinion focused on a broad, very broad interpretation of the term public use in the Fifth Amendment.

The opinion states that there is no way to distinguish between economic development from other types of public use development. The majority did not want to second-guess local government. They did not want the State and local government to say a particular development project is for public use. They are the only final arbiters of what is and what is not public use. I think I can say that it was a ridiculous majority opinion.

In the dissenting opinion, Justice O'Connor, Justice Renquist, God rest his soul, Justice Scalia, and Justice Thomas cites the majority opinion for what it is, an abandonment of over two centuries worth of precedent. In the dissenting opinion, Justice O'Connor stresses that the term public use is very explicit and that the Founders intended that the term public use needed to be there. Justice O'Connor writes that the majority's opinion nullifies the term public use, and now State and local government can justify any taking of land from one individual to another to give to another private party if it presents any economic benefit to the tax base or any other aspect of the community.

This, Mr. Speaker, cannot, shall not stand. And I want to take this opportunity tonight during the remaining time that we have to pay tribute to the sensible chairman, who has great wisdom and a lot of common sense, the chairman of the House Judiciary Committee, and I am talking about the gentleman from Wisconsin (Mr. SENSENBRENNER). He will bring to this floor, probably on Thursday of this week, H.R. 4128.

I would like to take this time to explain the provisions of that bill, because it is so very important. In this bill, it will say that Congress' power to condition the use of Federal funds will extend to prohibiting States and localities from receiving any Federal economic development funds for a specified period of time if such entities abuse their power of eminent domain, even if only State and local funds are used in that abuse of power.

H.R. 4128 also includes an express private right of action to make certain that those suffering injuries from a violation of the bill will be allowed access to a State or Federal Court to enforce its provisions. It also includes a fee-shifting provision, and listen to this, identical to those in other civil rights laws that allows a prevailing property owner attorney and expert fees as a part of the cost of bringing the litigation to enforce the bill's provision, as it should.

Under H.R. 4128, States and localities will have the clear opportunity, we are going to give them a last chance, to cure any violation before they lose any Federal economic development funds by either returning or replacing the improperly taken property. We are giving them a chance to make amends before the hammer falls.

H.R. 4128 also includes carefully crafted refinements of the definition of economic development that specifically allows the types of takings that prior to Kelo had achieved a consensus as to their appropriateness. I want to mention some of these.

These exceptions include: Exceptions for the transfer of property to public ownership, to common carriers and public utilities, and for related things like pipelines. I mentioned that earlier.

The bill also makes reasonable exceptions for the taking of land that is being used in a way that constitutes an immediate threat to public health and safety. Of course. That is common sense.

The bill also makes exceptions for the merely incidental use of a public building by a private entity, such as a small privately run gift shop on the ground floor in a public hospital, or the acquisition of abandoned property, and for clearing defective chains of title in which no one can be said to really own the property in the first place.

A good bill, Mr. Speaker. I commend it to my colleagues. H.R. 4128 was introduced by the gentleman from Wisconsin on October 25 of this year. The bill was reported from the Judiciary Committee by a vote of 27 to 3 on October 27, 2005; and I can assure my colleagues that there are not 27 Republican Members of the Judiciary Committee. We have a majority, yes, but a narrow majority. So, clearly, this bill has strong, strong bipartisan support.

Mr. Speaker, in conclusion, this time that we have taken to talk tonight about this situation of the abuse of the power of eminent domain is so critical. It is so critical, and this bill is so important. We need balance. Certainly we need economic development. We need to develop blighted areas in our cities across these States, but we can do it in the right way. And we do not need to violate someone's constitutional and God-given rights of life, liberty and property.

I hope that we have in this time, Mr. Speaker, made a strong case for this. I know my colleagues who spoke earlier spoke well, spoke eloquently, and I am deeply appreciative of their spending a little of their evening tonight to discuss such an important issue. We look forward to Thursday. We look forward to the passage of H.R. 4128 to restore the natural and constitutional right to property.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. CONAWAY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again, it is an honor to come before the House. We want to thank not only Democratic leadership but everyone within the Democratic Caucus for coming to this floor night after night in a fight for what is right in America and to make sure that we work as much as we can in a bipartisan way to bring about the best of America. We have to fight for that position.

A lot has happened today, Mr. Speaker, in the Capitol. A lot has happened in the capital city in the last days. A lot will happen in the days to come. And it is how we move from this point on. If we are willing to travel the road of bipartisanship, carrying out oversight, making sure that our country is being told the truth, making sure that our troops are being told the truth, making sure that we as a Congress do what we are supposed to do constitutionally for the American people, then I believe that our future will be bright.

□ 2100

Or there is another road that could be traveled and has been traveled upon quite a bit in the 109th Congress, the road of strict partisanship, abusing the rules of the House to extend votes even when the majority is not winning so that they can win even though the ideas may not be in the best interest, in many cases, of the reason why we came to the floor in the first place, i.e., the energy bill, the prescription drug bill, et cetera, et cetera, et cetera.

Also on that road is the road of cronyism, the culture of corruption and cronyism; and I think it is something that we need to disabuse ourselves of and move on the road of bipartisanship, move on the road of cooperation, move on the road of leveling with the American people.

So we do have a choice. There is a fork. Unfortunately, I would say that just picking up the paper, Mr. Speaker, just looking at the news, it looks like the majority has taken the fork of partisanship, endorsing the culture of corruption and cronyism. I want to make sure I am clear when I say culture of corruption and cronyism: A, condoning it, not calling Federal agencies, the executive branch, and some legislative branch operations or on the floor or before committee when we see this activity taking place.

Cronyism: a perfect example, Mr. Speaker, as I stand here now, Mr. Michael Brown still enjoys full salary at FEMA even after the debacle of Katrina, admitted by the administration, admitted by many Members of this House; but he still enjoys full salary of the taxpayers' dollars, $148,000-and-change. The Secretary of the Department of Homeland Security has endorsed his extension by saying that we can learn from Michael Brown.

Mr. Speaker, I cannot wait until Secretary Brown comes before the Homeland Security Committee, because I have one question: What benefit to the taxpayers of the United States does Michael Brown have or possess as it relates to his experiences from Katrina? Did we not already have 60 days of a contract that was extended and then 30 days more extension of the contract? Mr. Speaker, I ask the colleagues of the House and level-minded Members of goodwill to please answer the Department of Homeland Security, to save the taxpayers' money, and turn their back on cronyism in the Federal Government.

Today I am joined once again by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and also the gentleman from Ohio (Mr. RYAN); and we come to the floor, as the Members know, Mr. Speaker, week after week and now night after night, to not only bring to the Members but to the American people what we are doing and also what we are doing wrong. But it just seems like the wrong is overwhelming, and we feel it is our obligation to bring it to the attention of the Members and the American people.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank the gentleman for yielding to me.

It is a pleasure to join him once again, and we appreciate Leader PELOSI's giving us this opportunity to talk about the issues that are important not just to our generation but to the citizens of this country who really need to hear both sides of the story, which they are most definitely not hearing from now.

And the gentleman mentioned the extension of Brownie's contract. I was struck by the fact when we learned that, and I think we just learned that last week, that his contract was extended ostensibly to glean more advice from him on what the Department of Homeland Security and FEMA should be doing in the aftermath of hurricanes. And we are still, unfortunately, in the middle of hurricane season. Our respective districts were just struck by Hurricane Wilma, and one of the things that we have learned in the aftermath of Wilma now is that it has really become clear that the Department of Homeland Security and FEMA have learned nothing from the aftermath of Katrina, the blown aftermath of Katrina, and then Rita and then from Rita to Wilma.

Communication failures, an inability of our cities to get generators to run their lift stations, sewage backing up in the streets, gaping holes in condominiums and mobile homes. It is pouring rain today in south Florida, which is pouring more misery on top of people who have already been through so much. And how does Secretary Chertoff respond? He extends Michael Brown's contract by 30 days. This is a person who President Bush ultimately was forced to admit was not able to handle a job the size of Hurricane Katrina and her aftermath, so much so that essentially he was forced out.

But now, because they are so married to the cronyism, the culture of corruption and cronyism and the lack of competence runs so deep and they are so unwilling to give it up and to admit that they are incorrect that they give him an extension and continue to pay him $148,000 a year. This is what they are rewarding. They reward incompetence. They thrive on cronyism and corruption and unethical behavior. It is just unbelievable.

I think this is a good time to turn to our first chart here, if the gentleman is ready to do that.

Mr. MEEK of Florida. Mr. Speaker, I am sorry. I was looking at the gentleman from Ohio (Mr. RYAN) and looking at those charts over there. They are so breathtaking.

And turning over to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), we were working very hard over the last weeks or so dealing with Wilma, the gentleman from Washington State (Mr. INSLEE) has joined us tonight, who has so much to add to this conversation.

I will give the gentleman from Ohio (Mr. RYAN) the honors of recognizing someone else who has joined us here on the floor.

Mr. RYAN of Ohio. Mr. Speaker, my good friend and mentor, Congressman DELAHUNT, is also here to help us explain how. This man was a prosecutor, a district attorney in the great State of Massachusetts. So he understands exactly what, I think, we are going to go through here. And he volunteered his services. This is the kind of gentleman that we are dealing with here, to come down and help us kind of walk through this.

We are going to lay out for the American people tonight exactly what has been going on here with the CIA leak, and we have all of these examples, and we have had example after example after example over the past year of different reasons, really, quite frankly, since the war, about what has been going on and how this administration has misled the Congress and misled the American people. So we kind of want to go through chronologically exactly what has been happening.

I am going to take a couple minutes here just to walk through this and lay the foundation. We are going to actually have the next hour as well; so we are going to have some time to go through, but I think it is important, as we have all talked about already, to let the American people know exactly what has been happening.

Now, this was President Bush's original promise when he was the Governor of Texas. He was running for the Presidency of the United States. He said, "In my administration we will ask not only what is legal but what is right, not just what the lawyers allow but what the public deserves."

So this President came in with a pretty high standard of how he wanted his administration to run, and we all respected the President for that. I remember his saying and the Vice President saying time and time again, We are going to bring honor and dignity to the White House.

We see where he got it, from his father, who was a very good man. This is his talking about former CIA head talking about leaks: "I have nothing but contempt and anger for those who betray the trust by exposing the name of our sources. They are, in my view, the most insidious of traitors." That is President 41.

Former Republican National Committee Chair Ed Gillespie, who might as well be the Chair of the committee that heads up the Katrina investigation because it is so partisan, this is what he said when he was asked on "Hardball" with Chris Matthews: "I think if the allegation" of the CIA leak "is true, to reveal the identity of an undercover CIA operative, it's abhorrent and it should be a crime, and it is a crime."

And Chris Matthews said: "It'd be worse than Watergate, wouldn't it?"

And Gillespie said: "Yeah. I suppose in terms of the real-world implications of it. It's not just politics."

So first President Bush, Ed Gillespie. The President came into office. He was from Texas. He did not want Potomac fever. He was going to bring a fresh, new approach to Washington. Then once the leak stuff starting coming out, he says now: "If somebody committed a crime, they will no longer work in my administration."

And that is true. The original person now, Scooter Libby, who has been indicted for perjury, false statements, and obstruction of justice, has resigned. So that is good. The President's original statement said that "if anyone in this administration was involved in it, they would no longer be in this administration."

Mr. MEEK of Florida. Mr. RYAN, could you read that again, sir?

Mr. RYAN of Ohio. "If anyone in this administration was involved in it, they would no longer be in this administration." That is what the President said. That is not what Ms. WASSERMAN SCHULTZ, Mr. INSLEE, Mr. DELAHUNT, Mr. MEEK, Mr. RYAN said. The President of the United States said that. So now we are basically saying that this President said if anyone in this administration was involved in it, they would be out.

So let us see what actually happens here. This is from the indictment, quoted from the indictment: "On or about July 10 or July 11, 2003," Scooter "Libby spoke to a senior official in the White House, Official A." Now, we have come to know that Official A is actually Karl Rove. Official A has now been outed as Karl Rove, "who advised Libby of a conversation Official A had earlier in the week with columnist Robert Novak in which Wilson's wife was discussed as a CIA employee involved in Wilson's trip. Libby was advised by Rove, "Official A" in the indictment "that Novak would be writing a story about Wilson's wife."

That is from count one, obstruction of justice, in the indictment of Scooter Libby. Remember the date, July 10, middle of the summer.

Now, Karl Rove, a couple of years ago, in September of 2003, the fall, a couple months later, the end of September, September 24, to ABC News producer Andrea Owen, when she asked: "Did you have any knowledge or did you leak the name of the CIA agent to the press?" Karl Rove said no. In July, in the indictment, he is the one talking to Scooter Libby about Novak using it in the article. That is a lie. He lied to the American people on ABC News.

Asked again, Rove revises his answer. This is in July 4 of 2005, just this past summer: "I'll repeat what I said to ABC News when this whole thing broke some number of months ago. I didn't know her name, and I didn't leak her name."

Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. I thank the gentleman for yielding to me because in between these two charts or slides, I want to tell my colleagues what I saw when I was watching "Good Morning America" yesterday morning, Mr. Speaker.

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Matt Cooper, the Time Magazine reporter who was one of the reporters involved in all of this and testified in front of the grand jury and initially resisted in terms of his willingness to testify, had an exchange with Charles Gibson on Good Morning America yesterday.

Matt Cooper acknowledged, in questioning from Mr. Gibson, that he initially heard from Karl Rove about the identity of Joe Wilson's wife and what she did for a living. Charles Gibson in this exchange said, "So, you, I am sure, will likely be called to testify at Mr. Libby's trial, and will you be testifying to those facts?" In other words, he asked will you be testifying that you initially heard about Joe Wilson's wife's profession and what she did and her identity from Karl Rove? And he said, "Well, that is the truth, and I plan on testifying about what I know."

Then Charles Gibson asked Matt Cooper, "Is there any possibility that you are not correct?" Because, you know, Mr. Cooper, the other side will say, opposing counsel will try to say that perhaps you are mistaken or you misunderstood or there was some matter of clarity, lack of clarity on your part. He said, "Well, I was taking notes during this conversation, and I am pretty clear. I am going to go in and testify to what I was told."

Mr. RYAN of Ohio. If the gentleman will yield, so Cooper is going to say that Rove told him.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman will yield. Cooper is going to say at trial, if asked, that Karl Rove was the first person to tell him Valerie Plame's identity.

Mr. RYAN of Ohio. Wow.

Ms. WASSERMAN SCHULTZ. I thought that was important.

Mr. RYAN of Ohio. That is very important. That is huge. Here we are, in the indictment he knows in July. In September of 2003, a couple of months after he had already known and told Libby, he denies it to the American people. He lies about it. In Washington, you know, you misrepresent, you mislead. In Ohio, you lie. We tend in the Beltway here, people who get "Potomac fever" tend to soften it up like it is kind of okay. In Ohio this is a lie. So Karl Rove lied to the American people.

Now, not only did he lie to the American people, this poor fellow here, Scott McClellan, who is the spokesperson for the White House, says on October 3, which is after July when Rove already knew and told Libby, after September, when he already denied it once to ABC News again, Scott McClellan goes out in public and says, those individuals, Karl Rove, Elliot Abrahms and Scooter Libby, assured me they were not involved with this.

So they lied to their friend and colleague Scott McClellan as well. So here is where we are right now.

Ms. WASSERMAN SCHULTZ. And subsequently made a liar out of Mr. McClellan. He is the spokesperson standing in front of the American people and the White House press corps. In fact, I heard an exchange yesterday between him and the White House press corps where he was pressed by them to acknowledge that he basically was trotted up there to the podium and forced to lie to them, unknowingly perhaps. But in addition to being lied to, he lied to the press and to the American people.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will yield further, now we have to be very careful with this next example, because although we can say that Karl Rove lied, we have to be very careful to respect to the Office of the Vice President here, and we intend to do that. This is the next set of facts. This is also from the obstruction count, count one, obstruction of justice in the indictment of Scooter Libby.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, the reason why we want to be careful as it relates to the Office of the Vice President and President is because we respect the rules of the House, unlike some folks on the majority side that expand the rules of the House for their own gain. I just want to bring that clarification.

I do not want the Members, Mr. Speaker, to feel we are scared to call a spade a spade. We just want to respect the rules of the House, and I think that is very appropriate and in order in this case.

Mr. RYAN of Ohio. If the gentleman will yield further, absolutely. This is from count one of the obstruction of justice indictment of Scooter Libby, U.S. District Court for the District of Columbia. We have got to keep the dates straight again here.

On or about June 12 of 2003, which again is the summer of 2003, Libby was advised by the Vice President of the United States, who is currently DICK CHENEY, that Wilson's wife worked at the CIA in the Counterproliferation Division. Libby understood that the Vice President had learned this information from the CIA. That is what the count says. That is what the indictment says, that the Vice President on or about June 12.

Here we have the Vice President on Meet the Press in September, September 14 of 2003, a couple of months later.

Mr. Russert asks, "He," Ambassador Joe Wilson, "says he came back from Niger and said that in fact he could not find any documentation that in fact Niger had sent uranium to Iraq or engaged in that activity and reported it back to the proper channels. Question: Were you briefed on this finding in February or March of 02?" Russert asked DICK CHENEY.

DICK CHENEY says, "No, I do not know Joe Wilson. I have never met Joe Wilson. No, I do not know Joe Wilson."

The indictment tells us that on June 12 he is telling Libby about Joe Wilson. And then he says a couple months later to Tim Russert, "I do not know Joe Wilson." That is misrepresenting the facts. That is misleading, in my estimation, the American people once again.

Mr. INSLEE. Mr. Speaker, if the gentleman would yield, I guess the question then comes down to what the definition of "know" is then. Is that really the problem?

Mr. RYAN of Ohio. If the gentleman will yield, I think so. What do you mean by "know."

Mr. INSLEE. I know what the Vice President meant by "know." It was clear from any fair reading of this situation that when a person knows that the person they are trying to punish was an agent for the CIA and was involved in giving that information to a subordinate who destroyed the career and outed a security agent of the United States Government, and then would not want the public to know he was involved in that despicable act, he would say "I do not know Joe Wilson," even though he knew Joe Wilson's name, what his wife did for a living, that she worked for the CIA, and, if he disclosed that, it would destroy her career and out an intelligence agent of the United States of America.

He may not have known him and shaken hands with him, but he departed from the truth on a most grievous matter involving the intelligence service of the United States of America.

Mr. RYAN of Ohio. Mr. Speaker, that is a great segue into what we are going to get into, which is the damage that has been done to the Central Intelligence Agency on this.

Here we have the Vice President told Libby about Joe Wilson's wife and then two months later denied even knowing who this person was. We have Karl Rove in the indictment known as "Official A" who said that Novak was going to write a story about this, and two months later on ABC and then a couple years later he denies even knowing Joe Wilson or having anything to do with this.

Now, is this illegal? We do not know just yet with Karl Rove, because this investigation is still open. But did Karl Rove lie to the American people? Yes. And he should leave office immediately, because he broke trust with the American people.

We have our good friend from Massachusetts, a former prosecutor, a former DA with a very distinguished career in law enforcement here to join us.

Mr. DELAHUNT. Mr. Speaker, if the gentleman will yield, I thank my friend, and again I want to congratulate the gentleman from Ohio (Mr. RYAN) and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and the gentleman from Florida (Mr. MEEK) for really doing a public service. But I think it is important for a moment to reflect not just on this particular case, but what has characterized this administration from the onset, and that is a total lack of transparency, a total lack of genuine consultation. Secrecy, if you will.

What I find most fascinating are those members of the administration, people of good conscience, who have left the administration and are now speaking out. These individuals are good Republicans, good conservative Republicans who embrace genuine American values.

One of them is a former colonel in our military service, Larry Wilkerson. He also happened to be the Chief of Staff for the former Secretary of State, Colin Powell. Here is what he recently wrote in a column that I think provides the context for why this occurred. It gives us an insight into what was happening on the road to war and how little information the American people were given, how little information Members of Congress were given.

Here is what Colonel Larry Wilkerson, former Chief of Staff to Secretary of State Colin Powell, had to say on October 25 of 2005. One can go to the Los Angeles Times, and this same opinion piece was printed elsewhere.

"In President Bush's first term, some of the most important decisions about U.S. national security, including vital decisions about post-war Iraq, were made by a secretive, little known cabal. It was made up of a very small group of people led by Vice President DICK CHENEY and Defense Secretary Donald Rumsfeld. Its insular and secret workings were efficient and swift, not unlike the decision making one would associate more with a dictatorship than a democracy."

Mr. RYAN of Ohio. Congressman, that is not you saying that. Who is saying that? Who wrote that?

Mr. DELAHUNT. That is Colonel Larry Wilkerson, a Republican, former Chief of Staff to Secretary of State Colin Powell.

Let me just say, and this is an understatement, this is disturbing. But this is the atmosphere, this is the context, this is why we find ourselves in the situation where it is an embarrassment and it erodes the image of the United States. Whether you supported the war or you did not support the war, it is eroding the image of the United States all over the world, not just in the Middle East, not just in Europe, but in Latin America and in Asia.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will yield, when you have that kind of mindset where you think you can get away with everything, when you think you can make these decisions in a box and you can take a country to war, as Thomas Friedman says, "on the wings of a lie," then you end up with all the stuff we are already talking about. They just take it to the next level, and they think they can lie to the American people, lie to the grand jury and obstruct justice.

Mr. PALLONE. Mr. Speaker, if the gentleman will yield, what the gentleman from Ohio is saying is true, and I will just sum this all up. I have seen this with the Republican policies here under the President, as the means justifying the ends. In other words, they were determined, the President and his Republican colleagues that supported him in this secrecy and this coverup, were determined to go to war.

So it did not matter what the means were, they were going to get there. If that meant that they had to out a CIA agent and if it meant that they had to not tell the truth about what was happening in Iraq, if it meant that they had to go after those people who were trying to tell the truth and basically honestly tell us what was going on in Iraq, that did not matter, because they had to go to war. They had to attack Iraq. They had to go in there and get Saddam Hussein. So it did not matter what the means were, they were going to achieve that.

It is the same thing we had in the Watergate years with President Nixon. I hate to bring that up again, but it is true. The means justify the end.

But we see this over and over again with the Republican leadership and with the President Bush's policies, that they will go to whatever ends to achieve their goal. So there is no accountability. There is no feeling on anybody's part that they have to tell the truth or that they cannot ridicule people or destroy people's lives if they can accomplish their goal.

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And that is basically wrong. It is very undemocratic. I mean, the gentleman from Massachusetts talked about the basis for democracy. The basis for democracy is free speech, that people can get up and express their views. But they do not want to hear the other views. They do not want to hear what the truth is about whether or not there was uranium coming from Niger to Iraq. They did not want to hear the CIA estimates that were saying that it was unlikely that Iraq was going to attack the United States, it was unlikely that there were weapons of mass destruction in Iraq. They did not want to hear the truth, because they wanted to go to war. And this attitude is pervasive.

I mean, you have talked about it and the gentleman from Florida has talked about it here on the floor with so many other things that the Republicans do, not wanting to have hearings, not wanting to have bipartisan investigations of the hurricane, because they do not want to get at the truth. They have this ideology that says, this is the way it is going to be; and if you do not like it, we do not want you around here. We do not want to hear dangerous points of view, and it is a very dangerous view.

Mr. DELAHUNT. If my friend from New Jersey would yield for a moment, I would direct my colleagues' attention to Wednesday, October 22, the Congressional Quarterly Today that you all know we receive once a week here. What is the headline? Just to reinforce and corroborate what FRANK PALLONE just said: "GOP Says No to Probe of CIA Leak." Again and again and again, secrecy. Let us not look at it, because maybe we will find something ugly. Maybe we will find something that will embarrass the administration. Maybe we will find something that will embarrass the majority party and erode their power.

Mr. RYAN of Ohio. The Republicans.

Mr. DELAHUNT. Correct. Let me suggest this: what is at risk here is not the Republican Party, not the Democratic Party, but the viability and the health of our democracy. That is why, along with some very good Republicans, we are insistent that transparency be reintroduced into the legislative process.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if we had that transparency here, if the leadership here were willing to engage in transparency and get to the bottom of whether or not prior to the declaration of war and taking us into the Iraq war and misrepresenting facts to Members of this body, if they were willing to do that, then we would not be in the position that we are in today, so much so that today in the United States Senate, Minority Leader HARRY REID had the courage to use a rule that has not been used in 20 years, at least 20 years, rule XXI that has not been invoked in 20 years, to bring the Senate into a closed session because of the foot-dragging and hemming and hawing and hand-wringing over exposing the information on how it is that we ended up in the Iraq war, and making sure that they get to the bottom of how much information, following September 11 and prior to September 11, the administration actually had and whether it was available.

None of that information has been forthcoming. There has been opaqueness, not clarity, not transparency, so much so that Minority Leader REID had to force the Senate into closed session today in order to try to push them to get that part of the investigation rolling. It is just absolutely inexcusable.

Mr. MEEK of Florida. Mr. Speaker, one individual in the Senate said the Senate was hijacked, as though someone came in with a gun, waving it and saying, I am here to take over; but simply using the rules of that body, the Senate, just like we use the rules here in the House towards the benefit of the American people. Reports have said that what came out of it is hopefully a report that will surface in a couple of weeks about some of our intelligence failures.

I can say that Mr. INSLEE, a couple of speakers ago, mentioned the fact of outing a CIA agent, and I must say my good friend from the Garden State New Jersey and also Mr. DELAHUNT stated that a CIA agent, a clandestine agent, was outed, but a number of agents were outed. A number of agents, agents that we will not even know their names for now, left up to this White House; they may be outed tomorrow, if they get in the way. I think that it is 110 percent correct, as Mr. PALLONE said, if you get in the way, and I do not even like to use the word "Republican," because I have a lot of good friends who are Republicans and I have some folks on the majority side that I know that they go home every night and lift the toilet seat up, and they are literally sick. They have to put their heads in a porcelain bowl because they are sick of what is going on in this institution.

It is shameful that we would sit here under regular order when CIA agents are being outed and being proven in indictments that they are outing these individuals for political gain. It is beyond politics, far beyond politics, what is going on.

I just want to read something here. Mr. DELAHUNT, we call those individuals like the colonel and others third-party validators. We want to make sure that the Members are not sitting in their offices thinking, oh, well, they go in the back and they just draw this stuff up. Members, the American people, Mr. Speaker, all they have to do is pick up the paper. They do not even have to turn the page; it is right there on the front page, what is happening in the moment.

And the question is, when folks start looking at the 109th Congress what we did and what we did not do and what we allowed to happen, we have an obligation, Democrat, Republican, and the one Independent in this House have an obligation to call the question on why we are allowing a number of things that are happening to our country, our country, our country, Democrats, Republicans, Independents, those that are not even registered to vote and those individuals that are seeking to become citizens in this country, it is our responsibility. It goes far beyond winning and losing here in this House and the games that are being played on a bill or two.

I just want to read here what was printed on the 10th, just a couple of days ago: a small Boston firm, Brewster-Jennings & Associates, listed as her employer, suddenly was shown as a bogus CIA front. Her alma mater in Belgium discovered that it was a favorite haunt for American CIA spy activity.

Now, this is a front. This is a company that we had set up. I did not know about it. I am pretty sure none of us knew about it. But the individuals in the White House that have the highest security clearances knew about it, outed this agent and outed a number of other agents behind enemy lines in a forward area. It is like saying, it is like calling up the enemy and saying, there are some marines right outside of Mosul, okay, and they will be there at 12 o'clock, to the insurgents. That is how deep this is.

We have individuals that are running around here without weapon, some folks have put their life on the line for this country, and it is shameful for the people that have the highest security clearances and I must add, Ms. WASSERMAN SCHULTZ, appointed to have those security clearances.

Now, you speak of Mr. Rove. I mean, the way this indictment reads, obviously a lot of thought has gone into it. Statements were made to this grand jury, and he is still available and working as the deputy White House chief of staff, sitting in on meetings, the highest security clearance, hearing what the President hears, hearing what the Vice President says.

I am glad that I am not a CIA agent. I am glad I am not a clandestine agent working on behalf of this country, because I may very well be outed because I am talking about it. This is very dangerous. This is very dangerous, Mr. PALLONE, what you mentioned. It is very dangerous when not Big Government, just a few individuals in the government, take it upon themselves, they have the prerogative to out individuals that are career CIA agents. There is something fundamentally wrong with that, and it is very serious.

Mr. RYAN of Ohio. The gentleman makes a great point. We need to reiterate this to our colleagues, Mr. Speaker, to the American people, that this outfit that is currently in charge of the House and the Senate and the White House will do anything that they need to do to promote and bolster their party, the Republican Party. They will be willing to do anything. And they have proven, not just violating the rules of the House or the spirit of the rules of the House by keeping the clock open so that they can pass legislation at 3 in the morning 15 times, or lie about the prescription drug bill, or lie about the war, but to out a CIA agent to benefit yourself politically is outrageous.

As my friend said, that is no different, especially in the 21st century when we are dealing with intelligence, the war on terrorism is a war of intelligence, and so those covert operatives are foot soldiers in forward areas; and it is, as has been stated, the moral equivalent of outing a CIA agent, outing a CIA agent is the moral equivalent of telling the enemy where the marines are, and they are coming.

Mr. PALLONE. Let me just briefly, because the gentleman from Ohio always says that we need to point out how things would be different if the Democrats were in the majority, if the Democrats were in control. And I always like to, because I guess I am the one who has been here the longest, take us back to another era.

I remember when the Democrats were in the majority here and I told you before, the Energy and Commerce Committee that I serve on, we would have investigation after investigation. This is when we had a Democratic President; it did not make any difference. We would have investigations of agency actions. Whether it was Health and Human Services, Department of Education, we would bring them before the committee and the Democrats were in the majority and we would ask all of these serious questions about fraud and abuse and whether or not too much money was being spent. And if a Republican wanted to bring up an issue and criticize the White House or criticize the Democrat in the White House, nobody stopped them. Nobody sought to put an end to that.

Mr. RYAN of Ohio. So the gentleman is saying that when we were in charge, we actually put the country before our own political party.

Mr. PALLONE. Absolutely. I will take you even further back. You read about Jefferson and Adams and how they used to go at it on the floor and debate and argue and have totally different point of views and then, at the end of the day, they would be friends. They actually enjoyed the political debate and the fact that somebody was disagreeing with them. I mean, this notion that you go after the guy who you disagree with, or who is trying to bring out something that shows that you are not correct, that is un-American.

I do not want the public to think that this is what we do down here, that we just try to destroy the person who has a different point of view, or who is trying to bring out the truth that we do not agree with. That is not what the country is all about. This is supposed to be a country of free speech and free ideas and free flow of ideas. You start getting into this whole notion that if somebody disagrees with you, you are going to destroy them, then that is the end of democracy. I mean, this is serious stuff, I agree, not only with regard to the outing of CIA agents, but just the whole idea of going after your enemy because you do not like what he says. It is un-American.

Mr. DELAHUNT. Mr. Speaker, again, I think that Larry Wilkerson said it very eloquently. It is more characteristic of a dictatorship than a democracy. Tragically, the Republican leadership in this House has succumbed, if you will, to this insistence on secrecy that has really been embraced by the White House. Again, this is from last week's CQ Today: Republicans are resisting requests for congressional inquiries into a possible scandal linked to the Bush administration's rationale for invading Iraq. The debate over congressional involvement mocks a reversal for the GOP majority, which once had an appetite for layering congressional investigations of alleged executive branch wrongdoing atop criminal probes.

What we have here is an abrogation of responsibility by the Republican leadership to conduct oversight; and they have become part and parcel of a cabal, if you will, of secrecy with this White House. And maybe this is what we get when we have a single-party State.

Mr. Speaker, again, CQ Weekly, this is back in July. This is an independent publication, nonpartisan in nature; but it has become a topic of discussion and concern among people who are avid supporters of the concepts of free institutions in a democracy.

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It is classified. Subject: Secrecy in Washington. Date: July 18, 2005. Secrecy is becoming the rule, and there is a whole bunch of redactions, rather than the exception in the Bush administration. But it is hard to hold the Government accountable if no one knows what it is doing, and that is what is happening. And the American people ought to be aware that we do not know what is happening. We as Members of Congress do not know what is happening.

And it does not just impact issues like this. Go back to when we had that Medicare vote. You remember that. We were not allowed access to the Medicare actuary's estimate of cost for the so-called prescription drug plan. Can you imagine that?

Then the debate here on the floor, the issue of cost was some $395 billion; and many Members on the Republican side expressed concern. The White House knew all the time that it was far in excess of $500 billion, and they would not even disclose it to Members of their own party. Talk about secrecy. Talk about consultation. It is missing in Washington. We have become and we are making America a secretive society, and it is time together we take America and make it better for all of its citizens.

Ms. WASSERMAN SCHULTZ. It has been such a pleasure to serve with the gentleman from Massachusetts (Mr. DELAHUNT) on the Judiciary Committee, and his eloquence and knowledge and commitment to making sure that truth is told is absolutely laudable.

You know, to follow up on what you are saying, there are consequences to the actions that they are taking. It is not just about that it is outrageous that they have to be right and that they are dictatorial and that they insist on having their way and that, during one of the debates in the last Presidential election, President Bush actually could not think of something, of an instance in which he had been wrong. I mean, this is how arrogant this administration has become. This is how deep seated the culture of corruption and cronyism and incompetence has become. But it is the results of that arrogance and that attitude that is what is truly troubling. And troubling is too easy a word.

The other day we went beyond 2,000 men and women who are dead. Dead. Whose families are in tears. Whose mothers will never be the same again because they had to be right. Because it did not matter whether the information they had was true. They were just going to disseminate it. Because they had decided, clearly in advance of September 11, that they were going to take us into war in Iraq.

There are documents, like the Downing Street Memos that have come out, that show that they were fitting the facts around their previously arrived at decision. Sure, it is not President Bush's daughters. It is not Karl Rove's kids. What is Karl Rove still doing there?

Let us go back to the first slide that you had up there. Does it appear as though the President has stuck to his commitment as a candidate, which was, in my administration we will ask not only what is legal but what is right, not just what the lawyers allow but what the public deserves.

This is a man who has compromised our national security. This is a man who has compromised not just a covert CIA's operative life but the lives of countless operatives who worked with her, who has helped send more than 2,000 Americans to their deaths. For what? For what?

You know, last year, during the campaign, you had thousands and thousands of security moms who went to the polls, and but for just about everything else that they cared about, they cared most about making sure that their children were safe. They went and cast their ballot for this President, because they trusted him the most to protect them in a time of national security, against terrorism and disaster.

Now we have seen just how well he measures up in terms of his ability to protect people after a natural disaster. And clearly there have been troubling aspects of what they knew in advance of September 11 and whether they could have even prevented September 11 from happening, given the information that they had.

Now they led us into war with misleading information, prevarication. I will use every other word except the word I am not allowed to use as a result of our rules. But how can they not care about that?

Mr. MEEK of Florida. I would like the gentleman from Washington (Mr. INSLEE), who has been focused on this issue for some time, we would like to hear some of his thoughts on what is happening right now.

Mr. INSLEE. Well, Mr. Speaker, if I may, speaking from the State of Washington, what is happening right now is that a young man that I watched growing up, my neighbor's son, I watched him growing up, playing football, spunky, hard-working young man, he is due to go to Baghdad in January; and we all are obviously concerned about it. He is proud of his service. We are proud of his service. We wish the best for him. But it gives a personal dimension to what we are talking about here tonight. Because the reason that this young man that I watched grow up is going into the killing fields of Baghdad is because an administration started a war based on false information.

So this is a very personal matter as well as a public matter in my neighborhood; and it seems to me that, under those circumstances, for him and his mother and his father and his neighbors and all of the other young sons and daughters that could be in Iraq for we do not know how long, this administration owes it to come clean with the American people to tell us how this debacle happened, that they sent our sons and daughters into war based on a falsehood.

They have not done that yet. They have not come clean. And I want to note why this is so important.

I just had dinner with the Chief of Operations for the U.S. Navy, and one of the things we talked about was the need to improve our human intelligence. It has been debased over the years. We have just lost the spies, the old-fashioned spies we have had; and we thought we could do it all electronically. That does not work.

We talked about the need to increase our human intelligence, to do old-fashioned networks of spies. What does it do to our ability to recruit spies when it comes out that the Chief of Staff of the Vice President of the United States, at least under this assertion, was involved with outing the intelligence agency of the United States, which also exposes every single person that Ms. Plame had dealt with when she was overseas. Everyone she had ever met is now under suspicion as well.

What does that do to our ability to recruit new spies internationally? And what does it do to the sons and daughters we are sending to Iraq?

The administration still has not come clean. And let me just make a suggestion for the administration's own benefit, for their own benefit. We have seen this same error repeated over and over again, of administrations that get their hand caught in the cookie jar. What do they do? They get in the bunker. They start trying to hide the ball. They do not come clean. And these things drag out for years.

You know, if the Vice President or President had come forward 2 years ago and said, this is how this happened. This is where the intelligence came from. This is what Scooter Libby said. This is what Karl Rove said. I insist that they tell the truth, and I am going to insist on that or I am going to fire them on the spot. Forget the grand jury. This could have been over with 2 years ago. Instead, we are here talking about it tonight.

Now I want to mention one other thing I think is important in this. We are not sitting here as some criminal tribunal. We are Congressmen and women. We are not jurors. There is this grand jury and this pending indictment. There is a presumption of innocence. Mr. Libby is still presumed innocent in the eyes of the law, and I am going to treat it as such.

But what we are here to do is to make sure that if an administration, Republican or Democrat, tells us tomorrow that Iraq has nuclear weapons and we have to do something about it, that we can trust our administration with this information.

And I got to tell you, I cannot trust my executive branch of the Federal Government now to tell me what is going on in Iraq, Syria or Korea or anywhere else, because the President still has not come clean fully about what happened in Iraq, and that is very, very important.

I used to prosecute cases. I was a prosecutor, just misdemeanors. They were not higher-level felony cases. But I learned one thing in talking to police officers, and that was that there are certain things when you watch people that can indicate that they are up to no good, and one of those things is what is called furtive behavior. The gentleman from Massachusetts (Mr. DELAHUNT) is an old prosecutor. He knows about this.

Furtive behavior means when somebody does something that looks they are trying to hide. When you do something that looks like you are trying to hide, it makes you think that person thinks that they have something to hide, which suggests that they are up to no good.

Well, let me suggest that there are two things that give me a little pause here. Mr. Libby, when he was talking to all of those reporters, according to Judith Miller, Judith Miller said that Mr. Libby said, hey, when you identify me as the inside source of all of this information, do not identify me as Chief of Staff of the Vice President, or even the executive branch, call me an ex-Congressional staffer.

Now if that is not furtive behavior I do not what is.

The second thing that causes me pause is that on September 14, 2003, we have got it up on one of those charts, Tim Russert, who is interviewing the Vice President of the United States, asks the Vice President, says, Mr. Wilson came back from Niger and said that in fact he could not find any documentation that in fact Niger had sent uranium to Iraq or engaged in that activity and reported back to the proper channels. Were you briefed on his findings in February or March of 2002?

Vice President CHENEY responds, no, I do not know Joe Wilson. I never met Joe Wilson.

Now, why wouldn't the Vice President of the United States of America just tell the truth and say, yes, I know Joe Wilson. We looked into some issues. I had Libby look at it. Why would he not come out and tell the truth? Instead, what he says is, I do not know Joe Wilson, which we now know, according to Mr. Libby, assuming that is accurate, according to the indictment, the Vice President is the one that told Mr. Libby about Joe Wilson. Yet 3 months later we have the Vice President of the United States telling America he did not know Joe Wilson.

Now this causes me pause as an old prosecutor. And this is not a criminal matter. From my basis, we should not be wrapped about the axle of criminality but we should insist that Americans be able to trust the administration when it comes to war and peace; and we do not have that level of trust right now.

We need the cooperation of the President of the United States and the Vice President to come clean about what happened here and ask and answer questions that both Congress has, which they have refused to do, that is why we have the other Chamber wrapped up in this issue today, and ask questions that we ask essentially of the President and the Vice President. America deserves that.

Mr. MEEK of Florida. Mr. RYAN, I believe you have the next hour, sir. We are running out of time. What I am going to do is, if you could, we want to get that Web site so we can click over and have more time so that we can continue to talk about this issue.

I am pleased that the Members who have been following this issue for a very long time on behalf of the American people are here. If you can give the Web site, I would appreciate it, real quick.

Mr. RYAN of Ohio. You can get ahold of us at 30somethingdems@mail.house.gov. We are going to get up these facts on the Web site, too, so you can follow them.

Mr. MEEK of Florida. Mr. Speaker, we want to thank the Democratic Leader and the Democratic leadership for allowing us to have this hour.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. CONAWAY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Mr. Speaker, we are going to keep on rolling here. We have so many facts to deal with.

Part of the conversation that we were just engaged in is we know that Karl Rove lied to the American people. We know that Scooter Libby has misrepresented facts and been indicted on five counts: one obstruction of justice, two making false statements, and two committing perjury, lying to Federal agents and lying to the grand jury.

We know that the Vice President of the United States has clearly, clearly withheld information from the American people, that the indictment has said that he knew all about, regarding the Valerie Plame investigation.

☐ 2200

Mr. DELAHUNT. Mr. Speaker, I think it is important to understand that not only did the Vice President and his chief of staff, Mr. Libby, withhold information from the American people; they have made a decision to withhold from the Senate Intelligence Committee key documents. It was reported just this past week in a national magazine, the National Journal, that the Vice President and Mr. Libby overruled advice from some White House political staffers, some White House political staffers and lawyers, and decided to withhold crucial documents from the Senate Intelligence Committee in 2004. The withheld documents included intelligence data from CHENEY's office and Libby in particular, that they pushed to be included in Powell's speech, referring to his presentation before the United Nations.

The new information, and I am reading here, the new information that CHENEY and Libby blocked information to the Senate Intelligence Committee further underscores the central role played by the Vice President's office in trying to blunt criticism that the Bush administration exaggerated intelligence data to make the case to go to war.

They withheld it from the Senate. They withheld it from the Senate. And because there is no conduct of vigorous oversight either in this Chamber or in the Senate, our democracy is being shrouded in this cloud of secrecy.

The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) earlier said. What did we do it for? Why? Why? Why, I guess, is going to be the question that people will ask far into the future. If you remember, first it was about the weapons of mass destruction. No weapons of mass destruction. It was about some alleged al Qaeda links, a haven for terrorism. No al Qaeda links. Saddam Hussein despises Osama bin Laden and vice versa because Saddam Hussein, albeit an evil individual, was a secularist. He is not one of these fundamental Islamists. He is just a regional thug. And then finally it was to bring democracy to Iraq.

I think it is so ironic that we are bringing democracy to Iraq and simultaneously eroding democracy because of the secrecy in Washington, D.C.

What a tragedy.

Mr. RYAN of Ohio. Mr. Speaker, the gentleman from Massachusetts (Mr. DELAHUNT) said we are eroding basic freedoms here. And if you do not believe that, if you do not believe all of these facts that we are giving to the Speaker and to the American people and to our colleagues through third-party validators, if you weaken the Central Intelligence Agency, all you have done is weaken a country. That is all you have done.

And through the leak, through the outing of Joe Wilson's wife, and outing Brewster-Jennings and Associates, the small Boston company that was a front company for the CIA, you also out every contact that this woman has established over a 20-plus-year career. All of her contacts over 20-some years that maybe she could go back to and elicit and solicit information from them, she cannot any longer.

Mr. DELAHUNT. Maybe somebody can help me, because this is a question that the gentleman from Washington (Mr. INSLEE) posed, but this is directed to this specific case.

What does it tell you about an administration that will not confront a direct challenge as former Ambassador Joe Wilson put forward? Why not just simply say he is wrong and we are confident that he is wrong? But, no, furtively, in the shadows, sneakily calling reporters, we have got something. His wife works for the CIA. Whether it was illegal, whether this indictment will result in guilty, whether Karl Rove is indicted, whether others are indicted, the bottom line is what does it say about the sleaze factor that exists here in Washington when you do it that way?

Mr. MEEK of Florida. Mr. Speaker, I can tell you right now, this goes far, once again, beyond politics. This is serious business.

We have Members here who have traveled abroad. I have. I am on the Armed Services Committee. I am on the Homeland Security Committee. If you know how it was to go down to a hotel lobby and go to a restaurant where you are staying there at a hotel, you come back to a hotel after official meetings with the government and you do not understand what people are saying, need it be French, need it be Arabic, need it be Spanish or what have you, now, just think for a minute. If I were a CIA agent in a foreign land, or someone in a friendly country that works with the United States as it relates to sharing sensitive information, how do they feel right now? How do they feel about America right now? How do they feel about our executive branch right now? And how do they feel about the Congress? This is going to hurt us.

The gentleman from Ohio (Mr. RYAN) put it just as clear as it can be. It is weakening a country when it comes down to getting the intelligence to protect all of us here in the United States and our allies. And I think it is important, I think it is important, and the gentleman from Washington (Mr. INSLEE) hit the nail straight on the head. Like we say down in Florida, he hit the nail straight on the head just like a good carpenter.

The bottom line is that we are not here to hand down guilty verdicts; but we are here to say the statements that were made to FBI agents, statements that were made to the grand jury, statements that were made to the special prosecutor were incorrect and misleading. Statements that were made on national television on Sunday shows, need it be talking to the press in the press corps, at the White House, we now find were incorrect.

Now, as it relates to indictments and the conviction of Mr. Libby or possible indictment as it relates to Mr. Rove, this thing is far beyond Mr. Rove and Mr. Libby. This is about outing individuals that have dedicated their lives to go behind enemy lines and live amongst them to get information to protect everyday Americans. I cannot help but think of the veterans that laid their lives down right now, 2,000-plus recently, Gulf War I, Vietnam, Korea, other conflicts, World War II.

I was riding through the Mall with my children just about 2 or 3 weeks ago, and we stopped by the World War II Memorial. We saw the different States as you look at the World War II Memorial with the water, a very nice memorial. We dedicated it last year. I was telling my kids about it and the allied force and all of those folks that gave their lives so we could salute the

Flag and it is flying high. It was a coalition of countries that fought for democracy on the face of the Earth. For people to not think of that commitment and that sacrifice, that those individuals, and some are still walking this Earth, some have gone on to a greater place, for them to selfishly think of political gain to out these individuals is beyond me and unconscionable.

So I say there must be Members on the majority side who have the power to do the right thing in this case, but they have opted not to. So when folks start, when you said before what are we doing, we are pushing the card not on behalf of the Democratic Party; we are pushing the card on behalf of Americans and those veterans that are without limbs right now, those veterans that have to get assistance to get up out of bed right now, who fought for the Flag to fly over this very Capitol.

I am not saying that Members who are not focused on this issue are unpatriotic. That is not what I am saying. I am saying that we have a responsibility as the gentleman from Washington (Mr. INSLEE) has said, not only in the White House but in the Congress to make sure that the truth comes forward so we can protect American lives. Period. Dot. That is just what it is.

This is far beyond a campaign against a certain Congressman or President or Vice President or a party. This is about national security of our country and countries that are working with us.

Do you think that someone wants to put their agents up front with an American agent, not because the American agent they feel lacks qualification to get sensitive information. They are scared because someone may out their agent and our agent because of a political campaign. That is what this is all about.

This is not about one day someone woke up and grabbed a doughnut and coffee and said, I think I will out a CIA agent today. I think I will do that because I feel like it. No. It was about saying that we know our intelligence is bad and anyone that rises up and says different we will destroy them. We will destroy him and we will destroy his wife. We will do what we have to do to make sure that we win.

What is happening is that the American people are more in danger under that philosophy than under what we are supposed to be doing statutorily. And when you have a security clearance, let me tell you, there are a lot of things I want to share with some folks but I cannot, because I took an oath and I signed an oath that I will hold secrecy not because I am not fearful of losing my security clearance. I am fearful that someone may lose their life behind enemy lines because I thought I wanted to say something to prove a point.

It does not come to that. This is blood. This is life and death. And we do not even know, someone could have lost their life behind this. We do not know that yet. We need to get to the bottom of this, and the bottom line is if the majority is not willing to do what they must do, not what they should do, not if they could, what they must do, if they are not willing to do it, then that is something the American people have to take into account.

I tell you one thing, the ride to the soccer game and sitting there feeling that you have a sense of security may not be what it is right now if this kind of activity continues.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I just keep asking myself where is their outrage, where is their shame? Why are we the only ones that appear upset about this? Why by their deafening silence does it seem as though they are sanctioning the activity that is going on in the White House? Sanctioning the corruption, sanctioning the cronyism and the culture that has been established here?

And it would be one thing, you could say, all right, we are going to compartmentalize, many people compartmentalize things. There are many Americans that may say, you know, foreign policy is not my concern. Of course, everybody in America cares about the loss of life, and I am sure that there is not one American that does not feel sadness over how many troops we have lost, but let us say you have Americans that can compartmentalize the foreign policy and comfort themselves by saying, I know, I think what has gone on is awful, but they are making up for it. The administration makes up for it with their fabulous domestic policy with the way they are taking care of things at home.

Are we satisfied with the direction we are going? Tonight in south Florida, today all day and tomorrow it is expected again to be pouring down rain. I have 90-year-olds, the gentleman from Florida (Mr. MEEK) and I have 90-year-olds and older sitting in squalid apartments tonight with molding wet carpeting, with holes in their roofs who are not getting the assistance they need because FEMA is a disaster of an organization. It is supposed to be a disaster relief organization. They are a disaster all by themselves.

I want to tell you what my 6-year-old daughter said this morning. We were watching TV. I was getting ready and I was watching the news and she was in there with me. And she said, Mom, is Hurricane Rita coming? Because 6-years-old do not know the difference. Rita, Wilma. They just hear the names on TV, and there is not a lot of clear understanding.

I said, No, Hurricane Rita is long gone. You can imagine a 6-year-old living in Florida. There is a lot of fear of the concepts of hurricanes and one after the other after the other keeps coming down the pike.

□ 2215

So my telling her that Rita was long gone and there was no need to worry anymore, that satisfied her.

The report on the news about hurricanes in general went on for a few minutes, and I was not near the TV so I could not hear exactly what they were saying, but all of a sudden she said, Mom, I know what it is; hurricane FEMA is coming. I laughed, and I explained to her what FEMA was and tried to help her understand, that FEMA is supposed to be an agency that gets us ready when a hurricane is coming and takes care of us after a hurricane passes and makes sure that people are okay again.

Mr. DELAHUNT. A point that you made earlier and you referenced the natural disaster, and I am thinking of Katrina. We are talking about whether America is safer today than we were prior to 9/11, and we all know and I am sure the American people that are listening to our conversation here tonight appreciate this, that those levees in New Orleans, they could have been sabotaged. They could have been victimized by a terrorist cell. It did not necessarily require a natural disaster.

But here we are. We have spent billions and billions and billions of dollars on homeland security, and where are we? We are nowhere. But the American taxpayers are picking the bill up. As we discussed last week, not only are the American taxpayers spending money here and not effectively, not effectively, this has been an administration that spends the American taxpayers' dollars.

But, by the way, we are also spending money to rebuild Iraq. But rather than, like every other major donor country in Iraq that loaned the money to the Iraqi government and said we will give you good terms but pay us back, this White House, in an act of unparalleled excess, in my judgment, made it a giveaway program: Welfare for Iraqis, but nothing for Americans. I mean, up is down and down is up. This is the Alice in Wonderland administration.

Ms. WASSERMAN SCHULTZ. That is the pattern. Because there is no accountability in Iraq, and just giving away the store, contracts without any accountability.

In Florida, we have been hit by eight hurricanes in 15 months. A year ago, FEMA gave out $31 million in reimbursement and assistance to people who were not even hit by a hurricane in Miami Dade County, one of the counties that I represent. So my answer to my daughter this morning was, honey, even though this is an agency, a department in the government that is supposed to take care of people after a hurricane comes by, many people think they are doing such a poor job that it feels like they got hit by hurricane FEMA after they have come through. That is what is going on in Florida tonight as we speak.

You still have them make mistake after mistake, no communication, and yet this leadership and this Congress still refuses to appoint an independent Katrina commission to ensure that we can review the aftermath of that storm, the aftermath of Rita and Wilma and find out why they were not ready, what happened.

We still have 4 weeks left of hurricane season. We are in a 15- to 20-year run of expected really tough storms, and I mean we have an administration that we have to count on now until 2008. Do we want to leave these people in peril in charge of every branch of our government? Do the American people have that kind of confidence? Culture of corruption, cronyism, and incompetence.

It is time to make some changes so we can take this country in a new direction and reinstate Americans' confidence in their government's ability to do right by them. Up and down the line, they have proven that they do not deserve that confidence. They have not earned it.

Mr. RYAN of Ohio. If maybe they paid a little more attention to actually administering government instead of, A, running it down and, B, trying to use the levers of government to try to hurt our own CIA agents, can you imagine the amount of time that was spent trying to organize this outing of this agent after Joe Wilson came back? Can you imagine how much that consumed the White House? Instead of thinking about better, more efficient and effective ways to administer government, they were spending all that time trying to out Joe Wilson's wife. What a misuse of government power. That is a clear abuse of power and the sleaze factor of the whole deal.

I will be happy to yield to my friend.

Mr. INSLEE. Mr. Speaker, I suppose we should feel ourselves fortunate that the administration, after the failures in Katrina, did not out some other intelligence agent, one of their critics. So I do not know if they have learned their lesson or not. I should not be facetious about such an important thing.

Let me ask a question on this. The gentleman from Ohio (Mr. RYAN) points out accurately, imagine the incredible high level of energy that the highest level of government in the United States, what they were focused on when the truth came out that they told something untrue about the uranium yellow cake in the State of the Union. What did they do? Instead of saying, let us get to the bottom of how this happened so it does not happen again, the first thing they did is say we are going to attack our critics and we are going to attack them by outing the wife of one of the critics. We are going, as you indicated, to spend this enormous amount of energy.

Karl Rove, Chief of Staff to the President of the United States, is it the most important thing he can do is try to destroy the credibility of Joe Wilson who wrote what turned out to be a true article for the New York Times? Is it the best use of time for the Chief of Staff for the Vice President of the United States to organize this sophisticated campaign to smear Mr. Wilson?

Why was it they were willing to make this such a high-priority issue? I think there is a clear answer to that.

The reason that they were so concerned about this is that they realized that their case for war on Iraq was built on this sort of one-legged stool of the mushroom cloud. What they figured out was that the vision, the image of the mushroom cloud could scare Americans so badly that they could win the right to go to this war. Once that was gone, their justification for the war was gone. It was imperiled once the truth came out, because the only thing they had was this uranium yellow cake which was shown to be a fraud.

How do I know it was a fraud? It was not Mr. Wilson. By the way, some people have said Mr. Wilson's report did not show that; it was inaccurate. Well, hogwash. The President of the United States retracted the 16 words from his State of the Union speech once Mr. Wilson blew the whistle. They would not have retracted it unless it was wrong, and it was wrong, and they finally retracted it, but then they went on to smear Wilson.

I want to make a couple of comments about Joe Wilson, and the reason I do so is he has made clear it is not about Joe Wilson. This issue, he is not the important element here. It is the security of the American people and preventing the deterioration of our security service. That is the important thing.

But this administration you would think they would learn to quit attacking their critics after this has caused all this damage to the administration, but, no, they still have their hound dogs out there attacking Joe Wilson, still trying to damage his credibility and say he is the lowest form of life on the planet.

I want to say two things about this guy, and I got to know him a little bit about this. He came out and spoke in Seattle about the Iraq situation.

During the first Iraq War, he was our last foreign service agent out of Baghdad. The very last representative of the United States who left Iraq was Joe Wilson. I tell you two little stories about him, what kind of guy he is.

I ran into a Foreign Service worker by accident on a bus heading to an airplane about 3 months ago who told me that, in the weeks leading up to the first Persian Gulf War, she had a family who came and had some children who were in possession of a stepfather in Mosul. She called Joe Wilson and said, can you help me make sure these kids are okay? She said, I know I am asking you a lot because right now the war could break out at any moment. There is chaos on the roads. Security forces were already in Iraq. Joe Wilson personally made sure that kid was okay at risk to his own life, and he did not tell me that story. I just ran into this Foreign Service worker who told me about it.

The second thing, when Joe Wilson called all the Americans in Baghdad just in the few days before the bombings started and said, I want to try to get you out of the country, Saddam Hussein told Joe Wilson, I will kill anybody who tries to get an American out of here. He did not say so. Obviously, he wanted to maybe hold them hostage. That is a direct statement to you. You better leave those people here. Joe Wilson got those people into a building in Iraq, and it was not widely reported, but put a noose around his neck physically and said, Saddam Hussein, you can come get me because I am taking my people home. He took every single American home. Not a single American was lost to the depravations to that madman thug Saddam Hussein.

I have to tell you I have some respect for Joe Wilson. He stood up to Saddam Hussein, and he stood up to Karl Rove, and I think it took some degree of courage to do both. It was a despicable act of Karl Rove, or whoever is responsible for this, to go after him, after he stood up for America against Saddam Hussein, to destroy the career of his wife and put in danger other security agents of this country.

Karl Rove messed with the wrong guy when he took on Joe Wilson, and I think that is something Americans ought to know.

Mr. DELAHUNT. I would like to just follow up a point that the gentleman from Washington (Mr. INSLEE) made about the rationale for the war. They did know, they meaning the cabal that was described by the Chief of Staff to Colin Powell. The cabal knew that they needed the threat of the mushroom cloud.

What is fascinating is that after the release of the initial report of the Senate Intelligence Committee, the chairman of the committee, a Republican, Senator ROBERTS from Kansas, and JAY ROCKEFELLER, the senior Democrat on the committee, said that they doubted that the Senate would have authorized the President to go to war if senators had been given accurate information regarding Iraq's programs on the weapons of mass destruction. The direct quote of the Republican chairman was this: "I doubt if the votes would have been there." That is Senator ROBERTS. They would not have their war if they had opened up and provided all of the information.

I am sure some of you read Bob Woodward's book, the reporter for the Washington Post, where he quoted Secretary of State Colin Powell as describing the Vice President as having a war fever. He is out of control. This is what Powell is saying. You talk about third-party validations. It is as if he had a war fever, and here we are today, rampant corruption in Iraq.

We are losing billions of dollar over there, but, as the congresswoman says, the most tragic aspect of this is that we are less safe, and, painfully, we have lost more than 2,000 American men and women.

Mr. RYAN of Ohio. On this march to war, as the drumbeat quickened, it was we are going to destroy anybody in our path that tries to stop us and even if you are a CIA covert agent that has served this country in the intelligence community for years.

□ 2230

Now, earlier, my friend from Florida said, Well, how would these CIA agents feel? So I think it is nice for us to give our opinion, but I think we should actually quote a couple that have been in the news recently. One, former CIA covert agent Jim Marcinkowski on "60 Minutes" the other night said about exposing the Boston company, exposing that that was a CIA front, exposing Brewster-Jennings, could lead foreign intelligence agencies to other spies. There is a possibility that there were other agents that would use that same kind of a cover. So they may have been using Brewster-Jennings just like her.

As you said, this is not just about Joe Wilson's wife. This is about everybody who she came in contact with, who she worked with, who she may have been affiliated with in a CIA front company.

And then a former 14-year covert CIA operative. Now, you asked, What do they think? This is what they think. This is what is in the heart of a CIA covert agent right now. This is how they feel.

"Because we're talking about lives and we're talking about capabilities, we do our work. We risk our own lives. We risk lives of our agents in order to protect our country. And when something like this happens, it cuts to the very core of what we do. We're not being undermined by the North Koreans. We're not being undermined by the Russians. We're being undermined by officials in our own government. That, I find galling."

Mr. MEEK of Florida. If my colleague can read that again, that "we're not being undermined by the North Koreans." Just go through that paragraph one more time.

Mr. RYAN of Ohio. A former 14-year covert CIA operative, in regard to this whole CIA leak and the administration outing an agent: "We're not being undermined by the North Koreans. We're not being undermined by the Russians. We're being undermined by officials in our own government."

Mr. MEEK of Florida. With that, if I may, what is so disturbing about this whole thing, once again, is the fact that like my colleague from Florida, this whole culture idea, and we talked the other night that it takes a while to get a culture. It is an American culture to have picnics on July 4. It is cultural, I guess, for certain religions to practice a certain meal on a given day. It is within the culture. That means it is preserved. It is something that is accepted.

What has happened here in Washington, D.C. is that there is a culture of corruption and cronyism. When we say a culture of corruption and cronyism, that is not something that remotely happened on some given day 2 years ago. That is an everyday practice, and you would assume that it would stop. You would assume that we would disabuse ourselves of that kind of activity. You would assume.

The gentleman from Massachusetts mentioned "their war." Well, guess what, it is our war. It is our war. They are our men and women that are laying down their lives right now, whether it be part of our armed services or a contractor or foreign service Americans that are working in the biggest embassy in the world there in Baghdad, in Iraq. Millions upon millions and billions of dollars are being spent.

We talk about a culture of corruption and cronyism. I would say to the gentleman from Washington that the other day we talked about four of the big contractors that received no-bid contracts on the Katrina disaster that took place. They were under investigation for mishandling the taxpayers' money and falsifying documents by our own government.

I used an example of a company that is under investigation by our government where it is pretty much documented that they have overcharged the government for the services that they were supposed to be providing and, in some cases, never provided those services. Then we call them in when Katrina happens and say, Oh sure, here is another contract, no-bid, go out and do the work.

I used this example: it is almost like I run into a 7–11 and I am a contractor. I take my gun out and I tell the kid behind the counter to give me the money. And I reach in there and grab $200, and I run down the street. Then some of Washington, D.C.'s finest stop me. Police officers. We gotcha. Wait a minute. Just put that money in your pocket and put that gun back in your waistband and go out and rob some more. That is encouraging corruption. That is encouraging a crime.

That is what we have here. That is what we are encouraging here. So when folks come to the floor on the majority side or have a press conference that calls themselves fiscal conservatives, or we know how to run the government and they do not, speaking of Democrats, that kind of activity does not speak to it.

When the Secretary of the Department of Homeland Security, the largest department not only in the Federal Government but in the history of the world, takes a former director, Michael Brown, of FEMA, and not only removes him from the position of being over the response at the time of the response to Hurricane Katrina and the recovery, and says, Well, we need to send him back to Washington, we are putting two or three other people over his responsibilities; but better yet, we will keep him on for 60 days so we can learn.

Mr. DELAHUNT. As a consultant.

Mr. MEEK of Florida. As a consultant. At the same rate he was making as a consultant. And lo and behold, just last week we hear, Oh, well, I extended his contract 30 more days so we can learn more. That is cronyism and it is on the breach of corruption.

Mr. DELAHUNT. You are so right.

Mr. MEEK of Florida. And I say to my colleague from Massachusetts that I am driving the point straight home. I am not as good as the gentleman from Washington (Mr. INSLEE) in hitting that nail on the head.

Mr. DELAHUNT. You are doing pretty good, though.

Mr. MEEK of Florida. I am not a carpenter.

Mr. DELAHUNT. The gentleman is a journeyman.

Mr. MEEK of Florida. This is far beyond someone saying that we are being political. This is about the taxpayers' money. This is about the responsibility of the Congress. I said it once and I will say it again: if the majority is not willing to lead, then there are enough individuals that have filed bills to bring about accountability on behalf of the taxpayers of the United States of America on this side of the aisle that are ready to go.

Not only are they in the locker room and ready to go; they are on the field with their mouthpiece in right now, chin strap buckled, ready to go out and hit somebody when it comes down to standing up on behalf of the taxpayers. So I think it is important that we do this.

And what we are talking about here, because this is not just a discussion about Iraq, this is not just a discussion as relates to outing CIA agents, as heavy as both of those topics are, and they end up being intertwined, this is about the culture of corruption and cronyism that is going on here in Washington, D.C.

Just as an example today, the Senate used the rules to do what they had to do on behalf of the American people.

And guess what they were called? Hijackers. They hijacked the Senate today, as though someone ran in on the Senate floor with a gun and said shut the Senate down. No, they used the rules on behalf of the American people. And guess what came out of it from news reports and what I hear from some of our friends across the aisle? The fact that they are going to do what, a bipartisan, three Democrats and three Republicans, who will come together to bring about the report that should have been reported on long ago. But it took an act of leadership and courage.

We need our friends on the majority side who have the power right now, because if we had such a rule here in the House we would exercise it to go see the wizard and get some courage and fight on behalf of the American people. If they do not want to do it, we are willing to do it.

Ms. WASSERMAN SCHULTZ. And the culture that the gentleman is describing, he is absolutely right. It is not isolated. It is not like you can cordon off this instance and say it was just an anomaly, it was unusual. When you have something that is essentially your culture, like their culture of corruption, it is what defines you. It is what drives you every day. The culture that you are raised in is your belief system. It is your traditions. It defines almost everything about you.

It is clear that up and down this administration, up and down this leadership, I wish it stopped just at the administration, but it flows all the way down through this institution on their side and beyond. And we are in deep trouble because this government is being run by people who live by a culture of corruption.

The gentleman from Ohio (Mr. RYAN) talked earlier about the 14-year covert CIA operative who talked about how treacherous it was and how they were being undermined by officials in their own government. Well, I want to go back to what Mr. Melman said in that Chris Matthews interview. Not just what he said previously, but in that same interview we talked about earlier. Chris Matthews asked him if he thought that heads should roll, essentially, for that conduct. And what he said was: "I do not believe it would be hard for President Bush to ask that person to walk the plank."

I do not see the plank. I have not seen Rove walk off of it. He is there still. He is still the Deputy White House Chief of Staff with the highest security clearance, with the ability to assist the President in making the most important decisions that this country faces.

The New York Times on October 5, 2003, talked about the instance of treachery. Within the CIA, they said the exposure of Ms. Plame is now considered an even greater instance of treachery, as the gentleman from Ohio outlined. Miss Plame, a specialist in nonconventional weapons who worked overseas, had nonofficial cover and what was what in CIA parlance was called a nok, the most difficult kind of false identity for the agency to create.

So we are not just talking about your run-of-the-mill covert agent. I know as I have been following this, and we are obviously not intimately familiar with the CIA's operations, I initially thought that Ms. Plame was a nominal covert agent. I know there are varying degrees. But apparently she had the most difficult cover to develop. It makes matters that much worse.

We have got to make sure that the American people can trust the information and the people who are running this country. We have to be able to trust the information that comes out of the White House.

I have spoken, I know all my colleagues have too, to our colleagues on the other side of the aisle who have said that they no longer trust the information that comes from the White House; yet they continue to walk the plank for the administration and for their leadership. They do whatever they are told. They never stray.

Mr. RYAN of Ohio. If the gentlewoman will yield, Mr. Speaker. That is the point I think that we have been trying to make all night here, in our first hour and in this second hour, that this outfit who runs this Chamber and who runs the Senate and who runs the White House have over the past 11 years in the House, in the Senate on and off, and in the White House since the 2000 election, have consistently and constantly put the Republican Party before the interests of the United States of America.

Ms. WASSERMAN SCHULTZ. Where is their backbone?

Mr. RYAN of Ohio. Every single time. Whether it was lying about the prescription drug bill and the amount it would cost, $400 billion, and then we found out months later it would be 500, 600 and then $700 billion. The war, the oil for reconstruction, the greeted as liberators, and all the nonsense we heard. Then the whole CIA leak investigation. Every single instance. Tax cuts for billionaires, cutting poverty programs and raising tuition and health care on the middle class. Every single instance.

Every single instance has put their party before the interests of the United States of America so that they could go down the shakedown street and raise money that the lobbyists will put in the Republican Party coffers and just keep the game going. From here to shakedown street, shakedown street into the Republican coffers, and then you get the legislation you want. And not in one instance has it been in the best interest of the country.

Ms. WASSERMAN SCHULTZ. The gentleman is absolutely right. It would be one thing if they could look us right in the eye and look the American people in the eye and their own constituents and say, I have consistently been voting exactly the way I feel. The votes I have cast go to the core of my principles, and I have always voted how I believe.

Only we know that not to be true. They could not possibly do that. They cannot have town hall meetings in their districts and look their folks in the eye and say, I have always voted my own convictions, because we have watched the read lights change to green lights, and the green rights change back to red lights. We watched this board over here.

Mr. RYAN of Ohio. Tears are shed, threats are made, and arms are twisted.

Ms. WASSERMAN SCHULTZ. Oh, my God, puking blood. It is just unbelievable. They have this timer that they set with 5-minute votes that turn into 40-minute votes, like the energy bill. I was not here, but the Medicare bill, a 15-minute vote, over 3 hours. And all the while our vote board with our names up here in lights, arm-twisting, blood-puking, the green turning to red, yes to no, and literally the angst that I have watched on some of my colleagues' faces knowing they want to cast their vote with how they truly believe, but they care more about the money continuing to flow, about the chairmanships continuing to come their way, and about the appropriations continuing to remain in the budget.

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It is all about them. And when I ran for office, I thought it was supposed to be about the people I represented. That is why I came here. I am not sure why they came here. They have made it pretty clear, but I know that it is obvious that we came here for different reasons than they did.

Mr. INSLEE. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentleman from Washington.

Mr. INSLEE. Just a couple of comments, Mr. Speaker. I want to applaud our Republican colleagues. I am told now there are a couple of Republicans in the other Chamber who are willing to see to it that the American people get this report from the Senate committee about the White House involvement and this misinformation. I think that is very important, and I applaud our Republicans in the Chamber who are standing up to do that.

But I want to mention why that is so very important. The gentlewoman from Florida talked about the fact that Valerie Plame was, in fact, an undercover agent; but I think it is really important to realize what she was working on. Her specialty was trying to suppress weapons of mass destruction.

That was her specialty in the CIA. What a great irony of it that here is a woman who dedicated her professional life to try to suppress the expansion of weapons of mass destruction, and yet she gets attacked and her career destroyed because the administration used bogus information in their State of the Union to assert there was a weapon of mass destruction when the evidence itself showed there was not. And I think her career ought to be respected.

And, by the way, I mentioned this admiral I was talking to today. We talked about the need for spies for the intelligence agency. I was not talking about this specific situation. But this bottom line is about the security interest of the United States, and both Republicans and Democrats ought to care about that, and both Republicans and Democrats ought to be behind getting to the bottom of this. That has not happened and it ought to.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, I appreciate the gentleman's comments.

We are kind of wrapping things up here, and we have got some late-breaking news here that I think we want to share with the American people that just recently we got some information on.

Mr. DELAHUNT. This just came in.

Mr. RYAN of Ohio. And this kind of feeds into every single thing. This is always happening because we are paying so little attention to what the administration and government should be.

Mr. DELAHUNT. Mr. Speaker, if the gentleman will yield, let me just pick up on a point that I think all three of my colleagues made. And the gentleman from Washington (Mr. INSLEE) and I, with our colleagues in Iraq Watch, Mr. Hoeffel and Mr. ABERCROMBIE, always commented on the absolute lack of capacity to acknowledge mistakes, and we all commended and respected David Kay.

If my colleagues remember David Kay, he was designated by this President, by President Bush, in the aftermath of the so-called major failures of combat in Iraq, to go find the weapons of mass destruction. He was an advocate for the war. He believed in the premise of weapons of mass destruction. He listened to that cabal that put out that information. And he came back and testified before that Senate committee, and those words that he said ring so true now: we were all wrong. We were all wrong.

And you know what? If the President had made a statement similar to that, as all of my colleagues here have said in different ways, it would have been applauded and we would have respected it. But they do not want to share information.

For example, this information, a Pentagon official in Washington confirmed Tuesday that al-Farouq, a top al Qaeda operative, escaped from a U.S. detention facility in Bagram, Afghanistan on July 10, months ago; and we are not informed. Some enterprising reporter presumably discovered this information; and here we are, five Members of Congress and I am sure our colleagues on the other side and members of the other branch on both sides of the aisle, unaware of this information. Why? Because it was an embarrassment. We all make mistakes. That is what we are saying. We acknowledge our imperfections. But the bottom line is that it is so tragic that we cannot come together, all of us, and make America better, go back to those genuine values that are the foundation for democracy of openness and transparency and accountability and the courage to stand up and say simply, I made a mistake.

Mr. RYAN of Ohio. Mr. Speaker, we have a culture in Washington.

Mr. DELAHUNT. The gentleman is right. You have all hit it.

Mr. RYAN of Ohio. What we want for kids, for young people, it is not that we do not want them ever to make a mistake. We want to teach them that when they do make a mistake, they learn and they overcome and they become better. Every one of us in our own lives looks back on mistakes we have made and we say it was painful, it hurt, it was embarrassing, but today I am better because of that mistake. And to have the leaders of the country send a message out to the kids across the country, one, that it is okay to lie, that it is okay to withhold information because it may be a little bit embarrassing, that you are never able to make a mistake, that is bad for our kids. It is bad for our country. It is bad for our institution. It erodes the basic tenets of our democracy that a lot of people made a lot of great sacrifices, sometimes their lives, to uphold this concept that we have.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman will yield, the most troubling aspect of what he just said is the question why will they not admit that they made a mistake. And the troubling aspect of that is that they did not make a mistake. It was deliberate. There is a strong possibility, given all the things we talked about here tonight, that they took us into war because they wanted to take us into war, because they had some grand plan. They had motivation. They had "war fever," as the gentleman referenced earlier that Colin Powell indicated that Vice President CHENEY had. The ability to admit mistakes when one believes they made them, but one has to first believe they made one. That is kind of the first rule. And the lack of capacity to acknowledge that they made mistakes is just astonishing. It really is, and they continue to astonish us on this floor and the American people.

Mr. MEEK of Florida. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentleman from Florida.

Mr. MEEK of Florida. Mr. Speaker, I cannot help but think, when I talk about commitment and sacrifice, I just represent too many veterans for me to even look beyond the front line that allowed us to even have this discussion here, kept this country free. I cannot help but think of the parents, wives, fathers that have a picture of their child, son, daughter, husband, wife hanging on the wall right now next to a Purple Heart. They lay down their life for this country. So this discussion is far beyond comprehension for me. I have gone to too many funerals, talked to too many parents, read too many stories for people to take this lightly.

I know we have said it once and we have said it twice and if we have got to say it 10,000 times, trying to keep up with a lie, my mother told me when I was young that if I tell a lie, I have to remember what I said when I said it. And that is the problem right now in Washington, D.C. There are so many lies that have been told to the American people, it is difficult to keep up with what was said in the first place. If it was the truth, it would not be a problem because it is enshrined in one's memory and in one's character.

So I will leave it with that. There is nothing more that I can add to that; but the reality for so many Americans, so many Americans that we represent, so many parents and wives and fathers and mothers that were handed a freshly folded, crisp American flag on behalf of their loved one and family member who lay down their lives for this country, their lives, literally, for those individuals who have to be fed by tubes right now, for those individuals who cannot get up and go to the restrooms like many of us right now, for those individuals we have got to continue to fight on their behalf and on behalf of their children that are without a father and mother.

So I commend the Members for coming to the floor. I am glad the gentleman from Ohio (Mr. RYAN) has claimed this hour, and I think we have to do the things we must do within our power to stand up for those individuals.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, I would also like to thank everyone for being here for the 30-Something Group.

And I want to make one final point because we have heard this on the talk shows from a lot of different sources about the CIA leak: well, they went after Libby for outing a CIA agent, and they only got him on perjury and false statements and obstruction of justice. And as we close here, I want to just reiterate what the prosecutor said. He said, I am the umpire and as I am trying to umpire the game here and figure out exactly what is going on, by their committing perjury, they were throwing dirt in my eye.

So maybe someone will end up getting indicted on this count or several counts of outing a CIA agent. But what Fitzgerald is saying is that when one lies to the grand jury and they lie to Federal agents, it is very difficult for him to prove his case because he cannot get to the truth. And I think in my experience, just reading cases like this, if one really wants to get a prosecutor upset, as my two friends here probably know much better than I, start lying to him. And I think the end is not yet in sight, and it is going to be very interesting to see how Karl Rove ends up in this whole deal. And we know that there have been misleading statements and outright lies to the press and the American people.

So to our friends at home: 30somethingdems@mail.house.gov. They can send us an e-mail, and we will continue to try to organize these facts and let everyone know that the Democratic Party wants to put the country before our own party as we have before.

OMISSION FROM THE CONGRESSIONAL RECORD OF FRIDAY, OCTOBER 28, 2005, AT PAGE 24254

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 61. Concurrent resolution authorizing the remains of Rosa Parks to lie in honor in the rotunda of the Capitol; to the Committee on House Administration.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) for today and through November 10 on account of official business.

Ms. HERSETH (at the request of Ms. PELOSI) for today.

Ms. MCCOLLUM of Minnesota (at the request of Ms. PELOSI) for today and November 2 on account of the Global Health Conference.

Ms. ROYBAL-ALLARD (at the request of Ms. PELOSI) for today and the balance of the week.

Mr. GARY G. MILLER of California (at the request of Mr. BLUNT) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, today and November 2 and 3.

Mr. OSBORNE, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today and November 2.

Mr. BURTON of Indiana, for 5 minutes, today and November 2, 3, and 4.

Mr. BURGESS, for 5 minutes, today and November 2, 3, and 4.

Mr. WESTMORELAND, for 5 minutes, November 2.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3765. An act to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, November 2, 2005, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4878. A communication from the President of the United States, transmitting requests for FY 2005 supplemental appropriations for the Departments of Health and Human Services, Agriculture, Defense, Homeland Security, the Interior, State, and Veterans Affairs, as well as for International Assistance Programs; (H. Doc. No. 109–67); to the Committee on Appropriations and ordered to be printed.

4879. A communication from the President of the United States, transmitting notification that the national emergency declared with respect to Sudan by Executive Order 13067, is to continue in effect beyond November 3, 2005, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 109–66); to the Committee on International Relations and ordered to be printed.

4880. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Fort Point Channel, MA. [CGD01-05-088] received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4881. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Trent River, NC [CGD05-05-117] (RIN: 1625-AA09) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4882. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Townsend Gut, ME. [CGD01-05-081] (RIN: 1625-AA09) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4883. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; New Jersey Intracoastal Waterway, Inside Thorofare, Ventnor City, New Jersey [CGD05-05-108] received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4884. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills and their tributaries, New York City, NY [CGD01-05-082] received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4885. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Cordova, AK [Docket No. FAA-2005-21447; Airspace Docket No. 05-AAL-17] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4886. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Prospect Creek, AK [Docket No. FAA-2005-21601; Airsapce Docket No. 05-AAL-20] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4887. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Chehalis, WA [Docket FAA 2005-21000; Airspace Docket 05-ANM-05] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4888. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Norfolk, NE [Docket No. FAA-2005-21872; Airspace Docket No. 05-ACE-26] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4889. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E5 Airspace; Gardner, KS. [Docket No. FAA-2005-21607; Airspace Docket

No. 05-ACE-17] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BUYER: Committee on Veterans' Affairs. H.R. 3665. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide adaptive housing assistance to disabled veterans residing temporarily in housing owned by a family member and to make direct housing loans to Native American veterans, and for other purposes; with amendments (Rept. 109-263). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FILNER:

H.R. 4183. A bill to improve the availability of benefits for veterans and the surviving spouses of veterans who were exposed while in military service to ionizing radiation, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 4184. A bill to amend title 38, United States Code, to provide that veterans of service in the 1991 Persian Gulf War and subsequent conflicts shall be considered to be radiation-exposed veterans for purposes of the service-connection of certain diseases and disabilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ANDREWS:

H.R. 4185. A bill to direct the Consumer Product Safety Commission to strengthen regulations concerning the flammability of children's clothing; to the Committee on Energy and Commerce.

By Mr. CAMP (for himself and Mr. Levin):

H.R. 4186. A bill to amend the Trade Act of 1974 to create a Chief Trade Prosecutor to ensure compliance with trade agreements, and for other purposes; to the Committee on Ways and Means.

By Mr. CANTOR:

H.R. 4187. A bill to amend the Internal Revenue Code of 1986 to limit the recognition of gain under section 355(e) of such Code to certain leveraged spin-merger transactions; to the Committee on Ways and Means.

By Ms. McCOLLUM of Minnesota (for herself, Mr. Ramstad, Mr. Oberstar, and Mr. Shays):

H.R. 4188. A bill to amend the Foreign Assistance Act of 1961 to improve voluntary family planning programs in developing countries, and for other purposes; to the Committee on International Relations.

By Mrs. CHRISTENSEN:

H.R. 4189. A bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Virgin Islands Military and Veterans Memorial, to be located in Frederickstedt, St. Croix, U.S. Virgin Islands, as a unit of the National Park System; to the Committee on Resources.

By Ms. DeLAURO (for herself, Mr. McGovern, Mr. Lewis of Georgia, Mrs. McCarthy, Mr. Evans, Mr. Nadler, Mr. Brown of Ohio, Mr. George Miller of California, Ms. Solis, Mr. Owens, Ms. Matsui, Mr. Wexler, Mr. Allen, and Mr. Honda):

H.R. 4190. A bill to amend the Fair Labor Standards Act of 1938 to prohibit agreements to provide notice of investigations or inspections; to the Committee on Education and the Workforce.

By Mr. HINCHEY:

H.R. 4191. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for charitable contributions of services by individuals; to the Committee on Ways and Means.

By Mr. ROSS (for himself, Mr. Boozman, Mr. Berry, Mr. Snyder, and Mr. Cardoza):

H.R. 4192. A bill to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. RYAN of Ohio:

H.R. 4193. A bill to amend the Internal Revenue Code of 1986 to waive the 10-percent additional tax on early distributions from section 401(k) plans in the case of hardship of certain employees due to facility closures, employers in bankruptcy, or plan termination proceedings; to the Committee on Ways and Means.

By Mr. SHAYS (for himself and Mr. Meehan):

H.R. 4194. A bill to amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from treatment as public communications for purposes of such Act; to the Committee on House Administration.

By Mr. WALDEN of Oregon:

H.R. 4195. A bill to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District; to the Committee on Resources.

By Mr. ROTHMAN (for himself, Mr. Garrett of New Jersey, Mr. Pallone, Mr. Case, and Ms. McCollum of Minnesota):

H. Res. 526. A resolution supporting the goals and ideals of observing the Year of Polio Awareness; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 131: Mr. McGovern.

H.R. 226: Mr. Ford.

H.R. 282: Mr. Wolf.

H.R. 302: Mr. Hunter.

H.R. 303: Ms. Bean.

H.R. 314: Mr. Pombo.

H.R. 389: Mr. Boustany.

H.R. 547: Mr. Higgins.

H.R. 552: Mr. Davis of Tennessee.

H.R. 583: Mr. LoBiondo.

H.R. 601: Mr. Rangel and Mr. Boren.

H.R. 697: Mr. Larsen of Washington.

H.R. 699: Mr. Doggett, Mr. Ackerman and Mr. Payne.

H.R. 896: Mr. Carnahan.

H.R. 923: Mr. Davis of Kentucky and Mr. Davis of Tennessee.

H.R. 968: Mr. English of Pennsylvania.

H.R. 972: Mr. Filner.

H.R. 986: Mr. Pombo.

H.R. 998: Mr. Brown of South Carolina and Mr. Johnson of Illinois.

H.R. 1000: Mr. Bishop of New York.

H.R. 1002: Mr. Ferguson.

H.R. 1020: Mr. Wynn.

H.R. 1108: Mr. Wilson of South Carolina.

H.R. 1141: Mr. Miller of Florida, Mr. Kennedy of Minnesota, Mr. King of New York, Mr. Garrett of New Jersey and Mr. Higgins.

H.R. 1259: Ms. Linda T. Sánchez of California, Ms. Schakowsky, Ms. DeGette, Mr. Udall of Colorado, Mr. Pascrell and Mr. Simmons.

H.R. 1272: Mr. Linder and Mr. Lewis of Georgia.

H.R. 1338: Mr. Cummings.

H.R. 1382: Mr. Culberson.

H.R. 1424: Mr. Dingell.

H.R. 1506: Ms. Woolsey, Mr. Cummings, Mr. Honda and Mr. Thompson of Mississippi.

H.R. 1510: Mr. Lynch.

H.R. 1518: Mr. Payne.

H.R. 1607: Ms. Bean.

H.R. 1773: Mr. Boren.

H.R. 1849: Mr. Scott of Georgia, Mr. Ortiz, Mrs. Jones of Ohio, Mr. Higgins and Mr. Skelton.

H.R. 1868: Mr. Lipinski, Mr. Gonzalez, Mr. Marshall, Mr. Michaud, Ms. Millender-McDonald, Ms. Moore of Wisconsin and Ms. Linda T. Sánchez of California.

H.R. 1940: Mr. Fattah, Ms. Roybal-Allard and Mr. Brady of Pennsylvania.

H.R. 1951: Mr. Costello and Ms. Zoe Lofgren of California.

H.R. 1956: Mr. Flake.

H.R. 2051: Mr. Fattah, Mr. Wexler and Mr. Payne.

H.R. 2134: Mr. Emanuel.

H.R. 2327: Ms. Moore of Wisconsin.

H.R. 2337: Mr. Herger.

H.R. 2339: Mr. McHugh.

H.R. 2389: Mr. Graves.

H.R. 2533: Mr. Carnahan and Mr. Spratt.

H.R. 2567: Mrs. Davis of California.

H.R. 2662: Ms. Harman and Ms. Wasserman Schultz.

H.R. 2717: Mr. Fattah, Mr. Boehlert, Mr. Tierney and Mr. Ross.

H.R. 2794: Mr. Stupak.

H.R. 2803: Mr. Ryun of Kansas and Mr. Leach.

H.R. 2828: Ms. Lee.

H.R. 2835: Mr. Ackerman.

H.R. 2931: Mr. Jackson of Illinois.

H.R. 2963: Mr. Taylor of Mississippi and Mr. Kuhl of New York.

H.R. 2989: Mr. Pombo and Mr. Murphy.

H.R. 3008: Mr. Emanuel and Mr. Jefferson.

H.R. 3083: Mr. Costello.

H.R. 3103: Mr. Shays and Mr. Berman.

H.R. 3137: Mrs. Emerson.

H.R. 3151: Mr. Grijalva, Ms. Schakowsky, Ms. Eddie Bernice Johnson of Texas and Mr. Wexler.

H.R. 3358: Mr. Nadler, Mr. Smith of Washington and Mr. Wynn.

H.R. 3361: Mrs. Napolitano, Mr. Markey and Mr. Bradley of New Hampshire.

H.R. 3373: Mr. Carnahan, Mr. Davis of Tennessee, Mr. Johnson of Illinois and Mr. Bilirakis.

H.R. 3385: Mr. Levin, Mr. Shadegg, Mr. Thompson of California and Ms. Hooley.

H.R. 3441: Mrs. Musgrave.

H.R. 3476: Mr. Markey and Ms. McCollum of Minnesota.

H.R. 3499: Ms. FOXX.

H.R. 3561: Mr. WEXLER and Mr. McINTYRE.

H.R. 3607: Mr. McHUGH.

H.R. 3630: Mr. TOWNS.

H.R. 3665: Ms. BERKLEY.

H.R. 3709: Mr. FARR.

H.R. 3717: Mr. PORTER and Mr. McCAUL of Texas.

H.R. 3757: Mrs. MYRICK.

H.R. 3861: Mr. LARSON of Connecticut.

H.R. 3883: Mr. BOOZMAN.

H.R. 3888: Mrs. CHRISTENSEN and Mr. STRICKLAND.

H.R. 3908: Mr. SHIMKUS.

H.R. 3931: Mr. MENENDEZ and Mr. ALLEN.

H.R. 3940: Mr. JONES of North Carolina.

H.R. 3950: Mr. CONYERS, Mr. GEORGE MILLER of California, Ms. McCOLLUM of Minnesota, Mr. EMANUEL, Ms. WASSERMAN SCHULTZ, and Mr. STARK.

H.R. 3957: Mr. BACA, Mr. MICHAUD, and Mr. FORD.

H.R. 3973: Mr. GEORGE MILLER of California and Mr. INSLEE.

H.R. 3974: Mr. MARSHALL.

H.R. 3985: Mr. BERMAN, Ms. McCOLLUM of Minnesota, and Mr. LEACH.

H.R. 3986: Mr. PAYNE.

H.R. 4015: Mr. SAM JOHNSON of Texas.

H.R. 4018: Mr. GOODLATTE.

H.R. 4029: Mr. LARSON of Connecticut, Mr. CONYERS, and Mr. FRANK of Massachusetts.

H.R. 4033: Mr. CASE.

H.R. 4048: Mr. WEXLER.

H.R. 4053: Mr. MANZULLO.

H.R. 4081: Mr. GREEN of Wisconsin and Mr. FORTUÑO.

H.R. 4089: Mr. GINGREY.

H.R. 4097: Mr. TIAHRT, Ms. HART, Mr. MILLER of Florida, and Mrs. BLACKBURN.

H.R. 4098: Mr. PRICE of Georgia.

H.R. 4124: Ms. HART, Mr. BACA, and Mr. FORD.

H.R. 4126: Mr. WOLF.

H.R. 4145: Mr. LaHOOD, Mr. OBEY, Mr. SWEENEY, Mr. KIRK, Ms. BEAN, Mr. LIPINSKI, Mr. HYDE, Mr. DANIEL E. LUNGREN of California, Mr. CROWLEY, Mr. HOLDEN, Mr. YOUNG of Florida, Ms. ROS-LEHTINEN, Mr. CALVERT, Mr. RENZI, Mr. HAYWORTH, Mr. COBLE, Mr. PETERSON of Pennsylvania, Mr. CASTLE, Mr. UPTON, Mr. SAXTON, Mr. GREEN of Wisconsin, Mr. PETRI, Mr. SENSENBRENNER, Mr. LEACH, and Mr. ALEXANDER.

H.R. 4148: Mr. VAN HOLLEN.

H.R. 4155: Mr. POE.

H.R. 4158: Mr. EVANS and Mr. CONYERS.

H.R. 4179: Mr. MARSHALL, Mr. SCOTT of Georgia, Mr. SIMPSON and Mr. OTTER.

H. Con. Res. 10: Ms. BALDWIN.

H. Con. Res. 42: Mr. BURTON of Indiana and Mr. JENKINS.

H. Con. Res. 106: Mr. LYNCH.

H. Con. Res. 172: Mr. ROSS.

H. Con. Res. 173: Mrs. LOWEY, Mr. REICHERT, Ms. McKINNEY, Mr. WOLF, Mr. CALVERT and Ms. McCOLLUM of Minnesota.

H. Con. Res. 174: Mr. SIMMONS, Ms. HOOLEY, Mr. BACHUS, Mr. CAPUANO, Mr. PETERSON of Minnesota, and Ms. DeGETTE.

H. Con. Res. 179: Mr. FARR.

H. Con. Res. 190: Ms. WASSERMAN SCHULTZ and Mr. GRIJALVA.

H. Con. Res. 231: Mr. HIGGINS and Mr. MENENDEZ.

H. Con. Res. 261: Mr. FATTAH.

H. Con. Res. 272: Mr. GARY G. MILLER of California, Mr. DAVIS of Florida, Mrs. CHRISTENSEN, Mrs. McCARTHY, Mr. RUSH, Mr. CROWLEY, Mr. CHANDLER, Mr. LANTOS, Ms. WOOLSEY, Mr. SHERMAN, Mr. GORDON, Mr. SCOTT of Georgia and Mr. GREEN of Wisconsin.

H. Con. Res. 284: Mr. TANCREDO, Mr. CROWLEY, Mr. CHABOT, Mr. McCOTTER, Mr. PENCE and Mr. SCHIFF.

H. Res. 76: Mr. CUMMINGS.

H. Res. 196: Mr. RANGEL, Mr. KUCINICH, Mr. FRANK of Massachusetts and Ms. McCOLLUM of Minnesota.

H. Res. 215: Mr. CAMP.

H. Res. 223: Mr. MEEK of Florida, Mr. HONDA, Mr. ROYCE and Mr. HOLT.

H. Res. 302: Mr. FORD.

H. Res. 363: Mr. BOUCHER and Mr. SMITH of Washington.

H. Res. 438: Ms. LINDA T. SÁNCHEZ of California, Mr. MATHESON, Mr. SKELTON, Mr. BACA, Ms. ROYBAL-ALLARD, Mrs. TAUSCHER, Mr. VAN HOLLEN, Mr. DAVIS of Tennessee, Mr. LANGEVIN, Ms. DeLAURO, Mr. DOOLITTLE, Mr. MILLER of North Carolina, and Mr. CARDOZA.

H. Res. 452: Mr. MARSHALL.

H. Res. 456: Mr. BERMAN, Mr. JACKSON of Illinois, Mr. EVANS, Mr. McNULTY, Mr. LYNCH and Mr. GRIJALVA.

H. Res. 458: Mr. WEXLER, Mr. WAXMAN, Mr. KILDEE, Mrs. McCARTHY, Mr. JEFFERSON, Ms. LORETTA SANCHEZ of California, Mr. PALLONE, Mr. CLAY, Mr. UDALL of Colorado, Ms. SLAUGHTER and Ms. VELÁZQUEZ.

H. Res. 466: Mr. GRIJALVA.

H. Res. 471: Mr. MORAN of Virginia.

H. Res. 477: Mr. ENGEL.

H. Res. 498: Mr. PAYNE.

H. Res. 505: Ms. LEE, Ms. KILPATRICK of Michigan, Ms. JACKSON-LEE of Texas, Mr. SERRANO, Mr. GRIJALVA, Ms. WATSON, Mr. CLAY, Mr. SMITH of Washington, Mrs. TAUSCHER, Mr. DeFAZIO, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mr. JACKSON of Illinois, Mr. RANGEL and Mr. McNULTY.

H. Res. 517: Mr. RANGEL, Mr. WALSH, Mr. McNULTY, Mr. SHAYS, Mr. KOLBE and Mr. SWEENEY.

EXTENSIONS OF REMARKS

IN RECOGNITION OF RECORDING ARTS DAY ON CAPITOL HILL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. HOYER. Mr. Speaker, I would like to recognize the success of the first ever Recording Arts Day on Capitol Hill, which was held on September 7, 2005. This grassroots advocacy day for music was organized by The Recording Academy, in conjunction with the Recording Arts and Sciences Congressional Caucus, of which I am proud to co-Chair with Representative MARY BONO.

Recording Arts Day brought 20 music associations and more than 100 music professionals to the Hill to discuss a variety of issues with Members of Congress, including protecting intellectual property rights, bolstering music education and emphasizing the importance of music preservation. Musicians, songwriters, singers, producers and other key members of the music community shared their experiences and raised awareness of the important role that the recording arts play in our culture and economy.

Music is one of our country's greatest and largest exports, in addition to touching millions of lives around the world. Recording Arts Day seeks to ensure that the private and public sectors are working together on these causes in order to nurture future artists and support music.

Mr. Speaker, I would once again like to recognize Recording Arts Day and thank The Recording Academy, and its president Neil Portnow, for organizing this great event.

CONGRATULATING BOY SCOUT TROOP 20 OF THE TOQUA DISTRICT, GREAT SMOKY MOUNTAIN COUNCIL ON ITS FIFTIETH ANNIVERSARY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. DUNCAN. Mr. Speaker, every Boy Scout of America Troop deserves recognition, and I am proud to have many active Troops in my District which are making a tremendous difference in our communities every day.

I rise today though to recognize Boy Scout Troop 20 of the Toqua District, Great Smoky Mountain Council in Knoxville, Tennessee. Troop 20 is celebrating its 50th anniversary this month.

For half of a century Troop 20 has been practicing the outstanding principles of Scouting and making Knoxville a better community. I believe every Member of this body shares the gratitude I have for this Troop, its leaders and scouts, both past and present.

Troop 20 has actively participated in collecting food goods for the homeless as part of the "Scouting for Food" program. The Scouts and leaders of this Troop have made countless improvements to area churches, parks and community facilities. They have assisted in many other civic oriented projects and have always displayed a sincere desire to serve those around them.

I have had the distinct honor of presenting many Scouts of Troop 20 with a United States Flag as they are awarded the prestigious Eagle Scout designation. Every Scout though of Troop 20 has distinguished himself as an upstanding member of our community and a fine citizen of our Nation.

Mr. Speaker, I ask that the United States House of Representatives join me in saying congratulations to Boy Scout Troop 20 for 50 years of service and distinction.

HONORING ROBERT RINGLEIN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. KILDEE. Mr. Speaker, I rise before you today with a heavy heart, as I ask my colleagues in the 109th Congress to join me in honoring the life and accomplishments of a great man and a great friend, Robert Ringlein of Swartz Creek, MI, who died October 30. I am deeply saddened by this loss, for I have known the Ringlein family for many years, and count them among my closest friends.

It has been said that "death ends a life, not a relationship," and this is certainly the case with all those who have ever come into contact with Bob Ringlein. Born and raised in my hometown of Flint, MI, Bob attended St. Mary's School and St. Mary's Parish. After high school, he enlisted in the United States Armed Forces, where he honorably served for four years in the U.S. Air Force during the Korean War. After the war, Bob returned to Michigan and began working for General Motors at Buick Plant #36. He also joined the United Auto Workers, where he strived to do whatever he could to ensure that a strong, equitable, and positive environment existed in the workplace and throughout the community.

Outside of work, Bob was heavily active with the Knights of Columbus. For many years, he represented Flint Council #695 with distinction, including his time spent as Grand Knight. Together with the Knights, Bob was constantly at the forefront of campaigns designed to improve the Greater Flint Area, and make it a better place in which to live. The effect they have had, and continue to have on a local, state, and national level is tremendous, and I have always appreciated Bob's leadership and insight during these times.

Bob leaves to cherish and carry on his legacy his wife of nearly 50 years, Marilyn, their three daughters Sharon, Kathy, and Teresa, and son Christopher.

Mr. Speaker, I ask the House of Representatives to join me in offering condolences to the family of Mr. Robert Ringlein, and in thanking them for sharing him with our community. It is people like Bob, who make it their life's work to improve the quality and dignity of life for us all, that inspire us to greater efforts. I, along with the family and all those who have been impacted by Bob will truly miss him greatly.

IN RECOGNITION OF LIEUTENANT COMMANDER WILBUR (BILL) L. ROBERTS JR. SERVICE AND DEDICATION TO THE UNITED STATES NAVY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. PORTER. Mr. Speaker, I rise today to recognize the contributions of a great American Lieutenant Commander Wilbur Roberts Jr. I honor him today for his service to our Nation in the United States Navy.

Lieutenant Commander Roberts has dedicated 28 years of his life to the United States Navy and as of November 1, 2005 will be officially retired from service. LCDR Roberts' career began as an equipment operator in the Seabees in 1977 after joining the Navy from his home town of Wells, Nevada.

During his service in the United States Navy Lieutenant Commander Roberts has earned a Bachelor of Science degree in Engineering Science from Oregon State University. He also attended the Naval Post Graduate School, in Monterey, California, where he earned a degree in Operations Logistics. Over the course of his 28-year-career, he has served in a number of positions such as, a Communications Officer, Replenishment at Sea Equipment Officer, and Operations Officer in a number of areas supporting naval operations.

In addition to his service as an Operations Officer, Lieutenant Commander Roberts has served as the Executive Officer of the USS *Sacramento* and in 2003 reported to Commander, Carrier Strike Group Three as a Maritime Operations Officer. He ends his career while serving CCSG–3 as Assistant Chief of Staff for material, N4.

Lieutenant Commander Roberts has earned a number of awards throughout his career including, the Navy Meritorious Service Medal, three Navy and Marine Corps Commendation Medals, two Good Conduct Medals and a number of other unit awards.

Mr. Speaker, it is with great pride and heartfelt gratitude that I salute Lieutenant Commander Roberts for his service and dedication to our great Nation.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

LEARNING AN IMPORTANT LESSON FROM OUR CHILDREN

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. SANDERS. Mr. Speaker, many thousands of American men and women are serving in Iraq under very dangerous conditions. Often, we at home go about our daily business and forget the deep loyalty and responsibility of our brave soldiers half a world away. And even more, we often forget what war means for the children in Iraq.

I want to tell you, today, about a community of young people who have not forgotten that our soldiers are in Iraq, or that their mission is, ultimately, to build peace. These first, second and third graders at Elmore Lake School in Vermont not only remember the larger mission of our soldiers, they have sent packages to reach out to the children of Iraq, who like themselves are students in schools.

These young students at Elmore Lake School also wrote letters to Iraqi schoolchildren, made pictures for them, and then put the letters and pictures into parcels filled with school supplies that the Elmore children packed and weighed for mailing. They were assisted by their teacher, Annamary Anderson and parent Sarah Southall, and by Vermont National Guard Captain Dave Matzo, who distributed the packages when he returned to Iraq from a home leave. The contents of the packages were provided by the school's children and their families. The Lamoille Valley Chamber of Commerce found kind sponsors who paid the cost of postage.

The letters written by the children remind us, remind us all, that war is not something abstract, but a situation which involves human beings. Here is one example, a letter from a student named Sebastian that was reprinted in the News and Citizen of Morrisville. It is remarkably eloquent, not only in its ability to reach out across oceans and continents to children elsewhere, but in its reminder to all of us of just what war may mean to those who must live in its midst:

> DEAR CHILDREN IN IRAQ, I feel bad for you because you are probably scared because you have a war going on in your country. I don't think it is right for kids to have to deal with this. I don't even know why people are fighting! I would definitely be very scared if I had a war going on close by! So my class in school thought we should give you kids school supplies. I hope the war stops soon, there is already enough bad things going on in your country! I wish you good luck!
>
> Sincerely,
>
> SEBASTIAN L.W.

I offer my deep respect, and that of my state and Nation, to these thoughtful and giving young students in Elmore, who have taught all of us to think deeply about war and about generosity.

IN HONOR OF ROSA PARKS, "MOTHER OF THE CIVIL RIGHTS MOVEMENT"

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. COSTA. Mr. Speaker, I rise today in honor and memory of the civil rights icon Rosa Louise Parks. Almost half a century ago, Mrs. Parks' refusal to surrender her bus seat triggered the first organized actions in the civil rights movement. Because of her action that day, Mrs. Parks will always be remembered as the "mother of the civil rights movement."

Rosa Parks was born in Tuskegee, Alabama on February 4, 1913. As a girl, she wrote, "I had a very strong sense of what was fair." She led a life dedicated to improving civil rights and acted as an inspiration to many Americans.

On December 1, 1955, Mrs. Parks sat in an unreserved section of a city bus. When asked to give up her seat for a white man she politely refused. It is a common misconception that Rosa Parks was unwilling to give up her seat because she was tired from a long day at work. As she told it, "the only tired I was, was tired of giving in."

Mrs. Parks' act of civil disobedience is the popular inspiration that led to Martin Luther King Jr.'s decision to lead a bus boycott that lasted an amazing 381 days. On November 13, 1956, in an important victory for the civil rights movement, the Supreme Court outlawed segregation on buses. The civil rights movement would experience many important victories, but Rosa Parks will always be remembered as its catalyst.

Mrs. Parks was a shy, soft spoken woman who was uncomfortable being revered as a symbol of the civil rights movement. She only hoped to inspire young people to achieve great things. However, in 1996 her place in U.S. history was cemented when she was awarded the nation's highest civilian honor, the Presidential Medal of Freedom by President Bill Clinton. Mrs. Parks passed away October 24th at the age of 92, at her home in Detroit.

Rosa Parks will be remembered for her lasting contributions to society. Her legacy lives on in the continued struggle for civil rights around the world. She will be missed.

TRIBUTE TO WILLIAM J. "BILL" MAIO

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. HYDE. Mr. Speaker, I rise today to recognize the distinguished service of Mr. William J. "Bill" Maio, a community leader and dedicated servant on behalf of the people of DuPage County, Illinois. In 25 years of selfless public service, he has shown himself to be a man of great energy, conviction and action.

Mr. Maio began his public service as a member of the school board for the Village of Wood Dale, Illinois. During his subsequent years in elective office, Mr. Maio served as a member of the DuPage County Board including a stint as its vice chairman. He also served as chairman of the Government Efficiency Committee, helping to save millions for the taxpayers.

In addition to his years of public service, Mr. Maio has also dedicated his enormous talent and energy to vital community and civic organizations. He has served as a past president of the Wood Dale Chamber of Commerce, as well as past president of the Wood Dale Lions Club. Mr. Maio has played an active role in the lives of the youth in his community, taking time out to coach and manage Little League teams.

A veteran of the Vietnam War, Mr. Maio, first served his nation faithfully from 1966–1968 in the United States Army as a member of the 4th Division, as well as the 579th Ordnance Company of the Advanced Weapons Support Group. He was recalled to service in 1970 and assigned to the 12th Special Forces Group. Mr. Maio is a lifelong member of the American Legion and Vietnam Veterans Association. With his wife of 35 years, Gail, the pair have a daughter, Kim.

Mr. Speaker, on behalf of myself and the residents of the Sixth Congressional District of Illinois, I would like to extend my heartfelt thanks and very best wishes to Mr. William J. "Bill" Maio for his years of devotion and enthusiastic service to the people of DuPage County.

IN HONOR OF THE CITY OF MARINA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. FARR. Mr. Speaker, I rise today to pay tribute to the city of Marina on the 30th anniversary of its incorporation. Marina is a young city, particularly in contrast to its neighbor Monterey, founded in 1772. But young, in the case of Marina, is just another word for dynamic.

Marina is located on the shore of Monterey Bay near the mouth of the Salinas River. The area known today as Marina was once owned by David Jacks and James Bardin, who in the mid 1800s owned much of the acreage that now constitutes the Monterey Peninsula. In the early 1900s the area was designated as "Bardin," then "Locke-Paddon Colonies," then "Paddonville." It was at about this time that Southern Pacific Railroad, who had laid tracks through the area, was convinced by the then owner, William Locke-Paddon, to make a flag stop for his customers coming from San Francisco. Locke-Paddon, 1876–1972, is considered the father of Marina, and some of his relatives still live in the region. He renamed the area Marina to boost its attraction as a stop.

As the land was developed, areas were set aside for a school, church and other necessities of an organized city. Marina's first post office was established in April 1919. As with the rest of the Monterey Peninsula, Marina witnessed a tremendous amount of growth and development during the 1950s and 60s—schools, churches, businesses, our community center and residential homes. The area has changed from a quiet rural area into a busy prosperous community. In 1956, the Marina Fire District was formed and Reservation Road began to develop as a commercial area. All through that time Marina served as a gateway to the very active U.S. Army base at Fort Ord.

Marina incorporated as a city in November 1975. At that time I had the pleasure of serving as a Monterey County Supervisor and chaired the County's Local Area Formation Committee, LAFCO, that oversaw the creation of new jurisdictions. I remember Marina civic booster Frank Vineyard coming before the commission in 1975 to argue the case for Marina's creation as a stand alone city. I am proud to have been able to cast a vote as LAFCO chair to form the city of Marina. Frank went on to serve as Marina's first mayor.

Marina has grown over the years and is now taking a leading role in the redevelopment of the former Fort Ord. It is also redeveloping its downtown and has a bright future as not only the gateway to the Monterey Peninsula, but as a destination unto itself. Mr. Speaker, Marina deserves the congratulations of this House for its success to date and best wishes for a future that will surely see the city continue to serve the needs of its diverse residents.

HONORING H. ROSS ARNOLD

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mrs. BLACKBURN. Mr. Speaker, on November 9, 2005, Ross Arnold will be honored for his role as a community leader. For more than six decades Mr. Arnold has contributed to our community as a civic and business leader, and we're all better for his work.

Mr. Arnold's distinguished career began with his service in the United States Navy. The youngest man who had ever earned the rank of Chief Petty Officer in the Navy, after his military career in 1946 he joined Nashville Tent and Awning and was the company's president by the time he retired in 1987. A longtime member of the Lions Club, Mr. Arnold served as a mentor to others by sharing his life experiences.

Mr. Arnold always gave back more than he took from his country and his community. Congratulations and best wishes to Mr. Arnold. I am certain his family; his wife of more than sixty years Dorothy, their children, Allison, Melissa and Wayland and their 10 grandchildren and 5 great grandchildren are tremendously proud of this much deserved recognition and thanks from our community.

PERSONAL EXPLANATION

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. LINDER. Mr. Speaker, I was unable to cast rollcall votes 555 and 556 on October 28, 2005, because I was unavoidably detained on official homeland security policy business in Atlanta, Georgia. Had I been present I would have cast the following votes:

On rollcall No. 555, I would have voted "yea"; on rollcall No. 556, I would have voted "yea."

COMMENDING UPPER GREENWOOD LAKE VOLUNTEER AMBULANCE CORPS

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. GARRETT of New Jersey. Mr. Speaker, I commend the Upper Greenwood Lake Volunteer Ambulance Corps in New Jersey's fifth Congressional district on 50 years of excellent service to our community. Located in West Milford in northern New Jersey, this brave group of selfless residents has been saving lives since being founded on June 2, 1955.

A great community effort, the Upper Greenwood Lake Volunteer Ambulance Corps was started with the assistance of a weekend resident and a loan from a local business owner. Residents helped maintain the first ambulance, a 1947 Cadillac, and cleared the land for the headquarters with assistance from local business.

Today, volunteers spend countless hours training in life-saving and learning how to use advanced equipment. Volunteers also raise money to defer the costs of ambulance care for needy residents,

For their great dedication to the cause of saving lives, I praise the Upper Greenwood Lake Volunteer Ambulance Corps and wish them another 50 years and beyond of outstanding response to medical emergencies.

TRIBUTE TO ART LOTTES III

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. TOWNS. Mr. Speaker, one of the pleasures of being a Congressman is the ability to personally meet and publicly recognize individuals who have made positive contributions on behalf of their communities and business associates. One such individual with whom I have coordinated to better the lives of consumers and the automotive aftermarket is Art Lottes III.

Mr. Lottes and I began coordinating on legislation in 2001 that we believe will help motorists of all financial backgrounds, and have worked to continue to improve the competitive spirit of America's business community. That legislation is the "Motor Vehicle Owners' Right to Repair Act."

Mr. Lottes, following years of working in his family's aftermarket business, A.E. Lottes Company, a Carquest distributor in St. Louis, Missouri, was named president of Carquest Corporation, headquartered in Raleigh, North Carolina, my birth State.

During Mr. Lottes's tenure with A.E. Lottes Company, he was one of the founding fathers of the "Coalition for Auto Repair Equality-Care," a national organization headquartered in Alexandria, Virginia, which represents companies in the automotive aftermarket and America's motoring consumers. He served as care's secretary-treasurer from CARE's founding in 1991 until 2002, when he was unanimously voted by the CARE Board of Directors to assume the position of CARE chairman.

Mr. Lottes kept a "hands-on-approach" to Carquest store owners' and employees' needs, whether with A.E. Lottes Company or Carquest Corporation. He worked with many aftermarket companies nationwide to help strengthen that industry's five million-plus employee base.

But, Mr. Lottes, always mindful that communities and business rely on the strengths of one another to improve the lives of all, worked for many years, and continues to, with the Juvenile Diabetes Association. He has been an active volunteer with the Triangle/Eastern North Carolina Chapter of the National Juvenile Diabetes Association. He has mobilized "Carquest Team" walks to help raise money for the Triangle/Eastern North Carolina Chapter, as well as raising money within Carquest Corporation for this worthy cause.

Mr. Lottes is now retiring from the Carquest Corporation and from the CARE Board of Directors after many years of distinguished service to the aftermarket. Although he is officially retiring, he will continue to stay involved with the many aftermarket causes which benefit America's small business community, and with CARE, where he will be missed for his wisdom and guiding hand.

I, too, will miss coordinating with Mr. Lottes, but I know that whatever he endeavors, he will do so with a pure spirit and the continued good wishes for his fellow aftermarket associates, Carquest Associates and his community.

Therefore, CARE, the aftermarket and I will not say goodbye to Mr. Lottes, just so long.

IN HONOR OF THE PEACE AND JUSTICE AWARDS DINNER OF CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Rev. Mr. Bill Merriman, The Empowerment Center of Greater Cleveland, Marilyn Cunin and the Pulaski Franciscan Community Development Corporation as they receive the annual Peace and Justice awards from the Commission on Catholic Community Action.

Rev. Mr. Bill Merriman is a deacon at St. Patrick's Parish in Cleveland. He received the

Individual Award for his work as an advocate and catalyst for social justice and peace locally and globally for over thirty-five years. Rev. Mr. Merriman aggressively works with transitioning refugees into the city of Cleveland through the Migrant Refugee Office.

The Empowerment Center of Greater Cleveland received the Organization Award. The Empowerment Center has worked on numerous cases including getting school supplies to families on welfare. Their nearly forty years of service of advocacy on public policy and practical programs with and for low-income people across greater Cleveland has earned them this recognition.

Marilyn Cunin received the Special "Church in the City" Recognition Award. She received this award for her strong support of "The Church in the City" Forum series, as well as the West Side Ecumenical Ministry and the East Cleveland Public Library and countless efforts to strengthen the urban core of Northeast Ohio.

The Pulaski Franciscan Community Development Corporation is a not-for-profit CDC. Their collaboration effort with the St. Stanislaus Parish to develop the Cloisters Housing Development in the Warszawa Historic District in Cleveland, Ohio is a major revitalization to the Slavic Village area. For their spearheading efforts the Pulaski Franciscan Community Development Corporation received the Special "Church in the City" Recognition Award.

Mr. Speaker and Colleagues, please join me in honor and recognition of the recipients of the Catholic Community Action Annual Peace and Justice Awards as they are honored today for their work.

IN HONOR OF JUDGE PHILIP N. GUMBS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. PALLONE. Mr. Speaker, I rise today to honor the memory of Judge Philip N. Gumbs. Judge Gumbs passed away after a life of distinguished service to his family and his community at the age of 82.

Judge Gumbs was a first generation American who volunteered for the U.S. Army Air Corps immediately after graduating high school and served honorably in World War II. After returning home, he earned his undergraduate degree from Rutgers University and his law degree from Lincoln University in St. Louis. Judge Gumbs was a probation officer and a law partner before an ardent desire to see his children receive a good education caused him to enter public life as a member of the Matawan Board of Education.

Judge Gumbs's work to improve education was his first step in a career of dedicated public service. He would go on to hold many other public offices including serving on the township council and as the mayor of Matawan. He was elected to the Monmouth County Board of Chosen Freeholders with the highest number of votes for any elected seat in the county. He later became the first African-American director of the Board of Chosen Freeholders. He was appointed a judge in 1976, and served as a workers' compensation judge for 25 years.

Judge Gumbs was a lifelong member of St. Mark AME Zion Church. He was an active member of his church community and served in a number of capacities, including superintendent of the Sunday school, a role that allowed him to continue his work to improve education. He served for 30 years as chairman of the Trustee Board. Judge Gumbs was also active as a Master Mason with a local lodge.

My condolences go out to his wife Rachel, his children, Robina and Kelvin, his three grandchildren, his sisters and brothers, and his nieces and nephews. Judge Gumbs's legacy of service to his community will be remembered for generations to come.

RECOGNIZING STUDENTS AND TEACHERS FROM THE UNIVERSITY OF WISCONSIN AT WHITEWATER'S SYMPHONIC WIND ENSEMBLE

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Ms. BALDWIN. Mr. Speaker, it is with great pride that I rise today to recognize a talented group of students and teachers from Wisconsin whom I am proud to represent. From Les Paul to Boz Scaggs, Wisconsin has a long history of producing diverse musicians of international acclaim. Continuing this legacy, the University of Wisconsin at Whitewater's Symphonic Wind Ensemble always sets a high standard and soon it will set that standard on a much larger stage. On November 4–6, they will travel to England for the Royal Northern College of Music International Festival of Winds. The ensemble will perform at one of the most prestigious band conferences in the world.

In being invited to the festival, the ensemble will not only be representing Wisconsin but they will be the sole representative of the United States at the festival. The ensemble embodies the American values of hard work and dedication, which is a testament to their Director, Mr. Glenn Hayes. Fittingly, Wisconsin will recognize these students as Official Musical Ambassadors as they travel abroad.

While at the festival, they will receive the special privilege of instruction from faculty at the Royal Northern College. I applaud the University of Wisconsin at Whitewater's Symphonic Wind Ensemble for their accomplishments and for their contributions both to Wisconsin and the United States.

MARTIAL ARTS DAY

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mrs. WILSON of New Mexico. Mr. Speaker, the National Association of Professional Martial Artists, Project Action Foundation and martial arts schools in my community recently joined together to bring attention to martial arts and the positive benefits of martial arts training.

On this day of awareness, the martial arts schools hosted open houses to provide exposure and bring attention to the art. Martial arts has a reputation for introducing and reinforcing the values of self-discipline, focus, self-esteem, while enhancing non-violent conflict resolution, self-confidence, goal setting abilities and strength of character creating productive healthy people.

Mr. Speaker, for these reasons I ask you to join me in congratulating those in my home town of Albuquerque, New Mexico who participated in this successful celebration and commend them for the positive impact martial arts has on those who participate.

IN HONOR AND REMEMBRANCE OF ANN CHUDNER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Ann Chudner, devoted wife, mother, champion of social and civil rights, and friend and mentor to countless.

Mrs. Chudner was born and raised in New York City where she became actively involved in social causes when she was a young employee at Macy's Department Store. While there, Mrs. Chudner joined the union movement and took part in the first major strike against the store. Her husband, Irving Chudner, was also involved in the union movement and became a union leader with Local 1250 at Ford's Brook Park plant. She moved to Cleveland with her husband, where their focus on their son, Rick, and their dedication to causes of social justice never diminished.

Mr. and Mrs. Chudner and their son, Rick, who has followed the activism path of his parents, direct their spirit of activism throughout the City of Cleveland and the West Park community. Mrs. Chudner became deeply involved in social issues ranging from fighting against corporate tax abatement to working toward educational and recreational opportunities for youth, to supporting numerous candidacies. Mr. and Mrs. Chudner were immersed in the mayoral candidacy of Carl Stokes, helping him to win the election as the first African American mayor of a major American city. She was instrumental in the success of the grassroots campaign to save Cleveland's municipal power company from takeover by the local monopoly private electric company when I was mayor of Cleveland. She was instrumental in working with Cleveland school officials to implement the Compu-Tech program, which introduced students to computers at a young age. Mrs. Chudner also rallied against the closings of West Tech and John Adams high schools, and was a steadfast leader in the West Park Community Council, a social action group whose membership climbed to 300 during her tenure.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Mrs. Ann Chudner, whose fearless advocacy on behalf of the people of her community was framed by courage, heart and unwavering conviction in the philosophy that a unified group can affect real change. I offer my deepest condolences to her husband, Irving; to her son, Rick; and to her extended family and many friends. Her journey through life has made our world a better place, and her legacy will forever live on in the West Park community and miles beyond.

IN HONOR OF DORIS SEPTEN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. PALLONE. Mr. Speaker, I rise today in recognition and appreciation of Doris Septen, a dedicated employee and caring staff member of the Visiting Nurse Association of Central Jersey. It is with great admiration that I honor Doris today for her unwavering commitment to the VNA for the past 50 years.

Doris originally came to the association as a clerk for a fundraising consultant, the Foote System, in 1955. Since then, she has held such positions as receptionist, assistant supervisor and supervisor of the Foote Department, and senior clerk. Her warm, caring voice has greeted callers and reassured patients and their families for many years.

Through her hard work and devotion, Doris earned herself further promotions to communications operator, and customer service coordinator. Furthermore, Doris was named VNA of Central Jersey's first employee of the month in 2003. These accomplishments only further reiterate what a worthy, notable person Doris Septen is and how indispensable she has become to her organization.

Doris is a compassionate woman that is genuinely concerned with the well-being of those who rely on the VNACJ. She handles many tasks, such as tracking down nurses for patients, helping callers on the main switchboard, and facilitating the Monmouth County support staff council.

Mr. Speaker, I hope my colleagues will join me in recognizing Ms. Doris Septen for all she has done for the VNACJ community, and congratulate her on reaching the milestone of 50 years of service.

RECOGNIZING THE CAMBRIDGE HIGH SCHOOL ENVIRONMENTAL CLUB

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Ms. BALDWIN. Mr. Speaker, for more than 10 years, the Cambridge High School Environmental Club has performed valuable community service. Their activities have ranged from collecting of old cell phones to be recycled to puppet shows that promote ecology lessons for children. The club's recent research at Custer State Park in the Badlands of South Dakota is a fine example of their desire to be active at both the local and national level. They are a diverse group of "active environmentalists" whose lives and goals are as varied as the projects that they have taken on. Living together for 14 days, the club worked as an environmental research team at Custer State Park. The club, using the advanced protocols of a professional research team, performed chemical tests and journaled about their research at night. These students have experienced a life lesson that is of far greater value than anything that could be read in a textbook. It is with great pride that I congratulate the Cambridge High School Environmental Club, and the leadership of their student advisor, Ed Grunden, for their commitment to environmental research and awareness.

GENESEE COUNTY MEDICAL SOCIETY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. KILDEE. Mr. Speaker, I am pleased to rise before you to honor a dedicated group of men and women, the Genesee County Medical Society. On November 5, the members of this distinguished organization will gather to pay tribute to their history and the diversity of their membership at their Past Presidents Ball.

The Genesee County Medical Society was originally formed in the winter of 1841, when Drs. Robert D. Lamond, John Hoyes, John King, and George W. Fish, all natives of New York and graduates of Fairfield Medical College, met in an office in the tiny village of Flint, and drafted the constitution and bylaws for what was to be the region's first medical society. On August 17, 1871, 14 physicians gathered to organize the Flint Academy of Medicine, the precursor to today's Genesee County Medical Society. Over the years, thousands of doctors joined the society, addressing all public health issues, as well as working to improve the community and making it a safer and healthier place in which to live.

Today, the Genesee County Medical Society is home to an ever-increasing roster of health professionals, hailing from all four corners of the world. Society members, as well as their spouses and families, represent each continent and virtually every religion. The various cultures, languages, dialects, and customs exhibited by the men and women of the society, and experienced by all those they come in contact with, serve as a microcosm of our very Nation and what it stands for. Their celebration of diversity reminds us that we are "One Nation, under God."

Mr. Speaker, as a Member of the House of Representatives, I consider it my duty and my privilege to work to improve the quality of life for our citizens. I am grateful that the work performed by the members and staff of the Genesee County Medical Society helps make this task easier. Each member honors the spirit of the Society's vision: leadership, advocacy, and service on behalf of its members, and their patients. I ask my colleagues in the 109th Congress to please join me in congratulating them on their tremendous work.

IN HONOR AND RECOGNITION OF CIVIL RIGHTS ACTIVIST ROSA PARKS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Rosa Parks, a powerful woman, an American heroine, and a champion for all Americans.

The transformation of a young seamstress into an immortal heroine is a rare occurrence. Rosa Parks had a number of societal barriers working against her: she was an African American in the segregated South and a woman, with no political or social standing, emerging from humble parentage. Nonetheless, she conquered obstacles, set the stage for a movement for civil rights, and is forever an example for all of us.

Rosa Parks was born and raised in Alabama by a carpenter and a teacher. Brought into a world that degraded and intimidated her with its racism, Rosa Parks, along with many others, lived in submission and fear. By the age of 42, Rosa Parks was married and an active member in the NAACP. Her frustration with the intolerance around her led to an event that set the stage for the Montgomery Bus Boycott, and became a cornerstone in the Civil Rights Movement.

On December 1, 1955, Rosa Parks refused to surrender her bus seat to a white rider. This dignified pronouncement depicted to the country the injustice facing African Americans. Her single action eventually led to a Supreme Court ruling that outlaws segregation on city buses. Not only did her effort lend support to America's civil rights movement, but to civil rights movements worldwide.

The fight for equality and justice Rosa Parks sparked will never end, and we will continue to be motivated by the courage of one woman who made a profound choice in 1955. In her honor, and for the integrity of every citizen in this country, it is essential to continue in Mrs. Parks's footsteps.

The United States Congress calls Rosa Parks the "Mother of the Modern Day Civil Rights Movement." Throughout her life she was the recipient of numerous awards and honors, including the Presidential Medal of Freedom, the NAACP's Spingarn Medal, and the Congressional Gold Metal.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Rosa Parks, whose dedication to the pursuit of justice for all Americans will never be forgotten. Though she will be greatly missed, her legacy will be a constant reminder of how far we have come in ensuring civil, social, and political rights to African Americans, and how much further remains to guarantee equality to every citizen of our country.

IN HONOR OF ZETA EPSILON LAMBDA CHAPTER OF THE ALPHA PHI ALPHA FRATERNITY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. PALLONE. Mr. Speaker, I rise today to congratulate the Zeta Epsilon Lambda alumni chapter of the Alpha Phi Alpha Fraternity in Red Bank, New Jersey for their fiftieth anniversary on November 5, 2005. The Zeta Epsilon Lambda chapter has been an active contributor in the community over the past 50 years.

Since 1980, the chapter has donated over $200,000 in scholarship money to approximately 150 local high school students in Monmouth and Ocean counties. A large number of these scholarship recipients have returned to Zeta Epsilon Lambda after receiving their degrees to assist in other community outreach programs.

Over the past 17 years, through Project Alpha, the fraternity has been educating young males on the prevention of teenage pregnancies. Thus far, they have provided meaningful guidance to over 700 elementary, middle, and high school students.

Further establishing themselves as mentors in the community, the Zeta Epsilon Lambda chapter of Alpha Phi Alpha has been in partnership with Big Brothers Big Sisters of Monmouth County since 2001. Through this partnership, the brothers of Zeta Epsilon Lambda have given valuable guidance to dozens of young boys each week from Asbury Park Middle School in Asbury Park, NJ. The chapter has also successfully assisted Big Brothers Big Sisters with obtaining a $222,000 grant from the Justice Department to organize a Juvenile Mentoring Program, which has already achieved great success.

Once again, I would like to congratulate the brothers of the Zeta Epsilon Lambda chapter of the Alpha Phi Alpha fraternity on their 50th anniversary and thank them for their continued spirit of contribution and service to the community.

COMMENDING MR. JOHN GABUSI

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. GRIJALVA. Mr. Speaker, I rise today to commend Mr. John Gabusi, former Pima Community College Vice Chancellor.

Mr. John Gabusi retired from his position as Vice Chancellor for governmental and external relations at Pima Community College in Tucson, Arizona. He dedicated 14 years of service to the college, where he tirelessly worked to create Pima Community College's first economic development office.

Mr. Gabusi has been credited with elevating the College's national prestige by developing strategies to convince the Governor and State elected officials that the citizens of Arizona are deserving of a strong community college system.

His work helped to limit district wide budget reductions and to revive the marketing and advertising of Pima Community College. His help also played a vital role in a thirty percent increase in student enrollment from 1996–2002.

John Gabusi consistently strived to improve educational opportunities for the people of Tucson. Thanks to Mr. Gabusi's ability to rally community support, Pima Community College was granted a $140 million dollar bond. He focused on providing students with an environment conducive to learning, and believed that the community is deserving of an excellent community college system.

Even before his work at Pima Community College, John Gabusi was committed to serving his community. Mr. Gabusi served as an assistant to former U.S. Congressman Morris K. Udall. He led four of Mr. Udall's congressional campaigns as well as Mr. Udall's 1976 presidential campaign. After serving under Congressman Udall, Mr. Gabusi went on to start his own marketing firm called DAC international and later presided over the Washington, DC-based Procurement Assistant Corporation.

Mr. John Gabusi is an outstanding member of our community. His life-long commitment to serving his community is commendable. It is the drive of Mr. Gabusi that has kept him hard at work for others and although Mr. Gabusi has been battling cancer, he wishes he could continue his work at Pima Community College. Mr. Gabusi has served his community well, and his efforts have not gone unnoticed.

I would like to personally commend Mr. John Gabusi for his tireless commitment to our community. His life and work is an inspiration to us all.

NATIONAL FAMILY CAREGIVERS MONTH

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. McDERMOTT. Mr. Speaker, November is National Family Caregivers Month. This month we celebrate those who care for America's vulnerable populations. As a physician, child psychiatrist, and the Ranking Member of the Human Resources subcommittee of the House Committee on Ways and Means, I have a particular interest in the way the Federal Government addresses the needs of abused and neglected children. There are abused and neglected children throughout our country. Sometimes we know who they are, but too often we don't. They live in big cities, small towns, rural areas and every suburb in between. There will always be too many abused children, and there will never be enough family caregivers who provide vulnerable children with the safety and stability they need to thrive.

Family caregivers open their hearts and homes to our most vulnerable populations, and they often do so knowing they will not be recognized for their efforts, nor provided Federal support. If the Congress is as committed to promoting family values as Members of Congress often say, then we should fulfill that commitment by really valuing families and providing Federal support to every foster child in family care. When a child is removed from a home because of neglect or abuse, the Federal Government should have an interest in ensuring the safety and well being of those children. But today the Federal Government is primarily interested in vulnerable children who live in the homes of strangers. We should strive to do better, Mr. Speaker.

In the meantime let us acknowledge and celebrate family caregivers around the Nation by using this month to draw attention to the many challenges that face them. Let us celebrate the hard work and commitment of those who care every day for vulnerable populations, our Nation's family caregivers.

TRIBUTE TO THE SPINA BIFIDA COMMUNITY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to the more than 250,000 Americans in the Spina Bifida Community. An estimated 70,000 people in the United States currently live with Spina Bifida, the most common permanently disabling birth defect. Each October we recognize these Americans during National Spina Bifida Awareness Month, but we must work year round to advance research and policies to meet the needs of this community.

As co-chair of the Congressional Spina Bifida Caucus, I've had the honor to work with the Spina Bifida Association of America, SBAA, to advance Spina Bifida awareness, research and public health efforts in Congress. For over 30 years, the SBAA has helped those living with and affected by this debilitating disease. Founded in 1973, the SBAA is the Nation's only organization solely dedicated to advocating on behalf of the Spina Bifida community. Through their almost 60 chapters in more than 125 communities, the SBAA brings expectant parents together with those who have a child with Spina Bifida. This interaction helps to answer questions and concerns, but most importantly it lends support and gives people essential information.

Together the SBAA, the West Michigan SBA, the SBA of the Upper Peninsula Michigan, and the SW Michigan SB & Hydrocephalus Association work tirelessly to help the families of those living with Spina Bifida meet the challenges and enjoy the rewards of raising their children. I would like to thank the local chapters of SBAA in my State for their work in Michigan and other areas of the country. Michigan's chapters are partners in the SB Hurricane Emergency Life Support Program to help bring vitally needed supplies to hurricane victims in the Gulf Region and to put families affected by Spina Bifida in touch with others who can help them.

Mr. Speaker, Spina Bifida is a birth defect that can happen to anyone. We do not know the exact cause of Spina Bifida; but research shows that if a woman takes 400 mcg of folic acid every day before she becomes pregnant, she reduces her risk of having a baby with Spina Bifida or another neural tube defect by as much as 70 percent. The exact cause of the rest of the cases is unknown, but it is believed that genetics and environment may play a role. Spina Bifida is a neural tube defect that happens in the first month of pregnancy when the spinal column doesn't close completely. There are 60 million women at risk of having a baby born with Spina Bifida. Every day, an average of eight babies are affected by Spina Bifida or a similar birth defect of the brain and spine. Each year, about 3,000 pregnancies are affected by these birth defects. Spina Bifida is not one condition; it is a multitude of problems that affect the mind, the body and the spirit. No two cases of Spina Bifida are ever the same.

Today, approximately 90 percent of all babies diagnosed with Spina Bifida live into adulthood, approximately 80 percent have normal IQ's, and approximately 75 percent participate in sports and other recreational activities. With proper medical care attention and family care these people can live productive full lives with the help of braces and/or a wheelchair. There are breakthroughs every year that benefit the quality of life for those living with Spina Bifida. One of the keys to a better life for the 70,000 Americans who live with Spina Bifida is research. Our goals are to develop better treatment, better understanding of causes and new ways to prevent Spina Bifida.

I am proud to be the co-chair of the Congressional Spina Bifida Caucus with Congressman CHRIS SMITH and hope that all of my colleagues will join me to spread awareness about this disease. Together we can improve the quality of life of those living with Spina Bifida. I encourage my colleagues to join the caucus, which now has 52 members from both sides of the aisle.

I again wish to thank the SBAA and its chapters for all of their hard work to prevent and reduce suffering for those 70,000 individuals living with Spina Bifida throughout this Nation. We all owe a great debt to the SBAA for what they have accomplished.

HONORING THE 50TH WEDDING ANNIVERSARY OF ED AND HARRIET NIEMIEC

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Ed and Harriet Niemiec on their 50th Wedding Anniversary.

Ed and Harriet both grew up in the Back of the Yards neighborhood in Chicago. They knew each other as kids, even though they attended different schools. Eventually Ed and Harriet became engaged and then married on November 6, 1955. They had their only child, Ed, Jr. in August of 1956.

Following in his parent's footsteps, Ed, Jr. and his wife Maria have been married for 27 years. They have two children, Mark and Christina.

Besides an active involvement with their family, Ed and Harriet have many hobbies. Ed spends a lot of time taking care of his yard and tending to his flowers. According to his son, one would be hard pressed to find a blade of grass out of place or a visible weed. Harriet is a consummate volunteer and organizer. Her philanthropies started while she was working at Dry Storage where running the football pools spilled over into organizing senior trips, church functions and working at Christ Hospital as a "Pink Lady."

Ed and Harriet are fine examples as parents and are wonderful role models as grandparents. I would like to extend my best wishes to Ed and Harriet as they and their family celebrate their 50th Wedding Anniversary.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. BECERRA. Mr. Speaker, on Friday, October 28, 2005, I was unable to cast my floor votes on rollcall Nos. 555 and 556.

The votes I missed included agreeing to the Conference Report on the Agriculture, Rural Development, Food and Drug Administration, and Related Appropriations Act of 2006 and agreeing to the resolution condemning Iranian President Mahmoud Ahmadinejad's threats against Israel.

Had I been present for these votes, I would have voted "yea" on rollcall No. 555 and "yea" on rollcall No. 556.

CONGRATULATIONS TO ALTICOR INCORPORATED

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Alticor Incorporated, on being honored with the 2005 Secretary of Defense Employer Support Freedom Award. This is an honor bestowed to employers who have gone above and beyond in supporting their National Guard and Reserve employees.

Alticor's communication with its military employees when in action, covering pay differential during deployments and their Military Leave Program are just a few of the many ways the company has demonstrated support for the Guard and Reserves. Alticor has also donated numerous products which have been distributed to deployed units worldwide.

I commend Alticor's contribution to military families. Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Alticor Incorporated, for being honored with the 2005 Secretary of Defense Employer Support Freedom Award.

THANKS TO THOMAS DiLENGE

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. KING of New York. Mr. Speaker, I rise today to give thanks to Thomas DiLenge, Chief Counsel DiLenge, Chief Counsel and Policy Director of the Committee on Homeland Security.

Tom has been a dedicated and accomplished public servant throughout his 9 years on Capitol Hill—2 years in his current position, and 7 years before that on the House Energy and Commerce Committee. Tom has had a truly impressive career of government service. Most recently, he managed the successful House passage of major legislation to reform our system of homeland security grants—the Faster and Smarter Funding for First Responders Act of 2005—and the first-ever Department of Homeland Security Authorization Act for Fiscal Year 2006. He also was actively involved in drafting and negotiating the Intelligence Reform and Terrorism Prevention Act last year, the bill that codified into law many of the recommendations of the 9/11 Commission.

Perhaps most important, however, Tom worked to establish a permanent Homeland Security Committee in the House of Representatives. He joined the fledgling Select Committee on Homeland Security 2 years ago, and worked tirelessly to ensure the transition of the Select Committee to the now permanent Committee on Homeland Security in the 109th Congress. During his tour with the Select Committee, Tom's keen mind, legislative expertise, and dogged determination helped to firmly establish the Committee as a force on Capitol Hill, and contributed greatly to the establishment of the permanent Committee on Homeland Security. Tom was always the first to arrive and the last to leave. As the Select Committee's primary interface with other Congressional committees and the House Leadership, and in the face of significant resistance, he helped craft the jurisdiction of the new Committee to ensure that it could provide meaningful authorization and guidance to, and oversight of, the critical new Department of Homeland Security. As the largest reorganization of the Congressional branch in over 50 years, and as the first creation of a permanent congressional committee in over 30 years, this is an accomplishment of major significance—with real and lasting impact on the future of this House and the citizens of this great Nation.

It is appropriate that Tom should end this phase of his Hill career on such a high note with the youngest committee in the House of Representatives, but I would be remiss if I did not note some of Tom's other major accomplishments over the years. As the Deputy Chief Counsel for Oversight and Investigations, and a principal national security policy advisor, for the oldest standing committee in the House, the Energy and Commerce Committee, Tom led numerous successful investigations and helped pass important consumer protection and homeland security legislation, including the Homeland Security Act of 2002, which created the Department of Homeland Security.

Tom was an invaluable and talented member of the Energy and Commerce Committee's oversight and investigations staff, and played a key role in landmark Congressional investigations. In 2000, Bridgestone/Firestone announced a voluntary recall of 14.4 million tires following an investigation by the National Highway Traffic Safety Administration (NHTSA), spurred on by reports and complaints of tread separation of certain tire models, mostly on Ford Explorers. Approximately 271 fatalities and more than 800 injuries were linked to tread separation and rollover incidents involving under-inflated Firestone tires and Ford vehicles. Tom's tireless work during this Congressional investigation, and the nationally-recognized hearings he organized on this topic, uncovered the extent to which Firestone and Ford knew of these safety problems and kept them hidden from the public and from Federal regulators. This investigation also highlighted serious deficiencies in NHTSA's ability to adequately detect and investigate safety-related defects in motor vehicles and related equipment.

The Ford-Firestone investigation led to swift Congressional legislative action to protect American motorists. The Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act became law in the Fall of 2000. The legislation required that auto and tire makers promptly report serious safety concerns with their products, and gave NHTSA new authority to require improvements in auto and tire safety, including the tire pressure monitoring systems that many new vehicles now have. Tom's work on this investigation that resulted in the TREAD Act undoubtedly improved public safety on our roads and highways.

Tom also played a lead part in the Committee's vital investigation of the Enron and Arthur Andersen corporate fraud and accounting scandal, including the controversy surrounding the accounting firm's shredding of relevant documents just as government investigations got underway. Through a comprehensive investigation and series of public hearings, the Committee revealed a web of corporate fraud aided and abetted by auditors too willing to look the other way. The astonishing discoveries contributed to Andersen's indictment on federal felony charges, and led to Congressional passage of the Sarbanes-Oxley Act—the single most important piece of legislation affecting corporate governance, financial disclosure, and the practice of public accounting since the U.S. securities laws of the early 1930s. The Act helps to protect average investors and shareholders, and ensure the independence of auditors on which they rely.

Even before the terrorist attacks of September 11, 2001, Tom took a keen interest in homeland security issues. In 1999, he led an investigation into the lack of security controls on the possession and use of deadly biological agents such as anthrax by private and academic laboratories and research facilities all across the country. After the anthrax mail attacks of October 2001, Tom's knowledge of the issue led to his involvement as a key drafter of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002—which, among other things, imposed registration and security requirements on those obtaining and using deadly biological agents in legitimate research.

Shortly thereafter, Tom was called upon again to lead the effort to draft and enact President Bush's signature initiative to combat bioterrorism, the Project BioShield Act. This Act, which passed in 2004, aims to spur the development and availability of next generation countermeasures against biological, chemical, nuclear, and radiological weapons. As the President noted at the bill's Rose Garden signing ceremony, "America is stronger and better as a result of the BioShield law."

No man stands alone, and Tom would be the first to acknowledge that his amazing success is the result of the teamwork of many people. Ask anyone on the Hill about Tom, however, and you will hear a unanimous opinion attesting to Tom's intellect, photographic memory, leadership, and ability to build strong teams and find consensus.

On behalf of the Committee, I want to thank Tom's wife of 12 years, Linda, and his three children, Madison (7), Maguire (5), and Donovan (2), for all the hours Tom spent away from them. Clearly, they are Tom's inspiration, and his success is their success. Finally, I want to thank Tom for his hard work, tireless service, and steadfast determination. We will miss Tom. He helped to build the Committee on Homeland Security. He now leaves it a stronger and better place than when he arrived. And his efforts have helped make America a more safe and secure place for us all.

IN MEMORY OF DAN JOSEPH PICKARD

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. SESSIONS. Mr. Speaker, I rise today in memory of Dr. Dan Joseph Pickard who passed away on Thursday the 20th of October. I was greatly saddened to hear the news that Dr. Pickard had passed, and I will be keeping his wife, Patty, and surviving family members in my prayers during this very difficult time for the Pickard family.

Dr. Pickard led an accomplished life and was a community leader in Dallas, Texas. At the age of 15, Dan became an Eagle Scout. He and I would often talk of our shared experiences in Scouting and care for the young boys who grow and prosper through the program. Upon earning his Doctor of Optometry degree from Indiana University, Dan and Patty moved to Dallas in 1981 to start their professional careers. Dan served as the President of the Dallas Society of Optometrists, and was a valued community leader whom I enjoyed working with on a variety of issues.

I knew Dr. Pickard best as the Optometrist for my family and me, who always had a kind word and the best interests of his patients at the forefront of his priorities. Additionally, Dr. Pickard served on the Board of Directors during my term as Chairman of the Board of the Dallas Northeast Chamber of Commerce. Throughout his 5 years affected by Multiple Systems Atrophy, Dan continued to lead a life of support for others, and now he has passed away with dignity and peace in his heart.

Dr. Pickard's compassionate professionalism, enthusiasm for life, and sincere friendship will be greatly missed, yet his legacy lives on in the hearts and minds of the many people touched by his life. My wife, Nete, and I mourn his passing, and we honor the memory of his vibrant and inspiring life. May God bless the Pickard family during this time of great loss.

HONORING THE SCHOOL OF SCIENCE AND ENGINEERING, RECIPIENT OF THE U.S. DEPARTMENT OF EDUCATION NO CHILD LEFT BEHIND BLUE RIBBON SCHOOLS AWARD FOR 2005

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, an exceptional education serves as the foundation for exceptional opportunities in life. When an institution of learning goes the extra mile to help its students reach their full potential, the institution deserves recognition for its achievement.

On November 10–11, 2005, the U.S. Department of Education will present the coveted No Child Left Behind Blue Ribbon Schools Awards. Blue Ribbon Schools are those whose students achieve in the top 10 percent on State tests or schools where at least 40 percent of students from disadvantaged backgrounds sharply improve their performance on state tests.

The 30th Congressional District of the State of Texas is home to several such schools. On this momentous occasion, I would like to extend warm congratulations to the School of Science and Engineering on being named a 2005 Blue Ribbon School. This institution has enabled its students to reach a standard of achievement that is exceptional. I honor the dedication of administrators, teachers and students required to capture this award and send best wishes in future endeavors.

HONORING THE LIFE OF MRS. ROSA PARKS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. RANGEL. Mr. Speaker, I rise to honor the courageous contributions and civil services of Mrs. Rosa Parks, who peacefully left the world on Monday, October 24, 2005 in Detroit, Michigan, at the age of 92.

As I look back at the struggles of African Americans, I am astounded by the fire that Mrs. Parks ignited:

On December 1, 1955, Mrs. Parks refused to give up her seat to a white man on a Montgomery, Alabama, bus.

On December 5, 1955, she led a boycott by all colored people on the Montgomery buses, which lasted for 381 days.

On November 13, 1956, the U.S. Supreme Court declared Alabama's State and local laws requiring segregation on buses unconstitutional. Other events continued that challenged the U.S. Constitution: The desegregation of Central High School in Little Rock, Arkansas, the desegregation of Woolworth's lunch counter at North Carolina Agricultural and Technical College, and the desegregation of the University of Mississippi.

Nine years later, the U.S. Congress passed the Civil Rights Act of 1964, prohibiting discrimination of all kinds based on race, color, religion, or national origin which provides the Federal Government with the powers to enforce desegregation.

Mrs. Rosa Parks was instrumental in changing the social and political climate of the United States of America. Her action has inspired Americans of all races and backgrounds to stand up for our basic human rights. She has taught us the power of determination and perseverance. Mrs. Parks was an activist who did not seek public attention. After the civil rights movement, Mrs. Parks continued to give back to the community. In 1987, she and her late husband, Raymond Parks, founded the Institute for Self-Development, which prepares young African-Americans for leadership positions in the workplace and the community. A subdivision of the Institute, called Pathways of Freedom, allows groups of teens to follow the Underground Railroad and visit the historical sites of the Civil Rights Movement. Her act of defiance against a powerful system showed each of us the importance of everything we do and the impact that our own acts of courage can have. Mrs. Parks lived a long and full life. She has left us physically, but will remain spiritually as she will be remembered for generations to come. Following, is a CNN report of Mrs. Rosa Park's life.

CIVIL RIGHTS ICON ROSA PARKS DIES AT 92—LONG KNOWN AS THE "MOTHER OF THE CIVIL RIGHTS MOVEMENT"

Rosa Parks, whose act of civil disobedience in 1955 inspired the modern civil rights movement, died Monday in Detroit, Michigan. She was 92.

Parks' moment in history began in December 1955 when she refused to give up her seat on a bus to a white man in Montgomery, Alabama.

Her arrest triggered a 381-day boycott of the bus system by blacks that was organized by a 26-year-old Baptist minister, the Rev. Martin Luther King Jr.

The boycott led to a court ruling desegregating public transportation in Montgomery, but it wasn't until the 1964 Civil Rights Act that all public accommodations nationwide were desegregated.

Facing regular threats and having lost her department store job because of her activism, Parks moved from Alabama to Detroit in 1957. She later joined the staff of U.S. Rep. John Conyers, a Michigan Democrat.

Conyers, who first met Parks during the early days of the civil rights struggle, recalled Monday that she worked on his original congressional staff when he first was elected to the House of Representatives in 1964.

"I think that she, as the mother of the new civil rights movement, has left an impact not just on the Nation, but on the world," he told CNN in a telephone interview. "She was a real apostle of the nonviolence movement."

He remembered her as someone who never raised her voice—an eloquent voice of the civil rights movement.

"You treated her with deference because she was so quiet, so serene—just a very special person," he said, adding that "there was only one" Rosa Parks.

Gregory Reed, a longtime friend and attorney, said Parks died between 7 p.m. and 8 p.m. of natural causes. He called Parks "a lady of great courage."

Parks co-founded the Rosa and Raymond Parks Institute for Self Development to help young people pursue educational opportunities, get them registered to vote and work toward racial peace.

"As long as there is unemployment, war, crime and all things that go to the infliction of man's inhumanity to man, regardless—there is much to be done, and people need to work together," she once said.

Even into her 80s, she was active on the lecture circuit, speaking at civil rights groups and accepting awards, including the Presidential Medal of Freedom in 1996 and the Congressional Gold Medal in 1999.

"This medal is encouragement for all of us to continue until all have rights," she said at the June 1999 ceremony for the latter medal.

Parks was the subject of the documentary "Mighty Times: The Legacy of Rosa Parks," which received a 2002 Oscar nomination for best documentary short.

In April, Parks and rap duo OutKast settled a lawsuit over the use of her name on a CD released in 1998.

BUS BOYCOTT

She was born Rosa Louise McCauley in Tuskegee, Alabama, on February 4, 1913. Her marriage to Raymond Parks lasted from 1932 until his death in 1977.

Parks' father, James McCauley, was a carpenter, and her mother, Leona Edwards McCauley, a teacher.

Before her arrest in 1955, Parks was active in the voter registration movement and with the National Association for the Advancement of Colored People, where she also worked as a secretary in 1943.

At the time of her arrest, Parks was 42 and on her way home from work as a seamstress. She took a seat in the front of the black section of a city bus in Montgomery. The bus filled up and the bus driver demanded that she move so a white male passenger could have her seat. "The driver wanted us to stand up, the four of us. We didn't move at the beginning, but he says, 'Let me have these seats.' And the other three people moved, but I didn't," she once said. When Parks refused to give up her seat, a police officer arrested her. As the officer took her away, she recalled that she asked, 'Why do you push us around?" The officer's response: "I don't know, but the law's the law, and you're under arrest." She added, "I only knew that, as I was being arrested, that it was the very last time that I would ever ride in humiliation of this kind."

Four days later, Parks was convicted of disorderly conduct and fined $14. That same day, a group of blacks founded the Montgomery Improvement Association and named King, the young pastor of Dexter Avenue Baptist Church, as its leader, and the bus boycott began.

For the next 381 days, blacks—who according to Time magazine had comprised two-thirds of Montgomery bus riders—boycotted public transportation to protest Parks' arrest and in turn the city's Jim Crow segregation laws. Black people walked, rode taxis and used carpools in an effort that severely damaged the transit company's finances. The mass movement marked one of the largest and most successful challenges of segregation and helped catapult King to the forefront of the civil rights movement.

The boycott ended on November 13, 1956, after the U.S. Supreme Court upheld a lower court ruling that Montgomery's segregated bus service was unconstitutional.

Parks' act of defiance came one year after the Supreme Court's Brown v. Board of Education decision that led to the end of racial segregation in public schools.

U.S. Rep. John Lewis of Georgia, a Democrat, told CNN Monday he watched the 1955-56 Montgomery drama unfold as a teenager and it inspired him to get active in the civil rights movement.

"It was so unbelievable that this woman—this one woman—had the courage to take a seat and refuse to get up and give it up to a white gentleman. By sitting down, she was standing up for all Americans," he said.

CONGRATULATING THE PENN HIGH SCHOOL GIRLS GOLF TEAM ON ITS SECOND CONSECUTIVE STATE CHAMPIONSHIP

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. CHOCOLA. Mr. Speaker, Hank Aaron, baseball's all-time homerun champion, once said, "It took me seventeen years to get 3,000 hits in baseball. I did it in one afternoon on the golf course."

As Mr. Aaron can attest, playing golf and being skilled at golf are two very different things. Which is why I rise today—to note the accomplishment of six young women in my District who attend Penn High School in Mishawaka, Indiana.

These six young women—seniors Julia Potter, Laura Ormson, Erin Buttrey, Michelle Fleischman, Courtney Jelinski, and freshman Anne Ormson—recently won their second consecutive championship at the 33rd Annual Indiana High School Athletic Association Girls Golf State Finals tournament.

The 2-day tournament was held at the Legends of Indiana Golf Course in Franklin, Indiana, where the Penn Kingsmen finished first among a field of nine talented golf teams.

And they did so in dramatic fashion. The team set Indiana State finals records for their 18-hole and 36-hole leads, ultimately defeating runner-up Noblesville by 32 strokes.

This was the team's third State title in 4 years under Coach Jim Garrett, with three team members—Julia Potter, Anne Ormson, and Laura Ormson—finishing among the top nine individual golfers in the entire State.

Mr. Speaker, former President Gerald Ford once expressed this sentiment on golf: "The pat on the back, the arm around the shoulder, the praise for what was done right and the sympathetic nod for what wasn't are as much a part of golf as life itself."

I couldn't agree more. And I'm sure the parents of these six young women agree that the character building lessons they learned on the golf course will benefit them throughout their lives.

On behalf of the constituents of the Second District of Indiana, I would like to express our heartfelt congratulations to the Penn High School girls golf team for winning the 2005 State title.

60TH ANNIVERSARY AND CELEBRATION OF UNITED NATIONS DAY

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. SHAYS. Mr. Speaker, the United Nations celebrated its 60th Anniversary last week. It seems appropriate to me that in reaching this landmark, the world body can reflect upon both its significant accomplishments over the years, as well as how it must improve in order to be a more effective actor in global interests. While we must continue examining its operations and demanding operational improvements, the United Nations also deserves U.S. support as it continues to combat terrorism, promote economic growth and assist countries in moving towards democracy.

In recognition of the 60th Anniversary and celebration of United Nations Day, Under-Secretary General of the United Nations, Ambassador Joseph Verner Reed, gave an address at the Hall of the House of Representatives in the Connecticut State Capitol. I submit the text of Mr. Reed's address to be entered into the RECORD.

REMARKS BY AMBASSADOR JOSEPH VERNER REED, UNDER-SECRETARY-GENERAL OF THE UNITED NATIONS

Governor Rell, Speaker of the House Amann, Mr. Stolberg, President, United Nations Association of the United States of America Connecticut Chapter, Distinguished Members of the Government of the State of Connecticut, ladies and gentlemen, it is an honor and privilege as a life long citizen of the State of Connecticut to be present at the Hall of the House of Representatives to celebrate the 60th Anniversary of the founding of the United Nations.

The Secretary General, Kofi Annan has sent to the people of Connecticut a message on the occasion of United Nations Day:

"I send my greetings to the people of Connecticut on the 60th anniversary of the entry into force of the United Nations Charter. As you mark this historic occasion and reflect on the Organization's many accomplishments, I encourage you also to look to the future.

Today's world is very different from that of our founders. The United Nations must reflect this new age, and respond to its challenges—including, first and foremost, the knowledge that hundreds of millions of people are left defenceless against hunger, disease and environmental degradation, even though the world has the means to rescue them.

Last month, world leaders met in New York to try and forge a common response to these challenges. Leaders of both rich and poor countries committed themselves to detailed policies which, if fully implemented, could reduce hunger and poverty by 50 per cent in the next ten years. They decided to create new UN bodies for promoting human rights and building lasting peace in war-torn countries. They promised to fight terrorism in all its forms, and to take collective action, when needed, to save populations from genocide and other heinous crimes. They decided on important reforms of the UN Secretariat. But on climate change and Security Council reform they could make only weak statements. And on nuclear proliferation and disarmament they could not agree at all.

They have left us a great deal of work to do. Today, as we mark the 60th anniversary of our indispensable institution, I promise you that I will do my part, and that I will be working with Member States to help them do theirs. I am glad the United Nations can count on the continued support and commitment of you all as we pursue our shared mission."

That concludes the message from the Secretary-General.

Ladies and gentlemen, "the time to reform the United Nations is now. And we must seize this opportunity together." These are words from Secretary of State Condoleezza Rice in her first speech before the United Nations General Assembly in September.

The 2005 World Summit lived up to being a once-in-a-generation event for the United Nations. With breakthroughs in adopting strategies to fight poverty and disease, creating new machinery to win the peace in war-torn countries, and pledging collective action to prevent genocide, progress was made across a broader front than on any other single occasion in the 60 year history of the organization. Major advancements were made on terrorism, human rights, democracy, management of the Secretariat, peacekeeping and humanitarian response. And doors were opened to further action on global public health, global warming and mediation.

Now, member states will turn to the tough task of implementing what was agreed, and to continue work on the critical differences that remain. Many items must be completed during the 60th session of the General Assembly, ending next September. With so much to do in such a short period of time, civil society will be essential to keeping tabs on progress and keeping all parties involved accountable. While the Summit has come and gone, the hard work is just beginning.

First, on management reform, world leaders committed to reviewing extensive management reforms to make the Secretariat more efficient, more effective and more accountable. This will include a review by the Secretary-General of all ongoing mandates in the first 55 years of the organization, as well as a thorough assessment of the organization's antiquated human resources and budget rules. The Secretary-General is moving forward expeditiously on his own authority to establish an independent ethics office, which will protect whistleblowers and ensure more extensive financial disclosure.

Second, world leaders agreed to strengthen the organization's human rights machinery across the board. The High Commissioner for Human Rights is moving ahead to implement her plan of action, supported by the Summit's commitment to double the office's regular budget. Building on the groundbreaking agreement to create a new Human Rights Council, the President of the General Assembly will soon begin conducting negotiations to finalize agreement on important details.

Third, progress must continue on terrorism. The Summit outcome produced for the first time, an unqualified condemnation of terrorism "in all its forms and manifestations, committed by whomever, wherever and for whatever purposes." The work in the coming months will be to build on that simple statement to complete a comprehensive convention against terrorism by the end of September, and forge a global counter-terrorism strategy that weakens terrorists and strengthens the international community.

Fourth, the final details must be locked down on the Peace-building Commission to get it up and running by the end of the year. Almost all the key details have now been agreed, but the next few months will be critical to operationalizing the commission. The Secretariat is already moving forward to set up a support office and a standing fund to support the commission.

Fifth, with an ambitious commitment to add $50 billion a year for development, the Summit removed any doubt about the global support for the Millennium Development Goals. Every developing country is now pledged to formulate and implement a national strategy bold enough to achieve those development objectives by 2015. For their part, developed countries must now deliver on their pledges to boost financing for development and relieve debt.

With each passing week it becomes dramatically clearer how much the world's leaders agreed to at the Summit. This is equally true about the sheer amount of work ahead. Every effort must be made to see the promise outlined by world leaders fulfilled. If we do that, we will help save millions of lives, and give hope to billions of people—a fitting achievement to mark the 60th anniversary of the United Nations, and a platform from which to do even more in the years ahead.

Let us celebrate United Nations Day.

TRIBUTE TO STEPHEN MOSELEY ON 35 YEARS WITH AED

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. POMEROY. Mr. Speaker, today I rise to recognize the remarkable service of a remarkable man, Stephen Moseley, on the occasion of his 35th anniversary with the Academy for Educational Development.

In 1987, AED promoted Steve Moseley to be their President and CEO. Since assuming these responsibilities, he continues to provide dynamic, forward-thinking direction to AED, an organization whose global impact has grown beyond measure under Steve Moseley's leadership.

The reach of AED's mission is incredible. They are operating more than 250 programs in more than 150 countries in Africa, Asia, Europe, Latin America, the Near East and North America.

Their programs address development of human capacity and opportunity, focused on expanding and improving education, health care, and economic growth.

Indeed, education has always been Mr. Moseley's passion. He has devoted himself to increasing access to education for the world's poorest children, strongly supporting Education for All initiatives to get all children into school and serving as the founding chairman of the Basic Education Coalition.

I will never forget the chance I had to accompany Steve Moseley into the countries of Mali and Ghana to observe the girls' basic education program that AED ran in those countries.

Even as I learned of the substance and success of the programs, I closely watched how

Steve interacted with the children whose lives were being uplifted and changed at the chance for schooling AED was providing. The gleam in his eye and the beaming smile on his face conveyed the true personal depth and commitment Steve has brought to this mission.

One village elder described the importance of the AED girls' education program as "bringing light into a dark room." The same could be said for the life work of Steve Moseley. He has brought the light of hope and opportunity to thousands of deserving souls in every corner of this world.

Here in the United States, Mr. Moseley has been dedicated to improving educational quality from preschool through college. He has nurtured efforts to improve Migrant Head Start programs, middle-grade education through the Middle Start project, high schools through the Schools for a New Society project, and teacher training through the Teachers for a New Era initiative.

He is very active in the development community, serving on the boards of InterAction, the U.S. Global Leadership Campaign, the Coalition for American Leadership Abroad, and is a member of the steering committee of the International Educational Training Coalition.

A past president of the Washington Chapter of the Society for International Development, Mr. Moseley now sits on the organization's International Governing Council and serves as its treasurer.

Mr. Moseley graduated with a B.A. in English from the University of Hartford in 1967. In 1989 he was awarded a Doctor of Humane Letters, Honorary Degree, by his alma mater, and in 1997 he was elected to the University of Hartford's Board of Regents.

I am pleased to be able to recognize Steve on this milestone and to honor him for a truly remarkable career with the Academy for Educational Development.

PERSONAL EXPLANATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. JONES of North Carolina. Mr. Speaker, on Friday, October 28, 2005, I had an engagement in North Carolina and missed two rollcall votes. I ask that my absence be excused, and that the Congressional Record show that had I been present:

For rollcall No. 555, I would have voted "no"; and for rollcall No. 556, I would have voted "aye."

RECOGNITION OF ATOMIC AND DEPLETED URANIUM VETERANS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. FILNER. Mr. Speaker, I urge support for two bills I have just introduced, H.R. 4183, the "Recognition of Forgotten Atomic Veterans and their Surviving Spouses Act" and H.R. 4184, the "You Were There, You Get Care Act."

In the preparation of these bills, I am indebted to Earl J. Lee, member of the National Association of Atomic Veterans (NAAV) and National District VI Chairman of the AMVETS RECA (Radiation Exposure Compensation Act) Program. Resolutions supporting the provisions in these bills have been passed by the National AMVETS.

For too long, many Atomic Veterans and veterans exposed to Depleted Uranium have been on the outside looking in and wondering why? Were they not loyal and faithful in their military service? Do they not deserve compensation or care for their illnesses?

H.R. 4183, the "Recognition of Forgotten Atomic Veterans and their Surviving Spouses Act", directs the Department of Justice to obtain the records of all Atomic Veterans from the Department of Energy Operations Office in Nevada. Using these records, they are to locate and advise all veterans or their surviving widows of their rights under RECA and guide them in filing a claim for the compensation that is due them.

RECA is the program passed by Congress in 1990 (Pub. L. 101–426) that provides compassionate payments to individuals who contract cancers and other serious diseases as a result of their exposure to radiation from above ground tests of nuclear weapons or from employment in underground uranium mines.

Because the VA did not provide medical care to Atomic Veterans in many cases, many died at an early age. So there are thousands of widows, many on fixed incomes, who have never heard of RECA and do not know that they may be eligible for compensation. My bill will help them apply and receive substantial compassionate payments to ease their burden.

Depleted uranium is an incredibly effective weapon, but its residue has a half-life of 4 billion years and many believe that it is a carcinogen. We simply cannot allow another generation of veterans to be treated as were the Atomic Veterans! H.R. 4184, the "You Were There, You Get Care Act", ensures that veterans who served in the 1991 Gulf War and subsequent conflicts will be considered "service-connected disabled" for any illnesses currently covered by RECA and other diseases found by the Veterans" Affairs Secretary to result from DU exposure.

For example, veterans serving in the 1991 Gulf War or those providing clean-up or servicing of vehicles or equipment that had been in the Persian Gulf, shall be considered as exposed and if they are ill, their illnesses shall be deemed "service-connected" with the accompanying VA health care and VA compensation provided.

In addition, this bill calls for an in-depth medical study to be conducted by independent civilian medical entities, independent of the Departments of Defense and Veterans Affairs, to determine other diseases that may result from exposure to depleted uranium. A copy of the study will be sent to the Senate and House Veterans' Affairs Committees.

We need to ensure that veterans from the Gulf War and all wars waged since will not die an early and painful death without the health care and compensation they need and deserve.

Taken together, H.R. 4183, and H.R. 4184 makes a bold statement—that when young men and women volunteer for service, they can count on their government to compensate them and care for them if their service lends to illnesses. These assurances are so important and so necessary and should aid in the recruitment and retention of military personnel.

HONORING MAJOR GENERAL TERRY TUCKER

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to a remarkable soldier and citizen from my home state. Major General Terry Tucker recently relinquished command of the Fort Knox or School, bringing to a close a 3-year tenure marked by unprecedented growth and change at one of America's most important military installations.

Generl Tucker joined the Army in 1972, signing in at the same building at Fort Knox where, 31 years later, he would take full installation command. Raised on a dirt farm in West Virginia, General Tucker, with the help of an Army scholarship was the first member of his family to graduate from college. After completing his initial 4-year obligation to the Army, General Tucker and his wife Patti went on to fulfill a wide variety of military assignments at home and abroad throughout their 33 years of service to our country.

Upon his return to Fort Knox, first as Deputy Commanding General in 2000, then as Commanding General in 2003, General Tucker presided over a wide scope of critical responsibilities. Along with managing on-base training, he was authorized to develop and implement training for the entire United States Mounted Force, changing the way soldiers are trained to meet a new wartime mission. General Tucker successfully matched this training with a strong focus on improved combat systems and equipment, such as the Abrams tank and the Bradley IFV, to meet new and emerging threats.

During his time at Fort Knox, General Tucker's leadership inspired officers and civilians to be good neighbors, making Fort Knox and its surrounding communities a better place to live and work. In this capacity, General Tucker worked hard to build partnerships with community organizations to support Fort Knox Soldiers and their families. General Tucker also oversaw critical improvements to the Garrison and IMA, modernizing facilities to enhance Fort Knox's future viability.

Perhaps General Tucker's most enduring legacy to the citizens of my congressional district will be his tireless promotion of Fort Knox's military value during Base Realignment and Closure proceedings this year. Because of his efforts, Fort Knox remains open, adapting to a new mission as a vital multi-functional home to operational army forces and various administrative commands.

It is my great privilege to recognize Major General Terry Tucker today, before the entire U.S. House of Representatives, for his lifelong example of leadership and service. I would like to thank him personally for his exemplary stewardship at Fort Knox during a time of war and administrative transition. His unique achievements and dedication to the men and women of the U.S. Army make him an outstanding American worthy of our collective honor and respect.

HOUSE OF REPRESENTATIVES—*Wednesday, November 2, 2005*

The House met at 2 p.m.

The Reverend Bruce Bigelow, Pastor, Lake Hills Baptist Church, Schererville, Indiana, offered the following prayer:

Our Lord, we come before Thee and we gather together to do business, to do business for this Nation and for Thee. We have sought to follow Thee. You have said feed the hungry, and we have fed the hungry. You have said give drink to those that are thirsty, and we have given drink. We have blessed others abundantly because You have blessed us as a Nation in great abundance. You have blessed us beyond that which we deserve, and we thank You for Your graciousness and Your mercy to us.

I pray that You will bless the men and women of this Congress as they gather together and wrestle with the issues of the day. May You help us as a Nation to turn from selfishness and help us to show graciousness and love and kindness, ministering to those around us and meeting their needs. Bless this Congress as they act this day. May You lead them and bless them. In Jesus' name I pray it. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Indiana (Mr. VISCLOSKY) come forward and lead the House in the Pledge of Allegiance.

Mr. VISCLOSKY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

> S. Con. Res. 56. Concurrent resolution expressing appreciation for the contribution of Chinese art and culture and recognizing the Festival of China at the Kennedy Center.

WELCOMING THE REVEREND BRUCE BIGELOW

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute.)

Mr. VISCLOSKY. Mr. Speaker, it is my privilege to introduce our guest chaplain, Reverend Bruce Bigelow, pastor of the Lake Hills Baptist Church in Schererville, Indiana.

Reverend Bigelow was born on the South Side of Chicago and was raised in Gary, Indiana. Reverend Bigelow began his life of service in 1967. For the past 32 years, he has served as the senior pastor of the Lake Hills Baptist Church and will be retiring this coming April.

In his time as pastor, Lake Hills Baptist Church has grown from less than 100 members to over 450 today. The church now includes a modern family life center. In addition, it joyfully gives 30 percent of all donations it receives to help support missionary projects in the community and around the world. The congregation also provides practical help to children, teenage and college age youths, young mothers, and senior adults. Through his actions and those of the members of the church, Reverend Bigelow has brightened and made meaningful so many lives.

Throughout his time in the ministry, Reverend Bigelow has been supported by his wife Janice, his dear wife of 40 years, who has joined him today. They have three grown daughters and seven grandchildren, all who reside in Indiana.

Let us hope the words of his inspiring prayer will remain with us and his dedication to the ministry will always be appreciated.

EMINENT DOMAIN

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, last June, in a 5 to 4 decision, the Supreme Court ruled that the government may force property owners to sell their property to make way for private economic development when officials deem it beneficial to the public. With that decision, Susette Kelo and 15 of her neighbors lost their fight to hold on to their homes. One neighbor forced to sell her home was born there in 1918 and lived in the house her entire life.

The properties Kelo and her neighbors are being forced to abandon will not be a replaced with a needed road or school but with upscale housing and a marina.

The sanctity of private property is one that Americans hold dear, and this Supreme Court decision threatens that. This House has appropriately responded by offering the Protection of Homes, Small Businesses, and Private Property Act of 2005 which would protect property by limiting the power of eminent domain.

Mr. Speaker, the fifth amendment to the Constitution prohibits the government taking private property except for public use. The protection of our homes, small business, and other private property rights against government seizure is one of the fundamental principles this country was founded upon. If the highest court in the land will not protect this right, it is up to us to do so.

EMINENT DOMAIN

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, the House will vote this week on H.R. 4128, the Property Protection Act, to secure all Americans' rights to what they have earned. On June 23 of this year, the Supreme Court ruled 5 to 4 in the decision of Kelo v. City of New London that economic development can be a public use under the fifth amendment's taking clause.

The public reaction to this decision was both swift and decisive. In Kansas, people are outraged. In a polling conducted by the Wall Street Journal, 11 out of 12 Americans said they oppose the taking of private property, even if it is for public economic good.

H.R. 4128 would prohibit the Federal Government from taking personal property, private property for economic development purposes. The bill would also deny States and localities from receiving any Federal economic development funds if they abuse their eminent domain power. H.R. 4128 would negate this unfortunate ruling and restore Americans' constitutional right to be secure in the property that they have worked hard to obtain. I urge the House to stand with me and protect private property rights.

McCAIN AMENDMENT TO DEFENSE APPROPRIATIONS BILL

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Virginia. Mr. Speaker, I rise today in strong support for instructing conferees on this year's defense appropriations bill to include the amendment by our colleague in the Senate, JOHN MCCAIN. This provision would simply provide for uniform standards for the interrogation of persons under the detention of the Defense Department and a prohibition on cruel, inhumane, or degrading treatment or punishment of persons under custody or control of the U.S. government.

Mr. Speaker, in the wake of the scrutiny and embarrassment that our Nation has endured following the treatment of detainees at Abu Ghraib and Guantanamo Bay, it is imperative that we proclaim to the rest of the world that this policy defined by this amendment does in fact reflect the law of the land and the conscience of our country. Providing our soldiers with clear written guidance on how to treat detainees not only protects their interests but underscores the freedoms and the values we cherish as Americans and that we claim to be the very reason we have gone to war in Iraq, Afghanistan, and other parts of the world.

Today, as a Congress, we must respect and honor our Nation and those that risk their lives to serve it, and we can do that by supporting the McCain amendment in the defense appropriations bill.

BEHEADINGS IN INDONESIA

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Mr. Speaker, I rise today to share the outrage of the people of Indonesia with my colleagues regarding a case of horror that occurred this past weekend.

While walking to school on the morning of Saturday, October 29, in Central Sulawesi, three teenage girls were attacked by Islamic extremists. The attackers murdered the young ladies by hacking them with machetes and eventually severing their heads from their bodies.

Why this attack? They had done nothing wrong. They were simply teenage girls walking to school.

As this horrible tragedy affirms, the Indonesian government must crack down strongly and firmly on these barbaric extremists in Indonesia. Otherwise, these terrifying events will continue.

Photos are too graphic to show, but they show a young girl wearing a Princess Diaries t-shirt who will never again have the chance to dream like many little girls do of being a princess. Extremists have robbed her of her dream.

I urge the Indonesian government to spare no resource in rooting out these extremist perpetrators and other human rights violators from Indonesian society.

BUDGET CUTS IMPACT LATINO EDUCATION

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, I rise today in opposition to the Republican proposal to cut $14 billion from Federal student aid programs. Education is the key to opportunity for all who live in America. This is particularly true for Latino students.

Latino students currently represent 44 percent, or 2.7 million, of California's students enrolled in elementary and secondary schools. Yet more than 61 percent do not graduate and only 39 percent of those Latino students in LA receive a high school diploma.

Latinos only represent 12 percent of all undergraduates who attend colleges and universities. For many low-income working-class students, financial barriers are the determining factor in whether or not they go to college.

Instead of helping to allow our students to achieve greater access to higher education, the college gap is widening. Republicans propose a budget that will make the largest cut to student aid programs in history and will force the typical student borrower to pay an additional $5,800 for his or her college student loans. I urge my colleagues to vote against these cuts and instead make sure every student in the country has access to affordable college opportunities.

EMINENT DOMAIN

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute.)

Mr. DOOLITTLE. Mr. Speaker, everyone remembers the schoolyard bully who pushed the smaller kids around and took their lunch money just because he was bigger and stronger. Bullying wasn't okay in elementary school and it isn't okay now, especially when it comes in the form of a U.S. Supreme Court decision.

In Kelo v. City of New London, the Supreme Court empowered the government to seize private property, including someone's own home or place of worship, and transfer it to another private owner as long as the transfer would provide an economic benefit to the community. Simply put, the Supreme Court has given government the broad power to seize private property for any use, so long as it generates tax revenue.

Tomorrow, the House will take up H.R. 4128, the Private Property Rights Protection Act, in an attempt to prevent the abuses the Court has allowed by its decision in the Kelo case. The bill prohibits States and localities from receiving any Federal economic development funds if these entities abuse their power of eminent domain.

This action is an appropriate use of Congress' spending power and will prevent homeowners, churches, and small businesses from being forced to give up their private property simply because it is not generating the maximum possible tax revenue.

□ 1415

BLAMING WRONG PEOPLE FOR EMINENT DOMAIN DECISION

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANK of Massachusetts. Mr. Speaker, I agree with the previous speaker and many of the other Republican speakers that the recent decision allowing eminent domain for private economic gain was a bad one. But my colleagues on the other side of the aisle are blaming some of the wrong people.

The Supreme Court was not the author of this policy. What the United States Supreme Court did in the Kelo case was to allow elected officials at the State and local level to go forward with what they wanted. In other words, the complaint of my Republican colleagues about the Supreme Court in this case is, where was judicial activism when we needed it?

They are denouncing the Supreme Court because it did not overturn the decision of locally elected officials. I happen to agree in this specific case. But try to square that with their rhetoric in which they are talking about activist judges and unelected officials.

What they are implicitly acknowledging here is that there are times when they very much want unelected and lifetime-appointed judges to overturn what local officials did, because the case here of eminent domain is a case not of the Supreme Court taking anything aggressive. As I said before, the Supreme Court does not use eminent domain. That building across the street has not gotten one inch bigger since I got here. What the Supreme Court did was to allow the local officials' decision to stand. That is the kind of lack of activism that my Republican colleagues deplore.

REPUBLICAN POLICIES PROVIDE ECONOMIC SUCCESS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in October, our office attended numerous ribbon-cutting ceremonies at new businesses in the second district of South Carolina. These exciting events demonstrate economic growth in our community.

President Bush and House Republicans are dedicated to decreasing taxes and eliminating government regulations, and we continue to witness positive results from these economic policies. Last Friday, the Commerce Department reported that the economy grew 3.8 percent in the third quarter, exceeding analysts' expectations. Americans entrepreneurs have created more than 4.2 million new jobs over the last 28 months. Homeownership is the highest level in history. Today's unemployment rate is 5.1 percent, which is lower than the average rate of the last 3 decades.

As American families continue to profit from the Bush tax cuts, I am confident the economy will grow larger and new small businesses will continue to pop up in communities throughout our country.

In conclusion, God bless our troops, and we will never forget September 11.

NEED FOR INTELLIGENCE ANSWERS IN LIGHT OF LAST WEEK'S INDICTMENT

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, the American people deserve to know if the Bush administration hyped faulty intelligence to win approval to go to war in Iraq. This Republican-led House refuses to even explore these issues. At least the Senate conducted an investigation last year. It concluded the intelligence was suspicious and outdated. The second part of that investigation was supposed to examine why this faulty intelligence was presented to the world as a slam-dunk.

It has now been exactly 1 year since the investigation was scheduled to begin, and the Senate Republicans have refused to move forward. What are they afraid of?

Fed up with Republican stall tactics, the Senate minority leader, HARRY REID, moved for the Senate to go into a rare closed-door session to demand the investigation proceed. Thanks to Nevada's Senator HARRY REID, the Senate Republicans were shamed into restarting this investigation. Let us hope it now moves forward so the American people can finally determine if the Bush administration knowingly misled this country into war.

Mr. Speaker, the indictment of Scooter Libby shows that the Bush administration was willing to go to any length possible to silence its critics and cover up the intelligence that contradicted its claims for the war in Iraq.

CHECK ON SUPREME COURT DECISION

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, Thomas Jefferson said that "the true foundation of republican government is the equal right of every citizen in his person and property," and the fifth amendment to the Constitution states "nor shall private property be taken for public use without just compensation."

Thanks to a recent Supreme Court ruling on eminent domain, the fifth amendment has been vastly expanded so that it now means "for the bottom line." Public use has been redefined to say simply that tax revenues are more important than neighborhoods.

The Founding Fathers did not mean "public use" to be defined as potential future economic development to increase tax revenues. Private property rights of our citizens are now competing with tax revenue and private developments. The Constitution is meant to protect the rights of our citizens, not compete with the bottom line, and certainly not to provide the government with an excuse to seize our property.

Our system only works with appropriate checks and balances, and this week Congress should exercise its check on a wayward Supreme Court decision and pass legislation that will demonstrate that increasing tax revenues should not trample the rights of private property owners.

THE VOLCKER COMMITTEE REPORT

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the recent release of a report from the Independent Inquiry Committee into the U.N. Oil-for-Food Program, also known as the Volcker Committee, has once again brought the issue of U.N. mismanagement to the forefront.

According to the Volcker Committee, $1.8 billion in kickbacks and elicit surcharges were paid to Saddam Hussein's government by nearly 2,200 different companies in widespread abuse of the Oil-for-Food Program. As we can see, the Oil-for-Food Program lacked proper accountability and oversight, and thus caused massive fraud and abuse.

Unfortunately, this lack of accountability and oversight is nothing new at the United Nations. As the largest U.N. donor, the U.S. has the responsibility to ensure that the dollars of the American taxpayers are not being wasted. Until such accounting reforms are made, no United States money should be sent to the U.N. Only after such reforms are enacted will the United Nations begin its return to relevancy.

PUSHING FOR SAFER CYCLING CONDITIONS IN MEMORY OF JEANNE MENARD

(Mr. INGLIS of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INGLIS of South Carolina. Mr. Speaker, the bicycling community in Greenville, South Carolina, and my own office had a tragic loss this week. Jeanne Menard was a bicyclist and an enthusiast in Greenville who was struck and killed by a car. Maybe it was the fact that the sun was low in the sky, maybe it was a dirty windshield, maybe it was inattention, maybe it was all of those things. In any event, somebody who had given her time very recently to distributing helmets to school children in one of our parks was killed in our town.

As a society, we want to promote a healthier lifestyle. We want people to ride bikes in order to relieve congestion on our streets, in order to make them healthier and just to have some fun.

The problem is that we are not all attentive to those bikes. In South Carolina, there were 21 bicyclists killed in 2004; so far this year, 10. Nationwide, 600 bicyclists have been killed yearly in crashes with automobiles.

I applaud groups like the League of American Bicyclists, the Palmetto Cycling Coalition, the Spartanburg Freewheelers and the Greenville Spinners, of which Jeanne Menard was a part, in their efforts to promote bike safety; and I hope that all of us will take the opportunity to spread the word in our own districts.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PUTNAM). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

ONLINE FREEDOM OF SPEECH ACT

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1606) to amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from the definition of public communication.

The Clerk read as follows:

H.R. 1606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Online Freedom of Speech Act".

SEC. 2. MODIFICATION OF DEFINITION OF PUBLIC COMMUNICATION.

Paragraph (22) of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(22)) is amended by adding at the end the following new sentence: "Such term shall not include communications over the Internet.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 20 minutes.

Mr. MEEHAN. Mr. Speaker, I seek to manage the time allocated for the opposition to the motion.

The SPEAKER pro tempore. Does the gentlewoman from California support the motion offered by the gentlewoman from Michigan?

Ms. ZOE LOFGREN of California. I do.

The SPEAKER pro tempore. The gentleman from Massachusetts will control the 20 minutes reserved for the opposition.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1606.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the advent of the Internet Age has brought about a host of new ways for citizens to participate in the political arena. Web sites, e-mail, and blogging have provided new avenues for political activists to reach out to potential voters, to raise issue awareness, to solicit contributions, and to mobilize the get-out-the-vote efforts.

The Internet has also generated a more widespread flow of news information through not only mainstream media sources but also independent Web sites and blogs. Most importantly, it has created a completely new opportunity for all citizens to exercise their right to free speech by opining on the most important issues of the day as they see them, as the citizens see them.

Unfortunately, Mr. Speaker, all of this activity is actually under attack today. When Congress passed the Bipartisan Campaign Finance Reform Act in 2002, the law apparently was unclear on what impact it would have on political speech on the Internet. The Federal Election Commission interpreted the law to say that Congress did not intend to regulate the Internet when it passed BCRA. The bill's sponsors disagreed, and they sued the FEC in the courts.

A recent appellate court decision will force the FEC to implement a rule that would cover Internet communications. If the Congress does not act now and make it clear that it does not want the Internet to be regulated, the FEC will adopt a new rule to regulate the Internet; and by passing H.R. 1606, also known as the Online Freedom of Speech Act, Congress can prevent this from happening.

H.R. 1606, introduced by the gentleman from Texas (Mr. HENSARLING), amends the Federal Election Campaign Act of 1971 to exclude Internet communications from the definition of "public communication," thus exempting Web sites, blogs, and online advertisements from Federal Elections Commission, FEC, regulation.

This bill has very, very strong bipartisan support. In testimony before the FEC and before the Committee on House Administration, both liberal and conservative bloggers expressed their support for this exemption. Senate minority leader REID has introduced a companion bill in the U.S. Senate and written to the FEC to express his belief that the Internet should not be regulated.

The regulations proposed by the FEC could limit the ability of online activists to talk to campaigns, to give discounts on advertisements, to spend money maintaining their site, to link to candidates' sites, to advocate the election of a candidate, or to send political e-mails.

The FEC would potentially grant some bloggers and online publications what is known as the "media exemption," which would allow these bloggers to operate free of FEC regulation like any standard newspaper or news program. However, the rules were very unclear about how the FEC would determine who qualified for the exemption. Potentially, the FEC's rulings could become content-based restrictions on speech and on free speech.

As we consider this legislation, Mr. Speaker, we must remember that the Internet is not like traditional forms of media. Unlike television and radio, activists do not require large sums of money to post their message on the Internet. Also, the number of people reached and the success of communication are not directly linked to the amount of money that is spent.

In addition, the Internet is not an invasive medium. In other words, the recipients of communication are exposed to the communication only after they take deliberate and affirmative steps to find a particular Web site. Further, the Internet has generated a surge in grassroots involvement in the political process.

Mr. Speaker, historically, Congress has regulated political speech only where it has the potential to cause corruption or the appearance of corruption. There has been no demonstration that the growth of the Internet has had a corrupting influence on politics. There is, however, ample evidence that the Internet has had a positive effect on our political system by encouraging young people, a whole new generation of people, to get involved in our political process.

□ 1430

Any Internet regulations would be complicated and difficult for a lay person to understand. Bloggers and other online activists should not have to worry about accidentally running afoul of campaign finance laws when they are expressing their own opinions on the Internet.

Regulatory proponents claim regulations are necessary to reduce the influence of wealthy interests. In fact, Mr. Speaker, these complex regulations, if enacted, would actually increase the influence of big money and politics, because then only the wealthy could afford to hire election attorneys to be certain that they were abiding by these very complicated regulations.

The Committee on House Administration, under Chairman NEY's leadership, had a hearing on this topic back last September; and, at that hearing, several Members of Congress and of the committee, including myself, actually suggested that the Congress needed to step into this process to clarify Congress' intent on this issue instead of leaving it up to Federal agencies and the court system.

Congress began this discussion by passing BCRA. By debating and voting on this bill today, the House will clarify once and for all its intent on this issue.

Mr. Speaker, I reserve the balance of my time.

Mr. MEEHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to House bill 1606. This legislation, under the guise of protecting bloggers, actually undercuts the progress made by the Bipartisan Campaign Reform Act and reopens the floodgates of corrupting soft money in Federal elections.

I also rise in opposition to this legislation being considered on the suspension calendar when it is so clearly a controversial matter on which there has never been a committee markup for members to offer amendments and, under the rules, we cannot offer amendments here today.

The debate today is about what is the best way to approach coordinated expenditures that are campaign-related on the Internet. We all understand that the Internet is a wonderful tool for political activity. Its accessibility and generally low cost are invigorating to the body politic. I belong to moveon.org. I read my e-mails every time they are up. But, by the same token, its increased usage by candidates and parties and the increased resources being put into this technology for campaign advertising suggest that we need to be cautious about attempts to exempt all Internet activity from Federal campaign finance laws.

Let me say a couple of words about bloggers, because bloggers have generated and received a lot of attention here. No one wants to regulate bloggers, not the campaign finance reformers, not the Democrats, not the Republicans, not the Federal Election Commission. That is clear. The question is whether to exempt individual speech, as I have proposed, or create blanket exemptions for entities as varied as labor unions and major corporations who make soft money contributions at the behest of candidates, on behalf of candidates, and at the direction of candidates.

That is why The New York Times editorialized yesterday in opposition to H.R. 1606, and they argued that the bill uses freedom of speech as a fig leaf.

The issue here is not individual speech. The issue is corrupting soft money. The primary constitutional basis for campaign finance regulation is preventing corruption or the appearance of corruption of candidates or officeholders. Creating a new way for Members of Congress or the Cabinet to solicit and then coordinate or control unlimited amounts of soft money is precisely the scenario campaign finance reform banned.

We are talking about legislators. For example, let us say we had a prescription drug bill that was written by the pharmaceutical industry. This Congress could pass that bill in the middle of the night, and then Members of Congress who passed the bill could actually ask those same pharmaceutical interests to write six-figure checks for campaign ads for them to appear on the Internet.

But let me give another example. What could happen is you could have an energy bill, provisions of which were written by the oil and gas industry. Let us say a company like Exxon, as a result of it, had the highest profits they have ever had, record profits because of gasoline prices going out of control. The same people who advocated for that energy bill that Exxon supported could go to Exxon and say, could you use some of those profits to support my campaign with a massive online campaign ad buy.

This is no minor affair. This is a major unraveling of the law.

As Senators MCCAIN and FEINGOLD have made clear, this is not free speech, this is paid speech, politically paid for with unlimited corporate and union contributions.

It is important to note that the bill under consideration today uses the exact same language that the FEC tried and that a Federal court struck down. The judge in that case, Colleen Kollar-Kottelly, wrote that the provisions would "permit rampant circumvention of the campaign finance laws and foster corruption." She went on to say that the provision would "severely undermine" the campaign finance law. Her rulings have gone before the D.C. Court of Appeals twice, and they have been upheld.

Just days ago, a CNN poll found that the American people believe that corruption in government is the second most important issue facing this Nation after the economy. The American people are tired of the scandals.

We are considering today a bill that flies in the face of public concerns about corruption and is likely to create new corruption and new scandals. The bill that we are considering will also allow political parties to use soft money to pay for Internet ads bashing candidates.

Experience teaches us that professionals who are political will find ways to exploit any perceived loopholes. For example, the national party soft-money loophole started as a minor blip in the 1980s and exploded into a half a billion-dollar binge by the 2000 cycle. Corporations and billionaires will be enabled to pay for Internet-related expenses of requesting candidates or requesting parties, and the public will not have a clue where this money comes from, because virtually all they will see is the Internet advertising designed and created by candidates.

That is one of the reasons why this bill is opposed by Common Cause, opposed by Public Citizen, opposed by U.S. PIRG, opposed by Democracy 21, and opposed by the League of Women Voters. That is why The Washington Post editorialized this week that this would be carving a huge cyber-loophole in the soft money ban. That is why The New York Times said yesterday, "make no mistake about it. This bill is to protect political bagmen, not bloggers."

In protecting bloggers, we need to approach this the right way, and this bill is the wrong way.

I have introduced a bill with the gentleman from Connecticut (Mr. SHAYS) called the Internet Anti-Corruption and Free Speech Protection Act of 2005. Under this legislation, communications over the Internet by individuals on their own Web sites would be treated the same as they are in H.R. 1606. But our substitute, which we cannot allow today, we are not allowed to present, would not blow open the same gaping loophole for paid advertising.

Unfortunately, because the leadership has chosen to bring this up under a suspension of the rules, we are unable to offer our substitute. The suspension calendar is for naming post offices and other noncontroversial matters. It is not a place to create new loopholes in the campaign finance laws. Limiting the democratic process and stifling the debate is an unacceptable way to undertake such an important matter of public policy. It is wrong to do so. It is unfair. It is an abuse of power.

So why are we rushing through this suspension? I urge my colleagues to oppose this suspension so that we might be able to have a full debate, including consideration of the Shays-Meehan alternative bill to protect bloggers, without creating new avenues for corruption.

Mr. Speaker, I reserve the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself 15 seconds to respond to my distinguished colleague from Massachusetts who referenced three editorial boards.

I think it is important to note that these editorial boards are nothing more than paid scribes. They literally make their living by using the first amendment. But everyone knows that the Internet has negatively affected the cash flow of the institutional print media. It is the height of hypocrisy for the print media to use their right to free speech to opine against their competition on the Internet.

Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I rise in strong support of H.R. 1606, the Online Freedom of Speech Act.

My bill is a simple one. It is only one sentence long. It achieves one goal, but that goal is a worthy one: the protection of free speech on the Internet.

Without this legislation, I fear that the cold, callous, and clumsy hand of Federal regulation may stifle political speech in cyberspace. Recently, we know the Federal judiciary ruled that, absent our congressional action, the FEC must regulate this form of speech, even though the FEC clearly does not want to. The newest battlefield in the fight to protect the first amendment is the Internet. Today, the Internet is free from FEC regulation. Clearly, it should remain that way.

The Internet is a marketplace of ideas that welcomes all participants on equal footing. It is extremely cheap. In fact, if one has access to the Internet at home or a public library, it can be free, absolutely free. A Web site's success is driven by the quality of its content, not the quantity of funds that are poured into it. It is one of the most democratic forms of speech that we know today, and it is an outstanding opportunity for all individuals across our Nation to participate in our democratic process and impact public policy.

The Internet, Mr. Speaker, is the new town square; and campaign finance regulations are not appropriate there. Not only would such regulation be a nightmare to administer and enforce, it would place complex responsibility on ordinary citizens that would functionally restrict their political free speech and violate their first amendment rights. Today, thousands and thousands of Americans run blogs that are focused on politics, and millions of viewers visit their favorite bloggers' Web sites for commentary often not found in the mainstream media.

Without H.R. 1606, I fear that bloggers one day could be fined for improperly linking to a campaign Web site, or merely forwarding a candidate's press release to an e-mail list, and the list goes on. If bloggers are compelled to hire lawyers to navigate this complex, gray, murky world of Federal regulation, many will simply cease to operate. That would only leave the wealthier participants in this blogosphere and undermine public access to information and the chance for smaller groups to participate in our democracy in this fashion.

Those opposing the bill claim that some day, somehow, somewhere, there may be corruption. Yet the FEC itself could not see the threat of corruption that is present in a "medium that allows almost limitless, inexpensive communication across the broadest cross-section of the American population." Let those who cry corruption cite examples and carry the burden in this debate to abridge the first amendment rights of our citizens. Mr. Speaker, it is a heavy burden to carry.

In 2002, before I came to this body, Congress passed a sweeping new campaign finance law; and, in a rare moment of restraint, nowhere in the new law did Congress impose restrictions on the Internet. Consequently, the FEC, the entity solely devoted to regulating campaign activity, left that promising new technology alone.

Under the new law, public communications were clearly defined; and, just as clearly, the Internet does not appear on this list. Mr. Speaker, I am quite certain that Congress was aware of the Internet's existence 3 years ago. Indeed, it is mentioned in other parts of the legislation.

So, logically, the FEC declined to regulate public communications online, equating the give and take on the Internet to candidate forums and rallies and debates that are open to the public. Just like on the street corner, people can talk back to a blog by writing their own posts or establishing their own sites. How do you talk back to a radio ad except with another radio ad that costs perhaps tens of thousands of dollars to run? This is very different. Web sites and messages are very effective, very democratic, and very affordable tools, a different means of communication.

Despite congressional silence on this matter, in 2004, a Federal court instructed the FEC to regulate Internet communications, and that process is under way. Because the vast majority of Web sites are independently and inexpensively operated, regulatory burdens are going to limit the Internet's usefulness as a political forum.

I am gratified to see the thoughtful and energetic response of the blogosphere to these proposed rules. It is just this type of free exchange of opinions that we are trying to protect today. The bottom line is that campaign finance laws must enhance, not hinder electoral participation; and I should note that campaign blogs and all official campaign activities will still be regulated by the FEC after the passage of this legislation.

I am proud that my democratic colleague, the gentleman from Michigan, the ranking member of the House Judiciary Committee, has cosponsored this bill, signifying that this is truly a bipartisan effort. In the other body, the distinguished Senate minority leader has partnered with my friend, Senator COBURN, to defend American freedom of speech online by introducing this identical language in the other body.

Over 200 years ago, in this House of Representatives, James Madison stated, "The people shall not be deprived or abridged of their right to speak, to write, or to publish their sentiments." Today, Congress finds itself debating the very same rights under far more modern realities.

□ 1445

New regulations are not the answer each time a new technology emerges. The bipartisan Online Freedom of Speech Act protects the first amendment rights of Internet users and prevents the FEC from making needless and arbitrary distinctions.

When the choice is between more regulation and more freedom, we should always err on the side of freedom.

Mr. MEEHAN. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Massachusetts (Mr. FRANK), who knows and understands the rules and procedures of this institution as well as anyone who has ever served here.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MEEHAN) for yielding me the time.

Mr. Speaker, I have to comment on the irony that we have people here defending vigorous open debate and free speech by invoking one of the most restrictive procedures of the House of Representatives. Apparently, people here believe that James Madison thought that there should be free debate except in the Congress of the United States.

Under the procedure, and people should understand who will be monitoring this debate, for many of us the key issue is not the substance. Yes, I thing we ought to legislate. It is the outrageous high-handed arrogance we have seen now become, unfortunately, second nature to the majority, that brings an important bill invoking constitutional principles and history and modern technology, and how you integrate those, and the question of campaign finance, into the most restrictive procedure.

We have 40 minutes to debate this. No amendments are possible. Apparently this is the perfect bill. This must have sprung like Minerva from the forehead of Zeus in perfect form, and here it is. God forbid that the United States Congress or House of Representatives should be able to amend it or change it.

It will be here. Take it or leave it. And of course the assumption is that people who agree that we should not be restricting the free use of the Internet will be so intimidated by the fear that if they voted "no" they will be criticized that they will fall in line.

No, I do not think that works any more. I think the American public is smart enough to know that the end does not always justify the means and that the irony of purporting to defend free speech by shutting it down in the Congress of the United States is too bizarre.

You want to know how restrictive this is? This procedure allows a total of 40 minutes for debate. Is 40 minutes a lot of time? This Republican majority has regularly kept roll calls open after debates have finished for longer than we get to debate this bill. They will spend way more than 40 minutes twisting each other's arms in private, rather than allow us to have the debate time.

What, are we overworked? We are hardly as a Congress overworked. We would have plenty of time to debate it. Whatever happened to the notion that a bill comes out of committee, and I am a ranking member of a committee. I would not allow for my committee, if I could help it, a bill to come to the floor where there was substantial opposition under suspension of the rules.

This has nothing to do with the substance. There are issues to be debated here. Forty minutes and no debate. The rules are suspended because free speech is so important to these supporters that free speech must be sacrificed as we get it. They are going to destroy the village in order to save it. If someone would explain to me, I would yield my time, why we could not have this as a regular bill under regular procedure.

Is there some reason unbeknownst to me that kept us from having this as a bill that came to the floor, that people can go to the Rules Committee and we could have amendments and we could debate it for more than 20 minutes on each side. I would be glad to yield to any advocate of free speech who can tell me why it has become inapplicable in this bill.

Well, I have no takers. Apparently, all we get in defense of this is free silence. And I will commend my colleagues for having the good sense not to try to defend their procedure.

Mr. DOOLITTLE. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. DOOLITTLE. Mr. Speaker, as I recall, it was the gentlewoman from California (Ms. ZOE LOFGREN) who thought this would be an appropriate procedure to bring it to the floor on suspension. So there was no abuse of power. This is strongly supported by both parties. I anticipate it will pass today. Otherwise, we will take a rule, and we will do it the regular way.

Mr. FRANK of Massachusetts. Mr. Speaker, reclaiming my time, let us do that. Let us defeat this now and send it to a rule. The gentleman from California's (Mr. DOOLITTLE) idea of a substantive defense is maybe a tribute to the gallantry that he continues to exemplify long after it may have gone out of fashion. He says the reason this is a good idea is that the gentlewoman from California (Ms. ZOE LOFGREN) said so.

I highly esteem my colleague from California with whom I disagree in this case. But the notion that her imprimatur is in itself a substantive defense of failing to follow the regular procedure does not meet the argument.

Ms. ZOE LOFGREN of California. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from California.

Ms. ZOE LOFGREN of California. Mr. Speaker, I did opine at the hearings, since there was complete agreement among all of the Members present, that we did not want to regulate the Internet, that we might be able to take care of this on the suspension calendar.

And I never have felt so powerful in the minority as I do today.

Mr. FRANK of Massachusetts. Mr. Speaker, reclaiming my time, you said all of the Members there present. How many were there?

Ms. ZOE LOFGREN of California. Mr. Speaker, I was the only Democrat present.

Mr. FRANK of Massachusetts. Mr. Speaker, how many Republicans?

Ms. ZOE LOFGREN of California. Mr. Speaker, I do not remember.

Mr. FRANK of Massachusetts. Mr. Speaker, so apparently four or five Members have been able to do this. I will repeat that we have heard no substantive defense of why this came.

I would agree with what the gentlewoman from California (Ms. ZOE LOFGREN) said, sometimes you do not know something is controversial; but once you learn that it is, then you have the regular procedure.

Mr. BASS. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New Hampshire.

Mr. BASS. Mr. Speaker, I am planning to speak in opposition to the bill, but I thought that I heard the gentleman say a minute ago that he planned to oppose it. Is that correct?

Mr. FRANK of Massachusetts. Mr. Speaker, reclaiming my time, do I oppose it? Yes, I oppose it. Under this procedure I will oppose it. I will not support the diminution, the continued reduction of democracy in the House.

And I think, yes, there could be a lot of free speech, but not by shutting it down in the House. I will say again, nobody can give us a substantive justification of why this is being done this way. Look, this involves the Constitution. It involves the complex issues of campaign finance regulation. It involves how you take technology and how you adapt basic constitutional principles to it, and that is to be debated by 20 minutes on each side, and that is to be preformed with no amendments.

Mr. Speaker, it is a joke. It is self-parody. Let us all defend free speech by not having any. I hope that this is voted down and that we then can have an appropriate debate under the rules of the House with amendments and with full discussion.

Mr. MEEHAN. Mr. Speaker, I reserve the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself 15 seconds to respond to the gentleman.

Mr. Speaker, we are actually being accused of abuse of power, as I understand it, for bringing up the Senate minority leader's companion bill.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentlewoman yield?

Mrs. MILLER of Michigan. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, again, invoking one other individual does not pass for substantive debate. I am surprised. Do you not understand what real argument is?

Mrs. MILLER of Michigan. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. ZOE LOFGREN), who is a distinguished member of the House Administration Committee that did ask for us to bring this up under suspension.

Ms. ZOE LOFGREN of California. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I understand the procedural objections to this, and certainly when I made the suggestion during our hearing that we could probably handle this on the suspension, I believed that was the case. Obviously, there is more controversy than I had believed at the time.

But I still believe that this bill is very much worth supporting, and I do support this bill. If I believed what the New York Times and the Washington Post said, I would indeed be concerned. I was a strong supporter of the bipartisan Campaign Reform Act of 2002. I signed the discharge petition.

I voted for it. I am glad it passed. I would note, however, that what the bill before us does today is really a lot more modest than the rhetoric would lead one to believe. It does not repeal section 441(b) of the act that prohibits contributions or expenditures by national banks, corporations, or labor organizations. And all of the hoo-rah-rah about soft money and corporate money, I am sure it is sincere, is simply, as a matter of law, incorrect.

What this bill would do would be to allow communications on the Internet to avoid the heavy hand of regulation. And I do believe that is important. Today, if a local candidate has a Web page and they decide to say something very positive about the election of their party's candidate for President, they have a problem under the FEC rule.

And if my Web site, Lofgren for Congress, links to Feinstein for Senate, I probably am violating the rules. And there is no need for that. We do not want the heavy regulatory load on the Internet, nor do we need to do it.

Under current law, unless we pass this exemption, Daily Kos, which if they call me for a comment on a candidate and it was run on their daily Web site within the specified time, we might have an actual problem here unless they are entitled to the press exemption. It is not clear that they are.

Mr. Speaker, I think it is very important since the court was not sure what our intention was when we passed BCRA that we should make it clear that the Internet is not part of the public communications covered by the act.

I do believe that in coming from Silicon Valley, especially so, that the ability to use the new technology to promote the viewpoint of individuals is essential to the growth of democracy. We have seen ever-increasing numbers of people participate in elections.

I think part of the reason for that is the ability to use the Internet to communicate. We are concerned, and rightly so, about the cost of TV. It costs a huge amount of money to run TV ads. Well, the cost to send an e-mail is almost nothing. So the use of the Internet is a great democratizer; that is little "d," not big. We need to make sure that communications using the Internet are protected.

Mr. Speaker, it is worth noting that what this bill will do would be to protect the technology, to protect the Internet itself. It would not reduce in any way the prohibitions found in 441(b) any more than a corporation could use its funds to buy lawn signs or political signs; they could not pay for ads either.

And so I do think that it is worth noting that for the record I would just like to say that in this case the bloggers have got it right. This bill will keep the FEC out of the business of regulating political speech on the Internet.

Mr. MEEHAN. Mr. Speaker, I yield myself 35 seconds.

Mr. Speaker, I am a friend of the Internet. In fact, I sponsored legislation that would exempt bloggers from FEC legislation.

But the issue is how we draw the lines to balance. We do not exempt the Internet from laws controlling child pornography; we do not allow child pornography on the Internet. We do not exempt the Internet from consumer safety laws. We do not exempt the Internet from intellectual property or copyright laws. We do not because we think those laws are important.

We wrestle with the details of unavoidable and unintended consequences. Why do we do the hard work of wading through the details? Because why would we do anything else? Why should we disregard the integrity of the political process?

Mr. Speaker, I yield 1½ minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise to oppose H.R. 1606, the soft money loophole ban. Three years ago, Congress spoke: corrupting soft money should not be part of the Federal election process. When President Bush signed the Bipartisan Campaign Finance Reform Act, he made unlimited Federal soft money donations illegal.

Democracy was enhanced. Today, however, the House is debating an attempt to make soft money legal again. H.R. 1606 would allow corporations, labor unions, and wealthy financiers to make unlimited soft money donations for campaign ads on the Internet coordinated by candidates.

Bloggers should be free to write whatever they want about candidates for office. But if this bill passes, the public will have no idea whether or not Internet campaign ads are being financed by secret soft money.

Why is this bill on the suspension calendar? Americans are frustrated by the majority's corrupt habits of ramming through legislation in the middle of the night without an opportunity to read or amend proposed legislation.

Today, the majority is pushing through a bill that would enable monied interests to regain undue influence on Federal elections. The bill should be considered through regular order with consideration of amendments.

Mr. Speaker, the better way is the bill that the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) have proposed.

Mr. Speaker, that should be an amendment to this bill on the floor. It cannot be under this procedure. This bill should be defeated.

Mrs. MILLER of Michigan. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I know the theme of the minority is the Republicans abuse power and they are corrupt; but I think this example is absolutely ludicrous, given that it was recommended by a prominent Democrat member of the House Administration Committee who happens to support the legislation.

And she prudently recommended it because at the time it seemed like it was a relatively noncontroversial idea, supported by most of us. I would venture to guess that the outcome will be just as she assumed, that it will pass by the two-thirds vote required.

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I just cannot sit here and listen to this recitation when it is so unfair, given the facts of this particular case.

Mr. Speaker, the Constitution is clear. "Congress shall make no law abridging the freedom of speech." Unfortunately, the U.S. Supreme Court ruled to the contrary that, in this instance, in political speech Congress may abridge the freedom of speech and it may do so under the guise of preventing corruption or the appearance thereof in campaign activities. I disagree with that decision, but the Supreme Court has spoken for now, so we must live with it.

I am grateful to my colleagues on the other side of the aisle who at least feel, as concerns the Internet, that there are compelling policy reasons why that should not be subject to this kind of regulation. Heaven help the average American if they fall under a regulation similar to what any candidate must now undergo for Federal office because that would basically mean that you would have to check with your accountant and check with your attorney before you engage in the Internet communication that might at all be perhaps close to whatever the line would be. In other words, it would have a chilling impact on people's exercise of what we believe should be their free speech rights.

This rise of the Internet is one of the greatest democratic, with a small d, trends the world has ever known. Anybody with access to a computer can communicate throughout the world his or her views. Why would we seek to regulate such an activity and to place this chilling impact out there?

I commend, by the way, the FEC. They correctly decided not to regulate the Internet. Unfortunately, the big government campaign reformers found that intolerable, filed suit in Federal court and were vindicated with the judge ruling that, indeed, the law required the FEC to regulate. In the absence of our passing this kind of legislation, the Internet will be regulated.

Mr. Speaker, we must put an end to this now before it spreads out of control. Please vote yes for the Hensarling bill. I am so grateful the gentleman introduced it, and I commend him for it. Please support freedom of speech. The Online Freedom of Speech Act is what this legislation is called.

Now is the time to draw a clean, clear, bright line and say if you are engaging in speech over the Internet you do not have to check with your lawyer or your accountant. You are a free American, and you have the opportunity to engage in free speech over the Internet. Vote yes.

Mr. MEEHAN. Mr. Speaker, I yield myself 10 seconds.

I can appreciate the gentleman from California's consistency. He was opposed to campaign finance reform. On the floor, he said he was opposed to any limit. He would just as soon have no limits at all on any campaign finance. He thinks corporations should give.

Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, I thank the gentleman from Massachusetts for yielding.

I rise in opposition to the bill. We passed a bipartisan campaign finance reform act 3 or 4 years ago to close huge loopholes in campaign spending, including the soft money loophole. Now the Internet is becoming an increasingly important medium for campaign spending and advocacy. According to some surveys, 37 percent of the adult population and 61 percent of Americans use the Internet to determine how they would vote in an election.

Now I do agree with my friends on the other side of the aisle that, had this bill gone through the regular order, we probably could have worked out some compromises that would have protected the rights of individuals and bloggers and so forth, but we do not have that ability at this point, so it is either an up or down vote on a complete exemption.

In the absence of this compromise, we have to depend on the FEC for regulation. Because if we do not and if this bill passes, we will in effect have an exemption to BCRA that will allow for unlimited advertising and advocacy over the Internet.

I do not believe that bloggers or individuals will ever be fined by the Federal Election Commission. I urge my colleagues to vote against this bill when it comes up later today.

Mrs. MILLER of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. MEEHAN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT), a strong supporter of campaign finance reform.

Mr. HOLT. Mr. Speaker, I rise today to oppose H.R. 1606 and ask us to come back with a procedure that will permit the Shays-Meehan alternative.

This bill opens a huge loophole in the campaign finance laws. The gentleman from Massachusetts (Mr. MEEHAN) and others have been bulldogs in moving us toward a more perfect democratic union by keeping government of and by the people, not of and by some of the people and by special interests; and this act would not add protections of freedom of speech on the blogosphere as it is purported to do. Rather, it would bring large amounts of money back into deciding who can buy the largest microphone in a Federal campaign.

It will smother, not enhance, the voices of true grassroots movements. This would compromise not only the blogs it purports to help, it runs a great risk of harming the political procedure. There are too many questions raised by this. The procedure circumvents open debate.

All of us believe that bloggers should not be subjected to censorship. I myself am an occasional guest blogger on political Web sites. Bloggers, like traditional journalists, should be able to communicate with their audience without any fear of violating FEC regulations. However, this legislation is not ready for prime time.

I urge my colleagues to oppose it and come back with a procedure that will permit the Shays-Meehan alternative.

Mrs. MILLER of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. MEEHAN. Mr. Speaker, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE), who has been a courageous hero in the fight for campaign finance reform.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in strong opposition to H.R. 1606, the Online Freedom of Information Act. This controversial bill purports to protect the freedom of speech of Internet bloggers but instead creates a major Internet loophole for soft money in our Federal campaign finance laws. These are exactly the soft money expenditures the Bipartisan Campaign Reform Act of 1992, BCRA, sought to prohibit.

Internet advertising should be no exception and ought to conform to the same rules as those governing other media. H.R. 1606 is the wrong way to address the issue of bloggers and will only lead to new corrupting soft money scandals and campaigns. The Internet has increasingly and rightly been used as a powerful political tool in recent elections, but it is negligent that we would permit it to be a safe haven from our campaign finance laws.

Under H.R. 1606, House members and other federal candidates would be permitted to control the spending of soft money—provided by corporations, labor unions and wealthy individuals—to buy Internet advertisements to support their campaigns. State political parties would also be allowed to spend soft money on Internet advertising to attack and promote federal candidates. And, these contributions would never be disclosed in campaign finance records.

If the Congress is really concerned with protecting Internet bloggers, I urge consideration of legislation introduced yesterday by my colleagues Representatives SHAYS and MEEHAN, which reaffirms that bloggers communicating on their websites are not covered by campaign finance laws without allowing Members of Congress and other federal candidates to use corrupting soft money to support their campaigns.

I urge my colleagues on both sides of the aisle to vote no on the Online Freedom of Speech Act.

Mrs. MILLER of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. MEEHAN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in this time when a cloud of scandal hangs over Washington, when the Chief of Staff to the Vice President of the United States has been indicted for perjury, making false statements, when a top White House official is led away in handcuffs, indicted on charges of making false statements related to an investigation of his dealing with lobbyists, at a time when a top Republican lobbyist and fundraiser has been indicted for fraud, when that investigation is the subject of a Department of Justice investigation, and today over in the other body there is a hearing going on looking into possible other misdealings, at a time when the American people have indicated that they are fed up with scandals, how can this House support a bill that would open up new avenues for corruption to enter the political process?

The courts have clearly argued that the reason why you can limit campaign contributions is because of corruption and the appearance of corruption. Why would we take a step backwards from campaign finance reform and open up a loophole so big that you could drive a truck through it?

Finally, I keep hearing Senator REID's name mentioned here. I want to assure you of something. If the Senate brings up this bill, they will get more than 20 minutes a side to discuss it. They will discuss it for as long as it needs to be discussed. That is what we should have done here.

Mr. Speaker, I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I spent 8 years of my life as the Michigan Secretary of State. That was a job where I had a principal responsibility as the chief elections officer of that State. During that time, we made constant attempts to increase voter participation and voter turn-out, particularly among young people. And I believe this bill does that.

Mr. Speaker, we must stand up for the right of freedom of speech and for the first amendment. I urge my colleagues to pass this bill.

Mr. SHAYS. Mr. Speaker, I urge my colleagues to oppose H.R. 1606, the so-called Online Freedom of Speech Act. The legislation will exempt the Internet from campaign finance laws, thus opening up a major loophole for unlimited union dues money, corporate treasury money and large individual donations to once again corrupt federal elections.

I understand that many web loggers are concerned that somehow campaign finance law will restrict their speech, and I believe allowing bloggers the assurance that they will not be so burdened is something that we can ensure. Unfortunately, H.R. 1606 goes far beyond exempting bloggers and allows federal candidates and political parties to again make use of soft money in federal campaigns.

That is why MARTY MEEHAN and I introduced legislation that would preserve the soft money ban and protect bloggers from unnecessary regulation. Because H.R. 1606 was considered under suspension of the rules, though, we were not allowed to offer this alternative approach. That is why we must defeat this bill.

If this law were to pass, a member of Congress could simply go to a large donor, corporation or union and control their spending of $1 million in soft money to pay for political advertising all over the Internet.

This is precisely the type of behavior prevented when Congress passed the Bipartisan Campaign Reform Act in 2002. By all accounts, the law is working—despite concerns about the law being the death knell of the parties, the parties were strengthened as they raised more in hard money in 2004 than they raised in hard and soft money combined in 2002 and greatly expanded their donor base.

Once again, I urge my colleagues to oppose H.R. 1606 and oppose the return of corrupting soft money to our political process.

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today as a proud cosponsor of H.R. 1606, the Online Freedom of Speech Act, which is bipartisan and bicameral legislation offered by my colleagues, Mr. HENSARLING and Mr. WYNN, as well as the Minority Leader of the other body. That's across the aisle support we don't see often enough these days.

This bill is designed to protect the free speech rights of Americans whose only alleged crime is wanting to use the Internet to express their opinions. These individuals find themselves in jeopardy because an activist court decided to radically expand the meaning of a law beyond what Congress intended. The Court decided that the FEC, the agency in charge of regulating our election laws, was in error when it decided it did not have the authority to require the regulation of free speech on the Internet.

As a result of this ruling, all computer users and bloggers now stand to see their first amendment rights thrown out in the name of "freedom". The ruling effectively says that individuals have fewer free speech rights than giant media corporations that pay people to offer their opinions. Using this twisted logic, large newspapers and media companies oppose this bill because they fear the competition bloggers pose to them. I disagree with the mainstream media elites at the Washington Post and the New York Times who seem to think that an unregulated media is dangerous, unless it is them who are being regulated.

What is disturbing and dangerous to me, and to the constituents I represent in this House, is the ease with which so many advocate government regulation of speech.

Mr. Speaker, bloggers don't have to spend millions of dollars on printing presses, nor do they have to invest in TV or radio broadcast towers. They are able to share their opinions and ideas free of charge on the most powerful tool of free speech the world has ever known.

Bloggers are everyday citizens. They are our neighbors, friends, and coworkers who want to be able to share their ideas without asking permission from a gatekeeper in the mainstream media and certainly not from a government official. They are the historical descendants of Founding Fathers like Thomas Paine and other pamphleteers who contributed enormously to our democracy.

Mr. Speaker, I read a children's book called House Mouse Senate Mouse to school children across my district, to try to help them understand the government that we will one day to turn over to their care. It shocks me that these schoolchildren have a better understanding of the meaning of the freedom of speech than some federal judges.

Mr. Speaker, we are trying to spread a message of hope, opportunity, and freedom around the world. I support this legislation so that we don't lose the ability to have that message shared among the American people.

Mr. CANNON. Mr. Speaker, today I rise in support of H.R. 1606, legislation that will exempt blogs, e-mail and other online speech from campaign finance laws.

When Congress passed campaign finance reform in 2002, the legislation did not identify political speech over the Internet as a target of the new regulations. The proponents of the law argued its intent was to restrict money not speech. But in April a federal judge sided with campaign finance reform zealots and ruled the FEC cannot completely exempt online speech from the requirements of the Campaign Finance Reform law.

I'm not here to revisit arguments for or against campaign finance reform.

I'm here today to call for Congress to recognize the Internet as a safe harbor for political speech.

Everyday thousands of bloggers register displeasure or support with Congress, the Supreme Court, the President, even their local elected officials.

But now, we are on the cusp of a new FEC regulation that could stifle free expression.

Without Congressional action today, arbitrary restrictions would be imposed on blogs and other web content deterring participation from the very segment of our population that we want to encourage to be politically active.

Thomas Jefferson was right when he said: "The basis of our government being the opinion of the people, the very first object should be to keep that right."

Mr. Speaker, this legislation will protect, in its infancy, what could be a powerful medium (or media) for the opinion of the people to be heard.

The way our Nation communicates today is almost unrecognizable for those of us that were in Washington, DC during the 1970s.

We have seen the innovation and democratization of the Internet in just the last decade. This legislation will promote democracy and shutter those who intend to manage through regulation this amazing engine of communication and knowledge.

The Internet, through such safe havens of individual expression and opinion like blogs, has put the power in the hands of the people, where it truly belongs, precisely where Thomas Jefferson wanted it.

I urge my colleagues to support this legislation and thank the gentleman from Texas (Mr. HENSARLING) for introducing this important bill.

Mrs. MILLER of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PUTNAM). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 1606.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MEEHAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DEPARTMENT OF VETERANS AFFAIRS INFORMATION TECHNOLOGY MANAGEMENT IMPROVEMENT ACT OF 2005

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4061) to amend title 38, United States Code, to improve the management of information technology within the Department of Veterans Affairs by providing for the Chief Information Officer of that Department to have authority over resources, budget, and personnel related to the support function of information technology, and for other purposes.

The Clerk read as follows:

H.R. 4061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Information Technology Management Improvement Act of 2005".

SEC. 2. MANAGEMENT OF INFORMATION TECHNOLOGY IN DEPARTMENT OF VETERANS AFFAIRS.

(a) RESOURCES, BUDGET, AND PERSONNEL AUTHORITY OF CHIEF INFORMATION OFFICER.—Section 310 of title 38, United States Code, is amended by adding at the end the following new subsections:

"(c) To support the economical, efficient, and effective execution of the information technology objectives, policies, and plans of the Department in support of Department goals, the Secretary shall ensure that the Chief Information Officer has the authority and control necessary for the development, approval, implementation, integration, and oversight of policies, procedures, processes, activities, and systems of the Department relating to the management of information technology for the Department, including the management of all related mission applications, information resources, personnel, and infrastructure.

"(d)(1) The Secretary, acting through the Chief Information Officer, shall develop, implement, and maintain a process for the selection and oversight of information technology for the Department.

"(2) As components of the development of the process required by paragraph (1), the Secretary shall develop for the Department—

"(A) an information technology strategic plan that includes performance measurements; and

"(B) an integrated enterprise architecture.

"(3) The information technology strategic plan shall set forth a multiyear plan for the use of information technology and related resources to support the accomplishment of the Department's mission.

"(4) The Chief Information Officer shall review and update the information technology strategic plan and the integrated enterprise architecture on an ongoing basis to maintain the currency of the plan and the currency of the enterprise architecture with technological changes and changing mission needs of the Department.

"(e)(1) Funds may be obligated for information technology for the Department only in accordance with the process implemented under paragraph (1) or as otherwise specifically authorized or delegated by the Chief Information Officer or as otherwise directed by the Secretary.

"(2)(A) Amounts appropriated for the Department for any fiscal year that are available for information technology shall be allocated within the Department, consistent with the provisions of appropriations Acts, in such manner as may be specified by, or approved by, the Chief Information Officer.

"(B) If for any fiscal year amounts referred to in subparagraph (A) that are available for the Veterans Health Administration (or are otherwise available for functions relating to medical care) are to be allocated under subparagraph (A) in a manner that is inconsistent with the allocation method known as the Veterans Equitable Resource Allocation, such allocation may be made only with the approval of the Secretary and after the Under Secretary for Health is notified.

"(3) When the budget for any fiscal year is submitted by the President to Congress under section 1105 of title 31, the Secretary shall submit to Congress a report that identifies amounts requested for information technology for the Department. The report shall set forth those amounts both for each Administration within the Department and for the Department in the aggregate and shall identify, for each such amount, how that amount is aligned with and supports the information technology strategic plan under subsection (d), as then in effect.

"(f)(1) The Chief Information Officer shall select the Chief Information Officer for each of the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery Administration. Any such selection may only be made after consultation with the Under Secretary with responsibility for the Administration for which the selection is to be made.

"(2) Each Administration Chief Information Officer selected under paragraph (1)—

"(A) shall be designated as a Department Deputy Chief Information Officer; and

"(B) shall report to the Department Chief Information Officer.

"(3) The Department Deputy Chief Information Officers are responsible for implementing in their respective Administrations, as directed by the Department Chief Information Officer, the information technology strategic plan and the integrated enterprise architecture developed for the Department by the Department Chief Information Officer pursuant to subsection (d)(2).

"(4) To accomplish the policies, programmatic goals, information technology system acquisitions, and alignments prescribed, authorized, or directed by the Department Chief Information Officer, each Department Deputy Chief Information Officer shall maintain, for their respective Administrations, operational control of all information technology system assets and personnel necessary, including direct management of the Administration's software and applications development activities.

"(5) The Department Deputy Chief Information Officers—

"(A) shall be the principal advocate for the information technology needs of their respective Administrations; and

"(B) shall assure, by coordinating with the Department Chief Information Officer, that the business and mission needs of their respective Administrations are met by considering requirements at all levels.

"(g)(1) The Secretary shall ensure that the annual report submitted by the Secretary pursuant to section 11313 of title 40 includes an identification of any obligation approved by the Chief Information Officer under subsection (e)(1), including the date, amount, and purpose of such obligation.

"(2) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report, not later than March 1 of each year (beginning in 2009), providing the Secretary's assessment of the implementation during the year covered by the report of the provisions of subsections (c), (d), and (e). Each such report shall include—

"(A) the assessment of the Secretary as to increased efficiency within the Department of information technology acquisition processes, management, responsibility, and accountability as a result of those provisions; and

"(B) estimated cost savings to the Department as a result of those provisions.

"(h) In this section, the term 'information technology' has the meaning given that term in paragraph (6) of section 11101 of title 40.".

(b) REPORTS TO CONGRESS ON IMPLEMENTATION.—

(1) PERIODIC PROGRESS REPORTS.—

(A) REPORTS REQUIRED.—The Secretary of Veterans Affairs shall submit to Congress progress reports on the implementation of subsections (c), (d), and (e), of section 310 of title 38, United States Code, as added by subsection (a).

(B) TIME FOR PROGRESS REPORTS.—A report under subparagraph (A) shall be submitted as expeditiously as feasible after the end of the 60-day period, the 90-day period, and the 180-day period beginning on the date of the enactment of this Act.

(C) MATTER TO BE INCLUDED.—Each report under this paragraph shall set out the progress to date on the implementation of the provisions specified in subparagraph (A).

(2) INTERIM REPORTS.—After the completion of the first 12 months, and after the completion of the first 18 months, of the implementation of the provisions specified in paragraph (1)(A), the Secretary shall submit to Congress an interim report on the operation of those provisions to that date. Each such report shall include the following:

(A) The assessment of the Secretary as to increased efficiency within the Department of Veterans Affairs of information technology acquisition processes, management, responsibility, and accountability.

(B) Estimated cost savings to the Department as a result of those provisions.

(3) FINAL IMPLEMENTATION REPORT.—Not later than January 1, 2008, the Secretary shall submit to Congress a final report on the implementation of the provisions specified in paragraph (1)(A). The Secretary shall include in that report the matters specified in paragraph (2) and the Secretary's recommendation for any modifications to information technology management within the Department of Veterans Affairs.

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentleman from Texas (Mr. REYES) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the Committee on Veterans' Affairs, I rise in strong support of H.R. 4061, the Department of Veterans Affairs Information Technology Management Improvement Act. I, along with the committee's ranking member, LANE EVANS, along with other members of the committee, introduced this legislation on October 17 of 2005.

Over the last several years, the Veterans' Affairs Committee has worked extremely hard on this groundbreaking legislation. We believe its passage will greatly assist the VA to improve its efforts to achieve the one VA mission. The VA has long had a problem with stove-piped administrations that veterans must deal with as though they are separate parts of the government.

Since coming to Congress, I have witnessed the VA's inability to adequately manage its IT funding and IT modernization efforts. In fact, the VA's IT modernization efforts go back at least 20 years, to 1985 when it was the policy of the Veterans Administration to provide "better service to the veteran through modern technology."

Unfortunately, the Department has annually requested and spent billions of dollars without accountability or measurable performance outcomes on IT modernization, and America's veterans are still waiting for the "one VA."

According to GAO, the VA spent approximately $10 billion over the last decade alone for VA IT spending, and this is probably a very conservative figure. Historically, the VA has included funding for IT in its general administration accounts of each of the Veterans Health Administration, Veterans Benefits Administration, and National Cemetery Administration.

What that really means is that the VA has been spending billions of dollars on three separate IT infrastructures within the Department. For example, the Health Administration, the autonomy is downstream to the VISIONS and then on to the hospitals with their own operating systems.

To take a second example down further is what happened with Katrina when they took the medical records from New Orleans and they then transferred them within the same VISION, VISION 16, and downloaded the medical records at the Houston VA. They had to be reconfigured when they were brought to Houston. That is just within a same VISION.

To make matters worse, these three separate IT infrastructures within the VA cannot efficiently and effectively share important information. For our veterans this is a significant and unacceptable convenience.

Ultimately, centralizing the VA IT organizational structure will allow the VA to better serve our veterans. The VA absolutely needs to modernize its IT, both in hardware and software, and it should be the vehicle and tools of efficiency.

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When there is truly One-VA with modern IT support, it will provide a seamless transition of our military being treated at the VA hospital as he or she move in and out of that system, whether it be back to active duty status or to veterans status. We will also improve timely medical appointments and reduce waiting time. It will foster better patient safety through updated and correct medical data. It will have faster and more accurate claims processing and afford timely benefits delivery of all VA benefits, such as VA home loans and GI Bill education benefits.

Equally important, the cost of VA's inability to manage its IT programs and initiatives has resulted in some significant IT failures: as much as $600 million-plus for a decade of VETSNET, the automated compensation and pension claims processing system that still has not been implemented after 10 years of development efforts; $342 million for CoreFLS, the failed financial management system; $300 million for the HR Links, the failed automated personnel system; $485 million annually to maintain VISTA, VA's 25-year-old medical information system.

In 1996, Congress passed, and President Clinton signed, the National Defense Authorization Act for Fiscal Year 1996, legislation that created the position of chief information officer for Federal agencies. The provisions of the bill were later renamed the Clinger-Cohen Act.

In 2001, 5 years after this mandate, the Department of Veterans Affairs became the last Cabinet-level Department to comply with the requirements of the Clinger-Cohen Act and appoint a full-time chief information officer.

In 2003, then-Secretary Principi directed VA to centralize its IT processes to better align IT management. It did not happen.

In 2004, the VA hired Gartner Consulting, a Fortune 500 IT consultant, to analyze and review its IT infrastructure and processes. In testimony before the Veterans' Affairs full committee in September 2005, Gartner testified that the VA's IT budgets are very fluid, without much accountability on how and when funding is spent. Gartner analyzed several organizational models, including no change or the status quo to help VA resolve its IT issue.

Two of the models have the greatest potential application to the VA. One that the VA advocated is called a "federated model," where centralized planning, technology operations, and budgeting/financial are controlled by a chief information officer with business applications developed and supported by application teams in each business line. But it still preserves the stovepipes.

Then you have what is called the "centralized model," where all VA IT is organized into a single entity reporting to a chief information officer. Key functional entities reporting directly to the CIO include business applications, infrastructure and operations, customer relations, enterprise architecture, data and information management, security management, and IT finance.

According to VA's own consultant, the centralized approach provides the greatest opportunity to successfully execute the One-VA mission objectives. It maximizes asset utilization and achieves economies of scale across all of VA by managing the infrastructure through a central function; and through common organization, it will more rapidly mature the IT investment management processes across the VA's IT program portfolio. The bill in front of us is the centralized approach that has also been endorsed by Gartner Consulting to the VA.

Furthermore, Gartner testified that the centralized approach could save the VA $345 million annually, or more than $1.7 billion over 5 years.

Gartner also estimated that the cost to VA for reorganizing IT will be $14 million. Even if the implementation cost is doubled and the estimated savings are too optimistic and halved, the return on investment will be approximately three to one, and this is from one of the leading IT consultants in the world, the very consultant on which the Fortune 500 companies rely.

Despite these findings and recommendations, the VA has now decided to adopt a federated approach and they really do not need Congress to act, that we are going to do this all on our own. Quite frankly, VA's plan looks like the Department wants to carry on, really, business as usual, but give it a title. On a bipartisan basis, we find this completely unacceptable.

So, Mr. Speaker, I am also putting the Department on notice.

My advice to the Under Secretary of the Veterans Health Administration, Dr. Perlin, is to cease and desist in his staunch efforts to push for this federated model.

My advice to the Under Secretary of the Veterans Benefits Administration, Admiral Cooper, is to stop his efforts to adopt a federated approach.

My advice to the newly designated Under Secretary of the National Cemetery Administration, William Turk, is not to proceed with the federated approach.

Earlier this year, the Veterans' Committee recommended that Congress withhold $400 million for VA IT because the Department has poorly managed its major IT initiative. Furthermore, the Department has not held anyone accountable when multimillion dollar projects fail.

I would like to take this opportunity to thank my distinguished colleague and the chairman of the House Appropriations Subcommittee on Military Quality of Life and Veterans Affairs (Mr. WALSH) for adopting our recommendation and withholding $383 million from the fiscal 2006 budget.

If the Department of Veterans Affairs continues down this path of disregard for this legislative body, we have no choice. We will continue to recommend withholding a portion of VA's IT budget until the CIO is allowed to instill a disciplined and accountability approach to the VA's IT budget and that it be done on a centralized approach.

Congress should not tolerate the continued mismanagement of the precious veterans resources on failed IT programs within the Department. Allow the CIO to do his job.

Ultimately, this bill will empower the CIO with the authority over IT's budgets, equipment, and personnel. This legislation is long overdue, and I urge my colleagues to support this important effort.

Mr. Speaker, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I fully support H.R. 4061 and encourage my colleagues to approve this legislation. I also want to thank our chairman and the ranking member for their leadership and the hard work of the staff on both sides of the aisle.

This bill helps the Department of Veterans Affairs construct a balanced, responsive, and accountable system to manage information technology at the VA.

This legislation is necessary to overcome a mindset at the VA regarding the management of information technology that increasingly is defined by clouded management processes and a lack of accountability within the three principal administrations.

In just the last decade, VA has expended hundreds of millions of dollars to field information technology systems that were discontinued due to misalignment with VA's mission, mismanagement or serious cost overruns. Under H.R. 4061, this will change.

The Department will receive a centralized framework to manage IT assets throughout the Department in pursuit of its One-VA initiative. Information technology will be managed by a highly qualified VA-wide information technology team that will ultimately report to a chief information officer, or CIO.

The CIO will have control of the budget, assets, personnel, and systems necessary to achieve success department-wide, but there is an express understanding that information technology in VA is a support function. It is not a final goal. Measures of effectiveness across the administrations will be tracked and should demonstrate that VA has become a more effective organization.

Also under this bill, a deputy CIO will be assigned to each of the three administrations. In this capacity, they are the principal advocates for the business and mission needs of the respective administration at all levels of use, from senior managers to end-users throughout the field. This requirement will facilitate innovation and fine-tune the design of the IT infrastructure.

The deputy CIO will be responsible to the Department CIO for IT system alignment and related matters, but will otherwise be in control of day-to-day IT operations in their respective administration.

I would like to congratulate again the staffs from each side of the aisle for working out this improved IT management system for VA, and I am glad to be an original cosponsor of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. BROWN), chairman of the Veterans' Affairs Health Subcommittee.

Mr. BROWN of South Carolina. Mr. Speaker, I thank the gentleman for yielding and also for his leadership in bringing this bill forward and for his leadership as chairman of the Veterans' Committee.

Mr. Speaker, as a cosponsor of H.R. 4061, I rise in support of the Department of Veterans Affairs Information Technology Management Improvement Act of 2005.

This legislation calls for a strategic plan that includes performance measures and an integrated enterprise architecture, working to create greater accountability within VA.

Money spent by VA in its modernization efforts has been costly. For example, VA spends $485 million annually to maintain VISTA, VA's 25-year-old medical information system. It does not seem economical to spend $485 million each year on out-of-date computer application systems in the 21st century.

Passage of H.R. 4061 would build on the work of the committee over the past few Congresses in expecting accountability of VA's people and resources and for the IT programs of the Department.

Restructured IT management at VA will have an impact on VA's ability to provide services to veterans more quickly and effectively. Subsequently, it will help improve the health care of our Nation's veterans. As chairman of the Subcommittee on Health, it is my mission to ensure our veterans have the quality health care they have earned and deserve.

Mr. REYES. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS), our ranking Democratic member of the committee.

Mr. EVANS. Mr. Speaker, the need for this bill has been growing for more than a decade.

The Department of Veterans Affairs usually does a reasonable job managing programs of interest to veterans, but it does not do well in managing information technology programs.

Significant funding was invested in VA information technology programs that later failed due mostly to mismanagement. If VA had in place the sound management processes required by this bill, many of those information technology failures could have likely been avoided.

This would be better for the taxpayer, and it would be better for the mission of VA, and most importantly, it would give us an opportunity to thank our veterans who served more than they anticipated in the Armed Forces.

I want to thank Chairman BUYER for keeping our Nation's commitment focused on this initiative. The bill language contains the checks and balances needed to successfully manage information technology at the VA. It will allow us in Congress to track how VA manages its information technology assets.

I cosponsored this legislation, and I encourage my colleagues to vote "yes" in support.

Mr. REYES. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I want to thank Chairman BUYER and Ranking Member EVANS for bringing this important bill to the attention of the House of Representatives.

This legislation will empower the chief information officer of the Department of Veterans Affairs to control and influence information technology in the Department.

I fully support H.R. 4061 and am very pleased to be an original cosponsor.

This bill helps the Department of Veterans Affairs construct a balanced, responsive, and accountable system to manage information technology at VA.

As we have all seen from the emergencies that have recently affected this country, it is important for all of the computers to be able to communicate with each other in every region. A veteran needs to know that he or she will be served when they enter any VA facility.

Under this bill, we are taking the first steps to make sure this happens.

I encourage my colleagues to approve this legislation.

Mr. BUYER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER), a member of the committee.

☐ 1530

Mr. TURNER. Mr. Speaker, I am a cosponsor of H.R. 4061, the Department of Veterans Affairs Information Technology Management Improvement Act of 2005. This important legislation would provide the Chief Information Officer at the Department of Veterans Affairs with future authority over information technology budgets, equipment and personnel.

Importantly, this legislation will centralize information technology at the Department, increasing the ability of the Department to serve veterans by providing information more productively, and improve the delivery of health care to Veterans.

Under this legislation, claims for veterans will be processed more speedily, waiting times for medical care will be reduced, all veterans benefits will be delivered more quickly, and medical data for veterans will be improved through more rapid updating. In short, this legislation will not only improve information technology at the Department but will make a real difference in improving the delivery of health care and other benefits for our Nation's veterans.

This legislation will allow our veterans to save time in accessing the benefits to which they are entitled, improving their experiences at the VA and improving their quality of life. Should this legislation become law, the Department of Veterans Affairs may improve information technology management at the Department and help better serve our veterans.

Mr. REYES. Mr. Speaker, I yield 2 minutes to the gentlewoman from South Dakota (Ms. HERSETH).

Ms. HERSETH. Mr. Speaker, I rise today to speak in support of H.R. 4061, the Department of Veterans Affairs Information Technology Management Improvement Act. This bill helps the VA construct a balanced, responsive and accountable system to manage information technology at the Department of Veterans Affairs.

The Department Chief Information Officer will be given the control and resources necessary to manage information technology department-wide. Measures of effectiveness across the administrations will be tracked and should demonstrate that VA has become a more effective organization. The CIO will have control of the budget, assets, personnel and systems necessary to achieve this success.

Also under the bill, as the gentleman from Texas (Mr. REYES) noted, a Deputy CIO will be assigned to each of the three administrations. In this capacity, they are the principal advocates for the business and mission needs of their respective administrations at all levels of use, from senior managers to end-users throughout the field. The Deputy CIO will be responsible to the Department CIO for IT system alignment and related matters but will otherwise be in control of day-to-day IT operations in their respective administration.

I, too, would like to congratulate Chairman BUYER, Ranking Member EVANS, their staffs and all Members who worked hard on working out this improved IT management system for the VA. I am glad to be a cosponsor of this bill which will help our veterans.

Mr. REYES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BUYER. Mr. Speaker, I want to thank my good friend, the ranking member and Marine, LANE EVANS, for his work and cooperation on this bipartisan legislation. This is the way the committee is supposed to work.

We have invested almost 6 years of work on this to bring corrections to IT systems, and I am glad that we have been able to work together in a bipartisan fashion to deliver a product to this floor for which we can be proud of.

I would also like to commend the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. STRICKLAND), the chairman and ranking members of the Subcommittee on Oversight and Investigations, for their hard work in providing the oversight required to define these problematic issues and helping to make needed legislative changes to address these shortcomings at the Department of Veterans Affairs.

I would also like to reiterate my thanks to the gentleman from New York (Mr. WALSH) for his support in bringing accountability to VA's IT programs within the appropriations process.

I would also like to thank the gentleman from Texas (Mr. REYES), Army Vietnam vet, for his work on this and the original cosponsorship, along with the gentlewoman from Florida (Ms. BROWN) and the gentlewoman from South Dakota (Ms. HERSETH).

Finally, I would also like to thank Art Wu, Len Sistek, Kimo Hollingsworth, Ginny Richardson, and Risa Salsburg for their diligence and dedication in serving our Nation's veterans on the committee, and also the staff directors, Jim Lariviere and Jim Holley, both for the majority and the minority.

Mr. Speaker, I urge my colleagues to support the Department of Veterans

Affairs Information Technology Management Improvement Act of 2005. This is a bill whereby when we come to this body we do not leave our experiences behind. We are to learn from the past and to plan for the future. We are to modernize Federal governments, to cut through the bureaucracy, and to create workable solutions that will become a standard that will be leveraged across all departments of the government, creating greater efficiencies, responsiveness to people, and saving money. That is exactly what this product has done, and it is being brought to the floor in a bipartisan fashion, and so I ask all my colleagues to support this.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 4061.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BUYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4061.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

JOHN H. BRADLEY DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1691) to designate the Department of Veterans Affairs outpatient clinic in Appleton, Wisconsin, as the "John H. Bradley Department of Veterans Affairs Outpatient Clinic".

The Clerk read as follows:

H.R. 1691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC, APPLETON, WISCONSIN.

The Department of Veterans Affairs outpatient clinic in Appleton, Wisconsin, shall after the date of the enactment of this Act be known and designated as the "John H. Bradley Department of Veterans Affairs Outpatient Clinic". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the John H. Bradley Department of Veterans Affairs Outpatient Clinic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentleman from Texas (Mr. REYES) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

John "Doc" Bradley was a Navy Corpsman during World War II and one of six men who took part in the famous flag raising on Iwo Jima. John Bradley survived the war; and he passed away on January 11, 1994. Before his death, his family was asked not to answer calls from the media; and his war history was boxed away to be forgotten. However, after his death, in 1994, his family found the box of letters and mementos from John Bradley's time serving his Nation during World War II. John Bradley once told his children that the real heroes on Iwo Jima were "the guys who didn't come back".

After he participated in the now-celebrated flag raising on Mt. Suribachi, John Bradley received the Navy Cross for rushing to a wounded man's aid in heavy Japanese fire. He received several shrapnel wounds to his legs a few days later and was evacuated from the combat zone to a hospital in Hawaii.

This legislation is cosponsored and supported by the entire Wisconsin delegation and also has the support of the State's major veterans service organizations.

Mr. Speaker, I particularly would like to thank my colleague (Mr. GREEN) who represents the Eighth Congressional District of Wisconsin for introducing this most appropriate legislation. He is a strong supporter of the men and women who serve in our Armed Forces and was chosen by the Speaker of the House delegation to lead a delegation to Afghanistan to report on the progress of the war there.

I also might note that he was instrumental in placing the new veterans outpatient clinic in Green Bay, Wisconsin. He is a strong supporter of the men and women we now call veterans.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership in bringing this legislation forward.

Mr. Speaker, in all of America's rich history there are perhaps a few dozen images that seem to summarize and symbolize the American experience, our struggles, our challenges and, yes, our triumphs. One of those unforgettable photographs is of six U.S. servicemen raising the stars and stripes over Mount Suribachi on Iwo Jima.

As you know, that scene has been immortalized by Hollywood and in countless publications. It makes up the U.S. Marine Corps Memorial in Arlington National Cemetery.

One of the brave men in that breathtaking photograph is Pharmacist's Mate Second Class John H. Bradley. The purpose of this legislation is, as the chairman indicated, to rename the wonderful veterans outpatient clinic in Appleton, Wisconsin, for that man, John Bradley.

As I hope my remarks will make clear, there are many reasons why this title is appropriate, reasons that go well beyond a famous photograph.

John Bradley was born on July 10, 1923, in Antigo, Wisconsin, to parents James and Kathryn. He was the second of five children and spent his boyhood years growing up in Appleton, Wisconsin, in my congressional district.

In March of 1943, John enlisted in the U.S. Navy as a Seabee, but strong protest from his father led him to receive training as a Navy Corpsman instead. He was known as Doc Bradley and was assigned to a United States Marine Corps infantry battalion formed at Camp Pendleton. He was then shipped off to the island-hopping campaign in the Pacific Theater of World War II.

One of the most deadly, and most important, parts of that campaign came at Iwo Jima, where, over some 36 days, 70,000 American troops fought. That battle claimed over 25,000 U.S. casualties, including nearly 7,000 killed. The famous flag-raising moment may be how many people will remember Doc Bradley, but, of course, there is so much more to the story of Doc and his comrades.

After he raised the flag on Mount Suribachi, Doc Bradley rushed to the aid of a wounded Marine under heavy Japanese fire, and he did win the Navy Cross for this selfless and heroic act. Later, he received several shrapnel wounds to his leg and was evacuated to a hospital in Hawaii.

Upon completion of his service in World War II, John moved back to Wisconsin and settled in Antigo, where he and his wife Betty raised eight children. In the years after the war and until his death in 1994, he maintained a lifelong commitment to veterans and to veterans health care. Interestingly enough, Doc Bradley's family never knew he received the Navy Cross for service until after he died.

Of the six men in that famous photo, three were killed in the battle itself. The survivors were proclaimed almost overnight heroes and symbols, something they were all uncomfortable with. Doc Bradley told his children, "the real heroes of Iwo Jima were the guys who didn't come back." He never displayed a copy of the famous flag-raising photo in his home.

Mr. Speaker, Doc Bradley would be a little embarrassed by having a clinic named after him. After all, he did not want glare and he did not want acclaim. However, his wife Betty has said that this is a fitting tribute to Jack because the clinic is involved in health care for veterans and because it is located in the community where he was raised.

Through his courage, his humility and his commitment to his comrades during and after the war, whether he wanted to acknowledge it or not, John "Doc" Bradley does symbolize the American serviceman and the American experience. I cannot think of a better name for the Appleton clinic than the John H. Bradley Department of Veterans Affairs Outpatient Clinic. Dedicated professionals work hard there, and they do great things for our veterans who deserve so much.

I am proud to honor one of Wisconsin's greatest veterans with this legislation, and I strongly encourage the support of my colleagues and again thank the chairman for bringing this legislation forward.

Mr. REYES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, John H. Bradley, a Pharmacist's Mate Second Class, who enlisted in the United States Navy in January, 1943, was one of the six men who raised an American flag at Mount Suribachi during the battle of Iwo Jima, an action that we all know now has been immortalized in the Pulitzer prize photo by Joe Rosenthal and the subject of the statue at the Marine Corps Memorial. He was a key part of an event that recorded the soul of a Nation in a time of great crisis.

Bradley was born in Antigo, Wisconsin, as we have heard, and his family moved to Appleton, Wisconsin, where he grew up as a boy. He was assigned to the 28th Marine Corps Regiment of the 5th Marine Division during the assault on Iwo Jima. Two days after landing with his regiment, he earned the Navy Cross.

The citation accompanying his Navy Cross cited extraordinary heroism in action against the enemy at Iwo Jima on February 21, 1945. It cited that during a furious assault by his company on the strongly defended enemy position at the base of Mount Suribachi, Bradley observed that a Marine infantryman had fallen wounded in an open area under a pounding mortar barrage interlaced with merciless crossfire from machine guns and small arms.

□ 1545

With complete disregard for his own safety, he ran through this intense fire to the side of the fallen Marine and determined that an immediate administration of plasma was necessary in order to save that Marine's life. He heroically shielded the injured man with his own body and tied a plasma unit to a rifle that he had planted upright in the sand. After stabilizing the patient and his injuries, Bradley pulled the man some 30 yards through that intense fire to safety.

His heroism did not end on that day. A few weeks later, he was wounded in both legs in a mortar attack. He refused evacuation until he had finished rendering aid to two other wounded Marines. He was subsequently awarded a Purple Heart for this action.

Bradley was a star attraction during the Seventh War Bond Drive, where he spoke in over 33 cities. This war bond drive collected over $24 billion, which is the largest borrowing from the American people in the history of our country.

Bradley was the last surviving member, as we have heard, of the six flagraisers. He died in 1994 at the age of 70. His son, James Bradley, is the author of the book "Flags of Our Fathers: Heroes of Iwo Jima."

As has already been mentioned by Chairman BUYER, this bill has the support of the Wisconsin delegation. It has my full support. And today, where a couple of hours ago we celebrated the Marine Corps birthday, it is a fitting tribute.

I urge all my colleagues to vote for this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Texas for his support of this legislation and once again for his fine work on the Veterans' Committee.

This bill before us will name the VA outpatient clinic in Appleton, Wisconsin, as the "John H. Bradley Department of Veterans Affairs Outpatient Clinic."

In the State of Wisconsin, they have a council; and this council is made up of many veterans organizations. They met on October 21 of 2005 to discuss H.R. 1691. The council had a discussion, a motion was made and was seconded and carried a unanimous vote, no objections, to support the bill that is before us today.

The veterans organizations that were in support of this legislation in the State of Wisconsin and offer this under the American people are the American Legion, the VFW, the DAV, the Navy Club of the USA, the Army Navy Union, the Catholic War Veterans, Wisconsin Vietnam Veterans, American Ex-Prisoners of War, the Vietnam Veterans of America, the U.S. Submarine Veterans of World War II, the United Women Veterans, Polish Legion of American Veterans, Wisconsin Association of Concerned Veterans Organizations, the Military Order of the Purple Heart, Paralyzed Veterans of America, the County Veterans Service Officers Association, AMVETS, the Jewish War Veterans, and the Vietnam Veterans Against the War. These are 24 of the veterans organizations that supported the gentleman from Wisconsin's legislation.

In closing, I believe we can tell a lot about a nation by the individuals whom we choose to honor, and this is a very appropriate means and manner to honor one of America's true heroes. With that, I ask that all Members support H.R. 1691.

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today in support of H.R. 1691, legislation that would designate the Department of Veterans Affairs outpatient clinic in Appleton, Wisconsin, as the John H. Bradley Department of Veterans Affairs Outpatient Clinic.

John "Doc" Bradley was a small town boy from Antigo, Wisconsin, who answered the call to duty to serve during World War II. As a Corpsman in the Navy, Doc Bradley participated in one of the defining events of our nation's history, the raising of the flag at Mount Suribachi on Iwo Jima Island. The importance of the capture of Mount Suribachi extends well beyond its symbolic meaning and the inspiration it provided to our nation's military. The victory at Iwo Jima also served an important strategic role by allowing the U.S. Army's B–29 bombers to make emergency landings on the island, and helped lead to our triumph in the battle for the Pacific.

Despite Doc Bradley's numerous accomplishments as a soldier during World War II, which include receiving the Navy Cross for heroism, this brave American remained humble throughout his life and did not brag about his many accomplishments. In fact, much of Doc Bradley's family did not know that he had received a Navy Cross, one of the Navy's highest honors, until after his death.

I am pleased that this great honor is being bestowed upon Doc Bradley today and would like to close with his account of his participation in the flag-raising, which exemplifies the grace and humility of this great American: "People refer to us as heroes—I personally don't look at it that way. I just think that I happened to be at a certain place at a certain time and anybody on that island could have been in there—and we certainly weren't heroes—and I speak for the rest of them as well. That's the way they thought of themselves also."

Mr. PETRI. Mr. Speaker, I am pleased to support H.R. 1691, a bill to designate the Department of Veterans Affairs outpatient clinic in Appleton, Wisconsin, as the "John H. Bradley Department of Veterans Affairs Outpatient Clinic." While Americans may not recognize Mr. Bradley's name, we have all been inspired by his image.

John "Doc" Bradley was born in Antigo, Wisconsin, on July 10, 1923. During World War II, he was assigned to the 28th Marines of the 5th Marine Division, where he took part in the Pacific campaign at Iwo Jima, Japan. In 1945 Pharmacist's Mate Second Class Bradley, along with five U.S. Marines, raised the American flag on Mount Suribachi displaying victory over the Japanese during the Battle of Iwo Jima.

This act became a lasting symbol of the great bravery and courage of our troops, and a never-ending display of the enduring American spirit. It is appropriately depicted in the

U.S. Marine Corps Memorial near Arlington National Cemetery. Mr. Bradley was awarded the Navy Cross, Purple Heart, Presidential Unit Citation with one star, American Campaign Medal, Asiatic-Pacific Campaign Medal with one star, and the World War II Victory Medal for "extraordinary heroism as a Hospital Corpsman in action against enemy Japanese forces on Iwo Jima."

Upon Mr. Bradley's return to Antigo after his service, he owned a small business and gave generously of his time to his community. He passed away on January 11, 1994, after 47 years of marriage which was blessed with eight children. He was the longest surviving member of the six who "raised the flag on Iwo Jima". He rests in the peace that he deserves as a national hero, in his hometown today.

It is truly appropriate to honor Mr. Bradley, who gave so much to his country, as our brave men and women of the armed services continue to do today. I urge my colleagues to support H.R. 1691.

Mr. BROWN of South Carolina. Mr. Speaker, I rise in support of H.R. 1691, a bill that would name the VA outpatient clinic in Appleton Wisconsin the "John H. Bradley Department of Veterans Affairs Outpatient Clinic".

John "Doc" Bradley died at the age of 70 on January 11, 1994. After his appearances at the last bond tour, John married his childhood sweetheart, Betty Van Gorp, and raised eight children with her.

John served as a Navy Corpsman during World War II and was the longest surviving member of the six who raised the second flag on Iwo Jima.

Two days after landing with his regiment in Iwo Jima on his first campaign, Second Class Bradley earned the Nation's second highest award, the Navy Cross, for "extraordinary heroism."

Bradley rushed to the aid of a wounded Marine under heavy Japanese fire, bandaged his wounds and then pulled the soldier 30 yards to safety.

A few days later, Bradley received several shrapnel wounds to his legs, and was evacuated to a hospital in Hawaii.

John's family had no knowledge of him receiving a Navy Cross until after his death. It is a most appropriate honor that we name the VA Community Based Outpatient Clinic located in the town where he grew up, after the quiet and unassuming Mr. John Bradley.

Mr. BUYER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 1691.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BUYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 1691.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ROSA PARKS FEDERAL BUILDING

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1285) to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

The Clerk read as follows:

S. 1285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ROSA PARKS FEDERAL BUILDING.

The Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, shall be known and designated as the "Rosa Parks Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Rosa Parks Federal Building".

SEC. 3. DESIGNATION OF WILLIAM B. BRYANT ANNEX.

The annex, located on the 200 block of 3rd Street Northwest in the District of Columbia, to the E. Barrett Prettyman Federal Building and United States Courthouse located at Constitution Avenue Northwest in the District of Columbia shall be known and designated as the "William B. Bryant Annex".

SEC. 4. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the annex referred to in section 3 shall be deemed to be a reference to the "William B. Bryant Annex".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

GENERAL LEAVE

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1285.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume.

S. 1285 honors two Americans by designating buildings in their honor. This bill designates the Federal building located at 333 Mt. Elliott Street, Detroit, Michigan, as the "Rosa Parks Federal Building," and the annex of the E. Barrett Prettyman Federal Building and Courthouse located in the District of Columbia as the "William B. Bryant Annex."

Last week, the House passed H.R. 2967, which would have named the building in Detroit after Rosa Parks. We are back here today because the Senate amended their version of this bill to include the designation in honor of Judge William Bryant.

Rosa Parks has been eulogized and honored by many people who knew her better than I, but I would like to take this opportunity to express my condolences to those who knew her and praise her to those that will hopefully follow her example.

Rosa Parks is well known for a simple, yet historic, act of defiance. To paraphrase something the Mayor of Detroit said at a service in her honor, "She stood for what was right, by sitting down." This act inspired further acts of civil disobedience and earned her the title of the "mother of the civil rights movement."

Hers is an example that we should commend to our children and our grandchildren, an example of fortitude and resolution to do what is right, even when it meant great risk to her personal safety. She is truly deserving of this honor we are bestowing today.

We are also here to honor Judge William B. Bryant, a Federal judge in the U.S. District Court for the District of Columbia. Judge Bryant was the first African American to be named Chief Judge of the United States District Court for the District of Columbia.

Though born in Alabama, William Bryant moved with his family to Washington, D.C., at the age of 1 and made D.C. his home for the past 92 years. After serving in the United States Army and attending Howard University, he began his legal career working in private practice and as an Assistant U.S. Attorney for the District of Columbia. Judge Bryant was appointed to the United States District Court by President Lyndon Baines Johnson and was later named Chief Judge. His appointment to the bench was monumental during the civil rights movement, as African Americans struggled for rights as full and equal citizens of this Nation.

During the civil rights movement, Rosa Parks and Judge Bryant were viewed as heroic icons by African Americans. Today, they are recognized and remembered by people of all races for not only the effect they have on the civil rights movement but also for their subsequent accomplishments.

I believe this is a fitting honor to a woman whose actions helped transform and improve our society and to a distinguished jurist who has served our Nation for over 40 years.

I support this legislation, and I encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for bringing forward this bill; and I rise in strong support of S. 1285, a bill to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building." This bill also contains a provision to name the annex to the E. Barrett Prettyman courthouse here in the District of Columbia in honor of Federal District Court Judge William B. Bryant.

Both are legendary African Americans, and the agreement that Federal buildings should be named in their honor is both wide and deep.

I thank my good friend and colleague from Michigan (Ms. KILPATRICK) for her diligent leadership on the Rosa Parks Federal building designation. I also want to thank my good friend of longstanding, the senior Senator from Virginia, Senator JOHN WARNER, for tirelessly working with me for more than 3 years to achieve this honor for Judge Bryant. I am deeply grateful as well to Senate Judiciary Committee ranking member PATRICK LEAHY, who also was particularly conscientious in pressing for this honor for Judge Bryant.

I spoke last Wednesday, Mr. Speaker, concerning the events that led Rosa Parks to challenge the daily humiliation of Montgomery, Alabama's black residents who were required to pay their bus fare to the driver, then get off and reenter through the rear door, and then relinquish their seats and move to the back of the bus upon the demand of any white passenger. Since then, Congress has broken with precedent and voted to allow Rosa Parks to lie in honor in the Capitol Rotunda, and she did so just a few days ago, the first woman and only the second African American who has been accorded this honor. In so doing, the United States of America recognized the unique and extraordinary contribution of Rosa Parks to her country. Her simple act of civil disobedience in refusing to relinquish her seat on demand from a white man on a segregated bus was the functional equivalent of a nonviolent shot heard around the world.

Fifty years later, time may blur the enormous personal risk Rosa Parks took on in America in 1955. During our country's tragic racial history, black men had been lynched for less. Grievances like those of African Americans after 400 years of slavery and humiliating discrimination had been resolved by violent revolution throughout human history.

Our country is enormously in Rosa Parks' debt because the revolution that led to the end of government and legally sanctioned discrimination began with a nonviolent revolutionary act, setting an example that endured. So brave was her act in the South in 1955 that even those of us who were young, in school, and had nothing to lose did not engage in the first sit-ins until 5 years later. The act of one woman finally led to the mass civil rights movement, the missing ingredient in the civil rights struggle. This movement was Rosa Parks' special gift to her people and to those who joined them, especially the residents of the District of Columbia, who still feed from her inspiration to achieve equality with other Americans, including equal voting rights in the Congress of the United States.

In an era of peacock leaders who strut their stuff, her selfless example is an especially important guide. In great humility, Rosa Parks' gift was not the message that "I am doing this to free you." Her message was far more direct: "Free yourself." It is with gratitude that we bring this bill forward today in that spirit.

The honor for Judge William Bryant has an unusual origin indeed. The Chief Judge of the United States District Court for the District of Columbia, Judge Hogan, for himself and all the members of the trial court, visited my office to request that the annex under construction for the E. Barrett Prettyman Federal building be named for a senior U.S. judge, Judge William B. Bryant. Judge Bryant was unaware of the desires and actions of his colleagues, who unanimously agreed to request that the annex be named for the judge. It is rare that Congress names a courthouse or an annex for a judge who has served in that court and even more rare for a judge who is still sitting.

All who have been involved in this effort recognize and agree that giving an honor to a sitting judge has been granted in the past but only rarely and should be reserved only for the most extraordinary of judges. Judge William Bryant is such a judge.

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I am particularly grateful to this House which early understood the unique importance of Judge Bryant's contributions and unhesitatingly passed this bill last session.

Judge Bryant's colleagues who know his work and his temperament best have found a particularly appropriate way for the court, the bar, our city, and our country to celebrate the life and accomplishments of a truly great judge. I know Judge Bryant personally. I know his reputation in this city and in the law, and I know that the request to name the annex for Judge Bryant reflects deep respect for his unusually distinguished life at the bar.

Judge Bryant began his career in private practice in the segregated Washington of the 1940s and 1950s when African American lawyers were barred from membership in the District of Columbia Bar Association and even from using the bar law library. He established his legal reputation as a partner of the legendary African American law firm, Houston, Bryant & Gardner, and taught at Howard University Law School. His reputation as an extraordinary trial lawyer led to his appointment as the first African American Assistant United States Attorney for the District of Columbia. He later rose to become the first African American to serve as chief judge of the United States District Court, whose members now ask that the annex be named for Judge Bryant.

For his representation of criminal defendants in private practice, Judge Bryant was admired as one of the city's best and most respected trial lawyers. Among his many notable cases is the landmark Mallory v. United States, a 1957 Supreme Court decision where the Court ruled that an arrested person must be promptly brought before a judicial officer.

Judge Bryant was born in Wetumpka, Alabama, but grew up in this city and graduated from D.C. public schools, Howard University, and Howard Law School where he was first in his class. After graduation, Judge Bryant served as chief research assistant to Dr. Ralph Bunche when Bunche worked with Gunnar Myrdal, the famous Swedish economist, in his studies of African American racial issues. Judge Bryant served in the United States Army during World War II and was honorably discharged as a lieutenant colonel in 1947.

The judge, who is 94, took senior status in 1982. Chief Judge Thomas Hogan wrote that Judge Bryant "lost his beloved wife, Astaire, and now lives alone with this court and the law as the center of his life."

This unusual request from all the judges of the court gives this designation great credibility. I am grateful to the judges of our U.S. District Court here for the thoughtful proposal that honors a Washingtonian and a lawyer of historic proportions. I very much appreciate the many efforts of my friends in the Senate, especially Senators Warner and Leahy, in helping me to get this bill through both Houses. I especially appreciate the leadership of this House who went to extraordinary lengths to make sure that this bill would be accomplished.

The residents of this city and the court that Judge Bryant has served so well, and members of the bar here, join me in gratitude for this tribute. We are all especially pleased to see two notable African Americans celebrated together in this House today in this special way.

Mr. PAUL. Mr. Speaker, I support S. 1285, a bill naming a federal building in Detroit, Michigan after Rosa Parks and I join my colleagues in paying tribute to Mrs. Parks's courage and high ideals. Rosa Parks's simple act of refusing to get up from her seat to comply with an unjust law inspired a movement that brought an end to state-mandated racial segregation. Mrs. Parks was inspired to challenge government power by her conviction that laws that treated African-Americans as second-class citizens violated the natural rights all humans receive from their creator—rights which no government can justly infringe.

Rosa Parks's use of peaceful means of civil disobedience to challenge unjust laws stands as a shinning example of how peaceful means, such as civil disobedience and boycotts, can overcome seemingly insurmountable obstacles and advance the cause of liberty. The example of Rosa Parks shows how an individual with the courage and conviction to stand alone against injustice can make a difference by inspiring others to take a stand. I hope all friends of freedom will draw inspiration from the example of Rosa Parks.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 1285, a bill to designate a Federal building in Detroit, Michigan, as the "Rosa Parks Federal Building" and to designate the annex of the Prettyman Federal Building and U.S. Courthouse in Washington, D.C., as the "William B. Bryant Annex".

Rosa Parks is known as the "mother of the civil rights movement". With one single act of defiance—when she refused to give up her seat on the Cleveland Avenue bus in Montgomery, Alabama—she galvanized a Nation and changed the course of history. On December 1, 1955, Mrs. Parks was sitting in the middle row of the bus with three other black riders. The bus driver demanded that all four give up their seats so that a single white man could sit. Three of the riders complied. Mrs. Parks remained seated.

It is important to keep in mind that what is often remembered as a quiet act of civil disobedience took tremendous personal courage. Blacks at that time had been arrested, and even beaten or killed, for refusing to follow the orders of bus drivers. Rosa Parks was arrested, jailed, and fined $14.

As Mrs. Parks herself has said in the years following that pivotal moment, she hadn't planned on taking a stand that day. She hadn't planned on becoming the face of the injustices of segregation. She had simply had enough. She was tired of being treated like a second-class citizen. She had had enough.

Mrs. Parks' act of courage sparked the civil rights movement. A boycott of the public buses was organized for Monday, December 5, the day of Mrs. Parks' trial. The Reverend Martin Luther King, Jr., then a young preacher who was only 26 years old, organized the boycott. The boycott lasted 381 days, ending only after the Supreme Court outlawed segregation on buses. It captured the attention of the Nation and forced people to confront the inequalities that were then commonplace. The civil rights movement ultimately led to the passage of the landmark Civil Rights Act of 1964, which banned racial discrimination in public accommodations, and the Voting Rights Act of 1965.

Rosa Parks is an American icon. By refusing to give up her seat on that Montgomery bus, she changed the course of history. This honor is long overdue.

Mr. Speaker, Rosa Parks was 92 when she died. Her funeral was today. I'm only sorry that we could not have passed this bill while Mrs. Parks was still alive. Although she suffered from dementia in her later years, I believe that she would have understood and appreciated such recognition from the United States Congress.

The strength and presence of a Federal building perfectly captures the character and personality of this icon of the civil rights movement. It is fitting and just that her life and public accomplishments are acknowledged with this designation.

Mr. Speaker, I also support the provision of this bill to designate the annex to the Prettyman Federal Building and U.S. Courthouse in Washington, D.C., as the "William B. Bryant Annex". I thank the Gentlewoman from the District of Columbia (Ms. NORTON), Ranking Democratic Member of the Subcommittee on Economic Development, Public Buildings, and Emergency Management, for her steadfastness and support for naming the annex for Judge Bryant. In the last Congress, Ms. NORTON was instrumental in House consideration of H.R. 4294, a bill to name the annex for Judge Bryant. Unfortunately, the Senate did not consider the bill. In this Congress, Ms. NORTON introduced H.R. 1015 to continue her effort to honor this distinguished jurist.

Judge Bryant is 94 years old, and is legendary in District legal circles. He practiced law in the 1940's and 1950's when the city was segregated. He could not join the D.C. Bar Association or use its facilities. Yet, he has achieved great stature as a trial lawyer and enjoys an enviable reputation.

Judge Bryant is a lifelong D.C. resident who attended D.C. public schools and Howard University Law School, where he graduated first in his class. He began his legal career in private practice in the District with the legendary African American law firm of Houston, Bryant and Gardner. In 1965, he was nominated by President Johnson to the federal bench and confirmed by the Senate later that year. Judge Bryant is the first African American to hold the post of Chief Judge for the U.S. District Court for the District of Columbia.

During his long, productive legal career Judge Bryant also served as the first African American Assistant U.S. Attorney for the District of Columbia, and taught at Howard University Law School.

The judges of the U.S. District Court for the District of Columbia unanimously agreed to name the annex in honor of Judge Bryant and approached Congresswoman NORTON and Senator JOHN WARNER for their help. For the past several years, Ms. NORTON and Senator WARNER have worked to overcome Senate objections to naming the annex in honor of Judge Bryant because he continues to serve in active, senior status.

It is an extraordinary testament to Rosa Parks that, even in her death, her work is not done. The bill to honor her became the unstoppable legislative vehicle to ensure that Judge Bryant, this extraordinary African American jurist, be honored with this designation while he is still living.

I strongly support S. 1285 and urge my colleagues to join me in honoring these legendary American heroes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the proposed legislation "To designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the 'Rosa Parks Federal Building'."

More than 50 years ago, on December 1, 1955, Rosa Parks boarded her normal bus home and sat down in one of the "colored" aisles toward the back of the bus. Soon, the bus began to fill, and Rosa was ordered to vacate her seat to accommodate the white passengers. She simply but stubbornly refused.

This peaceful act of protest sparked a city-wide boycott of the bus system by the African American community. Men, women and children of Montgomery, Alabama refrained from riding the bus and instead either walked, rode their bikes or carpooled to work. In an impressive show of strength and courage, the boycott endured for over a year, and people across the nation joined with those in Montgomery. After 381 days, the City bus line finally relented and desegregated the buses.

Four days after the initial incident on the bus, a young man stood up in front of a large audience, having just been appointed as the head of the boycott: "There comes a time," the man said, "that people get tired. We are here this evening to say to those who have mistreated us for so long, that we are tired, tired of being segregated and humiliated, tired of being kicked about by the brutal feet of oppression." The name of that young man spurred to action by Rosa Parks was Dr. Martin Luther King, Jr.

Rosa was found guilty that very same day of breaking the city's segregation law. It was over 50 years ago that Rosa Parks chose to peacefully but willfully stand up—or rather sit down—against the abhorrent laws that segregated this country. Let us honor and celebrate what Rosa Louise Parks helped this country accomplish half a century ago by urging for this federal building be named in her honor. But let us also remember that her fight is not over. Let this building, the "Rosa Parks Federal Building," stand as a pillar of remembrance for this and future generations. Let this building always remind us of the battle she fought for freedom and equality, and the battles still being fought here and across the world today.

I support the proposed resolution for the foregoing reasons, and I urge my colleagues to follow suit.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

Mr. DENT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the Senate bill, S. 1285.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the motion to instruct on H.R. 2862.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

MOTION TO GO TO CONFERENCE ON H.R. 2862, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. WOLF. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. WOLF).

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MS. SCHWARTZ OF PENNSYLVANIA

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Ms. SCHWARTZ of Pennsylvania moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 2862, be instructed to insist on the House level for the Small Business Administration's Business Loan Program Account and recede to the Senate on Section 525 of the Senate amendment.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentlewoman from Pennsylvania (Ms. SCHWARTZ) and the gentleman from Virginia (Mr. WOLF) each will control 30 minutes.

The Chair recognizes the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Mr. Speaker, I yield myself such time as I may consume.

The motion the gentleman from New York and I are offering has two parts. First, it calls for maintaining the Senate-passed provision requiring the Federal Trade Commission to investigate gasoline prices and determine if price gouging is occurring; and, secondly, it supports allocating $79 million for the Small Business Administration 7(a) loan program, the same level of funding provided last year and the same level supported by 234 Members of the House this year.

First, Mr. Speaker, with regard to gasoline prices. Last week, oil companies announced record high third quarter profits. Exxon-Mobil corporation posted more than $9 billion in profits, the largest amount ever by a U.S. company. Royal Dutch Shell Group generated $9 billion, an increase of 68 percent over last year. ConocoPhillips made $3.8 billion, an increase of 89 percent over last year. British Petroleum brought in $6.53 billion, up from almost $5 billion last year.

All told, these profit levels have put the world's five largest publicly traded oil companies on track to earn more than $100 billion before year's end. Yet, at the same time that Big Oil's bottom line is going up, so are Americans' energy costs. This year, the average American family will pay $4,500 to meet their energy needs, up nearly 19 percent from last year. These increases in cost are reflected in 30 to 70 cents per gallon cost of gasoline. These increases mean that everyday Americans are likely to pay double-digit increases in home heating oil and costs this winter. From my own constituents in northeast Philadelphia and Montgomery County, these increases are seriously affecting their budgets and forcing them to stretch their hard-earned dollars even further than they have before.

Mr. Speaker, Americans believe that private enterprises, American businesses, have the right to earn profits on the products that they sell; but Americans also want to know whether oil companies during a time of national emergency and national sacrifice are making egregious profits at their expense. They want to know why they are paying record high gas prices at the same time that oil refiners' profits are going up more than triple over last year, and they want to know why the cost of gasoline is rising faster than the actual price of crude oil, and they want to know why Congress has failed to examine these questions or to act on their behalf.

The gentleman from New York and I believe that we ought to provide our constituents with the answers to their questions and to take action, and that is what our motion is about. It would ensure that the Federal Trade Commission investigates the profits of all energy companies at every level of the process, the refiners, the producers, the distributors, and the direct sales companies; and it would result in recommendations to Congress on actions needed to protect consumers from price gouging.

My colleagues, hardworking Americans are looking to Congress to take immediate action and meaningful steps to combat price gouging. The FTC study will examine the costs of the dramatic increases in energy costs and will provide us with a road map on how best to address this problem now and over the long term. My colleagues, a vote for the Schwartz-Bishop motion is also a vote to make sure that our Nation's small businesses succeed. Small businesses are vital contributors to our economy. They are the economic engine that is creating jobs, exploring innovation, and expanding opportunities for Americans in every community across the Nation. The Small Business Loan program is a proven job creator, and should be continued.

Mr. Speaker, the Federal Government has an obligation to ensure our national security, promote opportunity, and build economic prosperity. The Schwartz-Bishop motion would do that by helping to protect American consumers and cultivating small businesses. With this in mind, I urge my colleagues to support the Schwartz-Bishop motion.

Mr. Speaker, I reserve the balance of my time.

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support a study on gas price gouging and want to thank my colleagues on the other side of the aisle for offering this motion to instruct. I am very concerned, as I know every Member is over here, with regard to high gas prices and their impact on the country; and I believe that the Congress needs to address this issue. So I thank the gentlewoman from Montgomery County, actually I used to live in Montgomery County, Ardmore. Do you know where Ardmore is?

Ms. SCHWARTZ of Pennsylvania. A very nice place to live.

Mr. WOLF. My father was a Philadelphia policeman, and so I know your area very, very well; and I am glad you offered this.

However, on the other segment of it, and I am going to urge Members to just support this, on the 7(a) subsidy, I really do not think that is a very good idea. The program is running strong. We do not need to provide the subsidy and take critically needed funds that could be used to combat terrorism, espionage, drugs, gangs, secure our State Department embassies, consulates overseas, providing funding to invest in NASA and sciences. Members from your side who have asked and been approaching us, if we were to do this, we would take away from almost every one of these programs and many of the programs your Members have come and we have in a good spirit of bipartisan tried to work to help them.

The 7(a) program has been operating at record levels without a subsidy appropriation since the beginning of fiscal year 2005. The SBA administrator continues to assure us that the program is running strong. I have a letter from him confirming the success of redesigning the 7(a) program so that it does not require a subsidy appropriation. Media reports all over the country have touted the recent success of the 7(a) lending program. Headlines from the Chicago Tribune and the Cincinnati Business Carrier state: the SBA program looks sound and stable. Funding turns banks on to SBA lending.

The SBA guaranteed 88,912 loans in fiscal year 2005, an increase of 22 percent increase over the previous year. In fact, lending at every segment of the population, including women and minorities, is up from last year's levels. Lending to minorities is up 23 percent, lending to women is up 42 percent, lending in rural areas is up 10 percent.

In summary, Mr. Speaker, it is not necessary to provide a subsidy appropriation for the 7(a) loans program. With everyone expressing their interest in the deficit, and while I want to commend the gentlewoman for the first part of this motion to instruct with regard to the gasoline price, on the other one, and I know this is not the intention of the author of it, this is a subsidy for banks. Here we are in one half of the amendment we want to do what is good by looking at the oil companies. Now, on the other half of the amendment, we want to give the banking lobby a victory. Why would we want to give the banking lobby, and I have seen some of the memos that have gone back and forth with regard to the banking lobby, why would we want to give the banking lobby, who have record profits at this time, a subsidy of 79 some million dollars?

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I just do not understand it. Lending to minorities is up by 23 percent, lending to women is up by 42 percent, and lending to rural areas is up by 10 percent. People are talking about the deficit, and we are talking about going after it to make sure the gouging stops, and now we are going to help the bankers to do this.

I wish we could have split these off. I would have been excited about your first one, would have spoken for it, would have put my name down for it if you would have had me as a cosponsor, but on subsidies to bankers, I just do not understand it in these days of high deficits. Just look at the profits. Why would we give the banks this subsidy?

So, with that, I urge my colleagues, particularly because of the gentlewoman's first part of the amendment, to support the motion; and I will vote for it. But I just wanted the Record to show that, on the second part, wow, not a good idea.

Mr. Speaker, I reserve the balance of my time.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I thank my colleague, the gentlewoman from Pennsylvania, for yielding and for her leadership on this motion to instruct the conferees. I will confine my remarks to the price-gouging component of the motion to instruct.

After two bites of the apple, this Congress is running out of opportunities to prove to the American people that we will stand in their corner as the oil and gas companies continue a campaign of price-gouging in the wake of human suffering.

Twice in this session, we have given away tax breaks to the oil and gas companies amounting to $14.5 billion and $2 billion, respectively. The most recent was passed just in time for Halloween, a treat for BP, Exxon-Mobil, and Conoco, but a bad trick on the American families.

Exxon-Mobil reaped profits of almost $10 billion this quarter alone. We have heard the gentlewoman from Pennsylvania talk about these numbers, but they are so astounding that they bear repeating. This is a record-breaking amount for an American company and represents a 75 percent increase over the same period last year.

Shell rang up profits that represented a 68 percent increase, just over $9 billion.

I would be remiss in failing to congratulate the shareholders of ConocoPhillips, whose dividends will soar after an almost 90 percent increase from last year's quarterly earnings.

Now there is nothing wrong with healthy profits. In fact, they are what this Nation and the world's greatest economy are built on. But when profits come at the expense of American families, and when profiteering is clearly reflected by a company's bottom line, then there is something very wrong, and that is when it is time for us to do our job to protect consumers.

These profits were being earned just as the major oil companies claimed they needed more incentives to expand refining capacity after Hurricane Katrina. Almost immediately, this House responded by passing the so-called Gasoline for America's Security Act, which rolled back environmental laws and opened Federal lands and coastal waters to drilling and exploration.

While the public was pleading for relief from profiteering corporations, the majority actually reduced penalties for price-gouging. Let me say that again. This House voted to weaken price-gouging laws at a time when the public was paying almost an average of $3 a gallon.

Clearly, our failure to do the right thing then contributed to the spike in gas prices and the exorbitant increases in the oil companies' bottom lines. That is why my colleagues, Mr. STUPAK, Mr. DINGELL, Ms. SCHWARTZ, and I offered a substitute to create a strategic refinery reserve expanding refining capacity and, perhaps most importantly, increasing price-gouging penalties.

As winter approaches, families will struggle to put food on the table and heat their homes. Still, we keep hearing the same rhetoric from the other side that free enterprise is the answer to every one of our Nation's problems, and it is the great equalizer that should be applied to every challenge. But Hurricane Katrina exposed vulnerabilities that still exist in the energy market, a problem that is compounded by the administration's energy policy.

Consequently, it makes little, if any, sense that we gave away one of the most generous corporate welfare packages bestowed on any industry in the form of the last two energy bills. This is precisely why we must vote to instruct the Science-State-Justice-Commerce conferees to adopt the Senate position directing the FTC to investigate price-gouging and other forms of market manipulation.

Before we vote next week to slash the budget for food stamps or Medicaid or student aid, let us make sure we at least give American families a break at the pump by voting for this motion to instruct. Now is the time we must act, to prove the interests of middle-class Americans are paramount, not the oil companies. Let us put an end to price-gouging once and for all. Let us not let another opportunity go by without giving middle-class families the relief they so desperately need and deserve.

Mr. Speaker, on price-gouging, the House is down by two strikes. This motion makes sure we do not strike out. If we want to do the right thing for America and the American taxpayers here and now, vote for this motion to instruct.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I yield 5 minutes to my colleague from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, today's motion to instruct conferees is about keeping costs down for the American people. Whether it be protecting prices at the gas pump against price-gouging or ensuring entrepreneurs have access to affordable loans, the bottom line is that we must work to relieve our citizens of rising costs.

For aspiring entrepreneurs and small business owners, access to capital is access to opportunity. Unfortunately, right now, businesses all over the country are seeing their capital options dwindle. At the same time, the typical small business owner is paying thousands more than they did last year to receive a loan.

The simple economics of this are that if a small business has to give the government more of their money, not to the banks, like the chairman inferred, but to the Federal Government, then they have less to invest into their business and less to create jobs. This is a loss our country simply cannot afford today.

By not funding the largest long-term lending initiative for small businesses, the 7(a) loan program, this is exactly what is happening. In a little more than a year, costs for lenders and borrowers have increased by 110 percent. These new program costs have already resulted in the termination of important programs that direct capital to rural areas and minority businesses. The situation will only worsen if Congress fails to provide funding.

This winter, it is projected that there will be yet another round of fee increases. In addition, the program will feel even greater cost pressures as the impact of Hurricane Katrina starts to bear down. In the gulf region today, there are over $2 billion in SBA loans. Even OMB acknowledges that significant loan defaults will occur as a result of this year's hurricanes. In fact, some estimates place this amount as high as $500 billion. The program costs that will result will not only affect those firms in the gulf region but will impact businesses in every district across the country as the cost to cover these loans rises.

Without an appropriation, the only way to cover this additional cost will be through more fee increases. Unfortunately, in a little over a year, we have run out of room to increase fees. The results will be program caps, limits on program size, and even the possibility of a shutdown next year. This is something our Nation's small business owners should not have to endure.

Clearly, spending decisions are difficult. However, on this, we should not be penny wise and dollar foolish, and that is exactly what this body will be doing by eliminating the funding for a program that makes up less than two-tenths of a percent of the entire bill but provides 30 percent of all long-term lending for small businesses and is a proven job creator.

I just would like to say to the chairman, how could we say that the program is doing better? The program is not doing better. Small businesses now pay double what they paid last year to get a loan. Of course, the Small Business Administration is going to say that they are doing more loans, but they are not telling us that those loan sizes are much, much smaller. Loans are much smaller, even though the cost of operating a business are much higher, and fewer and fewer lenders are participating in the program.

This is not a program that is doing better. The African-American business owner gets half the loan size than in mainstream business. Is that minority businessperson doing better when they are getting half the loan size that a mainstream business gets? I do not think so.

I would urge my colleagues to vote "yes" on the Schwartz-Bishop motion to instruct conferees.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, small businesses, large corporations, schools, families, everyone is worried about how they are going to cover their energy costs this year. Recent efforts to address this issue have failed. We cannot allow another opportunity to bring relief to consumers to go by. We owe Americans an examination of current gasoline prices and ways to bring down these costs, and we owe small businesses our commitment to help them grow and succeed.

Mr. Speaker, my motion is simple. It is about ensuring our Nation's economic well-being, it is about protecting the financial security of hard-working Americans, and it is about promoting the continued success of America's small business.

I appreciate the chairman's support on this motion to instruct, and I urge all of my colleagues to vote "yes" on the Schwartz-Bishop motion to instruct.

Mr. Speaker, I yield back the balance of my time.

Mr. WOLF. Mr. Speaker, I am not going to take a lot of time, but I think it is important for the Record to demonstrate I think Members should vote "aye" on this instruction.

There were $2 billion more in loans, though, this year than last year. The RECORD has to demonstrate this. It was $12 billion, then to $14 billion. It went from $12 billion to $14 billion. When we say it is not for the banks, and I am not saying that is your intention, let me just stipulate, I do not believe it is your intention. But let me just read you what it is saying here.

This is an article from the Chicago Tribune. "Clearly there were Members of Congress that felt this program was worthy of receiving an appropriation," said James Ballentine, Director of Community and Economic Development of the American Bankers Association.

It was the bankers. You did not get any letter from small businesses asking for this. It is the bankers. It is the bankers. And the inconsistency of dealing with the one thing which I honor you and say great, but this was the bankers. The loans are up. So I think truth has to demonstrate that the loans are really up. It is $2 billion more.

We are always talking about lowering the deficit and reducing spending. Last year, the Congress reconfigured and the chairman of the committee, Mr. MANZULLO, supported this. So why would we want to turn our backs on successful reform? We have a stable program.

I would like to submit, if I may, for the RECORD, the articles from the Business Courier and also the Chicago Tribune saying that the Small Business Administration's Federal funding is on more stable footing this year than it was last year. "That gives lenders more confidence in making SBA loans," said Michael Shepherd, Fifth Third Bancorp's SBA national manager. So they are up, and it has worked.

Members on both sides want to deal with the deficit. I think the gentlewoman from Montgomery County has a good thing.

With regard to the oil prices on the 7(a) and what we have been doing about that, I would just say, working with the minority on your side on the money that we have saved from this, we have helped you on other things. And there is, as my mother used to say, there is not a money tree: it just reaches a certain point. So with the money that we have saved from this with additional loans, $2 billion, not just $1 million, $2 billion more, we have actually helped programs that you all are interested in.

We have increased the National Science Foundation. Do you want to take away from the National Science Foundation? Hello. Go back to Montgomery County and tell them you are cutting funding for sciences, for math, for chemistry, for biology. Tell them that. They would not want to cut that out. That is what we did with this.

We put it in NSF loans. We put it in NASA with regard to education. We put it into the Jason program that Dr. Bell, who discovered the Titanic, is able to teach young kids math and science and physics and chemistry by learning that.

☐ 1630

That is what we did. If we were to take this $79 million and give it back to the bankers, the big bankers, we would be taking money from education. You could not explain that. I do not care what district it is, you cannot explain why you were taking money from the NSF. You cannot explain why you were taking money from embassy security.

Thirty people from my district died in the attack on the Pentagon. You cannot explain, whether it be New York City where two of my children live, or Philadelphia where I am from, and my district, why you are taking money from the FBI to give money to bankers so we do not have money for the FBI to do what they are doing.

So I was going to ask, can we split these things out and give you an opportunity to offer both? I understand that we cannot. I do not think you want it down on the record that you supported taking $79 million out of the National Science Foundation or out of the FBI or out of embassy security so we can give money to the banking lobby. That is just not a good vote.

Ms. VELAZQUEZ. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Speaker, I thank the gentleman for yielding.

Let me just say for the record that I am here not to do the job for banks. I am here to fight to protect small businesses, small businesses that create 99 percent of the jobs in this country.

And let me say, Mr. Speaker, that I will include in the RECORD the letter sent to the gentleman from Virginia (Mr. WOLF) and to the ranking member of the committee, the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. Speaker, that contains 25 groups. They are not banks. They are the National Small Business Association, the National Black Chamber of Commerce, the National Association of Convenience Stores, the National Association for the Self-employed, American Society of Travel Agents, and the list goes on and on. These are 25 national groups in support of restoring the funding for the 7(a).

And let me just also say to you, sir, that the SBA is going to claim that they are doing record levels, of course, because the numbers that they are using, they are comparing their numbers when the program was shut down by SBA. But comparing the last two quarters, SBA lending is actually declining by nearly $50 million in the last quarter alone.

And when comparing the fourth quarter 2005 to the fourth quarter 2004, SBA has done $150 million less in lending to small businesses. SBA claimed that they would do $16 billion, but they were $2 billion below for fiscal year 2005.

OCTOBER 27, 2005.

Hon. FRANK WOLF,
Chairman, Appropriations Subcommittee on Science, State, Justice and Commerce, The Capitol, Washington, DC.

Hon. ALAN MOLLOHAN,
Ranking Member, Appropriations Subcommittee on Science, State, Justice and Commerce, Longworth House Office Building, Washington, DC.

Hon. RICHARD SHELBY,
Chairman, Appropriations Subcommittee on Commerce, Justice, and Science, The Capitol, Washington, DC.

Hon. BARBARA MIKULSKI,
Ranking Member Appropriations Subcommittee on Commerce, Justice, and Science, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMEN WOLF AND SHELBY AND RANKING MEMBERS MOLLOHAN AND MIKULSKI: As the House and Senate prepare to go to conference on the Science, State, Justice and Commerce (SSJC) and Commerce, Justice, and Science (CJS) appropriations bills, we wanted to bring to your attention an issue that is of critical importance to small businesses and small business lenders, and to request your assistance in ensuring that this Nation's entrepreneurs have access to affordable capital through an adequately funded small business lending program. The Small Business Administration 7(a) program supports nearly one-third of all long-term capital financing for our Nation's small businesses. Notably, both the House and Senate have included funds in their FY 2006 appropriations bills for the 7(a) program. As the House and Senate are preparing to go to conference on SSJC-CJS, we are writing to express our strong support for the modest funding of this vital program.

The fees associated with the 7(a) program are becoming prohibitively expensive for both small business borrowers and lenders. For FY 2005, the full cost of the program was shifted to small businesses and their lenders through a series of fee increases. As a result, small businesses are being forced to pay substantial upfront fees to use the program—more than $2,000 for a small loan and nearly $16,000 for a mid-size loan. For smaller loans of less than $150,000, fees are doubled, which translates into nearly $1,500 more in upfront closing costs for entrepreneurs. For a loan of $700,000, this increase would raise the fees by approximately $3,000 and for larger loans this fee can approach $50,000.

These fee increases are making it more expensive for lenders to lend and businesses to borrow. As a result, many small businesses—particularly those in the areas affected by Hurricane Katrina—may be unable to access the capital they need to hire new employees or expand their operations. Most recently, actions have been taken that have made the program more costly and less accessible to small businesses. On October 1st, a third fee increase was levied on the program's participants—making 7(a) loans more costly than ever. And, in an attempt to cut the program's costs, the SBA eliminated the popular 7(a) LowDoc program, which has been a key initiative used by community banks and rural small businesses.

We are also concerned about the impact of Gulf Coast hurricanes on the program, as SBA's loan portfolio contains more than $2 billion in loans to businesses in hurricane-affected areas. There is the potential that a sizeable portion of these loans will default, leading to increased program costs. Without a 7(a) appropriation, the only possibility to cover these increased program costs will be to raise fees on small businesses and lenders, place a cap on the program or on loan size, or, in the worst case scenario, shut down the program altogether. These undesirable measures would be extremely counterproductive at a time when adequate small business lending will be more important than ever in recovery and rebuilding post-Katrina.

We urge you to support our Nation's small businesses. Securing funding for this important program is a top priority for the broad small business and lending community and we are pleased that both the House and Senate appropriations bills contain needed funding for the 7(a) program. We urge the SSJC-CJS conferees to work to ensure that the 7(a) program is provided with an appropriation of $79.132 million for FY 2006 and that such funding be used to reduce the fees for business borrowers and their lenders.

We recognize your commitment to our Nation's small businesses and truly appreciate your efforts in supporting the SBA's 7(a) loan program. In order to ensure the vibrancy of our local communities, we want to stress our strong support for funding for the 7(a) program. We are eager to work with you to accomplish this goal. By giving entrepreneurs access to affordable capital, we can ensure that they can continue to serve as the catalyst for our Nation's economy.

Sincerely,

National Small Business Association.
National Black Chamber of Commerce.
National Association of Convenience Stores.
National Association for the Self-Employed.
Associated Equipment Distributors.
Aeronautical Repair Station Association.
American Society of Travel Agents.
Independent Office Products & Furniture Dealers Association.
Silver Users Association.
Small Business Majority.
National Procurement Council.
United Motorcoach Association.
Office Furniture Dealers Alliance.
U.S. Women's Chamber of Commerce.
American Bus Association.
National Ready Mixed Concrete Association.
National Propane Gas Association.
Women Impacting Public Policy.
American Subcontractors Association.
American Dental Association.
National Office Products Alliance.
American Hotel and Lodging Association.

Mr. WOLF. Mr. Speaker, reclaiming my time, the record just has to show, again, SBA guaranteed 88,912 loans in fiscal year 2005, an increase of 22 percent over the previous year.

Mr. Speaker, let me stipulate that I know the gentlewoman is a strong supporter of small business. But where will you take the money from? Will you take it from NSF, education, National Science Foundation, will you take it from math, will you take it from science, or would you just take it from the air?

We just cannot take things from the air, and the end result is we will cut embassy security.

Ms. VELÁZQUEZ. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Speaker, if the gentleman from Virginia (Mr. WOLF) will invite me to be a conferee, I will work with you.

Mr. WOLF. Mr. Speaker, reclaiming my time, I work with your ranking member. We are good friends. Ask the gentleman from West Virginia (Mr. MOLLOHAN) if we have been fair. The next time you see him, ask him.

The next time you see him, ask him; and ask him if the two ought to meet. We would not be able to deal with this issue. We would have to cut FBI, embassy security, NSF, NASA, NIST, NOAA. That is where we would get it from, and we would get it to give it to the bankers.

[From the Business Courier, May 27, 2005]

STABLE FUNDING TURNS BANKS ON TO SBA LENDING

(By Steve Watkins)

The news is getting better for small businesses looking for financing.

The Small Business Administration's federal funding is on more stable footing this year than it was last year. That gives lenders more confidence in making SBA loans, said Michael Shepherd, Fifth Third Bancorp's SBA national manager.

"We're not afraid the program will be pulled out from under us," Shepherd said. "Borrowers are in a much better position than they have been in the past."

That's good news for small-business borrowers, who are reaping the benefits of more activity. Fifth Third's SBA loan volume is up 20 percent to 25 percent so far this year compared with last year, Shepherd said.

National City Bank's entry into the market should heat up the SBA loan business. National City was the top SBA lender in both Ohio and Kentucky for the third straight year in the SBA's 2004 fiscal year ending in September.

National City Corp. bought Cincinnati-based Provident Financial Group Inc. in July 2004, marking its first entry to the local retail banking market. Small business has been a big push.

"Mike Price (CEO of National City's Greater Cincinnati market) started the small-business program at National City some seven years ago," said Joe Chasteen, National City's area manager of small business banking for Cincinnati and Northern Kentucky.

National City already has boosted its local small-business banking unit by 50 percent, to 12 bankers, since July, Chasteen said.

U.S. Bank, PNC, Bank One, Huntington Bank and KeyBank also play a big role in making SBA loans.

"It's always a competitive market," Shepherd said.

[From the Chicago Tribune, Dec. 27, 2004]

SBA PROGRAM LOOKS SOUND

(By Rob Kaiser)

Holiday magic isn't the likely reason the U.S. Small Business Administration and its numerous critics appear in harmony for the first time in years.

A more likely explanation is the $16 billion stocking stuffer for the SBA's flagship 7(a) loan program, which will likely keep it from suffering short-falls in 2005 that drew the ire of banks and small-business owners this year.

"The risk of a cap or a shutdown is basically nil," said Tony Wilkinson, president of the National Association of Government Guaranteed Lenders and a frequent SBA critic.

Such an outlook is a vast improvement from recent years, when frequent loan limits and speculation about shutdowns sent bankers scurrying to submit loan applications and left many business owners in limbo—often with unpaid bills—when expected loans suddenly evaporated.

To achieve the peace, bankers grudgingly accepted a return to paying higher fees as the Bush administration got its wish to wipe away a nearly $80 million subsidy that had been supporting the 7(a) program. In return, the bankers expect to inherit a more stable program.

Such stability would have saved Julie Valenza a lot of time and money.

Valenza was close to purchasing her second Jimmy John's sandwich franchise in January when the $250,000 loan she expected to secure through the 7(a) program was suddenly stalled when SBA stopped accepting new applications due to a funding short-fall.

To salvage the deal to purchase an existing store in Westmont, Valenza recruited her sister as a investor.

"At least I didn't have to bring in a stranger off the street," she said.

Still, the setback delayed the purchase by two months and means Valenza now has to split the store's profits.

Paul Andreotti, an executive vice president at National City Bank in Chicago, said SBA loans exist so such situations are avoided.

Without 7(a) loans, many business owners would have to finance growth on their credit cards or through other expensive means.

"If the SBA wasn't guaranteeing loans, banks couldn't be as aggressive and provide as much capital," said Andreotti, whose bank is putting together a 7(a) loan so Valenza can open a third Jimmy John's location in Oak Lawn.

While he's not happy to see the fees climbing, Andreotti said, "In the long run I think it will positively impact small businesses."

Fees for the 7(a) program are now 2 percent on loans up to $150,000, up from 1 percent. Loans between $150,001 and $700,000 carry a 3 percent fee, up from 2.5 percent. Loans for more than $700,000 still carry a 3.5 percent fee.

The loan applicant usually pays these fees. Banks have to pay another fee, which has also increased recently.

The SBA guarantees 85 percent of 7(a) loans up to $150,000 and 75 percent of loans for more than $150,000.

Previously, the highest loan guarantee was $1 million, but under the new legislation that figure was raised to $1.5 million. This means the program will now guarantee 75 percent of a $2 million loan, the largest 7(a) loan available.

Still, not everyone in the SBA universe is sold that the recent compromise was the best solution.

"Clearly there were members of Congress that felt this program was worthy of receiving an appropriation," said James Ballentine, director of community and economic development at the American Bankers Association.

Balentine said some business owners as well as leaders may be dissuaded from taking part in the program because of the fees.

Early indications, though, are that participation in the 7(a) program is at record levels.

From Oct. 1, the beginning of the fiscal year, through Dec. 10, the program has done more than 18,000 loans, worth nearly $2.8 billion. During the same period last year, the program did fewer than 15,000 loans, worth $2.4 billion.

In all of the last fiscal year, the 7(a) program did nearly 75,000 loans, worth $12.6 billion. The program has $16 billion in loans available for the current fiscal year.

"We think that should be sufficient," said Jodi Polonet, senior vice president of Business Loan Express LLC in New York. "We are satisfied."

Mr. WOLF. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair will appoint conferees at a later time.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1941

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOUSTANY) at 7 o'clock and 41 minutes p.m.

APPOINTMENT OF CONFEREES ON H.R. 2862, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. WOLF, TAYLOR of North Carolina, KIRK, WELDON of Florida, GOODE, LAHOOD, CULBERSON, ALEXANDER, LEWIS of California, MOLLOHAN, SERRANO, CRAMER, KENNEDY of Rhode Island, FATTAH, and OBEY.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1606, by the yeas and nays;
H.R. 4061, by the yeas and nays;
H.R. 1691, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

ONLINE FREEDOM OF SPEECH ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1606.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 1606, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 225, nays 182, not voting 26, as follows:

[Roll No. 559]

YEAS—225

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardoza
Carter
Chabot
Chandler
Chocola
Clay
Cole (OK)
Conaway
Conyers
Costa
Cramer
Crenshaw
Cuellar
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Eshoo
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)

Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hoekstra
Honda
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
Lee
Lewis (CA)
Lewis (KY)
Linder
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McKinney
McMorris
Melancon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Otter
Paul
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Putnam
Rahall
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Smith (WA)
Sodrel
Souder
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Udall (CO)
Waters
Watson
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Woolsey
Wynn
Young (FL)

NAYS—182

Abercrombie
Allen
Andrews
Baird
Baldwin
Bass
Bean
Becerra
Berkley
Berry
Bishop (NY)
Boehlert
Boyd
Bradley (NH)
Brown, Corrine
Butterfield
Capps
Cardin
Carnahan
Carson
Case
Castle
Cleaver
Clyburn
Coble
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
Evans
Farr
Filner
Ford
Frank (MA)
Frelinghuysen
Gallegly
Gilchrest
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hefley
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kirk
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Platts
Pomeroy
Price (NC)
Ramstad
Rangel
Regula
Rothman
Ruppersberger
Rush
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Wolf
Wu

NOT VOTING—26

Ackerman
Boswell
Brady (PA)
Brown-Waite, Ginny
Cubin
Etheridge
Hall
Harman
Hastings (FL)
Hyde
King (NY)
Marshall
McCollum (MN)
Menendez
Miller (FL)
Norwood
Oxley
Pearce
Pombo
Pryce (OH)
Radanovich
Reyes
Roybal-Allard
Sabo
Stark
Young (AK)

□ 2008

Messrs. SAXTON, GALLEGLY, CUMMINGS, Ms. JACKSON-LEE of Texas, Messrs. CARNAHAN, SPRATT, LARSON of Connecticut, REGULA, PAYNE, and WALSH changed their vote from "yea" to "nay."

Ms. WOOLSEY, Mrs. DRAKE, Mr. FORBES, Mrs. JO ANN DAVIS of Virginia, Messrs. BLUMENAUER, BOREN, RAHALL, and Ms. WATERS changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

DEPARTMENT OF VETERANS AFFAIRS INFORMATION TECHNOLOGY MANAGEMENT IMPROVEMENT ACT OF 2005

The SPEAKER pro tempore (Mr. BOUSTANY). The pending business is the question of suspending the rules and passing the bill, H.R. 4061.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 4061, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 25, as follows:

[Roll No. 560]

YEAS—408

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger

Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—25

Ackerman
Boswell
Brady (PA)
Brown-Waite, Ginny
Cubin
Etheridge
Hall
Harman
Hastings (FL)
Hyde
King (NY)
Marshall
McCollum (MN)
Menendez
Miller (FL)
Norwood
Oxley
Pearce
Pombo
Radanovich
Reyes
Roybal-Allard
Sabo
Stark
Young (AK)

☐ 2018

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

JOHN H. BRADLEY DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

The SPEAKER pro tempore (Mr. BOUSTANY). The pending business is the question of suspending the rules and passing the bill, H.R. 1691.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 1691, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 26, as follows:

[Roll No. 561]

YEAS—407

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—26

Ackerman
Boswell
Brady (PA)
Brown-Waite, Ginny
Cubin
Etheridge
Hall
Harman
Hastings (FL)
Hyde
King (NY)
Marshall
McCollum (MN)
Menendez
Miller (FL)
Norwood
Oxley
Pearce
Pombo
Radanovich
Reyes
Roybal-Allard
Sabo
Stark
Towns
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that two minutes remain in this vote.

☐ 2026

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

Mr. KOLBE submitted the following conference report and statement on the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes:

CONFERENCE REPORT (H. REPT. 109–265)

[To accompany H.R. 3057]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3057) "making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate to the text, and agree to the same with an amendments, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL OF THE EXPORT-IMPORT BANK

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $1,000,000, to remain available until September 30, 2007.

EXPORT-IMPORT BANK PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: Provided further, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2006.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $100,000,000, to remain available until September 30, 2009: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2024, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2006, 2007, 2008, and 2009: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $73,200,000: Provided, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2006.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $42,274,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $20,276,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Non-Credit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2006 and 2007: Provided further, That such sums shall remain available through fiscal year 2014 for the disbursement of direct and guaranteed loans obligated in fiscal year 2006, and through fiscal year 2015 for the disbursement of direct and guaranteed loans obligated in fiscal year 2007: Provided further, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: Provided further, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,900,000, to remain available until September 30, 2007.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2006, unless otherwise specified herein, as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, $1,585,000,000, to remain available until September 30, 2007: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases, and for assistance to communities severely affected by HIV/AIDS, including children displaced or orphaned by AIDS; and (6) family planning/reproductive health: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: Provided further, That of the funds appropriated under this heading, not to exceed $350,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: Provided further, That the following amounts should be allocated as follows: $360,000,000 for child survival and maternal health; $30,000,000 for vulnerable children; $350,000,000 for HIV/AIDS; $220,000,000 for other infectious diseases; and $375,000,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species: Provided further, That of the funds appropriated under this heading, and in addition to funds allocated under the previous proviso, not less than $250,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25), for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (the "Global Fund"), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2006 may be made available to the United States Agency for International Development for technical assistance related to the activities of the Global Fund: Provided further, That of the funds appropriated under this heading, $70,000,000 should be made available for a United States contribution to The Vaccine Fund, and up to $6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading "Operating Expenses of the United States Agency for International Development" for costs directly related to international health, but funds made available for such costs may not be derived from amounts made available for contribution under this and preceding provisos: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning *projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That to the maximum extent feasible, taking into consideration cost, timely availability, and best health practices, funds appropriated in this Act or prior appropriations Acts that are made available for condom procurement shall be made available only for the procurement of condoms manufactured in the United States: Provided further, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.*

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,524,000,000, to remain available until September 30, 2007: Provided, That $214,000,000 should be allocated for trade capacity building, of which at least $20,000,000 shall be made available for labor and environmental capacity building activities relating to the free trade agreement with the countries of Central America and the Dominican Republic: Provided further, That $365,000,000 should be allocated for basic education: Provided further, That of the funds appropriated under this heading and managed by the United States Agency for International Development, Bureau of Democracy, Conflict, and Humanitarian Assistance, not less than $15,000,000 shall be made available only for programs to improve women's leadership capacity in recipient countries: Provided further, That such funds may not be made available for construction: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $42,500, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That funds appropriated under this heading should be made available for programs in sub-Saharan Africa to address sexual and gender-based violence: Provided further, That of the aggregate amount of the funds appropriated by this Act that are made available for agriculture and rural development programs, $30,000,000 should be made available for plant biotechnology research and development: Provided further, That not less than $2,300,000 should be made available for core support for the International Fertilizer Development Center: Provided further, That of the funds appropriated under this heading, not less than $20,000,000 should be made available for the American Schools and Hospitals Abroad program: Provided further, That of the funds appropriated under this heading, $10,000,000 may be made available for cooperative development programs within the Office of Private and Voluntary Cooperation: Provided further, That of the funds appropriated under this heading, $2,000,000 shall be made available for reconstruction and development programs in South Asia: Provided further, That funds should be made available for activities to reduce the incidence of child marriage in developing countries: Provided further, That of the funds appropriated under this heading, up to $20,000,000 should be made available to develop clean water treatment activities in developing countries: Provided further, That of the funds appropriated by this Act, not less than $200,000,000 shall be made available for drinking water supply projects and related activities, of which not less than $50,000,000 should be made available for programs in Africa.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $365,000,000, to remain available until expended, of which $20,000,000 should be for famine prevention and relief.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $40,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: Provided further, That if the President determines that is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to $21,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That such funds shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: Provided further, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading: Provided further, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $700,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $8,000,000, which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: Provided, That funds made available under this heading shall remain available until September 30, 2008.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $41,700,000.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $630,000,000, of which up to $25,000,000 may remain available until September 30, 2007: Provided, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long-term lease of offices in a report *submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long-term lease of offices does not exceed $1,000,000: Provided further, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through fiscal year 2007: Provided further, That none of the funds in this Act may be used to open a new overseas mission of the United States Agency for International Development without the prior written notification of the Committees on Appropriations: Provided further, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to "Operating Expenses of the United States Agency for International Development" in accordance with the provisions of those sections.*

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $70,000,000, to remain available until expended: Provided, That this amount is in addition to funds otherwise available for such purposes: Provided further, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not to exceed $48,100,000 may be made available for the purposes of implementing the Capital Security Cost Sharing Program.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $36,000,000, to remain available until September 30, 2007, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,634,000,000, to remain available until September 30, 2007: Provided, That of the funds appropriated under this heading, not less than $240,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act: Provided further, That not less than $495,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic and political reforms which are additional to those which were undertaken in previous fiscal years: Provided further, That with respect to the provision of assistance for Egypt for democracy and governance activities, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the Government of Egypt: Provided further, That of the funds appropriated under this heading for assistance for Egypt, not less than $135,000,000 shall be made available for project assistance, of which not less than $50,000,000 shall be made available for democracy, human rights and governance programs and not less than $50,000,000 shall be used for education programs, of which not less than $5,000,000 shall be made available for scholarships for disadvantaged Egyptian students to attend American accredited institutions of higher education in Egypt: Provided further, That of the funds appropriated under this heading for assistance for Egypt for economic reform activities, $227,600,000 shall be withheld from obligation until the Secretary of State determines and reports to the Committees on Appropriations that Egypt has met the calendar year 2005 benchmarks accompanying the "Financial Sector Reform Memorandum of Understanding" dated March 20, 2005: Provided further, That $20,000,000 of the funds appropriated under this heading should be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading, not less than $250,000,000 should be made available only for assistance for Jordan: Provided further, That of the funds appropriated under this heading that are available for assistance for the West Bank and Gaza, not to exceed $2,000,000 may be used for administrative expenses of the United States Agency for International Development, in addition to funds otherwise available for such purposes, to carry out programs in the West Bank and Gaza: Provided further, That not more than $225,000,000 of the funds made available for assistance for Afghanistan under this heading may be obligated for such assistance until the Secretary of State certifies to the Committees on Appropriations that the Government of Afghanistan at both the national and local level is cooperating fully with United States funded poppy eradication and interdiction efforts in Afghanistan: Provided further, That the President may waive the previous proviso if he determines and reports to the Committees on Appropriations that to do so is vital to the national security interests of the United States: Provided further, That such report shall include an analysis of the steps being taken by the Government of Afghanistan, at the national and local level, to cooperate fully with United States funded poppy eradication and interdiction efforts in Afghanistan: Provided further, That $40,000,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon, of which not less than $6,000,000 should be made available for scholarships and direct support of American educational institutions in Lebanon: Provided further, That of the funds appropriated under this heading that are made available for assistance for Iraq, not less than $5,000,000 shall be transferred to and merged with funds appropriated under the heading "Iraq Relief and Reconstruction Fund" in chapter 2 of title II of Public Law 108–106 and shall be made available for the Marla Ruzicka Iraqi War Victims Fund: Provided further, That of the funds appropriated under this heading that are made available for assistance for Iraq, not less than $56,000,000 shall be made available for democracy, governance and rule of law programs in Iraq: Provided further, That of the funds appropriated under this heading, not less than $19,000,000 shall be made available for assistance for the Democratic Republic of Timor-Leste, of which up to $1,000,000 may be available for administrative expenses of the United States Agency for International Development: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading shall be made available for programs and activities for the Central Highlands of Vietnam: Provided further, That funds appropriated under this heading that are made available for a Middle East Financing Facility, Middle East Enterprise Fund, or any other similar entity in the Middle East shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of funds appropriated under this heading, $13,000,000 should be made available for a United States contribution to the Special Court for Sierra Leone: Provided further, That with respect to funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, the responsibility for policy decisions and justifications for the use of such funds, including whether there will be a program for a country that uses those funds and the amount of each such program, shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $13,500,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 2007.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $361,000,000, to remain available until September 30, 2007, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That of the funds appropriated under this heading $5,000,000 should be made available for rule of law programs for the training of judges and prosecutors.

(b) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(c) The provisions of section 529 of this Act shall apply to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 529 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(d) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of

annex I-A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between state sponsors of terrorism and terrorist organizations and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $514,000,000, to remain available until September 30, 2007: Provided, That the provisions of such chapters shall apply to funds appropriated by this paragraph: Provided further, That funds made available for the Southern Caucasus region may be used, notwithstanding any other provision of law, for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, that are made available pursuant to the provisions of section 807 of Public Law 102–511 shall be subject to a 6 percent ceiling on administrative expenses.

(b) Of the funds appropriated under this heading, not less than $50,000,000 should be made available, in addition to funds otherwise available for such purposes, for assistance for child survival, environmental and reproductive health, and to combat HIV/AIDS, tuberculosis and other infectious diseases, and for related activities.

(c) Of the funds appropriated under this heading that are made available for assistance for Ukraine, not less than $5,000,000 should be made available for nuclear reactor safety initiatives, and not less than $1,500,000 shall be made available for coal mine safety programs.

(d) Of the funds appropriated under this heading, $2,500,000 shall be made available for the Business Information Service for the Newly Independent States.

(e)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(f) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104-201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $19,500,000, to remain available until September 30, 2007.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, $23,000,000, to remain available until September 30, 2007: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the board of directors of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $322,000,000, to remain available until September 30, 2007: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That the Director may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed $2,000,000: Provided further, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations.

MILLENNIUM CHALLENGE CORPORATION

For necessary expenses for the "Millennium Challenge Corporation", $1,770,000,000 to remain available until expended: Provided, That of the funds appropriated under`this heading, up to $75,000,000 may be available for administrative expenses of the Millennium Challenge Corporation: Provided further, That up to 10 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for candidate countries for fiscal year 2006: Provided further, That none of the funds available to carry out section 616 of such Act may be made available until the Chief Executive Officer of the Millennium Challenge Corporation provides a report to the Committees on Appropriations listing the candidate countries that will be receiving assistance under section 616 of such Act, the level of assistance proposed for each such country, a description of the proposed programs, projects and activities, and the implementing agency or agencies of the United States Government: Provided further, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: Provided further, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact.

DEPARTMENT OF STATE

GLOBAL HIV/AIDS INITIATIVE

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $1,995,000,000, to remain available until expended, of which $200,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25) for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and shall be expended at the minimum rate necessary to make timely payment for projects and activities.

DEMOCRACY FUND

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy, governance, human rights, independent media, and the rule of law globally, $95,000,000, to remain available until September 30, 2008: Provided, That funds appropriated under this heading shall be made available notwithstanding any other provision of law, and of such funds $63,200,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and not less than $15,250,000 shall be made available for the National Endowment for Democracy: Provided further, That funds appropriated under this heading are in addition to funds otherwise available for such purposes: Provided further, That funds made available by title II of this Act for purposes of this section for any contract, grant, or cooperative agreement (or any amendment to any contract, grant, or cooperative agreement) in excess of $10,000,000 shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) Funds appropriated in subsection (a) should be made available for assistance for Taiwan for the purposes of furthering political and legal reforms: Provided, That such funds shall only be made available to the extent that they are matched from sources other than the United States Government.

(c) Funds appropriated in subsection (a) shall be made available for programs and activities to foster democracy, governance, human rights, civic education, women's development, press freedom, and the rule of law in countries located outside the Middle East region with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism: Provided, That such funds should support new initiatives and activities in those countries: Provided further, That of the funds appropriated in subsection (a) $5,000,000 shall be made available for continuing programs and activities that provide professional training for journalists.

(d) Notwithstanding any other provision of law, funds appropriated by this Act may be made available for democracy, governance, human rights, and rule of law programs for Syria and Iran: Provided, That not less than $6,550,000 of the funds appropriated in subsection (a) shall be made available for programs and activities that support the advancement of democracy in Iran and Syria.

(e) Funds made available for purposes of this section that are made available to the National Endowment for Democracy may be made available notwithstanding any other provision of law or regulation.

(f) Funds made available pursuant to the authority of subsections (b), (c) and (d) shall be subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $477,200,000, to remain available until September 30, 2008: Provided, That during fiscal year 2006, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: Provided further, That of the funds appropriated under this heading, not less than $16,000,000 shall be made available for training programs and activities of the International Law Enforcement Academies: Provided further, That $10,000,000 of the funds appropriated under this heading should be made available for demand reduction programs: Provided further, That of the funds appropriated under this heading, not more than $33,484,000 may be available for administrative expenses.

ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug activities in the Andean region of South America, $734,500,000, to remain available until September 30, 2008: Provided, That in fiscal year 2006, funds available to the Department of State for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: Provided further, That this authority shall cease to be effective if the Secretary of State has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations: Provided further, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: Provided further, That the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: Provided further, That funds made available in this Act for demobilization/reintegration of members of foreign terrorist organizations in Colombia shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading that are available for alternative development/institution building, not less than $228,772,000 shall be apportioned directly to the United States Agency for International Development including $131,232,000 for assistance for Colombia: Provided further, That with respect to funds apportioned to the United States Agency for International Development under the previous proviso, the responsibility for policy decisions for the use of such funds, including what activities will be funded and the amount of funds that will be provided for each of those activities, shall be the responsibility of the Administrator of the United States Agency for International Development in consultation with the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs: Provided further, That of the funds appropriated under this heading, in addition to funds made available for judicial reform programs in Colombia, not less than $8,000,000 shall be made available to the United States Agency for International Development for organizations and programs to protect human rights: Provided further, That not more than 20 percent of the funds appropriated by this Act that are used for the procurement of chemicals for aerial coca and poppy fumigation programs may be made available for such programs unless the Secretary of State certifies to the Committees on Appropriations that: (1) the herbicide is being used in accordance with EPA label requirements for comparable use in the United States and with Colombian laws; and (2) the herbicide, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment including endemic species: Provided further, That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that complaints of harm to health or licit crops caused by such fumigation are evaluated and fair compensation is being paid for meritorious claims: Provided further, That such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers whose illicit crops are targeted for fumigation: Provided further, That of the funds appropriated under this heading, not less than $2,000,000 should be made available for programs to protect biodiversity and indigenous reserves in Colombia: Provided further, That funds appropriated by this Act may be used for aerial fumigation in Colombia's national parks or reserves only if the Secretary of State determines that it is in accordance with Colombian laws and that there are no effective alternatives to reduce drug cultivation in these areas: Provided further, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: Provided further, That funds appropriated under this heading that are made available for assistance for the Bolivian military may be made available for such purposes only if the Secretary of State certifies that the Bolivian military is respecting human rights, and civilian judicial authorities are investigating and prosecuting, with the military's cooperation, military personnel who have been implicated in gross violations of human rights: Provided further, That of the funds appropriated under this heading, not more than $19,015,000 may be available for administrative expenses of the Department of State, and not more than $7,800,000 may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $791,000,000, to remain available until expended: Provided, That not more than $23,000,000 may be available for administrative expenses: Provided further, That not less than $40,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel: Provided further, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement: Provided further, That funds appropriated under this heading should be made available to develop effective responses to protracted refugee situations, including the development of programs to assist long-term refugee populations within and outside traditional camp settings that support refugees living or working in local communities such as integration of refugees into local schools and services, resource conservation projects and other projects designed to diminish conflict between refugee hosting communities and refugees, and encouraging dialogue among refugee hosting communities, the United Nations High Commissioner for Refugees, and international and nongovernmental refugee assistance organizations to promote the rights to which refugees are entitled under the Convention Relating to the Status of Refugees of July 28, 1951 and the Protocol Relating to the Status of Refugees, done at New York January 31, 1967.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $30,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs *and activities, $410,100,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That of this amount not to exceed $37,500,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds made available for demining and related activities, not to exceed $705,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That funds appropriated under this heading that are available for "Anti-terrorism Assistance" and "Export Control and Border Security" shall remain available until September 30, 2007.*

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $20,000,000, to remain available until September 30, 2008, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, of concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, $65,000,000, to remain available until September 30, 2008: Provided, That not less than $20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: Provided further, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;

(2) the African Development Fund;

(3) the African Development Bank; and

(4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: Provided further, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: Provided further, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: Provided further, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as "enclave" loans; and

(2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: Provided further, That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $86,744,000, of which up to $3,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for military education and training for Guatemala may only be available for expanded international military education and training, and funds made available for Haiti, the Democratic Republic of the Congo, and Nigeria may only be provided through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,500,000,000: Provided, That of the funds appropriated under this heading, not less than $2,280,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $595,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, $210,000,000 shall be made available for assistance for Jordan: Provided further, That funds appropriated or otherwise made available by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Guatemala: Provided further, That none of the funds appropriated under this heading may be made available for assistance for Haiti except pursuant to the regular notification procedures of the Committees on Appropriations: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $42,500,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $373,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated *for expenses incurred by the Department of Defense during fiscal year 2006 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2006 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act.*

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $175,000,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $80,000,000 to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility (GEF), by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $950,000,000, to remain available until expended.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, $1,300,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital in an amount not to exceed $8,126,527.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation by the Secretary of the Treasury, $1,741,515, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $1,741,515, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $100,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $3,638,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $88,333,855.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $135,700,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $1,015,677 for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,249,888.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $15,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $329,458,000: Provided, That none of the funds appropriated under this heading may be made available to the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 501. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 502. None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

UNOBLIGATED BALANCES REPORT

SEC. 504. Any Department or Agency to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting by program, project, and activity of the funds received by such Department or Agency in this fiscal year or any previous fiscal year that remain unobligated and unexpended.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $250,000 shall be available for representation and entertainment allowances, of which not to exceed $2,500 shall be available for entertainment allowances, for the United States Agency for International Development during the current fiscal year: Provided, That no such entertainment funds may be used for the purposes listed in section 548 of this Act: Provided further, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $4,000 shall be available for entertainment expenses and not to exceed $130,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $55,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $4,000 shall be available for representation and entertainment allowances: Provided further, That of the funds made available by this Act under the heading "Millennium Challenge Corporation", not to exceed $115,000 shall be available for representation and entertainment allowances.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 506. (a) PROHIBITION ON TAXATION.—None of the funds appropriated by this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2006 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal

year 2007 and allocated for the central government of such country and for the West Bank and Gaza Program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the policy of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the terms "taxes" and "taxation" refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term "bilateral agreement" refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Libya, North Korea, Iran, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents: Provided further, That for purposes of this section, the prohibition shall not include activities of the Overseas Private Investment Corporation in Libya: Provided further, That the prohibition shall not include direct loans, credits, insurance and guarantees made available by the Export-Import Bank or its agents for or in Libya.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup or decree: Provided, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided further, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFERS

SEC. 509. (a)(1) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—None of the funds made available by this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(b) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

(c) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: Provided, That funds transferred under such authority may be made available for the cost of such audits.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 510. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapters 4, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction *and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.*

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Health Programs Fund", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative", "Assistance for Eastern Europe and the Baltic States", "Assistance for the Independent States of the Former Soviet Union", "Economic Support Fund", "Global HIV/AIDS Initiative", "Democracy Fund", "Peacekeeping Operations", "Capital Investment Fund", "Operating Expenses of the United States Agency for International Development", "Operating Expenses of the United States Agency for International Development Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Millennium Challenge Corporation" (by country only), "Foreign Military Financing Program", "International Military Education and Training", "Peace Corps", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under title II of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2007.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(b) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(c) Funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" for the Russian Federation, Armenia, Kazakhstan, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

(d) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(e) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the Independent States of the Former Soviet Union" and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to Europe and Eurasia and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2006, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for assistance for Liberia, Serbia, Sudan, Zimbabwe, Pakistan, or Cambodia except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 522. Up to $13,500,000 of the funds made available by this Act for assistance under the heading "Child Survival and Health Programs Fund", may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: Provided, That up to $3,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by titles II and III of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for the provisions under the heading "Child Survival and Health Programs Fund" and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003

(117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: Provided further, That of the funds appropriated under title II of this Act, not less than $440,000,000 shall be made available for family planning/reproductive health: Provided further, That the Comptroller General of the United States shall conduct an audit on the use of funds appropriated for fiscal years 2004 and 2005 under the heading "Child Survival and Health Programs Fund", to include specific recommendations on improving the effectiveness of such funds.

AFGHANISTAN

SEC. 523. Of the funds appropriated by titles II and III of this Act, not less than $931,400,000 should be made available for humanitarian, reconstruction, and related assistance for Afghanistan: Provided, That of the funds made available pursuant to this section, not less than $3,000,000 should be made available for reforestation activities: Provided further, That funds made available pursuant to the previous proviso should be matched, to the maximum extent possible, with contributions from American and Afghan businesses: Provided further, That of the funds allocated for assistance for Afghanistan from this Act and other Acts making appropriations for foreign operations, export financing, and related programs for fiscal year 2006, not less than $50,000,000 should be made available to support programs that directly address the needs of Afghan women and girls, of which not less than $7,500,000 shall be made available for grants to support training and equipment to improve the capacity of women-led Afghan nongovernmental organizations and to support the activities of such organizations: Provided further, That of the funds made available pursuant to this section, not less than $2,000,000 should be made available for the Afghan Independent Human Rights Commission and for other Afghan human rights organizations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

HIV/AIDS

SEC. 525. (a) Notwithstanding any other provision of this Act, 20 percent of the funds that are appropriated by this Act for a contribution to support the Global Fund to Fight AIDS, Tuberculosis and Malaria (the "Global Fund") shall be withheld from obligation to the Global Fund until the Secretary of State certifies to the Committees on Appropriations that the Global Fund—

(1) has established clear progress indicators upon which to determine the release of incremental disbursements;

(2) is releasing such incremental disbursements only if progress is being made based on those indicators; and

(3) is providing support and oversight to country-level entities, such as country coordinating mechanisms, principal recipients, and local Fund agents, to enable them to fulfill their mandates.

(b) The Secretary of State may waive subsection (a) if the Secretary determines and reports to the Committees on Appropriations that such waiver is important to the national interest of the United States.

BURMA

SEC. 526. (a) The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose and vote against the extension by such institution of any loan or financial or technical assistance or any other utilization of funds of the respective bank to and for Burma.

(b) Of the funds appropriated under the heading "Economic Support Fund", not less than $11,000,000 shall be made available to support democracy activities in Burma, along the Burma-Thailand border, for activities of Burmese student groups and other organizations located outside Burma, and for the purpose of supporting the provision of humanitarian assistance to displaced Burmese along Burma's borders: Provided, That funds made available under this heading may be made available notwithstanding any other provision of law: Provided further, That in addition to assistance for Burmese refugees provided under the heading "Migration and Refugee Assistance" in this Act, not less than $3,000,000 shall be made available for assistance for community-based organizations operating in Thailand to provide food, medical and other humanitarian assistance to internally displaced persons in eastern Burma: Provided further, That funds made available under this section shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) The President shall include amounts expended by the Global Fund to Fight AIDS, Tuberculosis and Malaria to the State Peace and Development Council in Burma, directly or through groups and organizations affiliated with the Global Fund, in making determinations regarding the amount to be withheld by the United States from its contribution to the Global Fund pursuant to section 202(d)(4)(A)(ii) of Public Law 108–25.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DEBT-FOR-DEVELOPMENT

SEC. 528. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 529. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98-1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 530. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available by this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

FINANCIAL MARKET ASSISTANCE IN TRANSITION COUNTRIES

SEC. 531. Of the funds appropriated by this Act under the headings "Trade and Development Agency", "Development Assistance", "Transition Initiatives", "Economic Support Fund", "International Affairs Technical Assistance", "Assistance for the Independent States of the Former Soviet Union", "Nonproliferation, Anti-terrorism, Demining and Related Programs", and "Assistance for Eastern Europe and Baltic States", not less than $40,000,000 should be made available for building capital markets and financial systems in countries in transition.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 532. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 533. None of the funds appropriated by this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 534. (a) AFGHANISTAN, IRAQ, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated by this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 512 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles I and II of this Act that are made available for Iraq, Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 10 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100-204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(f) VIETNAMESE REFUGEES.—Section 594(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (enacted as division D of Public Law 108-447; 118 Stat. 3038) is amended by striking "and 2005" and inserting "through 2007".

(g) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(h) WORLD FOOD PROGRAM.—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance of the United States Agency for International Development, from this or any other Act, not less than $10,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(i) UNIVERSITY PROGRAMS.—Notwithstanding any other provision of law, of the funds appropriated under the heading "Development Assistance" in this Act, up to $5,000,000 shall be made available to American educational institutions for programs and activities in the People's Republic of China relating to the environment, democracy, and the rule of law: Provided, That funds made available pursuant to this authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(j) EXTENSION OF AUTHORITY.—

(1) With respect to funds appropriated by this Act that are available for assistance for Pakistan, the President may waive the prohibition on assistance contained in section 508 of this Act subject to the requirements contained in section 1(b) of Public Law 107-57, as amended, for a determination and certification, and consultation, by the President prior to the exercise of such waiver authority.

(2) Section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961 shall not apply with respect to assistance for Pakistan from funds appropriated by this Act.

(3) Notwithstanding the date contained in section 6 of Public Law 107-57, as amended, the provisions of sections 2 and 4 of that Act shall remain in effect through the current fiscal year.

(k) MIDDLE EAST FOUNDATION.—Of the funds appropriated by this Act under the heading "Economic Support Fund" that are available for the Middle East Partnership Initiative, up to $35,000,000 may be made available, including as an endowment, notwithstanding any other provision of law and following consultations with the Committees on Appropriations, to establish and operate a Middle East Foundation, or any other similar entity, whose purpose is to support democracy, governance, human rights, and the rule of law in the Middle East region: Provided, That such funds may be made available to the Foundation only to the extent that the Foundation has commitments from sources other than the United States Government to at least match the funds provided under the authority of this subsection: Provided further, That provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section) shall be deemed to apply to any such foundation or similar entity referred to under this subsection, and to funds made available to such entity, in order to enable it to provide assistance for purposes of this section: Provided further, That prior to the initial obligation of funds for any such foundation or similar entity pursuant to the authorities of this subsection, other than for administrative support, the Secretary of State shall take steps to ensure, on an ongoing basis,

that any such funds made available pursuant to such authorities are not provided to or through any individual or group that the management of the foundation or similar entity knows or has reason to believe, advocates, plans, sponsors, or otherwise engages in terrorist activities: Provided further, That section 530 of this Act shall apply to any such foundation or similar entity established pursuant to this subsection: Provided further, That the authority of the Foundation, or any similar entity, to provide assistance shall cease to be effective on September 30, 2010.

(l) EXTENSION OF AUTHORITY.—(1) Section 21(h)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(h)(1)(A)) is amended by inserting after "North Atlantic Treaty Organization" the following: "or the Governments of Australia, New Zealand, Japan, or Israel".

(2) Section 21(h)(2) of the Arms Export Control Act (22 U.S.C. 2761(h)(2) is amended by striking "or to any member government that Organization if that Organization or member government" and inserting the following: ", to any member of that Organization, or to the Governments of Australia, New Zealand, Japan, or Israel if that Organization, member government, or the Governments of Australia, New Zealand, Japan, or Israel".

(3) Section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347) is amended—

(A) in the first sentence, by striking "The President" and inserting "(a) The President"; and

(B) by adding at the end the following new subsection:

"(b) The President shall seek reimbursement for military education and training furnished under this chapter from countries using assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763, relating to the Foreign Military Financing Program) to purchase such military education and training at a rate comparable to the rate charged to countries receiving grant assistance for military education and training under this chapter.".

(m) EXTENSION OF AUTHORITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "and 2005" and inserting "2005, and 2006"; and

(B) in subsection (e), by striking "2005" each place it appears and inserting "2006"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "2005" and inserting "2006".

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 535. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ELIGIBILITY FOR ASSISTANCE

SEC. 536. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2006, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

RESERVATIONS OF FUNDS

SEC. 537. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 538. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 539. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $25,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 540. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 541. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 542. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act of 1979. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver authority of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN COUNTRIES

SEC. 543. (a) Subject to subsection (c), of the funds appropriated by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country *shall be withheld from obligation for assistance for the central government of such country until the Secretary of State submits a certification to the appropriate congressional committees stating that such parking fines and penalties and unpaid property taxes are fully paid.*

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regular notification procedures of the appropriate congressional committees, provided that no such funds shall be made available for assistance for the central government of a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties and unpaid property taxes owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d)(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the Committees on Appropriations describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(f) In this section:

(1) The term "appropriate congressional committees" means the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(2) The term "fully adjudicated" includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(3) The term "parking fines and penalties" means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997, through September 30, 2005.

(4) The term "unpaid property taxes" means the amount of unpaid taxes and interest determined to be owed by a foreign country on real property in the District of Columbia or New York, New York in a court order or judgment entered against such country by a court of the United States or any State or subdivision thereof.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 544. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 545. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: Provided further, That funds made available for tribunals other than Yugoslavia, Rwanda, or the Special Court for Sierra Leone shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 546. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 547. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel–PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 548. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Child Survival and Health Programs Fund", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

HAITI

SEC. 549. (a) Of the funds appropriated by this Act, the following amounts shall be made available for assistance for Haiti—

(1) $20,000,000 from "Child Survival and Health Programs Fund";

(2) $30,000,000 from "Development Assistance";

(3) $50,000,000 from "Economic Support Fund";

(4) $15,000,000 from "International Narcotics Control and Law Enforcement";

(5) $1,000,000 from "Foreign Military Financing Program"; and

(6) $215,000 from "International Military Education and Training".

(b) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

(c) None of the funds made available in this Act under the heading "International Narcotics Control and Law Enforcement" may be used to transfer excess weapons, ammunition or other lethal property of an agency of the United States Government to the Government of Haiti for use by the Haitian National Police until the Secretary of State certifies to the Committees on Appropriations that: (1) the United Nations Mission in Haiti (MINUSTAH) has carried out the vetting of the senior levels of the Haitian National Police and has ensured that those credibly alleged to have committed serious crimes, including drug trafficking and human rights violations, have been suspended; and (2) the Transitional Haitian National Government is cooperating in a reform and restructuring plan for the Haitian National Police and the reform of the judicial system as called for in United Nations Security Council Resolution 1608 adopted on June 22, 2005.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 550. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure. The report shall also include a description of how funds will be spent and the accounting procedures in place to ensure that they are properly disbursed.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 551. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that *the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.*

FOREIGN MILITARY TRAINING REPORT

SEC. 552. The annual foreign military training report required by section 656 of the Foreign Assistance Act of 1961 shall be submitted by the Secretary of Defense and the Secretary of State to the Committees on Appropriations of the House of Representatives and the Senate by the date specified in that section.

AUTHORIZATION REQUIREMENT

SEC. 553. Funds appropriated by this Act, except funds appropriated under the headings "Trade and Development Agency", "Overseas Private Investment Corporation", and "Global HIV/AIDS Initiative", may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

CAMBODIA

SEC. 554. (a)(1) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

(2) Paragraph (1) shall not apply to assistance for basic education, reproductive and maternal and child health, cultural and historic preservation, programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases, development and implementation of legislation and implementation of procedures on inter-country adoptions consistent with international standards, rule of law programs, counternarcotics programs, programs to combat human trafficking that are provided through nongovernmental organizations, anti-corruption programs, and for the Ministry of Women and Veterans Affairs to combat human trafficking.

(b) Notwithstanding any provision of this or any other Act, of the funds appropriated by this Act under the heading "Economic Support Fund", $15,000,000 shall be made available for activities to support democracy, the rule of law, and human rights, including assistance for democratic political parties in Cambodia.

(c) Funds appropriated by this Act to carry out provisions of section 541 of the Foreign Assistance Act of 1961 may be made available notwithstanding subsection (a).

PALESTINIAN STATEHOOD

SEC. 555. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated by this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) a new leadership of a Palestinian governing entity has been democratically elected through credible and competitive elections;

(2) the elected governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures;

(C) is establishing a new Palestinian security entity that is cooperative with appropriate Israeli and other appropriate security organizations; and

(3) the Palestinian Authority (or the governing body of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgement of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the newly-elected governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if he determines that it is vital to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or a newly-elected governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 550 of this Act ("Limitation on Assistance to the Palestinian Authority").

COLOMBIA

SEC. 556. (a) DETERMINATION AND CERTIFICATION REQUIRED.—Funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available as follows:

(1) Up to 75 percent of such funds may be obligated prior to a determination and certification by the Secretary of State pursuant to paragraph (2).

(2) Up to 12.5 percent of such funds may be obligated only after the Secretary of State certifies and reports to the appropriate congressional committees that:

(A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank who, according to the Minister of Defense or the Procuraduria General de la Nacion, have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.

(B) The Colombian Government is vigorously investigating and prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and is promptly punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations.

(C) The Colombian Armed Forces have made substantial progress in cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

(D) The Colombian Armed Forces have made substantial progress in severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations, especially in regions where these organizations have a significant presence.

(E) The Colombian Government is dismantling paramilitary leadership and financial networks by arresting commanders and financial backers, especially in regions where these networks have a significant presence.

(F) The Colombian Government is taking effective steps to ensure that the Colombian Armed Forces are not violating the land and property rights of Colombia's indigenous communities.

(3) The balance of such funds may be obligated after July 31, 2006, if the Secretary of State certifies and reports to the appropriate congressional committees, after such date, that the Colombian Armed Forces are continuing to meet the conditions contained in paragraph (2) and are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

(b) CONGRESSIONAL NOTIFICATION.—Funds made available by this Act for the Colombian Armed Forces shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) CONSULTATIVE PROCESS.—Not later than 60 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2007, the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in subsection (a).

(d) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term "aided or abetted" means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term "paramilitary groups" means illegal self-defense groups and illegal security cooperatives.

ILLEGAL ARMED GROUPS

SEC. 557. (a) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 558. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

WEST BANK AND GAZA PROGRAM

SEC. 559. (a) OVERSIGHT.—For fiscal year 2006, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading "Economic Support Fund" for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which he has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—None of the funds appropriated by this Act for assistance under the West Bank and Gaza program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

(d) AUDITS.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act under the heading "Economic Support Fund" that are made available for assistance for the West Bank and Gaza, up to $1,000,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection. Such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program in fiscal year 2006 under the heading "Economic Support Fund". The audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c), and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109–13.

CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. 560. (a) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under "International Organizations and Programs" and "Child Survival and Health Programs Fund" for fiscal year 2006, $34,000,000 shall be made available for the United Nations Population Fund (hereafter in this section referred to as the "UNFPA"): Provided, That of this amount, not less than $22,500,000 shall be derived from funds appropriated under the heading "International Organizations and Programs".

(b) AVAILABILITY OF FUNDS.—Funds appropriated under the heading "International Organizations and Programs" in this Act that are available for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to "Child Survival and Health Programs Fund" and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under "International Organizations and Programs" may be made available for the UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under "International Organizations and Programs" for fiscal year 2006 for the UNFPA may not be made available to UNFPA unless—

(1) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(2) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(3) the UNFPA does not fund abortions.

WAR CRIMINALS

SEC. 561. (a)(1) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any new project involving the extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the "Tribunal") all persons in their territory who have been indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 10 days before any vote in an international financial institution regarding the extension of any new project involving financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to projects within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Accords.

(f) DEFINITIONS.—As used in this section:

(1) COUNTRY.—The term "country" means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term "municipality" means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term "Dayton Accords" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

USER FEES

SEC. 562. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

FUNDING FOR SERBIA

SEC. 563. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2006, if the President has made the determination and certification contained in subsection (c).

(b) After May 31, 2006, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of Serbia and Montenegro subject to the conditions in subsection (c): Provided, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Government of Serbia and Montenegro through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of Serbia and Montenegro is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension, including Ratko Mladic and Radovan Karadzic, unless the Secretary of State determines and reports to the Committees on Appropriations that these individuals are no longer residing in Serbia;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) This section shall not apply to Montenegro, Kosovo, humanitarian assistance or assistance to promote democracy.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 564. (a) AUTHORITY.—Funds made available by this Act to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 565. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 566. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

BASIC EDUCATION

SEC. 567. Of the funds appropriated by title II of this Act, not less than $465,000,000 shall be made available for basic education, of which not less than $250,000 shall be provided to the Comptroller General of the United States to prepare an analysis of United States funded international basic education programs, which should be submitted to the Committees on Appropriations by May 1, 2006.

RECONCILIATION PROGRAMS

SEC. 568. Of the funds appropriated under the heading "Economic Support Fund", not less than $15,000,000 should be made available to support reconciliation programs and activities which bring together individuals of different ethnic, religious, and political backgrounds from areas of civil conflict and war.

SUDAN

SEC. 569. (a) AVAILABILITY OF FUNDS.—Of the funds appropriated under the heading "Development Assistance" up to $70,000,000 may be made available for assistance for Sudan, of which not to exceed $6,000,000 may be made available for administrative expenses of the United States Agency for International Development associated with assistance programs for Sudan.

(b) LIMITATION ON ASSISTANCE.—Subject to subsection (c):

(1) Notwithstanding section 501(a) of the International Malaria Control Act of 2000 (Public Law 106–570) or any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(2) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(c) Subsection (b) shall not apply if the Secretary of State determines and certifies to the Committees on Appropriations that—

(1) the Government of Sudan has taken significant steps to disarm and disband government-supported militia groups in the Darfur region;

(2) the Government of Sudan and all government-supported militia groups are honoring their commitments made in the cease-fire agreement of April 8, 2004; and

(3) the Government of Sudan is allowing unimpeded access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team that is based in Darfur and that has the support of the United States.

(d) EXCEPTIONS.—The provisions of subsection (b) shall not apply to—

(1) humanitarian assistance;

(2) assistance for Darfur and for areas outside the control of the Government of Sudan; and

(3) assistance to support implementation of the Comprehensive Peace Agreement.

(e) DEFINITIONS.—For the purposes of this Act and section 501 of Public Law 106–570, the terms "Government of Sudan", "areas outside of control of the Government of Sudan", and "area in Sudan outside of control of the Government of Sudan" shall have the same meaning and application as was the case immediately prior to June 5, 2004, and, Southern Kordofan/Nuba Mountains State, Blue Nile State and Abyei shall be deemed "areas outside of control of the Government of Sudan".

TRADE CAPACITY BUILDING

SEC. 570. Of the funds appropriated by this Act, under the headings "Trade and Development Agency", "Development Assistance", "Transition Initiatives", "Economic Support Fund", "International Affairs Technical Assistance", and "International Organizations and Programs", not less than $522,000,000 should be made available for trade capacity building assistance: Provided, That $20,000,000 of the funds appropriated in this Act under the heading "Economic Support Fund" shall be made available for labor and environmental capacity building activities relating to the free trade agreement with the countries of Central America and the Dominican Republic.

EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES

SEC. 571. Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during fiscal year 2006, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Afghanistan, Bulgaria, Croatia, Estonia, Former Yugoslavian Republic of Macedonia, Georgia, India, Iraq, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

ZIMBABWE

SEC. 572. The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

GENDER-BASED VIOLENCE

SEC. 573. Programs funded under titles II and III of this Act that provide training for foreign police, judicial, and military officials, shall include, where appropriate, programs and activities that address gender-based violence.

LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR CERTAIN FOREIGN GOVERNMENTS THAT ARE PARTIES TO THE INTERNATIONAL CRIMINAL COURT

SEC. 574. (a) None of the funds made available in this Act in title II under the heading "Economic Support Fund" may be used to provide assistance to the government of a country that is a party to the International Criminal Court and has not entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(b) The President may, with prior notice to Congress, waive the prohibition of subsection (a) with respect to a North Atlantic Treaty Organization ("NATO") member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), Taiwan, or such other country as he may determine if he determines and reports to the appropriate congressional committees that it is important to the national interests of the United States to waive such prohibition.

(c) The President may, with prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(d) The prohibition of this section shall not apply to countries otherwise eligible for assistance under the Millennium Challenge Act of 2003, notwithstanding section 606(a)(2)(B) of such Act.

(e) Funds appropriated for fiscal year 2005 under the heading "Economic Support Fund" may be made available for democracy and rule of law programs and activities, notwithstanding the provisions of section 574 of division D of Public Law 108–447.

TIBET

SEC. 575. (a) The Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(b) Notwithstanding any other provision of law, not less than $4,000,000 of the funds appropriated by this Act under the heading "Economic Support Fund" should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, and not less than $250,000 should be made available to the National Endowment for Democracy for human rights and democracy programs relating to Tibet.

CENTRAL AMERICA

SEC. 576. (a) Of the funds appropriated by this Act under the headings "Child Survival and Health Programs Fund" and "Development Assistance", not less than the amount of funds initially allocated pursuant to section 653(a) of the Foreign Assistance Act of 1961 for fiscal year 2005 should be made available for El Salvador, Guatemala, Nicaragua and Honduras.

(b) In addition to the amounts requested under the heading "Economic Support Fund" for assistance for Nicaragua and Guatemala in fiscal year 2006, not less than $1,500,000 should be made available for electoral assistance, media and civil society programs, and activities to combat corruption and strengthen democracy in Nicaragua, and not less than $1,500,000 should be made available for programs and activities to combat organized crime, crimes of violence specifically targeting women, and corruption in Guatemala.

(c) Funds made available pursuant to subsection (b) shall be subject to prior consultation with the Committees on Appropriations.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 577. (a) AUTHORITY.—Up to $75,000,000 of the funds made available in this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States", may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2008.

(c) CONDITIONS.—The authority of subsection (a) may only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other nondirect-hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States", are eliminated.

(d) PRIORITY SECTORS.—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical skill areas currently encumbered by contractor or other nondirect-hire personnel.

(e) CONSULTATIONS.—The USAID Administrator shall consult with the Committees on Appropriations at least on a quarterly basis concerning the implementation of this section.

(f) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate. Funds made available to carry out this section may be transferred to and merged and consolidated with funds appropriated for "Operating Expenses of the United States Agency for International Development".

(g) MANAGEMENT REFORM PILOT.—Of the funds made available in subsection (a), USAID may use, in addition to funds otherwise available for such purposes, up to $10,000,000 to fund overseas support costs of members of the Foreign Service with a Foreign Service rank of four or below: Provided, That such authority is only used to reduce USAID's reliance on overseas personal services contractors or other nondirect-hire employees compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States".

(h) DISASTER SURGE CAPACITY.—Funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States", may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by the United States Agency for International Development whose primary responsibility is to carry out programs in response to natural disasters.

HIPC DEBT REDUCTION

SEC. 578. Section 501(b) of H.R. 3425, as enacted into law by section 1000(a)(5) of division B of Public Law 106–113 (113 Stat. 1501A–311), is amended by adding at the end the following new paragraph:

"(5) The Act of March 11, 1941 (chapter 11; 55 Stat. 31; 22 U.S.C. 411 et seq.; commonly known as the 'Lend-Lease Act').".

OPIC TRANSFER AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

SEC. 579. Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of $20,000,000 of the funds appropriated under title II of this Act may be transferred to and merged with funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: Provided, That such funds shall not be available for administrative expenses of the Overseas Private Investment

Corporation: Provided further, That funds earmarked by this Act shall not be transferred pursuant to this section: Provided further, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON FUNDS RELATING TO ATTENDANCE OF FEDERAL EMPLOYEES AT CONFERENCES OCCURRING OUTSIDE THE UNITED STATES

SEC. 580. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State determines that such attendance is in the national interest: Provided, That for purposes of this section the term "international conference" shall mean a conference attended by representatives of the United States Government and representatives of foreign governments, international organizations, or nongovernmental organizations.

LIMITATION ON ASSISTANCE TO FOREIGN COUNTRIES THAT REFUSE TO EXTRADITE TO THE UNITED STATES ANY INDIVIDUAL ACCUSED IN THE UNITED STATES OF KILLING A LAW ENFORCEMENT OFFICER

SEC. 581. None of the funds made available in this Act for the Department of State may be used to provide assistance to the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted in the United States for killing a law enforcement officer, as specified in a United States extradition request, unless the Secretary of State certifies to the Committees on Appropriations in writing that the application of the restriction to a country or countries is contrary to the national interest of the United States.

PROHIBITION AGAINST DIRECT FUNDING FOR SAUDI ARABIA

SEC. 582. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance any assistance to Saudi Arabia: Provided, That the President may waive the prohibition of this section if he certifies to the Committees on Appropriations, 15 days prior to the obligation of funds for assistance for Saudi Arabia, that Saudi Arabia is cooperating with efforts to combat international terrorism and that the proposed assistance will help facilitate that effort.

GOVERNMENTS THAT HAVE FAILED TO PERMIT CERTAIN EXTRADITIONS

SEC. 583. None of the funds made available in this Act for the Department of State, other than funds provided under the heading "International Narcotics Control and Law Enforcement", may be used to provide assistance to the central government of a country with which the United States has an extradition treaty and which government has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole, unless the Secretary of State certifies to the Committees on Appropriations in writing that the application of this restriction to a country or countries is contrary to the national interest of the United States.

REPORTING REQUIREMENT

SEC. 584. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2006, and for each fiscal quarter, a report in writing on the uses of funds made available under the headings "Foreign Military Financing Program", "International Military Education and Training", and "Peacekeeping Operations": Provided, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

ENVIRONMENT PROGRAMS

SEC. 585. (a) FUNDING.—Of the funds appropriated under the heading "Development Assistance", not less than $165,500,000 shall be made available for programs and activities which directly protect biodiversity, including forests, in developing countries, of which not less than $10,000,000 should be made available to implement the United States Agency for International Development's biodiversity conservation strategy for the Amazon basin, which amount shall be in addition to the amounts requested for biodiversity activities in these countries in fiscal year 2006: Provided, That of the funds appropriated by this Act, not less than $17,500,000 should be made available for the Congo Basin Forest Partnership of which not less than $2,500,000 should be made available to the United States Fish and Wildlife Service for the protection of great apes in Central Africa: Provided further, That of the funds appropriated by this Act, not less than $180,000,000 shall be made available to support clean energy and other climate change policies and programs in developing countries, of which $100,000,000 should be made available to directly promote and deploy energy conservation, energy efficiency, and renewable and clean energy technologies, and of which the balance should be made available to directly: (1) measure, monitor, and reduce greenhouse gas emissions; (2) increase carbon sequestration activities; and (3) enhance climate change mitigation and adaptation programs.

(b) CLIMATE CHANGE REPORT.—Not later than 60 days after the date on which the President's fiscal year 2007 budget request is submitted to Congress, the President shall submit a report to the Committees on Appropriations describing in detail the following—

(1) all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2006, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix; and

(2) all fiscal year 2005 obligations and estimated expenditures, fiscal year 2006 estimated expenditures and estimated obligations, and fiscal year 2007 requested funds by the United States Agency for International Development, by country and central program, for each of the following: (i) to promote the transfer and deployment of a wide range of United States clean energy and energy efficiency technologies; (ii) to assist in the measurement, monitoring, reporting, verification, and reduction of greenhouse gas emissions; (iii) to promote carbon capture and sequestration measures; (iv) to help meet such countries' responsibilities under the Framework Convention on Climate Change; and (v) to develop assessments of the vulnerability to impacts of climate change and mitigation and adaptation response strategies.

(c) EXTRACTION OF NATURAL RESOURCES.—

(1) The Secretary of the Treasury shall inform the managements of the international financial institutions and the public that it is the policy of the United States that any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of oil, gas, coal, timber, or other natural resource should not be provided unless the government of the country has in place or is taking the necessary steps to establish functioning systems for: (A) accurately accounting for revenues and expenditures in connection with the extraction and export of the type of natural resource to be extracted or exported; (B) the independent auditing of such accounts and the widespread public dissemination of the audits; and (C) verifying government receipts against company payments including widespread dissemination of such payment information, and disclosing such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(2) Not later than 180 days after the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by country, for the extraction and export of oil, gas, coal, timber, or other national resource since September 30, 2005.

UZBEKISTAN

SEC. 586. Assistance may be provided to the central Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress in meeting its commitments under the "Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America", including respect for human rights, establishing a genuine multi-party system, and ensuring free and fair elections, freedom of expression, and the independence of the media, and that a credible international investigation of the May 31, 2005, shootings in Andijan is underway with the support of the Government of Uzbekistan: Provided, That for the purposes of this section "assistance" shall include excess defense articles.

CENTRAL ASIA

SEC. 587. (a) Funds appropriated by this Act may be made available for assistance for the Government of Kazakhstan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Kazakhstan has made significant improvements in the protection of human rights during the preceding 6 month period.

(b) The Secretary of State may waive subsection (a) if he determines and reports to the Committees on Appropriations that such a waiver is important to the national security of the United States.

(c) Not later than October 1, 2006, the Secretary of State shall submit a report to the Committees on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives describing the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to the countries of Central Asia during the 6-month period ending 30 days prior to submission of such report.

(2) The use during such period of defense articles, defense services, and financial assistance provided by the United States by units of the armed forces, border guards, or other security forces of such countries.

(d) Prior to the initial obligation of assistance for the Government of Kyrgyzstan, the Secretary of State shall submit a report to the Committees on Appropriations describing (1) whether the Government of Kyrgyzstan is forcibly returning Uzbeks who have fled violence and political persecution, in violation of the 1951 Geneva Convention relating to the status of refugees, and the Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment; (2) efforts made by the United States to prevent such returns; and (3) the response of the Government of Kyrgyzstan.

(e) For purposes of this section, the term "countries of Central Asia" means Uzbekistan, Kazakhstan, Kyrgyz Republic, Tajikistan, and Turkmenistan.

DISABILITY PROGRAMS

SEC. 588. (a) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $4,000,000 shall be made available for programs and activities administered by the United States Agency for International Development (USAID) to address the needs and protect the rights of people with disabilities in developing countries.

(b) Funds appropriated under the heading "Operating Expenses of the United States Agency for International Development" shall be made available to develop and implement training for staff in overseas USAID missions to promote the full inclusion and equal participation of people with disabilities in developing countries.

(c) The Secretary of State, the Secretary of the Treasury, and the Administrator of USAID shall seek to ensure that, where appropriate, construction projects funded by this Act are accessible to people with disabilities and in compliance with the USAID Policy on Standards for Accessibility for the Disabled, or other similar accessibility standards.

(d) Of the funds made available pursuant to subsection (a), not more than 7 percent may be for management, oversight and technical support.

(e) Not later than 180 days after the date of enactment of this Act, and 180 days thereafter, the Administrator of USAID shall submit a report describing the programs, activities, and organizations funded pursuant to this section.

DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 589. None of the funds appropriated for assistance under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation has implemented no statute, Executive order, regulation or similar government action that would discriminate, or which has as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

WAR CRIMES IN AFRICA

SEC. 590. (a) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(b) Funds appropriated by this Act, including funds for debt restructuring, may be made available for assistance to the central government of a country in which individuals indicted by ICTR and SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with ICTR and SCSL, including the surrender and transfer of indictees in a timely manner: Provided, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title II of this Act: Provided further, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by ICTR and SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

(c) The prohibition in subsection (b) may be waived on a country by country basis if the President determines that doing so is in the national security interest of the United States: Provided, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on: (1) the steps being taken to obtain the cooperation of the government in surrendering the indictee in question to the court of jurisdiction; (2) a strategy, including a timeline, for bringing the indictee before such court; and (3) the justification for exercising the waiver authority.

(d) Notwithstanding subsections (b) and (c), assistance may be made available for the central Government of Nigeria after 120 days following enactment of this Act only if the President submits a report to the Committees on Appropriations, in classified form if necessary, on: (1) the steps taken in fiscal years 2003, 2004 and 2005 to obtain the cooperation of the Government of Nigeria in surrendering Charles Taylor to the SCSL; and (2) a strategy, including a timeline, for bringing Charles Taylor before the SCSL.

SECURITY IN ASIA

SEC. 591. (a) Of the funds appropriated under the heading "Foreign Military Financing Program", not less than the following amounts shall be made available to enhance security in Asia, consistent with democratic principles and the rule of law—

(1) $30,000,000 for assistance for the Philippines;

(2) $1,000,000 for assistance for Indonesia;

(3) $1,000,000 for assistance for Bangladesh;

(4) $3,000,000 for assistance for Mongolia;

(5) $1,500,000 for assistance for Thailand;

(6) $1,000,000 for assistance for Sri Lanka;

(7) $1,000,000 for assistance for Cambodia;

(8) $500,000 for assistance for Fiji; and

(9) $250,000 for assistance for Tonga.

(b) In addition to amounts appropriated elsewhere in this Act, $10,000,000 is hereby appropriated for "Foreign Military Financing Program": Provided, That these funds shall be available only to assist the Philippines in addressing the critical deficiencies identified in the Joint Defense Assessment of 2003.

(c) Funds made available for assistance for Indonesia pursuant to subsection (a) may only be made available for the Indonesian Navy, notwithstanding section 599F of this Act: Provided, That such funds shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

(d) Funds made available for assistance for Cambodia pursuant to subsection (a) shall be made available notwithstanding section 554 of this Act: Provided, That such funds shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

NEPAL

SEC. 592. (a) Funds appropriated under the heading "Foreign Military Financing Program" may be made available for assistance for Nepal only if the Secretary of State certifies to the Committees on Appropriations that the Government of Nepal, including its security forces, has restored civil liberties, is protecting human rights, and has demonstrated, through dialogue with Nepal's political parties, a commitment to a clear timetable to restore multi-party democratic government consistent with the 1990 Nepalese Constitution.

(b) The Secretary of State may waive the requirements of this section if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interests of the United States.

NEGLECTED DISEASES

SEC. 593. Of the funds appropriated under the heading "Child Survival and Health Programs Fund", not less than $15,000,000 shall be made available to support an integrated response to the control of neglected diseases including intestinal parasites, schistosomiasis, lymphatic filariasis, onchocerciasis, trachoma and leprosy: Provided, That the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, representatives from the relevant international technical and nongovernmental organizations addressing the specific diseases, recipient countries, donor countries, the private sector, UNICEF and the World Health Organization (1) on the most effective uses of such funds to demonstrate the health and economic benefits of such an approach, and (2) to develop a multilateral, integrated initiative to control these diseases that will enhance coordination and effectiveness and maximize the leverage of United States contributions with those of other donors: Provided further, That funds made available pursuant to this section shall be subject to the regular notification procedures of the Committees on Appropriations.

ORPHANS, DISPLACED AND ABANDONED CHILDREN

SEC. 594. Of the funds appropriated under title II of this Act, not less than $3,000,000 should be made available for activities to improve the capacity of foreign government agencies and nongovernmental organizations to prevent child abandonment, address the needs of orphans, displaced and abandoned children and provide permanent homes through family reunification, guardianship and domestic adoptions: Provided, That funds made available under title II of this Act should be made available, as appropriate, consistent with—

(1) the goal of enabling children to remain in the care of their family of origin, but when not possible, placing children in permanent homes through adoption;

(2) the principle that such placements should be based on informed consent which has not been induced by payment or compensation;

(3) the view that long-term foster care or institutionalization are not permanent options and should be used when no other suitable permanent options are available; and

(4) the recognition that programs that protect and support families can reduce the abandonment and exploitation of children.

ADVISOR FOR INDIGENOUS PEOPLES ISSUES

SEC. 595. (a) After consultation with the Committees on Appropriations and not later than 120 days after enactment of this Act, the Administrator of the United States Agency for International Development shall designate an "Advisor for Indigenous Peoples Issues" whose responsibilities shall include—

(1) consulting with representatives of indigenous peoples organizations;

(2) ensuring that the rights and needs of indigenous peoples are being respected and addressed in United States Agency for International Development policies, programs and activities;

(3) monitoring the design and implementation of United States Agency for International Development policies, programs and activities which affect indigenous peoples; and

(4) coordinating with other Federal agencies on relevant issues relating to indigenous peoples.

STATEMENT

SEC. 596. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

"Child Survival and Health Programs Fund".

"Economic Support Fund".

"Assistance for Eastern Europe and the Baltic States".

"Assistance for the Independent States of the Former Soviet Union".

"Global HIV/AIDS Initiative".

"Democracy Fund".

"International Narcotics Control and Law Enforcement".

"Andean Counterdrug Initiative".

"Nonproliferation, Anti-Terrorism, Demining and Related Programs".

"Foreign Military Financing Program".

"International Organizations and Programs".

(b) Any proposed increases or decreases to the amounts contained in such tables in the accompanying report shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

COMBATTING PIRACY OF UNITED STATES COPYRIGHTED MATERIALS

SEC. 597. (a) PROGRAM AUTHORIZED.—The Secretary of State may carry out a program of activities to combat piracy in countries that are not members of the Organization for Economic Cooperation and Development (OECD), including activities as follows:

(1) The provision of equipment and training for law enforcement, including in the interpretation of intellectual property laws.

(2) The provision of training for judges and prosecutors, including in the interpretation of intellectual property laws.

(3) The provision of assistance in complying with obligations under applicable international treaties and agreements on copyright and intellectual property.

(b) CONSULTATION WITH WORLD INTELLECTUAL PROPERTY ORGANIZATION.—In carrying out the program authorized by subsection (a), the Secretary shall, to the maximum extent practicable, consult with and provide assistance to the World Intellectual Property Organization in order to promote the integration of countries described in subsection (a) into the global intellectual property system.

(c) FUNDING.—Of the amount appropriated or otherwise made available under the heading "International Narcotics Control and Law Enforcement", $5,000,000 may be made available in fiscal year 2006 for the program authorized by subsection (a).

MALARIA

SEC. 598. Of the funds appropriated under the heading "Child Survival and Health Programs Fund", not less than $100,000,000 should be made available for programs and activities to combat malaria: Provided, That such funds should be made available in accordance with country strategic plans incorporating best public health practices, which should include considerable support for the purchase of commodities and equipment including: (1) insecticides for indoor residual spraying that are proven to reduce the transmission of malaria; (2) pharmaceuticals that are proven effective treatments to combat malaria; (3) long-lasting insecticide-treated nets used to combat malaria; and (4) other activities to strengthen the public health capacity of malaria-affected countries: Provided further, That no later than 90 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2006, the Administrator of the United States Agency for International Development shall submit to the Committees on Appropriations a report describing in detail expenditures to combat malaria during fiscal year 2006.

OVERSIGHT OF IRAQ RECONSTRUCTION

SEC. 599. Subsection (o) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 117 Stat. 1234; 5 U.S.C. App. 3 section 8G note), as amended by section 1203(j) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2081), is amended by striking "obligated" and inserting "expended".

NONPROLIFERATION AND COUNTERPROLIFERATION EFFORTS

SEC. 599A. Funds appropriated under title II under the heading "Nonproliferation, Anti-Terrorism, Demining and Related Programs" may be made available to the Under Secretary of State for Arms Control and International Security for use in certain nonproliferation efforts and counterproliferation efforts such as increased voluntary dues to the International Atomic Energy Agency and Proliferation Security Initiative activities.

PROMOTION OF POLICY GOALS AT MULTILATERAL DEVELOPMENT BANKS

SEC. 599B. Title XV of the International Financial Institutions Act (22 U.S.C. 262o, et seq.) is amended by adding at the end the following:

"SEC. 1505. PROMOTION OF POLICY GOALS.

"(a) The Secretary of the Treasury shall instruct the United States Executive Director at each multilateral development bank to inform each such bank and the executive directors of each such bank of the policy of the United States as set out in this section and to actively promote this policy and the goals set forth in section 1504 of this Act. It is the policy of the United States that each bank should—

"(1) require the bank's employees, officers and consultants to make an annual disclosure of their financial interests and income and of any other potential source of conflict of interest;

"(2) link project and program design and results to management and staff performance appraisals, salaries, and bonuses;

"(3) implement voluntary disclosure programs for firms and individuals participating in projects financed by such bank;

"(4) ensure that all loan, credit, guarantee, and grant documents and other agreements with borrowers include provisions for the financial resources and conditionality necessary to ensure that a person or country that obtains financial support from a bank complies with applicable bank policies and national and international laws in carrying out the terms and conditions of such documents and agreements, including bank policies and national and international laws pertaining to the comprehensive assessment and transparency of the activities related to access to information, public health, safety, and environmental protection;

"(5) implement clear anti-corruption procedures setting forth the circumstances under which a person will be barred from receiving a loan, contract, grant, guarantee or credit from such bank, make such procedures available to the public, and make the identity of such person available to the public;

"(6) coordinate policies across multilateral development banks on issues including debarment, cross-debarment, procurement guidelines, consultant guidelines, and fiduciary standards so that a person that is debarred by one such bank is subject to a rebuttable presumption of ineligibility to conduct business with any other such bank during the specific ineligibility period;

"(7) require each bank borrower and grantee and each bidder, supplier and contractor for MDB projects to comply with the highest standard of ethics prohibiting coercive, collusive, corrupt and fraudulent practices, such as are defined in the World Bank's Procurement Guidelines of May, 2004;

"(8) maintain a functionally independent Investigations Office, Auditor General Office and Evaluation Office that are free from interference in determining the scope of investigations (including forensic audits), internal auditing (including assessments of management controls for meeting operational objectives and complying with bank policies), performing work and communicating results, and that regularly report to such bank's board of directors and, as appropriate and in a manner consistent with such functional independence of the Investigations Office and the Auditor General Office, to the bank's President;

"(9) require that each candidate for adjustment or budget support loans demonstrate transparent budgetary and procurement processes including budget publication and public scrutiny prior to loan or grant approval;

"(10) require that for each project where compensation is to be provided to persons adversely affected by the project, such persons have recourse to an impartial and responsive mechanism to receive and resolve complaints. The mechanism should be easily accessible to all segments of the affected community without impeding access to other judicial or administrative remedies and without retribution;

"(11) implement best practices in domestic laws and international conventions against corruption for whistleblower and witness disclosures and protections against retaliation for internal and lawful public disclosures by the bank's employees and others affected by such bank's operations who challenge illegality or other misconduct that could threaten the bank's mission, including (1) best practices for legal burdens of proof, (2) access to independent adjudicative bodies, including external arbitration based on consensus selection and shared costs, and (3) results that eliminate the effects of proven retaliation; and

"(12) require, to the maximum extent possible, that all draft country strategies are issued for public consideration no less than 45 days before the country strategy is considered by the multilateral development bank board of directors.

"(b) The Secretary of the Treasury shall, beginning thirty days after the enactment of this Act and within sixty calendar days of the meeting of the respective bank's Board of Directors at which such decisions are made, publish on the Department of the Treasury website a statement or explanation of the United States position on decisions related to (1) operational policies; and (2) any proposal which would result or be likely to result in a significant effect on the environment.

"(c) In this section the term 'multilateral development bank' has the meaning given that term in section 1307 of the International Financial Institutions Act (22 U.S.C. 262m–7) and also includes the European Bank for Reconstruction and Development and the Global Environment Facility.".

AUTHORIZATIONS

SEC. 599C. (a) To authorize the United States participation in and appropriations for the United States contribution to the fourteenth replenishment of the resources of the International Development Association, the International Development Association Act, Public Law 86–565, as amended (22 U.S.C. 284, et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 23. FOURTEENTH REPLENISHMENT.

"(a) The United States Governor of the International Development Association is authorized to contribute on behalf of the United States $2,850,000,000 to the fourteenth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $2,850,000,000 for payment by the Secretary of the Treasury.".

(b) To authorize the United States participation in and appropriations for the United States contribution to the tenth replenishment of the resources of the African Development Fund, the African Development Fund Act, Public Law 94–302, as amended (22 U.S.C. 290g, et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 218. TENTH REPLENISHMENT.

"(a) The United States Governor of the Fund is authorized to contribute on behalf of the United States $407,000,000 to the tenth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $407,000,000 for payment by the Secretary of the Treasury.".

(c) To authorize the United States participation in and appropriations for the United States contribution to the eighth replenishment of the resources of the Asian Development Fund, the Asian Development Fund Act, Public Law 92-245, as amended (22 U.S.C. 285, et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 32. EIGHTH REPLENISHMENT.

"(a) The United States Governor of the Bank is authorized to contribute on behalf of the United States $461,000,000 to the eighth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $461,000,000 for payment by the Secretary of the Treasury.".

ANTICORRUPTION PROVISIONS

SEC. 599D. Twenty percent of the funds appropriated by this Act under the heading "International Development Association", shall be withheld from disbursement until the Secretary of the Treasury certifies to the appropriate congressional committees that—

(1) World Bank procurement guidelines are applied to all procurement financed in whole or in part by a loan from the International Bank for Reconstruction and Development (IBRD) or a credit agreement or grant from the International Development Association (IDA);

(2) the World Bank proposal "Increasing the Use of Country Systems in Procurement" dated March 2005 has been withdrawn;

(3) the World Bank is maintaining a strong central procurement office staffed with senior experts who are designated to address commercial concerns, questions, and complaints regarding procurement procedures and payments under IDA and IBRD projects;

(4) thresholds for international competitive bidding are established to maximize international competitive bidding in accordance with sound procurement practices, including transparency, competition, and cost-effective results for the Borrowers;

(5) all tenders under the World Bank's national competitive bidding provisions are subject to the same advertisement requirements as tenders under international competitive bidding; and

(6) loan agreements are made public between the World Bank and the Borrowers.

ASSISTANCE FOR DEMOBILIZATION AND DISARMAMENT OF FORMER IRREGULAR COMBATANTS IN COLOMBIA

SEC. 599E. (a) AVAILABILITY OF FUNDS.—Of the funds appropriated in this Act, up to $20,000,000 may be made available in fiscal year 2006 for assistance for the demobilization and disarmament of former members of foreign terrorist organizations (FTOs) in Colombia, specifically the United Self-Defense Forces of Colombia (AUC), the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), if the Secretary of State makes a certification described in subsection (b) to the appropriate congressional committees prior to the initial obligation of amounts for such assistance for the fiscal year involved.

(b) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) assistance for the fiscal year will be provided only for individuals who have (A) verifiably renounced and terminated any affiliation or involvement with FTOs or other illegal armed groups, and (B) are meeting all the requirements of the Colombia Demobilization Program, including having disclosed their involvement in past crimes and their knowledge of the FTO's structure, financing sources, illegal assets, and the location of kidnapping victims and bodies of the disappeared;

(2) the Government of Colombia is providing full cooperation to the Government of the United States to extradite the leaders and members of the FTOs who have been indicted in the United States for murder, kidnapping, narcotics trafficking, and other violations of United States law;

(3) the Government of Colombia is implementing a concrete and workable framework for dismantling the organizational structures of foreign terrorist organizations; and

(4) funds shall not be made available as cash payments to individuals and are available only for activities under the following categories: verification, reintegration (including training and education), vetting, recovery of assets for reparations for victims, and investigations and prosecutions.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations and the Committee on International Relations of the House of Representatives; and

(B) the Committee on Appropriations and the Committee on Foreign Relations of the Senate.

(2) FOREIGN TERRORIST ORGANIZATION.—The term "foreign terrorist organization" means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

INDONESIA

SEC. 599F. (a) Funds appropriated by this Act under the heading "Foreign Military Financing Program" may be made available for assistance for Indonesia, and licenses may be issued for the export of lethal defense articles for the Indonesian Armed Forces, only if the Secretary of State certifies to the appropriate congressional committees that—

(1) the Indonesian Government is prosecuting and punishing, in a manner proportional to the crime, members of the Armed Forces who have been credibly alleged to have committed gross violations of human rights;

(2) at the direction of the President of Indonesia, the Armed Forces are cooperating with civilian judicial authorities and with international efforts to resolve cases of gross violations of human rights in East Timor and elsewhere; and

(3) at the direction of the President of Indonesia, the Government of Indonesia is implementing reforms to improve civilian control of the military.

(b) The Secretary of State may waive subsection (a) if the Secretary determines and reports to the Committees on Appropriations that to do so is in the national security interests of the United States.

REPORT ON INDONESIAN COOPERATION

SEC. 599G. Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations that describes—

(1) the status of the investigation of the murders of two United States citizens and one Indonesian citizen that occurred on August 31, 2002 in Timika, Indonesia, the status of any individuals indicted within the United States or Indonesia for crimes relating to those murders, and the status of judicial proceedings relating to those murders;

(2) the efforts by the Government of Indonesia to arrest individuals indicted for crimes relating to those murders and any other actions taken by the Government of Indonesia, including the Indonesian judiciary, police and Armed Forces, to bring the individuals responsible for those murders to justice; and

(3) the cooperation provided by the Government of Indonesia, including the Indonesian judiciary, police and Armed Forces, to requests related to those murders made by the Secretary of State or the Director of the Federal Bureau of Investigation.

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006".

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the bill.

JIM KOLBE,
JERRY LEWIS,
JOE KNOLLENBERG,
MARK STEVEN KIRK,
ANDER CRENSHAW,
DON SHERWOOD,
JOHN E. SWEENEY,
DENNIS REHBERG,
JOHN CARTER,
NITA M. LOWEY,
DAVID R. OBEY,
JESSE L. JACKSON, Jr.
CAROLYN C. KILPATRICK,
STEVEN R. ROTHMAN,
CHAKA FATTAH,
Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3057), "making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes", submits the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The conference agreement incorporates some of the provisions of both the House and Senate versions of the bill. The statement of the managers remains silent on provisions that were in both the House bill and Senate bill that remain substantially unchanged by the conference agreement.

The language set forth in House Report 109-152 and Senate Report 109-96 should be complied with unless specifically addressed in the accompanying bill and statement of the managers to the contrary. The statement of the managers, while repeating some report language for emphasis or clarification, does not intend to negate the language in either the House or Senate reports unless expressly addressed herein.

CONFERENCE AGREEMENT

[Budget authority in thousands of dollars]

	Conference agreement
Title I—Export and Investment Assistance:	
Export Import Bank	100,000
Export Import Bank Admin Expenses	73,200
Export Import Bank Inspector General	1,000
Export Import Bank negative subsidy	−35,000
OPIC Administrative expenses	42,274
OPIC Credit subsidy	20,276
OPIC offsetting collections	−240,000

	Conference agreement
Trade and Development Agency	50,900
Subtotal, Title I	12,650
Title II—Bilateral Economic Assistance:	
Child Survival and health programs fund	1,585,000
Development Assistance	1,524,000
International Disaster Assistance	365,000
Transition Initiatives	40,000
Development Credit Program (by transfer)	21,000
Administrative expenses	8,000
Payment to the Foreign Service Retirement and Disability Fund (mandatory)	41,700
Operating expenses of USAID	630,000
Capital investment fund	70,000
Operating Expenses of USAID Inspector General	36,000
Economic Support Fund	2,634,000
International Fund for Ireland	13,500
Assistance to Eastern Europe and the Baltic States	361,000
Assistance for the Independent States of the Former Soviet Union	514,000
Inter-American Foundation	19,500
African Development Foundation	23,000
Peace Corps	322,000
Millennium Challenge Corporation	1,770,000
Global HIV/AIDS Initiative	1,995,000
Democracy Fund	95,000
International Narcotics Control	477,200
Andean Counterdrug Initiative	734,500
Migration and Refugee Assistance	791,000
United States Emergency Refugee and Migration Assistance Fund	30,000
Nonproliferation, Anti-terrorism, and Demining	410,100
International affairs technical assistance	20,000
Debt Restructuring	65,000
Subtotal, Title II (Discretionary)	14,532,800
Subtotal, Title II (Mandatory)	41,700
Subtotal, Title II	14,574,500
Title III—Military Assistance	
International Military Education and Training	86,744
Foreign Military Financing	4,500,000
Peacekeeping Operations	175,000
Subtotal, Title III	4,761,744
Title IV—Multilateral Economic Assistance:	
Global Environment Facility	80,000
International Development Association	950,000
Multilateral Investment Guarantee Agency	1,300
Multilateral Investment Fund	1,742
Inter-American Investment Corporation	1,742
Asian Development Fund	100,000
African Development Bank	3,638
African Development Fund	135,700
European Bank for Reconstruction and Development	1,016
International Fund for Agriculture	15,000
International Organizations and Programs	329,458
Subtotal, Title IV	1,619,596
Title V—General Provisions	
Section 6084, "Security in Asia"	10,000
Subtotal, Title V	10,000
Discretionary total	20,936,548
Mandatory total	41,700
Total, Foreign Operations	20,978,490

Once again, the conferees include a significant increase to fight HIV/AIDS, tuberculosis (TB), and malaria. This funding is appropriated in several accounts and is summarized in the chart below. Narratives for the specific diseases are under the headings "Child Survival and Health Programs Fund" and "Global HIV/AIDS Initiative".

The conferees include a total of $2,820,000,000 for HIV/AIDS, TB, and malaria, $268,000,000 over the President's request and $629,000,000 over the fiscal year 2005 level. This figure does not include significant funding anticipated to be appropriated for the Department of Health and Human Services or the United States share of HIV/AIDS assistance through the World Bank Group.

FUNDING FOR HIV/AIDS, TUBERCULOSIS AND MALARIA

[Budget authority in thousands of dollars]

Disease/account	Fiscal year 2006 request	Fiscal year 2006 conference agreement
HIV/AIDS	2,341,040	2,426,600
Child Survival and Health Programs Fund	386,000	490,000
Global HIV/AIDS Initiative	1,926,000	1,907,000
Economic Support Fund	3,700	4,000
Assistance for Eastern Europe and the Baltic States	1,560	1,600
Assistance for the Independent States of the Former Soviet Union	21,800	22,000
Foreign Military Financing	1,980	2,000
Tuberculosis	88,586	150,900
Global HIV/AIDS Initiative	13,000	26,000
Child Survival and Health Programs Fund	63,000	112,500
Economic Support Fund	1,900	2,000
Assistance for Eastern Europe and the Baltic States	386	400
Assistance for the Independent States of the Former Soviet Union	10,300	10,000
Malaria	122,500	242,500
Child Survival and Health Programs Fund	90,000	177,500
Global HIV/AIDS Initiative	31,000	62,000
Economic Support Fund	1,500	3,000
Total	2,552,126	2,820,000
Of which, for the Global Fund to Fight AIDS, Tuberculosis and Malaria[1]	200,000	450,000

[1] The contribution to the Global Fund has been allocated among the diseases in proportion to the Global Fund's grant portfolio.

The conference agreement makes available $450,000,000 for the United States contribution to the Global Fund to Fight AIDS, TB and Malaria (Global Fund), $250,000,000 from the "Child Survival and Health Programs Fund" and $200,000,000 from the "Global HIV/AIDS Initiative" account. The disease amounts for "Child Survival and Health Programs Fund" and "Global HIV/AIDS Initiative" in the table above include the amount of the Global Fund contribution from those accounts estimated to be dedicated to those diseases, using Global Fund grant trend data.

The fiscal year 2006 budget request for these accounts included $200,000,000 for a United States contribution to the Global Fund: $100,000,000 from the "Global HIV/AIDS Initiative" account and $100,000,000 from the "Child Survival and Health Programs Fund" account. The President requested an additional $100,000,000 from the accounts which appropriate funding for the Department of Health and Human Services.

BUDGET JUSTIFICATION MATERIALS

The conferees agree with the direction of the Senate with respect to submission of a report on a proposal to improve budget justification material submitted with the fiscal year 2007 budget request. The conferees agree that the State Department should submit proposals as recommended by the Senate to the Committees on Appropriations no later than December 15, 2005.

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The conference agreement includes a first-time appropriation of $1,000,000 for an Office of Inspector General. The conferees expect the position of Inspector General to be filled as expeditiously as possible.

The conference agreement provides $100,000,000 for the subsidy appropriation. The conferees expect that there will be no reduction in Export-Import Bank activity levels due to the extraordinarily high level of carryover balances in fiscal year 2006, which totals approximately $320,000,000.

The conference agreement provides $73,200,000 for administrative expenses.

The conferees agree the Export-Import Bank should act promptly on all requests for assistance from United States exporters that meet the Bank's criteria for credit worthiness, export additionality, foreign competition and net benefit to the United States economy. The conferees do not require from the Bank an explanation for rejections of requests for assistance from any specific United States industry. The conferees direct the Export-Import Bank to report by March 31, 2006 on all applications received in fiscal year 2005 and a summary of actions undertaken by the Bank with regard to such applications.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The conferees direct the President of the Overseas Private Investment Corporation (OPIC) to continue current policy and consult with the Committees on Appropriations before any future financing for non-governmental organizations or private and voluntary organizations is approved.

TRADE AND DEVELOPMENT AGENCY

The conference agreement provides $50,900,000 for the Trade and Development Agency (TDA).

The conferees provide $1,500,000 for TDA to conduct an international aviation security and safety program to enhance the capabilities of foreign civil aviation authorities. The conferees believe this program will have the most impact if a substantial portion is implemented through a cooperative agreement between TDA and a non-profit aviation organization with relevant experience in development and training programs that assist countries in meeting their obligations for international aviation security and safety standards.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

United States Agency for International Development

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $1,585,000,000 for the "Child Survival and Health Programs Fund" instead of $1,497,000,000 as proposed by the House or $1,659,000,000 as proposed by the Senate. The conference agreement includes not to exceed $350,000 for monitoring and oversight as proposed by the Senate, rather than $250,000 as proposed by the House.

As in previous years, the conference agreement includes language allocating the "Child Survival and Health Programs Fund" among six program categories. A definition of program categories and their components can be found on pages 9 through 11 of House Report 107–142 and under the heading "Family Planning/Reproductive Health" on page 12 of Senate Report 107–58.

Funds in this account are allocated in the following table and, as stipulated in section 596, any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations:

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

[Budget authority in thousands of dollars]

	Conference agreement
Child Survival/Maternal Health	360,000
(The Vaccine Fund)	[70,000]
Vulnerable Children	30,000
Family Planning/Reproductive Health	375,000
HIV/AIDS	350,000
Microbicides	[40,000]
IAVI	[29,000]
Other Infectious Diseases	220,000
TB	[80,000]
Malaria	[100,000]
Surveillance/OID	[25,000]
Neglected Diseases	[15,000]
Global Fund to Fight AIDS, Tuberculosis and Malaria	250,000
Total	1,585,000

A table describing HIV/AIDS, TB, and malaria allocations by account is at the beginning of this statement of the managers. Again this year, no funding for HIV/AIDS programs in the 15 Emergency Plan for AIDS Relief "focus" countries is appropriated in this account. Funding for the "focus" countries is appropriated under the heading "Global HIV/AIDS Initiative". The narrative for HIV/AIDS funding is under the heading "Global HIV/AIDS Initiative".

THE GLOBAL FUND

The conference agreement includes a total of $450,000,000 for the Global Fund: $250,000,000 from this account, and $200,000,000 from the Global HIV/AIDS Initiative account.

The conferees note that, of the funding committed by the Global Fund to recipient countries, approximately 56 percent will be for HIV/AIDS interventions, 31 percent for malaria interventions, and 13 percent for TB or combined TB/AIDS interventions. The conferees have used these percentages to estimate the portion of the United States contribution to the Global Fund that is likely to be attributed for each disease.

TUBERCULOSIS

The conference agreement provides a total of $150,900,000 for TB assistance. Of this amount, $80,000,000 is funded through the "other infectious diseases" allocation in this account, an estimated $12,400,000 from other bilateral accounts, and $58,500,000 through the contribution to the Global Fund.

MALARIA

For malaria, the conference agreement provides a total of $242,500,000. Of this amount, it is expected that $139,500,000 of the contribution to the Global Fund will fund malaria programs, $100,000,000 is funded through the "other infectious diseases" allocation in this account, and an estimated $3,000,000 is provided from other bilateral accounts. The conferees have long been concerned by the mortality and morbidity caused by this disease, and have made available more than $657,500,000 since 2001 to fight malaria, consistently more each year than requested by the President.

The conferees include section 598, similar to a Senate provision, which requires that bilateral malaria funds made available in this Act are spent in a coordinated, transparent manner on effective anti-malarial programs. The conferees urge the United States Agency for International Development (USAID) to work with host country health authorities, other donors, and multilateral institutions to develop, where they do not already exist, country-level malaria plans with clearly delineated roles and responsibilities. These plans should include specific indicators, procedures to measure progress toward those indicators, and mechanisms to track the disbursement of funds.

Where appropriate, the plans should include significant support for the purchase of commodities, including bednets and pharmaceutical products. In accordance with these strategies, USAID's malaria programming should be provided for activities that maximize the effectiveness of United States assistance dollars in mitigating the effects of malaria.

Section 598 also requires USAID to submit quarterly reports delineating expenditures to fight malaria. These reports should include indicators for USAID's programming, progress toward those indicators, and how USAID programming fits within country-level malaria strategic plans.

NEGLECTED DISEASES

The conferees are aware that certain neglected diseases cause debilitating illness and disfigurement among hundreds of millions of people in mostly tropical countries, and that medicines exist to either prevent or cure most of these diseases. In section 593, the conference agreement includes a provision similar to a Senate amendment which provides $15,000,000 for an integrated approach to the control of neglected diseases. The conferees direct USAID to consult broadly to ensure the most effective uses of these funds and develop a multilateral mechanism to implement an integrated initiative to control these diseases, enhance coordination and effectiveness and maximize donor contributions. The Administrator of USAID should consult with the Committees on Appropriations before a mechanism is chosen. Until such a mechanism is available, the Administrator should develop and implement the program through existing bilateral and multilateral mechanisms.

RESEARCH AND DEVELOPMENT

The conferees note that USAID is developing a "Research and Development" strategy. In doing so for fiscal year 2006, USAID shall program not less than $40,000,000 for microbicides, including up to $3,000,000 for the International Partnership for Microbicides, and $29,000,000 for the International AIDS Vaccine Initiative. Additional organizations and amounts are specified in the House and Senate reports.

AVIAN INFLUENZA

The conferees believe that strengthening international surveillance, reporting, and response capacity is the foundation of preventing and responding to an outbreak of avian influenza in the United States. Congress provided $25,000,000 in Public Law 109–13 for the first step of the multi-year effort necessary to address the threat posed by an avian influenza pandemic, and the conferees expect the Administration to submit requests for further funds for this priority in future appropriations Acts.

DEVELOPMENT ASSISTANCE

The conference agreement provides $1,524,000,000 for "Development Assistance".

The conference agreement includes $214,000,000 for trade capacity building under this heading, of which at least $20,000,000 shall be made available for labor and environmental capacity building related to the free trade agreement with the countries of Central America and the Dominican Republic. Trade capacity building is further addressed in section 570 of the general provisions.

The conference agreement provides $365,000,000 for basic education, including adult literacy programs, under this heading. The conference agreement addresses this matter further in section 567 of the general provisions.

The conferees provide $15,000,000 for a program in Africa regarding school fees. This program is in addition to last year's provision of a similar amount.

The conference agreement provides $15,000,000 for programs to improve women's leadership capacity in recipient countries. The conferees recommend $11,500,000 for USAID's Office of Women in Development, and note that the additional $500,000 above the level recommended in the Senate report should enable the office to begin conducting gender assessments in select country missions.

The conference agreement provides $200,000,000 of the aggregated amounts in the Act for drinking water supply and related projects, of which not less than $50,000,000 should be available for drinking water projects in Africa. The conference agreement includes language similar to that proposed by the Senate, recommending $20,000,000 for clean water treatment activities in developing countries.

The conferees support the fertilizer-related research and development work being conducted by the International Fertilizer Development Center (IFDC) and urge USAID to make at least $4,000,000 available to IFDC, including not less than $2,300,000 for its core grant, as provided under the Senate amendment. The House did not address this matter.

The conference agreement provides $20,000,000 for American Schools and Hospitals Abroad. The conferees request USAID consider supporting the American Community School in Beirut.

The conferees agree that not less than $1,000,000 should be made available to the United States Telecommunications Training Institute.

The conferees support language proposed by the Senate regarding micronutrient fortification of donated American commodities. The conferees expect USAID and the United States Department of Agriculture to work together to implement the 2001 Micronutrient Compliance Review to ensure these commodities are safe for consumption.

The conference agreement provides $2,000,000 for reconstruction and development projects in South Asia. The conferees direct that these funds be provided to the Doulos Foundation.

The conferees agree that $20,000,000 should be made available for the Election and Political Processes Program of USAID's Office of Democracy and Governance, of which $18,000,000 should be made available for democracy programs. The conferees note that the level of funding contained in the budget request may be insufficient for effective promotion of democracy abroad, and urge increased funding in fiscal year 2007. The conferees request USAID to consult with the Committees on how it can better coordinate its democracy and governance programs between Washington and the field, and between USAID and the State Department.

The conferees note with concern the reductions made in the fiscal year 2006 budget request for a number of African countries. The conference agreement contains funding levels for both the "Child Survival and Health Programs Fund" and "Development Assistance" that significantly exceed the amounts requested. The conferees therefore expect USAID to restore cuts in African country allocations to their fiscal year 2005 levels, consistent with proper programmatic considerations.

The conferees endorse the list of university proposals in the Senate and House reports. In addition, the conferees recommend consideration of proposals by:

—the University of South Alabama in partnership with the National Birth Defects Center of the Centers for Disease Control and Prevention;

—Historically Black Colleges and Universities in Mississippi to strengthen civil society in Latin America and the Caribbean; and

—a Consortium of Management Schools to link management schools in developing countries with faculty from leading United States management schools.

In order to eliminate a discrepancy between the Senate and House reports, the conferees direct that the first report requested from USAID on the status of university funding proposals be submitted no later than June 1, 2006 and the second report submitted no later than September 1, 2006.

The conferees clarify that funding contained in the Senate report under the heading "Birds of Prey" supports the Peregrine Fund's work in the International Raptor Center, to be matched by private contributions.

International Disaster and Famine Assistance

The conference agreement provides $365,000,000 for "International Disaster and Famine Assistance". The conferees take note of the tragic earthquake in Pakistan and are aware that additional funds, including the reprogramming of funds contained in titles II and III of this Act, may be needed to address the needs caused by this tragedy.

Transition Initiatives

The conference agreement provides $40,000,000 to support the transition to democracy of countries in crisis.

Development Credit Authority

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $21,000,000 via transfer authority for micro and small enterprise programs, urban programs and other credit programs.

Operating Expenses of the United States Agency for International Development

The conference agreement provides $630,000,000 for USAID operating expenses.

Capital Investment Fund

The conference agreement provides $70,000,000 for USAID's Capital Investment Fund. The conference agreement makes available $48,100,000 for USAID's contribution to the Capital Security Cost Sharing program, an increase of nearly 150 percent above last year's contribution. The remainder of the funding in this account is to be used for USAID's information technology requirements so that the Agency will be able to process timely and accurate information in a secure manner.

The conferees note that USAID plans to open a new mission in southern Sudan. To the degree that other United States Government agencies avail themselves of these facilities, the conferees note that USAID should charge a fair and reasonable rental assessment.

Other Bilateral Economic Assistance

Economic Support Fund

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $2,634,000,000 for the "Economic Support Fund" (ESF), instead of $2,558,525,000 as proposed by the House and $3,031,375,000 as proposed by the Senate.

Funds in this account are allocated in the following table and, as stipulated in section 596, any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations.

Economic Support Fund

[Budget authority in thousands of dollars]

	Conference agreement
Africa:	
Ethiopia	10,000
Sierra Leone (Special Court)	13,000
Sudan	20,000
Zimbabwe	3,000
Kimberley Process	2,500
Other Africa	88,000
Subtotal—Africa	136,500
East Asia and the Pacific:	
Burma	11,000
Cambodia	15,000
East Timor	19,000
Indonesia	70,000
Mongolia	7,500
Philippines	25,000
Tibet	4,000
Thailand	1,000
Vietnam	2,000
Environmental programs	2,000
South Pacific Fisheries	18,000
Other Asia	9,000
Subtotal—East Asia and the Pacific	183,500
Europe and Eurasia:	
Cyprus	20,000
Irish Visa Program	3,500
Other Europe and Eurasia	2,000
Subtotal—Europe and Eurasia	25,500
Near East:	
Egypt	495,000
Iraq	61,000
(Marla Ruzicka Iraqi War Victims Fund)	[5,000]
(IRI)	[28,000]
(NDI)	[28,000]
Israel	240,000
Jordan	250,000
Lebanon	40,000
Middle East Partnership Initiative	110,000
Middle East Regional Cooperation	5,000
West Bank/Gaza	150,000
(USAID Administrative Expenses)	[2,000]
Other Near East	15,600
Subtotal—Near East	1,366,600
South Asia:	
Afghanistan	430,000
Pakistan	300,000
Nepal	5,000
Other South Asia	15,000
Subtotal—South Asia	750,000
Western Hemisphere:	
Haiti	50,000
Guatemala	4,000
(programs to combat organized crime)	1,500
Mexico	11,500
Nicaragua	1,900
(elections, media, civil society and anti-corruption programs)	1,500
Labor and Environment in Central America	20,000
Other Western Hemisphere	26,000
Subtotal—Western Hemisphere	116,400
Global:	
Disability Fund	4,000
Wheelchairs	5,000
Reconciliation Programs	15,000
Security and Sustainability Programs	3,000
UNHCHR Nepal	2,500
Trafficking in Persons	12,000
Extractive Industries Transparency	1,000
House Democracy Assistance Program	1,000
Other Global	12,000
Subtotal—Global	55,500
Total	2,634,000

EGYPT

The conferees note that the reduction in the overall ESF request for Egypt has come at the expense of project assistance, and that the budget request for cash transfer and commodity import program assistance each continue at a $200,000,000 funding level. The conferees are concerned that reduced overall ESF levels not erode further the amount of project assistance provided to Egypt.

Therefore, the conference agreement includes a minimum of $135,000,000 of project assistance taking into consideration the increased levels of assistance for democracy, governance and education programs. Within the amount provided for project assistance, not less than $50,000,000 shall be made available for democracy, governance and human rights programs and not less than $50,000,000 shall be used for education programs, including $5,000,000 that shall be made available for scholarships for disadvantaged Egyptian students. The conferees support the work of the Leadership for Education and Development program implemented by USAID in Egypt as it attracts students from rural areas of Egypt to attend the American University in Cairo.

In order to support the appropriations process in subsequent years, the conferees request the State Department submit a report to the Committees on Appropriations, as part of the fiscal year 2007 budget request, which describes the overall assistance objectives for the ESF program in Egypt. The report should address how project and non-project assistance attempts to achieve those objectives, the extent to which such objectives are being achieved, the rationale for the continued decline in project assistance, and to what extent the State Department and USAID believe this trend will continue. In addition, the conferees request that the report address the balance between economic and military assistance provided to Egypt, including whether maintaining the current level of military assistance in relation to economic assistance is most appropriate in light of political and economic conditions in Egypt and in the region.

The conferees agree with the House proposal that not less than 50 percent of the funds for democracy, governance and human rights be provided through non-governmental organizations for the purpose of strengthening Egyptian civil society organizations, enhancing their participation in the political process and their ability to promote and monitor human rights. Of the funds provided for education, the conferees recommend that not less than 50 percent be used to improve access to basic education. The remainder of funds provided for education shall be used to strengthen institutions of higher education, promote academic freedom, fund educational and cultural exchange programs, and provide educational scholarships including for the American University in Cairo. The conferees request USAID to consult with the Committees on Appropriations regarding the use of democracy funds for Egypt.

The conference agreement does not include language, proposed by the Senate, conditioning ESF assistance on the installation of an FM transmitter in Media City for Radio SAWA. The conferees expect the State Department to continue to make this matter a priority in Egypt-United States relations.

AFRICA

The conferees agree to provide $10,000,000 for political reform programs in Ethiopia and direct the State Department to consult with the Committees on Appropriations on the uses of these funds.

The conferees agree to provide $4,000,000 for assistance for Zimbabwe for activities consistent with the Zimbabwe Democracy and Economic Recovery Act of 2001 (Public Law 107-99). The conferees remain concerned with the authoritarianism of the Mugabe regime and the impact of its misrule on the people of Zimbabwe and the region, particularly with respect to the spread of HIV/AIDS.

The conferees support efforts to revitalize the peace process in Uganda, and expect funding in this Act to be made available for humanitarian, psycho-social, and development needs for displaced and war-affected persons. The conferees urge the Government of Uganda to accept the presence of international human rights monitors in northern and eastern Uganda.

EAST ASIA AND THE PACIFIC

The conference agreement includes language, similar to that proposed by the Senate, which recommends targeted assistance for Cambodia, including $15,000,000 for the promotion of democracy, human rights, and the rule of law. The conferees agree with the Senate position with respect to Cambodia, and condemn the continued suppression of free speech and intimidation of political activists and opposition parties by the Government of Cambodia.

The conferees note that democracy remains fragile in Timor-Leste. The UNOTIL is scheduled to end in May 2006 and some essential government functions remain dependent on international assistance. The conference agreement includes language directing not less than $19,000,000 in ESF assistance for Timor-Leste, and $1,500,000 in INCLE assistance for on-the-ground training of police.

The conferees agree to provide $25,000,000 for assistance for the Philippines, an increase of $5,000,000 above the budget request.

NEAR EAST

The conferees agree to provide $110,000,000 for the Middle East Partnership Initiative and direct that up to $9,000,000 be made available for scholarship programs for students from countries with significant Muslim populations at not-for-profit American institutions of basic and higher education in the Middle East that are accredited by an accrediting agency recognized by the United States Secretary of Education and are not controlled by the government of the country in which they are located, including the American University of Beirut, the American University in Cairo, and the Lebanese American University. The conferees note that funding provided to American educational institutions in Lebanon may be used for scholarships to support students from any country within the Middle East.

The conference agreement includes $56,000,000 for democracy, governance and rule of law programs in Iraq, which is similar to a provision proposed by the Senate. The conferees direct that of these funds, $28,000,000 be made available to the International Republican Institute and $28,000,000 to the National Democratic Institute.

The conferees recognize the important programs of organizations, such as Interns for Peace, regarding peacemaking and economic empowerment of Palestinian youth, and recommend sufficient funding be made available to support these activities from assistance provided for the West Bank and Gaza.

OTHER

The conferees recommend $5,000,000 to continue support for the provision of wheelchairs for needy persons in developing countries, instead of $10,000,000 as proposed by the Senate.

The conference agreement does not include language proposed by the Senate regarding English language training programs in Francophone countries. The conferees direct that funds made available under the heading "Economic Support Fund" be made available for such purposes.

EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE

The conference agreement does not include a provision proposed by the Senate to provide a United States contribution to the Extractive Industries Transparency Initiative Trust Fund (EITI), which is managed by the World Bank. The House did not address this matter. However, the conferees support this initiative which aims to improve the capacity of developing countries to sustainably manage the extraction of natural resources and to monitor revenues generated from such extraction so they are used for purposes which benefit their people. The conferees provide $1,000,000 in ESF assistance to be administered by USAID to support EITI implementation and to strengthen the role and capacity of civil society organizations in the EITI process.

PAKISTAN

The conference agreement does not include language proposed by the Senate which conditioned ESF assistance to the central government of Pakistan on submission of a report describing steps the government has taken to protect the rights and safety of Pakistan's human rights lawyers and journalists. The conferees are concerned with reports of harassment and violence perpetrated by Pakistani security forces against lawyers who represent political dissidents and journalists who report on government corruption and other abuses. The conferees direct the Secretary of State to provide the report required by the Senate provision no later than 120 days after enactment of this Act.

FOUNDATION FOR SECURITY AND SUSTAINABILITY

The conferees agree to provide $3,000,000 for the Foundation for Security and Sustainability, as proposed by the Senate.

CENTRAL HIGHLANDS OF VIETNAM

The conferees agree to provide $2,000,000 for programs to address the needs of affected communities and individuals in the Central Highlands of Vietnam. The conferees expect up to $1,000,000 will be provided to the Montagnard Development Project.

ECONOMIC DEVELOPMENT PROGRAMS—INDONESIAN UNIVERSITIES

The conference agreement does not include a proposal by the Senate that $2,000,000 be made available for economic development programs conducted by Indonesian universities. However, the conferees expect funding to be provided for this purpose.

UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS IN NEPAL

The conferees agree to provide a total of not less than $7,500,000 in ESF assistance for Nepal, including $2,500,000 for a United States contribution to the Office of the UN High Commissioner for Human Rights in Nepal.

INTERNATIONAL FUND FOR IRELAND

The conference agreement provides $13,500,000 as proposed by the House instead of no appropriation as proposed by the Senate.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

The conference agreement provides $361,000,000 instead of $357,000,000 as proposed by the House and $395,000,000 as proposed by the Senate.

Funds in this account are allocated in the following table and, as stipulated in section 596, any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations:

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

[Budget authority in thousands of dollars]

	Conference agreement
Albania	28,000
Bosnia-Herzegovina	40,000
Bulgaria	20,000
Croatia	15,000
Kosovo	75,000
Macedonia	35,000
Romania	20,000
Serbia	70,000
Montenegro	15,000
Regional Programs	43,000
Total	361,000

SERBIA

The conference agreement includes language in section 563 similar to that proposed by the Senate conditioning assistance to the central government of Serbia on a determination by the President that the Government of Serbia and Montenegro is cooperating with the International Criminal Tribunal for the former Yugoslavia.

The conferees recognize that Serbia's democratic transition remains fragile, and directs the State Department to give priority from funds appropriated for assistance for Serbia to programs and activities that strengthen democratic political parties, parliament and civil society.

KOSOVO

The conferees recommend that support be considered for the American University in Kosovo.

TRAINING AND DEVELOPMENT

The conference agreement does not include language, proposed by the Senate, which recommends $3,500,000 for leadership development programs for women and youth. The conferees expect the State Department to make these funds available for such purposes.

The conference agreement provides $5,000,000 for the training of judges and prosecutors, as proposed by the Senate. The conferees request the State Department to consult with the Committees on Appropriations on the use of these funds. The conferees note the American Bar Association's rule of law programs and support implementing them through cooperative agreements.

The conferees recommend funding for the Russian, Eurasian, and East European Research and Training Program (Title VIII) at the fiscal year 2005 level. The conferees also encourage the use of Title VIII funds to include comparative research and language training concerning Eurasian countries critical in the war on terrorism.

The conferees continue to support the East Central European Scholarship Program (ECESP) and expect that USAID will continue to fund ECESP in Albania and Macedonia through an extension of the current ECESP cooperative agreement.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

The conference agreement provides $514,000,000 instead of $477,000,000 as proposed by the House and $565,000,000 as proposed by the Senate.

Funds in this account are allocated in the following table and, as stipulated in section 596, any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations:

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

[Budget authority in thousands of dollars]

	Conference agreement
Armenia	75,000
Azerbaijan	35,000
Belarus	12,000
Georgia	67,000
Kazakhstan	25,000
Kyrgyz Republic	25,000
Moldova	19,000
Russia	80,000
Russian Far East	[17,500]
Northern Caucasus	[5,000]
Tajikistan	24,000
Turkmenistan	5,000
Ukraine	84,000
Uzbekistan	20,000
Regional Programs	43,000
Total	514,000

HUMANITARIAN PROGRAMS

The conferees are concerned that internal armed conflicts in the Northern Caucasus have caused great suffering and resulted in enormous humanitarian and development needs for the people of Chechnya, Ingushetia, North Ossetia-Alania, and Dagestan. The conference agreement includes not less than $5,000,000 for improvements in basic services, community reconstruction and recovery, economic development with an emphasis on job creation, the promotion of good governance, human rights, free media, and support for civil society organizations. The abovementioned republics should receive priority consideration for this assistance. These funds should be disbursed through a transparent, competitive process.

The conferees agree that at least $3,000,000 of the funds allocated for regional programs should be provided to address ongoing humanitarian needs in Nagorno-Karabagh.

The conferees recommend that the State Department consider a proposal for a Central Diagnostic Laboratory in the Caucasus, to be located in Armenia.

The conferees recommend USAID give consideration to the programs of the Vishnevskaya-Rostropovich Foundation, which conducts health programs for children that emphasize disease prevention in the Russian Federation.

TRAFFICKING IN PERSONS

The conferees include not less than $4,000,000 for programs to fight trafficking in persons. The conferees intend that this funding be used to protect victims of trafficking, prevent new instances of trafficking, and support the prosecution of traffickers.

NUCLEAR SAFETY

The conference agreement recommends that of the funds made available for assistance for Ukraine, $5,000,000 should be made available for nuclear reactor safety initiatives, similar to that proposed by the Senate. The conferees expect that of this amount, $3,000,000 should be provided for simulator-related projects.

TRAINING AND DEVELOPMENT

The conference agreement provides $2,500,000, as proposed by the Senate, for the Business Information Service for the Newly Independent States (BISNIS). The conferees support BISNIS's efforts to establish a self-sustaining program under the Department of Commerce and will reconsider this matter in fiscal year 2007.

The conferees recognize the important work of the Eurasia Foundation in promoting civil society and private enterprise in the successor countries of the former Soviet Union and encourage USAID and the State Department to support the Foundation's efforts to launch and build indigenous foundations throughout the region to continue this work. The conferees note the Eurasia Foundation's commitment to seek sustainable funding for such indigenous organizations through private sector and regional donors.

Independent Agencies

INTER-AMERICAN FOUNDATION

The conference agreement provides $19,500,000 as proposed by the House instead of $20,000,000 as proposed by the Senate.

AFRICAN DEVELOPMENT FOUNDATION

The conference agreement provides $23,000,000 instead of $20,500,000 as proposed by the House and $25,000,000 as proposed by the Senate.

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $322,000,000, instead of $325,000,000 as proposed by the House and $320,000,000 as proposed by the Senate.

SUPPORT FOR COUNSEL

The conferees are aware that under certain circumstances jurisdictions overseas require the victim of a crime to participate in the prosecution of the crime. The conferees believe that the language of section 5(1) of the Peace Corps Act could support the use of funds appropriated to the Peace Corps to enable the Peace Corps to employ local counsel for volunteers in proceedings where they are parties or complaining witnesses. The conferees urge the Peace Corps to work with the committees of substantive jurisdiction to seek additional clarity on this issue in the Peace Corps Act.

AVIAN INFLUENZA

The conferees expect the Peace Corps to use funding appropriated under this heading for expenses relating to avian influenza.

MILLENNIUM CHALLENGE CORPORATION

The conference agreement provides $1,770,000,000 for the Millennium Challenge Corporation (MCC) instead of $1,750,000,000 as proposed by the House and $1,800,000,000 as proposed by the Senate.

The conference agreement makes available up to $75,000,000 for administrative expenses as proposed by the House, instead of $70,000,000 as proposed by the Senate. Additionally, the conferees include language proposed by the Senate, and similar to that proposed by the House, providing up to 10 percent of funds for threshold country assistance.

The conference agreement includes a number of provisions proposed by both the House and Senate requesting a report on the threshold country program, extending section 605(e)(4) of the Millennium Challenge Act of 2003, and requiring that the MCC fully fund multi-year compacts for fiscal year 2006.

The conferees understand that strong participation from indigenous civil society organizations is critical to increasing public support for and ensuring that the MCC successfully meets its intended goals of economic growth and poverty reduction. Such participation would also strengthen the nascent democratic processes in eligible countries, contribute to the MCC criteria of good governance, and provide opportunities for discussion of how best to achieve national priorities of economic growth and poverty reduction.

The conferees request that the Chief Executive Officer of the MCC submit a report that describes and assesses the record of national governance structures to take into account indigenous civil society input within countries that have completed compact negotiations. The report should be submitted to the relevant committees of jurisdiction identified in the MCC authorization no later than March 31, 2006.

Department of State

GLOBAL HIV/AIDS INITIATIVE

The conference agreement provides $1,995,000,000 for "Global HIV/AIDS Initiative" instead of $1,920,000,000 as proposed by the House and $2,020,000,000 as proposed by the Senate.

Funds in this account are allocated in the following table and, as stipulated in section 596, any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations:

GLOBAL HIV/AIDS INITIATIVE

[Budget authority in thousands of dollars]

	Conference agreement
Focus Countries	1,232,000

	Conference agreement
Central programs	393,000
Global Fund	200,000
Central Technical Support and Management	59,000
(Administrative Expenses)	[12,000]
Non-focus countries	50,000
Strategic Information/Evaluation	31,000
UNAIDS	30,000
Total	1,995,000

ACCOUNT STRUCTURE

The conferees note that all funding for the 15 Global HIV/AIDS Initiative "focus" countries is appropriated in this account. The conferees strongly encourage the Office of the Global AIDS Coordinator to continue its policy of providing additional funding to "non-focus" countries and have included $50,000,000 for "non-focus" countries in this account.

HIV AND NUTRITION

The conferees urge the Office of the Global AIDS Coordinator to develop and implement a strategy, in coordination with groups responsible for issues of nutrition, such as USAID, the Department of Agriculture, the World Food Program, and the Food and Agriculture Organization, to address the nutritional requirements of those on antiretroviral therapy. The conferees ask the Office of the Global AIDS Coordinator, in collaboration with USAID, to consult with and report to the Committees on Appropriations not later than 180 days after the enactment of this Act on the following for the Global HIV/AIDS Initiative "focus" countries:

(a) The number of Global HIV/AIDS Initiative beneficiaries on antiretroviral therapy;

(b) The impact of food and nutrition on care and treatment; and

(c) A strategy to address the nutritional requirements of persons receiving care and treatment.

TECHNICAL AND PROGRAMMATIC SUPPORT

The conferees urge USAID and the Office of the Global AIDS Coordinator to improve coordination for programs to fight HIV and TB, including through increased funding to organizations such as the World Health Organization which can provide technical support to countries.

The conferees continue to support the country planning process and recommend that the Office of the Global AIDS Coordinator consider support for organizations, such as Dream for Africa, which develop civil society and local health outreach.

DEMOCRACY FUND

The conference agreement includes a new appropriations account, similar to that proposed by the Senate, which seeks to increase the effectiveness and oversight of programs that promote democracy, governance, human rights, independent media, and the rule of law globally. The conferees note that this account also incorporates provisions contained in sections 6026 and 6034 of the Senate bill, and section 534 of the House bill.

The conferees recommend $95,000,000 for specific democracy programs and activities, as contained in the following table, and up to $1,448,200,000 for democracy, human rights, and rule of law activities under title II of this Act, as contained in the budget request:

DEMOCRACY FUND

[Budget authority in thousands of dollars]

	Conference agreement
Human Rights and Democracy Fund:	
Global Programs	27,000
China/Hong Kong/Taiwan	20,000
Muslim Countries outside Middle East	12,000
Forensic assistance in Central and South America	3,000
Reagan/Fascell Democracy Fellows program	1,200
Subtotal, Human Rights and Democracy Fund	63,200
National Endowment for Democracy:	
China/Hong Kong/Taiwan	3,000
Muslim Countries outside Middle East	3,000
Africa	2,000
Tibet	250
Venezuela	2,000
Russia	4,000
North Korea	1,000
Subtotal, National Endowment for Democracy	15,250
Other:	
Thailand	2,000
UN Democracy Fund	8,000
Iran and Syria	6,550
Subtotal, Other	16,550
Total	95,000

The conference agreement does not include language proposed by the Senate that caps USAID contracts for democracy programs at $250,000,000. The conference agreement includes a provision requiring USAID to notify the Committees on Appropriations of democracy, governance, human rights and rule of law contracts, grants and cooperative agreements (and any amendments to the same) exceeding $10,000,000. The conferees include language similar to that proposed by the Senate to provide that funds in the Act that are made available to the National Endowment for Democracy (NED) may be made available notwithstanding any other provision of law or regulation.

The conference agreement recommends $6,550,000 for programs that support the advancement of democracy in Iran and Syria, and language permitting other funds in this Act to be used for similar purposes. The conferees expect that not less than a total of $10,000,000 from funds in this account as well as funds provided for the Middle East Partnership Initiative be made available for programs to support democracy in Iran, including through educational, humanitarian and nongovernmental organizations and individuals inside Iran. The conferees encourage the State Department to consider a range of proposals for democracy promotion in Iran, including activities utilizing the media.

The conferees support additional assistance for democracy programs in the Democratic Republic of the Congo from funds made available under this heading and elsewhere in this Act.

In addition to funds for programs targeted toward Africa, Asia, and Muslim countries outside the Middle East, the conferees include for the National Endowment of Democracy: $250,000 for democracy and human rights programs relating to Tibet; $2,000,000 for the promotion of democracy in Venezuela; $4,000,000 for political party development programs in Russia; and $1,000,000 for programs that promote democratization in North Korea, including human rights and the free flow of information.

The conferees provide $8,000,000 for a United Nations Democracy Fund. The conferees request the State Department to report to the Committees on Appropriations on how this fund will complement ongoing United States democracy building efforts.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference agreement provides $477,200,000 for International Narcotics Control and Law Enforcement (INCLE), instead of $442,400,000 as proposed by the House and $523,874,000 as proposed by the Senate. Funds are made available until September 30, 2008 as proposed by the House instead of September 30, 2007 as proposed by the Senate.

The conference agreement provides $10,000,000 for assistance for demand reduction programs, similar to the House bill. The Senate did not address this matter.

The conference agreement provides $16,000,000 for the International Law Enforcement Training Academies (ILEA) as proposed by the Senate. The House did not address this issue.

The conference agreement does not include a Senate provision making $10,000,000 in INCLE funds available for law enforcement programs to combat violent gangs in Guatemala, Honduras and El Salvador. The House bill did not address this issue. However, the conferees are alarmed by the growing violent gang activity in these countries and urge the Secretary of State to increase funding for these programs.

The conferees direct the State Department to consult with the Committees on Appropriations concerning the use of funds available under this heading and specified as "other programs" in the accompanying table. The conferees expect that programs in Iraq will be given the highest priority with either fiscal year 2006 INCLE funds or prior year unobligated funds.

The conferees agree with the concerns expressed in Senate report language regarding the unwieldy structure of funding for INL aviation programs. The conferees direct that not less than 30 days prior to the obligation of funds available for "International Narcotics and Law Enforcement" or "Andean Counterdrug Initiative" for the procurement of aircraft, the State Department shall provide the Committees on Appropriations with an Analysis of Alternatives. The analysis shall include, at a minimum: the requirement or mission need for the aircraft to be procured; planned funding for the subject acquisition; cost of alternative aircraft; mission capabilities to include range, lift and operational limitations; estimated maintenance costs and requirements; planned acquisition strategy; and contract or availability limitations.

The conference agreement makes available $33,484,000 for administrative expenses as proposed by the House instead of $30,000,000 as proposed by the Senate.

Funds in this account are allocated in the following table and, as stipulated in section 596, any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations:

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

[Budget authority, dollars in thousands]

	Conference agreement
Indonesia	5,000
Timor-Leste	1,500
Philippines	2,000
Thailand	1,000
Afghanistan	235,000
Pakistan	38,000
Haiti	15,000
Jamaica	1,000
Mexico	40,000
Latin America Regional	2,500

	Conference agreement
Anticorruption	1,500
Demand Reduction	10,000
Anticrime (includes intellectual property protection)	9,000
ILEAS	16,000
Other countries and programs	99,700
Total	477,200

Andean Counterdrug Initiative

The conference agreement provides $734,500,000 for the "Andean Counterdrug Initiative" as proposed by the House and the Senate. Funds are made available until September 30, 2008 as proposed by the House instead of September 30, 2007 as proposed by the Senate. The conferees emphasize that there are other funds for Andean nations in this Act.

The conference agreement provides that not less than $228,772,000 shall be directly apportioned to USAID, including $131,232,000 for Colombia.

The conference agreement includes a provision similar to the Senate amendment that recommends that not less than $2,000,000 should be made available to protect biodiversity and indigenous reserves in Colombia. The House did not address this matter. The conferees intend these funds to be used for continued assistance for the Colombian National Park Service and to support activities of nongovernmental organizations.

The conference agreement includes a provision similar to that proposed by the Senate to provide $8,000,000 to USAID for organizations and programs to protect human rights in Colombia. These funds are in addition to the $6,000,000 requested for judicial reform programs in Colombia in fiscal year 2006.

The conferees are aware that hundreds of Colombian military personnel, mostly young recruits, have suffered grievous injuries from landmines and other causes. Many require sophisticated medical treatment. Through the efforts of "United for Colombia," several United States hospitals are providing this treatment free of charge but there are incidental costs such as transportation, lodging and medicines. The conferees direct that of the funds available for the Colombian Armed Forces, $500,000 be made available to pay the incidental costs associated with the treatment and care of injured soldiers in the United States. The conferees also recommend that additional Leahy War Victims Fund assistance be made available for Colombian civilians who are disabled from landmines and other causes resulting from the conflict.

The conference agreement again includes conditions, similar to current law and the same as the Senate amendment, on aerial spraying. The House bill did not address this matter.

The conference agreement includes a provision proposed by the Senate, which is current law, that requires that the Administrator of USAID, in consultation with the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, shall have responsibility for the use of funds under this heading that are directly apportioned to USAID. The House did not address this matter.

The conference agreement makes available $19,015,000 from this account for administrative expenses of the State Department and $7,800,000 for administrative expenses of USAID as proposed by the House instead of $16,000,000 for the State Department and $7,000,000 for USAID as proposed by the Senate.

The conferees urge the Administration to include in its fiscal year 2007 budget request amounts necessary for a maritime refueling support vessel capable of refueling United States and allied vessels engaged in drug interdiction in the eastern Pacific transit zone.

Funds in this account are allocated in the following table and, as stipulated in section 596, any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations:

ANDEAN COUNTERDRUG INITIATIVE

[Budget authority in thousands of dollars]

	Conference agreement
Bolivia:	
Interdiction/Eradication	43,000
Alternative Development/Institution Building	37,000
Colombia:	
Interdiction/Eradication	310,850
USAID Alternative Development/Institution Building	131,232
Rule of Law	27,393
Ecuador:	
Interdiction/Eradication	8,460
Alternative Development/Institution Building	11,540
Peru:	
Interdiction/Eradication	59,000
Alternative Development/Institution Building	49,000
Panama	4,500
Brazil	6,000
Venezuela	2,252
Air Bridge Denial	14,000
Critical Flight Safety	30,000
Total	734,500

Migration and Refugee Assistance

The conference agreement provides $791,000,000 for the Migration and Refugee Assistance Account instead of $790,720,000 as proposed by the House and $900,000,000 as proposed by the Senate.

ISRAEL

The conference agreement also includes Senate language providing not less than $40,000,000 for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel. The House bill did not address this matter.

NORTH KOREA

The conference agreement does not include language, as proposed by the Senate, regarding assistance for refugees from North Korea. The conferees note that this matter remains a priority for the Committees on Appropriations, and expect the State Department to continue to consult with the Committees on Appropriations on how best to assist these refugees.

CONFLICT MITIGATION

The conferees include a provision, similar to Senate language, recommending funding for programs to mitigate conflict between refugees and hosting communities and to provide technical assistance to local organizations for assistance to refugees, including refugee registration and protection.

United States Emergency Refugee and Migration Assistance Fund

The conference agreement provides $30,000,000 for the United States Emergency Refugee and Migration Assistance Fund, as proposed by the House, instead of $40,000,000 as proposed by the Senate.

The conference agreement does not include language proposed by the Senate that provides the funds notwithstanding section 2(c)(2) of the Migration and Refugee Assistance Act of 1962.

Nonproliferation, Anti-terrorism, Demining and Related Programs

The conference agreement provides $410,100,000 for Nonproliferation, Anti-terrorism, Demining and Related Programs, instead of $400,350,000 as proposed by the House and $445,100,000 as proposed by the Senate.

The conference agreement provides that certain funds appropriated under this heading may be made available notwithstanding any other provision of law, the same as current law and as proposed by the Senate. The House provided that these funds may be used notwithstanding any provision of law that restricts assistance to foreign countries.

The conferees support the use of facilities in New Mexico for instruction in Rural Border patrol operations and urge the State Department to continue Anti-Terror Assistance Program training at these facilities.

The conferees recognize the strategic and potential economic importance of the port of Riga, given Latvia's status as a valued and trusted NATO ally. In addition to the reporting requirements set forth in the Senate report, the State Department shall also report to the Committees on Appropriations on any specific security and non-proliferation issues and concerns needed to be addressed in the assessment.

Due to budget constraints, the conference agreement does not include a provision proposed by the Senate to provide additional funds above the amount requested for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission (CTBT). The House did not address this matter. The conferees urge the State Department to include sufficient funds for CTBT in the Administration's fiscal year 2007 budget request.

The conference agreement does not include $29,000,000 as requested for programs in Iraq, including $16,000,000 as requested for humanitarian demining programs in Iraq. The conferees expect these programs to be funded from prior year funds currently unobligated for Iraq.

Funds in this account are allocated in the following table and, as stipulated in section 596, any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations:

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

(Budget authority in thousands of dollars)

	Conference agreement
Nonproliferation and Disarmament Fund	37,500
Export Control and Border Security assistance	43,400
Nonproliferation of WMD Expertise	52,600
International Atomic Energy Agency—Voluntary Contribution	50,000
CTBT/International Monitoring System	14,350
Anti-terrorism Assistance	123,500
Counterterrorism financing	7,500
Terrorist Interdiction Program	5,500
CT Engagement with Allies	1,000
Humanitarian Demining	56,000
International Trust Fund for Demining	10,000
Small Arms/Light Weapons Destruction	8,750
Total	410,100

CONFLICT RESPONSE FUND

The conference agreement does not include funding for the Conflict Response Fund. The conferees request the State Department, prior to the submission of the fiscal year 2007 budget request, to provide the Committees on Appropriations with a comprehensive, disciplined and coherent strategy detailing how the Office of the Coordinator for Reconstruction and Stabilization will coordinate United States Government-wide efforts to respond to international post-conflict contingencies.

Department of the Treasury

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

The conference agreement provides $20,000,000 for the International Affairs Technical Assistance program of the Department of the Treasury as proposed by the House and the Senate. Funds for this account are made available until September 30, 2008, instead of 2009 as proposed by the House and 2007 as proposed by the Senate.

The conference agreement provides that funds appropriated under this heading may be made available notwithstanding any other provision of law, the same as current law and as proposed by the Senate. The House provided that these funds may be made available notwithstanding any provision of law that restricts assistance to foreign countries.

DEBT RESTRUCTURING

The conference agreement provides $65,000,000 for Debt Restructuring as proposed by the House, instead of $99,750,000 as proposed by the Senate. The conference agreement provides $20,000,000 for the Tropical Forest Conservation Act Programs as proposed by both the House and Senate.

The conferees include a technical provision proposed by the Senate referencing limitations by the Agricultural Trade Development and Assistance Act of 1954. The House did not address this matter.

The conference agreement does not include Senate language limiting the use of the United States contribution to the HIPC Trust Fund. The House did not address this matter.

TITLE III—MILITARY ASSISTANCE

INTERNATIONAL MILITARY EDUCATION AND TRAINING

The conference agreement provides $86,744,000 for International Military Education and Training (IMET), as proposed by the House and the Senate.

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement provides $4,500,000,000 for the Foreign Military Financing Program (FMF), instead of $4,442,300,000 as proposed by the House and $4,603,600,000 as proposed by the Senate.

The conferees agree with the House position that $1,300,000,000 shall be made available for grants only for Egypt and that $210,000,000 as proposed by the Senate shall be made available for assistance for Jordan.

Funds in this account are allocated in the following table and, as stipulated in section 596, any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations:

FOREIGN MILITARY FINANCING PROGRAM

[Budget authority in thousands of dollars]

	Conference agreement
Israel	2,280,000
Jordan	210,000
Egypt	1,300,000
Armenia	5,000
Azerbaijan	5,000
Pakistan	300,000
Turkey	15,000
Uzbekistan	0
Estonia	5,000
Latvia	6,000
Lithuania	5,000
Guatemala	0
Operation Enduring Friendship	4,000
Administrative Expenses	41,000
Mongolia	3,000
Georgia	12,000
Lebanon	1,000
Poland	30,000
Indonesia	1,000
Philippines	20,000
Thailand	1,500
Tunisia	10,000
Tonga	250
Bangladesh	1,000
Sri Lanka	1,000
Cambodia	1,000
Fiji	500
Other	241,750
Total	4,500,000

ARMENIA AND AZERBAIJAN

The conferees agree to include $5,000,000 for each of the countries of Armenia and Azerbaijan. In addition, the conferees support IMET assistance levels of $750,000 for each country.

LEBANON

The conferees agree to initiate FMF in Lebanon for $1,000,000. The conferees agree that this assistance should be used to initiate procurement of such non-lethal equipment as radios and vehicles.

PEACEKEEPING OPERATIONS

The conference agreement provides $175,000,000 for "Peacekeeping Operations", instead of $177,800,000 as proposed by the House and $195,800,000 as proposed by the Senate.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

International Financial Institutions

GLOBAL ENVIRONMENT FACILITY

The conference agreement provides $80,000,000 for the Global Environment Facility (GEF) instead of no appropriation as proposed by the House and $107,500,000 as proposed by the Senate.

The conferees recognize that the GEF adopted a new Resource Allocation Framework (RAF) in September, 2005. The RAF will link the allocation of GEF resources to a country's potential to generate global environmental benefits as well as its performance, including transparency and good governance. The purpose of performance-based allocations in any institution is to maximize the beneficial impact of scarce resources. The conferees are pleased that the GEF Council established the performance-based allocation system, the centerpiece reform of the GEF–3 replenishment agreement of 2002, and the basis for budget requests to the Congress over the last four years. Due to constraints of the budget allocation, the conferees were unable to provide the full amount for the GEF proposed by the Senate.

Additionally, the conferees are aware that the donor negotiations for the next GEF replenishment, GEF-4, are currently underway. Therefore, the conferees direct the Department of the Treasury to consult with the Committees on Appropriations on a periodic basis during the fiscal year regarding the implementation of the RAF and other reforms adopted by the GEF for the remaining GEF-3 funding as well as for new funding being proposed under the GEF–4 replenishment.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

The conference agreement provides $950,000,000 for the International Development Association (IDA), the concessional lending facility of the World Bank, as proposed by the House instead of $900,000,000 as proposed by the Senate.

The conferees believe that the IDA could be an appropriate source of funds to help eligible countries prepare for and combat a potential avian influenza epidemic. There exists significant need in Asia for programs to increase surveillance capacity, compensate small-scale farmers for timely reports of bird die-offs, modernize animal husbandry practices, and upgrade infectious disease infrastructure. The conferees urge the United States Executive Director to the World Bank to use the voice and vote of the United States to increase support for this global priority, and direct the Secretary of the Treasury to report not later than 90 days after enactment of this Act on the World Bank's plans to do so. The conferees urge governments in that region to make combating avian influenza a top priority.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

The conference agreement provides $1,300,000 for the Multilateral Investment Guarantee Agency, as proposed by the Senate, instead of $1,741,515 as proposed by the House.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

INTER-AMERICAN INVESTMENT CORPORATION

The conference agreement provides $1,741,515 for past due payments by the United States to the Inter-American Investment Corporation as proposed by the House, instead of $1,500,000 as proposed by the Senate.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

The conference agreement provides $1,741,515 for past due payments by the United States to the Multilateral Investment Fund as proposed by the House, instead of $3,742,000 as proposed by the Senate.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

The conference agreement provides $100,000,000 for the United States contribution to the Asian Development Fund, as proposed by the Senate, instead of $115,250,000 as proposed by the House.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

The conference agreement provides $3,638,000 for the African Development Bank, as proposed by the Senate, instead of $5,638,350 as proposed by the House.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

The conference agreement provides $135,700,000 for the African Development Fund as proposed by the House and the Senate.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

The conference agreement provides $329,458,000 for voluntary contributions to "International Organizations and Programs", instead of $328,958,000 as proposed by the House and $330,000,000 as proposed by the Senate.

Funds in this account are allocated in the following table and, as stipulated in section 596, any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations:

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

[Budget authority in thousands of dollars]

	Conference agreement
Center for Human Settlements	150
IMO Maritime Security	400

	Conference agreement
ICAO Aviation Programs	950
International Conservation Programs (CITES/ITTO/IUCN/Ramsar/CCD)	5,950
International Contributions for Scientific Educational & Cultural Activities	1,000
IPCC/UNFCCC	6,000
Montreal Protocol	21,500
OAS Development Assistance	4,750
OAS Fund for Strengthening Democracy	2,500
Reserve to be allocated	22,500
UNICEF	127,000
UNIFEM	3,250
UNIFEM Trust Fund	1,500
UNDP	110,000
UNEP	10,262
UN Office for the Coordination of Humanitarian Affairs	813
UN Fund for Tech. Cooperation in Human Rights	1,500
UN Voluntary Fund for Victims of Torture	6,583
World Meteorological Organization	1,900
WTO	950
Total	329,458

UNITED NATIONS DEVELOPMENT PROGRAM

The conferees encourage the United Nations Development Program (UNDP) to remain vigilant over the politicization of its funding for propaganda purposes, particularly by the Palestinian Authority in the West Bank and Gaza and by the illegitimate State Peace and Development Council in Burma. The conferees do not endorse the purchase of aircraft by UNDP for program purposes in Burma.

WORLD FOOD PROGRAM

The conferees support the work of the World Food Program and have provided $10,000,000 for a voluntary contribution under section 534 of this Act as proposed by the Senate, rather than $6,000,000 as proposed by the House.

TITLE V—GENERAL PROVISIONS

(Note: If the provision proposed by the House and Senate is similar, except for a different section number or minor technical differences, the section is not addressed in this statement of the managers.)

Sec. 504. Report on Unobligated Balances

The conference agreement includes a new provision as proposed by the Senate (section 6100), with some modification, that requires the submission of quarterly reports on unobligated and unexpended funds.

The conferees agree that the quarterly report required by this section should be formatted to provide information on unobligated balances for the relevant quarter as well as cumulative balances for unobligated and unexpended funds. For purposes of this quarterly report, the terms "unobligated" and "unexpended" shall have the same meaning as such terms defined by the Government Accountability Office (GAO) "Red Book" and as used by the Office of Management and Budget (OMB).

The conferees agree that the first quarterly report required by this provision, covering the first quarter of the fiscal year 2006 and prior year balances, shall be due to the Committees on Appropriations no later than February 1, 2006.

Sec. 505. Limitation on Expenses and Representational Allowances

The conference agreement includes a revision of House sections 504 and 505 and Senate sections 6004 and 6005. The agreement combines these provisions into a new section 505 which addresses both a limitation on representational allowances as well as a limitation on entertainment expenses to also include recorded music, live artistic performances, personal gifts and furnishings.

Sec. 507. Prohibition Against Direct Funding for Certain Countries

The conference agreement includes a provision similar to that proposed by both the House and Senate (section 6007) which prohibits direct funding for certain countries, exempting Libya from the prohibition on Export-Import Bank programs and Overseas Private Investment Corporation financing.

Sec. 509. Transfers

The conference agreement includes a provision similar to that proposed by the House and Senate (section 6009) limiting transfers of funds in this Act.

Sec. 510. Commercial Leasing of Defense Articles

The conference agreement includes a provision similar to that proposed by the House and Senate (section 6010) which provides the same authority in current law regarding the commercial leasing of defense articles.

Sec. 511. Availability of Funds

The conference agreement includes a provision similar to that proposed by both the House and Senate (section 6011) which addresses the availability of funds.

Sec. 515. Notification Requirements

The conference agreement includes a provision similar to that proposed by both the House and Senate (section 6015), with modifications, which requires the application of reprogramming oversight procedures. The conference agreement includes a new heading, "Democracy Fund", subject to notification.

Sec. 517. Independent States of the Former Soviet Union

The conference agreement includes a provision similar to that proposed by both the House and Senate (section 6017), with modifications. The agreement excludes subsection (a) of the House bill regarding restrictions on assistance and includes Kazakhstan and Uzbekistan in the list of countries for whichfunds are subject to notification procedures, as proposed by the House.

Sec. 519. Export Financing Transfer Authorities

The conference agreement includes a provision similar to that proposed by both the House and Senate (section 6019) limiting the transfer authorities for funds, modified to apply to funds appropriated in title I of this Act.

Sec. 520. Special Notification Requirements

The conference agreement includes a provision proposed by the Senate (section 6020) which requires that funds for Serbia, Sudan, Zimbabwe, Pakistan, Liberia, and Cambodia be subject to the special notification procedures of this section, instead of a similar provision proposed by the House (section 520).

Sec. 521. Definition of Program, Project, and Activity

The conference agreement includes a provision similar to that proposed by both the House and Senate (section 6021) which applies the definition for the terms "program, project, and activity" to the entire Act, the same as current law and as proposed by the House.

Sec. 522. Child Survival and Health Activities

The conference agreement includes a provision similar to that proposed by both the House and Senate (section 6022) which addresses expenditure of funds made available for assistance under the heading "Child Survival and Health Programs Fund". The provision makes available for family planning/reproductive health activities not less than $440,000,000 of funds appropriated under title II, rather than $450,000,000 as proposed by the Senate. The House did not address this matter.

The conference agreement also includes language as proposed by the Senate which mandates a Government Accountability Office audit of the 2004 and 2005 "Child Survival and Health Programs Fund".

Sec. 523. Afghanistan

The conference agreement includes a provision similar to that proposed by both the House and Senate (section 6023) which addresses funds provided for humanitarian, reconstruction, and related assistance for Afghanistan. The conference agreement provides that not less than $3,000,000 should be for reforestation activities, rather than $5:000,000 as proposed by the Senate.

The conference agreement does not include a Senate proposal to provide $3,000,000 for assistance for Afghan families and communities that have suffered losses as a result of the military operations. The House did not address this matter. The conferees support continued funding for this initiative and provide $2,000,000 for this purpose. The conferees intend these funds to be used to support the same types of activities that are being carried out in Iraq through the Marla Ruzicka Iraqi War Victims Fund. The conferees direct that a portion of these funds be used, consistent with the Senate provision, to employ a liaison between Afghan families and communities, the Afghan Independent Human Rights Commission, U.S. Armed Forces and USAID, to facilitate implementation of this initiative.

The conference agreement provides that not less than $2,000,000 should be for Afghan human rights groups, as proposed by the Senate.

The conference agreement does not include language, proposed by the Senate, which recommends funding for a National Emergency Response and Preparedness System. The conferees expect the State Department to consider this project.

The conference agreement does not include a vetting requirement for the Afghan National Army, as proposed by the Senate, which would have been duplicative of vetting requirements included elsewhere in this Act.

The conference agreement contains language, similar to that proposed by the House and Senate, that provides that $50,000,000 should be made available to support programs that directly address the needs of Afghan women and girls, of which not less than $7,500,000 shall be made available for small grants to improve the capacity of women-led Afghan nongovernmental organizations.

Sec. 525. HIV/AIDS

The conference agreement includes a provision, similar to that proposed by the House, which conditions a portion of the United States contribution to the Global Fund to Fight AIDS, TB and Malaria on the progress of reforms to improve monitoring and evaluation of the effectiveness of Global Fund financing. The conference agreement conditions 20 percent, rather than 25 percent as in the House provision, and a clarifying change is made in paragraph (2).

Sec. 526. Burma

The conference agreement includes language, similar to that proposed by the Senate (section 6031), regarding assistance for

Burma. The conferees endorse language on Burma contained in the Senate report.

The conferees recommend that in addition to assistance for Burmese refugees provided under the heading "Migration and Refugee Assistance", $3,000,000 be made available for assistance for community-based organizations operating in Thailand to provide food, medical and other humanitarian assistance to internally displaced persons in eastern Burma. The conferees recommend $4,000,000 for the Burma Border Consortium.

The conferees affirm that the responsibility for programs and activities regarding Burmese refugees and internally displaced persons resides with the United States Ambassador to Thailand.

The conference agreement does not include language proposed by the Senate restricting assistance to the central government of any country that is a major provider of weapons or defense-related equipment to the State Peace and Development Council (SPDC). The House did not address this matter.

The conference agreement does not include language proposed by the Senate restricting funding for the United Nations Office on Drugs and Crime (UNODC). The House did not address this matter. The conferees remain concerned by reports that the UNODC in Burma is failing to report to other relevant United Nations organizations incidents of gross human rights violations encountered during the conduct of its programs in Burma.

Sec. 531. Financial Market Assistance in Transition Countries

The conference agreement includes a provision as proposed by the House which requires not less than $40,000,000 should be made available for building capital markets and financial systems in countries in transition. The conferees agree that the Secretary of State should direct that at least $30,000,000 for this purpose come from accounts under the State Department's control.

Sec. 532. Authorities for the Peace Corps, Inter-American Foundation and African Development Foundation

The conference agreement includes a provision proposed by the Senate (section 6032), and similar to that proposed by the House (section 532), which states that provisions of this Act or any other Act, shall not be construed to prohibit certain activities of the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act.

Sec. 534. Special Authorities

The conference agreement includes a provision similar to that proposed by both the House (section 534) and Senate (section 6034) which provides special authorities as follows:

In subsection (a), the conference agreement includes language proposed by the Senate which provides certain authority for assistance for Afghanistan, Pakistan, Montenegro, Lebanon, assistance to victims of war, displaced Burmese, and Iraq. The House did not include Iraq in the list of countries and provided the funds with more limited authorities.

In subsection (b), the conference agreement provides that funds appropriated for tropical forestry and biodiversity conservation activities may be used notwithstanding any other provision of law, the same as current law and as proposed by the Senate. The House provided that these funds may be used notwithstanding any provision of law that restricts assistance to foreign countries.

In subsection (c), the conference agreement provides authority for employment of personal services contractors in the United States by USAID notwithstanding any other provision of law, the same as current law and as proposed by the Senate. The House bill did not provide this authority.

The conference agreement does not include subsection (f) as proposed by both the House and Senate which addressed section 451(a) of the Foreign Assistance Act of 1961. The conferees agree instead to include language proposed by the Senate (section 6114) which extends until 2007 the application of law making certain Vietnamese nationals eligible for resettlement in the United States.

In subsection (h), the conference agreement includes $10,000,000 for a contribution to the World Food Program from funds managed by USAID's Bureau for Democracy, Conflict and Humanitarian Assistance, as proposed by the Senate. The funds are made available notwithstanding any other provision of law as proposed by the Senate. The House proposed a $6,000,000 contribution.

The conference agreement does not include subsection (i) as proposed by the House and Senate which addressed availability of funds for the National Endowment for Democracy. The conferees agree to address this issue in the "Democracy Fund" appropriation heading in title II of this Act.

In subsection (i), the conference agreement includes language similar to that proposed by the Senate that provides $5,000,000 for American educational institutions in the People's Republic of China. The House did not address this issue.

In subsection (j), the conference agreement includes language similar to that proposed by the Senate which addresses assistance to Pakistan in accordance with requirements contained in Public Law 107-57. The House did not address this issue. The conferees agree to include language that extends the "sunset provision" contained in Public Law 107-57.

In subsection (k), the conference agreement includes language similar to that proposed by the Senate that addresses the establishment of a Middle East Foundation. The House did not address this issue. The conference agreement establishes the Foundation with a limitation on United States contributions of $35,000,000 and the requirement that United States contributions to the Foundation be matched by grants from other donors.

In subsection (l), the conference agreement includes language proposed by the Senate that amends sections 21(h)(1)(A) and 21(h)(2) of the Arms Export Control Act and section 541 of the Foreign Assistance Act. The House did not address this issue.

In subsection (m), the conference agreement includes language proposed by the Senate which extends authorities for refugee status for certain peoples of the Soviet Union, Vietnam, Laos and Cambodia. The House did not address this issue.

The conference agreement does not include a provision proposed by the Senate that made funds available for administrative expenses of USAID with respect to programs in the West Bank and Gaza. The House did not address this issue. The conferees agree to address this issue in the "Economic Support Funds" appropriation heading in title II of this Act.

Sec. 536. Eligibility for Assistance

The conference agreement includes a provision similar to that proposed by both the House (section 536) and Senate (section 6036) which applies restrictions contained in this or any other Act with respect to assistance for a country.

Sec. 537. Reservation of Funds

The conference agreement includes a provision similar to that proposed by both the House (section 537) and Senate (section 6037) which provides that certain funds may be reprogrammed under certain conditions notwithstanding any other provision of this or any other Act.

Sec. 539. Prohibition on Publicity or Propaganda

The conference agreement includes a provision similar to that proposed by both the House (section 539) and Senate (section 6039) prohibiting the use of funds for publicity or propaganda purposes. The conferees have modified the section to provide that not to exceed $25,000 may be made available to carry out the provisions of section 316 of Public Law 96–533, instead of $750,000 as proposed by the Senate. The conferees agree to reconsider funding for this purpose next year.

Sec. 542. Prohibition on Assistance to Foreign Governments that Export Lethal Military Equipment to Countries Supporting International Terrorism

The conference agreement includes a provision similar to that proposed by both the House (section 542) and Senate (section 6042) which prohibits funds in this Act from being made available to any foreign government that provides lethal military equipment to certain countries.

Sec. 546. Landmines

The conference agreement includes a provision similar to that proposed by both the House (section 546) and Senate (section 6046) which provides the same authority in current law regarding the provision of demining equipment notwithstanding any other provision of law.

Sec. 549. Haiti

The conference agreement includes a provision similar to that proposed by both the House (section 549) and Senate (section 6049), modified to address language proposed by the House in section 583, "Prohibition on Certain International Narcotics Control and Law Enforcement Assistance to the Government of Haiti."

The conferees agree to include language similar to that proposed by the Senate which establishes a total funding level of $116,215,000 as requested from the following accounts: "Child Survival and Health Programs Fund", "Development Assistance", "Economic Support Fund", "International Narcotics Control and Law Enforcement", "Foreign Military Financing Program", and "International Military Education and Training".

The conferees agree to include language similar to that proposed by the House in section 583, revised to address the specific issues associated with the Haitian National Police (HNP). The conferees are concerned about members of the Haitian National Police or other individuals unlawfully using weapons, ammunition, and other lethal materiel that has been provided or sold by the United States Government and therefore require the certification included in section 549(c). The conferees understand that investigations into extrajudicial killings and other alleged incidents of human rights abuses by the police are currently underway but severely limited by the lack of investigative capacity within the HNP. The conferees request that not later than 60 days after the date of enactment of this Act, the State Department report to the appropriate congressional committees the findings of these investigations, including information on whether any United States-supplied or provided weapon or ammunition was used during those incidents.

The conference agreement does not include a provision proposed by the Senate requiring a report prior to funds being made available to support elections in Haiti. The conferees direct the Secretary of State to submit a report to the Committees on Appropriations within 30 days of enactment of the Act which (1) describes in detail the steps taken by the Haitian Transitional Government and the United Nations Stabilization Mission to provide adequate security to permit free and fair elections with broad based participation by all political parties, and to demobilize, disarm and reintegrate armed groups, and (2) provides an assessment of the effectiveness of such steps.

Sec. 551. Limitation on Assistance to Security Forces

The conference agreement includes a provision similar to that proposed by both the House (section 551) and Senate (section 6051) which prohibits funds in this Act from being provided to any unit of security forces if there is credible evidence of human rights violations.

Sec. 554. Cambodia

The conference agreement includes language similar to that proposed by the House (section 554) and Senate (section 6054) which addresses assistance for Cambodia.

The conference agreement does not include language as proposed by the House regarding international financial institution loans to the central Government of Cambodia.

The conference agreement includes language similar to that proposed by the Senate which prohibits assistance for the central Government of Cambodia with the exception of assistance for certain programs; makes $15,000,000 available for activities to support democracy, rule of law, and human rights, including democratic political parties; and, provides such assistance notwithstanding section 541 of the Foreign Assistance Act.

Sec. 556. Colombia

The conference agreement includes language similar to that proposed by the House (section 556) and Senate (section 6056), and similar to current law which conditions the provision of assistance to the Colombian Armed Forces.

The conference agreement does not include a Senate provision requiring prior consultation with the Office of the United Nations High Commissioner for Human Rights in Colombia and with the appropriate congressional committees. The conferees expect the Secretary of State, prior to making the certifications required by this paragraph, to consider the opinion of the Office of the United Nations High Commissioner for Human Rights in Colombia regarding the conditions in section 556(a)(2) of this Act and to consult with the Committees on Appropriations.

Sec. 559. West Bank and Gaza Program

The conference agreement includes a provision similar to that proposed by both the House (section 559) and Senate (section 6059) which addresses funds available for the West Bank and Gaza Program, including a provision proposed by the House which requires the Comptroller General of the United States to conduct an audit of fiscal year 2006 funds and a provision proposed by the Senate which requires the Secretary of State to submit a report required in section 2106 of chapter 2 of title II of Public Law 109–13.

Sec. 560. Contribution to the United Nations Population Fund

The conference agreement includes a provision similar to that proposed by both the House (section 560) and Senate (section 6060) which addresses limitations on contributions for the UN Population Fund (UNFPA), amended to provide $34,000,000 from the "International Organizations and Programs" (IOP) account and the "Child Survival and Health Programs Fund" account, of which $22,500,000 shall be derived from IOP and shall be made available for the UNFPA.

The agreement does not include language proposed by the Senate which provided for exceptions to the limitations on the use of funds.

Sec. 563. Funding for Serbia

The conference agreement includes a provision proposed by the Senate (section 6063), and similar to that proposed by the House (section 563), which restricts assistance for the central government of Serbia, after May 31, 2006, for certain specified conditions.

Sec. 565. Special Debt Relief for the Poorest

The conference agreement includes a provision proposed by the Senate (section 6065), and similar to that proposed by the House (section 565), which provides the President authority to reduce debt owed to the United States as a result of certain guarantees. The conferees agree to include language proposed by the Senate that extends debt reduction to obligations for purchases of United States agricultural commodities under export credit guarantee programs. The House did not address this issue.

Sec. 566. Authority To Engage in Debt Buybacks or Sales

The conference agreement includes a provision proposed by the Senate (section 6066) and similar to a provision proposed by the House (section 566), which provides the same authority in current law to engage in debt buybacks or sales notwithstanding any other provision of law. The House limited this authority to notwithstanding any provision of law that restricts assistance to foreign countries.

Sec. 567. Basic Education

The conference agreement includes a provision similar to that proposed by the House (section 567), which provides not less than $465,000,000 from title II for basic education, including a total of $365,000,000 from the "Development Assistance" account. The conferees note this is $65,000,000 above the fiscal year 2005 level.

The conferees are aware of the need for programs in the developing world that increase access to quality education, including by removing financial impediments to attending school, training teachers, developing curricula, improving physical plant, and making school supplies more available. The conferees note that a number of developing nations have committed to achieving universal basic education by 2015, and that the World Bank Fast Track Initiative, to which the United States is a party, has identified certain countries for which this goal may be within reach with adequate donor support and technical assistance. The conferees want to ensure that the $65,000,000 increase in funding for fiscal year 2006 is programmed to achieve the maximum and most dramatic results in a select number of countries, and direct USAID to program the increase only after consultation with the Committees on Appropriations.

The conference agreement includes a provision similar to that proposed by the House requiring the Comptroller General of the United States to prepare an analysis of United States-funded international basic education programs within six months of enactment. The conferees provide $250,000 for this purpose. The conferees refer the Comptroller General to the provisions in House section 567 detailing what should be included in the analysis. The conferees also direct the Comptroller General to include an analysis of the staffing needs of United States Government agencies to carry out international basic education assistance programs and a description and analysis of United States Government contracts, grants, and cooperative agreements that are designed to achieve the goals of the basic education assistance program.

The conferees also agree to provide $15,000,000 in basic education funding to expand and extend a pilot project to increase access to basic education by addressing the prohibitive fees that keep children, and particularly girls, out of school.

Sec. 568. Reconciliation Programs

The conference agreement includes a provision similar to that proposed by the House (section 568) and Senate (section 6068) which provides $15,000,000 in ESF assistance for reconciliation programs and does not include a Senate proposal to make these funds available notwithstanding any other provision of law.

Sec. 569. Sudan

The conference agreement includes a provision similar to that proposed by the House (section 569) and Senate (section 6069) which addresses assistance to Sudan, providing up to $70,000,000 under "Development Assistance" for Sudan, of which $6,000,000 may be made available to USAID for administrative expenses.

The conference agreement includes subsection (b)(1) as in the Senate bill, limiting the availability of funds, and subsection (e) as in the House bill, defining certain regions as "outside of control of the Government of Sudan".

Sec. 570. Trade Capacity Building

The conference agreement includes a provision proposed by the House (section 570) which makes not less than $522,000,000 available for trade capacity building assistance from several accounts in title II of this Act and $20,000,000 from ESF for labor and environmental capacity building activities relating to the Central America Free Trade Agreement. The Senate did not address this issue.

Sec. 572. Zimbabwe

The conference agreement includes a provision proposed by the Senate (section 6078) which requires the Secretary of the Treasury to take certain actions with respect to loans to the Government of Zimbabwe. The House did not address this issue.

Sec. 573. Gender-Based Violence Training

The conference agreement includes a provision similar to that proposed by the House (section 573) which addresses the use of funds to provide training for foreign police, judicial, and military officials, modified to state that such training shall be provided where appropriate.

Sec. 574. Limitation on Economic Support Fund Assistance for Certain Foreign Governments That Are Parties to the International Criminal Court

The conference agreement includes a provision similar to that proposed by the House (section 574), amended to include a provision similar to that proposed by the Senate (section 6086).

The conferees agree to language proposed by the House which addresses assistance for countries that are party to the International Criminal Court that have not entered into an agreement with the United States pursuant to Article 98 of the Rome Statute. The conferees further agree to include as subsection (e), the Senate provision (section 6086), amended to delete reference to IMET funds.

Sec. 575. Tibet

The conference agreement includes a provision similar to that proposed by both the House (section 575) and Senate (section 6079) which provides that of the funds appropriated to the "Economic Support Fund" account, not less than $4,000,000 should be made available to nongovernmental organizations which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities.

The conference agreement also provides that these funds be made available notwithstanding any other provision of law, the same as current law and as proposed by the Senate. The House proposed that these funds be made available notwithstanding any other provision of law that restricts assistance to foreign countries.

The conference agreement provides that $250,000 should be made available for human rights and democracy programs through the National Endowment for Democracy, as proposed by the Senate. The House did not address this issue.

Sec. 576. Central America

The conference agreement includes a provision similar to that proposed by the House (section 576), amended to include language similar to that proposed by the Senate (section 6092).

The conferees agree to include language proposed by the House which provides that of the funds appropriated by this Act under the headings "Child Survival and Health Programs Fund" and "Development Assistance", not less than the amount of funds initially allocated pursuant to section 653(a) of the Foreign Assistance Act of 1961 for fiscal year 2005 should be made available for El Salvador, Guatemala, Nicaragua and Honduras. The conferees direct that USAID not fund these increases from other fiscal year 2006 programs in the Western Hemisphere.

The conferees further agree to include language similar to that proposed by the Senate in section 6092, which provides not less than $1,500,000 for electoral assistance, media and civil society programs, and activities to combat corruption and strengthen democracy in Nicaragua and not less than $1,500,000 for programs and activities to combat organized crime, crimes of violence specifically targeting women and corruption in Guatemala.

Sec. 577. United States Agency for International Development Management

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes a provision similar to that proposed by the House (section 577) which provides certain authorities to USAID. The conferees agree to continue authority that enables USAID to hire Foreign Service Limited employees to replace on a one-for-one basis individuals who were employed by USAID under other authorities, such as Personal Services Contracts (PSCs). To ensure that relatively junior Foreign Service Officers have an early opportunity to gain valuable overseas experience, the conferees provide $10,000,000 to pay for such indirect costs as housing and transportation. These costs are routinely covered for PSCs and paid out of program accounts. In using these authorities, USAID should achieve annualized savings in administrative costs, including an estimated $4,000,000 in fiscal year 2007. The conferees direct USAID to provide baseline data on administrative costs so these annual savings can be verified and tracked.

The conference agreement includes language under this section that allows USAID to use program funds to cover the costs of staff working to mitigate the effects of natural disasters. The conferees note that this authority should be used sparingly and only when necessary to enable USAID to cope with the consequences of natural disasters, such as those on the scale of Hurricane Mitch in Central America in 1998.

Sec. 578. HIPC Debt Reduction

The conference agreement includes a provision as proposed by the House (section 578) which addresses HIPC debt reduction. The Senate did not address this matter.

Sec. 579. OPIC Transfer Authority

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes a provision as proposed by the House (section 579), which authorizes the transfer of funds under title II of this Act to OPIC for certain purposes. The Senate did not address this matter.

Sec. 580. Limitation on Funds Relating to Attendance of Federal Employees at Conferences Occurring Outside the United States

The conference agreement includes a provision similar to that proposed by both the House (section 585) and Senate (section 6124) which prohibits funds for attendance of more than 50 employees at any single conference occurring outside the United States, modified to clarify that the prohibition applies to employees stationed in the United States attending international conferences.

Sec. 581. Limitation On Assistance To Foreign Countries That Refuse To Extradite To The United States Any Individual Accused In The United States Of Killing A Law Enforcement Officer

The conference agreement includes a provision similar to that proposed by the House (section 587) which prohibits funds for assistance under certain conditions associated with extradition of certain individuals, modified to provide a waiver of the restriction when the Secretary of State certifies to the Committees on Appropriations that such a restriction is contrary to the national interest of the United States.

Sec. 582. Prohibition Against Direct Funding for Saudi Arabia

The conference agreement includes a provision similar to that proposed by the House (section 588) which prohibits assistance to Saudi Arabia, modified to reflect current law.

Sec. 583. Governments That Have Failed To Permit Certain Extraditions

The conference agreement includes a provision similar to that proposed by the House (section 590) and Senate (section 6129) which prohibits funds for assistance under certain conditions when governments fail to permit the extradition of certain individuals, modified to provide a waiver of the restriction when the Secretary of State certifies to the Committees on Appropriations that such a restriction is contrary to the national interest of the United States.

Sec. 584. Reporting Requirements

The conference agreement includes a provision similar to that proposed by the Senate (section 6067) which requires a quarterly report on the uses of fiscal year 2006 funds for "Foreign Military Financing", "International Military Education and Training" and "Peacekeeping Operations", modified to change the date of the first report to April 1, 2006 and remove the reference to "hereafter."

Sec. 585. Environment Programs

The conference agreement includes a provision similar to that proposed by the Senate (section 6074) which addresses environment programs. The conference agreement also includes language similar to that proposed by the Senate with respect to the submission of the climate change report. The conferees expect that, pursuant to the August 2005 Government Accountability Office report (GAO-05-461), OMB and the Climate Change Science Program (CCSP) will explain in detail any changes in the Administration's annual climate change report content and format since fiscal year 2002. The conferees expect OMB and the CCSP to develop crosswalk tables to compare new and old report structures, definitions, categories, content, and format to ensure better assessment of changes in spending over time, specifically by agency and category. In addition, the conferees direct OMB in its fiscal year 2007 report to transmit information in the form of budget authority, expenditures, and obligations as has been consistently required by the Congress.

The conference agreement contains a subsection similar to current law and the Senate proposal regarding extractive industries and the international financial institutions. The House did not address this matter.

Sec. 586. Uzbekistan

The conference agreement includes a provision as proposed by the Senate (section 6075) and similar to current law.

Sec. 587. Central Asia

The conference agreement includes a provision similar to that proposed by the Senate (section 6076) regarding assistance to Central Asia.

Sec. 588. Disability Programs

The conference agreement includes a provision similar to that proposed by the Senate (section 6077) making available $4,000,000 in ESF for programs and activities administered by USAID to address the needs and protect the rights of people with disabilities in developing countries. Of this amount, the conferees direct that $1,500,000 be made available to organizations that specialize in advocacy for people with disabilities, to support training, technical, and related assistance for foreign NGOs that work primarily on behalf of people with disabilities in developing countries, and $2,500,000 be made available for equipment and other assistance for such foreign NGOs.

Sec. 589. Discrimination Against Minority Religious Faiths in the Russian Federation

The conference agreement includes a provision proposed by the Senate (section 6080) regarding assistance for the Russian Federation. The House did not address this matter.

Sec. 590. War Crimes in Africa

The conference agreement includes a provision similar to that proposed by the Senate (section 6081), requiring a certification by the Secretary of State before any funding may be made available to the central government of any country in which a person indicted by the Special Court for Sierra Leone or International Criminal Tribunal for Rwanda is living.

The conferees believe that Charles Taylor should stand trial for the crimes for which he has been indicted. In subsection (d), the conferees require a report by the President outlining the Administration's strategy for working with the Government of Nigeria to turn over Charles Taylor to the Special Court for Sierra Leone. If that report has not been received by 120 days following enactment of this Act, no funding may be made available for the central Government of Nigeria. This restriction is not intended to include support provided for peacekeeping operations in other countries.

Sec. 591. Security in Asia

The conference agreement includes a provision similar to that proposed by the Senate (section 6084) which (1) specifies military assistance for a number of countries in Asia: (2) makes funds available for the Philippines to address critical deficiencies identified in the Joint Defense Assessment of 2003; (3) permits funding for the Indonesian Navy, subject to the notification of the Committees on Appropriations; and (4) makes funds available for Cambodia notwithstanding certain provisions of this Act.

The conference agreement does not include language proposed by the Senate with respect to Nepal in this provision. These requirements are addressed in section 592.

Sec. 592. Nepal

The conference agreement includes a new provision similar to language proposed by the Senate in subsection (e) of section 6084 which addressed Nepal.

For purposes of determining whether the conditions for certification have been met, the conferees intend that "civil liberties" include due process under law, freedoms of speech, the press and association, and the right of movement; and "protecting human rights" includes (1) the release of all political detainees including those detained before February 1, 2005; (2) granting civilian prosecutors and judicial authorities, the National Human Rights Commission of Nepal (NHRC), the Office of the United Nations High Commissioner for Human Rights in Nepal, and international humanitarian organizations, unannounced and unimpeded access to all detainees, places of detention, witnesses, relevant documents and other requested information, and cooperating with these entities to identify and resolve all security related cases involving persons in government custody; (3) complying with international humanitarian law and ending torture, extrajudicial killings and other gross violations of human rights, and prosecuting and punishing individuals responsible for such violations; (4) restoring the independence of the NHRC in accordance with constitutional provisions, including providing adequate funding and staff; (5) complying with habeas corpus orders issued by Nepal's courts including all outstanding orders, and the security forces are respecting such orders; and (6) ensuring that the Commission for Investigation of Abuse of Authority is receiving adequate support to effectively implement its mandate and that no other anti-corruption body is functioning in violation of the 1990 Constitution or contrary to due process.

Sec. 593. Neglected Diseases

The conference agreement includes a provision similar to that proposed by the Senate (section 6094) which allocates $15,000,000 of the "Child Survival and Health Programs Fund" to fight neglected diseases. The conferees recognize that a multilateral initiative may be the most effective mechanism for leveraging and coordinating with additional contributions from other donors. The Administrator of USAID should consult with the Committees on Appropriations before a mechanism is chosen. Until such a mechanism is available, the Administrator should develop and implement the program through existing bilateral and multilateral mechanisms.

Sec. 594. Orphans, Displaced and Abandoned Children

The conference agreement includes a provision similar to that proposed by the Senate (section 6095) which provides not less than $3,000,000 for activities to improve the capacity of foreign government agencies and NGOs to prevent child abandonment, address the needs of orphans, displaced and abandoned children and provide permanent homes through family reunification, guardianship and domestic adoptions.

Sec. 595. Advisor for Indigenous Peoples Issues

The conference agreement includes a provision similar to that proposed by the Senate (section 6097) that requires USAID to appoint an Advisor for Indigenous Peoples Issues.

Sec. 596. Statement

The conference agreement includes a provision similar to that proposed by the Senate (section 6112) which requires that funds in the specified accounts be allocated as indicated in the respective tables in this statement of the managers. Any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations.

Sec. 597. Combatting Piracy of United States Copyrighted Materials

The conference agreement includes a provision similar to that proposed by the Senate (section 6115) regarding the use of funds under the heading "International Narcotics Control and Law Enforcement" to combat piracy of United States copyrighted materials overseas.

Sec. 598. Malaria

The conference agreement includes a provision, similar to that proposed by the Senate (section 6125) which addresses malaria. The House did not address this matter. Further discussion of malaria is under "Child Survival and Health Programs Fund".

Sec. 599. Oversight of Iraq Reconstruction

The conference agreement includes a provision, similar to that proposed by the Senate (section 6131) which addresses authorities and funding for the Special Inspector General for Iraq Reconstruction (SIGIR), amended to extend the period of oversight for the SIGIR without providing additional funds as proposed by the Senate.

The conferees endorse oversight of United States reconstruction efforts in Iraq and therefore support the work of the SIGIR. The conferees intend that programs and operations of the Coalition Provisional Authority (CPA) that had been within the oversight jurisdiction of the Coalition Provisional Authority Inspector General (CPA-IG) remain within the jurisdiction of its successor, SIGIR. The conferees understand that SIGIR has sufficient funds to carry out its activities through fiscal year 2006 and expect any additional funds necessary to complete SIGIR's work in fiscal year 2007 will be included in the fiscal year 2007 budget request for consideration in the fiscal year 2007 appropriations process.

With respect to Iraq's reconstruction, the conferees note the importance of an open and transparent process in developing projects, issuing contracts and fulfilling those contracts currently underway. The conferees encourage the State Department and the Defense Department to consider current proposals to use advanced software programs that provide solutions for soliciting contracts and ensuring that the bidding process is transparent and accountable.

The conferees are aware of a joint proposal by the Sabre Foundation and the Harvard Committee on Iraqi Libraries to enhance the quality and quantity of Iraqi university library collections. The conferees urge the State Department, working with other donors, to enhance and strengthen higher education in Iraq.

Sec. 599A. Nonproliferation and Counterproliferation Efforts

The conference agreement includes a provision similar to that proposed by the Senate (section 6134) which makes NADR funds available for certain nonproliferation and counterproliferation efforts, but does not include the reference to the Cooperative Threat Reduction program and the National Counter Proliferation Center as proposed by the Senate. The House did not address this matter.

Sec. 599B. Promotion of Policy Goals at Multilateral Development Banks

The conference agreement includes a provision, similar to that proposed by the Senate, which amends the International Financial Institutions Act by requiring the Secretary of the Treasury to inform the multilateral development banks and the executive directors of such banks of certain reform goals and to actively promote these reforms. The conferees believe these reforms would improve transparency, deter corruption, promote justice and accountability, protect whistleblowers, and enhance the quality of MDB-financed projects, and should be vigorously implemented. The House did not address this matter.

Sec. 599C. Authorizations

The conference agreement includes authorization language for the International Development Association, the African Development Fund, and the Asian Development Fund.

Sec. 599D. Anticorruption Provisions

The conference agreement includes a provision, similar to that proposed by the House that would withhold 20 percent of the funds for the World Bank's International Development Association (IDA) from disbursement until the Secretary of the Treasury makes a certification about a number of procurement issues that would increase transparency in the World Bank procurement process. The provision includes International Bank for Reconstruction and Development (IBRD) loans as well as IDA credit agreement or grants and project preparation advances, and "World Bank procurement guidelines" include the following World Bank Guidelines: Procurement Under IBRD Loans and IDA Credits; Guidelines: Selection and Employment of Consultants by World Bank Borrowers; and, all relevant Standard Bidding Documents applicable to World Bank-funded tenders. The Senate did not address this issue.

Sec. 599E. Assistance for Demobilization and Disarmament of Former Irregular Combatants in Colombia

The conferees include a provision that provides up to $20,000,000 to demobilize and disarm former members of Colombian terrorist organizations. This funding may be made available if the Secretary of State certifies that certain conditions specified in the language are met.

Sec. 599F. Indonesia

The conferees include a provision, similar to that proposed by the Senate (section 6072), which conditions the availability of military assistance for Indonesia on a certification by the Secretary of State that certain conditions have been met. The conferees are grateful for Indonesia's contributions to the global war on terrorism, and recognize the important progress evinced by the government of Indonesia in advancing civilian control of the military. The conferees remain concerned with human rights in Indonesia, including the role of some Indonesian military officers in organizing and supplying militia groups during 1999 attacks in East Timor, and urge the Indonesian Government to bring those responsible to justice. The House did not address this issue.

Sec. 599G. Report on Indonesian Cooperation

The conferees include a provision, similar to that proposed by the Senate (section 6108), which requires a report by the Secretary of State on progress being made into the investigation and prosecution of the murders of two United States citizens and one Indonesian citizen in 2002.

PROVISIONS NOT ADOPTED BY THE CONFEREES

The conference agreement does not include a provision proposed by the House and the Senate (sections 504 and 6024) regarding "Limitation on Expenses". This issue is addressed in section 505, "Limitation on Expenses and Representational Allowances".

The conference agreement does not include a provision proposed by the Senate (section 6025) that prohibited certain funds from this Act from being used to procure aircraft. The House did not address this matter. The conferees have addressed this matter under the heading "International Narcotics Control and Law Enforcement".

The conference agreement does not include a provision proposed by both the House (section 526) and the Senate (section 6026) that addressed funding for democracy programs and instead creates a new appropriation in title II, "Democracy Programs" to accommodate the financing otherwise addressed in these title V provisions.

The conference agreement does not include a provision proposed by the House (section 572) or a provision proposed by the Senate (section 6089), regarding assistance for Cuba.

The conference agreement does not include a provision proposed by the Senate (section 6073), which prohibited funds from being used to fund any contract contravening section 8(d)(6) of the Small Business Act. This provision was not included because such a requirement is permanent law. The House did not address this issue.

The conference agreement does not include a provision proposed by the House (section 580) which provided authority to transfer up to $100,000,000 to furnish reconstruction and stabilization assistance.

The conference agreement does not include a provision, similar to provisions proposed by the House (section 581) and the Senate (section 6083) which reduced unobligated balances.

The conference agreement does not include a Senate provision (section 6082) related to the admission and resettlement of refugees to the United States. The House did not address this matter. However, consistent with the Senate provision, the conferees expect the Secretary of State to continue to utilize private voluntary and international nongovernmental organizations with expertise in the protection needs of refugees in the processing of refugees overseas for admission and resettlement to the United States, and to utilize such organizations in addition to the United Nations High Commissioner for Refugees in the identification and referral of refugees.

The conference agreement does not include a House provision (section 583), the "Prohibition on Certain International Narcotics Control and Law Enforcement Assistance to the Government of Haiti". The issue is addressed under section 549, "Haiti", in the conference agreement. The Senate did not address this matter.

The conference agreement does not include a provision proposed by the House (section 584) that prohibited funds for assistance to Romania. The Senate did not address this issue.

The conference agreement does not include language regarding UNDP in Burma, as proposed by the Senate (section 6085). The House did not address this matter. The conferees appreciate the responsiveness of the UNDP's Washington-based staff to concerns with UNDP programs and activities in Burma.

The conference agreement does not include a provision proposed by the House (section 586) that limited the availability of funds while there is a vacancy at the head of the Office of Inspector General of the Bank. The conferees addressed this issue in title I of this Act as proposed by the Senate.

The conference agreement does not include the provision "Democracy Exception" as proposed by the Senate (section 6086). This issue is addressed in section 574. The House did not address this matter.

The conference agreement does not include a provision proposed by the Senate (section 6087) regarding "University Programs" and USAID. The House did not address this matter.

The conference agreement does not include a provision proposed by the House (section 589) regarding Export-Import Bank assistance for nuclear power projects.

The conference agreement does not include a Senate provision (section 6090) regarding funding for English language training in Francophone countries. The House did not address this matter. However, the conferees direct that funds made available under the heading "Economic Support Fund" be made available for such purposes.

The conference agreement does not include a provision proposed by the Senate (section 6091) regarding transfer of funds. The House did not address this matter.

The conference agreement does not include a provision proposed by the Senate (section 6092) "Organized Crime and Corruption in Central America". The House did not address this matter. The conference agreement addresses this issue under section 576 "Central America".

The conference agreement does not include a Senate provision (section 6093) regarding assistance for Iraq. The House did not address this matter. The conference agreement includes language under the heading "Economic Support Fund" to transfer $5,000,000 to the Iraq Relief and Reconstruction Fund for the Marla Ruzicka Iraqi War Victims Fund for assistance for families and communities that have suffered losses as a result of the military operations. The conferees direct USAID to: (1) support joint training for implementing NGOs to share lessons learned and improve coordination and communication; (2) explore approaches to help alleviate emotional trauma; and (3) facilitate dialogue between victims, their communities, and United States and coalition armed forces to promote reconciliation and reduce civilian casualties.

The conference agreement does not include a provision proposed by the Senate (section 6096) "Forensic Assistance". The House did not address this matter. The conferees provide $3,000,000 under the "Democracy Fund" account to support investigations, including DNA analysis, in cases of extrajudicial killings and child disappearances in Central and South America, in addition to funds otherwise made available for such purposes.

The conference agreement does not include a provision proposed by the Senate (section 6109) regarding a "West Papua Report" requiring the Secretary of State to submit a report regarding Indonesian troops, and current humanitarian and human rights conditions, in the Papua region of Indonesia. The House did not address this matter. The conferees direct the Secretary of State to submit, within 90 days of enactment of the Act, the report required by the Senate provision.

The conference agreement does not include a provision proposed by the Senate (section 6111) regarding "Assistance for Foreign Nongovernmental Organizations". The House did not address this issue.

The conference agreement does not include a provision proposed by the Senate (section 6114) that extends the eligibility of certain potential Vietnamese refugees to be considered refugees "of special humanitarian concern" and to be resettled in the United States. Instead, the conferees agree to address this issue in section 534 ("Special Authorities"). The conferees understand that this will be the last year such an extension will be necessary.

The conference agreement does not include a provision proposed by the Senate (section 6116) regarding a "Report on Anti-Retroviral Drug Procurement". The conferees request the Global AIDS Coordinator to submit the report required in section 6116 of the Senate bill as part of its annual reporting requirements. The House did not address this issue.

The conference agreement does not include a provision proposed by the Senate (section 6117) regarding "Forced Repatriation of Refugees in Cambodia". The House did not address this issue. The conferees note that Cambodia has a long and tragic history as a nation of refugees and strongly urge the Government of Cambodia to demonstrate greater compassion with the plight of its Montagnard neighbors. The conferees encourage the United Nations and other organizations to help safeguard all Montagnard refugees returned to Vietnam. The conferees direct the State Department to provide a report to the Committees on Appropriations not later than 90 days after enactment of this Act detailing the concerns of the Special Representative of the Secretary-General for Human Rights in Cambodia with the January 25, 2005 Memorandum of Understanding between the United Nations High Commissioner for Refugees (UNHCR) and the Governments of Cambodia and Vietnam, an assessment of the validity of those concerns, and actions taken by UNHCR to address the concerns.

The conference agreement does not include a provision proposed by the Senate (section 6118) regarding "Transfer of Funds". Not less than $450,000,000 is made available for a United States contribution to the Global Fund to Fight AIDS, TB and Malaria from funds appropriated under the headings "Child Survival and Health Programs Fund" and "Global HIV/AIDS Initiative".

The conference agreement does not include a provision proposed by the Senate (section 6119) that transferred $50,000,000 to the FMF account for assistance to support the African Union Mission in Sudan. While the conference agreement does not include additional funds for this Mission in Sudan, the Administration should expeditiously submit a request for any necessary funding.

The conference agreement does not include a provision proposed by the Senate (section 6120), "Support for Democracy and Governance Activities in Zimbabwe". This issue is addressed under the heading "Economic Support Fund". The House did not address this matter.

The conference agreement does not include a provision proposed by the Senate (section 6121) regarding assistance for Venezuela. This issue is addressed under the heading "Democracy Fund" in title II of this Act. The House did not address this matter.

The conference agreement does not include a provision proposed by the Senate (section 6123) regarding the Export-Import Bank. The conferees direct that the Inspector General shall provide a written analysis to the Committees on Appropriations and other appropriate committees, including the Senate Finance Committee, within 90 days of appointment as to whether loan guarantees provided to an ethanol dehydration plant in Trinidad and Tobago met the conditions of section 2(e)(4) of the Export-Import Bank Act of 1945 or any provision in the Bank's charter. The analysis shall include whether "value added" methodology is routinely used by the Bank to determine whether or not a proposed loan guarantee or export credit meets the statutory test found in section 2(e)(4). The Inspector General shall also make recommendations as to whether it is appropriate to use such methodology in making a determination of substantial injury.

The conference agreement does not include a provision proposed by the Senate (section 6126) regarding "Report on Small Arms Programs" that required the Secretary of State to submit a report describing activities and progress by the State Department on the destruction of small arms and light weapons. The House did not address this matter. The conferees direct the Secretary of State to submit, within 180 days of enactment of the Act, the report required by the Senate provision.

The conference agreement does not include a provision proposed by the Senate (section 6127) regarding democracy programs in Iraq. This issue is addressed under the heading "Economic Support Funds" in title II of this Act. The House did not address this matter.

The conference agreement does not include a provision proposed by the Senate (section 6128) that addressed orphans and displaced and abandoned children. The House did not address this matter.

The conference agreement does not include a provision proposed by the Senate (section 6130) regarding a "Report on Reciprocity". The House did not address this issue.

The conference agreement does not include a provision proposed by the Senate (section 6135) regarding police training activities conducted by the State Department's INCLE bureau. The House did not address this matter. The conferees direct the Secretary of State to ensure that: (1) training is provided by instructors with proven records of experience; (2) the bureau has established procedures to ensure vetting of trainees for criminal or terrorist backgrounds and minimum age and experience requirements; (3) the bureau has established procedures that set standards for training and provide certification to meet such standards. The conferees further direct the Secretary to submit the report required by the Senate provision within 180 days of enactment of the Act.

The conference agreement adopts the title of the bill as proposed by the House.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2006 recommended by the Committee of Conference, with comparisons to the fiscal year 2005 amount, the 2006 budget estimates, and the House and Senate bills for 2006 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2005	22,310,592
Budget estimates of new (obligational) authority, fiscal year 2006	22,867,945
House bill, fiscal year 2006	20,311,677
Senate bill, fiscal year 2006	22,122,189
Conference agreement, fiscal year 2006	20,978,490
Conference agreement compared with	
New budget (obligational) authority, fiscal year 2005	-1,332,102
Budget estimates of new (obligational) authority, fiscal year 2006	-1,889,455
House bill, fiscal year 2006	+666,813
Senate bill, fiscal year 2006	-1,143,699

Jim Kolbe,
Jerry Lewis,
Joe Knollenberg,
Mark Steven Kirk,
Ander Crenshaw,
Don Sherwood,
John E. Sweeney,
Dennis Rehberg,
John Carter,
Nita M. Lowey,
David R. Obey,
Jesse L. Jackson, Jr.,
Carolyn C. Kilpatrick,
Steven R. Rothman
Chaka Fattah,
Managers on the Part of the House.

Mitch McConnell,
Arlen Specter,
Judd Gregg,
Richard Shelby,
Robert F. Bennett,
Christopher Bond,
Mike DeWine,
Sam Brownback,
Thad Cochran,
Patrick J. Leahy,
Daniel Inouye,
Tom Harkin,
Barbara A. Mikulski,
Dick Durbin,
Tim Johnson,
Mary L. Landrieu,
Robert C. Byrd,
Managers on the Part of the Senate.

REAPPOINTMENT AS MEMBER TO ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE

The SPEAKER pro tempore. Pursuant to section 491 of the Higher Education Act (20 U.S.C. 1098(c)), the order of the House of January 4, 2005, and upon the recommendation of the majority leader, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Advisory Committee on Student Financial Assistance for a 3-year term:

Ms. Judith Flink, Morton Grove, Illinois

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the remaining motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

CONGRATULATING THE CHICAGO WHITE SOX ON WINNING THE 2005 WORLD SERIES

Mr. DENT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 281) congratulating the Chicago White Sox on winning the 2005 World Series.

The Clerk read as follows:

H. CON. RES. 281

Whereas the Chicago White Sox won 99 games during the regular season and compiled the best record in the American League;

Whereas the White Sox, through great pitching, hitting, and superb defense dominated the playoffs with an impressive 11-1 record, beating the former world champion Boston Red Sox, the Los Angeles Angels of Anaheim, and the Houston Astros;

Whereas the White Sox have the distinction of participating in the longest game during World Series history of 5 hours and 41 minutes;

Whereas the White Sox, formed in 1901, earn the distinction of being world champions for the first time since 1917, ending an 88 year drought;

Whereas the White Sox swept the Houston Astros by winning 4 straight games in the World Series;

Whereas Jerry Reinsdorf, Chairman of the Chicago White Sox, has become only the third owner to win championships in two major sports; and

Whereas the White Sox organization, from Jerry Reinsdorf, General Manager Ken Williams, manager Ozzie Guillen, and all the players have reinvigorated America's pastime and made Chicagoans proud: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress joins with all Americans in congratulating the 2005 World Series Champion Chicago White Sox.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. Dent) and the gentleman from Illinois (Mr. Davis) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. Dent).

GENERAL LEAVE

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 281.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 281, offered by the distinguished gentleman from Illinois (Mr. DAVIS). This bill would honor the dedication of the Chicago White Sox in winning the 2005 World Series.

For the first time since 1917, the Chicago White Sox have had the opportunity to bask in the national spotlight that accompanies winning the Major League Baseball world title. Not only did the title belong to them, but the entire post season did as well.

They swept the Boston Red Sox in three games, defeated the Anaheim Angels four games to one to become the American League Champions, and finally swept the Houston Astros in four games to clinch the World Series.

□ 2030

The Sox completed an 11–1 postseason run, showing the world their perseverance and teamwork.

The White Sox motto of "Win or Die Trying" was certainly observed throughout the entire season, not just in the postseason. The Sox showed that they were a force to be reckoned with by winning 99 games during the course of the regular season. They were 66–35 in games decided by two runs or less as well as 38–20 in one-run contests.

The celebration continues for the proud fans of the Chicago White Sox. The team kicked off their victory celebration by riding triumphantly into the heart of Chicago. Hundreds of thousands of fans lined the streets of the downtown area to catch a glimpse of the champion White Sox. Even Oprah Winfrey cleared a segment of her show to honor the team. According to first baseman Paul Konerko, "Chicago is second city no more."

I urge all Members to join me in commemorating this momentous event for the city of Chicago by adopting H. Con. Res. 281.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I represent one of the most interestingly diverse congressional districts in America. It is home to the Chicago White Sox, home to the Chicago Bulls, home to the Bears. It is home to Oprah Winfrey. It is home to the Magnificent Mile and all of the great downtown Chicago, and so I rise today as a proud Member representing the area from which the 2005 world champion Chicago White Sox hail.

First of all, I want to thank Representative JOHN SHIMKUS and the entire Illinois delegation for supporting this resolution. I also want to thank Speaker HASTERT. He has to be a White Sox fan for getting this resolution to the floor in such a timely manner.

The White Sox organization, led by Chairman Jerry Reinsdorf, a constituent of mine, Vice Chairman Eddie Einhorn, and General Manager Ken Williams, has managed to do what has not been done since 1917. They assembled a team led by former player and now coach Ozzie Guillen that won 99 games during the regular season and had the best record in the American League.

There are a number of amazing things about the 2005 White Sox that stand out. First of all, they led their division throughout the season. They have an outstanding group of young pitchers who dominated the regular season and the playoffs. They have great hitters who come through in the clutch. Perhaps the most impressive thing about them is the fact that they believed in themselves throughout the year and played as a team.

When you look at the line-up, there are no big-name superstars. As a matter of fact, they remind me of Chicago: blue collar workers getting the job done.

We will never forget the great starting rotation of Contreras, Buehrle, Garland, and Garcia who pitched four straight complete games during the championship run. Nor will we forget the great bullpen led by Politte, Jenks, Cotts, Marte, Hermanson, Hernandez and Vizcaino, which helped secure 11 victories throughout the playoffs. The bats of Konerko, the American League Championship Series Most Valuable Player; Jermaine Dye, the World Series Most Valuable Player; Crede, Iguchi, Uribe, Podsednik, Rowand, Everett, Pierzynski, and others keyed an offense that delivered in the clutch.

That offense and defense swept the defending world champion Boston Red Sox in three games. They ousted the Los Angeles Angels of Anaheim in five games; and in the World Series, they swept the Houston Astros, winning four straight games.

I would think that people like Luis Aparicio, Nellie Fox, Al Smith, Minnie Minoso, Bill Skowron and others have to look back in retrospect and say how proud they are of this new bunch.

I also want to commend Houston for being great competitors and for their fine season. The Chicago White Sox have brought a championship to Chicago, and for that we are all proud.

The championship, though, really pays tribute to all of those who struggled to get to this point. The great teams of the past and their players all cheered.

I also want to commend Frank Thomas who got hurt midway through the season, but he never gave up on his teammates; and he was right there all along cheering them on.

We also are, even as we celebrate this year, looking forward to next year because we expect them to be back. So, again, to Mr. Reinsdorf, Mr. Einhorn, the front office, all of the coaches and players, we salute you for an outstanding season. We also salute you for being a good neighbor and a good corporate citizen.

One of the things that many people do not know about the White Sox is their ownership and how civically and community involved they are, how relevant they are to the whole city of Chicago and to the State of Illinois. So, as we savor this sweet victory, we will be back next year.

To my friends from Houston, let me just say that I am looking forward to eating high on the hog. We had a couple of bets out there, one with Representative POE. I am looking forward to the barbecue. And also I want Representative AL GREEN to know that I eat a hearty lunch. So I thank you all.

Mr. Speaker, I reserve the balance of my time.

Mr. DENT. Mr. Speaker, I yield as much time as he may consume to the gentleman from Illinois (Mr. KIRK), my distinguished colleague, who I am told is a Chicago Cubs fan.

Mr. KIRK. Mr. Speaker, I thank the gentleman from Pennsylvania for the time.

I want to recognize my two colleagues and the gentleman from Illinois (Mr. DAVIS) from the relevant district and to say as a die-hard Cubs fan, Congratulations.

We all know that had we seen the Chicago Cubs in the World Series, and I can speak from the heart as a Northsider, it would have been a quasi-religious experience; but, nonetheless, to see a Chicago team, especially the White Sox, who had gone without a World Series victory since 1917, this was quite an event.

We all know where the sympathies of our mayor lie. No question that he is a White Sox fan primarily, and they definitely prevailed.

I will take a point of personal privilege to congratulate two of my constituents, Jerry Reinsdorf, manager of the White Sox organization; and Bob Mazer, the principal shareholder who after many years of patient management and attending to this team pulled off a great victory.

If you lived in the Chicagoland area for the last couple of weeks, you would have not been able to find any oxygen in the system. We were all White Sox all the time, as well as it could be, and we only look forward, as a die-hard Cubs fan, to say maybe next year we will have a series on the El, between the South side and the North side, with an eventual, someday Cubs victory.

Anyway to my colleagues, congratulations. The South side has prevailed, and we congratulate you.

Mr. DAVIS of Illinois. Mr. Speaker, of course Dusty Baker likes to come to my district to eat catfish at Wallace's Catfish Corner, so we look forward to that and hope that it would happen. I want to thank the gentleman for his remarks.

It is my pleasure to yield as much time as he would consume to the gentleman from Illinois (Mr. RUSH), who shares the White Sox stadium. As a matter of fact, our districts come together right at the White Sox stadium. So I do not know if they are more Rush than Davis.

Mr. RUSH. Mr. Speaker, I want to thank sponsor of this resolution, my friend from the Chicago City Council, my friend in the civil rights movement, my colleague here in the Congress, the Congressman from the Seventh Congressional District, Congressman DANNY K. DAVIS, for the lead that he took in terms of this particular resolution, the sponsoring of this resolution; and I want to thank him for all the work that he does on behalf of not only his constituents but the constituents of Chicago and the constituents of the Nation.

Mr. Speaker, it is proper that I would follow a Cubs fan because for a long time the Cubs have been known throughout the Nation as being Chicago's team, and that moniker was earned because the entire Nation sympathized with the Cubs. They have lost so much and they have lost for such a long time that they have really kind of endeared themselves in their losing manner to the Nation; and so, therefore, the Nation has responded to them accordingly.

But I stand here now to say to the Cubs fans and to all of the Nation really that there is a team in Chicago now that has earned the respect and the love and the endearment of all the citizens of the City of Chicago. We are not Chicago's team because of sympathy. We are Chicago's team because the Chicago White Sox have instilled a sense of pride in Chicago. Indeed, the Chicago White Sox are now the pride of Chicago.

Mr. Speaker, I rise to congratulate the White Sox for their dominant, excellent performance in the World Series and the playoffs, how they conducted themselves, both as professionals and how they conducted themselves as superior and supreme athletes. They made us all proud, particularly those of my constituents who share, as Congressman DAVIS said, share the ethos and share the pride and share the workman mentality of the City of Chicago with the Chicago White Sox.

The Chicago White Sox team epitomizes the lunch-pail approach, the lunch-pail mentality that I would like to think all of my constituents represent. This is the team of the little guy. This is the team of the unheralded heroes. This is the team that fights based on heart. They have got big hearts, not big names, but they have got big hearts, and their big hearts won the World Series.

Mr. Speaker, this win that we were able to experience over the last few days really united the City of Chicago unlike it has been united in recent memory.

I remember back in 1959 I was a 13-year-old lad, living in Cubs territory; and although all of my friends and my teachers and everybody, all those who I was associated with, they all were die-hard Cubs fans, but Chicago, the White Sox, kind of captured my imagination. I became a Chicago White Sox fan at 13 years old when they were in the American League pennant race, and since that time I have been following the team closely.

I have become friends with Jerry Reinsdorf and Eddie Einhorn and Kenny Williams; and it just gives me a sense of pride, gives my constituents a sense of pride just to know that within the neighborhood that we all reside in that we have a world championship team there. We have a World Series team there.

Mr. Speaker, the black and the white is all over the City of Chicago.

☐ 2045

When I got off the plane last week from Washington here, the whole entire airport was an avalanche of black and white all over the airport, and people from far and near were coming trying to buy some of the White Sox logos and some of the White Sox t-shirts and some of their paraphernalia.

I am just so proud of this particular team. It is really a shot in the arm for those of us who work hard every day, those of us who do the right thing, those of us who really just put our hearts and our minds and our spirit out on the field. Sometimes we come back victorious and sometimes we do not come back victorious, but we still go out and approach our day-to-day activities with the kind of zeal and with the kind of understanding that this is fair. This is fair. We go and put everything, our guts on the ground, and if we do that, then sometimes we are able to be victorious.

The Chicago White Sox have really cemented the fact that if you just work hard you do not have to be the big names, you do not have to have the dazzling system. All you have to have is an organization of people from the elevator operator to the janitor all the way up to the president of the company, the owners of the company. If you have that kind of organization and you really, really have a single focus, you have the power of a made-up mind, you can accomplish and you can be victorious. The Chicago White Sox have shown that with the power of the made-up mind that they could be victorious.

Mr. Speaker, they started out this year saying they had one thing on their mind, that they were going to go to the World Series, and they did it. We are proud of them. They have shown the way, and I am just so grateful to have the opportunity to come and to speak on behalf of this resolution. So I want to congratulate the Chicago White Sox and their entire organization.

Lastly, Mr. Speaker, before I take my seat, I just want to say to my colleague from the Seventh Congressional District and to others, we will try to do all that we can to ensure that this franchise, that this organization, that this World Series champion has what it takes in order for them to continue on with their success.

I want to let the world know that we will be erecting a new public transportation system, a metro system, that will have a stop there at the White Sox field there, U.S. Cellular Field. The Cell will have a metro stop there so that people from far and near can come. And if my colleagues from the Cubs part of the city, from the north side and from the other places, if they want to get on the metro and come to Comiskey Park to see some winning going on in the City of Chicago, then they are invited to come over. It does not take a lot of money. We invite them to come from the north side to the south side in order to see some victories in the City of Chicago.

Mr. DENT. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. EMANUEL), who hails right from Cub territory, no doubt about it, Wrigleyville.

Mr. EMANUEL. Mr. Speaker, I thank my colleague from Chicago for yielding me this time. I may have to go into a witness protection plan after this speech, given Wrigleyville is in my district.

As a fan of the Chicago Cubs, as those have noted and anybody listening tonight knows, the difference between the north side and the south side of Chicago when it comes to baseball is like deep dish pizza versus thin pizza. It is a serious, lifelong fight.

I will say as the proud father of an 8-year-old son, who took his son to the World Series game Sunday in the rain and 32-degree weather, which is a little more like a football game than a baseball game, and watched that grand slam and being there with my son, it was a great moment. It was a great moment for baseball, it was a great moment for Chicago, and a great moment for this country. And as a north sider, it was a great season for watching the Chicago White Sox, a great team.

Mr. DAVIS of Illinois. Mr. Speaker, let me just close by thanking all of those who have spoken. And I agree with my colleague from Illinois (Mr. KIRK) when he said that the City of Chicago and the Chicago White Sox have no greater White Sox fan than the mayor of the City of Chicago.

If you have never seen a ticker tape parade, if you have never seen a real outpouring in a city, you should have been there on Friday when Chicago put on one of the greatest displays of public affection upon an athletic team, an athletic enterprise that one could ever witness. So I want to thank the people of Chicago for their great display of support shown to the White Sox.

As a matter of fact, you would have thought that there was no other kind of Sox except White Sox in town. It was a great season, a great victory. Again, I congratulate the owners of the White Sox. I congratulate all of the players and the coaches, and say that we will be back next year.

Mr. Speaker, I yield back the balance of my time.

Mr. DENT. Mr. Speaker, I urge all of my colleagues to support the adoption of House Concurrent Resolution 281.

Mr. WELLER. Mr. Speaker, I rise in strong support of this resolution honoring a sports team that will go down in history as one of the best there ever was: the 2005 Chicago White Sox. For a city so rich as Chicago in sports tradition—and sports misery, for that matter—our first World Series championship since 1917 has generated fond new memories for a whole new generation of Chicagoans.

Perhaps most remarkable about the team that has restored baseball pride to Illinois is its recipe for success: teamwork, teamwork, and more teamwork. Ozzie Guillen, the man who led this team of non-superstars, is in immigrant from Venezuela whose coaching future was measured by some experts in terms of months. Players such Scott Podsednik, A.J. Pierzinski, and Bobby Jenks, who provided some of the series' most thrilling and memorable moments, were mostly cast-offs from other teams. This Chamber, and indeed this country, can learn a lot from the team-first principles which the Chicago White Sox proved are the ultimate winning formula.

Mr. Speaker, I'm particularly proud of the manner with which the Chicago area celebrated our team's victory. The moment Paul Konerko caught the final out of Game Four, millions of Chicagoans and thousands of my own constituents poured out into the streets of most every neighborhood, and managed to conduct themselves in a wildly enthusiastic, yet safe and dignified manner. The victory celebration downtown attracted 1.7 million people and had to be held on a Friday because nobody wanted to wait until the weekend.

Mr. Speaker, the world-class city that is Chicago now has another world championship calling card. I salute the 2005 White Sox and their fans, and I urge passage of this measure honoring this utterly deserving team.

Mr. GUTIERREZ. Mr. Speaker, I rise today to congratulate the Chicago White Sox for their historic 2005 season which culminated in their first World Series victory in 88 years.

Earlier this year, many Chicagoans realized that this team was something special. For example, their style of play was unique. The White Sox placed emphasis on aggressive base running, solid pitching, strong defense and strategic hitting. This style of play became known around the league as "Ozzie ball," named after the White Sox former shortstop and now manager, Ozzie Guillen.

The White Sox front office caught on to this trend and began marketing the Sox with their "Grinder Ball Rules" ad campaign. One of these "rules," Grinder Ball Rule #7, was demonstrated in a print ad featuring White Sox closer and Japan native, Shingo Takatsu with the line: "To win, you need defense, speed and discipline . . . And immigration."

That ad captured two of the important components of this historic team: the hard nosed ball playing of the Sox and the diversity of players that came together to win the championship as a team.

The White Sox dugout at times sounded as if it were a mini-United Nations. Jose Contreras and Orlando Hernandez from Cuba. Damaso Marte, Luis Vizcaino, Pablo Ozuna, Juan Uribe and Timo Perez from the Dominican Republic. Freddy Garcia and manager Ozzie Guillen from Venezuela. Tadahito Iguchi from Japan. And last, but not least, the Korean baseball hero, always smiling bullpen catcher, "the Hulk," Man Soo Lee.

Their story is so familiar, so hopeful, for so many immigrants in this country—men and women who, like them, come to the United States to work hard, to provide for their families and loved ones, so that they, too, can live a better and safer life and pursue the American Dream.

And that is why this resolution is so important, deserving and justified. Throughout history people have associated baseball with the strengths of American culture and equated the game with the best of our country's character and resolve.

And in Chicago, we have found a team that embodies the character of our great city, especially the South Side of Chicago, where part of my District lies. The team, much like the South Side, is composed of close-knit friends who do their work diligently and without much fanfare. You can see it in the fan base, especially when you watch games on television. When the White Sox swept the Red Sox in the first round of the playoffs, celebrities like Ben Affleck, Jennifer Garner, Matt Damon, and Robert Redford were easily identified by the television cameras panning around Fenway Park. But when the next round came back to Chicago, the cameras weren't as active looking for Bernie Mack, James Denton (the plumber from "Desperate Housewives") and Dennis DeYoung of Styx.

And I think that's just fine with the South Side and our city at large. The White Sox didn't win the World Series by relying on the star power of a few individuals. Instead they had to work together and grind out every game with blood, sweat and, after the champagne popped in the clubhouse, after the last game of the year, tears of White Sox heroes who all share the spotlight equally with some of the best fans in baseball. Congratulations.

Ms. BEAN. Mr. Speaker, I rise today to congratulate the 2005 World Champion Chicago White Sox. Chicagoans—particularly those on the South Side—have been waiting 88 years for this historic win. Today, I am proud to join my colleagues in the Illinois delegation, our constituents across the State and White Sox fans across the country to celebrate the team's long-awaited victory.

Led by manager Ozzie Guillen, the 2005 White Sox finished the regular season with 99 wins and 63 losses—the best record in the American League. After the regular season, the White Sox went on to sweep last year's champions the Boston Red Sox and then marched past the Los Angeles Angels.

Facing off against the Houston Astros in the World Series, it was immediately evident that this could be our year. Throughout the series, we all sat on the edge of our seats witnessing great baseball between two formidable opponents, ultimately resulting in the White Sox sweeping the series and finishing the playoffs 11 and 1.

This year's team proved that hard work, dedication, and the desire to win can prevail against all odds. I want to again congratulate the players and management as well as the fans of the Chicago White Sox. The 2005 World Championship may have been long in the waiting, but don't expect us to wait another 88 years for the next one.

Mr. DENT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOUSTANY). The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 281.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4128, PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109-266) on the resolution (H. Res. 527) providing for consideration of the bill (H.R. 4128) to protect private property rights, which was referred to the House Calendar and ordered to be printed.

THE MEN WHO GO TO WAR

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, in 1599 Shakespeare said this about the men who go to war: "From this day to the ending of the world, but we in it shall be remembered. We few, we happy few, we band of brothers; for he today that sheds his blood with me shall be my brother."

Some of those brothers from southeast Texas who shed their blood in Iraq were:

Specialist Adolf C. Carballo, Houston, Army;

Chief Warrant Officer Andrew Todd Arnold from Spring, Texas, Marines;

Specialist Scott Q. Larson, Jr., Houston, Army;

Captain Andrew R. Houghton, Houston, United States Army;

Lance Corporal Michael B. Wafford, Spring, United States Marine Corps;

Lance Corporal Thomas J. Zapp, Houston, Marine Corps;

PFC Jesus A. Leon-Perez, Houston, Army;

Lance Corporal Fred Maciel, Spring, Texas, United States Marine Corps;

Staff Sergeant Dexter S. Kimble, United States Marine Corps from Houston;

Sergeant Michael T. Robertson, Houston, Army;

Staff Sergeant Timothy J. Roark, Houston, United States Army;

Master Sergeant Ivica Jerak, Houston, United States Army.

These brothers died representing the United States of America, this band of brothers that we will remember. That's just the way it is.

TORTURE MUST NOT BE CONDONED BY THE U.S.

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McGOVERN. Mr. Speaker, this morning the top story on the front page of the Washington Post describes in detail how the CIA has been hiding and interrogating al Qaeda and other prisoners in covert prisons around the globe. No one knows what the rules of the game are for the interrogations that take place there. There is no accountability, no genuine oversight. In fact, information about these facilities and their practices has been deliberately withheld from the Congress and the American people. In effect, the prisoners in these jails simply disappear.

Mr. Speaker, this is not what America stands for, this is more like Chile under Pinochet or Argentina under the junta.

We know now why Vice President CHENEY is so determined that the final defense appropriations conference report include exceptions to Senator MCCAIN's provision against torture and the Markey provision prohibiting rendition. If those provisions are watered down or struck down by the defense conferees, then mark my words, Mr. Speaker, America will lose a piece of its soul. Let us reclaim the values and the principles that have made this country great.

Mr. Speaker, the text of the article in today's Washington Post is as follows:

[From the Washington Post, Nov. 2, 2005]

CIA HOLDS TERROR SUSPECTS IN SECRET PRISONS

(By Dana Priest)

The CIA has been hiding and interrogating some of its most important al Qaeda captives at a Soviet-era compound in Eastern Europe, according to U.S. and foreign officials familiar with the arrangement.

The secret facility is part of a covert prison system set up by the CIA nearly four years ago that at various times has included sites in eight countries, including Thailand, Afghanistan and several democracies in Eastern Europe, as well as a small center at the Guantanamo Bay prison in Cuba, according to current and former intelligence officials and diplomats from three continents.

The hidden global internment network is a central element in the CIA's unconventional war on terrorism. It depends on the cooperation of foreign intelligence services, and on keeping even basic information about the system secret from the public, foreign officials and nearly all members of Congress charged with overseeing the CIA's covert actions.

The existence and locations of the facilities—referred to as "black sites" in classified White House, CIA, Justice Department and congressional documents—are known to only a handful of officials in the United States and, usually, only to the president and a few top intelligence officers in each host country.

The CIA and the White House, citing national security concerns and the value of the program, have dissuaded Congress from demanding that the agency answer questions in open testimony about the conditions under which captives are held. Virtually nothing is known about who is kept in the facilities, what interrogation methods are employed with them, or how decisions are made about whether they should be detained or for how long.

While the Defense Department has produced volumes of public reports and testimony about its detention practices and rules after the abuse scandals at Iraq's Abu Ghraib prison and at Guantanamo Bay, the CIA has not even acknowledged the existence of its black sites. To do so, say officials familiar with the program, could open the U.S. government to legal challenges, particularly in foreign courts, and increase the risk of political condemnation at home and abroad.

But the revelations of widespread prisoner abuse in Afghanistan and Iraq by the U.S. military—which operates under published rules and transparent oversight of Congress—have increased concern among lawmakers, foreign governments and human rights groups about the opaque CIA system. Those concerns escalated last month, when Vice President Cheney and CIA Director Porter J. Goss asked Congress to exempt CIA employees from legislation already endorsed by 90 senators that would bar cruel and degrading treatment of any prisoner in U.S. custody.

Although the CIA will not acknowledge details of its system, intelligence officials defend the agency's approach, arguing that the successful defense of the country requires that the agency be empowered to hold and interrogate suspected terrorists for as long as necessary and without restrictions imposed by the U.S. legal system or even by the military tribunals established for prisoners held at Guantanamo Bay.

The Washington Post is not publishing the names of the Eastern European countries involved in the covert program, at the request of senior U.S. officials. They argued that the disclosure might disrupt counterterrorism efforts in those countries and elsewhere and could make them targets of possible terrorist retaliation.

The secret detention system was conceived in the chaotic and anxious first months after the Sept. 11, 2001, attacks, when the working assumption was that a second strike was imminent.

Since then, the arrangement has been increasingly debated within the CIA, where considerable concern lingers about the legality, morality and practicality of holding even unrepentant terrorists in such isolation and secrecy, perhaps for the duration of their lives. Mid-level and senior CIA officers began arguing two years ago that the system was unsustainable and diverted the agency from its unique espionage mission.

"We never sat down, as far as I know, and came up with a grand strategy," said one former senior intelligence officer who is familiar with the program but not the location of the prisons. "Everything was very reactive. That's how you get to a situation where you pick people up, send them into a netherworld and don't say, 'What are we going to do with them afterwards?' "

It is illegal for the government to hold prisoners in such isolation in secret prisons ir the United States, which is why the CIA placed them overseas, according to several former and current intelligence officials and other U.S. government officials. Legal experts and intelligence officials said that the CIA's internment practices also would be considered illegal under the laws of several host countries, where detainees have rights to have a lawyer or to mount a defense against allegations of wrongdoing.

Host countries have signed the U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as has the United States. Yet CIA interrogators in the overseas sites are permitted to use the CIA's approved "Enhanced Interrogation Techniques," some of which are prohibited by the U.N. convention and by U.S. military law. They include tactics such as "waterboarding," in which a prisoner is made to believe he or she is drowning.

Some detainees apprehended by the CIA and transferred to foreign intelligence agencies have alleged after their release that they were tortured, although it is unclear whether CIA personnel played a role in the alleged abuse. Given the secrecy surrounding CIA detentions, such accusations have heightened concerns among foreign governments and human rights groups about CIA detention and interrogation practices.

The contours of the CIA's detention program have emerged in bits and pieces over the past two years. Parliaments in Canada, Italy, France, Sweden and the Netherlands have opened inquiries into alleged CIA operations that secretly captured their citizens or legal residents and transferred them to the agency's prisons.

More than 100 suspected terrorists have been sent by the CIA into the covert system, according to current and former U.S. intelligence officials and foreign sources. This figure, a rough estimate based on information from sources who said their knowledge of the numbers was incomplete, does not include prisoners picked up in Iraq.

The detainees break down roughly into two classes, the sources said.

About 30 are considered major terrorism suspects and have been held under the highest level of secrecy at black sites financed by the CIA and managed by agency personnel, including those in Eastern Europe and elsewhere, according to current and former intelligence officers and two other U.S. government officials. Two locations in this category—in Thailand and on the grounds of the military prison at Guantanamo Bay—were closed in 2003 and 2004, respectively.

A second tier—which these sources believe includes more than 70 detainees—is a group considered less important, with less direct involvement in terrorism and having limited intelligence value. These prisoners, some of whom were originally taken to black sites, are delivered to intelligence services in Egypt, Jordan, Morocco, Afghanistan and other countries, a process sometimes known as "rendition." While the first-tier black sites are run by CIA officers, the jails in these countries are operated by the host nations, with CIA financial assistance and, sometimes, direction.

Morocco, Egypt and Jordan have said that they do not torture detainees, although years of State Department human rights reports accuse all three of chronic prisoner abuse.

The top 30 al Qaeda prisoners exist in complete isolation from the outside world. Kept in dark, sometimes underground cells, they have no recognized legal rights, and no one outside the CIA is allowed to talk with or even see them, or to otherwise verify their well-being, said current and former and U.S. and foreign government and intelligence officials.

Most of the facilities were built and are maintained with congressionally appropriated funds, but the White House has refused to allow the CIA to brief anyone except the House and Senate intelligence committees' chairmen and vice chairmen on the program's generalities.

The Eastern European countries that the CIA has persuaded to hide al Qaeda captives are democracies that have embraced the rule of law and individual rights after decades of Soviet domination. Each has been trying to cleanse its intelligence services of operatives who have worked on behalf of others—mainly Russia and organized crime.

ORIGINS OF THE BLACK SITES

The idea of holding terrorists outside the U.S. legal system was not under consideration before Sept. 11, 2001, not even for Osama bin Laden, according to former government officials. The plan was to bring bin Laden and his top associates into the U.S. justice system for trial or to send them to foreign countries where they would be tried.

"The issue of detaining and interrogating people was never, ever discussed," said a former senior intelligence officer who worked in the CIA's Counterterrorist Center, or CTC, during that period. "It was against the culture and they believed information was best gleaned by other means."

On the day of the attacks, the CIA already had a list of what it called High-Value Targets from the al Qaeda structure, and as the World Trade Center and Pentagon attack plots were unraveled, more names were added to the list. The question of what to do with these people surfaced quickly.

The CTC's chief of operations argued for creating hit teams of case officers and CIA paramilitaries that would covertly infiltrate countries in the Middle East, Africa and even Europe to assassinate people on the list, one by one.

But many CIA officers believed that the al Qaeda leaders would be worth keeping alive to interrogate about their network and other plots. Some officers worried that the CIA would not be very adept at assassination.

"We'd probably shoot ourselves," another former senior CIA official said.

The agency set up prisons under its covert action authority. Under U.S. law, only the president can authorize a covert action, by signing a document called a presidential finding. Findings must not break U.S. law and are reviewed and approved by CIA, Justice Department and White House legal advisers.

Six days after the Sept. 11 attacks, President Bush signed a sweeping finding that gave the CIA broad authorization to disrupt terrorist activity, including permission to kill, capture and detain members of al Qaeda anywhere in the world.

It could not be determined whether Bush approved a separate finding for the black-sites program, but the consensus among current and former intelligence and other government officials interviewed for this article is that he did not have to.

Rather, they believe that the CIA general counsel's office acted within the parameters of the Sept. 17 finding. The black-site program was approved by a small circle of White House and Justice Department lawyers and officials, according to several former and current U.S. government and intelligence officials.

DEALS WITH 2 COUNTRIES

Among the first steps was to figure out where the CIA could secretly hold the captives. One early idea was to keep them on ships in international waters, but that was discarded for security and logistics reasons.

CIA officers also searched for a setting like Alcatraz Island. They considered the virtually unvisited islands in Lake Kariba in Zambia, which were edged with craggy cliffs and covered in woods. But poor sanitary conditions could easily lead to fatal diseases, they decided, and besides, they wondered, could the Zambians be trusted with such a secret?

Still without a long-term solution, the CIA began sending suspects it captured in the first month or so after Sept. 11 to its longtime partners, the intelligence services of Egypt and Jordan.

A month later, the CIA found itself with hundreds of prisoners who were captured on battlefields in Afghanistan. A short-term solution was improvised. The agency shoved its highest-value prisoners into metal shipping containers set up on a corner of the Bagram Air Base, which was surrounded with a triple perimeter of concertina-wire fencing. Most prisoners were left in the hands of the Northern Alliance, U.S.-supported opposition forces who were fighting the Taliban.

"I remember asking: What are we going to do with these people?" said a senior CIA officer. "I kept saying, where's the help? We've got to bring in some help. We can't be jailers—our job is to find Osama."

Then came grisly reports, in the winter of 2001, that prisoners kept by allied Afghan generals in cargo containers had died of asphyxiation. The CIA asked Congress for, and was quickly granted, tens of millions of dollars to establish a larger, long-term system in Afghanistan, parts of which would be used for CIA prisoners.

The largest CIA prison in Afghanistan was code-named the Salt Pit. It was also the CIA's substation and was first housed in an old brick factory outside Kabul. In November 2002, an inexperienced CIA case officer allegedly ordered guards to strip naked an uncooperative young detainee, chain him to the concrete floor and leave him there overnight without blankets. He froze to death, according to four U.S. government officials. The CIA officer has not been charged in the death.

The Salt Pit was protected by surveillance cameras and tough Afghan guards, but the road leading to it was not safe to travel and the jail was eventually moved inside Bagram Air Base. It has since been relocated off the base.

By mid-2002, the CIA had worked out secret black-site deals with two countries, including Thailand and one Eastern European nation, current and former officials said. An estimated $100 million was tucked inside the classified annex of the first supplemental Afghanistan appropriation.

Then the CIA captured its first big detainee, in March 28, 2002. Pakistani forces took Abu Zubaida, al Qaeda's operations chief, into custody and the CIA whisked him to the new black site in Thailand, which included underground interrogation cells, said several former and current intelligence officials. Six months later, Sept. 11 planner Ramzi Binalshibh was also captured in Pakistan and flown to Thailand.

But after published reports revealed the existence of the site in June 2003, Thai officials insisted the CIA shut it down, and the two terrorists were moved elsewhere, according to former government officials involved in the matter. Work between the two countries on counterterrorism has been lukewarm ever since.

In late 2002 or early 2003, the CIA brokered deals with other countries to establish black-site prisons. One of these sites—which sources said they believed to be the CIA's biggest facility now—became particularly important when the agency realized it would have a growing number of prisoners and a shrinking number of prisons.

Thailand was closed, and sometime in 2004 the CIA decided it had to give up its small site at Guantanamo Bay. The CIA had planned to convert that into a state-of-the-art facility, operated independently of the military. The CIA pulled out when U.S. courts began to exercise greater control over the military detainees, and agency officials feared judges would soon extend the same type of supervision over their detainees.

In hindsight, say some former and current intelligence officials, the CIA's problems were exacerbated by another decision made within the Counterterrorist Center at Langley.

The CIA program's original scope was to hide and interrogate the two dozen or so al Qaeda leaders believed to be directly responsible for the Sept. 11 attacks, or who posed an imminent threat, or had knowledge of the larger al Qaeda network. But as the volume of leads pouring into the CTC from abroad increased, and the capacity of its paramilitary group to seize suspects grew, the CIA began apprehending more people whose intelligence value and links to terrorism were less certain, according to four current and former officials.

The original standard for consigning suspects to the invisible universe was lowered or ignored, they said. "They've got many, many more who don't reach any threshold," one intelligence official said.

Several former and current intelligence officials, as well as several other U.S. government officials with knowledge of the program, express frustration that the White House and the leaders of the intelligence community have not made it a priority to decide whether the secret internment program should continue in its current form, or be replaced by some other approach.

Meanwhile, the debate over the wisdom of the program continues among CIA officers, some of whom also argue that the secrecy surrounding the program is not sustainable.

"It's just a horrible burden," said the intelligence official.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IN HONOR OF JOHN T. GARRISON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. HAYES) is recognized for 5 minutes.

Mr. HAYES. Mr. Speaker, I rise tonight to talk about a lifelong dedicated public servant and friend who has recently passed away. I am referring to John T. Garrison, Sr. To his family and friends he was simply known as Tom.

Tom was the only mayor that the town of Badin, North Carolina, has known since its incorporation in 1990. Tom was extremely active in day-to-day operations of the town and with little or no dissent could be described as the number one advocate for this small Stanly County community.

In addition to guiding the town of Badin, Tom was also active on numerous boards and commissions throughout the region. Tom served in leadership roles with the Stanly County Visitor and Tourism Bureau, the Rural Planning Organization for Stanly, Anson and parts of Union counties, the Yadkin Pee Dee Lakes Project, the Badin Museum and the Better Badin Committee, and the League of Municipalities.

Prior to entering elected public service, Tom served his community in several other ways. He was a Paul Harris Fellow and past chapter president of his local Rotary Club in Albemarle, North Carolina. Tom was also an active member of the Stanly County Chamber of Commerce, Stanly County 2000 Committee, and maybe most importantly, Tom was an active member of the Committee of Boy Scout Troop 82.

Mr. Speaker, this great American answered the call to public service at an early age. As a young man, he entered military service and distinguished himself among his peers by earning a battlefield commission, the Silver Star, and numerous other awards and honors as he served his nearly 2 years in the European Theatre of Operations during World War II. Upon returning home, Tom served for 20 additional years in the North Carolina National Guard.

Mr. Speaker, most of us would consider that life to be full and complete, but not for Tom. Tom was married to his wife, Anne, until her passing, and brought up three children, Ellen, John, Jr., and Lenora, who combined have five children of their own. Tom also earned a college degree from the University of North Carolina at Chapel Hill and was a successful professional in the real estate and insurance industries as well.

Mr. Speaker, as you can see, Tom was extremely dedicated to his family, his community, and our Nation. Mr. Speaker, Tom Garrison embodied the great American pride and spirit that we all desire. He worked tirelessly along with his twin brother, Jim, who was very active in State and local politics, in an effort to create hope, opportunity, and prosperity for the people in his community, region, and State.

Mayor Tom Garrison will be remembered by all for his constant championing on behalf of his constituents and his willingness to dedicate his life to public service. I am proud to call Tom a friend and a neighbor, and I deeply regret his passing.

Tom, like many other champions around the Nation, did not seek public recognition for his efforts. He simply wanted to make the lives of the people in his community the best they could be.

LIBBY REPLACEMENT MORE OF THE SAME OLD THING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the more things change, the more they stay the same. The resignation of Scooter Libby as the Vice President's chief of staff after receiving a five-count indictment was appropriate and welcome. But Mr. Libby's replacement, David Addington, is another long-time Cheney confidante who is part of the same secretive cabal of neoconservative ideologues, those who have deceived, fabricated, and added innuendo to march this country off to a bloody, destructive, and disastrous war.

Mr. Addington is mentioned in the Libby indictment, and there is convincing evidence that he was part of the campaign to discredit and damage anyone, including Ambassador Joe Wilson and Valerie Plame Wilson, who questioned the administration's misuse of intelligence to justify the Iraq invasion. So this is not exactly an administration house-cleaning. Instead of a badly needed culture change at the White House, what we are getting is business as usual.

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One Washington lawyer who knows Mr. Addington well described him this way in the New York Times: He said, "There are some people in the government who are diplomats and others in government who are warriors, and Addington certainly falls on the warrior side of that line." Great. Just what we need right now. Another arrogant, sharp-elbowed political dark artist.

Perhaps most disturbing of all, David Addington is pro-torture. David Addington is pro-torture. He makes the rest of the Bush administration look like an Amnesty International inspection team. More than a year ago, the Washington Post described Addington as "a principal author of the White House memo justifying torture of terrorism suspects" and "a prime advocate of arguments supporting the holding of terrorism suspects without access to courts." What a breath of fresh air, especially on the same day that we learned, courtesy of the Washington Post, that the CIA has been running a secret network of prison camps home to some of the most depraved interrogation techniques, often on detainees who do not have any useful intelligence to offer us. It is no wonder the Vice President's office has been trying to water down an anti-torture amendment, which passed the Senate 90 to 9, to allow an exemption for the CIA to continue cruel and degrading treatment of prisoners.

David Addington, a man privileged to occupy a position of authority in our government, has used his post to advocate ferociously for a war in which he is asked to sacrifice nothing.

Compare him to a modest and ordinary citizen laid to rest earlier today, Rosa Parks, who took personal risks to correct an injustice and ensure that America lived up to her ideals.

And compare Mr. Addington's cynicism to the fresh idealism I saw firsthand when I visited our soldiers in Iraq a month ago. These young Americans are selfless and heroic beyond belief. Some of them do have personal misgivings about our Iraq policy, but they know it is not their job to question the mission, just to execute it. And this they do, knowing they could lose life or limb. Men and women who wear the uniform are the very best America has to offer. It pains me to think that their fates actually rest in the hands of the likes of David Addington.

Our troops deserve better. They deserve civilian leaders as principled and patriotic as they are. What they deserve most of all is a change in policy, one that ends this war and returns them home to their families as soon as possible.

ORDER OF BUSINESS

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

H.R. 3478: AMEND THE INTERNAL REVENUE CODE TO PERMIT MILITARY DEATH GRATUITY TO BE CONTRIBUTED TO CERTAIN TAX-FAVORED ACCOUNTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, our men and women in uniform serve this Nation with great honor and distinction. Many give their lives for this country. It is for this reason I have introduced H.R. 3478, a bill to permit military families who receive the death gratuity to invest the full amount into certain tax-favored accounts.

Mr. Speaker, as the Members may know, a death gratuity is a $100,000 payment paid to survivors of servicemembers whose death resulted from combat-related circumstances. Current tax law limits the amount that recipients of the death gratuity can place in tax-preferred accounts such as Roth, IRA, Health Savings Accounts, Archer Medical Savings or Coverdell Education Savings Accounts. This legislation would change that to allow recipients to contribute up to the full amount of the gratuity payment to any one of those accounts.

Mr. Speaker, as the families of our fallen heroes try to put their lives back together, they need all the help they can get. They should not have to worry about saving the death gratuity to pay for health care, college, or other expenses and then have the government come in and tax the interest on that savings. This bill would help to ensure that that does not happen.

The need for this legislation, Mr. Speaker, was brought to my attention by Captain Michael Ceres, a constituent stationed at Marine Corps Air Station New River. Captain Ceres, who just returned from Operation Iraqi Freedom, contacted my office and suggested that Congress institute this change to ease the burden on grieving military families.

Mr. Speaker, I am able to report that the Joint Committee on Taxation has scored this legislation at no cost, meaning that the actual cost of this proposal is less than $500,000 over 9 years.

We owe it to our fallen military heroes to expand the options of families who receive the death gratuity, families who have paid the ultimate cost with the loss of their loved one.

H.R. 3478 has also received the endorsement of The Military Coalition, a consortium of prominent national military and veterans organizations that represent more than 5.5 million members plus their families.

Mr. Speaker, 36 organizations support H.R. 3478. Let me just name a few: the Air Force Association, AMVETS, Association of the United States Army, Marine Corps Reserve Association, National Guard Association of the United States, Naval Reserve Association, United Armed Forces Association, Veterans of Foreign Wars, and many others.

And, Mr. Speaker, let me also say that we have bipartisan support for this legislation already, and I will insert into the RECORD those groups that do support this legislation.

THE MILITARY COALITION,
Alexandria, VA, October 26, 2005.

Hon. WALTER JONES, Jr.,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JONES: The Military Coalition (TMC), a consortium of nationally prominent military and veterans organizations, representing more than 5.5 million members plus their families and survivors, is writing to express our strongest support for H.R. 3478. This bill would allow military survivors additional savings options for the increased death gratuity amounts first authorized in the FY2005 Emergency Supplemental Appropriations Act and expected to be permanently authorized in the FY2006 National Defense Authorization Act.

The new $100,000 death gratuity provides greatly improved compensation for the military survivors and their families. H.R. 3478's provision to allow survivors to invest death gratuity lump sums in Roth IRAs and certain other savings accounts is a logical extension of efforts to increase protections and benefits for military widows and their families.

The Military Coalition thanks you for introducing this legislation and for your leadership on issues affecting all servicemembers and their families. We pledge our strong support in seeking enactment of this important legislation.

Sincerely,
The Military Coalition:

Air Force Association.
Air Force Sergeants Association.
Air Force Women Officers Associated.
American Logistics Association.
AMVETS.
Army Aviation Association of America.
Association of Military Surgeons of the United States.
Association of the United States Army.
Chief Warrant Officer and Warrant Officer Association of the United States Coast Guard.
Commissioned Officers Association of the United States Public Health Service Inc.
Enlisted Association of the National Guard of the United States.
Fleet Reserve Association.
Gold Star Wives of America.
Jewish War Veterans of the United States of America.
Marine Corps League.
Marine Corps Reserve Association.
Military Chaplains Association of the United States of America.
Military Officers Association of America.
Military Order of the Purple Heart.
National Association for Uniformed Services.
National Guard Association of the United States.
National Military Family Association.
National Order of Battlefield Commissions.
Naval Enlisted Reserve Association.
Naval Reserve Association.
Navy League of the United States.
Non Commissioned Officers Association.
Reserve Enlisted Association.
Reserve Officers Association.
The Retired Enlisted Association.
Society of Medical Consultants to the Armed Forces.
United Armed Forces Association.
United States Army Warrant Officers Association.
USCG Chief Petty Officers Association.
Veterans of Foreign Wars.
Veterans' Widows International Network.

Mr. JONES of North Carolina. Mr. Speaker, in this letter from the Coalition, they wrote: "The new $100,000 death gratuity provides greatly improved compensation for the military survivors and their families. H.R. 3478's provision to allow survivors to invest death gratuity lump sums in Roth IRAs and certain other savings accounts is a logical extension of efforts to increase protection and benefits for military widows and their families.

"We pledge our strong support in seeking enactment of this important legislation."

Mr. Speaker, today, I call upon my colleagues to support H.R. 3478 to expand the options of our military families whose loved ones have given their lives in the name of freedom and in the defense of our Nation.

Mr. Speaker, I close by asking God to please bless our men and women in uniform, I ask God to please bless the families of our men and women in uniform who have lost ones, and I ask God to please bless America.

TRICKLE-DOWN ECONOMICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, the Republicans have attempted to remake themselves as fiscal conservatives despite the fact that, with George Bush in the White House and the Republicans in charge of the House and the Senate, that the debt of the United States of America has increased by 62 percent, over $8 trillion. They are borrowing $1.4 billion a day to run the government. They are borrowing every penny of the Social Security surplus and spending it on other things, including tax cuts for the wealthy.

Now they want to cut. What do they want to cut? Students loans, Medicare, Medicaid, foster care, and other programs that are important to struggling American families, under the guise of fiscal responsibility.

Now they want to do $50 billion of cuts, but they also want to do $70 billion of tax cuts for the wealthiest among us. They want to make permanent the cuts in capital gains taxes. They want to reward wealth, not work; and they want to make permanent the cuts in dividend taxes. In order to facilitate that, they want to cut these other programs.

They want to benefit approximately 1 percent of the society, those who earn over $300,000 a year and have estates worth more than $6 million. But one thing we have got to give them is they are relentless and consistent and they are successful. Last year, the IRS says that 99 percent of the people in America saw their real incomes decline. Everybody who earned less than $300,000 after inflation saw a decline. Up to $1.3

million, they did okay. Over $1.3 million, they did phenomenonally well. Now the President's Tax Commission says that is exactly what the future should be. That is trickle down. We want more for the wealth, not for those who work.

Their proposals are extraordinary. They would say that dividends should be free of tax. So if one is someone who is lucky enough to be born into a wealthy family, they inherit millions of dollars and they invest it in dividend-paying stocks, they would never pay a penny in Federal taxes because they are a wealth creator, they are a job generator, they are trickling down on the rest of America. Is that not nice of them? But they would not contribute to the society.

And then we have stocks. Well, on stocks they want to say 75 percent of the gain should be tax-free, again benefiting, for the most part, the same people. But the funny thing they are doing here is they want to talk about wealth creators and entrepreneurs, but they stick it to the small business people.

If one has a small business, they build it up and they sell it for a million bucks, guess what? Their tax rate is 33 percent under the President's new proposal. But if they have been speculating in the stock market, they would only have to pay at 8 percent. If they had been happy enough or lucky enough to inherit money and clip dividend coupons, they would have paid 0 percent. But, no, if they built up their small business, they are going to pay 33 percent: and those suckers who work for a living, they will pay on every penny of income. Somebody who earns $25,000 a year will pay a tax rate at about three times the person who invests in stocks and realizes capital gains.

This is their vision of the world: trickle down economics, trickling on the majority of America and last year trickling on 99 percent of the people in America. It is working well, they say, and we should do more of the same. And, ironically, they want to borrow money to perpetuate this. They are going to take all the Social Security surplus and spend it in part to finance these long-term tax cuts for the wealthiest among us.

They should be ashamed, and trickle-down economics does not work.

ORDER OF BUSINESS

Mr. FORBES. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

CAMDEN COUNTY LANDFILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. FORBES) is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, most of us believe we are sent to Washington, DC, to protect the health, safety, and welfare of the people we represent. I rise today with deep concern that the inaction of two Federal agencies is threatening the welfare of my constituents and the environmental treasures of my district.

As I speak, the Army Corps of Engineers and the Environmental Protection Agency are sitting on their hands witnessing the possible construction of one of the largest landfills in America near the Virginia-North Carolina border.

While it saddens me that the elected officials of one of North Carolina's most beautiful counties would pollute their community with the garbage of over 20 States, I do not represent that county. However, when the safety and drinking water of my constituents and the ecological health of my district is put at risk, I cannot remain silent.

Camden County, North Carolina, has approved a mega-landfill to be located less than 1,000 yards south of the City of Chesapeake, Virginia, and adjacent to two environmental treasures: the Dismal Swamp Canal and the Dismal Swamp National Wildlife Refuge.

This mega-landfill will cover almost 500 acres, reach a height of 280 feet, extend 2.5 miles in length, and upon full construction will be visible 20 miles away. The giant landfill would cram the garbage of over 100 million people in over 20 States into a county with less than 9,000 people. Garbage from New York City would be barged in mass into a tidewater port and transported via a fleet of 1,000 garbage truck trips per day on congested roads and bridges, including the Federally-funded Route 17, which connects Virginia and North Carolina.

One would trust that, given something of this magnitude, that careful consideration, study, and deliberation would have been conducted prior to approval. One would trust that, since this mega-landfill will be situated in the midst of one of the most ecologically valuable wetland areas on the East Coast, that public hearings were held, detailed surveys conducted, and scientists and ecologists consulted. One would trust that, given the fact that this landfill would be situated in a flood zone and within storm surge area for major hurricanes, that emergency plans had been formulated and Federal agencies sought for advice. One would certainly trust the very people who live, work, and rear their children in this area would have had an opportunity for public input.

But, Mr. Speaker, that is not the case. No water quality studies were conducted by the Corps, no ecological studies performed by the EPA, no Federal advice, no warnings.

But here is the real issue: Had this dump site been proposed less than 1,000 yards north in Virginia, it would have been subject to all the appropriate scrutiny. There would have been public input, Federal agency comment, analysis of alternative sites, and environmental studies, all because the site would have been located within a different district of the Army Corps.

□ 2115

How is it that on one side of the border small farmers and businesses are subject to intense scrutiny from the Army Corps, whereas on the other side of the border a 500-acre landfill does not even raise a Federal eyebrow? And if dumping 83 million tons of garbage in a flood zone does not require the EPA to do an environmental study, what does?

It is inconceivable to me that the Federal Government is allowing bureaucratic entanglements and inertia to obstruct its most primary duty, to protect the citizens and resources of the United States. I urge General Strock and the Army Corps of Engineers to resolve the internal discrepancies that allow a landfill that impacts two areas so similarly to be treated so differently. And I call upon the Environmental Protection Agency to step up to the task they have been charged with, to protect the environment and preserve it for our children and grandchildren.

FEED THE RICH, STARVE THE POOR

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, we are in the midst of an energy crisis. Gas is around three bucks a gallon and utilities are now predicting that families could pay as much as 70 percent more to heat their homes this winter. Natural gas prices are so high, the Energy Department predicts that the average bill will be $350 more this winter. Home heating oil, used by many in the Northeast and the Midwest, has skyrocketed.

But while American families struggle with sky-high energy bills, oil and gas companies are facing an entirely different crisis: what to do with all the cash. For example, Exxon-Mobil recently reported that their profits increased by 75 percent in the third quarter. Their revenues were $100 billion. Shell said that their earnings increased 68 percent; Phillips' third quarter, 89 percent; BP-Amoco, a 34 percent rise in quarterly earnings.

American families are struggling with massive energy bills that are cutting into their living expenses while energy companies are reaping huge profits. Henry Hubble, the vice president for Exxon-Mobil, head of investor relations, said, "You just got to let the marketplace work."

I agree with the oil companies, let the marketplace work. Now, what do I mean by that? This Congress, the Republican Congress, gave Big Oil $14 billion in taxpayer subsidies to drill for oil. I am tired of this corporate welfare.

You want to do your business plan? Go drill for oil. We are not going to subsidize it so people have to pay three bucks a gallon at the pump and on April 15 have to subsidize the oil companies, who are making $100 billion of revenue a year, $9 billion in a single quarter, profits up 89 percent, record numbers; and what are we asking the taxpayers to do, struggling to make ends meet for housing, education, health care needs? We are going to subsidize Big Oil, and while we are on top of it, we are going to cut home heating assistance for the elderly in this country.

What Congress would actually cut home heating assistance for senior citizens, yet provide Exxon-Mobil $16 billion to execute their business plan? A Republican Congress, of course.

Now, this should make sense to you for one simple reason: since 1980, the big oil companies have contributed $220 million to the Republican Party in total, to candidates, and they get $16 billion in return. You cannot get an investment like that even on Wall Street. They are one of the largest contributors to the Republican Congress and the Republican Party, and they get a huge taxpayer-funded bailout when you consider the refining bill for $2 billion, the oil and gas bill. The Republican Congress, when it comes to Big Oil, is the gift that keeps on giving.

There is a cost to this corruption. It comes in the stripes and colors of a $14 billion taxpayer subsidy to Big Oil, who are making record profits. Pharmaceutical companies are one of the biggest contributors. They get $132 billion in additional profits in the prescription drug bill. You have an energy bill that we talked about. You have a corporate tax bill.

They were trying to figure out a $5 billion problem, so what do we do? We took $150 billion and threw it at that problem. Who is picking up the tab? The taxpayer. There is a cost to the taxpayers of this country for the culture of corruption. We saw it in the energy bill. And now all of a sudden Republicans are all upset with figuring out what they are going to do to really punish Big Oil.

I say it is time we give the taxpayers back their $14 billion in taxpayer subsidies from the oil companies, the $2 billion back from the refiners, and let the marketplace work its wonder. You want to do your business plan, you will do your business plan; but I am not having the taxpayer subsidize you, all the while we are going to literally cut assistance this winter to our elderly and our most vulnerable.

You cannot give out money fast enough to the energy companies who are making massive profits, and then on the other hand cut funding for those who need it most. You cannot have a policy in this country that says to the oil companies, who are reaping huge profits, that is their business, but we should not subsidize their business, we are going to give you more while we cut those who are struggling. Those are not the values of this country, those are not the values of the Democratic Party, and, most importantly, thank God, those are not the values of the American people.

We need a change. We need new priorities. These are the wrong priorities for America's future. We can do better, Mr. Speaker. It is time we return the people's House to the people. When that gavel comes down, Mr. Speaker, it is intended to open the people's House, not the auction house; and when it comes to the energy bill and prescription drug bill, the corporate tax bill, this House has looked like the auction house.

OUT OF IRAQ CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from California (Ms. WATERS) is recognized for 60 minutes as the designee of the minority leader.

Ms. WATERS. Mr. Speaker, I come before the House this evening as one of the organizers of the Out of Iraq Caucus to talk about what we have done in that caucus, what we are attempting to continue to do, and where we feel we are at this point.

We now have 69 Members who have signed up as part of the Out of Iraq Caucus. We have been meeting on a regular basis. We have had invited speakers and experts come to our caucus to talk about the war in Iraq, to talk about our image in the world as it relates to the war in Iraq, to talk about any number of subjects to help us try and guide this House and this Nation on this war. We think it is extremely important for the Members of Congress to be involved in this way because there are so many questions that are being raised by the American public about the war in Iraq.

When we organized this caucus, we did not organize the caucus with the conclusion that we had to get out right now. We did not organize the caucus with the strategy to adopt an exit strategy or to try and force the administration to adopt an exit strategy. We did not organize the caucus around the idea that we should stay there for as long as it takes to train Iraqi soldiers and then exit.

We simply organized the Out of Iraq Caucus because we all felt that we must get out of Iraq, and we did not try to say when. We did not even try to say how. We wanted to bring together the kind of discussion that would lead us to adopting the right kind of strategy, to provide some leadership to the Congress of the United States and to this administration.

While we have been doing that, over 2,032 U.S. soldiers died while serving in Iraq as of November 2. In the month of October, 93 United States soldiers died in Iraq. October was the fourth deadliest month for U.S. soldiers since the war began on March 29, 2003, and the deadliest since January when 106 U.S. soldiers died. The second most violent month was November 2004, when Americans battled Sunni Arab rebels in Fallujah. The third most violent month was in April 2004, when U.S. soldiers fought militiamen loyal to the Shiite cleric in Najaf. More than 15,353 U.S. soldiers have been injured while serving in Iraq, and we are told there are over 404 amputees.

The administration has allocated about $357 billion for military operations, reconstruction, embassy costs, and various foreign aid programs in Iraq and Afghanistan since the September 11 attacks. Of that $357 billion, $251 billion of that total has been for Iraq and about $82 billion for Afghanistan.

Mr. Speaker, we are told, despite these casualties, despite these amputees, despite what appears to be our inability to get a handle on the insurgents and all of these roadside bombings, we are told that we are winning this war. As a matter of fact, the President rolled out May 1, 2003, on an aircraft carrier all decked out in the proper dress to accompany his speech and said "mission accomplished."

The American public has trusted that this administration knew what it was doing. They gave the administration the benefit of the doubt, even when Mr. Rumsfeld was being urged by people much more expert than he that we did not have enough troops on the ground in order to win the war. He insisted that he knew better what he was doing. He did not increase those numbers. The American public sees now that he did not know what he was talking about.

The American public has stayed with this administration despite the fact that the President said that we were going to get enough money from the oil wells in Iraq to take care of rebuilding the infrastructure. That has not happened. The insurgents continue to blow up the oil wells. We have gotten no money from the oil in Iraq.

The American people continue to try and trust the President of the United States, but the lack of getting a handle on these insurgents and the killing of our soldiers, the lack of getting any profits from the oil wells, the lack of being in control and getting a handle on what is going on in Iraq is causing the American people to move away from support for the President of the United States and this war.

At first, the American public was saying, no, we do not like the way this administration has handled this war, but we think perhaps the President may be right. Perhaps we need to stay there until we have trained enough Iraqi soldiers to wind out of the war.

But that does not appear to be happening. As a matter of fact, we keep getting muddled information about how many Iraqi soldiers have been trained. We have been told numbers that we cannot confirm. We have been told that it is just a matter of time before we will have trained enough of these soldiers to whom we can turn over the operations.

We have had all of these different military operations. We started out with Operation Iraqi Freedom, which was the name of the entire Iraqi effort that began in March of 2003. At its height, we had over 300,000 troops in the region. Currently, we have about 139,000 U.S. soldiers in Iraq.

We had Strike and Awe, which described the initial military action in the opening hours and days of the war. We have had Operation River Gate, which took place in the al Anbar Province near the Syrian border. American forces were trying to retake three towns from al Qaeda insurgents.

❑ 2130

Some 2,500 U.S. troops along with Iraqi forces participated in Operation River Gate.

Then we had Operation Iron Fist, similar to Operation River Gate, which occurred shortly before Operation River Gate.

Then we had Operation Lightning launched in early May 2005, to break the insurgency. Approximately 40,000 Iraqi troops and 10,000 U.S. soldiers were deployed in and around Baghdad.

Then we had Operation Matador. Operation Matador was launched in the first weeks of May 2005, after U.S. intelligence showed insurgents had moved into the northern Jazirah Desert after the losses in the cities of Fallujah and Ramadi.

Operation Spear began on June 17, 2005, with 1,000 Marines and Iraqi soldiers in western Iraq to hunt for insurgents and foreign fighters. Operation Spear took place in the Anbar province. The operation came one day after Air Force Brigadier General Don Alston called the Syrian border the worst problem in stemming the influx of foreign fighters to Iraq. Syria is under intense pressure from Washington and Baghdad to tighten control of its porous 380-mile border with Iraq. Yet we do not know whether or not the insurgents are really the Sunnis and al Qaeda inside Baghdad, inside Iraq, or really all of the insurgents coming from Syria.

Operation Dagger. About 1,000 U.S. Marines and Iraqi troops, backed by fighter jets and tanks, launched a second offensive Saturday against insurgents operating in restive Anbar province. That was called Operation Dagger. Operation Dagger aims to uncover insurgent training camps and weapons caches in the southern part of the Lake Tharthar area in central Iraq, 85 kilometers northwest of Baghdad.

And now, Operation Sword. Operation Sword included about 1,000 U.S. Marine soldiers and sailors from Regimental Combat Team-2, as well as about 100 Iraqi soldiers. It was the fifth operation launched in late spring, early summer 2005, designed to pressure insurgents in the country's expansive and restive Anbar province west of Baghdad.

We are not in control of what is happening with this war that we launched because there were supposedly weapons of mass destruction. We are losing our soldiers. We are not getting Iraqi soldiers trained. The President of the United States said we may be there for the next 10 years.

The American people have had enough. I believe that those of us who are working in the Out of Iraq Caucus have had enough. It is time for us to review what we are doing. It is time for us to call on this President to tell the American people when and how we are going to get out, and we cannot accept that we will be there until hell freezes over if that is what it takes.

We cannot accept that all of these operations have not worked. We cannot accept that we cannot find a way to stop these roadside bombings. We cannot accept that we are bleeding the American taxpayer dollars with over $1 billion a week being spent in Iraq and over $1 billion a month being spent in Afghanistan. So we come here tonight to challenge the President and this administration.

Mr. Speaker, I am going to yield to my colleagues who have come here to discuss this very, very serious matter with us. First, my good friend and colleague, the gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. Mr. Speaker, I want to thank the gentlewoman from California (Ms. WATERS) for her leadership in the Out of Iraq Caucus and for her leadership in the effort to achieve peace and to achieve a more rational U.S. foreign policy and to do the right thing on behalf of our country.

Mr. Speaker, I believe that the war in Iraq was wrong. I believe it was a mistake. This was a war based on fiction. There were no weapons of mass destruction. There were no ties to al Qaeda. There were no nuclear weapons. There was no imminent threat to the United States. And with the acquiescence of this Congress, I am sad to say this country rushed into a war, a war that has turned out to be a violent quagmire, a war with no end.

Mr. Speaker, we have already spent some $300 billion on this war in Iraq. There is no end in sight. We are told that if we are there for another 2 years that the figure will be up to $1 trillion.

Now, think about it. What could we do with hundreds of billions of dollars? We could reduce our deficit and reduce the debt. We could actually do something very important in helping to insure some of the millions of Americans who do not have health insurance in this country. We could help to rebuild our schools and provide a first-class education to every single young person in this country. We could rebuild our infrastructure. Or we can put it toward helping our veterans who have fought in the wars over the years, who have given so much of themselves, and who are sick and tired of getting nickled and dimed by this Congress with budgets that underfund the veterans' affairs every single year.

Mr. Speaker, I personally believe that the policy that we should pursue is one that requires the United States to end our involvement in Iraq. I have legislation that I have introduced that requires an end to the war in Iraq now, not 6 months from now, not a year from now, not at some date to be determined by the President. We have given him his chance, and he has come back and said that he just wants to stay there for the next decade. He does not seem to be mindful of the fact that everything that he said about this war has turned out to be false.

I want this war ended now. I think the majority of people in this country want this war ended now. They realize that this huge U.S. presence in Iraq right now is not calming the violence. They realize that we are now a major part of the problem.

There was no al Qaeda in Iraq before we got in Iraq. It is not just al Qaeda. It is other terrorist organizations, quite frankly, that are now sticking their nose in Iraq, trying to get at the United States. It is not about the future of Iraq. It is about the United States of America.

Now I believe that the time has come for the President to authorize an orderly and safe withdrawal of our troops. The legislation that I have introduced calls for that, right now. If it passes today, it would begin today. The legislation says that we can support all efforts to make sure that our troops have a safe and orderly withdrawal from Iraq. It says that we can support reconstruction efforts in Iraq, which I think is important. We helped destroy that country. We need to help rebuild that country. It says that we can support international forces as transitional security in Iraq. If other countries want to provide a transitional security force, we should be able to support that. Hopefully, some of the neighboring Arab countries will want to do that. We should be able to support a U.N. force or a NATO force going in.

But the bottom line is, I think it is clear to anybody who has been watching this, that the time has come to demand that no more U.S. forces be in Iraq. It is time to end this war.

Mr. Speaker, now I know that there are some, and I hear it a lot, every time those of us try to raise some questions and try to raise some dissent, there are those who say, well, you should not do that. It is somehow unpatriotic. You are not supporting our troops. You are not supporting our country. You are giving comfort to the enemy. I hear that all the time when I speak about my opinions on Iraq or when I hear others speak in ways that dissent from this current policy. Well, nothing could be farther from the truth.

Let me tell you, it takes absolutely no courage at all for anybody in this House or in the United States Senate or in this administration to wave the American flag and say, stay the course and send more troops. It takes no courage at all. Because it is not us whose lives are on the line and, with very few exceptions, it is not our children whose lives are on the line. Over 2,000 Americans have lost their lives in a conflict that the President of the United States said would be a relatively short conflict that would be easily manageable and that would not entail these casualties. He was wrong. Two thousand Americans have now died, over 2,000 Americans. That is not counting the tens of thousands of innocent Iraqis who have lost their lives.

The President and his administration was wrong on this. We were not told the truth. I sat through all of those classified briefings with the Secretary of State, with the Secretary of Defense, with all of the intelligence agencies that they brought up here to tell us about what this war would be if we got into it, and everything they said was wrong.

Now, one of two things explains that fact. One, either our intelligence agencies are just so incompetent and so dumb that they got everything wrong; or, two, that this intelligence was exaggerated. Now, I do not believe that our intelligence agencies are dumb. I do not believe our intelligence agencies could get anything that wrong. We spend billions of dollars each year in supporting our intelligence agencies. I do not think, I do not believe that anybody believes that they got it that wrong.

What I think most people believe is that the intelligence that was presented to the Congress and to the United States people was the intelligence that this administration thought fit their argument, complemented their argument. It was not a balanced picture. It was what they wanted to present; and, as a result, there was a rush to war.

Mr. Speaker, we need to figure out a way now as to how to get out of this. It is imperative that we get out of this now. I have been to three funerals in the last few months in my own district of young men who have lost their lives in this conflict. I have seen their families grieve, their friends grieve. I do not want to see any more families have to go through that. I want this administration to come clean on what the facts are, on what their plans on, and also come clean on the intelligence leading into this war.

I want to say one thing about the Senate Minority Leader HARRY REID. I will tell you, I was never more proud of him than I was yesterday when he finally stood up and showed the commitment and showed the spine to ask the tough questions that people all over this country, Republican and Democrat alike, have been asking, and that is, what was the intelligence that brought us into this war? Was it exaggerated? How was it manipulated? How could we have gotten it so wrong?

I want to tell my colleagues, Mr. Speaker, I think Democrats and Republicans alike believe, I am not saying in this Chamber, but I am saying throughout the country, believe that if, in fact, there are people in this administration who intentionally and deliberately exaggerated intelligence and manipulated intelligence to get us into this war, then those people should be fired and fired now.

What you saw was Scooter Libby's indictment is just the tip of the iceberg. Quite frankly, the President should fire Karl Rove now. He lied to the President of the United States. He lied to the American people. He told the President, along with Mr. Libby, that they had no knowledge of who leaked Valerie Plame's identity to the press. We now know that that is a lie. And the fact that this President sees no problem with keeping his top aide on after this man lied about something so serious, quite frankly, is very disturbing to this Member of Congress.

These are serious matters. War is a big deal. This is not something to be taken lightly. The great English conservative Edmund Burke once said, "A conscientious man would be cautious in how he dealt with blood." This administration claims to be conservative. Well, they should heed Edmund Burke's words. They have been too casual with how they have dealt with blood. They have been too casual with how they have deployed our troops overseas.

And the indifference that we see each and every day at press briefings by White House spokespeople, by the President; you never hear from the Vice President, so I cannot really say much about him. But this kind of casual attitude that everything is just great. Let us just stay the course. We are doing the right thing. It takes my breath away. I do not know if it is that they do not watch TV or they do not read the newspapers or they do not talk to those who are on the ground in Iraq or those families who have lost loved ones, but the fact of the matter is this is a serious matter.

I think the only way that we are going to see a change in course is for Members of Congress to organize, like we are doing here in this Out of Iraq Caucus, for people across this country to join in protest, to join in dissent, to start writing their Members of Congress and saying, we demand that you end this war and end it now. That is the only way we are going to see an end to this war. Because I am convinced, watching this administration in action, that nothing will change.

Sadly, I am convinced, by watching the leadership of this Congress and how they have behaved during these last few years of this war, with this indifference, with this kind of cover-up mentality, to not question the administration, to not hold them accountable for anything, to not do our job with proper oversight, I am convinced that unless Members of Congress are pressured by their constituents, then we will not act here as well.

□ 2145

Mr. Speaker, let me just conclude by saying that I love this country more than anything, and nothing disturbs me more than to see us involved in a war that we have no business being in. Nothing disturbs me more than to see the loss of innocent lives that we see going on each and every day.

I think we are better. I think we can do better. You know, great nations sometimes misstep. Sometimes great nations make mistakes. It is up to great nations to fix those mistakes. We have made a mistake in Iraq. This is not about whether we honor our troops or not. I honor our troops. I want to do more for our troops.

I wish the people on the other side of the aisle would join us in demanding more money for our veterans. I am worried about all of those men and women coming back from Iraq with post-traumatic stress syndrome. I am worried that they are not going to get the health care they deserve.

I am worried that their families are not getting the benefits that they need and that they deserve. I am worried about people coming back to no jobs. So this is not about our commitment to our troops. We are committed to our troops. We honor them. We are in awe of their service. They have done what their country has asked.

This is about whether this policy is right or whether this policy is wrong. And if you believe, as many of us do, that this policy is wrong, then you need to stand up and you need to be counted, and you need to demand that this policy change and change now.

It is not patriotic to remain silent in the face of policies that you object to. That is not patriotism. That is cowardice. And we need to stand up, those of us who believe that this war is wrong, and I know that there are many who are silent right now who believe as we do that this war was wrong. They need to stand up and join with us.

Enough is enough. The gentlewoman from California (Ms. WATERS) put it eloquently and succinctly. Enough is enough. This war needs to come to an end. Not one more dollar, not one more death. This is the time to do it.

We are trying, with this caucus, to energize people on both sides of the aisle, this is not a partisan issue, to come together and demand that we change our policy. Our country is so much better. We are so much better than this. We stand for so much more than what is on display in Iraq.

And I hope, Mr. Speaker, that the White House listens to those of us in the United States Congress. Our numbers are growing each and every day who disagree with this war. And I hope they are watching these public opinion polls and listening to people all across this land who are saying they do not want any more war, they do not want any more people to die.

They are tired of being engaged in a war that is dragging our good name into the mud. This is not America. We are so much better.

Mr. Speaker, I urge my colleagues to listen to what we are saying tonight, to join with us and hopefully help put this country on a better course. With that, Mr. Speaker, I thank the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for his eloquent and very thorough evaluation and assessment of what is happening in Iraq. He has been an absolute stalwart in trying to help bring this Congress to its senses and this administration. And I am so pleased that he was here this evening to further share with the American public our very, very deep concerns and our very deep feelings.

The gentleman's call for an end to this war, I think, is right on target. With that, Mr. Speaker, I yield to the gentlewoman from California (Ms. WOOLSEY) to further discuss not only her long-time involvement with trying to help frame a direction for this Nation, her long-time commitment to challenging this administration, about the way that it went into this war, and what has been happening since we have been in this war, all the work that she has done, the many nights that she has been on the floor, the resolution that she did so well on with this Congress.

Ms. WOOLSEY. Mr. Speaker, I thank the chairman of the Out of Iraq Caucus, the gentlewoman from California (Ms. WATERS), in bringing all of the voices together in the Congress, because we all have a lot to say. And we are all getting to the same conclusion, the conclusion that I reached a couple of years ago, actually. We do not need to be in Iraq. We are making a mistake. It is a faux war, and we need to bring our troops home now.

Mr. Speaker, I want to share a quote: "Victory means exit strategy, and it is important for the President to explain to us what that exit strategy is." Those words were not spoken by a Member of Congress, not by a prominent opponent of the Iraq war. They were not even spoken by this President about this war.

Those words were spoken in April 1999 about President Clinton's military campaign in Kosovo, and they were spoken by a Republican Governor named George W. Bush. But what a difference 6½ years makes. It is precisely an exit strategy that is missing from our Iraq policy.

With over 2,000 of our citizens dead, $1 billion of tax dollars being spent in Iraq every week, the American people have a right to some answers to some important questions like, what exactly defines victory? What are the benchmarks of success? What is the long-term plan? What does the end game look like? These are the questions that my leader of the Iraq Caucus has been asking about tonight.

We are paying for this war in blood and money. My home district lost a 23-year-old soldier less than a month ago. Why does the President insult us with empty platitudes about staying the course and staying in Iraq as long as it takes?

Mr. Speaker, I had the privilege of traveling to Iraq 1 month ago. I went with a few of my colleagues here in the House. The most rewarding, the most enlightening part of the trip was simply having dinner and talking with the enlisted men and women, particularly those from my district, California's 6th Congressional District. It is Marin and Sonoma counties just north of the Golden Gate Bridge across the bridge from San Francisco.

These troops are online over there, believe me. They know I am against this war. They knew I was. They looked me up before I got there. And they immediately asked me, and they had every right to, Congresswoman, why are you here? You are against this war. My answer was straight. My answer was true. And my answer they believed. Yes, indeed, I told them, I am against this war. I have been against this war from the very beginning.

But I want you to know that I support the troops. I have been working within this Congress to make sure that you have the equipment you need to make sure that you have the health care over there, the best you can have; and when you get home, that you will have the benefits that we have promised you.

But in all of that, I remain against this war because I want you to come home and I want you to be home with your families. I want you to be alive. I want you to be mentally whole, and I also want you to be physically whole.

Mr. Speaker, these young people are the very best America has to offer. They are brave. They are intelligent. They are loyal. They are loyal to their country, to their mission, and to each other. They are profoundly committed to this mission, even those who told me privately that they do not support the war or the policy that underlies it.

They are genuine heroes whose courage and resolve is greater than our accolades can begin to convey. We truly have the most capable military the world has ever known. So what is the problem? The problem is that we do not have leaders in Washington worthy of these fine soldiers. Our troops have been failed, failed by their civilian superiors who sent them to Iraq on false pretenses, on a poorly defined mission without all of the tools they needed, and without a plan to get them out of there. If the President will not lead to bring our troops home, then we will.

And that is what the Out of Iraq Caucus is all about. Last month we assembled a group of Middle East experts and military strategists to explore viable and compassionate exit strategies because the American people deserve better than the poor planning that has characterized every single phase of this war.

The extraordinary men and women who I met in Iraq most certainly deserve better. They deserve leaders as courageous and honorable as they are in return for their unfailing loyalty. They deserve basic competence and integrity. I have some suggestions of what the President should be doing next in order to bring our troops home immediately.

Part of what he must do is eat crow. He has to apologize to the rest of the international world for going into Iraq in the first place and trying to bring them into the war with him.

He must become a diplomat instead of a warrior because the way he is doing it now is not working. He also must reach out to the global world. He must ask worldwide for assistance to help Iraq return their country to their people.

He also must work internationally with the United Nations, with NATO, with the experts who have been through this before in South Africa and in Ireland. He must work with them, help them, give them the room to help the Iraqis in their reconstruction and reconciliation. We do not know how to do it, obviously. We only know how to cause a war. We need to work now on how to end that war and how not to totally leave the Iraqi people in a quagmire.

But speaking of quagmires, that is what our President has us in. He has us in a corner. It is a lose-lose situation. Actually, if we stay in Iraq, our troops will continue to be killed and maimed and innocent Iraqi civilians will lose their homes and their lives and their families.

If we leave, indeed we will leave Iraq in a bad way. It will be a bloody mess until they can figure out how to get their country back together. But we can help them put it back together, not militarily, but with a non-militaristic presence. Why we are not doing that is beyond me. That is how we should have been doing it in the first place.

So what I would like to suggest is that our President, I do not want to suggest it, what I would like to demand is that the President of the United States put together a plan to bring our troops home and to bring them home immediately.

I yield to the gentlewoman.

Ms. WATERS. Mr. Speaker, I thank the gentlewoman from California (Ms. WOOLSEY) for her commitment, for her hard work, and for her sincere desire to provide leadership for this Congress to bring our troops home.

□ 2200

Mr. Speaker, you have heard from two of our hardest workers this evening about the war in Iraq. You have heard their assessments. You have listened to their advice.

I think it is important for us all to understand that not only have we gone into this war under false pretenses, having the American people believe that there were weapons of mass destruction when, in fact, there are no weapons of mass destruction. We have gone into this war with this administration making the American people believe that somehow Saddam Hussein was responsible for the 9/11 attacks when that certainly is not true. And al Qaeda and Osama bin Laden who have been determined to be responsible are still not contained, have not been apprehended.

The idea that somehow we must stay in Iraq because it is going to make us safer is the kind of argument that the American people just will not accept any more. As a matter of fact, I think the American people understand we are less safe because we are in Iraq. We are less safe because we have created a breeding ground for the training and development of these insurgents. We are less safe.

While the President talks about homeland security, it takes but a natural disaster to help Americans know that really we do not have a handle on homeland security at all. If, in fact, we can witness what happened to us as a result of Katrina, if we understand that not only were we not able to handle a disaster despite the fact we have this huge bureaucracy of homeland security under FEMA, and with all of that people were left stranded without food, without water, still we do not have a handle on how to get those people into temporary housing, let alone permanent housing.

So people have to be suspicious about what would happen to us in the event of a terrorist attack, and people have to wonder why are we putting all of this money and all of this effort into Iraq when the folks who were responsible for 9/11 still have not been apprehended.

People have to wonder what is it about this relationship with Saudi Arabia, when we know that the perpetrators of 9/11 were from Saudi Arabia, trained in the madrassas of our so-called friends, trained by the royal family's money that helped them to learn to hate the United States of America, yet we wrap our arms around them, we call them our friends. And after the 9/11 attack we went to their aid, and the members of that royal family that was in the United States of America, we picked them up one by one. We had airplanes dispatched across this country. We put them on those airplanes when Americans could not get on airplanes. When airplanes were grounded, when the Vice President of the United States could not get an airplane, we picked up the Saudis, we put them on the airplanes. We protected them, and we got them out of here.

We did not know whether or not they were tied to those that were responsible to 9/11. We did not understand how the funding of some of the so-called nonprofit operations were really funds that were going into terrorist operations. We did not do an investigation. We did nothing but pick them up, protect them, and send them on their way. And we talk about homeland security. Give me a break.

We cannot trust that this administration can secure the homeland and certainly we are spending the taxpayers dollars, billions of dollars, billions of dollars in Iraq when perhaps we do need that money in our ports. We need those monies in our airports. We need those monies with helping to fund the first responders.

I have been holding emergency preparedness town halls all over my district. What do the first responders tell us? They do not have enough money. They do not have enough resources. They do not have the communication systems by which in the event of an attack that the various first responders can communicate with each other just as they did not have it in New Orleans.

So this effort that has been put forth by this administration is not a good one. Not only did they not plan well for the war, they never had an exit strategy going in. They never knew how they were going to get out. The headiness of Mr. Rumsfeld with his shock and awe campaign that led people to believe that somehow we were going to bomb people into submission, make people think that somehow we were protecting them from terrorism, that we were making this country safer, somehow because of the might of the bombs and the sophisticated artillery that somehow we were going to make Americans believe everything was all right.

At the moment the President declared "mission accomplished," the insurgents said, now let the war begin. And, guess what? They do not have the sophisticated technology that we have. They do not have the resources that we have. But you know what? They are wreaking havoc on us and our soldiers. They are killing our young people.

As it was said by some of my colleagues, it is all right to say we will be there for as long as it takes. But whose children are we talking about? Whose young people are we sending into war, a timeless war, when we cannot tell the American people how we are going to get out of it, where we never had a plan to get out of it? Whose children are dying?

The American people are fed up with this war. They have trusted this President and this administration long enough. Mr. President, it is time to bring our soldiers home. It is time to get out of Iraq.

The President consistently tells the American people that we will stand down when the Iraqis are ready to stand up. However, there is little evidence that the Iraqis are ready to take over their security responsibilities.

In July, the House Armed Services Committee ranking member, the gentleman from Missouri (Mr. SKELTON), told us that he believed there were only about 5,000 trained Iraqis, even though the Bush administration claims to have trained 170,000.

General John P. Abizaid, who leads the U.S. Central Command, told the Senate Armed Services Committee in September that a single Iraqi battalion was at level one combat readiness, meaning it was capable of taking the lead in combat without support from coalition forces.

During the same testimony, General George W. Casey, Jr., who oversees U.S. forces in Iraq, said the number of level one battalions had dropped from three to one since June.

We cannot even get the right information, and that is why the Senate Democrats will take the action that they took. They had to go into closed session. They had to confront the Republicans in the Senate about the so-called investigations, about going on to phase two, to try and get information about what happened with our intelligence community. What did we know and when did we know it and what did we do about it? You cannot hide this information forever.

The tactics of this administration, misleading, not giving out all of the information, distorting information, will come to an end; and the retaliation against those who speak out is being unveiled now in a way that is causing the indictments and more to come.

The fact of the matter is this administration attempted to punish Ambassador Wilson by outing his wife, Valerie Plame. These tactics of distortion, intimidation, misleading information, rolling out Republican relations campaigns, all of this must come to an end. Americans cannot stand to be misdirected. Americans can stand no longer to be told mistruths. Americans can no longer take from their President and this administration that kind of treatment.

So we stand here tonight to say again and again, enough is enough. We have got to bring an end to this war. We have got to redirect our resources back to the people of this Nation. The war in Iraq has cost us almost $3 billion so far. The funding would provide much-needed resources for Americans here at home for the money that we are sending in Iraq.

Let me just give you some idea what could have been provided: Health care for 46,458,000,805 people. Health care could have been provided for the amount of money that we are spending. 3,545,016,000 elementary schoolteachers could have been paid for. 27,93,000,473 Head Start places for children. 120,351,991,000 children's health care could have been paid for. We could have built 1,841,000,833 affordable housing units. We could have built another 24,000,072 new elementary schools. On and on. 39,000,665,748 scholarships for university students. 4,000,000,699 public safety officers or 3,204,000, 265 port container inspectors. I could go on and on.

The American people deserve to have their tax dollars spent not only to protect and secure us but to provide universal comprehensive health care. It is unconscionable to talk about we are going to be confronted with a pandemic but we do not have enough medicine. We do not have enough resources. We do not have enough hospitals. We do not know how we are going to take care of people in the event of a pandemic. It is unconscionable to talk about how in the event of a pandemic so many people are going to be at risk, to anticipate that so many people are going to die.

It is unconscionable to talk about you cannot pay for Katrina or Rita or any of these disasters that are confronting us unless we go back into the budget and reconcile and cut the budget deeper and deeper and deeper and do all of this while we continue to give a tax break to the richest people in America.

We are sick and tired of these policies that do not make good sense. We are sick and tired of the direction that is keeping us at war while we are hurting and undermining the people of this Nation. We are sick and tired of public policy that does not make good sense.

I am pleased that my colleague said this evening at the beginning of their discussions, we support our soldiers. Do not forget it was really this side of the aisle who forced the issue of protective gear for our soldiers when we discovered that, with all of the talk from Mr. Rumsfeld about we had enough soldiers and they had everything they needed, and we discovered that they were over there with spit and glue, literally trying to build protection, literally trying to figure out ways by which to stop the bullets. It was this side of the aisle that forced getting more money.

And we will continue to do that because we do respect, we do support our soldiers. We love them. That is why we want them home. We want them out of harm's way. We cannot tell them why they are there. We cannot tell them why they are losing their lives.

Many of those young men and women went there because they are patriotic. They believed their President. They went there because they thought they were doing something good for their country, only to discover that they were misled, that there are no answers.

Many of them went there because they were looking for a way out. They were looking for ways by which to provide for their families. They were jobless in America, in the rural communities, in the inner cities.

We have not done right by our young men and women. We have not done right by them. We have neither provided them with the security and the protection that they need to serve in this war, nor have we respected their right to have the answers to the questions that they are raising.

□ 2215

I would like to at this time have a colloquy with my dear friend from California who has worked so hard on this issue.

Do you believe that if we bring our soldiers home that we will be taking the kind of action that will not only bring resources back to this country that could be spent domestically, but in the final analysis, we are taking them out of harm's way because if they stay there there will be more and more deaths, and we still will not be able to contain what perhaps is going to be a civil war anyway between the Shiites, the Sunnis and the Kurds?

Ms. WOOLSEY. Mr. Speaker, I agree with the Congresswoman totally, and the American people know that you are right in what you said. This Congress, this Pentagon, this administration will eventually catch up to the American people who know that we should not be in Iraq in the first place and that our staying there will not solve any problems. We will lose more troops. They will come home maimed or dead, and we will injure more innocent Iraqis and destroy their communities and their neighborhoods and their lives; and when we leave, whatever is going to happen will happen anyway. In the meantime, our troops will be losing.

What I would like to ask is, if the President really believes that we are ending terrorism by being in Iraq, why in the world has he not found Osama bin Laden? Iraq was not an Islamic terrorist country until we went in, and now they are.

I asked the commanders directly, first, who is the enemy? The answer was more than once, as a matter of fact, the insurgents are fighting the very presence of the United States in Iraq because we do appear as occupiers. When I asked the question who are the insurgents, they are not coming from across the border. The great majority of the insurgents are indeed local. They want us gone because they see us as occupiers.

We are helping build local insurgents by our presence. Our presence needs to be there over time, but not in a militaristic way. Our presence needs to be to help the Iraqi people rebuild their infrastructure, their economic infrastructure and their physical infrastructure that we have so destroyed. If we want the end of terrorism, go after the guy that blew up our buildings in New York, go after Osama bin Laden.

Ms. WATERS. Mr. Speaker, I think the gentlewoman is absolutely correct. As a matter of fact, they do not even talk about Osama bin Laden anymore.

I am absolutely outraged that we put money into Pakistan. We think we have a friend there, Musharraf; but we know that that border between Afghanistan and Pakistan is where we have al Qaeda, is where we have terrorists. We believe that is where Osama bin Laden is. I believe that he is being protected by those who we are trusting in Pakistan. I believe that we are not putting enough time and effort on that border where we have not only the terrorists and al Qaeda, but increasingly, the Taliban is rising again from the Afghanistan side of all of this.

So we just have a misdirected administration who has messed up everything. They have created a crisis. Our young men and women are dying. We are spending American taxpayers' dollars. This money is going out of the window. We are not accomplishing anything. We are getting ripped off in more ways than one. Halliburton is making all of its money. They have been cheating us, and we have slapped them on the wrist, and we have let them go.

We are sick and tired. Enough is enough, and I would like to say to the gentlewoman from California, if you have one last word in this 1 minute or so, please.

Ms. WOOLSEY. Mr. Speaker, my last word is wake up, catch up with the

American people. Bring our troops home if you support them.

DEFICIT REDUCTION ACT

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. HENSARLING) is recognized for 60 minutes as the designee of the majority leader.

Mr. HENSARLING. Mr. Speaker, tonight, we are coming here to talk about a very important piece of legislation titled the Deficit Reduction Act.

Mr. Speaker, our Nation is seeing a number of challenges here, obviously 9/11, which we have heard a lot about. Recently our Nation has been hit with a number of hurricanes, natural disasters that have proven very, very costly to our Nation. Now we have seen the threat of avian flu. There are a number of different challenges our Nation faces, and we will meet these challenges: but meeting these challenges is not free.

Particularly within the context of the hurricanes that have hit, at the end of the day, when we look at the Federal response, how much money the Federal Government is going to spend, there are really only three ways that we are going to be able to pay for this. Either number one we are going to raise taxes on hardworking American families yet again as they are facing challenges in meeting the cost of filling up their pick-up trucks and heating their homes, or we are going to pass debt on to our children, even more debt to be passed on to our children. But, Mr. Speaker, we on the Republican side of the aisle believe that there is another way, and that way is to restrain the growth of government. That way is to protect the family budget from the Federal budget.

We are going to spend some time, Mr. Speaker, this evening bringing up some very interesting facts that we believe the American people need to know.

Number one, you will hear this evening about how tax relief that we have brought to American families and small businesses, that has been part of our deficit solution, not part of our deficit problem; and we will talk about that later this evening because there has been a lot of misinformation there.

In addition, we have heard the other side talk about gross and draconian cuts in the Federal budget. Well, what we are going to discover, Mr. Speaker, is what they call a draconian cut is trying to restrain the growth of government so we do not have to raise taxes, so we do not have to pass on debt to our children. It is the same old song we have heard from them for 50 years.

What we also hear from them is that somehow any reform, any accountability that we institute in the Federal budget is somehow tantamount to hurting the poor. Mr. Speaker, we do not buy that. The American people do not buy that either because we know that year after year after year, as we dump new programs on top of old programs, as the Federal Government refuses to measure the success, the progress, the ability of these programs to meet goals, that we have a budget now that is fraught with waste. It is fraught with abuse. It is fraught with duplication.

Mr. Speaker, finally, not all spending is created equal. Families all over America have to make some tough decisions occasionally at the end of the month when that paycheck begins to run out, and this is what people do in a great Nation.

In my own family, if we are a little low on money at the end of the month, I am not going to tell my two children, my 3½-year-old daughter and 2-year-old son, I am sorry, children, you just cannot have anymore milk because your mom and I have got this great movie we want to go see. What happens is my wife and I do not go to the movie. Instead, we buy the milk for the children.

Some spending in the Federal budget is just not high priority, not when compared to trying to relieve human suffering along the gulf coast that has been wrought by these hurricanes. So the American people, I think they instinctively know, but occasionally we have to remind them about what is in this Federal budget.

Mr. Speaker, often when we spend money here in Washington, D.C., many good things come from it: Kevlar vests for our brave men and women fighting in Iraq and fighting in the global war on terror. Occasionally money is spent to help start a small business; but more often than not, though, we see that this money is spent for an $800,000 outhouse in a national park and the toilet does not even flush. We see it spent on 342 different Federal economic development programs, 342. Does that not suggest some duplication? More often than not, it is spent on food stamps where 10, 20, and sometimes 30 percent of the recipients do not even qualify because we are not checking their income levels, and the list goes on and on and on.

The important thing, Mr. Speaker, that we need to know this evening is that there are plenty of places in the Federal budget where we can save money so that families do not have to cut their budgets because every dollar we spend here is a dollar that we cannot spend back in Texas or Tennessee or Virginia or New York.

At the end of the day, it is not the government's money. It is the people's money, and we need to institute more accountability in the system. I wish more of our friends on the Democrat side of the aisle would come and help us, but too often they have bottled up each and every reform. They do not believe that there is any waste in the Federal budget. They do not believe there is any duplication in the Federal budget. They believe all spending is great spending, that nothing good has ever happened in our Nation unless it as the result of a Federal program; and that is not true.

So, Mr. Speaker, the first thing that we want to discuss this evening is to talk a little bit about what is in this Federal budget, this $2.4 trillion budget, a budget that over the last 10 years has been growing at least a third faster than the family budget, a Federal budget that, in my lifetime, Mr. Speaker, has grown seven times faster than the family budget. That is an unconscionable growth rate. That is an unsustainable growth rate.

Again, our purpose here is to provide reforms. It is to provide accountability, and it is to spare our children the future of having to have a massive tax increase or massive debt placed on them.

So we want to talk about different ways that we believe that we can save money in Washington, D.C. without cutting vital programs. We want to make sure that the social safety net is in place; but we know that the greatest social welfare program, the greatest housing program, the greatest education program in the history of mankind is a job, a job provided by the American free enterprise system, which is what our economic policies are all about. That is why we have been able to create 4 million new jobs in this economy, with tax relief for small businesses and American families.

So there are a lot of things that we need to do to protect that family budget from the Federal budget; and I am very, very happy, Mr. Speaker, that I have been joined by a number of our colleagues who are leaders in this Congress on trying to help root out this waste and this fraud and this abuse and this duplication in the Federal budget so that we can indeed protect that family budget.

One of the individuals who is joining us this evening is one of the leaders in government reform, a colleague of mine that I have been very proud to know, a real leader in this Congress on that subject, the gentlewoman from Tennessee (Mrs. BLACKBURN); and I would be glad to yield to her.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Texas for his words of wisdom and for the commitment that he brings to protecting the Federal budget, just as he does the family budget. I appreciate the diligence as he goes about this, whether it is Operation Offset or Washington Waste Watchers. He has certainly worked very, very hard on this.

□ 2230

I was talking about his good work in my district one day in one of the town halls and talked about how he felt like we should watch the Federal budget like the family budget and some of the information that he brought to us.

One of my constituents raised his hand; and he said, "Mrs. BLACKBURN, I tell you, I really appreciate that. You know, sometimes I think the Federal Government does get out of hand. It does need to be reined in." He said, "They need to take a lesson from some of us." He said, "Sometimes, you know, I have too much month left over at the end of my money. And when that happens, we have to just sit down and work things a little bit differently."

Well, Mr. Speaker, I think that that is the kind of wisdom we need to put on the table here in Washington. Maybe we have too much year left over at the end of our money, which means it is time for us to prioritize and to focus and to do things a little bit differently.

We know that government does not have a revenue problem. Government has a spending problem. And we also know that the government is never going to get enough of the taxpayers' money. They are never, ever, ever going to get enough of the taxpayers' money. Never happen. Because there is always going to be one more program, one more activity, one more department, one more need, one more something that they feel like needs that money.

Now one of the things that we have done here is to talk about the Deficit Reduction Act, and that is a piece of legislation that is going to come before this body soon. The majority here in the House has worked diligently on the Deficit Reduction Act. Many of our colleagues across the aisle are fighting us tongue, tooth and toenail. Every time we turn around they are just fighting us every step of the way on this.

Mr. Speaker, I have to tell you, I think there is a reason for this. With over 40 years of Democrat control of this body, they have really built a monument to themselves; and that monument is a huge enormous bureaucracy. What it comes down to is that they would rather support bureaucrats in buildings and trust them to make decisions for the average American family and for taxpayers than to trust individuals and families to make those decisions. Their focus is putting the attention on preserving that bureaucracy and growing that bureaucracy.

As the gentleman from Texas has said, fiscal responsibility is what our work focuses on: How do we rein this government in? How do we slow the growth? How do we begin to work toward reducing spending, reducing the deficit and being certain that this Nation remains a free and productive Nation for our children and our grandchildren? That has brought us to working out the budget, the Deficit Reduction Act, that we are bringing forward this year.

My colleague from Texas mentioned a few things about waste, fraud and abuse; and we have put some attention on that this year here in the House. I want to highlight a couple of things. When we hear our colleagues from across the aisle say, well, there is nowhere to cut. We cannot find any savings. We cannot reduce these programs. My goodness, what would they do if we slowed their growth and did not let them have more money this year than they had last year?

Well, I just want to highlight a few things that when we talk about we have reduced the deficit by $50 billion, an additional, additional $50 billion this year. I want to highlight a few things where we have found waste, fraud and abuse. We have only done a drop in the bucket, and we have had to fight every step of the way to get this, but just listen to some of these things that we highlight that we know are there.

From 2003, the Federal Government cannot account for $24 and a half billion that it spent. We think that accountability is important. A White House review of just a sample of the Federal budget identified $90 billion spent on programs deemed ineffective, marginally adequate or operating under a flawed purpose or design. $90 billion. Well, already if we could get support for going after these dollars we would be well over $100 billion.

Housing and Urban Development, $3.3 billion in overpayments in 2001, which accounted for over 10 percent of the Department's total budget. Now many of us have supported across-the-board cuts, Mr. Speaker; and I was joined by the gentleman from Virginia (Mr. CANTOR) and the gentleman from Texas (Mr. HENSARLING) in filing bills that would call for either a 1 or 2 or 5 percent across-the-board reduction in spending.

Most folks would look at their budget and say, you know, I can find 1, 2, or 5 percent by just getting in here and cleaning up some of my operations. Well, HUD had overpayments that accounted for over 10 percent of their budget. If they just cleaned up their books and cut out the overpayments, there would be 10 percent right there.

Duplication. The gentleman from Texas mentioned duplication of programs, and there is a lot of that here. We know that when you have a big Federal program you have a bureaucracy, you have bureaucrats in these great big shiny buildings all around Washington, D.C., and all around our country that run the programs. We have on the books 342 different economic development programs, 130 programs serving the disabled, 130 programs serving at-risk youth, 90 early childhood development programs, 75 programs funding international education, cultural, and training exchange activities.

Mr. Speaker, we are simply saying, let us put the money in the programs where it is going to do good in local communities. Let us get rid of the bureaucracy. Let us streamline some of this. Let us get rid of redundancies and duplications and be certain that the money is going for what it is intended: helping individuals in the communities.

Washington spends $60 billion on corporate welfare every year versus $43 billion on homeland security. Priorities. They are important. Farm subsidies go to several Members of Congress and celebrity hobby farmers such as David Rockefeller, Ted Turner, Scottie Pippin, and former Enron CEO Ken Lay. Something to look at.

Medicare programs that pay eight times as much for the cost of drugs as other Federal agencies are paying for medical supplies. This needs to be dealt with.

Food stamp overpayments that are costing taxpayers $600 million annually, many of those payments going to individuals who are not in the country legally.

School lunch program abuse has been estimated by the GAO to be at $120 million annually.

Mr. Speaker, these are all examples of waste, fraud, and abuse that have been documented by the OMB, the CBO, and the GAO, agencies of the Federal Government. These are agencies that work with Congress to say go back and take a second look and look at how this money is being spent. Exercise your oversight. And that is what we are doing as we move forward on fiscal responsibility and accountability and as we bring forward the Deficit Reduction Act.

I thank the gentleman from Texas for allowing me to join him tonight. I thank him for his diligence and his leadership on this effort, the leadership that he gives to the Republican Study Committee and that he gives here to the entire body of the House.

With that, Mr. Speaker, I yield back to the gentleman.

Mr. HENSARLING. Mr. Speaker, I certainly thank the gentlewoman for her insight and leadership on this subject. Mr. Speaker, she brought up just a number of different examples illustrating the point that, again, there is so much waste and there is so much fraud and there is so much duplication and low-priority spending in this budget, yet Democrats do not want to work with us to try to reform this.

Mr. Speaker, we have 10,000 different Federal programs spread across over 600 different agencies, and we have many pressing needs, but we owe it to the American people to bring some accountability here.

Now, again, as my able colleague, the gentlewoman from Tennessee, talked about, we know what the Democrats will say about these different programs. Well, wait a second, that is really massive cuts in spending.

Mr. Speaker, as I said earlier, anybody in this body is entitled to their own opinions, but they are not entitled to their own facts. Let me talk a little about what the facts are, and then we will go back and talk about even more waste and fraud in this budget.

When they talk about massive cuts in the Federal budget, let us put this in perspective. If we are, among other things, besides trying to reduce the deficit, if we are trying to pay for the hurricane damage, so far that bill for the Federal Government has totaled about $62 billion. Yet the Federal budget over this same 5-year period is $13.9 trillion. Mr. Speaker, as I do my math, we are talking about less than half a cent, less than half a penny, and this is called some type of massive cut?

What it tells me is that, as we are trying to fight the deficit, all we hear about from the Democrats is tax relief, we hear about massive cuts, and yet we are talking about half a cent. If we cannot find a half a penny of savings on the dollar in a $13.9 trillion budget, well, we are just not looking.

Any small business in America, any family in America would laugh in our face if we told them, well, there is just no way that we can find a half a cent of savings on the dollar to protect your family budget. No, we are going to have to increase taxes, or maybe we will just pass debts on to your children. Mr. Speaker, that is just totally, totally unacceptable.

Mrs. BLACKBURN. If the gentleman will yield.

Mr. HENSARLING. Yes, I will be happy to yield to the gentlewoman.

Mrs. BLACKBURN. To the gentleman's point as he is talking about the budget and what we would do with making some adjustments within that budget, Medicaid is an issue that we addressed in the Energy and Commerce Committee last week and looked at some forms and some redesigning and revitalization of Medicaid, being certain that we preserve access to health care for Americans. In this process, we looked at the annual expected growth rate of Medicaid, which is 7.3 percent per year. And by looking at pharmaceuticals, making adjustments there, rooting out some waste and fraud and some abuse, closing some loopholes, addressing some inefficiencies, we were able to slow the growth from 7.3 percent to 7 percent growth per year.

But, in liberal lingo, the gentleman from Texas knows that that is described by our colleagues across the aisle as a cut, when all we have really done is to say, let us get the fiscal house in order and be certain that we are using the technologies and availing ourselves of the efficiencies available.

Mr. HENSARLING. Well, the gentlewoman is so right. It begs the question, Mr. Speaker, how much government is enough? As we can see from this chart, already Washington is now spending over $22,000 per American family; and this is one of the greatest levels in history.

For only the fourth time in American history has the Federal Government taken that much money away from American families to spend up here. And look at this growth curve. $22,000 per family for only the fourth time in American history. Again, how much government is enough?

And, as I stated earlier, just look at the last 10 years. Look at the growth of the family budget, which is here, the blue line, versus the growth of the Federal budget. The Federal budget in the last 10 years has grown a third faster and keeps on growing and growing. And as we will discuss later this evening, the trend line is only getting worse.

But here is a very, very important point to make with this chart, Mr. Speaker, and that is, again, as we talk about ways that we can find efficiencies in government, as we talk about ways that we can reduce the waste, where money is taken from hard-working families in America and wasted up here, here is something that every American ought to know in this debate. Even once we are successful in passing this Deficit Reduction Act and engaging in this process called reconciliation, which is a fancy Washington term that just means we are going to start reforming these out-of-control entitlement programs, guess what, Mr. Speaker? They are going to grow at 6.3 percent instead of 6.4 percent.

That is the massive cut that the Democrats talk about. It is not a cut. We are increasing this spending, but we are not increasing it as fast as it would be on mere automatic pilot. But somehow, in Washington lingo, as my colleague pointed out, somebody calls that a cut. Now, only a liberal in Washington or an Enron accountant can look at that chart and somehow call that a cut.

Again, Mr. Speaker, maybe people are entitled to their own opinions, but they are not entitled to their own facts.

□ 2245

Mr. Speaker, again let me go over even more examples that we will have about where we can find savings in this Federal budget. Because, again, Mr. Speaker, either we are going to find savings in the Federal budget or we are going to attack the family budget by raising taxes or we are going to pass debt on to our children. So it is incumbent upon us to find ways to reform government and to make it more accountable.

With that, I notice we have been joined by two of our colleagues. I am very happy that we have been joined by the gentleman from Virginia, the deputy majority whip, who has been a real leader in this House for trying to bring accountability into the Federal budget.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. CANTOR) for his comments on this subject.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for yielding to me.

And I also would like to join the gentlewoman from Tennessee in really saluting the gentleman from Texas and his commitment to being a prudent steward of the taxpayer dollar. I do not think there is anyone who serves in this House who has more of a commitment to the notion that the dollars that we spend and we raise here at the Federal level, the fact that they are not really dollars that belong to the government, they are dollars that belong to the people and the businesses that earn them. Again, as a watchdog of the Treasury, I do not think there is any other more adamant and loyal soldier than the gentleman from Texas; and I do congratulate him on that accomplishment and know that he will continue to serve in that capacity.

Mr. Speaker, I would like to also return and just set the record straight for some of the statements that were made in the prior hour regarding the war in Iraq. If I could just diverge a little bit from the topic at hand here regarding the Federal budget, because of the statements that were made: "We are helping cause the local insurgency in Iraq." The next quote was, "If you want to end terrorism, get out of Iraq. Go after Osama bin Laden."

As for the first, I am having a little difficulty following the logic of how the presence of American troops in Iraq would cause local insurgency. We all know, as we read the news reports every day, that there is a stream of outsiders coming in, joining with the Sunni insurgency in Iraq, and it has become ground zero for the terrorists who wish to do us harm in the United States, who wish to do Israel harm in the Middle East and, frankly, wish to do harm to anyone in the free world.

Mr. Speaker, I would say to the individuals in the prior hour that, make no mistake, Iraq, Afghanistan, other parts of the world where we see the operation of terrorist organizations and cooperation by local regimes, that dynamic, that formula is what continues to fuel the war that we are engaged in. It is directly the sponsorship of unfriendly regimes of these terrorist organizations that allow these organizations sanctuary in which to train, that allow these organizations resources on which to operate and, frankly, allow them to pull off the terrorist attacks that we have seen, frankly, for almost two decades, if not longer.

One of the gentlewomen who were involved in the discussion prior said that we, if we want to go after the terrorists, should go after the individuals that perpetrated the attacks on 9/11; and, of course, we are. First of all, we know that 19 of them perished in their mission and demonstrated that their hatred of us knows no bounds. They avenged that hatred, including taking their own lives.

So we are engaged in a war for the free world, and the sooner that all of us in this House recognize that and support this President and this administration in what we are trying to do, and that is to secure our homeland and to provide national security for Americans, the quicker it is that we will see victory.

The fact that we are being accused by some on the other side of the aisle for not having a strategy, nothing could be further from the truth. Our strategy has always been very straightforward:

One, counter the insurgency and assist the Iraqis in forming their own military police and military so that they can take care of themselves. That is ongoing. Reports show that over 85 battalions of Iraqis are engaging with our troops, embedded with our troops, and fighting with us alongside our brave men and women in this War on Terror.

Secondly, we are to identify the Islamic jihadists and allow our Special Forces to deal with them; and I know that all of us in this House know that that is being dealt with.

Thirdly, we are using the appeal of democracy to attract the Sunni minority into the government to allow them the freedoms, allow them protections that a minority enjoys in a democratic state. As we saw 1½ weeks ago, the ratification of that constitution guarantees those minorities their rights, and we will see in another couple of months the elections of the full and permanent parliament.

So, again, Mr. Speaker, to underscore my opposition to their statements and the fact that I differ strongly with the representations that were made.

Now, back to the subject that the gentleman from Texas and the gentlewoman from Tennessee were engaged in and the fact that I, too, join with them in calling on our colleagues on the other side of the aisle to lay down their partisanship, to join us, as 51 of their fellow party men joined the Republicans in 1997 in engaging in what was then the first Deficit Reduction Act under reconciliation since the Republicans took majority. I ask them to do that because it is imperative that we renew our commitment in this House to the hard-working American taxpayer and for what they do for their families every day. We owe it to these families to be good stewards of their money.

We all were elected here in our various districts by constituents and their needs. We certainly are here and are being judged each and every day by what we do and how we cast our votes. I know, Mr. Speaker, that I was elected by my constituents to take a good, long look at the way the government operates and to try to make the improvements to government and the structure so that it can be more efficient with the use of the taxpayer dollars; so that we can, as the gentleman and gentlewoman pointed out, root out the waste, fraud, and abuse that unfortunately has continued to grow as the bureaucracy expands.

Both the gentleman from Texas and the gentlewoman from Tennessee talked about the waste, fraud, and abuse in some of the entitlement programs that exist. Take, for instance, the Medicaid program. This is a program, as we know, that is a partnership between the Federal Government and the States. It is a program that offers to some in this country a very necessary support for the health care of those indigent citizens in our society. But if we look at the pattern of growth of this program, it is something that I think strays far from the original intentions of those in this body that created and passed the enabling statute. Over the past 5 years, this program has grown by 56 percent. Frankly, it is an unsustainable growth rate, given the increasing costs and escalating costs in health care.

So the reforms that we will have a chance to vote on next week, as the gentlewoman pointed out, under the Deficit Reduction Act, these reforms attempt to slow the growth and identify areas where waste, fraud, and abuse has been fueling that growth. And even after we enact the reforms under the Deficit Reduction Act, we will still see Medicaid with a 7 percent growth rate. So what we are doing is identifying savings.

How are we doing that? Well, first of all, we see the creation of health opportunity accounts. This will be a pilot program that will enable certain States to afford Medicaid beneficiaries the opportunity to set up essentially a health savings account. And we know that we provided that ability for anyone in the Medicare bill as well a few years back. We created the opportunity for individuals to purchase high-deductible catastrophic health care plans so that we could lower the cost of health care for American families and also emphasize the family's role in deciding the destiny, if you will, of their health care provision and to emphasize the role of that family in making choices as far as health care is concerned. We are going to afford the same opportunity to beneficiaries under the Medicare program as well.

Additionally, once we pass the Deficit Reduction Act, we are going to able to root out the asset transfer fraud that is going on with many in this country, which essentially allows those who could otherwise afford to pay for their health care services to become wards of the State. Again, this is far from the original intention of those who enacted this program of Medicaid. Medicaid is for the truly indigent, for truly those who cannot help themselves and are in need of health care.

We also provide for, in the Deficit Reduction Act, the cessation of States somehow going about double dipping, if you will, in order to gain more access to Federal moneys. We want to cut that out as well because, again, this goes against the original intention of what this program was supposed to do.

And the list goes on. Areas such as student loans, we wanted to make sure that we have an adequate supply or availability of financial aid as we see enrollment continuing to grow in our colleges and universities, as we see increasing tuition costs in our colleges and universities. And that is exactly what this bill does assure as well, that the financial aid will continue to be there. But, as it increases, we also increase the loan limit amount but also reduce the fees that our students will pay. Again, it is very important to afford access to our students to our education system in this country but at the same time make sure that the Federal dollars are used in the most appropriate and efficient manner.

Mrs. BLACKBURN. Mr. Speaker, will the gentleman yield?

Mr. HENSARLING. I yield to the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Speaker, I want to ask the gentleman to go back to one point on Medicaid. I think it is so important, and many of our constituents and many members of this House, I think, would be interested in it. I would love for him to talk one more time briefly about the health opportunity accounts, because this is something that will give individuals ownership over the decisions that they make and have to make in their health care choices.

Mr. CANTOR. Mr. Speaker, I could not agree with the gentlewoman more. Because there is one thing that I really have an aversion to, and that is somehow Washington knows best, that somehow we are going to provide a one-size-fits-all blanket solution to health care. And she is right, these health opportunity accounts get away from that. They allow individuals to determine the fate of their health care and how that will be provided, and that is exactly what these health opportunity accounts do.

Mrs. BLACKBURN. Mr. Speaker, if the gentleman will yield, I think this is something that is so very important because what it says is every individual has the right to go in there and have that ability to make decisions, establish that relationship with that physician; and if they take responsibility and if they take ownership, then here is a great way that they can do it.

In addition, we are going to see the flexibility that many of the governors have said we need, flexibility in order to be certain that health care remains viable and accessible for all of our citizens.

Mr. CANTOR. Mr. Speaker, the other gentleman from Texas I believe also has been a champion for the restoration of fiscal sanity here in Washington because we owe it to those American taxpayers.

Mr. CONAWAY. Mr. Speaker, will the gentleman yield?

Mr. HENSARLING. I yield to the gentleman from Texas.

☐ 2300

Mr. CONAWAY. Mr. Speaker, I thank the gentleman from Virginia and also the gentleman from Texas for having hosting this special hour.

I would like to make a couple of points of a general nature and talk about some specific things. I am a CPA. I have spent 30-plus years in business watching what happens when tax rates go up and businesses have to deal with increased taxes. I have also helped businesses as their tax bills go down and what they do with that money. They put that money back into their business, they reinvest it in equipment, they hire people. They do things that create jobs for this economy.

We have got a growing economy. One of the things that got lost in some of the noise up here is that in January of this past year, the CBO estimated the tax collections for the Federal Government to be $2.057 trillion.

The other side makes an awful lot of talk about raising taxes, that we need to raise taxes. Well, I would submit that this Republican-led House has raised taxes the correct way. We have raised taxes because we have got more people working in America than have ever worked before. We have got more people paying taxes than ever before. As a result of that, the numbers that came in for out of the CBO for the fiscal year ended September 30, 2005, was in fact $2.154 trillion, or some $97 billion more than we thought we were going to have.

We kind of got lost in our Katrina efforts of $60-plus billion, which were unexpected expenses. What we probably should have done is looked at those unexpected revenues and said that is a good place to pay for those Katrina expenses. We reduced the deficit by some 23 percent.

So we have a growing economy, and that growing economy is important to the continuing fiscal responsibility of this House.

Cutting spending is difficult to do. Family budgets cannot run on a deficit very long. Businesses cannot run at a deficit very long. About the only entity in the world that can run on a deficit for any length of time is the Federal Government. Simply because the Federal Government can do it certainly is no reason why the Federal Government should do it.

Let me put it in perspective. The budget that we passed in April and we are chewing on right now called for us to spend some $2.56 trillion. Now, under any circumstance, that is a lot of money. It is just a lot of money. But it really does not mean much to us in those terms. Let me give you a term that kind of helps put it in perspective.

In the fiscal year we are in right now, which started October 1, 2005, this government will spend $81.177 every second. I am going to wait about 4 seconds here and well run up about $320,000. A lot of that money is spent correctly, but much of it is spent in ways that we probably ought to leave that money with our taxpayers.

My colleague from Texas said earlier, every single dollar that the Federal Government collects came out of somebody's earnings, some business' earnings. We have got people all over this country that go to work every day to try to make money, they try to figure out a way the services they can provide to an employer or some product they can build and sell for a profit, use their ingenuity, use their sweat equity, use the hard work to make that money, and the Federal Government comes in and takes a slice of that to help run this Federal Government. That is just the scheme we have in place.

But do not lose sight of the fact it is taken away from those taxpayers really at the point of a gun, because we require that they collect those taxes from you.

The other side always makes a lot about tax cuts and quote-unquote paying for those tax cuts. Money that is collected in the general revenue, general income taxes, goes into one large bucket. Let us put a disconnect, as we should, between the way we collect the money and the way that money is spent.

So when the other side talks about this reduction in spending as a result of this tax cut, that is really illogical in the sense you really cannot connect those dollars. We do not put in an increase in capital gains to pay for some extra program. We do not do it that way. So let us make sure we disconnect the tax connection scheme from the way the money is being used.

Finally, let me give you one quick anecdote and help put some perspective on this. I helped raise money in West Texas through the United Way for a number of years, and generally every year we were blessed with the philanthropy of that community giving more money to the United Way and its agencies each year than it did the previous year.

Well, we went through a string of about 15 years where we raised more money than we did the year before, all the agencies got a little more money. But we had a catastrophic year, it happened about the time that the price of oil went to eight bucks a barrel back in 98–99, and we actually raised less money.

So all of the agencies that were dependent on those United Way collections actually got a real cut; not a reduction in the growth, but a real cut in their spending. So they had to go back and look at everything they did. They had to go back and make hard choices between what were programs that they decided they had to set a priority on. They had to force themselves through a catharsis of having to readjust how they spent money.

Today, every single one of those agencies is still around, they are still after their core mission, they are still doing the great work they have done, but they are better at it as a result of having gone through the tough times.

So when people talk about reducing the amount of funds available to an agency, what we are really talking about is asking that agency to figure out a way to do your mission better and more effectively.

So, the gentleman from Texas is great to have hosted this hour. We have chewed up an awful lot of it. I suspect the gentleman has a lot of things you want to say.

Mr. HENSARLING. Mr. Speaker, reclaiming my time, I certainly thank the gentleman for joining us this evening. Would it not be wonderful if they had a few accountants on the other side of the aisle who could actually let them know how you are supposed to count numbers?

The gentleman from Texas, my home State, made some excellent points. We have gone over a number of the different wastes that we find in the Federal budget. But, again, as we face our challenges, as we face trying to bring this Federal deficit down, and we are making progress, we are making huge progress under this Republican administration and this Republican Congress, but we still have a ways to go.

If we are going to bring the deficit down, if we are going to find the funds to help offset this hurricane relief, the money is only going to come from one of three places. The Democrats do not want to tell you, but they want to raise taxes. There are food stamp overpayments that cost $600 million annually, yet the Democrats want to raise taxes on American families. The school program abuse is costing over $120 million annually, yet Democrats want to raise taxes on American families. Veteran program overpayments cost $800 million annually, yet Democrats wants to raise taxes on American families. And the list goes on and on and on.

Mr. Speaker, let us take a look at tax relief, because all we hear from our colleagues on the other side of the aisle is that if we would only raise taxes on the American people, we could be fiscally responsible. Let us take a look at what tax relief is all about.

Number one, when you look at the amount of tax relief that we have passed in the Federal budget, let us assume for a second that all tax relief, as the Democrats would lead you to believe, is somehow wasted money. They do not realize it is not their money. It is money that belongs to American families, it is money that belongs to small businesses, people who go out and work hard and create jobs. Number one, it is not their money, it is the people's money, and we will never forget that.

But let us assume for a fact that somehow we wasted money by allowing American families to keep more of it.

Mr. Speaker, in a $13.9 trillion budget, tax relief is less than 1 percent of that budget. So when we talk about what is necessary to bring down the Federal deficit, again, over 99 percent of the challenge lies on the spending side. But the truth is, Mr. Speaker, letting American families and small businesses keep more of what they earn is not part of the deficit problem, it is part of the deficit solution.

Again, any Member is entitled to their own opinion, but they are not entitled to their own facts. I have in my hand here the latest report from the U.S. Treasury talking about tax revenues. And what do we discover? Well, we discover that since we passed tax relief for the American people as part of an economic growth program, well, guess what?

Mr. Speaker, corporate income taxes are up 47 percent. Individual income taxes are up almost 15 percent. Total receipts are up almost $300 billion. Again, this is not my opinion, these are the facts.

Look at this chart, Mr. Speaker. Look what has happened since we passed tax relief for the American people. Every year we see tax revenue going up.

So in many respects, again, it is a bit of a tax increase, but it is the right tax increase. It results from economic growth. And what has happened is not only, not only, Mr. Speaker, have we managed to bring in more revenues to the government and bring the deficit down, the deficit has now declined $319 billion.

□ 2310

The deficit has now declined $319 billion, because we have more revenues. The deficit is coming down. But, not only that, 4 million new jobs have been created: 4 million new jobs. We are enjoying the highest rate of homeownership that we have ever enjoyed in the entire history of the United States of America, all due to tax relief. Yet, Democrats want to raise taxes on the American people. They are trying to raise them right now.

Mr. Speaker, that is just not right. They want to take the child tax credit away. They want to bring back the death tax. They want to take away accelerated depreciation for small businesses. They want to bring back the marriage penalty. All of this they are actively trying to do, trying to increase taxes on the American people to pay for all of this waste and all of this duplication that you have heard cited this evening.

But, Mr. Speaker, again, we cannot have tax increases. That is the wrong prescription for the economy.

Now, some people may say, well, it does not quite make sense. How do you cut tax rates and get more tax revenue? And how does this work into this whole debate about what is compassionate and what is not compassionate?

Well, Mr. Speaker, it was a number of months ago, but I went to go visit a small business in my congressional district back in Texas. I went to a small business that is called Jacksonville Industries in Jacksonville, Texas. They are a zinc and a dye-casting business and, due to competitive pressures, they were on the verge of having to lay off 2 people, 2 out of about 20, I believe, so that would have been 10 percent of their work force. That would have been pretty sizable. But due to our tax relief, they were able to go out and buy a new piece of modern equipment that helped make them more efficient. Now, I could not tell you exactly what it did, but I saw it, it was big, it was noisy, it was large. But most importantly, Mr. Speaker, it made them more efficient. Instead of having to lay off 2 people, they were able to hire 3 new people. Now, think about that, Mr. Speaker. That is 5 people. Five people that could have been on unemployment, 5 people that could have been on welfare, 5 people that could have been on food stamps.

Now, that is how the Democrats measure compassion. They only know one way to measure compassion, and that is how many welfare checks do you write. We believe that compassion is measured by how many paychecks you write. So instead of having 5 people over here on welfare and unemployment and food stamps, there were 5 people that, due to tax relief, had good jobs. They were able to put a roof over their heads. They were able to put food on their tables. They were able to help provide education and transportation for their children.

Again, compassion is not measured by how many welfare checks are written, it is measured by how many paychecks that are written.

So, Mr. Speaker, we need to remember, as we are debating fiscal responsibility in the people's House, we need to think in terms of it is not a question of how much are we going to spend on education, how much are we going to spend on nutrition and how much are we going to spend on housing, but it is a question about who is going to do the spending. Democrats can only measure compassion by spending done by the Federal Government. And what we end up with, again, is all this waste, all this fraud, all this abuse, all this duplication. We want families to do the spending, and we know the difference between the 2. So tax relief is all about helping families, it is helping small businesses. So as we debate fiscal responsibility and how to bring down the deficit, we must recall that tax relief is part of the solution, it is not part of the problem.

Mr. Speaker, it is so important that we begin the work of reforming these different programs, because if we do not, the fiscal future of America, frankly, is very, very worrisome.

Right now, if you look at any of the different offices in Washington that are charged with accounting, the General Accountability Office, the House Budget Committee, the Congressional Budget Office, they will all tell you essentially the same thing, that we have spending patterns in the government today where we are going to have to double taxes on the American people in one generation just to balance the budget. You got medicare growing at 9 percent a year, medicaid at 7.8, Social Security, 5.5.

These are important programs and they need to be preserved, but they have to be reformed, because they were instituted many, many years ago, many decades ago in a different era. They were not built in the 21st century, they are not meeting the demands of the 21st century, and they will not be here for our children, unless we reform them.

So as the Democrats attack tax relief and as they claim that there are somehow massive budget cuts going on, remember what their alternative is. Their alternative is going to be to double taxes on our children. I believe, Mr. Speaker, that that is simply, simply unconscionable. It is unconscionable, and a future that we must avoid.

Mr. Speaker, this kind of graphically represents that future. Today, government is taking up roughly 20 percent of our economy, roughly 20 percent of what we produce. Look what is going to happen in one generation. If we do not do anything to reform this out-of-control entitlement spending, if we do not start on the deficit reduction today, you are going to see government double, absolutely double in one generation.

These are the tax increases that are going to be needed to pay for that, something that we never see the Democrats talk about, but it is their plan, because they say, well, we are going to balance the budget. That is what they tell us. They say, we are going to be fiscally responsible. Yet, they will not reform any single government program. They will not reform any of them. So what is left? Doubling taxes on the American people in one generation.

Now, Mr. Speaker, I became a father 3½ years ago, and I am very blessed that my wife and I have 2 small children, a 3½ year old daughter and a 2 year old son. They have changed my life in so many wonderful ways. I can tell you, Mr. Speaker, I spend a whole lot of time now thinking about the next generation. Too many people here, though, are thinking about the next election. I do not want to leave my children this legacy of tax increases. I do not want to leave my children a legacy of debt. I want to leave my children and the children of America a legacy of more hope and more jobs and more opportunity and more freedom. That is what we are working on here. We have got to protect the family budget from the Federal budget, but we have to start today with this Deficit Reduction Act.

Mr. Speaker, I hope that we can come together. I hope we can work together as Republicans and Democrats and Independents and do something about this, because there is too much waste, there is too much fraud, there is too much abuse, there is too much duplication. The future can be brighter. It can be brighter for my children and your children and all children if we will only start today to save the family budget from the Federal budget by working on this Deficit Reduction Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MENENDEZ (at the request of Ms. PELOSI) for today after 4:00 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. FORBES, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, November 3.

Mr. FRANKS of Arizona, for 5 minutes, November 3.

Mr. WESTMORELAND, for 5 minutes, November 3.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 56. Concurrent resolution expressing appreciation for the contribution of Chinese art and culture and recognizing the Festival of China at the Kennedy Center; to the Committee on International Relations.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2967. An act to designate the Federal building at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building."

ADJOURNMENT

Mr. HENSARLING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Thursday, November 3, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4890. A letter from the Chief, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Guaranteed Farm Ownership and Operating Loan Requirements (RIN: 0560-AG65) received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4891. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Modifying Procedures and Establishing Regulations To Limit Shipments of Small Sizes of Red Seedless Grapefruit [Docket No. FV05-905-2 IFR] received September 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4892. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling; Nutrient Content Claims, Definition of Sodium Levels for the Term "Healthy" [Docket Nos. 1991N-0384H and 1996P-0500] (formerly 91N-384Hand 96P-0500) (RIN: 910-AC49) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4893. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Quality Control of Aviation Critical Safety Items and Related Services [DFARS Case 2003-D101] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4894. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Michael A. Hough, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4895. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Martin E. Dempsey, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

4896. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Lowell E. Jacoby, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

4897. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting a cost estimate of a Future Combat Systems (FCS) by the Cost Analysis Improvement Group (CAIG); to the Committee on Armed Services.

4898. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4899. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7885] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4900. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7575] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4901. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4902. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7883] received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4903. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4904. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4905. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4906. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Project-Based Voucher Program [Docket No. FR-4636-F-02]

(RIN: 2577-AC25) received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4907. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Technical Corrections — received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4908. A letter from the Acting Division Chief, WCB, Federal Communications Commission, transmitting the Commission's final rule — Communications Assistance for Law Enforcement Act and Broadband Access and Services [ET Docket No. 04-295; RM-10865] received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4909. A letter from the Legal Advsior to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Laredo, Texas) [MB Docket No. 03-156; RM-10721] received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4910. A letter from the Legal Advsior to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Hutchinson and Haven, Kansas) [MB Docket No. 04-376; RM-11039] received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4911. A letter from the Legal Advsior to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Rule, Texas) [MM Docket No. 01-219; RM-10238] received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4912. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4913. A letter from the Chairman and Co-Chairman, Congressional Executive Commission on China, transmitting the Commission's annual report for 2005, pursuant to Public Law 106-286; to the Committee on International Relations.

4914. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and equipment to the Government of Canada and the Government of Australia (Transmittal No. DDTC 041-05); to the Committee on International Relations.

4915. A letter from the Chief Human Capital Officer/Director, HCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4916. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4917. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4918. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4919. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Audit of Advisory Neighborhood Commission 3F for Fiscal Years 2003 Through 2005, as of March 31, 2005"; to the Committee on Government Reform.

4920. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Certification of the Sufficiency of the Washington Convention Center Authority's Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2006"; to the Committee on Government Reform.

4921. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Audit of Advisory Neighborhood Commission 5A for Fiscal Years 2003 Through 2005, as of March 31, 2005"; to the Committee on Government Reform.

4922. A letter from the Director, Federal Voting Assistance Program, Department of Defense, transmitting legislative proposals to simplify and streamline the absentee registration and voting process used by Uniformed Services members, overseas citizens, and their voting-age family members; to the Committee on House Administration.

4923. A letter from the Chairman, Flight 93 Advisory Commission, transmitting the Flight 93 National Memorial International Design Competition Summary Report, pursuant to Public Law 107-226 section 4(i)(1) (116 Stat. 1346); to the Committee on Resources.

4924. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Groundfish of the Bering Sea and Aleutian Islands Area [Docket No. 021212307-3037-02; I.D. 120303A] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4925. A letter from the Director, Regulatory Management Division, USCIS, Department of Homeland Security, transmitting the Department's final rule — Adjustment of the Appeal and Motion Fees To Recover Full Costs [CIS No. 2245-02 and Docket No. DHS-2004-0021] (RIN: 1615-AA88) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4926. A letter from the Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2005, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

4927. A letter from the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the response to the emergency declared as a result the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005 in the State of Arkansas, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

4928. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — HUBZone, Government Contracting, 8(a) Business Development and Small Business Size Standard Programs (RIN: 3245-AF31) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

4929. A letter from the Secretary, Department of Health and Human Services, transmitting a draft bill entitled, "New Freedom Initiative Medicaid Demonstrations Act of 2005"; jointly to the Committees on Energy and Commerce and Ways and Means.

4930. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2006-1, waiving and certifying the statutory provisions regarding the Palestine Liberation Organization (PLO) Office; jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEWIS of California: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2006. (Rept. 109-264). Referred to the Committee of the Whole House on the State of the Union.

Mr. KOLBE: Committee on Conference. Conference report on H.R. 3057. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–265). Ordered to be printed.

Mr. GINGREY: Committee on Rules. House Resolution 527. Resolution providing for consideration of the bill (H.R. 4128) to protect private property rights (Rept. 109-266). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BAIRD:

H.R. 4196. A bill to establish a National Foreign Language Coordination Council; to the Committee on Education and the Workforce.

By Mr. WATT (for himself, Mr. CONYERS, Mr. RANGEL, Mr. OWENS, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. JEFFERSON, Ms. NORTON, Ms. WATERS, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. CLYBURN, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Mr. SCOTT of Virginia, Mr. WYNN, Mr. THOMPSON of Mississippi, Mr. FATTAH, Ms. JACKSON-LEE of Texas, Mr. JACKSON of Illinois, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Ms. CARSON, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. FORD, Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, Ms. LEE, Mrs. JONES of Ohio, Mr. CLAY, Ms. WATSON, Mr. DAVIS of Alabama, Mr. MEEK of Florida, Mr. SCOTT of Georgia, Mr. BUTTERFIELD, Ms. MCKINNEY, Mr. CLEAVER, Mr. AL GREEN of Texas, and Ms. MOORE of Wisconsin):

H.R. 4197. A bill to provide for the recovery, reclamation, restoration and reconstruction of lives and communities and for the reunion of families devastated by Hurricane Katrina and to address the issues of poverty exposed by Hurricane Katrina; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, Financial Services, Energy and Commerce, Transportation and Infrastructure, Education and the Workforce, Small Business, Government Reform, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 4198. A bill to amend the Safe Drinking Water Act with respect to developing additional methods for assessing the health effects of drinking water contaminants on infants, children, women, and pregnant women, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOEHLERT:

H.R. 4199. A bill to amend the Internal Revenue Code of 1986 to extend the environmental tax on corporate income; to the Committee on Ways and Means.

By Mr. WALDEN of Oregon (for himself, Mr. Baird, Mr. Gilchrest, Ms. Herseth, Mr. Flake, Mr. Thompson of Mississippi, Mr. Peterson of Pennsylvania, Mr. Boyd, Mr. Pickering, Mr. Oberstar, Mr. Shadegg, Mr. Berry, Mr. Wicker, Mr. Lewis of California, Mr. Ross, Mr. Hastings of Washington, Mr. Peterson of Minnesota, Mr. Goodlatte, Mr. Terry, Mr. Pombo, Mr. Jindal, Mrs. Drake, Mr. Otter, Mr. Norwood, Mr. Duncan, Mr. Rehberg, Mr. Hayworth, Mr. Rogers of Michigan, Mr. Pearce, Mr. Gibbons, Mr. Deal of Georgia, Mrs. Cubin, Mr. Cannon, Mr. Brown of South Carolina, Miss McMorris, Mr. Taylor of North Carolina, Mr. Radanovich, Mr. Simpson, Mr. Renzi, Mr. Young of Alaska, Mr. McCrery, Mr. Gohmert, Mr. Hayes, Mr. Herger, Mr. Hefley, Mr. Doolittle, Mr. Bonner, Mr. Tancredo, Mr. Boehner, Mr. Brady of Texas, Mr. Bishop of Utah, Ms. Foxx, Mr. Issa, Mr. Hunter, Mr. McKeon, Mr. Burgess, Mr. Calvert, Mr. Alexander, Mr. Cole of Oklahoma, Mr. Bartlett of Maryland, Mr. Goode, Mr. Gutknecht, Mr. Sherwood, Mr. Hoekstra, Mrs. Blackburn, Mr. Wilson of South Carolina, Mr. Rohrabacher, Mr. Knollenberg, Mr. Nunes, Mr. Sessions, Mr. Gingrey, Mr. Barton of Texas, Ms. Granger, Mr. Reynolds, Mr. Tiahrt, Mr. Blunt, Mr. Kingston, Mr. Cantor, Mr. Beauprez, Mr. Whitfield, Mr. Everett, Mr. Platts, Mr. Boozman, Mrs. Musgrave, Mr. Souder, Mr. Saxton, Mr. Putnam, Mr. Linder, Mr. English of Pennsylvania, Mr. Thomas, Mr. Culberson, Mr. Bass, Mr. Jones of North Carolina, Mr. Rogers of Kentucky, Mr. Barrett of South Carolina, Mr. Davis of Kentucky, Mr. Wamp, Mr. Lewis of Kentucky, and Mr. Daniel E. Lungren of California):

H.R. 4200. A bill to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes; to the Committee on Resources, and in addition to the Committees on Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAPUANO (for himself, Mr. Van Hollen, Mr. Frank of Massachusetts, Mr. Lantos, Mr. Ruppersberger, Mr. Sanders, Mr. Farr, Mr. Brady of Pennsylvania, Mr. Moran of Virginia, Mr. McGovern, Mr. Nadler, and Mr. Towns):

H.R. 4201. A bill to amend title 5, United States Code, to increase the amount of additional compensation payable to an employee who is disabled and requires the services of an attendant, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Mr. Scott of Virginia, Mr. Rangel, and Ms. Jackson-Lee of Texas):

H.R. 4202. A bill to encourage successful reentry of incarcerated persons into the community after release, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Energy and Commerce, Ways and Means, Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO:

H.R. 4203. A bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to rebate the tax collected back to the American consumer, and for other purposes; to the Committee on Ways and Means.

By Mr. DOOLITTLE:

H.R. 4204. A bill to direct the Secretary of the Interior to transfer ownership of the American River Pump Station Project, and for other purposes; to the Committee on Resources.

By Mr. FORD:

H.R. 4205. A bill to provide incentives to encourage private sector efforts to reduce earthquake losses, to establish a national disaster mitigation program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Science, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTUÑO:

H.R. 4206. A bill to amend section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to permit Puerto Rico to qualify for Federal reimbursement of emergency health services furnished to undocumented aliens; to the Committee on Energy and Commerce.

By Mr. FORTUÑO (for himself and Mr. McCrery):

H.R. 4207. A bill to amend title XVIII of the Social Security Act to provide for equity in the calculation of Medicare disproportionate share hospital payments for hospitals in Puerto Rico; to the Committee on Ways and Means.

By Mr. GERLACH:

H.R. 4208. A bill to amend title 35, United States Code, to promote research among universities, the public sector, and private enterprise in the informatics realm; to the Committee on the Judiciary.

By Ms. MCKINNEY:

H.R. 4209. A bill to temporarily deny Federal assistance to the City of Gretna Police Department, the Jefferson Parish Sheriff's Office, and the Crescent City Connection Division Police Department in the State of Louisiana for their maltreatment of individuals seeking aid during the Hurricane Katrina crisis, and for other purposes; to the Committee on the Judiciary.

By Ms. MCKINNEY:

H.R. 4210. A bill to provide for the expeditious disclosure of records relevant to the life and death of Tupac Amaru Shakur; to the Committee on Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEK of Florida:

H.R. 4211. A bill to expand certain preferential trade treatment for Haiti; to the Committee on Ways and Means.

By Mr. PALLONE (for himself and Mr. Ramstad):

H.R. 4212. A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself, Mr. Rangel, Mr. Conyers, Mr. Thompson of Mississippi, Mr. Jefferson, Mr. Paul, Ms. Jackson-Lee of Texas, Ms. Lee, Ms. Eddie Bernice Johnson of Texas, Mr. Al Green of Texas, and Mr. Hastings of Florida):

H.R. 4213. A bill to suspend temporarily the application of laws which would deny certain federal benefits, entitlements, and grants to victims of Hurricane Katrina or Hurricane Rita due to convictions for certain drug crimes; to the Committee on Financial Services, and in addition to the Committees on Ways and Means, Education and the Workforce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS (for himself, Mr. Wilson of South Carolina, and Mrs. Blackburn):

H.R. 4214. A bill to provide for certain cost cutting measures for Amtrak; to the Committee on Transportation and Infrastructure.

By Mr. STRICKLAND (for himself, Mr. Stupak, Mr. Ford, and Mr. Davis of Tennessee):

H.R. 4215. A bill to amend the matching grant program for bulletproof armor vests to eliminate the matching requirement for certain officers; to the Committee on the Judiciary.

By Mr. WU:

H.R. 4216. A bill to improve the accountability provisions of the part A of title I of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CASTLE (for himself, Ms. Woolsey, Mr. Boehner, Mr. George Miller of California, Mr. Norwood, Mr. Kildee, Mrs. Biggert, Mr. Owens, Mr. Fortuño, Mr. Payne, Mr. Boustany, Mr. Hinojosa, Mrs. Johnson of Connecticut, Mrs. McCarthy, Ms. Ros-Lehtinen, Mr. Kucinich, Mr. Ramstad, Mr. Holt, Mr. Bass, Ms. McCollum of Minnesota, Mr. English of Pennsylvania, Mr. Grijalva, Mr. LoBiondo, Mr. Van Hollen, Mr. Fossella, Mr. Moore of Kansas, Mr. Sessions, Ms. Millender-McDonald, Mr. Shimkus, Mr. Filner, Mr. Reynolds, and Ms. Slaughter):

H. Con. Res. 288. Concurrent resolution recognizing the 30th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 and reaffirming support for the Individuals with Disabilities Education Act so that all children with disabilities have access to a free appropriate public education in the least restrictive environment; to the Committee on Education and the Workforce.

By Mr. INSLEE (for himself and Mr. Shays):

H. Con. Res. 289. Concurrent resolution supporting the goal and mission of America Recycles Day; to the Committee on Government Reform.

By Mr. CANNON (for himself, Mr. Bishop of Utah, and Mr. Matheson):

H. Res. 528. A resolution requesting the President to designate the Thursday before Thanksgiving Day as "Feed America Thursday"; to the Committee on Agriculture.

By Mr. GALLEGLY (for himself, Mr. Radanovich, and Mr. Visclosky):

H. Res. 529. A resolution recommending the integration of the Republic of Croatia into the North Atlantic Treaty Organization; to the Committee on International Relations.

By Ms. WATERS:

H. Res. 530. A resolution expressing the sense of the House of Representatives condemning the actions of the Gretna Police Department, the Jefferson Parish Sheriff's Department and all officers under their command who closed to foot traffic the Greater New Orleans Bridge in the aftermath of Hurricane Katrina and prevented hundreds of citizens from evacuating the City of New Orleans, and recognizing that at all times and especially during a time of national crisis, that all citizens should be treated in a lawful manner and with dignity and respect; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. Cantor.

H.R. 147: Ms. Pryce of Ohio and Mrs. Schmidt.

H.R. 224: Mr. Thompson of Mississippi, Mr. Davis of Tennessee, and Mrs. Jones of Ohio.

H.R. 365: Mr. English of Pennsylvania.

H.R. 487: Mr. Schiff.

H.R. 500: Mr. Gilchrest and Mr. Miller of Florida.

H.R. 690: Mr. Hoyer.

H.R. 857: Mr. Filner.

H.R. 874: Mr. Ryun of Kansas and Mr. Bonner.

H.R. 949: Ms. Carson, Mr. Holden, and Ms. Solis.

H.R. 972: Mr. Van Hollen.

H.R. 1105: Mr. Abercrombie and Mr. Doyle.

H.R. 1125: Mrs. Lowey.

H.R. 1259: Mr. Issa, Mr. Davis of Kentucky, Mr. Baird, and Mrs. Jo Ann Davis of Virginia.

H.R. 1281: Mr. Sanders.

H.R. 1337: Mr. Burton of Indiana and Mrs. Capito.

H.R. 1351: Mr. Kennedy of Minnesota.

H.R. 1390: Mr. Stupak and Mr. Doggett.

H.R. 1402: Ms. Bean and Ms. Ros-Lehtinen.

H.R. 1471: Mr. Weller.

H.R. 1545: Mr. Cole of Oklahoma.

H.R. 1577: Mr. Costa.

H.R. 1588: Mr. Oberstar.

H.R. 1591: Mr. Langevin.

H.R. 1592: Mr. Langevin.

H.R. 1595: Mrs. Blackburn, Mr. Gallegly, and Mr. Melancon.

H.R. 1667: Mrs. Maloney.

H.R. 1704: Ms. Moore of Wisconsin and Mr. Peterson of Minnesota.

H.R. 1849: Ms. Carson.

H.R. 1951: Mr. Platts.

H.R. 1994: Ms. Kaptur.

H.R. 2012: Mr. Ryun of Kansas.

H.R. 2045: Mr. Petri and Mr. Sodrel.

H.R. 2048: Mr. Conaway, Mr. Gene Green of Texas, Ms. Schakowsky, Mr. Boozman, and Mr. Gingrey.

H.R. 2134: Mr. McNulty, Ms. Wasserman Schultz, Mr. Rothman, Mr. Walsh, and Mr. Moore of Kansas.

H.R. 2217: Mr. Payne.

H.R. 2238: Mr. Gilchrest and Mr. Barrow.

H.R. 2292: Mr. Rahall.

H.R. 2328: Mr. Tiberi.

H.R. 2357: Mr. Doyle.

H.R. 2554: Mr. Owens, Mr. Grijalva, Mr. Wynn, Ms. Corrine Brown of Florida, Mr. Davis of Alabama, Mr. Faleomavaega, and Ms. Kilpatrick of Michigan.

H.R. 2669: Mr. Neal of Massachusetts and Mr. Ackerman.

H.R. 2671: Mr. Allen, Mr. Boozman, Mr. Owens, Mr. Abercrombie, and Mr. Fitzpatrick of Pennsylvania.

H.R. 2682: Mr. McIntyre and Mrs. Maloney.

H.R. 2793: Ms. Herseth, Mr. Conaway, and Mr. Ehlers.

H.R. 2803: Mr. Boyd and Mr. Butterfield.

H.R. 2830: Mr. Gerlach.

H.R. 2892: Mr. Capuano.

H.R. 2932: Mr. Tanner and Mr. Davis of Tennessee.

H.R. 2943: Mr. Ramstad.

H.R. 3074: Mr. Price of Georgia.

H.R. 3151: Mr. McDermott.

H.R. 3334: Mr. Crowley, Mr. Payne, and Mr. Barrow.

H.R. 3352: Mr. Marshall.

H.R. 3361: Mr. Fitzpatrick of Pennsylvania.

H.R. 3401: Mr. Barrett of South Carolina.

H.R. 3436: Mr. McHenry.

H.R. 3442: Ms. Woolsey.

H.R. 3476: Mr. Jindal.

H.R. 3478: Mr. Sanders, Mr. Wilson of South Carolina, Mr. Lynch, Mr. Bishop of Georgia, Mr. Rogers of Alabama, Mr. Reyes, Mr. Kuhl of New York, Mr. Ford, and Mr. Taylor of Mississippi.

H.R. 3505: Ms. Harris.

H.R. 3561: Ms. Woolsey and Mr. Barrow.

H.R. 3579: Mr. Snyder and Mr. Platts.

H.R. 3607: Mr. McNulty.

H.R. 3628: Mr. Barrow.

H.R. 3630: Mr. Gilchrest and Mr. Simpson.

H.R. 3639: Mr. Kline.

H.R. 3640: Mr. Waxman, Mr. Honda, Ms. Solis, Mrs. Christensen, and Ms. Schakowsky.

H.R. 3644: Mr. Davis of Kentucky and Mr. Boehlert.

H.R. 3661: Mr. Carter and Mr. Hall.

H.R. 3781: Mr. McDermott.

H.R. 3858: Mrs. Napolitano, Mr. Menendez, and Mr. Andrews.

H.R. 3889: Mr. Tom Davis of Virginia and Mr. Ney.

H.R. 3949: Mr. Ford, Mr. Bishop of Georgia, Mr. Pallone, Mr. Reyes, Mr. Brady of Pennsylvania, Mr. Alexander, Mr. Kucinich, Mr. Rehberg, and Mr. Boehlert.

H.R. 3964: Mr. Grijalva and Ms. Baldwin.

H.R. 3969: Mr. Conaway, Mr. Rehberg, and Mr. Kuhl of New York.

H.R. 3975: Mr. Miller of Florida and Mr. Tiahrt.

H.R. 3985: Mr. Schiff and Mr. Bishop of Georgia.

H.R. 4008: Ms. DeGette.

H.R. 4015: Mr. Scott of Georgia.

H.R. 4025: Mrs. Napolitano, Mr. Costello, Mr. Davis of Tennessee, and Mr. Gutknecht.

H.R. 4045: Mr. Nadler and Mr. Weiner.

H.R. 4054: Mr. Istook, Mr. Cole of Oklahoma, Mr. Lucas, and Mr. Boren.

H.R. 4072: Mr. Bass.

H.R. 4113: Mr. Rehberg.

H.R. 4127: Mr. Gillmor.

H.R. 4145: Ms. Kaptur, Mr. Shays, Mr. Faleomavaega, Mr. Price of North Carolina, Mr. Chabot, Mr. LoBiondo, Mr. Kildee, Ms. Pelosi, Mr. Stupak, Mr. McDermott, Ms. Zoe Lofgren of California, Mr. Farr, Mrs. Biggert, Mr. Neal of Massachusetts, Mr. Murtha, Mr. Capuano, Mr. Weiner, Ms. Velázquez, Mr. Manzullo, Ms. Slaughter, and Mr. Grijalva.

H.R. 4157: Ms. Hart, Mr. Rogers of Michigan, and Ms. Jackson-Lee of Texas.

H.R. 4174: Mr. Weiner and Mr. Towns.

H. Con. Res. 42: Mrs. Jo Ann Davis of Virginia.

H. Con. Res. 235: Mr. Snyder and Mr. Holden.

H. Con. Res. 260: Mr. Meehan and Mr. Davis of Alabama.

H. Con. Res. 280: Mr. Grijalva, Mrs. Napolitano, Mr. Crowley, and Mr. Gutierrez.

H. Con. Res. 282: Mr. Stark and Mr. McGovern.

H. Con. Res. 286: Mr. Davis of Illinois, Ms. Eddie Bernice Johnson of Texas, Mrs. Christensen, Mr. Owens, Mr. Cummings, Mr. Meeks of New York, and Mr. Rangel.

H. Res. 196: Mr. Visclosky.

H. Res. 215: Mr. Chocola, Mr. Brown of South Carolina, and Mrs. Cubin.

H. Res. 223: Ms. Ros-Lehtinen, Mr. Fitzpatrick of Pennsylvania, and Mr. Ackerman.

H. Res. 286: Mr. Sherman.

H. Res. 302: Mr. Kline and Mr. Fossella.

H. Res. 458: Mr. Langevin.

H. Res. 477: Mr. Miller of North Carolina.

H. Res. 489: Mr. Meeks of New York, Ms. Schakowsky, Mr. Conyers, Mr. Shays, Mr. Petri, Mr. Wolf, Mr. Levin, Ms. Kaptur, Mr. George Miller of California, Mr. Barrow, Mr. Costa, Mr. Grijalva, Mrs. Napolitano, and Mr. Filner.

H. Res. 504: Mr. Tancredo.

H. Res. 505: Mr. McDermott, Mr. Abercrombie, Mr. Conyers, Mr. Ackerman, and Mrs. Maloney.

H. Res. 510: Mr. Berman, Mr. Udall of New Mexico, Mrs. McCarthy, Mrs. Maloney, Mr. Saxton, Mr. King of New York, Mrs. Napolitano, and Mr. Kennedy of Minnesota.

H. Res. 517: Mr. Nadler, Mr. Brady of Pennsylvania, Mr. Oberstar, and Mr. Capuano.

H. Res. 524: Mr. Clay and Ms. Solis.

H. Res. 526: Mr. McDermott and Mr. Payne.

SENATE—*Wednesday, November 2, 2005*

The Senate met at 8:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, remind us that the things that unite us are stronger than the forces that divide as You give us discipline for today.

Help us to discipline our desires, that we will live without regrets.

Help us to discipline our appetites, that we will avoid the pitfalls of self-indulgence.

Help us to discipline our speech, that our words will build up and not tear down.

Help us to discipline ourselves in our work, that we will focus on pleasing You.

Help us to discipline ourselves in our pleasure, that we will honor You even with our laughter.

Help us to discipline even our thoughts, that the meditations of our hearts will be acceptable to You.

Strengthen the Members of this body with the discipline to do Your will.

We pray this in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEFICIT REDUCTION OMNIBUS RECONCILIATION ACT OF 2005

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1932, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1932) to provide for reconciliation pursuant to section 202(a) of the concurrent resolution of the budget for fiscal year 2006 (H. Con. Res. 95).

Pending:

Gregg (for Frist/Gregg) amendment No. 2347, to provide amounts to address influenza and newly emerging pandemics.

Conrad amendment No. 2351, to fully reinstate the pay-as-you-go requirement through 2010.

Enzi modified amendment No. 2352, to provide elementary and secondary education assistance to students and schools impacted by Hurricane Katrina and to lower origination fees.

Lincoln amendment No. 2356, to provide emergency health care and other relief for survivors of Hurricane Katrina.

Inhofe/Chambliss amendment No. 2355, to cap non-defense, non-trust-fund, discretionary spending at the previous fiscal year's level, beginning with fiscal year 2007.

Nelson (FL) amendment No. 2357, to hold Medicare beneficiaries harmless for the increase in the 2007 Medicare monthly part B premium that would otherwise occur because of the 2006 increase in payments under the physician fee schedule.

The PRESIDENT pro tempore. Under the previous order, the time until 6 p.m. shall be equally divided between the Senator from New Hampshire, Mr. GREGG, and the Senator from North Dakota, Mr. CONRAD.

Mr. REID. Mr. President, I know the majority leader is here to be recognized. I ask through the Chair to the distinguished majority leader if I could be recognized for a minute or two prior to his recognition. I know he has a right to do that.

Mr. FRIST. Mr. President, I would be happy to yield.

THE CHAPLAIN'S LOSS

Mr. REID. Mr. President, simply what I want to say is we have our Chaplain, whom I have grown to care a great deal about. He is part of the Senate family. He counsels, he prays for us every day. He suffered a loss in his family in recent hours; he lost his brother. I want him on behalf of his Senate family to know our thoughts go out to him. I wish I had his ability to counsel and speak with him as he does with all of us. All I can say is my thoughts are with him and, recognizing his strong faith, I know he will pull through, but I know it will be difficult.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will be getting an earlier start than normal in order to resume the deficit reduction bill. Senators GREGG and CONRAD have agreed to an order for the next couple of amendments. We will continue to debate throughout the course of the day. At 6 p.m. all time is expired under the order. The Senate will then debate the Agriculture appropriations conference report under the 2-hour time limit reached last night. The vote on that conference report will not occur this evening and we will set the time for that vote later.

On Thursday morning we expect to come in early and begin the voting sequence with respect to the pending amendments to the deficit reduction bill. When the pending amendments are disposed of, it is in order for Members to offer additional amendments. However, no debate is in order and we would immediately vote on those amendments. This is what we call affectionately—maybe not affectionately—the vote-arama. I urge my colleagues to show restraint throughout the course of both today and tomorrow with regard to the number of amendments we are going to be voting on. It is going to be an extremely long day tomorrow with consecutive votes and Senators will not be able to wander far from the Chamber. We want to stay within the time limits for those votes in order to expeditiously deal with each and every one of them in an efficient way. We will be finishing this bill either tomorrow around 6 o'clock or Friday morning, depending on how many votes we have.

Mr. President, I think at this juncture I yield the floor.

The PRESIDENT pro tempore. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, for the information of our colleagues, Senator GREGG and I entered into a unanimous consent agreement that the first amendment to be considered today will be the amendment on the Alaska National Wildlife Refuge. The time will be controlled by Senator CANTWELL on our side.

The second amendment will be an amendment by Senators GRASSLEY and DORGAN on payment limits. The third amendment today will be an amendment by Senators LOTT and LAUTENBERG on Amtrak.

I want to say to my colleagues, given the events of yesterday, our schedule has been somewhat altered. It is going to be exceedingly difficult to get debate time on all of the remaining amendments, even the significant amendments. We have previously agreed that we will end debate at 6 p.m. today and then tomorrow go into a sequence of votes on the remaining amendments. So I say this by way of urging colleagues to show restraint with respect to the use of time so a maximum number of amendments can be considered and debated.

With that, I yield the floor.

The PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we will be going to ANWR here in a second, and then we will go to the Grassley-Dorgan amendment, and then the Democratic leader of the bill will, I

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

presume, compose an amendment and then we will go to the Lott amendment on Amtrak. Is that the understanding?

Mr. CONRAD. Yes. We have a unanimous consent agreement that is in place with respect to CANTWELL, GRASSLEY, LOTT.

Mr. GREGG. But the understanding is we should put somebody in—

Mr. CONRAD. With the understanding we will try to insert an amendment in between the second and third.

Mr. GREGG. As a matter of fairness, that is the only way to approach it.

At this time the Senator from Washington is ready to go and we can proceed.

The PRESIDENT pro tempore. The Senator from Washington

AMENDMENT NO. 2358

Ms. CANTWELL. Mr. President, I send an amendment to the desk.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Washington [Ms. CANTWELL], for herself, Mr. FEINGOLD, Mr. DAYTON, Mr. LIEBERMAN, and Mr. KERRY, proposes an amendment numbered 2358.

The amendment is as follows:

> (Purpose: To strike the title relating to the establishment of an oil and gas leasing program in the Coastal Plain)
>
> Beginning on page 96, strike line 16 and all that follows through page 102, line 8.

Ms. CANTWELL. Mr. President, I rise in support of my amendment that I think would reverse efforts to manipulate the budget resolution process to pass what I believe is a controversial energy policy. This policy is so controversial it doesn't even meet the bar for what I think is reasonable legislation. It couldn't even gain the 60 votes needed in this body.

I think it is important that we have a continued debate on drilling in Alaska that meets the environmental and permit processes that any drilling in America would have to meet. And that is not what we are discussing in the underlying bill.

My amendment is cosponsored by Senators FEINGOLD, DAYTON, LIEBERMAN, KERRY, and others, and would prevent oil and gas exploration and drilling within the pristine Arctic National Wildlife Refuge.

I appreciate that this debate over the Arctic Refuge coastal plain has continued for more than 2 decades. I know the Presiding Officer and my other colleague from Alaska have spent many hours on this legislation. But this issue has continued to stir the passions of many and polarized communities across our country. That is because this debate is more than just about the Arctic Wildlife Refuge. It is not simply about protecting one of America's last remaining great treasures. Rather, it is a debate that forces us to confront our priorities. It forces us to ask basic critical questions: Where do we go from here on the future of our energy policy? What inheritance do we want to leave our children from an environmental perspective?

We all must realize that God only granted the United States less than 3 percent of the world's remaining oil reserves and we as Americans need to do more with our own ingenuity to become less dependent on foreign oil.

Imagine a future where we don't turn a blind eye to oppressive regimes in the Middle East only because they happen to control the majority of the world's remaining oil reserves, or a future where Americans can drive hybrid or hydrogen-powered SUVs that get 40, 50, or even 100 miles per gallon. That is how we want to see our future. That is how we are going to save consumers who are being hurt at the gas pump today by these unbelievably high prices.

In the future we want Americans to have the opportunity to enjoy and appreciate this unique part of Alaska. That is why I believe the amendment I am offering today talks about our national priorities. That is why this is too important a question to slide into the budget bill. This bill circumvents the processes for permitting and environmental safeguards.

It is ironic that if this legislation passes we will actually be opening up drilling in a wildlife refuge with less protections than any other drilling in any other site in America. So instead of going to greater extremes to protect a particular wildlife refuge, we are going to have the weakest standard. The American people expect more.

I hope my colleagues appreciate that there are many flawed assumptions inherent in this drilling proposal. The simple act of putting a policy on a budget bill itself, I believe, is disingenuous.

But that is not all because section 401 will almost certainly never raise the $2.4 billion that drilling proponents claim it will. That is because the measure presumes to generate these funds by splitting revenues between Alaska and the Federal Government on an even 50-50 basis. But I think my colleagues might be surprised to learn that this 50-50 legislative language may not hold up in court. We just don't know right now. We do know the State of Alaska has long maintained it is due 90 percent of all the natural resource development revenue generated from Federal land within its boundaries, and we know this remains a controversial issue. Some have suggested this proposed 50-50 split in this legislation is merely a ploy to win passage. Some have suggested that once it passes, it will be followed by a court battle from the State of Alaska to force the Federal Government into a 90-10 split of revenue. So this $2.4 billion the United States might receive would be a much different picture.

My colleagues may be interested to know that even in June of this year, the Alaska legislature passed a joint resolution. It stated:

> The Alaska legislature opposes any unilateral reduction in royalty revenue from exploration and development of the coastal plain of the Arctic Wildlife Refuge in Alaska and any attempts that could coerce the State of Alaska into accepting less than 90 percent of the oil, gas, and mineral royalties from Federal lands in Alaska that was promised at statehood.

That is something that was passed by the Alaska legislature, showing us they have every intention to fight for a 90-10 split.

Later this week I will also offer an amendment that will get at this issue of trying to guarantee a 50-50 revenue split. I hope my colleagues will be recorded on that amendment and show they truly intend to have a 50-50 split and that this not just a ploy in which later the revenue scheme is changed.

I am also concerned that many Senators may not support my amendment because they believe drilling in the refuge can be done in an environmentally benign way. They actually believe we should move forward because they think drilling in ANWR can be done in a way that is environmentally sensitive.

I think they are wrong. There is no real way to sugarcoat the fact that the oil company records on the adjacent Prudhoe Bay have been shameful. The facts speak for themselves.

According to the Alaska Department of Environmental Conservation, the Prudhoe Bay oilfields and Trans-Alaska Pipeline have caused an average of 504 spills annually—annually—on the North Slope since 1996. Through last year, these spills included more than 1.9 million gallons of toxic substances, most commonly diesel, crude oil, and hydraulic oil. It takes one spill to permanently destroy a section of this fragile arctic ecosystem. The people know this.

To quote an official from the North Slope city of Nuiqsut:

> Development has increased the smog, haze, and is affecting the health and the beauty of our land, sea, and air.

I can only imagine how devastating that must be for someone whose culture and experience is so invested in the vast open spaces and abundant wildlife.

The news media has reported widely on these issues of oil spills. 2 weeks ago, the Wall Street Journal, and many other papers, have reported on some serious allegations. They have uncovered evidence that indicates there has been intentional dumping of untreated toxic mud, a dangerous contaminated byproduct common to Arctic drilling.

We have seen reports that the owner of an alpine field was forced to pay an $80,000 fine for releasing 215 tons of excess carbon monoxide annually. And, yes, this is the same field that some of my colleagues visited last March, along with the Secretaries of Energy and the Interior. Yet it is not the pristine area. There is already evidence of pollution in that area. This is the same field my visiting colleagues characterize as the cleanest in the world. And I note the Alpine field is just 8 miles from Nuiqsut.

I also want the American people to know that the tradeoff for destroying our Nation's last great wild frontier will not be relief from skyrocketing gas prices. Our sacrifice will do little to decrease our reliance on foreign oils from countries that don't have our best intentions in mind. Here is why. The Energy Department's latest analysis estimates that even when the refuge oil hits peak production 20 years from now, it will lower gas prices by just one penny. A penny, Mr. President. That is not an estimate that I have come up with, that is the Department of Energy's own estimate.

That is not very impressive considering the fact that the constituents in my State of Washington are now paying twice as much for a gallon of gas as they did just 3 years ago.

I also urge my colleagues to vote for an amendment that my colleague from Oregon plans to offer. This legislation would prevent any of this oil from going to foreign markets, such as China. Senator WYDEN has pointed out to us and many others, including those in the State of Oregon, that there is no guarantee that the Arctic Refuge oil would ever be used in the United States.

So if my colleagues think if we pass this legislation that somehow it is going to help the United States in the crisis we are in now, the Department of Energy analysis of the very little effect and the fact that this oil will not be kept in the United States are two reasons to support my amendment instead.

Mr. President, the American people feel strongly about drilling in the refuge and other protected areas of our country. They want to know that the Senate is working to pass appropriate legislation that manages these unique areas in a forthright and open manner. Our Nation must continue to preserve and protect the entire Arctic National Wildlife Refuge.

I understand that some of my colleagues believe it is appropriate to sacrifice this area for what will amount to about 6 months' oil supply, but I think all Senators today agree that these are questions that are not part of a budget policy. They are more fundamental about the discussions of what our national energy policy should be and the future of our country.

I hope my colleagues will also begin to finally start focusing on energy policies to diversify off fossil fuel, to recognize that God gave us only 3 percent of the world's oil reserves and that the best interest of the United States is to diversify off fossil and plan for a future that lowers gas prices, plan for a future that makes us more secure on an international basis.

Mr. CONRAD. Will the Senator yield for a moment?

Ms. CANTWELL. Yes, I will.

The PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. I thank the Chair. May I inquire, has the amendment been submitted?

The PRESIDENT pro tempore. The amendment is currently pending.

Mr. CONRAD. The ANWR amendment has been submitted. Are we taking time off the amendment?

The PRESIDENT pro tempore. Yes, we are.

Mr. CONRAD. We are taking time off the amendment. I thank the Chair. I excuse the interruption.

The PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Is the Senator finished? I notice she is still standing.

The PRESIDENT pro tempore. Does the Senator from Washington maintain the floor?

Ms. CANTWELL. Mr. President, I don't know what the agreed-upon order is this morning, whether we are supposed to use an entire hour or if we are going back and forth. I am happy to have the debate go back and forth and yield to my colleague.

Mr. DOMENICI. I don't think there is any agreed-upon order.

The PRESIDENT pro tempore. The Senator from New Mexico is correct, there is no order pending.

Mr. DOMENICI. Is it correct that the Senator from New Mexico may proceed on the hour in opposition to the amendment at this point?

The PRESIDENT pro tempore. The Senator is correct, if the Senator from Washington yields the floor.

Ms. CANTWELL. I do.

The PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have a number of Senators on this side of the aisle who wish to speak, and they certainly are going to have their turn. I thank the occupant of the chair for being here this morning.

Obviously, this is an issue that some people think is very important to the State of Alaska, and there is no question that it is. But this is an issue that is important to the American people. Every day Americans are worried about our future. We just saw hurricanes in the States of Alabama, Texas, Louisiana, and Mississippi shut down oil production in that part of the Nation. All of a sudden, America found out that when we have that much less oil—the amount that the hurricanes took off the market—everything happens for the worst for America.

I want to start with a simple proposition. The minimal amount expected to be received by the U.S. people from ANWR is about equivalent to all of the oil that was shut down by the hurricanes. Just think of that. Everybody was listening to televisions were talking about and, newspapers were printing all of the oil rigs onshore and offshore that produce energy for America that were shut down causing this enormous problem for America. One estimate is that ANWR will yield that much oil or more, which is a pretty good starting point.

I am not going to go into much detail about this ANWR language that was produced by the Energy and Natural Resources Committee in response to a budget request made by the full Senate, and I am not going to talk about the $2.5 billion estimate, other than to say I do not believe anybody is going to challenge it successfully before the Senate. It has been arrived at by the Congressional Budget Office, the authenticator of numbers for the Senate. That number is not dreamt up. This is not the White House, this is not the Energy Committee, this is not the Alaskan Senators; this is the Congressional Budget Office, an independent entity that is supposed to do estimates that we assume should be used by us.

They say the legislation, as drafted, will produce at least $2.5 billion over the period of time recommended by the budget instructions.

That makes it relevant to the budget reduction bill that is before us. It will, when it happens, because of the bids that will be made, reduce the deficit by $2.4 billion. That makes it relevant to a big deficit reduction package of all of the actions that exceeds $39 billion.

Having said that, let me then say, since it is important and it is relevant and it will yield revenues to the Federal Government, the next point I wish to make is how many votes are going to be required to pass this ANWR legislation. This is a majority-vote situation. Some say: Oh, this is not the right way to do it. We should leave it under what they call the normal proceedings. Normal proceedings would, I say to the opposition, require 60 votes, and we have done something that will only require a majority vote.

I ask the American people who are listening and those who are concerned about this, What do you as Americans expect the Senate to do when they are voting on a measure that affects the American people? Since your first and early days of being educated about the American system, did you not assume that a majority of Senators voting would pass a measure in behalf of the American people? Isn't that what we thought was the rule, 51 votes wins? They say: No, you shouldn't let this great reserve of oil that belongs to us, that we ought to use, you shouldn't let 51 votes pass it. You ought to use 60 votes under some filibuster rule.

The rules of this Senate say you do not filibuster this kind of bill. You go back to the old American way of voting, and 51 votes prevail.

I hope, finally, after decades of work, that we are rid of the 60-vote impediment to getting these assets, these reserves, these resources opened up for our people, and we are back to the old-fashioned 51-vote approach, and that finally America will say: These are our resources, they belong to us, and we ought to go up there and, under as strict environmental laws as can ever apply, because they are the American laws, produce oil there.

To put it in perspective as to how much property we are going to affect, if this bill, as propounded by the Committee on Energy, is passed by this Senate, we will use up to 2,000 acres. It will not be in one place. It will be in various places, but it will be 2,000 acres.

Mr. President, that is 2,000 acres out of a refuge that is being talked about regularly as something that we should preserve and keep for posterity, and this Senator—and I believe everyone who favors ANWR—says: Amen, preserve it.

How big is it? It is 19 million acres. And 2,000 acres, I say to the Senator from Illinois, are going to be used. The refuge is 19 million acres. I don't want to draw conclusions from that. People can see themselves, 2,000 acres. Or can they? I guess you can't even see it. Mr. President, 2,000 acres out of 19 million acres is hardly visible.

We can see the Arctic National Wildlife Refuge on this chart. The ANWR Coastal Plain is in green. The proposed development is that little tiny red square. I don't know if the TV cameras are good enough to see it, but that is the 2,000 acres, 3.13 square miles. It is on the green piece on the chart. That is the size of a piece of real estate out of that entire area—the green, the yellow, and the orange—that will be used for the production of oil out of ANWR.

I cannot believe the American people—if they understand after this debate is finished that that is what we are talking about—could conceivably believe that this vote should fail today and we should continue to say: Everything is wonderful in America. We can get our oil from Saudi Arabia. We can get it from Mexico. We can get it from around the world. But don't bother to get it from America. It is just not what we ought to do.

This country of ours has become dependent on our own States getting 80 percent of our oil from four States: Texas, 22 percent; Louisiana, 21 percent; California, 18 percent; and Alaska, 20 percent. That is just the way it is.

So, fellow Americans, our future, as far as American production, is tied to those States. We do have some new finds in the West, and they are exciting, but they are not going to be anywhere close to this.

Incidentally, mentioning Texas, some people say this is not very much oil. I heard somebody mention that the 10 billion barrels that are going to be produced there is not very much. Let me tell you how much it is: It is equal to the reserves of Texas. So for those who think it is not very much, maybe we ought to say to the American people the entire production of Texas is not very much. Maybe we could say we don't need the oil from Texas. If we go out there and find we don't like the way it is produced, just shut it down. It isn't important. There would be absolute turmoil in this country if somebody said, Take the oil from Texas and close it down, we don't need it; it is just what Texas produces, and we don't need it.

So the American people understand, when this 2,000 acres is producing, it is estimated by reliable estimators that it will cause the reserves under the ground to be the equivalent of those in the State of Texas. That is a pretty big piece of the oil future of the United States.

Let me talk a minute about a couple of other things that happen when you open ANWR. First, in the United States these days, we are all wondering what is happening to American jobs. How come everything is going overseas? How come the American working man, the American construction worker who used to make good money—how come there is not enough work in that field? How come big construction projects are not being done here anymore? How come it is just reported that out of the over 400 chemical plants that are worth more than $1 billion, each that is being built in the world, one of them is being built in the great United States of America and the rest of them all over the world? We are asking ourselves, What is happening to our country? What is happening is we do not develop our own resources, and thus they are developed elsewhere and there are no jobs in America to produce what we have.

I have another chart here behind me, and then that will be all that I will use. This is one prepared by the Wharton School. Some will say, and I will answer before they do, that this chart was produced a few years ago. It was. But do you know what Wharton School did when they produced it years ago? They used $55 a barrel. People on the floor of the Senate said: Throw it way. At $55 a barrel, they have to be wrong. We just asked them 2 years ago: Would you please bring it current? They said: Now we know we are right. We estimated $55, and I will tell you today it is $59-plus on the market in the United States. So the Wharton study is certainly as good as we can get.

Look what it says. If you develop ANWR, the United States of America, for Americans, will produce 128,000 manufacturing jobs; mining, including oil—all high-paying jobs—84,000; trade, 225,000 in various trade activities; the service industry, 145,000; construction per se, 135,000; and then a combination of finance, real estate, and others, which is that FIRE, 19,500. The total is 736,000 jobs.

Has anybody produced such a bill on the floor of the Senate? We say let's have a jobs bill. We introduce a bill to train people who are unemployed so they can go to another job. We introduce a bill that says when people are laid off, we will train them for another job, and this will produce a big number of jobs. Has anybody ever introduced a bill, had a proposal, made a suggestion, argued in favor of—anything on the floor of the Senate that could produce 736,000 jobs, new jobs for the people of the United States? Of course not, because we do not produce jobs in the Senate. We don't produce them with bills, either, job training bills. We produce them when we do things or eliminate things that cause entrepreneurial investment activity that produces wealth, and with wealth, jobs.

That is what we have here, no doubt about it. At $50 a barrel, which is the Wharton study, that is what it will yield. Anybody who thinks that by the time we get to ANWR it will not be $50 a barrel and it will not yield this I believe is hiding under their Senate desk as they vote no here in the Senate as far as ANWR is concerned.

Having said that, I want to take 3 minutes and tell the Senate about an experience I had. I went to Alaska, after many years. My friend, the occupant of the chair, and our new Senator from Alaska recently pushed me to do it. I went in about March of last year. It was awfully cold. I know that. I have one great picture—I cannot believe I survived.

But what I saw, every Senator who is against this proposal ought to honestly go see what is going on. There is one production pad called Alpine. In its completed stage, it is 60 acres of property. In its completed stage, it is 60 acres. On that 60 acres is the production capacity for 150,000 barrels a day. Got it? That is 150,000 barrels a day. The 60 acres, when we saw it, was solid ice. It had oil wells on it that were drilled, many of them, in less than 1 year, all close together, many of which were vertical and horizontal, meaning you drill a well down and then go out sideways and you go out for 3 or 4 miles, 5 miles. When we get around to ANWR, they are going to be drilling out 10, 15, 20 miles. So from one piece of real estate which we are worried about we will get literally scores of underground wells producing oil that is coming to the surface, unified, and then put in a distribution facility and delivered.

All of that work will be done in the dead of winter—the trucks, the tractors, the moving things, the supplies, all come on winter roads. We were there, so we could see the winter roads.

When the summer comes, the ice melts, the roads disappear, the tundra is right back where it was, and Alpine, the 150,000-barrel production wells are there, covered by whatever covers them from the weather, and out comes a spout from which the oil goes on stakes that hold up the pipeline, and there it is, delivered to a source to go to be used by Americans as they need oil to live, survive, make a living, and keep up their standard of living.

Some say we should not be dependent upon crude oil and carbons in the future. I submit there is nobody suggesting that we know how to get off of the transportation system we are currently using, in the short term. We are going to be on that for some time, even when we engage in the largest program we can, in terms of new ways to get our mobility, whatever it is—maybe hydrogen engines. It is going to take us many years, during which time we are going to import oil from overseas in huge quantities and send American bounty to foreign countries, greatly increasing our foreign trade balance, by the billions of dollars, all because we send our money overseas to acquire oil.

I beg the Senate to once and for all do the right thing regarding our future. Say no to sending more of our resources overseas. Say no to fewer jobs for the American people for the future. Say yes to the unions of the United States that represent these workers who are here en masse, begging us to pass this so they will have jobs. Say yes to American business that is frightened about our competitive future, and say at least we are going to take one step forward, not another step toward complacency, toward not caring about our future and standing on principles that are not applicable today.

We know how to drill for oil without damaging the tundra, without damaging the surface to any significant degree. We ought to say yes, today, to a very good budget reduction bill which in its totality will reduce the budget $39 billion—not a little pittance—of which ANWR will yield $2.5 billion. That is not too shabby a number.

It will require 51 votes for those who want to take this out. In the end, we will need 51 votes to pass the bill. I believe that is fair. It is such a huge resource for America. It should be passed or denied not by 60 votes but by 51 votes, the majority vote in the United States. Argue as you may in opposition to this. This is not the way to do it. Then what do you say the way to do it is? To require 60 votes? Who ever heard of that as an American principle? That is a procedure that does not apply here. The Senate has said it doesn't apply here. The old American way of 51 votes applies, and that is why we are here.

I want to close in one rebuttal. We are going to hear a lot that this oil doesn't do much. Whenever the amount of oil produced is equated to the total American picture, I want to answer it this way: Accepting a mean calculation of 10.4 billion barrels of oil in ANWR, it would supply every drop of oil for the entire State of Florida for 29 years. Hear that, the entire State of Florida for 29 years; the entire State of Arkansas for 146 years; Hawaii, 249 years. We will not be using oil that long, but people should surely get an idea that this is a pretty significant resource for our country.

I thank all those who helped put this bill together in our committee. I hope sometime during the day we will have a vote and it will be a vote where we say, for a change, we believe in America's future and we are going to do something about it.

I yield the floor.

The PRESIDENT pro tempore. Who yields time? The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I am going to yield to my colleague, Senator FEINGOLD. Before I do, I point out there is a misrepresentation that somehow drilling in ANWR only covers a small area. Drilling in the refuge will really create a spider web of industrial activities over the entire 1.5 million acre coastal plain, so it is much larger than just a small footprint.

This legislation might also open up nearly 100,000 acres of native land on the Arctic coastal plain. So it is a much bigger impact than my colleague might have commented on. I want to make sure that point is clear.

The other issue is, I don't think there is anybody in America who still believes our future and the future security of America depends on fossil fuel. I have seen the television commercials from the oil industry. Even they are always talking about the future, and alternative fuels, and what they are doing to diversify our nation's energy supplies. I certainly hope they hurry up and do that because the high price we are paying at the pump and their exorbitant profits are not leading us to a better economic situation in America.

But at the same time, I don't think Americans believe our investments in the future should be about fossil fuel, they should be about diversifying to cleaner, more fuel free supplies. Instead we are now asking them to open up the Arctic National Wildlife Refuge for a very small amount of oil.

My colleague talked about a large number of jobs that may result from this. However, we have all heard the expectations for an energy economy of the future that invests in alternative fuels and various renewable energy sources. Some of those job investments can be more than 3 million jobs in America.

That is the energy economy that we want to see—not holding on to the past and exorbitant energy costs which the Department of Energy says is only going to give us a 1-penny reduction in gasoline prices—to get off fossil fuel.

I yield to my colleague from Wisconsin 7 minutes.

The PRESIDENT pro tempore. The Senator from Wisconsin is recognized for 7 minutes.

Mr. FEINGOLD. Mr. President, I rise in strong support of Senator CANTWELL's amendment to strike section 401 from the budget reconciliation bill. I thank her for her dedication to protecting the Arctic Refuge, for her great deal of work over the years on this very important issue, and especially for her leadership today.

As I have said numerous times, I am deeply disappointed that the budget process is being abused to open the Refuge to oil and gas activities.

The Senator from New Mexico said he is going to hear Senators come out and say this isn't the way to do it. He is right. This isn't the way to do it. I have tried to make this point in the Budget Committee for 2 years. This isn't the way to make policy relating to energy, and I deeply regret that we have to be out here on the floor dealing with this. It should have been disposed of in the Budget Committee, as it is a matter not appropriate for this setting.

Drilling in the Arctic Refuge is something that has been, and should continue to be, discussed in an open debate instead of as part a back-door maneuver. This is a debate about energy and environmental policy, as everybody knows. This is not about the Nation's budget. I believe that this back-door tactic is an abuse of the reconciliation process. It reflects poorly on this body, Mr. President, and invites greater mischief down the line.

Sadly, regardless of when or where we have this debate, we have it because of a failure, most recently encapsulated by this administration's flawed Energy bill, to provide the American public with an energy policy that actually looks to the future. There is no doubt that we, as a nation, face tough questions about our energy policy. However, it is clear that offering the Refuge as the solution points us in the wrong direction. Drilling in the Arctic National Wildlife Refuge is a short-sighted sacrifice of one of America's greatest natural treasures, all for a supply of oil that may not last more than a year, would not be available for many years to come, and, as the Senator from Washington pointed out, would decrease gas prices by only a penny at its highest production. Instead of such a backward plan, we need a forward-looking national energy policy that responsibly moves away from our dependence on a finite resource such as oil and toward greater energy independence. I regret that the administration's only answer to our energy crisis is to attempt to drill their way out of it.

Beyond my objection to the abuse of process and to the failure of our energy policy, I have several concerns about the specific language included in this bill.

First, I have grave concerns that we are basing our revenue assumptions on false financial pretenses. To achieve the $2.4 billion required by the budget reconciliation, which, for comparison purposes, is equal to 3 weeks' worth of ExxonMobil's 2005 third quarter profits, we are proceeding on the assumption that companies will bid an average of $3,333 for each and every acre of the 1.5 million acres of Coastal Plain of the Arctic Refuge. However, over the last 15 years, bonus bids for acreage on Alaska's North Slope have averaged approximately $60 per acre, which is 98 percent less than what is required for purposes of this budget reconciliation. Assuming the leases on areas with unknown deposits will sell for more than 50 times the historical average is just plain fiscally irresponsible. Fundamentally, the reality of the leasing situation does not seem to coincide with the revenues we assume today.

Second, supposing that the revenues actually do reach the presumed level, the U.S. Treasury, and the U.S. taxpayer, may never see the money associated with opening the Refuge.

Both the State of Alaska and the Alaskan delegation have made it clear that the State is likely to sue to receive 90 percent of the leasing revenues instead of the 50 percent stated in this language. In fact, this spring, the Alaska legislature passed a resolution that said they opposed "any attempt to coerce the State of Alaska into accepting less than the 90 percent of the oil, gas, and mineral royalties from the Federal land in Alaska that was promised to the State at statehood." The Alaskan resolution makes it clear, as I have stated before, that the debate over the Refuge is about energy policy and not about the budget, and it doesn't belong in the budget reconciliation package which is before us today.

Finally, the language included in this bill fails to grant the same fundamental protections to the Arctic Refuge as we grant to every square inch of the other Federal lands on which drilling occurs. Why does the bill fail to provide the Arctic Refuge with fundamental environmental protections? Simply because the Energy Committee argues that the Federal Government can meet the budgetary time constraints only by ignoring the established laws of the land. By slashing environmental protections so that they are lower than on any other Federal land, we are all but guaranteeing that the Coastal Plain will suffer unnecessary, preventable, and irreversible damage. This is no way to treat the crown jewel of our National Wildlife Refuge System.

Mr. President, the language of the underlying provision is based on risky lease bid assumptions, it leaves the door open to diminished Federal revenues, and it gives the Refuge fewer environmental protections than all other Federal lands that produce oil. It has no place in this reconciliation bill, and I strongly urge my colleagues to support Senator CANTWELL's amendment.

The PRESIDENT pro tempore. Who yields time?

Ms. CANTWELL. Mr. President, I yield to the Senator from Connecticut 3 minutes.

The PRESIDENT pro tempore. The Senator from Connecticut is recognized for 3 minutes.

Mr. LIEBERMAN. I thank the Chair and my colleague from Washington. I rise to support her amendment.

Mr. President, once again we are here on the floor of the Senate debating opening up the Arctic National Wildlife Refuge to drilling—a debate that began in 1985 and that has always been answered before now with a definitive "no" on this Senate floor.

Today's debate is on a motion to strike language permitting drilling that has been placed in the budget reconciliation bill—a back-door maneuver to avoid true, unlimited debate on a decision whose consequences will echo for generations with the fracturing of a unique ecosystem.

The language in the Budget Reconciliation Act fails its own two tests for success. It will not raise significant revenue for the Treasury and it will not lead us to energy security.

This is both the wrong way to make this decision. And it is clearly the wrong decision to make.

I strongly urge my colleagues to vote for the motion to strike. If this vote fails—and drilling is approved—then for that reason alone, I will vote against the Reconciliation bill.

Let me begin by explaining why it is wrong to even be debating drilling in the Arctic Refuge in the context of this reconciliation bill.

This past summer we debated and passed comprehensive energy legislation. Drilling in the Arctic Refuge was not even brought up in that thousand-page bill that we were told represented comprehensive energy policy.

The fact that the Senate spent no time whatsoever debating drilling in the Arctic Refuge as part of energy legislation, but now deals with it in budget legislation, tells us everything we need to know about the motive of its proponents.

They know they don't have the votes needed to authorize drilling if this proposal came to us in a proper debate in the proper context and are using this device of the reconciliation bill to get around Senate rules.

Is there anyone in this Chamber who believes that the purpose of this provision is to generate revenue for the budget? That in the context of a $2.6 trillion budget, we must force the opening of a wildlife refuge to get $2 billion in new revenue over 10 years? Of course not.

The real purpose of this provision is to frustrate the rules of the Senate—rules that protect the minority and the process of judicious deliberation—in order to jam through a provision through reconciliation that its proponents have been unable to pass for years.

Section 401—the Arctic Refuge Title of the reconciliation bill—flagrantly usurps the jurisdiction of the Environment and Public Works Committee, EPW.

EPW has sole jurisdiction over matters relating to the U.S. Fish and Wildlife Service and the management of the National Wildlife Refuge System—as well as over the National Environmental Policy Act of 1969, NEPA, and the National Wildlife Refuge Administration Act of 1966.

For example, the title would virtually preclude the National Environmental Policy Act's requirement that environmental impact assessments be performed before any leases can be granted.

Also, section 401 short circuits the all-important determination that the Fish and Wildlife Service is required by the National Wildlife Refuge Administration Act to make that drilling is compatible with the purposes of the refuge.

I ask my colleagues to consider that if this procedural sleight-of-hand can be used to stymie open and unlimited debate on drilling in the Arctic Refuge, what other areas now closed for drilling will be opened up under the pretext of generating Federal revenue?

The Great Lakes? Our coasts?

And what will we get in return for putting this fragile Arctic wilderness area at risk? Will we achieve energy independence?

No we certainly won't.

The Energy Information Agency tells us that peak production in the Arctic Refuge will be fewer than 1 million barrels per day. And that peak will not be reached until 2025 at the earliest.

At that point, if we continue our current oil-consumption trends, the refuge will be contributing no more than 4 percent of U.S. oil consumption.

Meanwhile, 70 percent of our oil needs will be met by imports, with our national security and economy remaining every bit as vulnerable to the economic dynamics and geopolitics of the global oil market as it is today.

If we were serious about facing up to the reality of our energy security challenge, we would be committing ourselves to changing the trend of ever-rising oil consumption.

That is why I will shortly be introducing—with colleagues from both sides of the aisle—legislation that will lower our national dependence on oil by reinventing our transportation system from the refinery to the tailpipe by using hybrid vehicles and homegrown biofuels and electricity to power our vehicles.

Destroying perhaps one of the greatest wilderness areas in the United States under the twin but barren banners of energy security and Federal revenue is unacceptable when you consider what is at stake.

On February 14 of this year, 1,000 leading U.S. and Canadian scientists called on President Bush to protect the Arctic National Wildlife Refuge from oil drilling and to "support permanent protection of the coastal plain's significant wildlife and wilderness values."

The signers categorically rejected the notion that the impacts of drilling could be confined to a limited footprint, as pro-drilling forces claim.

The effects of oil wells, pipelines, roads, airports, housing, processing plants, gravel mines, air pollution, industrial noise, seismic exploration and exploratory drilling would radiate across the entire coastal plain of the Arctic Refuge.

Given those inevitable environmental intrusions, is it any wonder, then, that the authors of this measure included provisions that would stymie the environmental protections that would normally apply under the National Environmental Policy Act and the National Wildlife Administration Act? And because they have all but eliminated these protections, drilling will go forward with virtually none of the environmental protections that the public expects to be in place for such activity on other federal lands.

It just makes no sense to destroy the Arctic Refuge for oil that won't lower prices to our consumers or give us true energy security.

The mark of greatness in a generation lies not just in what it builds for itself, but also in what it preserves for the generations to come.

Drilling in the Arctic for some short-term convenience in our time, will shortchange the legacy we should be building for the time of our children.

I urge my colleagues to vote to adopt the motion to strike.

I believe this is both the wrong way to make this decision, and it is clearly the wrong decision to make.

I urge my colleagues to vote for the motion to strike.

I say for myself, if the vote fails, for that reason alone I will vote against the reconciliation bill.

I want to add this one procedural point to the very strong arguments I think my colleagues have made in support of the motion to strike and about why this is an end run on the rules, and why this is not about a budget matter. This will raise a few billion dollars over 10 years; whereas, the annual budget of the United States projected for the next fiscal year is $2.6 trillion.

This is about drilling in the Arctic, not about the budget, and it doesn't belong here.

I want to make this additional procedural point, which I think strikes at the heart of some of the key provisions in this section.

Section 401—which is the Arctic Refuge title—flagrantly usurps the jurisdiction of the Environment and Public Works Committee in contravention of the rules. The EPW Committee has sole jurisdiction over matters relating to the U.S. Fish and Wildlife Service and the management of the National Wildlife Refuge System, as well as over the National Environmental Policy Act of 1969 and National Wildlife Refuge Administration Act of 1960.

For example, the title that would be struck would greatly limit to the point of preclusion the National Environmental Policy Act requirement that environmental impact assessments be performed before any leasing can be granted.

Also, section 401 shortcircuits the all-important determination that the Fish and Wildlife Service is required by the National Wildlife Refuge Administration Act to make sure the drilling is compatible for purposes of the Refuge.

I intend, at the proper time, to raise these procedural questions.

I thank my colleagues for giving me these few minutes.

This is a critical debate that I have been involved in since I came in 1989. I regret that it is happening this way. It is happening this way because the votes are not there in a full debate and in the parliamentary-appropriate context of drilling in the Arctic National Wildlife Refuge.

The PRESIDENT pro tempore. Who yields time?

The Senator from Alaska.

Ms. MURKOWSKI. Thank you, Mr. President.

I am pleased to be standing on the floor today about 8 months after the last opportunity that we had to debate the issue of development of a very small portion of the Arctic National Wildlife Refuge. During that time—during that 8-month intervening time—we have seen the price of a barrel of oil rise to as high as $73—now about $63. The chairman of the Energy Committee indicates that this morning it is about $59.

That rise has come because of a number of factors—continuing strong oil demand in China and India and other developing nations. It has come because of the effects of weather. We have seen the consequences of the hurricanes in the gulf. It comes also because the world fundamentally needs more oil.

Goldman Sachs, in August, predicted that oil will average $68 again next year.

Also, since the last time we debated the subject of ANWR, we passed an Energy bill. In that Energy bill, we addressed not only production, but we addressed conservation. We addressed renewable energy sources, alternative energy sources. But in terms of doing anything significant to directly increase domestic oil and gas production, we didn't do much in that Energy bill. We delayed that action until now.

I would like to take some time this morning to talk about why development of the Coastal Plain is not just necessary in light of the current events in the past few months, not just the price of energy but in light of what has happened up north in view of the technological change, the new data that has been developed in the past decade to prove, to establish, that we can develop ANWR oil without harm to the environment and to the wildlife that live there.

My colleague from Washington, who has proffered this motion to strike the ANWR provision, has said her amendment is really about national priority. I would suggest that the national priorities which are at stake with ANWR are priorities that relate to energy security, a priority that relates to environmental security, and a priority that relates to National and economic security.

These are what the priorities are about and this is what ANWR can do for us as a nation. It can help us with our reliance on foreign sources of oil, it can help us with jobs, it can help us build a stronger economy, and it can help us in terms of meeting our environmental obligation to our land.

Let me talk about some of these issues. First, national security. When we talk about the reliance we have as a nation on foreign sources of oil, it is not just talk. The reality is, this hits us, it impacts us in an incredibly significant way. Right now we are about 58 percent dependent on foreign oil. This dependency is expected to pass the two-thirds mark within the next 20 years. It threatens our national security. It threatens our economy.

When we see statements coming from Venezuela, for instance, one of our leading sources of imported oil, suggesting maybe they do not need to do business with the United States, and we recognize the competition for oil on the global market, competition from China, from India, we recognize we must do more domestically to meet our needs, to strike this balance between our need and what we are able to supply.

Chairman DOMENICI spoke to the jobs factor, the economic side, as well as what this means to our balance of payments. ANWR oil will help stabilize not only our national energy prices, but it will generate more than $30 billion in Federal revenues within 15 years.

We talk about reducing our balance of payments deficit all the time. People need to appreciate one-quarter of this Nation's trade deficit relates to what we pay other countries for our oil. Last year we paid $166 billion to buy oil overseas. We will pay even more than that this year. We have to do something to address that balance of trade issue.

The jobs will be created. People associate jobs as drilling and exploration jobs. What they need to keep in mind is, when we have development of this size that we believe we can have on the Coastal Plain, this means jobs all over the country in terms of making the nuts and bolts, the pipes, the hauling, the shipping. This means increased commerce, increased job activity all over the country.

We throw around a lot of numbers, but look what it could mean to individual States: To my colleague from Washington, 12,000 jobs in Washington State; 80,000 jobs in California; 48,000 jobs in New York State; Pennsylvania gets 34,000; Florida, 34,000; Arkansas, 5,500. These are jobs associated with the activity that will go on up north. This is one of the reasons we have support across the country for opening ANWR, a small portion of the Coastal Plain, to oil exploration and development. People see the economic opportunity for them even in States that are thousands of miles away.

Farmers recognize this will help them with stabilizing what they need to do when they are planting the crops in the spring. Think of those products made from oil. We get so fixated on the transportation sector, but the reality is we derive much from petroleum. There are those that will say if we park every car in this country today, we would not have this incredible dependency on foreign sources of oil, we would not have this dependency.

However, I suggest we are a nation that is dependent on petroleum for many things. Transportation is incredibly important, but we have toothpaste, footballs, ink, life jackets, antiseptic, dentures, glue, clothing, food preservatives. So much of what we consume as a nation comes from petroleum products. We should not say, if we conserve a little bit more, we do not need to open ANWR. We need to face, as a nation, that we have a reliance on petroleum.

When we talk about the amount of oil available up north, again, we hear numbers floating all around. Some people say it is 6 months' supply; it is an insignificant supply. The fact of the matter is, and this is according to USGS estimates, ANWR's Coastal Plain has a 50–50 chance of containing the second largest oilfield in North America. As was stated before, what we anticipate to get out of ANWR would be the equivalent of the Texas oilfields. To those suggesting Texas is insignificant in terms of its contribution, we would say that is crazy.

Another example regarding what we anticipate to get from the reserves up North: the equivalent of what we have been receiving from Saudi Arabia for the past 25 years. Again, these are not insignificant amounts of oil.

What we anticipate we would receive from ANWR on a daily basis would have offset the oil we lost when the Gulf of Mexico was hit by the hurricane damage and we had all of the oil shut in.

If we are to discount the potential of ANWR, it is as shortsighted a viewpoint or perspective as we could ever have when it comes to our energy sources. This is akin to saying we should not open up Prudhoe Bay because, based on the reserves we know or expect to see there, we think it will only provide this country 3 years' worth of oil. That is what the estimates were. Prudhoe Bay has provided this Nation with up to a quarter of its domestic oil supply for the past 28 years.

We want to be given a chance on the Coastal Plain to demonstrate we can do something actively to reduce this country's reliance on foreign sources of oil.

Again, back to the national priorities. Care for the environment: We take that very personally in Alaska. I take it very personally. I was born and raised there. I am raising my kids there. I want my grandkids to be raised there. I want them to have the quality of life we as Alaskans enjoy. We take the obligation to not only create jobs and revenues for Alaskans, but we take the obligation to care for our land as one of our highest priorities. This is why it is significant. When Alaskans speak on this, 70 percent of Alaskans support developing ANWR. The residents who live on the Coastal Plain, the people of Kaktovik support opening ANWR because they can see the benefits to them, but they can also see they can have the benefits of jobs and revenues that can help them with their schools and their health clinics, that they can do that in balance with the environment, so their hunting, their subsistence, their whaling, is not sacrificed.

We like to talk up North about the gains in technology that have been made over the past 30 years. They are stunning. We are proud to speak of them. Earlier, Senator DOMENICI spoke to the trip we took up North with several Members and the Secretary of Interior and Secretary of Energy. We went to an exploration pad built up on an ice pad. They make an ice pad, and the ice pad is connected by an ice road. This road is almost a Zamboni-type machine. They roll it out over the very frozen tundra and they create this road of ice. The ice buildup is probably a foot or so thick, maybe higher in certain areas as you approach stream crossings. The exploration pad is a pretty compact unit and very impressive in terms of the size and scope of the equipment used. They have Rollagons with tires that are 15 feet high. They are huge, immense pieces of equipment. They go in, haul in the exploration equipment over the ice roads in the middle of the winter. Keep in mind, the State, in consultation with other agencies at the Federal and local level, make a determination for exploration. You cannot come in and explore at any time. You have to do it during the season that is allowed. They make measurements as to the thickness of the freeze before they will allow any activity to begin construction of the ice roads or any activity on the tundra.

This is an example. This is not the exploration unit we went to, this is in the National Petroleum Reserve. It is very similar in size. We have the exploration rig standing taller in this photograph with a few outbuildings that allow those working out there to stay warm, get a little bit to eat. You can see the ice road going out there on the tundra. That is what it looks like in the winter. This rig probably is out there for 2 to 3 weeks. Then they pack up and move it to the next exploration area the company might be looking to. This is what it looks like in the summer.

This photograph is the exact same area we saw, Rendezvous 2 well, National Petroleum Reserve. This is exactly what it looks like during the summer. The ice pad has melted. All of the equipment was removed during the winter when the ice roads were there. What is left is this stub of that exploration well. It is tough to tell from this picture because it actually looks pretty tall, but that stub is only about as tall as I am. It might be about 6 feet, a little taller. That is what is left.

This is what we do up North. We do it for a couple of reasons. First, because we know it is the right thing to do. We need to make sure we are caring for the environment. Second, we have the toughest, the strictest environmental standards for oil exploration and drilling anywhere in the country, and I would say probably anywhere in the world. We are proud of it. We are proud of the results that come out of this. We can do the exploration. We do it in a safe and sound manner. We try to leave as little footprint as possible. We are doing that because it is the right thing to do, but we are doing it because we are working with the Native people who live up there, who have lived up there for generations, who want to be able to continue to hunt and fish and whale.

The caribou are free to room. The central caribou herd near Prudhoe Bay in the 30 years since we have had oil development has grown 10 times. Some say we scare away the caribou and the Native communities will not have the subsistence source. The fact of the matter is, the reality proves otherwise. We are doing what we should be doing when it comes to care for the environment.

Polar bears have not been mentioned today, but they might later in debate so I will address them. There are some who are concerned that man's activity there will be driving the polar bear from the Coastal Plain. The fact of the matter is we have very healthy polar bear stocks up North in the Coastal Plain area where we are talking about the potential for ANWR development. We have about 29 identified dens. We use infrared detection to determine where the polar bear are actually denning so we do not go near them. We are taking the steps needed and necessary to care for the animals and the environment.

Other things we are doing to recognize we need to work with the environment, with the animals, with those who would live there, include drilling restrictions during the summer months to prevent noise activity. There are prohibitions on any kind of seismic activity when the whales are migrating through. We are using directional drilling so we go into the ground and under the surface, and we are able to drill out 3 or 4 miles in every direction so there is no disturbance to the surface.

We are talking about a 2,000-acre limitation. I will go back to the map of the Coastal Plain to again put it in perspective. We are talking about 2,000 acres. That is about the size of an average size ranch in South Dakota, according to what the Senator from South Dakota tells me—2,000 acres in an area. The Coastal Plain on this map is the green area. The Coastal Plain is 1.5 million acres. We are asking to drill and explore in an area the size of 2,000 acres out of 1.5 million. The other colored areas on the map indicate the wilderness area and the Refuge itself.

The orange shown on the map is the Refuge. The wilderness area is the yellow part of it. The whole Arctic National Wildlife Refuge itself is an area the size of South Carolina. It is 19.6 million acres. Of that 19.6 million acres, we have 8 million that are dedicated wilderness. We cannot, will not, have no intention of going in and doing anything. That is entirely protected.

The balance in the orange is all Refuge. We are not talking about any exploration activity or development in that area. The only area we are looking at exploring is the green area, the 1.5 million acres. And within that we are talking about 2,000 acres.

For those of you who live and work in the Washington, DC, area, that is about the size of Dulles Airport. Actually Dulles Airport is a little bit bigger than that. So that kind of helps put in context what we are talking about.

Now, the Senator from Washington mentioned this legislation would also open up and allow the natives of Kaktovik to open up and be able to explore on their lands that are contained in the Refuge. The 2,000-acre limitation applies to the natives of Kaktovik, the Arctic Slope. It applies to all lands within the Coastal Plain—all lands within the Coastal Plain.

If there is oil that is discovered and explored and produced on native land, that part is part of the 2,000-acre limitation. So we are not expanding this from 2,000, plus whatever might be found on the native land itself.

Let me speak a minute to some of the other issues that were raised by some of my colleagues. The point was made there is nothing in this legislation that would prohibit Alaska oil from being exported. In fact, that is the case. But I should remind my colleagues that very little—very little—Alaskan North Slope crude has ever been exported. We do not anticipate that it would be exported, given the demand on the west coast, given the demand in this country. None is regularly exported now, and it has not been exported regularly in the past 6 years.

Now, it is true that back in 1995 we had a glut of oil on the American west coast, and Congress did, in fact, vote to permit the export of Alaskan oil. So from 1996 to 1999 there was about 5.5 percent of Alaska production that was being exported over to the Asian countries to relieve that glut.

We are now in a different time, a different place. There is no excess oil on the west coast. At this point, even though we are allowed to do so, there is no oil that is being exported. So where is it going? Fifty percent of all of Alaska's gas, coming from Prudhoe Bay, goes to the California refineries. This is near San Francisco and LA. We have 42 percent going to Puget Sound up in Washington State, and 8 percent goes to the State of Hawaii. There is a very fractional amount that stays in Alaska for in-State refinery needs.

But what you also need to keep in mind is that it is cheaper for us to ship the oil to the lower 48 than to the Far East. It is a matter of pure logistics. It is 2,056 miles to LA versus 3,401 miles to Yokohama, Japan. So the economics of it suggests that it does not make sense to ship any oil from Alaska overseas at this point.

Now, another issue that was raised was the issue of oil spills. This is something that when you hear the debate, these issues raised, you kind of have to take a deep breath and say the statistics on a piece of paper do not tell the whole story, unless you have the facts, the footnote, and the background that goes with it.

It has been suggested there have been all of these spills up North, and these spoil the Arctic tundra. But what they do not mention is, the companies that are operating up there have to report every spill—every spill—of any non-naturally occurring substance. So if there is a spill of saltwater, it has to be reported—anything more than a gallon of oil or chemicals, such as lubricating oils, hydraulic fuels.

So when you go up North, you will see in the wintertime—and will in the summertime because the vehicles during the cold winter months are kept running for a good portion of the time—each and every one of the vehicles has what they call a "diaper" underneath the transmission to collect any leaking transmission fluid. Because if that were to get on the road, if that would get on the surface, that could be a reportable incident.

The vast majority of the spills at Prudhoe Bay have been of saltwater, saltwater used in water flooding to enhance oil recovery. They have not been oil spills.

Now, the other thing you do not hear is that the average oil spill was 89 gallons. This is the equivalent of about two barrels of oil, and that of that, those two barrels of oil, 94 percent of that oil was absolutely, totally cleaned up. According to DEC, which is the State Department of Environmental Conservation, 93 percent of all oil spills were of less than 100 gallons in volume, two-thirds were of less than 10 gallons, and less than a quarter barrel of oil.

So over the past decade, for the past 10 years, up North, there have only been 11 crude oil spills of more than 1,000 gallons, and 97 percent of that oil was fully recovered.

We can talk about the spills and reportable spills, but if you look at a number, it is important to know: A, what was it that was spilled; B, how much; and, C, how the cleanup was handled.

Prudhoe Bay is actually one of America's cleanest areas. ANWR development, given the technology we have, we know is going to be even better.

Now, I have to address the issue of too little oil to even bother exploring. I mentioned it very briefly at the beginning.

The USGS has recently updated its estimates. In fact, it was just within the past week or 10 days or so that USGS released its updated estimates for the amount of economically recoverable oil that will be found in ANWR. What they are now saying is that at the prices we are looking at—they peg it as $55 a barrel—93 percent of all the technically recoverable oil will be economically worth producing. That is up from a previous estimate of 83 percent. It means we have a 50–50 chance the Coastal Plain is going to contain 9.7 billion barrels of oil. Again, this would be the second largest oil field in North America.

When we talk about the amount that is available to us, I think it is important to put that in perspective. We are talking about the second largest field in North America. Currently, Prudhoe has been operating and supplying 20 percent of this country's domestic energy needs. It has for 30 years. We want to be able to supplement that with ANWR.

There is one other point I do feel is important to address. Several of my colleagues on the other side have suggested that because ANWR is contained in this budget reconciliation package, it is not the appropriate place, and that for a major policy decision such as this, it has not been given the time and the consideration and cannot be in this process.

As the senior Senator from Alaska, the occupant of the Chair, knows, this is something that has been debated and discussed for decades. ANWR has been the subject of dozens of bills, literally many dozens of congressional hearings. Legislation to open ANWR passed the Congress in the 1996 Budget Reconciliation Act. It was vetoed by President Clinton. But we have had several bills that have been introduced since then.

In the 106th Congress, we had legislation. Six bills were introduced in the 107th Congress. Legislation to open ANWR was approved by the House in the 108th Congress. In the 109th, also, the House introduced legislation. There have been countless tours of the Coastal Plain, where many Members of this body have had the opportunity to go up and see it for themselves. ANWR has probably been one of the most thoroughly researched, debated, and discussed issues pending before the Congress for the past 18 years.

I do not think any of us can stand here with a straight face and say that Congress is acting too quickly on this issue. It is something that has been aired very publicly, and over a great deal of time, with a great deal of public input.

I would like to conclude my remarks by speaking very briefly about those people who live in the Coastal Plain, the residents of Kaktovik. These are a very hardy people who have lived there for generations and generations, and who want to remain. But they are in a community where energy costs are extremely high. It is very difficult to find any kind of economic activity in the area. They are primarily a subsistence-based village. But they want to make sure, like all the rest of us, their kids get a decent education. They want to make sure they have some access to health care within their community. They want to have certain protections, if you will—whether it be a fire truck to help them when they have a house fire, as they had a couple years ago and had no way to provide for the protection of the property in that home.

They view the opening of ANWR as an opportunity for them to be participants. But they are also looking at this from the very critical perspective of being the only Alaskans who live in this area who would be affected by the development. They want a seat at the table. They want to be consulted. They want to be heard. They want to make sure that, in fact, the development that does take place is done in concert with their needs as the residents of this area for generations and their needs as people who live off the land.

We are working with the people of Kaktovik. I have introduced standalone legislation, along with my colleague from Alaska, and along with my colleagues from Hawaii, that would provide not only for environmental protections to be written into how we develop ANWR, but basically we codify all of those items we have discussed over the years, whether they are the environmental concerns, whether it is the 2,000-acre limitation on development, but also a provision to provide for economic impact aid to the residents of Kaktovik and any other Alaskans who may be impacted, to provide for a method of consultation with the natives of Kaktovik and the region.

What we are trying to do through the stand-alone legislation is provide for, I think it is fair to say, safeguards. For all those who may be concerned that, well, this budget reconciliation says "open up ANWR, the only limitation is a 2,000-acre limitation," be aware that what we are providing for in the freestanding legislation, I think, is a very comprehensive set of guidelines for how we move forward positively, as we look to achieve that balance between development and care and concern for our environment up North.

With that, Mr. President, I yield the floor.

The PRESIDENT pro tempore. Who yields time?

The Senator from Washington.

Ms. CANTWELL. Mr. President, I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Illinois is recognized for 10 minutes.

Mr. DURBIN. Mr. President, I rise in support of the Cantwell amendment and in opposition to drilling in the Arctic National Wildlife Refuge. In 1960, under the leadership of President Eisenhower, we created this nearly 20-million-acre Refuge. President Eisenhower and Congress said to the American people: We are going to hold this piece of America in trust. It will be held for future generations because it is a special place. It is one of the few places in America where we are going to restrict development. We are going to protect it because we want generations to come to know that the Arctic National Wildlife Refuge is a special place, a place deserving of our honor, our respect, and our protection.

With the provision in this bill before us today, we will turn our back on that promise made by President Eisenhower and by our Nation 45 years ago. We will authorize, in this reconciliation bill, drilling in the Arctic National Wildlife Refuge. It is a sad day. It troubles me that some have come to the Chamber and argued that this really is not that big a deal. They are going to gingerly step into this Refuge, drill, and gingerly step out, and you will never know they were there. You might buy that argument if you hadn't been there.

Several years ago, during the course of debating the same issue, which has been debated here a long time, one of the Senators from Alaska said to me: What do you know about it? You have never been there. You have never seen it. How would you know what the Arctic National Wildlife Refuge looks like?

It was a worthy challenge. I accepted it. I took off and spent 2½ days camping out in the Arctic National Wildlife Refuge so I could see it. We left Arctic Village, a remote village in Alaska, flew in a Canadian Beaver aircraft that was almost 50 years old over the Brooks Range, down the North Slope, along the Canning River.

As we looked to the west, we could see the State lands that had been drilled for oil and gas, and then, to the east, the Arctic National Wildlife Refuge that had not been drilled. It was easy to tell the two apart because the scars that were left on that State land that had been drilled were still there years and years later. They didn't gingerly step in and drill and leave; they cut scars across that land that will be there forever. On the east side of the river, the Arctic National Wildlife Refuge was pristine. One might see the tracks of a little wildlife, and that was it. So to say that these oil and gas companies are going to go in there and discretely and innocently take out the oil and gas defies human experience.

How much is this worth to us? Why is it that we would turn our back on a 45-year-old promise by America to future generations? Why would we say now, for the first time, we are going to drill for oil and gas in this wildlife refuge that we promised would never be explored in this way?

Some argue we just need the gas. Come on, don't you know what is going on at gasoline stations in Illinois and across the country? Gasoline prices are going through the roof. We need more oil. If we don't have more oil, it is going to mean calling for greater sacrifice. Families and businesses will continue to be dependent on foreign oil.

There are two things to consider. The Arctic Coastal Plain will yield less than 1 year's worth of oil for America, and it won't be available for 10 years. This debate is about 1 year's worth of oil, not available for 10 years, and it may take 20 years to extract it. So what impact will that have, Mr. And Mrs. American Consumer? About 1 penny a gallon. That is why we are going into ANWR.

There is a bigger issue. We have heard it said over and over on the other side. This is about America's energy security. You can argue it is a small amount of oil, but even accepting the fact that even a small amount of oil will lessen our dependence on foreign oil somewhat, there is another interesting issue. Do you know there was an amendment before the committee when the ANWR issue came up, and that amendment said: Whatever oil we take out of ANWR, we are going to use in America? That oil will come down to be used in America, so it will benefit American consumers and motorists. But that amendment by Senator WYDEN from Oregon was defeated. In fact, the Senator from Alaska voted against the amendment which said the ANWR oil has to be used in America.

What are we really debating here? We are debating drilling in ANWR so that oil can be exported from a wildlife refuge to China and Japan and other parts of the world. This isn't about the energy security of America; it is about the energy security of China and Japan. We are going to defile this wildlife refuge to drill for oil that can be exported, that won't even benefit the United States. Why would we do that? There is only one reason—because the oil companies will make a huge profit off of it. Those struggling oil companies need our help today with this amendment. They have had a tough 6 months.

Mr. STEVENS. Will the Senator yield?

Mr. DURBIN. No. I won't.

They have had a tough 6 months. They have had recordbreaking profits of $40 billion over the last 6 months, and now they want the option to go drilling for oil in a wildlife refuge we promised to protect 45 years ago so they can drill and export oil to other countries for their economy. Is that what this debate is all about? Sadly, I am afraid it is.

The argument that this is just going to affect 2,000 acres—I am sorry—having flown over this area, having seen what happens, I know and the Department of Interior knows it isn't just about the pad where you drill. It is about roads and airstrips and pipelines and water and gravel sources and base camps and construction camps, storage pads, power lines, powerplants, support facilities, coastal marine facilities—it is a huge undertaking. You may see that postage stamp of drilling, but there is a lot more in support of it that is going to have an impact on this environment.

This is an abdication of leadership. To say that we have no other place to turn in America other than to drill in a wildlife refuge is an abdication of leadership and a concession to greed by the oil companies. How have we reached this moment where the leadership in America cannot turn to the American people and say: We can't go this far. We can't cross this line and drill in a wildlife refuge that we promised for 45 years to protect. We have to find other ways to reduce our dependence on foreign oil to make the cost of gasoline more affordable.

And there are other ways. If we improve the miles per gallon on the cars and trucks we are driving today by 2 miles a gallon, it would make up for all of the oil we are talking about drilling out of the Arctic National Wildlife Refuge. This Senate, given a chance to vote for more fuel efficiency, refused so we can continue the habit of buying fuel-inefficient cars and trucks, driving gas guzzlers, saying we are going to drill our way out of our problems, that we will continue to be dependent on foreign oil. There has been no leadership from this administration to talk about efficiency and conservation and making our cars and trucks more fuel efficient which would make this debate absolutely unnecessary. America can do better when it comes to energy.

This White House argues that all we can do to get out of a problem is to drill our way out. Except the obvious, America has only 3 percent of the known oil reserves in the world, and we consume 25 percent. We cannot drill our way out of this problem. Today, we will sacrifice a wildlife refuge. Tomorrow, the oil companies want to drill off our coastlines. What comes next, the Great Lakes? Where will this end? It will end with leadership and vision for an energy policy for America that reduces our dependence on foreign oil with responsible environmental production, with conservation techniques, with energy efficiency, with renewable and sustainable fuels instead of drilling away in wildlife refuges we promised our children we would protect.

America can do better with leadership and with vision.

I urge my colleagues, support the Cantwell amendment. Understand that this is not the answer. Drilling for oil in Alaska to export it to China is no answer to America's energy security challenge.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. How much time remains?

The PRESIDING OFFICER. The time in opposition is 3 minutes. The Senator from Washington has 26 minutes.

Mr. DOMENICI. Senator, you have 26. We have 3. I would yield the floor, hoping that you all would speak, if you have more opposition. You have plenty of time. We don't have but 3 minutes.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent that Senators COLLINS, MIKULSKI, and JEFFORDS be added as cosponsors of amendment No. 2358.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I thank the Senator from Washington for her leadership on this issue and for yielding me some time.

I have long opposed the leasing and development in the Arctic Refuge for several reasons related both to energy policy and to environmental concerns. I have said many times that the most compelling reason for not opening the Arctic Refuge is that it would do very little to further our national energy security and will do nothing to address short-term energy prices or needs. There will not be any production from the Arctic Refuge for an estimated 10 years. The Energy Information Agency estimates that production from the Arctic Refuge would, at its peak, reduce our reliance on imports by only 4 percent, from 68 percent reliant to 64 percent. This would not happen until the year 2025.

I have a chart that puts things in some perspective. It talks about total oil demand. This line is 2005, today, total oil demand. As we can see, it is rising, has been rising, is expected to continue to rise. The next line is transportation demand. You can see the biggest part of our total demand is transportation demand. Then domestic production has been declining in this country since the early 1970s. It is on the decline now. It is expected to continue declining. If this provision becomes law and we go ahead with leasing and development of ANWR, there will be a slight uptick as we get into 2015 and that period. There will be a slight uptick in domestic oil production. That is the red line. What we see is that there will be a slight increase due to the opening of ANWR but a very slight increase.

I am disappointed that this issue is being taken up as part of a budget reconciliation bill. The policy issue is of great significance and complexity and cannot be adequately handled on a budget reconciliation bill. I also have concerns and questions about the legislation that is included in the reconciliation bill. This bill would open the refuge to oil drilling. It would do so with less protection than for any other wildlife refuge or other Federal land that is currently subject to oil and gas leasing. The only mention of the environment is a vague directive that the leasing program be "environmentally sound." That is contradicted by other parts of the mark that contain broad waivers of environmental laws.

For example, the bill deems a 1987 environmental impact statement to be adequate under the National Environmental Policy Act, an 18-year-old environmental impact statement. It is deemed adequate for purposes of issuing regulations to implement the leasing program and other preleasing activities. This is despite the fact that there has been significant new information that has become available over the last 18 years related to the Refuge, related to its resources. The bill contains no requirement for public participation. It does have ambiguous new provisions that appear to limit judicial review. Even if one decided to go ahead with leasing this area, in my opinion the bill provides an inadequate framework and program within which to do that. There is no minimum royalty rate to be paid by oil companies provided for in this bill. There are no enforcement provisions. There are no required inspections. There is no limit on the size or the duration of the leases, no requirement that operational plans or surface-disturbing activities be approved, no requirement that oil companies post bond to ensure compliance with lease requirements, and there is no requirement that the land be reclaimed.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Ms. CANTWELL. I yield to the Senator 3 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BINGAMAN. And there is no requirement that the land be reclaimed or facilities removed.

Mr. President, these are fundamental components of a leasing statute. Members of this body are speaking out today about how we ought to impose windfall profits taxes on the oil and gas industry. At the same time we are doing that we are proposing a series of provisions that put virtually no requirements on them. Perhaps the proponents for opening the refuge have omitted some of these elements because they recognize that including them would cause this to run afoul of the Budget Act. That is a very good reason why this kind of important issue is not intended to be dealt with as part of a budget reconciliation bill.

Mr. President, for these reasons I support the amendment of the Senator from Washington. I commend her for her leadership on this issue. I ask my colleagues to join me in voting in favor of the amendment. Opening the Arctic Refuge is not a necessary component of our national energy policy. We can do better in crafting a solution to the current problems, and we need to do that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I have only 3 minutes remaining, but I want to yield that 3 minutes to Senator SUNUNU, and then I will yield the floor for the other side to continue.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SUNUNU. Mr. President, I think our energy policy and our approach to its provision ought to be driven by a need for balance, for evenhandedness, for a thoughtful approach, and that means not stepping forward and offering a lot of rhetoric, being careful about statements that might be misleading. And to that extent, earlier we heard a description about the Brooks Range and flying over the Brooks Range, and I think it is important for Members to understand the Brooks Range is not in the 1001 area, the 1.5 million acres that would be made available to leasing. It is not in there, not contained, not part of it.

So we can talk about the beauty of the Brooks Range, but it has nothing to do with this provision. We make tradeoffs all the time. You build a road, you make tradeoffs. You have to take land to build that road. You grow crops, you have to clear land and affect the environment for growing crops and food, growing cotton for clothing. You drive your car, you are using gasoline. You turn on your computer, you are using electricity. You have to build the lines to shift electricity around the country, build transmission. All of these choices in our modern society involve tradeoffs, and we should be balanced and thoughtful about how we weigh these costs and benefits.

When you look at this provision, first you can't help but look at the size—19 million acres in the Wildlife Refuge that we are talking about, three times the size of the State of New Hampshire, and this provision allows 2,000 acres to be used for production and exploration. That is an area equivalent to the size of the Manchester Airport, the airport that serves much of my State of New Hampshire. It is three times the size of New Hampshire, and we are talking about 2,000 acres to take advantage of what is by all estimates the second or third largest find of oil in our Nation's history—a million barrels per day as was pointed out, equal to all the production that was lost due to Hurricane Katrina.

Some of the critics have said, Well, yes, but if we only used energy from this source it would only supply all of the needs of America for 1 year. If you buy into that argument, then you would never support drilling another gas well anywhere in the country because it would not supply all of our energy needs for 10 or 20 or 30 years, or another oil well in east Texas or anywhere else in the country. If you buy into that argument, you basically are saying we want permanent energy dependence on imports, and that is the real goal of many of the interest groups behind this.

We need to strike a reasonable balance. Setting aside 2,000 acres in this part of the northernmost part of Alaska for the second or third largest oil find in our country's history is a reasonable, thoughtful, balanced approach. It is critical that we support this provision.

I did not support the Energy bill because I did not think it was fiscally responsible. But I think this is a rational and balanced approach, and one that I hope my colleagues will support. I yield back my time.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from Washington controls all the time that remains.

The Senator from Washington.

Ms. CANTWELL. Mr. President, how much time remains?

The PRESIDING OFFICER. Nineteen minutes.

Mr. CONRAD. Mr. President, how much time remains on the Republican side?

The PRESIDING OFFICER. There is no time remaining.

Mr. CONRAD. Mr. President, how much time does the Senator seek?

Mr. TALENT. I can do it in about 5 minutes.

Mr. CONRAD. Mr. President, I make a unanimous consent request that we give the Senator 5 minutes that will come off the Republican side when we agree to extend the time for this debate momentarily.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOMENICI. We understand it, and there is no objection.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. I thank the Senator for his ingenuous unanimous consent request allowing me to go forward, and I will just take a few minutes to talk about ANWR in general.

I am going to offer an amendment relating to this portion of the bill later, but right now I just want to tick this down for a minute as to what I see as the essentials of this issue.

With the greatest respect to those who oppose this operation, the exploration of oil, I don't understand what coherent philosophy—regardless of whether you are a liberal or a conservative, I don't understand what coherent philosophy would advocate cutting your own nation off from oil within its borders.

Now, I know I have heard the argument that we need an energy future that is not anywhere near as dependent on traditional sources of energy, and I agree with that. I am the last person in the world to argue with that. I led the fight on this side of the aisle for the renewable fuels standard, which mandates that by the year 2001, 27.5 billion gallons of ethanol and biodiesel be in the Nation's fuel supply to replace oil and gasoline.

I am a huge believer that within a few years we are going to be filling up with fuel that we get from corn and from soybeans and other sources. I think that is the future of our country, but we are still going to need some oil, and certainly in the short term we are going to need oil and, to me, it makes sense to be able to produce it ourselves.

Concerns have been raised about the environment, and if we were not requiring that it be done in the environmentally most sensitive way, I would not support it. But the same people who raise those concerns place tremendous confidence in the ability of American technology to create alternative sources of energy, the technology of which is embryonic—hydrogen or wind. Now, I support those, as well, but if you believe that technology can get us to the point where we can do those things and create a lot of energy in that fashion, and that is a long way down the read, you have to believe the technology is adequate to be able to explore for this oil in a way that will be sensitive to the environment. We are already using that technology here and around the world. If we don't get the oil in the Arctic using the most environmentally sensitive means, we are going to have to import it from countries where I have no confidence in what they are doing to the environment.

Concerns have been raised about the oil companies. Whatever you think we should do with the oil companies, whatever restrictions we should put on them or other kinds of measures to make sure they don't gouge for the price of oil, we still need the oil. Socialist countries explore for oil within their own boundaries.

So I am down to the point of saying, Mr. President, I do not see why we should not do this, and I do know it is going to create jobs. I did want to rise and make that point because this makes a lot of difference to people in Missouri. The Senator from Alaska talked very compellingly about the difference it makes on the ground for people in Alaska. It makes a difference in Missouri, too. An estimated 14,000 new jobs, good jobs will be created in Missouri alone if we explore for oil in the Arctic because of the collateral-related jobs around the country. That is one of the reasons the Missouri Laborers Council, the Carpenters' District Counsel of St. Louis, that represent, respectively, 13,000 and 22,000 members, strongly support this measure.

Mr. President, we should do it carefully. We should do it with a view toward the concerns that have been raised, but the concerns are not a reason not to do it. I know people have said, well, it is not going to produce much oil. A conservative estimate is 10 billion gallons. I think it will be a lot more than that.

Prudhoe Bay was estimated to hold only 9 billion barrels of oil. The production today is at 13 billion, and it is still producing. I think there is a lot of oil in the ANWR to get, but even if there is not so much there, it is no reason not to get it. We can do it the right way. We should have done it a long time ago, and we certainly should do it now.

I yield back any time I have not used.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington should be advised that time is running against her time.

The Senator from North Dakota.

Mr. CONRAD. How much time remains on our side?

The PRESIDING OFFICER. Nineteen minutes.

Mr. CONRAD. Mr. President, through the Chair I would like to say to the Senator from Washington that at this point, because the only time remaining is her time, and we are not yet prepared to enter into the unanimous consent request to extend the time, although I hope that will happen momentarily, it would be in her best interest to use the time.

Ms. CANTWELL. Mr. President, through the Chair, if I could inquire what the Senator from North Dakota is trying to propound in the unanimous consent request?

Mr. CONRAD. The unanimous consent request the manager of the bill and I will offer will extend the time until noon.

Ms. CANTWELL. I thank the Senator.

I would like to go over what I think are the important reasons we should not drill in the Arctic Wildlife Refuge and why my colleagues should support the Cantwell amendment to strike this language from the Budget Reconciliation Act.

As my colleagues have said earlier, we should not be doing this in the Budget Reconciliation Act, and it really does set a precedent for what I hope is not further attempts to drill in other parts of the United States, whether it is off the coast of Washington, the coast of Florida, or anywhere else by simply thinking you can come to the budget process and open up drilling in various parts of the United States. It is a very dangerous precedent. It also lays aside very important environmental regulations that should be met by any drilling efforts in the United States. So here we are, about to allow drilling in the Arctic Wildlife Refuge, and it is going to have the less protection than any other public land.

Let me go through the 10 reasons I think we should not be doing this.

First, the Arctic Wildlife Refuge does not solve our current gasoline or heating oil supply problems, and I guarantee you, my colleagues are going to hear a lot about home heating oil and other problems when they go home after we break for this year and people see their high heating bills and the enormous cost increases they are paying. So this is no solution for our immediate problem. In fact, even if oil were flowing today from the Arctic National Wildlife Refuge, who is to say that OPEC would not lower its supply and keep prices high? Moreover, the fact we are talking about something that is not going to happen for 7 to 12 years from now is clearly not going to help us in the near term.

Second, the oil supplies in the Arctic Wildlife Refuge are not going to help us be any less dependent on foreign oil. We already know that our biggest problem is that this country is 50 percent dependent on foreign oil, and moving forward in the next 15 years that dependency will grow to over 60 percent. To me, that says the way to get off fossil fuel and foreign consumption is to diversify, something this bill is certainly not doing.

The third issue is that we really do need to get off fossil fuel. So how are we going to do that? That answer is that we need to diversify into alternative fuels, such as Brazil and other countries have done, to look at a biofuels strategy and become more self-sufficient. The United States only sits on 3 percent of the world's oil reserves. To plan a strategy that continues to focus on this is just shortsighted.

Fourth, drilling in the Arctic will not translate into savings at the gas pump. Let me repeat that. It will not in the near term translate into savings at the gas pump. The Energy Department, its own energy information administration, said that even when the Arctic Wildlife Refuge oil supply is at peak production, it will only reduce gas prices by a penny a gallon. So we are going to open this pristine wilderness area for a penny a gallon 20 years from now.

Moreover, I believe it is important for my colleagues to get about the real debate and pass legislation that focuses on the price-gouging activities that could be occurring in America. Instead of passing this on a budget bill, why don't we bring up by unanimous consent or on some other piece of legislation a price-gouging bill that gives the Federal Government the same power that 23 States have in prosecuting oil companies or others who are involved in manipulating the price of gasoline at the pump? That is what we should take extraordinary measures in the Senate to do, not this.

Fifth, there is no guarantee that the oil from the Arctic Wildlife Refuge will be used in the United States. My colleague, Senator WYDEN, I am sure is going to talk more about this issue, but there is nothing under the current laws and regulations that is going to say that this oil is going to stay in the United States. So as my colleague from Illinois said, here is this product we are going to get from a wildlife refuge, and there is no guarantee that it is going to help our national security at all, that it won't be exported to the highest bidder.

Sixth, oil leasing in the Arctic Wildlife Refuge will not bring significant revenues to the Federal Treasury as a certainty. Right now, there is a big debate. There is a debate between the State of Alaska and the Senate about how royalties from the Arctic Wildlife Refuge should be divided. The State of Alaska has been very clear. They think they get 90 percent of those royalties. This bill tries to say they are going to get 50 percent. We know the State of Alaska is going to pursue that in court. The difference is a lot of money. If Alaska is successful, that means they will get 90 percent of the revenue assumed by this budget bill. This proposal says that the United States might get $2.4 billion. The State of Alaska is saying: No, no, no, you are only going to get $480 million. The difference between $480 million and $2.4 billion is a lot of money, and I would like to see clarity that if this have to happen we are not going to move forward without the guarantee that, in fact, we are going to see 50 percent of that revenue.

Seventh, the oil leasing in the Arctic National Wildlife Refuge, as one of my colleagues said, is about giving the oil companies something more of profits. The notion that they have had $30 billion in profits in the last quarter—$30 billion in profits in the last quarter—and yet they are not helping to diversify at a time when it is very clear to the American people that being overdependent on foreign oil and fossil fuel in general is not the right direction for our country.

Eighth, drilling in the Arctic National Wildlife Refuge will harm its ecosystem. Wildlife is going to be harmed. The fact that people think these things can work together is amazing. We should consider the reason the Wildlife Refuge was established in the first place, because it is a unique area. There is a lot of drilling that goes on in Alaska and a lot of area that is consumed by this. The original designation of the Arctic Wildlife Refuge was for the purpose of preserving this area.

Ninth, drilling in the Arctic Wildlife Refuge cannot be assumed to be environmentally benign. I know my colleagues would like to think that. But the fact is, in Prudhoe Bay and the oilfields of the Trans-Alaska Pipeline, there have been 4,532 spills from 1996 to 2004. In fact, the current rate of reportable spills on the Alaska northern slope is about 1 every 18 hours.

My colleagues would like to say this can be done in an environmentally sensitive way or that the environment is not going to be impacted. I don't believe that is true. I believe the number of oil spills that have been reported show that is not the case.

Mr. President, I ask unanimous consent to print in the RECORD a copy of the recent North Alaska oil company fines and penalties, the amount of money in penalties that have been paid by various companies over the last couple of years for either clean air violations or pipeline leak detections or other reasons for which various oil companies have been fined.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTH SLOPE, ALASKA: RECENT OIL COMPANY FINES AND PENALTIES

ENVIRONMENTAL

$80,000 civil penalty. ConocoPhillips. March 2004. Alpine Oil Field—Clean Air Act Violations. ADEC imposed civil penalty for high carbon monoxide emissions from turbines used to re-inject natural gas at the Central Processing Facility that exceeded the air quality permit by 215 tons over a year-long period. On Nov. 14, 2004 ADEC issued Compliance letter to CP for continued violations of excess Carbon Monoxide emission levels at the injection turbine from August 24 to October 2, 2004 (no fines). On March 5, 2005, Senator Domenici (R-NM) Senate Energy & Natural Resources Chair, toured the Alpine Oil field with Interior Secretary Norton, Sen. Lisa Murkowski and others. On March 7, 2005, ADEC closed the November compliance letter. However, problems with Carbon Monoxide levels exceeding permitted levels persisted at the Alpine production facility. On July 11, 2005, BP requested changes to the standards for all the combustion turbines but to date, ADEC has not taken such action.

$35,000 Fine. BP. Sept. 19, 2003. Badami Oil Field. Clean Air Act violations. ADEC compliance orders show that for nearly five years (from October 1998 to August 2003), BP operated Badami operated in violation of carbon monoxide emission permit limits. From May 1999 to August 2000 and in April & May 2001. Badami operated in violation of permit conditions for oxide of nitrogen emissions. On Feb. 23, 2004, ADEC issued a new air quality permit with revised BACT limits for the turbines (i.e. weakening the standard).

$75,000 Civil Penalty. BP. Feb. 21, 2003. Northstar Oil Field. Clean Air Act violations. ADEC compliance order for violations of earlier compliance order (2001), operating equipment not covered by permit and exceeding the NOx emission limits in its permit (only $40,000 fine paid). As of April 26, 2005, BP remained out of compliance with the permit, including excessive flaring rates.

$45,000 fine. BP. Feb. 21, 2003. Badami Oil Field. Clean Air Act violations. ADEC compliance Order for violations of Carbon Monoxide emission limits for nearly two years, higher nitrogen oxides emissions for over a year and for continuing violations at the Badami Central Production facility (fine reduced to $10,000).

Criminal Probation Conditions. BP. December 2002. Prudhoe Bay. Leak Detection, Monitoring and Operating Requirements violations. U.S. District Court found BP had not installed a leak detection system that could promptly detect Prudhoe Bay pipeline spills, and failed to comply with Alaska Department of Environmental Conservation requirements for best-available technology for crude oil pipelines. The Court ordered probation conditions allowing the state agency unrestricted access to the corporation's records and oil fields to verify compliance with environmental, health, and safety regulations. This action resulted from a July, 2001 a petition to the court submitted on behalf of 77 BP employees.

$130,000 penalty. Arctic Utilities Inc. and TDX North Slope Generating Inc. December 2002. Deadhorse. Clean Air Act violations. ADEC penalty at Prudhoe Bay power plant. The company failed to obtain air quality permits for installing new emissions sources and constructing upgraded facilities for this major source of nitrogen oxides pollution.

$675,000 civil assessments and costs. BP. November 14, 2002. Prudhoe Bay. Spill Violations. Fine for spill cleanup problems for 60,000 gallon pipeline spill ($300,000 waived by ADEC if spent on environmental project to increase using low-sulfur fuel use in school buses). Crude oil spilled to wetlands and leaked through ice cracks to a drinking water lake.

$300,000 fine. BP. June 2002. Prudhoe Bay. Pipeline Leak Detection Violations. BP paid fine for delays in installing leak detection systems for Prudhoe Bay crude oil transmission lines.

Zero Fine. ConocoPhillips. December 24, 2001. Alpine Oil field. Clean Air Act violations. ADEC issued Notice of Violation for high carbon monoxide levels at primary power turbine. Some issues were not resolved until 2003.

$75,000 fine. BP. December 21, 2001. Northstar Offshore field. Clean Air Act violations. ADEC imposed penalties and damages for violations of air quality permit for high carbon monoxide emissions, exceeding daily flaring limits, and operating equipment that had not been permitted. ($35,000 suspended conditionally). The violations continued for years; the compliance order was repeatedly extended. On June 22, 2004, ADEC wrote a Compliance Letter that BP was out of compliance with its permit, the 2001 compliance order and state regulations.

$80,000. BP. July 27, 2001. Badami Oil Field. Clean Air Act violations. ADEC compliance order for past and continuing violations of air quality permits for exceeding carbon monoxide and Nitrogen oxides limits and violations of certain provisions of March 15, 2001 compliance order. This compliance order was extended numerous times until February 14, 2003.

$412,500 fine. BP. April 17, 2001. Prudhoe Bay, Endicott. Clean Water Act violations. From 1996 to 2000, BP failed to properly analyze discharges from the Prudhoe Bay Central Sewage Treatment facility and the Endicott Offshore field and Prudhoe Bay Waterflooding operations. EPA reduced the total penalty down to only $53,460 because BP voluntarily disclosed violations of the Clean Water Act.

$110,000 fine. BP. March 15, 2001. Badami Oil Field. Clean Air Act violations. ADEC compliance order for 2 violations of permit conditions relating to excess levels of Carbon Monoxide, two past violations of oxides of nitrogen limits, and one ongoing violation of source test requirements (fine conditionally reduced to $70,000). On Aug. 1, 2001. BP paid an additional $10,000 for BP two months that the turbine engines exceeded emission limits specified in the compliance order.

$16,875 fine. Phillips. January 10, 2001. Alpine Oil Field. Clean Air Act violations. ADEC Compliance Order allowed Phillips Alaska Inc. to operate secondary power turbine on diesel fuel, instead of natural gas, until 2003 even though emission testing showed this would result in exceeding permit Best Available Control Technology limits for NO_X. (Fine reduced to $5,000)

Zero Fine. BP. February 7, 2000. Northstar offshore field. Clean Air Act violations. Voluntary disclosure to EPA of violations of the Clean Air Act, New Source Performance Standards from drilling prior to start-up of field. EPA did not seek penalties for these violations, according to a letter of February 23, 2000.

$22 million penalties and fines. BP. February 2000. Endicott offshore field. Superfund violations. The federal court ordered BP to pay $6.5 million in civil penalties, $15.5 million in criminal fines, and to implement a new environmental management program, and ordered five years of probation. BP was late to report hazardous dumping down Endicott production wells, required by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund (also see Doyon Drilling, below).

$5,000 Fine. ARCO Alaska Inc. Dec. 20, 1999. Alpine Oil Field. Clean Air Act violations. Drill rigs operated by Doyon Drilling exceeded total emissions allowed under permit conditions (fine reduced to $500).

$5,000 fine. ARCO Alaska Inc. Nov. 22, 1999. Alpine Oil Field. Clean Air Act violations. ADEC issued compliance order for excess emissions from the drilling mud plant heater in violation of Air Quality Construction permit conditions (fine reduced to $500).

$14,000 fine. ARCO Alaska Inc. Nov. 7, 1999. Alpine Oil Field. Clean Air Act violations. ADEC issued compliance order for excess emissions from engines associated with drilling that violated permit conditions (fine reduced to $3,500).

$13,000 fine. Aug. 31, 1999. BP. Badami Oil Field. Clean Air Act violations. ADEC compliance order for excess emissions of Carbon Monoxide from turbines and crude oil heaters (fine reduced to $5,000).

$50,000 fine. Alyeska Pipeline Service Co. March 17, 1999. Trans-Alaska Pipeline System. U.S. Dept. of Transportation pipeline violation. Two instances of over-pressurization of the Pipeline which risks leaks and spills led to federal fine. Since 1992, Alyeska had over-pressurized the pipeline 5 times resulting in another $100,000 in fines.

$3 million fine. Doyon Drilling. 1998. Endicott offshore field. Oil Pollution Act violations. The BP contractor pled guilty of 15 counts of violating the Oil Pollution Act of 1990 for dumping hazardous wastes down Endicott wells for at least three years. Three managers paid $25,000 fines and the Health, Safety, and Environmental coordinator went to prison for a year.

Southcentral Alaska: $485,000 civil penalty. ConocoPhillips. August 2004. Offshore drilling platforms in Cook Inlet, Alaska—Clean Water Act violations. EPA imposed penalties for 470 violations of the rig's National Pollution Discharge Elimination System Permit over a five-year period, and six unauthorized discharges of pollutants to Cook Inlet, in Southcentral Alaska.

HEALTH AND SAFETY

$1.3 million civil fine. BP. January 2005. Prudhoe Bay. Alaska Oil & Gas Conservation Commission had originally proposed $2.53 million fine for safety violations at a Prudhoe Bay well accident caused by excessive pressure in 2002. Explosion and fire seriously injured a worker. The Commission said BP put production ahead of shutting down and repairing wells. BP agreed to pilot feasibility study on remote monitoring of well pressure levels for $549,000 fine waiver.

$102,500 civil fine. BP. January 2005. Prudhoe Bay. Alaska Oil & Gas Conservation Commission fined BP for violating rules drawn up after the well explosion on preventing dangerous pressure from building up in Prudhoe Bay wells.

$6,300 civil fine. BP. January 2003. Prudhoe Bay. Alaska OSHA proposed fine for violations of state's worker safety law in failing to protect workers in an explosion that killed a worker.

$67,500 civil fine. Houston/Nana (owned by Arctic Slope Regional Corporation & NANA Regional Corporation). March 2002. Trans-Alaska Pipeline. Alaska OSHA proposed fine to this Trans-Alaska Pipeline Contractor for failing to report 142 instances of worker injuries or illnesses from 1999 to 2001, in violation of state and federal laws.

Ms. CANTWELL. Mr. President, lastly, on these reasons why we should not move forward, is the notion that the Arctic National Wildlife Refuge is a symbol of this country's desire to protect and preserve wildlife areas and that somehow people would like to assume that long-term damage has not already been done to other parts that have been opened up for drilling.

In fact, a Environmental News Service article that summarizes a 2003 National Academy of Sciences report that says for three decades of oil drilling on the Alaskan North Slope, while it has brought economic benefits, for sure, it has also caused lasting environmental damage "and a mixture of positive and negative changes to that area." The report found that 'some environmental damages will last for centuries.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Environmental News Service]

NORTH SLOPE REPORT FUELS ALASKA DRILLING DEBATE

(By J.R. Pegg)

Three decades of oil drilling on Alaska's North Slope has brought economic benefits to the region, but has caused lasting environmental damage and a mixture of positive and negative social change, says an independent panel of experts.

The National Research Council report released Tuesday is the first official assessment of the cumulative environmental, economic and social effects of some 30 years of oil drilling on Alaska's North Slope, which covers 89,000 square miles.

The report, "Cumulative Environmental Effects of Oil and Gas Activities on Alaska's North Slope," does not offer any policy recommendations on the issue of oil drilling within the Arctic National Wildlife Refuge (ANWR), which is east of the established North Slope oil fields and remains the only part of the nation's Arctic coast not open to drilling.

The Bush administration and some Republicans in Congress are moving to open ANWR to drilling, despite fierce opposition from environmentalists, Democrats and a handful of Republicans.

"That is a policy decision, not a science decision," University of Washington zoology professor Gordon Orians told reporters. Orians served as chair of the 18 member committee that produced the report.

Even so, the report was immediately hailed by opponents of drilling in ANWR, while at the same time it was labeled as biased and flawed by some supporters.

The report is "just another attempt by the people who have been opposed to development in Alaska," said Senator Ted Stevens, an Alaska Republican.

"To hear them talk, you would think it would be in the best interest of the country to turn the clock back and put Eskimos back in igloos and deny them energy, deny them any assistance of the federal government, and deny them any income from the production of their lands."

Stevens alleged that at least three committee members are on record opposing increased drilling and said this undermines the impartiality of the report.

Orians denied charges of any bias within the final report, noting that the panel included individuals with ties to the oil and gas industry, along with members linked to environmental and conservation groups.

"This is a unanimous report," Orians said. "Everyone agreed to this, even the members whose research has been funded by the oil industry for years. The claim that particular biases have slanted the committee's view cannot be sustained."

The study was mandated by Congress and carried out by the research arm of the National Academies, which is a private, nonprofit institution charged with providing science and technology advice under a congressional charter. Members of its committees are not compensated for their work.

The report finds that efforts by oil industry and regulatory agencies have reduced many environmental effects, but have not eliminated them. Some of the environmental damage will last for centuries or longer because of the costs of cleanup and fragile nature of the Arctic environment.

Oil was first discovered on the North Slope in 1968. Oil production on the slope and along its coast accounts for some 15 percent of the nation's oil production.

There are concerns about the haphazard development of oil and gas on the slope, driven by a consistent "lack of planning" by different agencies and regulatory bodies with oversight of the area, Orians said.

"There has been no vision or planning on where things ought to go," he said.

But scientific advances are helping to reduce some environmental impacts. Smaller oil drilling platforms cause less harm to the tundra, as does the trend that more roads and drilling sites are now being constructed with ice instead of gravel.

Fewer exploration wells are needed to locate and target oil deposits. The use of remote sensing has reduced off road travel, an activity the panel cited as having notable environmental consequences. Off road trails for seismic exploration have harmed vegetation, caused erosion and degraded the aesthetic beauty of the tundra.

It is "difficult to fully determine the impacts of off road activity," Orians said, because the oil industry refused to release information on where and when it had conducted seismic explorations.

For some areas of concern, in particular oil spills, the committee found no evidence that environmental effects have accumulated.

"Oil spills have not accumulated over time because spills have been small and relatively contained," Orians said.

"But if there were to be a major spill offshore in the ocean, current technology cannot remove but a fraction of the oil spilled."

The report offers a mixed review of the impact of the oil and gas industry on wildlife. There have not been large declines in the caribou herds within the slope, but their geographical distribution and reproductive success has been altered. The animals avoid some traditional areas used for calving and for protection from insects because of oil development, and the report finds the spread of industrial activity could increase this trend.

Some animals and birds, including bears, foxes, ravens and gulls, have benefited from development on the North Slope. These scavenging species have thrived with the addition of food sources from human refuse. But these species prey on eggs and nesting birds, some of which are threatened and endangered. The report finds some bird species are struggling to maintain stable populations because of this increased threat.

The panel suggests that if oil activities expand, these predator populations must be controlled if the impact to some bird species is to be contained.

Bowhead whales have altered their migration patterns to avoid noise from offshore seismic activity, the report says. The extent of this detour and the impact to the species is not fully understood, panelists said, but it is impacting the indigenous societies of the slope.

The Inupiat Eskimos, for example, have a long tradition of hunting bowhead whales, but are now finding they have to travel much further out to sea to catch the whales. And the Gwich'in Indians, who rely on caribou, are concerned about changes to caribou herds and their migration patterns due to oil drilling.

"There is no question in the minds of the native community that have been positive and negative impacts from oil development," said committee member Patricia Cochran, executive director of the Alaska Native Science Commission.

Money from oil development has improved schools, health care and housing. But these improvements appear to have a cost, the report finds, including increased alcoholism and diabetes.

The report suggests the negative social impacts could be mitigated by increased involvement of these communities within the planning process for future oil and gas development and for when oil and gas production declines on the slope.

What will happen when production of oil and gas on the North Slope has ceased is something that has not been addressed, the report finds. It will take billions of dollars to clean up and remove the infrastructure put in place to drill oil and gas, costs that neither the government nor the industry has said it is willing to absorb.

The panelists said further research into the environmental effects of drilling should rely more on locals, explore air pollution and contamination of water and food sources, as well as the possible implications of climate change.

The report is intended to help policymakers with their decisions, committee members said, and reflects that there are environmental, economic and social tradeoffs for the future of oil development on the North Slope.

"When industrial development goes into an area there will be some associated changes in the environment and society has to face that, whether it is in Alaska or in the lower 48 states," said panelist Chuck Kennicutt, director of the Geochemical and Environmental Research Group at Texas A&M University's College of Geosciences.

"We are simply saying that there is change that will occur. It is always a question of balance between the benefits and the costs and these are perceived differently by different people," Kennicutt said.

Bush administration officials said they welcomed the report and highlighted its findings that technology is lessening the environmental impact of drilling.

The report shows that, "We can protect wildlife and produce energy on the North Slope," said Department of Interior Secretary Gale Norton.

Protections that the administration supports, Norton said, include mandated ice roads and runways, limits for exploration areas to no more than 2,000 acres, analysis of each proposed exploration site to avoid sensitive waters and a mandate the exploration only occur in the winter.

Environmentalists and some Democrats believe the report demonstrates that governmental oversight of drilling and its environmental effects has been lacking.

"The National Academies' report reveals what we have suspected all along, that oil and gas exploration and development have significant impact on wildlife and their habitat and is leaving a legacy of pollution on one of America's most pristine areas," said Congressman Ed Markey, a Democrat from Massachusetts.

"Oil companies haven't set aside the money required to clean up their current infrastructure, let alone any potential expansion," Markey said. "It seems likely that the restoration of the North Slope, if it is restored at all, will fall on the taxpayer's shoulders."

Ms. CANTWELL. Mr. President, I think it is known that the environmental damage to the region has been done, that leaks and clean air issues are prevalent in the area, that oil companies are being fined for those violations, and that we cannot just go about drilling in the Arctic National Wildlife Refuge and think we are solving our problems.

In fact, I would like to show my colleagues a copy of a map of what we are talking about. Here is the Arctic National Wildlife Refuge. Here is the rest of northern Alaska. One can see the various designations of existing Federal and State leases. The active Federal leases are in yellow. This is the area under discussion. So all the rest of Alaska in this particular area—in yellow and red, and even in this beige, proposed Federal leasing plan—a lot of territory that is already involved in oil and gas production. Why not leave this last slice of Alaska's Northern coast alone and pristine?

A Washington resident, just to give my colleagues an idea, actually took some pictures of this area of the wildlife refuge. One can see it is a very pristine area with wildlife and streams running through it. We can imagine why someone wanted to preserve this area and why it is so important to the United States.

This happens to be, in my mind, a pretty infamous picture because when my colleague, Senator BOXER, and I were on the floor discussing this issue a few years ago, there was a copy of this picture that was at the Smithsonian, part of an exhibit done by a Washington photographer, a retired Boeing engineer who visited this area and took some pictures and had a public display at the Smithsonian. As soon as these pictures were used on the floor of the Senate, somehow his exhibit was sent to the basement of the Smithsonian and got a lot less attention because somehow, I guess, this picture portrays for the American people something some people didn't want to see or didn't want to have advertised so specifically.

Here is another picture of the area that depicts what an unbelievable, pristine resource this is for the United States. We can see how delicate the ecosystem of this region is and how challenging oil drilling activity in this region can be.

I say to my colleagues that I believe the American people, and certainly the news media around the country, have gotten the gist of what this debate is about because they have expressed their opinions about this as well. I think they have been right on track about this issue. I would like to talk about some of those opinions.

The Milwaukee Journal Newspaper said:

> . . . This effort may succeed, not because it's good public policy but because supporters are trying to sneak it into a budget reconciliation bill . . . supporters of good government should not allow that to happen.

That is one newspaper in the Midwest.

Another from the South, the Atlanta Journal-Constitution:

> . . . As always, drilling advocates are using distortions and half-truths, claiming that awarding extractive leases on protected lands will significantly reduce the Nation's dependence on imported oil while having minimal impact on the region's fragile ecology.

That from a newspaper in the South.

From the Philadelphia Inquirer, another newspaper that has followed this issue. I thought they hit it right on the head in today's debate because they say:

> Congress has wasted years trying to enact this single proposal when, by now, ingenuity and investment in technology could have developed better answers. Whether the United States drills in the Arctic Refuge or not, this country has no comprehensive plan to wean itself from oil. That's what's really needed.

Mr. CONRAD. Mr. President, might I interrupt the Senator for a moment so we might propound a unanimous-consent request?

The PRESIDING OFFICER. The Senator from Washington has the floor.

Ms. CANTWELL. If I can finish for a second, and then I will yield to the Senator to make his request.

The Milwaukee Journal Sentinel is a summation of what this debate is about. We have debated this for years, and the reason it has been contentious is because a lot of people have concerns about this direction and proposal. But now to do this on the budget where the environmental safeguards that are applied to other drilling, where the NEPA process and other safeguards are ignored, where we are not sure what oil revenue the United States is really going to get to recognize in this budget, when we don't know whether we are going to keep this oil for economic security reasons, I agree with the Sentinel which said:

The reconciliation bill should be used to settle budget matters, not to abuse the public's trust.

I will yield now to the Senator from North Dakota for his proposal.

Mr. GREGG. I appreciate the Senator from Washington yielding and the Senator from North Dakota for allowing us to proceed here, also in arranging for this.

At this time, I ask unanimous consent the debate time on the pending Cantwell amendment be extended to 12 noon and that the time from 10:45 to 12 noon be equally divided, except that the Senator from Washington shall, within that time, receive an additional 5 minutes; that any amendments to the language proposed to be stricken be limited to the time specified above and any second-degree amendments would be limited to the time specified under the agreement; that within the time allocated, Senator TALENT shall have the right to offer an amendment relative to ANWR; that the following first-degree amendments are to be offered during today's session within the time limits specified, all time equally divided: Senator GRASSLEY's amendment re: agriculture, from 12 to 1:30; Senator BINGAMAN's amendment relative to FMAP, from 1:30 to 2 p.m.; Senator BYRD amendment re: VISAS, from 2 to 3; Senator LOTT and Senator LAUTENBERG amendment relative to Amtrak, from 3 to 3:30; Senator MCCAIN amendment re: spectrum date change, from 3:30 to 4:15; Senator MURRAY's amendment re: dual eligibles, from 4:15 to 5 p.m.; Senator ENSIGN's amendment re: DTV, 5 to 5:30; and Senator LANDRIEU's amendment on coastal impact or a Senator CONRAD-designated amendment, from 5:30 to 6 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Reserving the right to object—and I hopefully will not be objecting, I am sure we can work this out—in terms of the time for Senator BYRD's amendment, did we have that?

Mr. GREGG. From 2 to 3.

Mr. CONRAD. Very well. I have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, I want to ask a question. With reference to the pending amendment, would you refresh my recollection here, Senator TALENT has a right to offer an amendment?

Mr. GREGG. During the period of pending debate from now until 12:00.

Mr. DOMENICI. Is that the time in which it would be debated?

Mr. GREGG. That is correct.

Mr. DOMENICI. We have no additional time. Has that been checked with him?

Mr. GREGG. As I understand it, that is acceptable to Senator TALENT.

Mr. DOMENICI. I am not sure.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I reserve my right to object only because I am not sure that is what he wants.

Is there any way the Senator can fit it in later on for 10 minutes?

Mr. GREGG. No.

Mr. DOMENICI. Is that the only other amendment in the list that applies to ANWR? On that list?

Mr. GREGG. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, reserving the right to object because I want to make certain we also got in the language that second-degree amendments would be permitted during the above times and their debate would be limited to the time specified under the agreement.

Mr. GREGG. That is applicable to the ANWR language.

Mr. CONRAD. And any others as well.

Mr. GREGG. All right.

The PRESIDING OFFICER. Is there objection to the agreement, as modified?

Without objection, it is so ordered.

Mr. CONRAD. I thank the Senator from Washington for her courtesy in allowing us to proceed and interrupting her statement.

Mr. DOMENICI. Even though Senator CANTWELL has an extra 5 minutes, is it all right that we go and the Senator accumulate that time?

I yield myself 3 minutes, and then I will yield the management of the time to the senior Senator from Alaska for the remainder of our time.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. DOMENICI. I want to respond to one of the issues raised by pointing to the map here. I have conferred with the Senator from Alaska and others about this Coastal Plain. If you see, it is in green and you see these words, it says:

> Not wilderness. Creation of the coastal plain oil and gas exploration area.

This little box is within that, 20 acres. It is not within a wilderness area. It is not a wilderness. It was established by President Eisenhower, and contrary to what was said on the floor, it was done that way for the very reason it was thought to have an abundance of natural resources; to wit, oil and gas. Therefore, it was set aside for an exploration area, the future use of which was to be determined by the Congress.

Isn't that interesting? Contrary to what has been said, we are doing exactly what President Eisenhower's set-aside intended. It intended it to be an oil and gas exploration area, for that purpose, to be determined in the future. By whom? Us. The very thing we are doing here.

My last observation: For anybody in the United States who is worried about America and its natural gas future, its natural gas price that is going through the roof, that this particular winter Americans are going to be terribly upset when the price goes up dramatically, with gasoline at the pump so high. It was a month ago that Americans were beginning to worry about their future. It is interesting to note that the State of Alaska, one of ours—not Russia, not some country that we don't know about—actually contains sufficient natural gas that if we would have been on our toes, we would have had sufficient natural gas from our own State to where this crisis would not be occurring.

There are a lot of reasons. But one of them is the constant carping that we can't do it because of environmental reasons, when we can. We know how to do it. We do not have to destroy the wilderness. We don't have to destroy the tundra. But if we keep doing what we are doing, we can destroy our economy. That is the issue.

I am pleased to be part of this. I hope we will vote before the day is out on this issue, and we will finally prevail. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Alaska.

Mr. STEVENS. Mr. President, I have sort of a unique role in this argument, since I was in the Interior Department in the Eisenhower administration and helped create the Arctic Wildlife Range. It was specifically on this Coastal Plain, specifically specified it was subject to oil and gas leasing.

Then I was here at the time that Senators Jackson and Tsongas offered the amendment that created the 1002 area and, as this chart shows, it was specifically excluded from the Refuge. It is not wilderness. It never was wilderness, and it has never been closed to oil and gas exploration. Their amendment required approval of Congress of the action—of the results of the environmental impact statement required by the Jackson amendment.

Mr. President, I am wearing an Alaska bolo tie today because two of my friends, Laura and Crawford Patotuck, brought this to me and asked me to wear it when ANWR was up before the Senate. They are part of the Alaskan Native group that is here to support this bill and support proceeding with the oil and gas leasing.

I have heard some comments this morning about whether this is right, to have this provision in this bill. The Constitution of the United States does not require 60 votes to pass a bill. That is only a procedural rule of the Senate on how to end filibusters.

Filibusters plague the Senate. They continue to plague this Senate, and that is why the Budget Act was passed, to prevent filibusters on items that would bring about increased income of the United States.

Many people are talking about the 50–50 split between the Federal Government and the State of Alaska under the Mineral Leasing Act. It so happens I was the one who suggested it to Delegate Bartlett at the time the Statehood Act was before the Congress, that we add to that, the Statehood Act, the provisions of the Mineral Leasing Act which guaranteed to Alaska 90 percent of the returns from oil and gas leasing in Alaska because we were not subject to the Reclamation Act.

The Reclamation Act no longer has any application. So Congress has, for many years now, divided these receipts on a 50–50 basis, and this bill, when it becomes law, will specifically so divide it. That is not an issue that would be appealable to the courts. What would be appealable would be the original change in the law by the Congress if we ever decided to file that lawsuit. Alaska has never filed such a lawsuit.

I hope we will not hear anymore about whether this provision of this bill applies to Alaska as it applies to all Western States that have public lands. There is a 50–50 split on the royalties that are derived from oil and gas leasing.

One of my real joys this year was to receive a letter from my old friend, James L. Buckley, Judge Buckley, former Senator from New York.

I ask unanimous consent that a copy of this letter be placed on each desk because I think all Senators should read it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Let me read it:

> DEAR TED: Twenty-six years ago, after leaving the Senate, I was a lead signatory in full-page ads opposing oil exploration in the Arctic National Wildlife Reserve that appeared in the New York Times and the Washington Post. I opposed it because, based on the information then available, I believed that it would threaten the survival of the Porcupine caribou herd and leave huge, long-lasting scars on fragile Arctic lands. Since then, caribou populations in the areas of Prudhoe Bay and the Alaskan pipeline have increased, which demonstrates that the Porcupine herd would not be threatened, and new regulations limiting activities to the winter months and mandating the use of ice roads and directional drilling have vastly reduced the impact of oil operations on the Arctic landscape.
>
> In light of the above, I have revised my views and now urge approval of oil development in the 1002 Study Area for the following reasons:
>
> 1. With proper management, I don't see that any significant damage to arctic wildlife would result, and none that wouldn't rapidly be repaired once operation ceased.
>
> 2. While I don't buy the oil companies' claim that only 2,000 acres would be affected, even if all of the 1.5 million-acre Study Area were to lose its pristine quality (it wouldn't), that would still leave 18.1 million acres of the ANWR untouched plus another five million acres in two adjoining Canadian wildlife refuges, or an area about equal to that of the States of Connecticut, Massachusetts, Vermont, and New Hampshire combined. In other words, it is simply preposterous to claim that oil development in the Study Area would "destroy" the critical values that ANWR is intended to serve.
>
> 3. In light of the above, it is economic and (to a much lesser degree) strategic masochism to deny ourselves access to what could prove our largest source of a vital resource.

I emphasize this:

> Having visited the Arctic on nine occasions over the past 13 years (including a recent camping trip on Alaska's North Slope), I don't think I can be accused of being insensitive to the charms of the Arctic qua Arctic. I just don't see the threat to values I cherish.
>
> With best regards,
>
> Sincerely, Jim.

There is a man who has changed his views. I do believe we should all take into consideration the fact that he led the movement, started the movement against the exploration and development of this Arctic Plain.

I must express my amazement that our colleague from Washington has introduced an amendment to strip this provision from the budget reconciliation. In 1980, former Washington Senator, and my great friend, Henry "Scoop" Jackson wrote a letter discussing the importance of ANWR.

He wrote this about ANWR:

> Crucial to the Nation's attempt to achieve energy independence. One third of our known petroleum reserves are in Alaska, along with an even greater proportion of our potential reserves. Actions such as preventing even the exploration of the Arctic Wildlife Range, . . . is an ostrich-like approach that ill-serves our Nation in this time of energy crisis.

I say this: Not only does ANWR serve our important national security interest, it also serves the economic interest of the State of Washington.

The economic health of Puget Sound is tied directly to Alaska as illustrated in a report commissioned by the Tacoma-Pierce County and Greater Seattle Chambers of Commerce. Of particular importance is oil production from the North Slope.

Washington's refining industry purchases almost its entire crude oil stocks from Alaska. The report states that "direct impacts from the refining of Alaska crude oil within the Puget Sound region include 1,990 jobs and $144.5 million in labor earnings. In 2003, oil refineries in Puget Sound imported $2.8 billion worth of crude oil from Alaska." Alaska oil provided 90 percent of the region's refinery needs.

Washington's refineries provide much needed gasoline and jet fuel supplies to the Pacific northwest. Without the opportunity to expand production at the Cherry Point refinery, more than 300,000 gallons of fuel per day are lost. This is fuel desperately needed by consumers in both Washington and Oregon.

Oregon has no refining. The refinery I mentioned is the one running Alaskan oil. Oil development is a major contributor to the health of Washington's economy. As oil wealth in the State of Alaska increases, so does the demand for Puget Sound goods and services. Perhaps this is why the chambers of commerce support balanced development of ANWR.

They understand that with Prudhoe Bay declining—it today only produces around 950,000 barrels a day from a high of 2.1 million barrels—additional oil resources must be developed to ensure the continued economic viability of the Puget Sound region.

The development of Prudhoe Bay contributed more than $1.6 billion into the Washington economy. ANWR alone is estimated to create over 12,000 new jobs in Washington alone, in addition to the revenues it will generate for the State.

None of these benefits will take place if Senator CANTWELL's motion is allowed to pass.

Not only are decreasing oil output and declining revenues affecting the health of Washington, its major businesses are feeling the heat—particularly the aviation industry.

The rise in fuel prices is greatly impacting our aviation industries. Our airline industry has lost over $25 billion in the last 3 years.

Sustained high jet fuel costs of $1.50 per gallon—which is almost triple that of 1998 and 1999—continues to hamper the health of this critical industry. Every dollar per barrel that the cost of oil rises costs the airline industry an additional $2 million per month.

High energy prices also prevent job creation in the transportation sector. The Air Transport Association estimates that for every dollar increase in the price of fuel, they could fund almost 5,300 airline jobs. This should be particularly worrisome to those members who represent constituencies in the airline industry and those businesses that support the airline industry.

At a time when Boeing, America's leading aerospace company, is struggling to reassert its dominance in the aviation field, the high prices of oil are devastating.

Fuel costs are the second biggest costs for airlines. Given these high costs, airlines can not afford to purchase additional aircraft.

And air transport, which generated revenues of $1.5 billion in 2003, are also at risk from high fuel prices.

Washington State consumes 17.6 million gallons of petroleum per day, including 7.3 million gallons for gasoline and 2.5 million gallons per in jet fuel. It produces none of its oil.

I ask the Senator from Washington, where will your constituents get oil if they do not get additional supplies from ANWR, when the pipeline in Alaska—the only known producing area—is declining almost daily?

Twenty-four years ago, during the debate on Anilca, I worked closely with Senator Scoop Jackson and Senator Paul Tsongas to ensure part of the coastal plain of Anwr remained open for oil and gas development.

Senator Jackson and Senator Tsongas promised oil and gas activity would take place in the coastal plain subject to an environmental impact statement which would have to be approved by Congress. In the spirit of compromise, they created section 1002 of Anilca, which set aside 1.5 million acres along the coastal plain of Anwr for oil and gas exploration and development.

It is not wilderness. It has never been wilderness. It has never been withdrawn. It has always been available for oil and gas development. It was once passed by the Senate, and President Clinton vetoed the bill.

I have fought now for 24 years to make sure that the promise made to me personally—made here on the floor of the Senate by Senators from Washington State and Massachusetts, Senator Jackson and Senator Tsongas—and that promise has never been fulfilled.

The Arctic National Wildlife Refuge is 19 million acres.

It is shown on this chart. The area set aside for oil and gas exploration the 1002 area, or the coastal plain is 1.5 million acres. Because of advances in technology, only 2,000 acres of this 1.5 million will be needed for production.

To put this in perspective, ANWR is about the size of South Carolina. The area needed for development is about the size of Dulles Airport. Development in the Coastal Plain is the equivalent of building an airport in South Carolina.

I want to go to chart 2 and show the Coastal Plain.

According to the U.S. Geological Survey, the Coastal Plain holds between 5.7 billion barrels and 16 billion barrels of oil.

Again, I emphasize that people are talking about 2 percent of the known reserves. We have a lot of unknown reserves, particularly in Alaska and the West, which have not been explored, and the area off our coast going toward Russia on the Outer Continental Shelf. Two-thirds of the Outer Continental Shelf of the United States has not been explored.

We are capable of producing, as the Senator from New Mexico said, a lot more oil and gas. We can produce 876,000 to 1.6 million barrels a day by developing the Coastal Plain. That would fulfill our pipeline backup. It is our country's single largest prospect for future oil production.

And, the actual amount of recoverable oil could be much larger. Remember, the first estimates at Prudhoe Bay were that there would be 1 billion barrels of recoverable oil. In the last 30 years, we have recovered 14 billion.

In 1973, at the time of the oil embargo, our country imported one-third of its petroleum. We now import almost 60 percent of our oil. By 2025, we will import almost 70 percent.

American dependence on foreign oil threatens our national security. We now rely on unstable and unfriendly regimes to meet our energy needs.

The coastal plain can produce over 36 million gallons of gasoline, jet and diesel fuel, heating oil, and other products a day. It can heat over 8.1 million homes, or provide all of the gasoline that Californians consume each day. America needs American oil.

America needs this American oil.

People who say it is only a day's supply are talking about if there were no other source of oil. It is a preposterous statement to say this area contains very little oil.

In 2004, our merchandise trade deficit was $651.52 billion. 25.5 percent of this deficit came from net imports of crude and petroleum products, which cost over $166 billion.

We are paying higher prices to meet our energy needs, and we are flushing jobs and money out of our economy.

Americans are paying more for gasoline, heating fuel, and consumer products. In the past 4 years, the average price of gasoline has increased by $1.84 a gallon—that's a 75 percent increase!

For every $1 billion we spend to develop our domestic resources, we create 12,500 jobs. This means in 2003 we lost over 1.3 million jobs by importing oil instead of producing it here—1.3 million jobs outsourced in order to bring oil from other sources.

By developing our resources on the coastal-plain, we will create between 700,000 and 1 million American jobs. We will put up to $60 million back into the U.S. economy each day instead of sending it to foreign countries.

Probably one of the things most important to me is that our Alaska Native people overwhelmingly support development on this Coastal Plain. Out of the 231 Alaska Native villages, only one has opposed this. Yet they are the poster children for all of these environmental ads you see. One, the Gwich'in Village, opposes the initiative in this bill.

Alaskans overwhelmingly support development in the Coastal Plain: they know we can develop this resource in an environmentally responsible way.

Alaska natives overwhelmingly support development on the Coastal Plain. Of 231 Alaska native villages, only one—the Gwich'in—opposes development.

And the tide of public opinion among all Americans has begun to turn; they know development in the Coastal Plain will help lower energy prices, reduce our dependence on unstable and unfriendly regimes, and grow our economy.

Let me turn to charts 4 and 5 because I think this is very important.

We constantly hear that this is a pristine place, the most beautiful place on Earth. That is the area in wintertime. I defy anyone to say that is a beautiful place that has to be preserved for the future. It is a barren wasteland, a frozen wasteland, and there are no porcupine caribou at all there during that period of time.

The Coastal Plain is a frozen, barren land for 9 months of the year with an average temperature of minus 50 degrees.

A majority of wildlife species use the foothills of the Brooks Range, about 60 miles from the Coastal Plain.

Put up the other chart, please.

This is what it looks like in the summertime.

My colleague, Senator MURKOWSKI, the great partner I have, showed where there was one well drilled with a 6-foot pipe sticking up. The rest of it is constant, constant tundra, no trees, no beauty at all.

The porcupine caribou herd uses the Coastal Plain for only 6-8 weeks per year, when development will not take place.

The herd spends the majority of its time in Canada, which has no seasonal or bag limits for native residents. It is estimated that an average of 2,900 caribou are harvested in Canada each year.

There is no evidence that oil development will harm the porcupine herd. In fact, all evidence points to the contrary. The central Arctic herd at Prudhoe Bay has grown ten fold, from 3,000 in 1974 to over 30,000 today.

There is no evidence that oil development has harmed the reproductive activities of polar bears, a replica of which I proudly wear on this tie.

Resource development and conservation are not mutually exclusive.

Oil and gas companies use ice pads and roads to protect tundra and the ecosystem. They employ directional and multi-lateral drilling to reach reservoirs of oil and gas, which reduces the impact to the land.

In fact, the Clinton administration issued a report which demonstrated that oil and gas can be removed in an environmentally sensitive manner.

Development of the Coastal Plain will be subject to the strictest environmental standards in the world. With these standards and our advanced technology, responsible development and conservation can coexist.

Very clearly, a vote for this motion is a vote for the status quo, which my good friend Ronald Reagan used to say "is Latin for 'the mess we're in.' "

A vote for this motion closes our domestic energy resources to production. It's a vote for continuing to import more than 60 percent of our Nation's oil. It is a vote for outsourcing more than 1.3 million American jobs a year.

A vote for this motion is a vote to increase home heating bills and transportation costs. It's a vote to diminish our national security by relying on rogue nations and unstable regimes for our energy needs.

Who would expect a Senator to come to this Senate floor and offer an amendment that exports 1.3 million American jobs every year, will cost us $200 billion annually by 2025, and leaves our national security vulnerable to the whims of unfriendly regimes. But that's exactly what this motion does.

A vote for this motion is not just a vote against developing our domestic resources on the Coastal Plain. It's a vote for closing our Nation's single greatest prospect for future oil production and backing out of the promise that was made to Alaskans—and all Americans—when Senators Scoop Jackson and Paul Tsongas created section 1002 of the Alaska National Interest Lands Conservation Act.

A vote for this motion is a vote against Alaska Natives, who overwhelmingly support development on the Coastal Plain because they know we can balance stewardship and conservation with resource development.

We cannot continue to increase our dependence on foreign oil. We have the capability to continue to increase our production of oil and gas.

When you look at this proposal, this is an amendment to export 1.3 million American jobs overseas. It will cost us $200 billion annually by 2005. Why is it in this bill? That is the reason we want to stop that. We want to stem the flow of jobs leaving this country. We do not want to go beyond 60 in importing our oil. As a matter of fact, we want to reverse that. We want to go back to the promise that Senators Jackson and Tsongas made when they created this portion of this area, a reserve for exploration and development. The Coastal Plain has been set aside for exploration and development.

I close with this: An old bull is what they call us when they reach my age in the Senate, World War II type. We remember when a Member's word meant something in the Senate and when the word of a Member who has left the Senate was still fulfilled. We remember when the Senate would do everything in its power to honor a promise.

In our State, we quote Robert Service: "A promise made is a debt unpaid." This is a debt unpaid to this Senate, to the country, to Alaska, to proceed with what Senators Jackson and Tsongas outlined in 1980, to explore for and develop that oil in the area, if it is possible to do so.

I understand other Senators wish to be yielded time.

How much time would the Senator like to have?

I yield 5 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President. I thank the Senator. I appreciate the time.

Regarding bull moose and bull elk, it is good to hear from an old bull on the floor as well.

I wanted to talk briefly about it in a fairly broad sense, and obviously the Senators from Alaska have talked about the details. I am impressed with what they said.

I remind everyone we have recently completed an energy policy, one we worked on for a number of years. We worked on it partly as a base for the need we see in this country for energy, partly over the fact we have not had a long-term plan of where we will go. Whether it is energy, medicine, whatever, we need to start looking at the future and how we will fill our needs, how we will be able to provide for growth in the economy, provide for our families, provide for our communities. Energy is very much a part of that.

The energy policy has been very important. It looks to the future. It looks to filling our needs in a balanced policy. Policy looks to increased production, new ways of production, and more technological ways, such as horizontal drilling. In my State, they are looking at new ways of exploring for oil without having to disturb the surface. It is not what we had in the past.

I live in a place where we have areas that need to be preserved. We have lots of areas, some for double utility, so we can use it for various things, and not set it aside. We are talking here about 20 million acres and using 2,000 acres. We are edging in close to Prudhoe Bay. I have been there. It is not a wilderness area.

We have the same experience in Wyoming. We have areas that need to be set aside. There are millions of areas—from the mountains in the Refuge, on down, and there will still be ocean front—and we can have utilization of the lands, combining the two in an economically and environmentally sound way. That is what is set up here.

In our policy we included opening of ANWR as another place. We are in energy production heavily in my State, but we cannot produce enough for everyone. We need to expand that.

There are other Members who want to speak. I speak on this topic generally. We have looked at this everywhere and we should look in Alaska, as well. No. 1, we can do this without taking away the value of the Refuge; No. 2, we need to do it for the economy of the people who live there. Indian lands are right in this land. There are things that need to be done there. We need to do it to fulfill our promise to ourselves regarding the energy policy we have. I urge we continue to pursue the policy we have in place now, to increase our domestic production.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not control the time.

The Senator from Washington.

Ms. CANTWELL. How much time remains on each side?

The PRESIDING OFFICER. Senator has 37½ minutes.

Ms. CANTWELL. On each side?

The PRESIDING OFFICER. There is 4 minutes 21 seconds for the majority and 37½ minutes for the minority.

Ms. CANTWELL. Mr. President, I'll take a few moments as I wait for my colleagues to come to the Senate.

I ask unanimous consent Senators DURBIN and SALAZAR be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I ask unanimous consent to have printed in the RECORD a National Congress of American Indians resolution that states their opposition to opening up drilling in the Arctic Wildlife Refuge.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE NATIONAL CONGRESS OF AMERICAN INDIANS RESOLUTION #BIS-02-056

Title: Supporting the Subsistence Lifeways of Alaska Tribes, Gwich-in, Inuplat, Tlinglit and Saint Lawrence Island Native Peoples, and of Related Indigenous Cultures in Canada and Russia, and Opposing Efforts by Multinational Economic and Political Interests that Would Endanger these Lifeways

Whereas, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people and their way of life, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

Whereas, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

Whereas, the subsistence traditions of Alaska Native peoples and other related indigenous peoples vary considerably among regions and cultures, but are tied together by the common strands of their importance for indigenous cultural survival, and their vulnerability to attack from outside interests that lack respect for these subsistence traditions and would destroy or endanger these traditions in pursuit of their multinational economic or political objectives; and

Whereas, like the Yup-ik people of the Akiak Native Community and the Yukon-Kuskokwim Delta of southwest Alaska, the Gwich-in Athabascan people of eastern Alaska and Canada's Yukon Territory, the Inuplat people of northern and western Alaska, the Saint Lawrence Island Natives of the Bering Sea, the Siberian Yup-ik familial relatives of Saint Lawrence Islanders who live on the Russian side of the Bering Sea, and other indigenous peoples of eastern Siberia, all depend on the perpetuation of their various subsistence traditions across the generations for the very survival of their indigenous cultures; and

Whereas, legal barriers and ecologically destructive practices imposed by multinational political and economic interests can and have disrupted indigenous hunting traditions in places around the world, and even where these disruptive actions may have ultimately proven temporary in nature, they have interfered with the perpetuation of indigenous subsistence traditions across the generations, thereby threatening the very survival of indigenous cultures; and

Whereas, the cultural survival of the Gwich-in is so tied to the survival and continuation of the migratory cycle of the Porcupine caribou herd of Canada and Alaska that the Gwich-in are known as the People of the Caribou; and

Whereas, the Inupiat people have likewise been referred to as the People of the Whale because of their profound cultural relationship with the bowhead whale, which provides the foundation of their subsistence diet, and serves as a central organizing factor for a culture that is largely structured around whaling crew affiliations and associated familial relationships; and

Whereas, the Saint Lawrence Island Natives are likewise dependent upon whaling for their cultural survival, and the Native peoples of eastern Siberia have only recently begun the difficult task of trying to reclaim and reinvigorate subsistence whaling traditions suppressed under decades of Soviet rule; and

Whereas, the people of Southeastern Alaska are likewise dependent on herring for their subsistence lifeways; and

Whereas, all Alaska Natives dependent on the riverways for their traditional lifeways related to the salmon; and

Whereas, all of these subsistence traditions are currently threatened by multinational political and economic interests that place them at risk; and

Whereas, the cultural survival of the Gwich-in people is threatened by multinational oil companies and pro-industry officials in the highest ranks of the United States government forces that would callously place the survival of the Porcupine caribou herd at risk, by gambling that oil exploration and development on the herds calving grounds in the Arctic National Wildlife Refuge of Alaska would not have the devastating effects on the herd that many biologists and people with indigenous knowledge of the caribou believe such actions would; and

Whereas, the cultural survival of the Inupiat people, the Saint Lawrence Island Natives, and the indigenous peoples of eastern Siberia is likewise threatened by recent developments before the International Whaling Commission, where Japan succeeded in blocking the allocation of whaling quotas for Alaska Natives and indigenous Siberians, beginning in 2003, and did so solely out of a desire to retaliate against the United States for its opposition to the resumption of a commercial whaling Industry in Japan; and

Whereas, it is morally wrong and a violation of basic human rights for multinational corporations and national governments to place the survival of indigenous cultures at risk, especially to pursue excess wealth or international political advantage, and it is important that the NCAI oppose these assaults on indigenous lifeways that are currently being perpetrated on the international stage.

Now therefore be it resolved, That the NCAI does hereby oppose the efforts of multinational oil companies and certain high ranking federal officials, to open the Arctic Refuge to all exploration and development in complete disregard of the risks such actions would create for the cultural survival of the Gwich-in people of Alaska and Canada, and calls upon the government of the United States to reject any and all proposals that might create such risks; and

Be it further resolved, That the NCAI similarly opposes the efforts of commercial fishing interest which adversely affect the subsistence salmon and herring traditional and customary fishing rights of all Native Tribes of Alaska; and

Be it further resolved, That the NCAI similarly opposes the efforts of the government of Japan and Japanese commercial whaling interests, to play international power politics by shutting down indigenous whaling in Alaska and Siberia at the expense of indigenous cultures that must be allowed to survive and perpetuate their way of life, and calls upon the governments of the United States, Russia and Japan to take appropriate steps to end this callous and abusive mistreatment of indigenous cultures on both sides of the Bering Sea border; and

Be it finally resolved, That this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

Ms. CANTWELL. Mr. President, while I am waiting for some of my other colleagues to speak, I point out a couple of things about this process. I showed a chart earlier that Americans across the country, and certainly the news media covering this, say this budget process is not the way to go about the opening up of the Arctic National Wildlife Refuge. More importantly, there are issues that are precedent setting and raise concerns such as, do my colleagues want to debate the fact that they think 50 votes versus 60 votes is the way to do this policy?

As a Senator from a State that now has to endure a survey for drilling off the coast of Washington, off the coasts of Oregon and California—and the Energy and Natural Resources Committee has been discussing opening drilling off the coast of Florida—this policy in the underlying reconciliation bill is a very dangerous precedent. That is, that if you can go to a budget process and open up drilling, why can't you open up drilling in any other part of the country through this process?

I guess it is no surprise that the House of Representatives has actually already moved on legislation trying to open up drilling in other areas of the country. It is not a fantasy on my part that other Members of the other side of the aisle could be promoting drilling and could use a budget process for the same maneuver being used here. It sets a very bad precedent, a backdoor scheme.

Because what we are basically saying is that those oil interests are above the public interests, and they do not have to meet the same requirements. For example, the National Environmental Protection Act. I have heard a lot about Scoop Jackson today. My colleagues should remember who wrote the National Environmental Protection Act and got it passed. It was Senator Scoop Jackson. We are very proud of that. Why would we take NEPA and limit the alternatives that could be considered under this bill for proposal impacts to the environment? That is what it does. By throwing this language in the budget resolution instead of a normal process, we are limiting NEPA. We are limiting judicial review. Why should we limit judicial review? We do not do that in other areas of oil drilling, but for this more pristine of areas we will limit judicial review? All because we are doing it through the Budget process.

We will also be limiting the role of the Fish and Wildlife Service. Aren't they an integral part of planning for production in various parts of the country? Why can't current Bureau of Land Management regulations that provide for the Fish and Wildlife Service be used to provide for the protection of fish and wildlife? The answer is the Bureau of Land Management and Fish and Wildlife Service are out of their normal role because we put this in the budget process.

What about compatibility? Why does this legislation assume that oil and gas activities cannot be undertaken in a manner compatible with the Arctic Wildlife Refuge?

Transportation. The chairman has removed consideration in this underlying bill authorizing oil and gas from the coastal regions, which is unusual language considering there is a whole range of issues, including pipelines, ports, and systems. Again, NEPA, judicial review, Fish and Wildlife, Bureau of Land Management, transportation, and other compatibility issues are not being addressed because we are throwing this in the budget process.

What about the leasing provisions? I have talked a lot about this and I would love it if my colleagues from Alaska would support an amendment I plan to offer that specifies this cannot go forward until we verify that it is a 50–50 split or that it isn't going to go forward. This Senator would love to know that my colleagues from the other side of the aisle are so certain this is going to be a 50–50 revenue split that they are willing to support clarifying in the language that the actual opening up of the Arctic National Wildlife Refuge cannot go forward unless it is a 50–50 split. If they are so certain that is going to happen, they should be willing to support my amendment.

As far as the economic issues, I guarantee my State constituents know very well where their oil comes from. In fact, that has been the big complaint for a good part of the last 36 months, the fact that the FTC and other entities keep reminding the Northwest they are an isolated market getting oil from Alaska, yet our prices have gone up to over $3 a gallon.

My constituents, who are getting squeezed at the gas pump, want two things. They want us to have a price investigation and make sure that price gouging is not going on and do something to protect them. And, two, they want something that will bring true competition to the price of fossil fuels and help them in not facing high fuel costs in the future.

Even the Energy Department says it is not going to help my constituents. The Energy Department says in the peak years of production it would reduce prices a penny a gallon. I guarantee my constituents want more than a penny a gallon reduction in gas prices. They are not going to wait 20 years to get that. My constituents want to see real action on a price-gouging bill that we can push out of here that gives the authority to pursue the activities of record profits and make sure price gouging is not going on. They want us to get about diversifying the sources of energy we use.

Diversification will mean a lot to our economy. I can say high gas prices are costing our economy today plenty. If you want to talk about the airline industry, which has seen a 293-percent increase in fuel costs over a 5-year-period of time, yes, there are people in Washington State who are losing their jobs because of that. They want aggressive action today. They do not want to see 10 years from now 6 months of an oil supply that is not going to help them.

I want my constituents to understand a budget process that is a backdoor scheme that basically does not leave them any better off today or in the future than they are today is not a responsible solution to our energy needs. They want to see us truly come up with something that is going to get us diversified off our dependence on fossil fuels. With 3 percent of the world's oil reserves, the writing is on the wall. The United States needs to take a more aggressive action than drilling in the Arctic National Wildlife Refuge.

I remind my colleagues what the Milwaukee Journal pointed out:

> The reconciliation bill should be used to settle budget matters, not to abuse the public's trust.

That is what we are doing in this bill, trying to pass a wildlife refuge off as an oil field drilling opportunity when we are not addressing important issues. We are not addressing the environmental protections, the judicial review, fish and wildlife, the transportation issues, or the Native Alaskan issues.

We are setting down a very dangerous precedent. I don't want to see the same gimmick used for Washington State, for Florida, or other areas when this Senate thinks by sticking something in a reconciliation bill they can open up leasing of oil in the United States.

Some of my colleagues, I know, are going to talk about an important issue as part of this debate, whether this oil that is produced out of the Arctic Wildlife Refuge should remain in the United States. If this Senate believes this debate is about oil and making America more secure, getting off of our 50-percent dependence on foreign oil is what we need to do. To do that, most people will say we have to get off the fossil fuel consumption.

If my colleagues who want to support this amendment want to drill in Alaska, they ought to be willing to say the oil ought to stay in the United States. If you think it is part of our national security plan, then say it is part of our national security plan and keep it in the United States. I would go further to even say, why not create a refined product, like a jet fuel reserve, as they have in Europe? The Europeans figured out jet fuel is expensive. They have not only a strategic petroleum reserve, they have a jet fuel reserve. They figured out they do not want their airline industry subject to and their economy ruined by sudden price spikes.

I would go further than many of my colleagues in saying not only can the oil not be exported, let's put it in a specific reserve dedicated to a particular, important sector of our U.S. economy—transportation and aviation.

I look forward to my colleagues who, in committee, did not think it was such a great idea, who certainly thought that oil should be exported, who now say it shouldn't be. I am glad to see that change of opinion if that is what is going to happen in the Senate. This budget process is a backdoor end to opening a 6-month oil supply we will not see for 10 years and will not do a darned thing to help consumers now or when it is at peak production.

We shouldn't fool the American people by giving them false choices in what is not a solution, and false budget choices when we cannot even guarantee to them the $2.4 billion that is assumed in this budget.

The difference between Alaska winning and the United States winning on this debate is the difference between $2.4 billion and $480 million. So I hope my colleagues, besides looking at this export issue and saying this oil should stay in the United States, will also look at the commitment in saying that, yes, we only think this should be opened up if the United States actually gets $2.4 billion. Because otherwise this whole scheme is a matter of false choices, false budget choices, false security choices, and false choices for the consumer. In the end, Americans are still paying high energy prices.

Mr. President, while my colleagues sort out who is going to potentially offer a second-degree amendment, I will yield the floor to discuss with my colleagues that process.

Mrs. FEINSTEIN. Mr. President, I rise today in support of Senator CANTWELL's motion to strike the provision to open the Arctic National Wildlife Refuge, ANWR, for drilling from the Budget Reconciliation Act.

Let me be clear: I am opposed to drilling in the Arctic. I am also opposed to attaching this provision to the budget reconciliation bill. ANWR is a prominent national issue, arousing the deep passions of people on both sides. Regardless of one's view on the issue, the question of whether to open the refuge to drilling warrants an independent debate on the floor of the U.S. Senate.

The refuge's coastal plain, which is what would be opened up for drilling, is the ecological heart of the refuge, the center of wildlife activity, and the home to nearly 200 wildlife species, including polar bears, musk oxen, and caribou.

Today, the Senate is going to vote to open ANWR in the most environmentally harmful way. Rather than protecting this unique habitat, the legislation before us directs the Secretary of Interior to open the Refuge for drilling based upon an environmental analysis conducted 18 years ago, in 1987.

This environmental analysis was controversial when it was originally published. It was then challenged in court in the early 1990s. However, the claims were dismissed because at the time, Congress was not actively considering legislation to drill the Arctic Refuge.

As a result, this legislation would bypass the environmental process that all drilling projects must undergo. It would also waive the normal judicial review requirements. In other words, the Senate is going to authorize opening the Refuge, and is going to make sure that there are absolutely no impediments to drilling, including the normal course of environmental and legal review.

This is simply unacceptable.

And why are we destroying this refuge? The Department of Energy estimates that opening the Refuge would lower gasoline prices one cent per gallon 20 years from now.

Let's not fool ourselves. Opening the Arctic Refuge will not lower energy prices.

If we were serious about helping people with rising energy costs, we would be talking about helping low-income Americans pay their heating bills this winter. Yet the Senate continues to vote down fully funding the Low Income Home Energy Assistance Program, LIHEAP.

If we truly wanted to bring down gasoline costs, we would be talking about increasing fuel economy standards in our heaviest, most polluting vehicles.

Yet, instead, we are talking about opening one of our Nation's last pristine environments.

This giveaway comes at a time of record profits for the oil industry. Late last week, the oil companies reported their third quarter profits. The top five oil companies reported huge profit increases in the third quarter of 2005:

ExxonMobil reported third quarter profits of $9.92 billion, an increase of 75 percent from the third quarter in 2004;

ConocoPhillips reported third quarter profits of $3.8 billion, an increase of 89 percent from the third quarter of 2004;

Shell reported third quarter profits of up $9.03 billion, an increase of 68 percent from the third quarter of 2004;

ChevronTexaco reported third quarter profits of $3.6 billion, an increase of 12 percent from the third quarter in 2004; and

BP reported third quarter profits of $6.53 billion, an increase of 34 percent from the third quarter in 2004.

If Congress is truly serious about addressing the issue of high gasoline prices, then we need to take a look at why oil companies continue to make increasingly high profits and how they can reinvest those profits into improving our Nation's energy infrastructure.

Gas prices will not be lowered by opening the Refuge. At its peak, oil production from the Refuge would only be about 1 percent of world oil production.

It is not worth damaging the Nation's only Refuge for less than 1 percent of the world's oil output. This Refuge encompasses a complete range of arctic ecosystems and that provides essential habitat for many species.

It is clear to me that drilling would not give us energy security and would, in fact, carry huge environmental costs.

And this country does not even need this source of oil in order to reduce gas prices. The most effective way to reduce gas prices is to increase fuel economy standards. In a 2001 report, the Congressional Research Service wrote, according to the Energy Efficiency and Renewable Energy Fuel Equivalents to Potential Oil Production from the Arctic National Wildlife Refuge, ANWR:

> The Energy Information Administration (EIA) says that a technology-driven projection for cars and light trucks could increase fuel economy by 3.6 miles-per gallon by 2020. The fuel economy improvement through the first 20 years would generate average daily oil savings equivalent to four times the low case and three-fourths of the high case projected for ANWR oil production. Extended through 50 years, the fuel economy savings would range from 10 times the low case to more than double the high case for ANWR.

And that is an extremely modest assumption for the technology that exists today to increase fuel economy standards.

Imagine if we implemented a 30 percent increase in fuel economy standards, which is technologically feasible, according to BusinessWeek, September 26, 2005.

If this Congress were serious about increasing our energy security, reducing our dependence on oil, and lowering gas prices, we would be working on legislation that would increase fuel economy standards, not trying to drill our way out of the problem as we are doing today.

We need to find real solutions to the problems of high energy prices, energy security, and global warming. We should be encouraging energy efficiency, promoting the development of new and alternative fuels, and supporting the invention and commercialization of new vehicle technologies. This provision accomplishes not even one of these goals.

I hope my colleagues will join me in supporting Senator CANTWELL's motion to strike the provision to open ANWR to drilling.

Mr. JEFFORDS. Mr. President, I rise today in support of the amendment offered by Senator CANTWELL to strike title IV of the bill before us, the title that opens the Arctic National Wildlife Refuge to oil drilling. I do not support drilling in the refuge. But even if a Senator did, they should not support taking this action through the reconciliation process. It is inappropriate to make management decisions regarding one of our Nation's largest and most ecologically important wildlife refuges in a fast-track, procedurally limited bill. Doing so restricts the ability of the Senate and the administration to ensure that drilling is done in an environmentally sound way.

I have to agree with the ranking member of Energy Committee, Senator BINGAMAN, who stated during the markup of this title, that this title does not just open the refuge to oil drilling, it also does so in the least environmentally sensitive way possible. And, Mr. President, it does so in a manner that treats the Arctic Refuge differently than any other Federal lands or wildlife refuges.

Arctic Refuge drilling proponents repeatedly profess that oil development in the refuge would be done in an environmentally sensitive way. As the ranking member of the Environment and Public Works Committee, I want to inform the Senate that title IV of this bill is actually riddled with clauses that weaken existing environmental standards, exempt drilling from key rules, or otherwise allow oil development activities to sidestep environmental protection laws.

Let me list some of the more blatant examples for my colleagues. First, the title exempts parts of the proposed Arctic oil and gas leasing program from environmental review requirements. In particular, it declares that the Department of Interior's Environmental Impact Statement, EIS, prepared in 1987 satisfies the requirements of the National Environmental Policy Act, NEPA, for preparation of the regulations that will guide the leasing program. NEPA is supposed to ensure that public and Federal decision makers have the most recent, accurate information concerning the environmental impacts of projects, but this clause seems to ensure the opposite. In fact, as long ago as 1991, in a case called NRDC v. Lujan, a Federal court found that due to new scientific information, Interior should have supplemented this very same 1987 EIS analysis before recommending to Congress that it allow development on the Coastal Plain.

In 2002, some 15 years after the 1987 EIS, the U.S. Geological Survey released a significant report detailing 12 years of study about the potential impacts of oil drilling on the wildlife of the Arctic Refuge. This information can, and should be incorporated as the Interior Department's consideration of drilling.

Many now question whether the existing final legislative environmental impact statement, prepared in 1987 to comply with the National Environmental Policy Act, is adequate to support development now, or whether a Supplement or a new EIS should be prepared. As I mentioned, a court in a declaratory judgment action in 1991 held that the Interior Department should have prepared a Supplemental Environmental Impact Statement, SEIS, at that time to encompass new information about the Coastal Plain. Therefore, without the language of title IV, it seems clear that either an SEIS or a new EIS would have to be prepared before drilling could begin.

The bill before us states that the Congress finds the 1987 EIS adequate to satisfy the legal and procedural requirements of NEPA with respect to the actions authorized to be taken by the Secretary of the Interior in developing and promulgating the regulations for the establishment of the leasing program. This language explicitly eliminates the need to redo or update the EIS for the leasing regulations.

There is no question that this language substantially weakens environmental review requirements. It significantly diminishes the comprehensive analysis traditionally required by NEPA, by stating that the Secretary of the Interior need consider only its preferred action and a single leasing alternative. The "alternatives analysis," which is all but eliminated by this section of the bill, is the heart of NEPA. Senators supporting this provision should be fully aware that these limitations strike at the core of our country's environmental review process and requirements.

Further, this title undermines the U.S. Fish and Wildlife Service's authority to impose conditions on leases. This title states that the oil and gas leasing program is "deemed to be compatible" with the purposes of the Arctic Refuge. According to the Congressional Research Service, this provision "appears to eliminate the usual compatibility determination process for purposes of refuge management." CRS notes that without the compatibility process, the authority of the Fish and Wildlife Service to impose conditions on leases is called into question.

Mr. President, we can do better, and we should. Reconciliation constrains the way in which Senators who are concerned about these issues, and who do not serve on the Energy Committee or the Budget Committee, are able to address them on the floor.

I would caution all Members of the Senate who have committed to support Arctic drilling only in certain cases, or only if certain other legislative or regulatory actions take place, to think seriously about whether reconciliation serves their interests and their constituents' interests. I would also caution all members, as Senators BINGAMAN and DURBIN have done, that if this language remains in the bill, it opens the door for further attempts through reconciliation to override the requirements of environmental or any other law under the guise of ensuring that we obtain revenue.

Finally, I oppose using reconciliation to open the Arctic Refuge Coastal Plain to oil drilling because I believe it is being used to limit consideration of a controversial issue. The American people have strongly held views on drilling in the refuge, and they want to know that the Senate is working to pass legislation to manage the area appropriately in a forthright and open process. Senator CANTWELL's amendment is the best way to ensure that open process is followed, and I urge Senators to support her amendment.

Mrs. BOXER. Mr. President, once again, the Senate will vote on whether to allow drilling in the Arctic National Wildlife Refuge. If it passes now, this may be the last time we vote on the issue. This may be the last chance we have to save one of America's most pristine areas. So, I want to talk about what our Nation will lose if we allow drilling to go forward.

In 1960, when President Eisenhower set aside 8.9 million acres to form the original Arctic Range, his Secretary of the Interior, Fred Seaton, noted that the area was "one of the most magnificent wildlife and wilderness areas in North America . . . a wilderness experience not duplicated elsewhere."

And the Coastal Plain, where oil drilling is proposed, is the area's "biological heart"—a crucial habitat for hundreds of species of animals.

The Porcupine Caribou herd migrates through the Coastal Plain each year, and—with a population of 130,000—it is the world's largest caribou herd. Its 800-mile-long migration between Canada and the United States is second only to the wildebeests of Africa. The Coastal Plain is the principal calving ground for the porcupine caribou, so they are especially vulnerable to oil drilling.

The Arctic Refuge has the highest concentration of land polar bears on Alaska's North Slope. Polar bears are particularly sensitive to oil development because they den in winter—exactly the time oil companies want to drill.

Millions of migratory birds—over 130 species—journey thousands of miles each spring to nest and feed in the wetlands on the Coastal Plain. The birds travel from six continents and every State in America.

Oil drilling—with its associated roads, pipelines, processing plants, airstrips, and other industrial facilities—would disturb these species' nesting and foraging habitats. The birds in the backyards and skies in every one of our States could become fewer and fewer in number if we disturb the area they have depended upon for millions of years.

Finally, I want to mention the muskox, which live year-round in the refuge. Oil development would displace them from their preferred feeding areas and would reduce calving rates.

Mr. President, this is one of America's—indeed, one of the world's—wilderness treasures. It is unique, pristine, and unspoiled.

Why would we risk that? We don't even get that much oil—6 months worth of oil—and not until 10 years from now.

But don't take my word for it—just look at the reaction from America's oil companies. BP, Conoco-Philipps, and Chevron-Texaco have all pulled out of Arctic Power, the lobby group trying to open up the Refuge to drilling.

If the very companies that would put up the capital and resources do not care about drilling in the Refuge, how can anyone argue that we will be able to improve our oil supply?

If we were really concerned about energy security, we would require better replacement tires on cars, close the SUV loophole on fuel economy standards, and increase those standards overall.

Closing the SUV loophole alone would save us, in 7 years, the same amount of oil we would get from the Refuge. That is saving an Arctic National Wildlife Refuge every 7 years. Let me put it another way. In 20 years, we would save the equivalent amount of oil that we would get from three ANWRs.

Given that there is only about 6 months of oil in the Arctic Refuge and that the oil companies do not want to go there, what is this really all about?

I believe it is really about establishing a precedent for opening up other areas around the country to oil drilling.

That means off the coast of California, the Carolinas, and Florida. That means in our national parks, the Rocky Mountains, and our wetlands.

Ever since the Senate voted to pave the way for oil drilling in the Refuge back in March, this is exactly what we have seen—repeated attempts to allow drilling in areas previously off limits. If we can open an area as pristine, as unique, and as precious as the Arctic National Wildlife Refuge, what couldn't be opened up?

And so I say to my colleagues, watch out: your backyard may be next.

Mr. President, I urge my colleagues to support the Cantwell amendment, which will protect the Refuge for our children and grandchildren.

Ms. CANTWELL. Mr. President, I ask how much time is left on each side.

The PRESIDING OFFICER (Mr. ALEXANDER). There is 22 minutes 10 seconds for the Senator from Washington and 4 minutes 21 seconds for the Senator from Alaska.

Ms. CANTWELL. Well, it is my understanding that one of my colleagues wants to offer an amendment that was part of the previous unanimous consent agreement. I would ask unanimous consent, until they figure that out, that time during a quorum call be equally divided between both sides.

Mr. STEVENS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. We have only 4 minutes left.

Ms. CANTWELL. Mr. President, I am happy to debate whatever amendment. Part of the previous consideration was to have a debate on a related amendment. I do not know where the Senator is in offering that amendment. Do we have a time period in which he might—if I can inquire through the Chair, does the Senator who is controlling the time on the other side know when the Senator might be available to offer his amendment?

The PRESIDING OFFICER. The Chair would have no such knowledge.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, might I inquire of the Chair, does the Senator from Washington have the floor?

The PRESIDING OFFICER. She does.

Mr. CONRAD. Without jeopardizing her right to the floor, might I make a parliamentary inquiry?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, in terms of the time remaining, I think the Senator from Washington, as I hear her question, is wondering about the disposition of the Talent-Wyden amendment or the Wyden-Talent amendment, however it is, that was previously reserved in the unanimous consent agreement; was it not?

The PRESIDING OFFICER (Mr. GRAHAM). The agreement acknowledged that the Talent amendment would be offered but did not address a time agreement.

Mr. CONRAD. No, I don't think that is correct. I think the Talent agreement was to be within the time to noon, to be considered within that time. Is that correct?

The PRESIDING OFFICER. That is correct, but not a specific amount within that period of time.

Mr. CONRAD. Right. Mr. President, what is the time remaining on both sides at this point?

The PRESIDING OFFICER. There is 19½ minutes for the Senator from Washington—and time is running—and 4 minutes 20 seconds for the Senator from Alaska.

Mr. CONRAD. So the time for the Talent amendment or the Talent-Wyden amendment or the Wyden-Talent amendment would be controlled by the two sides who still have time remaining; is that correct?

The PRESIDING OFFICER. That is the Chair's understanding of the agreement.

Mr. CONRAD. So it would depend on the Senator from Washington and the Senator from Alaska to relinquish time for the purposes of considering the Talent-Wyden amendment; is that correct?

The PRESIDING OFFICER. For yielding time for that purpose, that is correct.

Mr. CONRAD. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Are we still on the parliamentary inquiry?

The PRESIDING OFFICER. Yes, sir.

Mr. STEVENS. We could enter into a time agreement now, could we not, on the Wyden-Talent amendment?

The PRESIDING OFFICER. That is my understanding, yes.

Mr. STEVENS. The current time agreement refers to a Talent amendment. I ask unanimous consent that be the Wyden-Talent amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Therefore, that is for the purpose of the Senator being able to yield time to Senator WYDEN to start the process.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I think my colleague from Oregon, who has been a champion on this issue throughout the committee process, is prepared to call up the Wyden-Talent amendment and to speak on it at this time.

How much time does the Senator from Oregon wish to have?

Mr. WYDEN. Mr. President, would up to 5 minutes be acceptable?

Ms. CANTWELL. Mr. President, I yield the Senator from Oregon 7 minutes.

The PRESIDING OFFICER. The Senator is recognized for 7 minutes.

Mr. WYDEN. Thank you, Mr. President.

AMENDMENT NO. 2362

Mr. WYDEN. Mr. President, I thank Senator CANTWELL for her excellent work and concur with her remarks.

Mr. President, you cannot look the public in the eye and say you are going to drill in ANWR and then ship this oil to China or one of the highest bidders around the world. That is, in my view, exactly what would happen without the Wyden-Talent legislation that is going to be offered now.

Under the legislation, the Secretary could adopt oil lease terms that ensure what is described as the receipt of fair market value. The legislation does not make any mention whatsoever of what we have heard constantly for months and months; and that is this is somehow supposed to reduce our Nation's dependence on foreign oil or increase our energy security.

So what you would have is a situation where if the highest price is in South America, Arctic oil would go to South America; if the highest price is in the Far East, Arctic oil would have to go to the Far East; and, certainly, given the insatiable demand for energy in China, I think, with the dollar being weak, as sure as the night follows the day, without the Wyden-Talent amendment, this oil would end up going to the highest bidder in the Far East, particularly the Chinese.

I do think this amendment is the very least the Senate can do to put a Band-Aid on what I think is a fundamentally flawed decision. I hope, as colleagues look at this—we had the debate in the Energy Committee—they get a sense of exactly what is involved.

With the inflated revenue projections of $2.4 billion from oil leases in the Arctic included in the budget, the Federal Government is going to be forced to sell the oil to the highest bidder to even come close to that amount. In fact, the Congressional Budget Office estimates that net Federal proceeds, over a 10-year period, would be $2.6 billion, with the initial royalties from production near the end of the decade. The budget assumes nearly all of those revenues in the next 5 years alone.

So what that means is, if we are going to have any prospect of making sure this oil goes to the United States, we have to have this legislation.

I also point out that the distinguished senior Senator from Oregon—we still describe him as the senior Senator—Mark Hatfield, shared this position for years. He was a supporter of the oil industry, but he said: By God, aren't we going to keep this oil here at home? Yet what we heard in the Energy Committee is we are concerned about the Mercantile Exchange, we are concerned about all kinds of questions about trade law. This is not about the Mercantile Exchange. This is not about trade law. This is about whether the pledge that has been made by supporters, that this oil is going to stay in the United States, gets honored.

I would like to tell my colleagues, particularly my good friend from Alaska, who said, "Oh, it is a sure bet this oil will stay in the United States," that I specifically asked—I have the transcript with me—executives from BP, when they came to the Senate Commerce Committee, whether they would make a commitment to keep Alaskan oil in the United States. According to the official Senate transcript that I have, they would not make that commitment. That is why this legislation is needed. To allow drilling, and then shipping it overseas, in my view, is a case of two wrongs making a colossal wrong.

So I hope the Senate now will accept this amendment. In my view, it is the very least that can be done to address the needs of consumers in our country.

I thank my friend from Missouri, who contacted me about his interest in this issue. With supporters of oil drilling claiming oil is needed to reduce our Nation's dependence on foreign oil, we ought to recognize that in this Senate budget reconciliation bill we are not increasing U.S. energy security by one drop of oil—not one drop of oil—unless we have the assurance that this amendment provides that the oil would stay in the United States.

I thank my colleague from Washington State for giving me this time. I appreciate the cooperation of the Senator from Missouri, who I think is prepared to speak at this time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, let me make a parliamentary inquiry. How much time do I have now?

Mr. STEVENS. Mr. President, I yield the Senator such time as he requires.

The PRESIDING OFFICER. The Senator has 3 minutes 46 seconds.

Mr. TALENT. Mr. President, that is the time remaining on our side?

The PRESIDING OFFICER. That is correct.

Mr. TALENT. Mr. President, I understand we are under time constraints, and I will be brief.

I think the Senator from Oregon has made the case very persuasively. I congratulate him for raising this important issue in committee. I was concerned that if we attached this provision in committee, it might subject the whole provision relating to the ANWR part of the bill to a budget point of order, and I did not want to imperil that part of the bill.

As I said before, when I spoke on the Senate floor, I simply do not see any reason why we should cut ourselves off from accessing oil in our own country. But I think the Senator's amendment, and my amendment, is a natural supplement to the underlying purpose of exploring for oil in the Arctic. It is to increase our national security. It is to lower prices in the United States. It is to make certain we have access to oil when we need it.

In order to do that, I think we have to be certain that the oil does not go on the world market but, rather, is reserved for the needs of the United States.

Not only is this right economically because, as the Senator said, it is important, if we are going to meet the budget targets in this bill, that we have access to this oil here in the

United States, it is also very important as a hedge against foreign boycotts or threats or oil blackmail that somebody may want to use against the United States. The Senator is correct, this is not something the oil companies are going to like, but this is something that is in the interest of the national security of the United States. I am grateful to him for bringing forward this idea and happy to support him in it and grateful also to the bill managers for their attitude toward it.

I yield back my time.

Mr. STEVENS. How much time remains on our side?

The PRESIDING OFFICER. The Senator has 2 minutes 8 seconds.

Mr. STEVENS. Mr. President, I state for the record, we are prepared to accept this amendment, provided it waives the Byrd rule for further consideration by the Senate and also waives the Byrd rule as applied only to this amendment in a conference report when it returns to the Senate.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I want to inform colleagues, I will not be able to agree to such a unanimous consent request. I want everybody to know we will not be able to agree to waive this throughout the process. We might agree to waive it for Senate consideration, but we would have no assurance this would not be altered. There is no way to guarantee it might not be altered.

Mr. STEVENS. Will the Senator yield?

Mr. CONRAD. Let me finish. Then I would be happy to yield. There is no way to assure that other provisions might be added, and so we cannot agree to eliminating points of order through the whole process.

I am happy to yield.

Mr. STEVENS. Mr. President, if the Senator will yield for an inquiry, we are prepared to accept the amendment which specifically says the Byrd rule is waived for this amendment only, and this amendment, if totally unchanged, as it returns from the conference, but only this. But I am informed that—and I inform the Senator—if this goes to conference, any Senator could raise the Byrd rule against the whole report if it remains in there, unless we also waive it as to this section.

Mr. CONRAD. Let me say that the problem, my counsel informs me, is other provisions could affect this one and I cannot agree to waive all budget points of order throughout the whole process on this amendment.

We can conclude debate on this issue right now, and we are not going to vote on it until later. So maybe there is time to work through this. I want to make it clear. I have been informed by counsel I could not agree to a waiver at this point.

Mr. TALENT. Will the Senator yield for a moment?

Mr. CONRAD. I am happy to yield.

Mr. TALENT. As always, the Senator speaks with candor, and I very much appreciate that. I want to hone in on the last point the Senator made. We are not voting on this now, and we don't have to consider it now. If we can keep an open mind to see if there is some way we can work this out in the meantime, I am sure the Senator from Oregon feels the same way. I understand entirely his reservations.

Mr. STEVENS. Has the amendment been filed?

The PRESIDING OFFICER. The amendment has not been proposed.

Mr. STEVENS. Mr. President, must it be filed now to comply with the existing time agreement?

Mr. WYDEN. Mr. President, I call up the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself and Mr. TALENT, proposes an amendment numbered 2362 to the language proposed to be stricken by amendment No. 2358.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading the amendment be dispensed with.

Mr. STEVENS. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue reading the amendment.

The legislative clerk continued the reading of the amendment:

(Purpose: To enhance the energy security of the United States by prohibiting the exportation of oil and gas produced under leases in the Arctic National Wildlife Refuge)

At the end of section 401, add the following:

(h) PROHIBITION ON EXPORTS.—An oil or gas lease issued under this title shall prohibit the exportation of oil or gas produced under the lease.

Mr. STEVENS. Parliamentary inquiry: Can that amendment be amended later, if it is left alone right now?

The PRESIDING OFFICER. The amendment is an amendment to the language proposed to be stricken. As such, it is a first-degree amendment subject to a second-degree amendment.

Mr. STEVENS. I thought we had a time agreement to ban second-degree amendments.

Mr. CONRAD. That is not correct. There is no ban on second-degree amendments. This second-degree amendment specifically provided for it.

Mr. STEVENS. Another parliamentary inquiry: Is that amendment subject to a Byrd rule point of order now?

The PRESIDING OFFICER. At this point the Chair is not aware of any reason why this amendment would violate the Byrd rule.

Mr. STEVENS. I didn't hear the Chair. Yes or no?

The PRESIDING OFFICER. At this point there is no violation. The Chair doesn't see a violation at this point with this amendment.

Mr. STEVENS. Further parliamentary inquiry: If that is adopted and brought back in the conference report, it would be subject to the same consideration?

The PRESIDING OFFICER. It would be subject to the same consideration, but there have been no arguments made to the Chair for or against a violation of the Byrd rule.

Mr. STEVENS. Another parliamentary inquiry: That is an amendment to the Cantwell amendment?

The PRESIDING OFFICER. It is an amendment to the section of the bill proposed to be stricken by the Cantwell amendment.

Mr. STEVENS. It is an amendment to the provisions in the bill.

The PRESIDING OFFICER. Yes.

Mr. CONRAD. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Has the Parliamentarian made an actual ruling with respect to the Byrd rule?

The PRESIDING OFFICER. No.

Mr. CONRAD. I want to make clear to my colleagues, what I hear happening and what I think colleagues may think just happened may be two very different things. As I understand it, the Parliamentarian has not made a ruling or a determination on this matter at this moment.

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. That is correct.

Mr. CONRAD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, is it possible to pose a question through the Chair to the Parliamentarian as to whether, if adopted, it would be subject to the point of order under the Byrd rule?

The PRESIDING OFFICER. Once it is adopted to the bill, it is not subject to a point of order, when contained in the bill.

Mr. STEVENS. I seem to be hearing that it is because of the condition of the bill right now, that the time has not expired, et cetera. Is the Parliamentarian ruling because of the time situation or giving us an actual ruling now on application of the Byrd rule to this amendment?

The PRESIDING OFFICER. The Chair is reserving a decision on the merits of the Byrd rule as applied to this amendment because no such argument has been made.

Mr. CONRAD. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. In part, the question of the Byrd rule violation here would turn on the question of whether this scored; is that correct?

The PRESIDING OFFICER. That is part of the analysis.

Mr. CONRAD. And that part of the analysis has not yet been done, I assume, in terms of the Parliamentarian making a final determination. He has not had the evidence put before him; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. So in terms of making a decision, the Parliamentarian simply does not have all the information before him to make a judgment.

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. I thank the Chair.

Mr. STEVENS. Do I have any time remaining?

The PRESIDING OFFICER. There is 1 minute 48 seconds.

Mr. STEVENS. I will use 30 seconds. I intend to raise a point of order against this amendment unless it is clearly ruled at the time the vote takes place that the Byrd rule will not apply to this amendment here on the floor of the Senate now, during consideration of this bill, or when the bill comes back as a conference report.

I reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Ms. CANTWELL. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. There is 4 minutes 40 seconds for the Senator from Washington; 1 minute 28 seconds for the Senator from Alaska.

Ms. CANTWELL. Is the Wyden amendment the pending amendment?

The PRESIDING OFFICER. That is correct. The Wyden amendment is pending.

Ms. CANTWELL. Mr. President, does the Senator from Oregon wish more time?

Mr. WYDEN. No.

Ms. CANTWELL. I will make a couple of comments in closing as we sort out the last on the Wyden-Talent amendment. This budget reconciliation act, as it stands now, without the Cantwell amendment striking the ANWR language, is a false promise to the American people. It is a false promise that they are going to have cheaper gas prices now or significantly cheaper gas prices in the future. It is a false promise on the amount of revenue that is going to be raised in the budget. It is a false promise that somehow this can be done in an environmentally sensitive way and that the area we have called for so long the Arctic National Wildlife Refuge can be preserved as it is. It is a set of false promises, and the American people deserve better. They know this is a time in which our country should be making serious plans to diversify our overdependence on fossil fuel and change, and they certainly don't want environmental considerations that have been long the standard for oil drilling in America to be tossed aside by a budget resolution. They certainly don't want the fact that there have been, as one organization, the Alaska Department of Environmental Conservation said, 405 spills annually in the North Slope since 1996. They don't want to continue the trend in Prudhoe Bay and other Trans-Alaska Pipeline areas of causing 4,532 spills since 1996. The American people want to have responsible production moving forward that meets the standards that production in America has lived by. That is, by the same standards of the National Environmental Protection Act, judicial review, fish and wildlife, transportation issues, compatibility issue, protection of indigenous rights. They don't want a backdoor gimmick into helping the oil companies, who have already been making record profits, continue to make record profits on something that is going to offer very little for the American people.

I urge my colleagues to support the Cantwell amendment and to support the Wyden amendment when it comes up so we can be true to this issue and say we don't want to drill in the Arctic Wildlife Refuge as a way to get out of our problems. We want to make an investment in the right process and have oil companies live by the environmental standards they are required to today.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

If neither side yields time, time will be charged evenly between both sides.

Mr. CONRAD. Parliamentary inquiry: How much time remains on this amendment now?

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Washington has 58 seconds. The Senator from Alaska has 1 minute 28 seconds.

Mr. CONRAD. Time is running evenly at this point?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. The Chair has informed us the Senator from Alaska has 1 minute 28 seconds remaining. The Senator from Washington has 58 seconds remaining. Right now they are charging the time equally.

Mr. STEVENS. I am prepared to yield back the balance of our time if the Senator is. I yield back the balance of my time conditioned on the Senator yielding back the balance of her time.

Ms. CANTWELL. I yield back the balance of my time.

The PRESIDING OFFICER. All time is yielded back.

The Senator from New Hampshire.

Mr. GREGG. Madam President, at this time we will move to the amendment offered by Senator GRASSLEY and Senator DORGAN. Hopefully they will both be here in short order to get that one started.

I suggest the absence of a quorum.

Mr. CONRAD. Will the Senator withhold for a moment?

Mr. GREGG. I will withhold that.

Mr. CONRAD. Madam President, I think it might be useful for the purposes of informing our colleagues where we are now. We have completed the debate on the ANWR issue. We now go to the Grassley-Dorgan amendment that is on payment limitations. We will then go to the Bingaman amendment on the subject of FMAP. We will then go to the Byrd amendment from 2 to 3 on the issue of visa reform. We will then go to the Lott-Lautenberg amendment on Amtrak; that is from 3 to 3:30. From 3:30 to 4:15, we will be on the McCain amendment; from 4:15 to 5 on the Murray amendment on dual eligibles; then an Ensign amendment on DTV from 5 to 5:30; then the Landrieu amendment or an amendment that I might designate from 5:30 to 6. That uses up all of the time.

If we could alert colleagues, we have a very restricted schedule. These are the only amendments we could schedule time for and get unanimous consent. We apologize to our colleagues who wanted additional opportunities to offer amendments. It simply was not possible given the very tight time limitations of reconciliation and given the events of yesterday.

I ask unanimous consent that Senators HARKIN, OBAMA, and MIKULSKI be added as cosponsors to my pay-go amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I yield the floor.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2359

Mr. GRASSLEY. Madam President, I yield myself 15 minutes.

The PRESIDING OFFICER. Does the Senator have an amendment he wishes to call up at this time?

Mr. GRASSLEY. Yes, the amendment by GRASSLEY, DORGAN, ENZI, HARKIN, HAGEL, THUNE, JOHNSON, BROWNBACK, and FEINGOLD. It is the amendment on payment limits.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. DORGAN, Mr. ENZI, Mr. HARKIN, Mr. HAGEL, Mr. JOHNSON, Mr. BROWNBACK, and Mr. THUNE, proposes an amendment numbered 2359.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. GRASSLEY. Madam President, since we are talking about farm payments and since I am involved in agriculture, I want to be totally transparent that on the side I am a family farmer, I have income from that farm, and I crop share with my farmer son Robin Grassley. We don't hire labor. So whatever farm payments go with our crops, I receive 50 percent of those farm payments from the Federal farm program.

This amendment is about the family farmer. Farm programs are not just about the 2 percent of Americans who farm for a living. Farm programs are about several things, but, most importantly, they are about national security because Napoleon said "an army marches on its belly," so obviously a secure food supply is very important for our national security.

Second but not often said, it is about the social stability of our Nation because any society is only nine meals away from a revolution, so a certain food supply has something to do with the stable society of any country.

The American people recognize the importance of the family farmer to our Nation and the need to provide an adequate safety net for family farmers. That is why we have had a farm program for 70 years. In recent years, however, these farm payments have come under increasing scrutiny, particularly from people who do not understand agriculture. And when you spend the taxpayers' money, there is nothing wrong with scrutiny. Critics of farm programs have argued that the largest corporate farms reap most of the benefits of these payments.

Mr. CONRAD. Madam President, might I inquire through the Chair if the Senator would allow an interruption for a unanimous consent request with respect to who controls the time in opposition?

Mr. GRASSLEY. Yes, I will.

Mr. CONRAD. I very much appreciate that.

Madam President, I would like to yield 45 minutes, the time in opposition, to the Senator from Georgia, Mr. CHAMBLISS, for his control.

The PRESIDING OFFICER. The Senator has that right.

Mr. CONRAD. I thank very much the Senator from Iowa for yielding.

Mr. GRASSLEY. That brings up a situation I wasn't aware of. I thought we had an hour equally divided. There was 45 minutes there, so do we have 1½ hours and I have 45 minutes on my side?

Mr. CONRAD. The Senator is correct.

Mr. CHAMBLISS. Would the Senator like to reduce that to an hour?

Mr. GRASSLEY. No, at least not right now. Maybe later.

Madam President, I still would stay within my 15 minutes because I don't want to use floor time that other Members might want to use.

But anyway, farm payments have come under increasing scrutiny, and that is legitimate because we are spending taxpayers' money. Critics of farm payments have argued that the largest corporate farms reap most of benefits from these payments. What is more, farm payments that were originally designed to benefit small and medium-sized family farmers have contributed to the demise of those smaller farmers as well because unlimited farm payments have placed upward pressure on land prices and cash trends and have contributed to overproduction and lower commodity prices, driving many family farmers off the farm.

The law creates a system that is out of balance. This is pointed out in this first chart I have here that basically indicates—and you can look at the different lines, but the bottom line is the one I most often use—10 percent of the largest farmers in America get 72 percent of the benefits that we appropriate to help family farmers with their safety nets. I have to ask: How long are city taxpayers going to support a farm program for family farmers when 10 percent of the biggest farmers are getting 72 percent of the benefits? That is something we in rural America need to be thinking about when we are anticipating just 2 years from now—less than 2 years—having a debate on the renewal of the 2007 farm bill. Are we going to be able to maintain support in the urban-dominated House of Representatives for a farm safety net when 10 percent of the biggest farmers in America are getting 72 percent of the benefits?

I believe we need to correct our course and modify the farm programs before those programs cause further concentration and consolidation in agriculture. Today, most commodities are valued off demand. Markets dictate profitability. When farmers overproduce by expanding rapidly because of the impact of Government farm payments, then markets are not functioning. Federal farm programs are influencing even land prices across the country. Iowa land is selling between $4,000 and $5,000 an acre in counties surrounding my home at New Hartford, IA.

This amendment will revitalize the farm economy for young people across the country by making land prices and cash trends more affordable, and that is going to be most important if we are going to revitalize American agriculture by getting young people in it when you consider today the average age of a family farmer is 50 years.

My amendment will put a hard cap on farm payments at $250,000. That is the same as what is in the President's budget, meaning the Republican President's budget, meaning Republican President Bush's budget. This will take it down from the current payment, $360,000, that is allowed under existing law, under the 2002 farm bill.

Just to remind everybody, I voted against the conference report on the 2002 farm bill, and the lack of farm payments, of responsible hard caps was the reason that I did. I worked back then with Senator DORGAN, who is the main sponsor of this amendment, on a similar measure in 2002, and it passed by a bipartisan, bipartisan support of 66 to 31. The amendment, of course, was taken out in conference.

One section that was added in the 2002 farm bill set up the Commission on the Application of Payment Limitations. This was a substitute for the fact that we didn't get payment limitations; we are going to have a commission study it. This study concluded that payment limitations affect the largest producers and these producers generally have lower per-unit production costs than other producers. But the study also says smaller, less efficient producers may be able to expand production and become more efficient under further payment limitations.

Congress enacted in 1987 the Agricultural Reconciliation Act, more often referred to as the Farm Program Integrity Act, to establish eligibility conditions that are not being abided by today for recipients and to ensure that only entities actively engaged in farming receive payments. To be considered actively engaged in farming, this act requires an individual or entity to provide a significant contribution of inputs—capital, land, equipment, labor—as well as significant contributions of services, particularly labor, or active management to the farming operation. But people have been able to find loopholes around this act, and that has facilitated these huge payments that go beyond the limits that are in law today.

Last year, I held a hearing through the Finance Committee on the GAO report that was released April of 2004. The GAO report recommended that measurable standards and clarified regulations would better assure that people who receive payments are actively engaged in farming. Of course, our USDA under both Republicans and Democrats does not want to write these regulations, does not want to enforce them, and that is why we have this legal subterfuge of getting around the payment limitations that are higher but would be effective, and I wouldn't be arguing with them if they were.

Of the $17 billion in payments that the USDA distributed to recipients in 2002, $5.9 billion went to just 149,000 entities. Corporations and general partnerships represented 39 percent and 26 percent of these entities.

I want my colleagues to look at another chart from the Washington Post of March of this year:

> If the purpose of the farm subsidies is to make family farms viable, it's hard to see why payments of more than $400,000 apiece

> should have gone to 54 deceased farmers between 1995 and 2003, or why the residents in Chicago should have collected $24 million in farm support over that period.

This type of arrangement, and others like it, raise questions about the interpretation and enforcement of the 1987 act that requires each partner be, according to the law, actively engaged in farming.

This is why I wrote the General Accounting Office to conduct a study. I encourage Members of this body to look at that report.

Earlier this year, the Senate went on record supporting a reform of Federal farm subsidies.

During the markup of the Senate budget resolution, I was able, with the ranking member of the committee, Senator CONRAD, to include a sense-of-the-Senate amendment expressing support for stronger farm payment limits; hence, this amendment. That amendment passed the Senate Budget Committee 15 to 7.

The committee agreed that any reconciled mandatory agriculture savings required under the resolution should be achieved through modifications to the payment limitation provisions of the 2002 farm bill.

The budget resolution also instructed Congress to find $3 billion in savings over 5 years in agricultural programs. I supported that resolution coming out of committee without offering my amendment in committee because we have a responsibility to support the chairman in moving the budget resolution along. In the Agriculture Committee, it was bipartisan. These savings consisted of cutting commodity programs, and we achieved the $3 billion savings.

The proposed amendment before the Senate would cap farm commodity farm program payments at $250,000 a year. This would encompass direct payments, countercyclical payments, loan deficiency payments, and marketing loan gains. Gains from commodity certificates would be counted toward the limitation, closing another abusive loophole.

By tightening up loopholes, this amendment would save $1.1 billion in savings over 5 years. With these savings, the Grassley-Dorgan amendment would restore 50 percent of the CRP acres cut by the committee and restore up to 75 percent of the Conservation Security Program money that was cut during the Agriculture Committee markup of reconciliation.

These savings will allow us also to prevent a 2-percent reduction in across-the-board commodity cuts that this resolution before us calls for in the 2006 crop year.

Obviously, with all the increased costs of energy, farming, and everything else, we ought to do what we can to strengthen the safety net and not weaken it. This would help prevent that 2.5-percent cut in farm programs.

Not only has the Senate agreed to some type of payment limit reform in the past, but the President in his budget, as I said, included this $250,000 cap.

The Secretary of Agriculture recently at the Commodity Club luncheon on October 6 said he has heard from producers all over the country. I attended such a forum at the Iowa State Fair, and I understand the type of feedback he received.

The concerns that have been expressed to the Secretary of Agriculture are that farm payments have been causing an increase in land values and the greatest benefits going to the largest farmers.

I have been hearing directly from producers for years exactly what the Secretary is hearing at his farm bill forums. We are hearing that young producers are unable to carry on the tradition of farming because they are financially unable to do so because of high land values, high land prices, and cash rent.

Neil Harl, a distinguished agriculture economist, now retired, from Iowa State University and one of the contributors to the commission report I referred to, has come out with another report. Dr. Harl's statement says:

> The evidence is convincing that a significant portion of the subsidies is being bid into cash rents and capitalized into land values.

If investors were to expect less Federal funding or not at all, land values would likely decline, perhaps as much as 25 percent.

I have a number of editorials supporting my position. The third one I put up comes from the Des Moines Register. Again, it refers to responsibilities I have as chairman of the Senate Finance Committee, assuming I can control every committee in the Senate, and I am willing to inform the Des Moines Register that no Senator who is chairman of the Finance Committee does. They said, in regard to me as chairman of the Finance Committee and Congressman NUSSLE as chairman of the House Budget Committee:

> Both could make a difference for Iowa's farmers and rural communities by steering adoption of payment limitations for farm subsidies. Nearly three-fourths of Federal farm payments go to 10 percent of the farms.

A fourth editorial is from a newspaper that the chairman of the Senate Agriculture Committee, I know, respects very well, the Atlanta Journal-Constitution. The Atlanta Journal-Constitution says:

> As time has gone by, smaller farmers most in need have received less and less of government's support and corporate-like farms more and more.

Their arguments for payment limitations.

By voting in favor of this amendment, we can restore the cuts that have been made to the commodity and conservation programs and lessen Government support to corporate farmers.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRASSLEY. Madam President, I ask for 15 seconds.

We can restore what we cut to family farmers in the resolution. We can allow young farmers to get into farming and lessen dependence on Federal subsidies. I hope my colleagues will support this commonsense amendment.

I yield the floor and reserve the remainder of my time. I ask people who want to speak in support of the amendment to please come to the floor so we can expedite this debate.

I might say that I have all sorts of respect for the Senator from Georgia. He is a tough competitor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I don't take that as a sign of weakness, but I appreciate the comment from my fellow Senator from the great State of Iowa who, like myself, comes from a strong agriculture production State. I will have a little bit more to say about that in a minute.

Madam President, I rise today to make a few remarks, first, about S. 1932, the Deficit Reduction Omnibus Reconciliation Act of 2005, that is being considered by the Senate this week.

According to the Congressional Budget Office, this bill would reduce mandatory spending by a total of $39 billion over 5 years as compared to current law. As chairman of the Senate Agriculture Committee, I know very well that restraining the growth of Federal spending is a very challenging task. It is a difficult job that most Senators, including myself, would prefer we not tackle, yet we must tackle. We must reduce growth of mandatory spending to get the deficit under control because that is increasingly where the bulk of Federal spending occurs.

This is the first bill in 8 years that reduces the growth of such spending. Most importantly, this bill achieves these savings mainly by reforming mandatory programs rather than cutting benefits to low-income individuals families.

The fiscal year 2006 budget resolution instructed the Committee on Agriculture, Nutrition, and Forestry to reduce outlays by $173 million in fiscal year 2006 and by $3 billion over the 5 years covering the fiscal years 2006 through 2010 within mandatory spending programs under the committee's jurisdiction.

CBO estimates that title I of this bill reduces mandatory outlays in the Agriculture Committee's programs by $196 million in fiscal year 2006 and $3.014 billion over 5 years.

The fiscal year 2006 savings amount is actually $23 million more than our instruction for that year, and the 5-year savings is $14 million higher than the committee's instruction.

As a result, title I of the bill fully complies with the Agriculture Committee's reconciliation instruction under the fiscal year 2006 budget resolution.

Title I of the bill reflects the thoughts and suggestions of a broad array of agriculture conservation and nutrition groups, all of whom care deeply about the Agriculture Committee's mandatory spending programs. The Congress worked hard to write a farm bill in 2002. This title achieved savings from the farm commodity programs, but does so in a way that leaves the structure of farm programs unchanged. The title achieves savings in our conservation programs, but it does this in a way that does not impact existing multiyear contracts in any program. The title achieves modest savings in our research programs, but it does this in a way that allows the basic structure to remain intact and recognizes past funding levels.

Also, importantly, the title preserves budgetary resources for the upcoming 2007 farm bill debate generally suspending spending reductions in fiscal year 2011. None of the outlay savings in the Agriculture Committee's title of the bill comes from the Food Stamp Program, despite the fact that this program accounts for nearly half of the mandatory spending in the committee's jurisdiction.

I have heard concerns about achieving savings from the Food Stamp Program from Senators on the Agriculture Committee, off the Agriculture Committee, and from Senators on both sides of the aisle, and we reacted.

My view is that the Food Stamp Program supports poor and low-income families trying to put food on the table and helps farmers by increasing the food purchasing power of those families. It is a win-win program for American agriculture and for America.

As we move forward in the reconciliation process, I intend to oppose attempts to make any substantial cuts in the funding to the Food Stamp Program. I have made that very clear from day one, and I continue to maintain that position today.

While I support the reconciliation bill, I would like Senators and others to know that we plan to work, hopefully in a bipartisan manner, to provide disaster assistance to farmers and ranchers and others in need of separate legislation in the wake of Hurricanes Katrina and Rita and other adverse weather events.

In the aftermath of these dramatic events, farmers are struggling with production losses, sharply higher energy prices, and lower farm prices. I will oppose amendments that attempt to address disaster assistance for agriculture in this bill.

It is my hope that the Senate will support this bill and, in particular, will not seek to make any changes in the provisions of title I.

I adamantly oppose any amendments that will change farm policy. We made a contract with our farmers in the 2002 farm bill, and we, as legislators, have an obligation to honor that contract that we made with our farmers in 2002. We owe it to our farmers that the structure of this farm bill does not change until 2007, when reauthorization will be considered in Congress.

My colleagues need to understand that if we have to redebate major provisions of the farm bill every time we engage in a budget reconciliation process, then we will rapidly reach a point where it will be impossible to gain needed support from U.S. agriculture.

I reiterate that under the circumstances of the current deficit, I do not relish making these spending reductions, but I believe that we owe it to the American people to help reduce the growth of mandatory spending.

With respect to the amendment offered by Senator GRASSLEY, my goal in crafting the agriculture title of this reconciliation bill was to trim spending of agriculture programs rather than make sweeping policy changes. Senator GRASSLEY's amendment makes significant policy changes. This debate should occur during reauthorization of the next farm bill. It is a complex issue that deserves thorough discussion when all of our farm policies are reviewed in 2007, not on the Senate floor during budget reconciliation.

Let me first say that the chart that Senator GRASSLEY put up I have no doubt is correct, when he says that 10 percent of the farmers in this country received 72 percent of all payments. The fact of the matter is, 10 percent of the farmers in this country produce more than 72 percent of the products that come off the farm. It is not surprising that the folks who produce crops are the farmers who are getting Government payments. That is what farm policy—good farm policy—is all about. Poor farm policy will provide payments to those folks who are not producing. But we have a good farm policy in place today.

The Farm Security and Rural Investment Act of 2002 authorized a commission on payment limitations for agriculture. This has been alluded to by Senator GRASSLEY in his comments.

The purpose of the Commission was to conduct a study on the potential impact of further payment limitations on direct payments, countercyclical payments, marketing assistance loan benefits on farm income, land values, rural communities, agribusiness infrastructure, planning decisions of producers affected, and supply and prices of covered and other agricultural commodities. This is a very broad array of issues which was to be looked at by this Commission.

Here is the first recommendation that the Commission stated, the Commission that Senator GRASSLEY previously alluded to:

> The 2002 farm bill establishes farm payment programs including payment limits through the 2007 crop year. While farm bills can be changed, their multiyear nature provides stability for production agriculture. Producers, their lenders and other agribusiness firms make long-term investment decisions based on this multiyear legislation. Consequently, if substantial changes are to be made in payment limits, payment eligibility criteria, or regulations administering payment limits, such changes should be part of the reauthorization in the next farm bill.

Basically what the Commission that Senator GRASSLEY alluded to is saying is in 2002 we entered into a contract with farmers all across America—in Iowa, in Georgia, in Arkansas, in California—wherever they may be. Based upon the contract this body agreed to with farmers across America, those farmers went to their bankers, to their equipment manufacturers or retailers, to any number of other individuals who own land, they entered into rent agreements, they entered into loan agreements and long-term purchase agreements for farm equipment.

I might mention, farm equipment today, whether it is in Iowa or Georgia, is not cheap. A cotton picker in Georgia costs about $250,000. I am sure a soybean combine costs just about that much also, even though you can use it for corn and, by changing heads, other commodities such as wheat. A cotton picker can be used for one thing, and that is to pick cotton.

But we made a contract with those farmers, and they, in turn, made obligations with other individuals based upon the contract we had given them. Now some of my colleagues want to go back and reopen the farm bill and have the debate which we had in 2002, the last time there was a vote on the Senate floor. The House has not taken up this issue. The House understands what the obligation of their body is. But here we are, trying to reopen this bill one more time.

Let me tell you specifically what farmers are going to be faced with if this amendment should pass. Senator GRASSLEY refers to the fact that he is reducing payment limit caps from $360,000 down to $250,000 per year. That is right. That is a debate that we had during consideration of the 2002 farm bill. It is an issue we will debate again in 2007. In fact, because of comments from Senator GRASSLEY as well as others who feel strongly about this, we reduced the caps in the 2002 farm bill from $450,000 in the 1996 farm bill down to $360,000; we reduced it by $90,000. We will have that debate in 2007. That is the time to argue for lower payment limits.

In addition to that, the lower payment limits that are provided in this amendment will reduce direct payments from their current level of $40,000 down to $20,000. So whether you are an Iowa corn farmer or you are a

Georgia peanut farmer or a California cotton farmer, your direct payments are going to be cut in half in the middle of the stream, even though you have made commitments out there which you are going to have to honor. You signed notes with your banker, with John Deere, AGCO or whoever it might be, to purchase equipment. Your direct payments are going to be cut in half.

Let me tell you exactly how that works. Last year, there were $12.5 billion in farm payments made. Guess where 10 percent or $1.3 billion of those farm payments went. It went to the State of Iowa, to farmers in Iowa, because they had a tough year last year. Because of the high yields of corn, the price dropped significantly, and under the countercyclical programs, Iowa farmers got 10 percent of all payments.

Under the rationale Senator GRASSLEY has put up on this chart here, that this is unfair because 10 percent of the farmers get 72 percent of the payments—10 percent of the payments went to one State. Do I think that is unfair? Absolutely not. Because that is the way the farm bill was designed.

When Iowa farmers have it tough, we have an obligation to extend a helping hand to them. When folks in Georgia have a tough time in agriculture, or in Arkansas or in Texas, we have an obligation to extend a helping hand.

When times are good, yields are good and prices are good, farm payments are very low. In fact, when the 2002 farm bill was passed, there was a lot of criticism coming from the same newspaper editorials to which Senator GRASSLEY just alluded. One of them is in my State. I wear any negative editorial from the Atlanta Constitution as a badge of honor because they are anti any major industry in our State, including the No. 1 industry, which is agriculture.

In the 2002 farm bill, we established good policy for the countercyclical payments to be made in those tough years. It was projected by CBO that we would spend $52 billion over the first 3 years of the farm bill, and that is the figure that was continually alluded to by editorials and those who were critics of the farm bill—not necessarily for the first 3 years, but that was a provision in the farm bill that was the most criticized.

The fact is, even though it was projected that we would spend $52 billion, we had good yields and good prices all across farm country, and our farmers and ranchers only received $37 billion. So we had savings of $15 billion. Have you seen any of these editorials from these newspapers saying thank you to the American farmer and the American rancher for saving us $15 billion? Absolutely not. But here again we are, in spite of the fact that we have had these savings, we are coming back now and saying: Sorry guys, we want to dip into your pocket a little bit more. We want to change your program, irrespective of what commitments you have made, and we are going to change your farm program and we are going to change your farm bill in midstream instead of letting it run through 2006 and 2007 and renegotiate the farm bill in 2007 as we are required to do right now.

I have strong objections to this amendment, not just because I think good agricultural policy is going to be affected by this, because I as a Member of the Senate do not think it is fair to look American farmers and ranchers in the eye and say: Look, I know we made a commitment to you, but sorry, ladies and gentlemen, we are going to change the way we do business. We are not going to honor the commitment we made to you.

That is wrong. It is wrong for America, and it is certainly wrong for American agriculture.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Will the Senator yield time to me?

Mr. CHAMBLISS. I am happy to yield as much time as he may consume to Senator COCHRAN, the chairman of the Appropriations Committee.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Let me congratulate the distinguished Senator from Georgia for his leadership in our committee as the chairman of the Agriculture, Nutrition, and Forestry Committee in bringing to the Senate a section of this reconciliation bill that contains changes in current law that will help achieve the goals of the Budget Act. I hope we will not be sidetracked now by an amendment that suggests that there is a better way to do what we have already done. In fact, to approve the amendment offered by my good friend from Iowa would reinvade and urge the Senate to reconsider a farm bill that was passed 3 years ago. It has a life of 5 years. It is the framework for decisions that are made on farms all over America about what to plant and how to arrange financing, and these plans are made in advance. You cannot just change the rules from one year to the next and expect to have a dependable source of revenue to sustain an economy, a farm economy that is so important to our Nation.

This issue of payment limitations was debated fully during consideration of the farm bill 3 years ago. Payment limitations were included in that bill. It is now the law of the land. Farm plans, including planting decisions and financing decisions, have been made in reliance on that law. The payment limit structure within the law is a provision that was fully discussed and incorporated after careful deliberation. This proposal to change that law in the name of reconciliation under the Budget Act undermines the objectives of the Congress to provide a stable and predictable farm policy. The payment limit amendment offered by my friend will have a serious and adverse effect on farmers in Southern States in particular.

Farmers in my State are suffering from the consequences of Hurricanes Katrina and Rita. Add to that the record-high energy prices, and you have a recipe for total disaster. This amendment would be a fatal blow to an already beleaguered sector of our State's economy. This is not the time to make such a significant change in agriculture policy.

Incidentally, the World Trade Organization Doha Round in Hong Kong this December might result in the need to restructure U.S. farm policy. But the appropriate time to consider possible changes resulting from international trade agreements will be when we debate the next farm bill, which will be 2 years from now.

I urge Senators to oppose this amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Iowa.

Mr. GRASSLEY. Madam President, I hope it is not wrong for me to say who wants to speak. Senator HARKIN wanted 10 minutes, and Senator DORGAN wanted me to save him 10 minutes. I urge they or anybody else who would want time from me to come over. That is all the time I am going to use right now.

The PRESIDING OFFICER. Who yields time?

Mr. CHAMBLISS. Madam President, will you tell us what time is remaining on each side, please?

The PRESIDING OFFICER. The Senator from Georgia has 22 minutes 19 seconds remaining. The Senator from Iowa has 24 minutes 23 seconds.

Mr. CHAMBLISS. Thank you.

The PRESIDING OFFICER. Who yields time?

Mr. BUNNING. Madam President, I rise today to express my support for the Deficit Reduction Act of 2005.

This bill is an attempt to finally make a dent—even a small one—in the mandatory spending that is threatening to engulf the Federal budget.

With mandatory spending currently accounting for over 50 percent of all Federal spending and projected to grow higher—it must be on the table whenever we examine the budget and the deficit.

In addition to serving on the Budget Committee, I also serve on three of the committees that passed language that is now part of the bill that we have before us.

I can tell you that in each of those committees, it took a lot of hard work and a lot of compromise to arrive at the language in this bill.

Difficult compromise means that hardly anyone is 100 percent happy with the final product.

For instance, I am disappointed that the Finance Committee did not include restrictions on intergovernmental transfers in its package.

Intergovernmental transfers are financing schemes that some States use to pull down more Federal Medicaid dollars than they are entitled to.

For example, some States overpay local government health care providers, and then require the providers to return the excess funds to the State.

The Finance Committee missed an important opportunity to curtail these abuses, and I hope we can rectify this as the bill moves through Congress.

There are, however, parts of this bill that I think are of staggering importance to this country.

In particular, I worked with Senator DOMENICI and others in the Energy Committee to see that ANWR language was included in this reconciliation bill.

As prices continue to rise at the gas pump, and a barrel of oil continues to be high, America needs to increase its domestic supply of energy and reduce our reliance on foreign oil.

Several months ago, I traveled to ANWR and saw firsthand how energy companies will develop it into a viable energy source.

After visiting sites in Alaska, there is no doubt in my mind that we can develop ANWR in a safe and effective manner.

Once developed, ANWR will provide the United States with nearly 1 million barrels of oil a day or 4.5 percent of today's consumption for the next 30 years.

This nearly matches the oil that we import from Saudi Arabia each and every day.

I also want to address the fact that much of the debate here on the senate floor yesterday, and last week in the Budget Committee, was not about this bill that we have before us today.

The ranking member of the Budget Committee wants to talk about a bill that we will likely mark up in the Finance Committee next week—the growth package.

The ranking member and his colleagues are constantly talking about how we can't afford the "tax cuts" that the growth package is expected contain.

My answer to that is this: The growth package will not be about tax "cuts". It will be about stopping tax increases.

Let me say that again: The growth package will not be cutting taxes; it will be stopping tax increases that will affect American families.

Although my friends on the other side of the aisle may not want to admit it, there are large tax increases on the horizon unless this Congress acts.

I am referring to the tax increases our constituents will feel in their pocketbooks and wallets if we fail to extend current tax law.

The so-called "tax cuts" the other side keeps refering to are really nothing more than just keeping current tax law in place.

There are over 40 provisions that American families and employers have come to rely on that will expire at the end of this year if we do nothing.

These are provisions in current law that are important to our constituents and to our economy.

Let's take a look at the items that the Finance Committee, which I serve on, will likely examine soon.

First, there is the alternative minimum tax hold-harmless provision. That one alone will cost about $30 billion to extend for just 1 year.

Madam President, 80,000 Kentuckians face a tax increase if that provision is not extended. And, looking at our neighbors, 235,000 Ohioans and 30,000 West Virginians will also face tax increases if it is allowed to expire.

The R&D tax credit will expire at the end of this year unless we act.

This is an important provision of the Tax Code that spurs innovation and new technologies and one that I and many others here support.

In fact, the bill introduced in the Senate in the last Congress to make this provision permanent had 40 cosponsors, including 22 Senate Democrats.

A lot of other important provisions will also expire if we do not act:

The deduction of tuition expenses—affects 36,000 Kentuckians;

The low-income savers credit—affects 94,000 Kentuckians;

The tax deduction for teachers for their classroom expenses—affects 38,000 Kentucky teachers;

And the low-income savers credit which, in 2003, affected 94,000 low-income Kentucky taxpayers.

These are Kentuckians who do not deserve a tax increase. And I am going to do all within my power to make sure that they do not get one.

But again, our friends on the other side of the aisle will say that I am just telling half the story.

What about the dividends and capital gains 15 percent rate extension, they will ask.

After all, they argue, you Republicans want to extend that and that only helps the rich.

Well, first of all, it is really hard to dispute the positive impact that the 15 percent rates have had on the macroeconomy.

Dividends paid by companies in the S&P 500 are up 59 percent since the tax cut was implemented, and capital gains tax revenue to the Federal Government is set to exceed the CBO forecast by $16 billion in fiscal year 2006.

But let's talk about which taxpayers are benefiting from these 15 percent rates.

In my State, 18 percent of taxpayers benefited from the reduced rate on dividend income and 13 percent benefited from the lower rate on capital gains income in 2003.

Again, to look at some of our neighboring States, in West Virginia 17 percent of taxpayers reported dividend income and 11 percent reported capital gains income.

In Ohio, 24 percent reported dividend income and 16 percent reported capital gains income.

This is especially interesting when you consider that both Kentucky and West Viriginia have median incomes below the national average.

And yet a large number of our taxpayers report receiving capital gains and dividend income.

And this does not even count the workers and retirees who hold these assets inside their 401(k)s and other tax-deferred saving vehicles.

The fact is, dividends are important to millions of families.

According to 2002 irs data, nearly two-thirds of the taxpayers reporting dividend income had adjusted gross incomes below $75,000.

And the average dividend received by those with A.G.I.'s below $75,000 was over $1,700.

As we all know, these dividends are very important to the elderly.

Many of our retired folks rely on dividends to supplement their fixed incomes from pensions and Social Security.

While it is true that these lower rates don't sunset until the end of 2008, it is important that we send a message to the economy by extending these rates this year.

Investors and financial markets will grow increasingly uncertain about the future tax treatment of dividends and capital gains as 2008 gets closer, if we have not done our job by making these provisions permanent.

We just cannot risk adding unwanted volatility into the markets and the economy—which continues to grow.

So, again, let me be clear—the proposals that we are talking about extending in the growth package that we will likely see soon are not new tax proposals—this is simply current law.

If we do not extend these provisions we will cause a substantial increase in the tax bills of American families and businesses.

In closing, I wanted to say a word to those who are complaining about the "cuts" in spending contained in this deficit reduction package on the floor today.

The facts show that spending has grown rapidly in the last few decades.

In just 3 years, from 2001 to 2004, total Government spending increased by 23 percent—an increase of over $400 billion in just 3 years.

Despite what we might hear today, we have greatly increased spending in a number of areas—including education and veteran's health care, in addition to homeland security.

Let's keep that in mind as complaints are being made about the bill before us today.

I urge my colleagues to pass this bill and I look forward to further debate.

Mr. GRASSLEY. I yield myself a minute and a half.

Madam President, this amendment and this discussion both are not about the cost of production of agricultural commodities. This amendment and this discussion are about payment limits and the need to prevent public funds from being used by the biggest producers to become even larger by bidding up cash trends and capitalizing their extra profits from production into land values.

There is public interest in this being the result of Federal farm programs, and all except the very largest farmers know that and support this effort.

Focusing on costs of production is totally meaningless, unless one also includes the revenue from production.

Every crop has a different set of numbers on cost and a different set of numbers on revenue produced. Those numbers vary from crop to crop, and, to a degree, vary from region to region and year to year.

The farm program support levels have never been set on the basis of cost of production or on profitability, taking revenue into consideration. Support levels have been set by the Congress, not by some index based on cost of production.

Moreover, this is not about inefficiency, as some have argued for years. The largest producers, with extra profit from their size or scale, from discounts received in input, and from premiums received for volume production are not passed along to consumers. Those extra profits are used to bid land away from midsize and smaller operators.

Keep in mind that these programs are not entitlement programs. The purpose is to stabilize the sector and provide an income supplement when commodity prices are low.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAMBLISS. I am pleased to yield such time as she may consume to my good friend from Arkansas, Senator LINCOLN.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Thank you, Madam President. I thank the chairman of the Agriculture Committee for offering leadership on this issue and certainly his friendship.

I rise today in opposition to the underlying amendment regarding further payment restrictions on the farm safety net.

This issue of payment limitation is not a new topic of debate. Unfortunately, it remains a largely misunderstood issue for many—both inside and outside the beltway.

As a member of the Senate Agriculture Committee, I suppose I take for granted that not everyone pays close attention to farm policy that we set. But they certainly pay attention to the fact that the grocery store shelves in this great country are always full and that they get the safest and most abundant and affordable food supply in the world. They pay less per capita than any other developed nation on the globe for this incredible food source.

Our producers do it with all of the many things that Americans want to be taken into consideration, whether it be the environment or the economics, and they take into consideration the regulations. Our farmers, our producers in this great land, are the most productive, the most efficient of any across this globe.

I have to say, as a farmer's daughter, that I take pride in telling others about the farmers I represent and what American farmers provide this Nation and the entire globe.

Today, I come to the floor of the Senate to attempt to provide some clarity to this issue that has been misunderstood.

Above all else, our farm policy seeks to do one thing for producers of commodities: That is to provide a strong level of support to producers against low prices brought on by factors completely beyond their control, including foreign subsidies—some that are five and six times higher than the help that we provide our farmers in this country.

Think about that. I wish I had Senator CONRAD's charts that always show the disproportionate share of subsidies of the EU, in particular, but other countries which provide their producers to remain competitive in a global marketplace.

As I have traveled my State since we enacted the 2002 farm bill, I can tell you that Arkansas farmers view our agriculture policy as a contract, an agreement, that they have made between themselves, their lenders, and their government. They should. They should be able to look their government in the eye when an agreement such as the 2002 farm bill is made and say, We have a deal. We understand that in the next 5 years we are going to work as hard as we possibly can with all of the variables that we get, whether it is weather that we have no control over or trade that we have no control over, whether it is multiple, different variables that they have no control over. But they know that their government has made an agreement with them and that their government will stand by that agreement as they make their plans for the enormous amounts of capital investment they have to invest in those five crop years, knowing that some will be better than others but that they can figure out there will be some consistency in the agreement they have made with their government on the program that will allow them to be competitive in a global marketplace.

I am here to urge my colleagues in this Chamber that today is neither the time nor the place to break that contract and agreement that we have made with our farmers.

This budget reconciliation process should not be used to make a policy change of this magnitude. The underlying amendment will effectively do exactly that for the producers in my State of Arkansas and many States across this Nation.

But my colleagues don't have to take my word for it on this matter.

A bipartisan commission established as a part of the farm bill to conduct a study on the potential impact of further payment limitations raised the same cautionary note. This 10-person commission was comprised of 3 members appointed by the Secretary of Agriculture, 3 members appointed by the Senate Agriculture Committee, 3 appointed by the House Agriculture Committee, and finally the chief economist of the Department of Agriculture.

These facts alone should be enough for each of the Members of this body to take their recommendation seriously.

I have taken the time to become familiar with their backgrounds and with their report, a report that was nearly 2 years in the making—not something that popped up overnight but something that was thoughtfully done to recognize how important a safe, abundant, and affordable food supply is to this Nation.

As a member of the Senate Agriculture Committee and someone who has intimate knowledge of the farm operations in my State, I was pleased to discover the commission's top two recommendations support my position that no change should be made in the farm safety net until the current law expires.

First, it specifically states that any substantial changes should take place with the reauthorization of the next farm bill.

Some of you may be asking yourselves, What is substantial?

In strictly monetary terms, I can tell you that conservative estimates say that further payment limitations would cost my State alone almost $80 million a year. The overall economic impact to our State of Arkansas is estimated at nearly $500 million annually, a price far too high to pay when our farmers are looking at unbelievably high gas prices, unbelievably high costs in terms of fertilizer and application that has to be made, not to mention the trade implications that exist out there for our producers.

The commission's second recommendation was, if changes are to be made, there should be an adequate phase-in period.

Not only does this team of experts, appointed by our Government's leaders in agriculture, urge that no changes be made to our current farm safety net until the appropriate time, but they also urged that, should that day come, our farmers need to be given an adequate period of time to avoid unnecessary disruption in their production, marketing, and business organization.

This is not something that happens once a month. Planning a crop, not only for that year but the understanding of the implication of the crop you plant this year on future crops you may plant, taking care of your land in a way that will make sure that land is sustainable for future generations, is not a 1-month-at-a-time operation.

In short, the commission acknowledges the complexity of this issue and recommends to each of us that we wait to proceed at the appropriate time and then only proceed with caution.

This amendment takes the exact opposite approach and will send shock waves through farm country, particularly in the South. In fact, the mere discussion of such a dramatic change creates an abnormal level of anxiety in my home State.

One of the fatal flaws of the previous farm law was its lack of an adequate safety net in the face of foreign subsidies and tariffs that dwarf our support of U.S. producers.

Again, Senator CONRAD's chart says it better than anybody.

That level of subsidy that other nations provide their producers, their growers, is phenomenal compared to what we do for ourselves. The new farm law corrected that mistake.

The amendment now before us would limit that very support at a time when producers need the help the most, creating a new and gaping hole in the safety net.

Furthermore, during hearings on the new farm bill, virtually every commodity and general farm organization testified in opposition to further payment limitations.

Here we are today, once again, debating this issue of payment limitations.

Proponents of tighter limits continue to sensationalize this issue by citing misleading articles about large farm operations receiving very large payments as a reason to target support for smaller farmers. But, unfortunately, sensationalized stories only serve to cloud their misunderstood issue even further.

Senators truly need to understand that this amendment has very serious implications.

Let me attempt to provide some clarity on the issue of farms.

First, payment limitations have disproportionate effects on different regions in this country. Simply put, the size of farm operations is relative to regions, but even more simply, what a small farm is in Arkansas may be a huge farm in another State, which leads me to my next point.

This amendment continues to unfairly discriminate on a regional basis because it does not differentiate between crops that are extremely cost-intensive and those that are not cost-intensive in the South where we grow what we are suited to grow. That is what farmers do. You would be a fool not to. To try to grow a crop that you are not equipped to grow or intended to grow would be unbelievable.

What do we grow? We grow cotton and rice, which are highly capital-intensive crops. They require disproportionately more capital input per acre than any other crop.

What happened? You have to grow on an economy of scale, have a farm of an economy of scale so you can afford those capital inputs and still be competitive in a global marketplace.

This amendment would lump cotton and rice with the same category of crops that require half as much input cost. It absolutely does not take into consideration the great diversity of this Nation, which is our real strength. That is something we should recognize.

Finally, on the issue of size, farmers of commodities are not getting larger to receive more payments. They get larger in an attempt to create an economy of scale to remain competitive internationally.

At a time when we are telling our farmers to compete in a global market, we now debate an amendment that would discourage farmers from acquiring the economies of scale that they will need to compete in that global marketplace.

Certainly, my colleague from Iowa, who chairs the Finance Committee and has jurisdiction over international trade, can appreciate that. He has talked about it many times.

This amendment affects the cornerstone of support for our Nation's farmers because it prevents the marketing loan from working correctly.

These limitations would lead to loan forfeitures and huge Government inventories of commodities if steps are not taken to ensure that producers can market their commodities.

If you limit the amount of support farmers may receive, you are placing on them a substantial domestic disadvantage before sending them out to compete in an international market that is already unfair for our producers.

This is not the case in Europe, where agriculture is subsidized at a level six times higher than we have here in the United States and in the case of Japan, where agriculture is subsidized at a whopping 92 times more than we do in the United States.

Finally, I say to those who believe that farmers are getting rich at the expense of the taxpayers, there is a reason why our sons and daughters are not rushing back to the farm and their family heritage. It is because farming is a very tough business, with lots of challenges.

In the South, we face many of those, as farmers all across this Nation do.

I hope that my colleagues will take into consideration that this is not the time nor the place to deal with this issue. We made a contract with our grocers, our farmers, and our producers. And we want to make sure that as a government we make good on that contract, and if, in fact, the time comes when we review it, we do it at the appropriate time.

I yield my time to Senator CHAMBLISS.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Madam President, I yield 2 minutes to the Senator from North Dakota and 15 minutes to the other Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CHAMBLISS. Madam President, before the Senator from North Dakota moves forward, I want to make sure that we are going back and forth. Does the other Senator from Arkansas need time?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I thank my colleague from Iowa for this time.

Let me indicate that there are really three abuses which are occurring in the current system.

No. 1, there is no effective limit on the marketing loan benefit. Current law does not limit gains received through commodity marketing loan forfeitures or commodity certification transactions. The fact is there is no limit on marketing loan benefits. That was never the intention.

No. 2, payments are not attributed to the individual who receives the benefits. Producers may create multiple entities, such as corporations, to increase the total amount of payments received.

In the last farm bill debate in the conference committee—and I was one of the negotiators on the conference committee—I took to my colleagues an example from a State that will remain unnamed that involved 49 different entities that represented only 5 people. This was an incredible shell game to avoid and evade any kind of reasonable payment limits. This is the kind of abuse that will be shut down by the Grassley-Dorgan amendment.

No. 3, the definition of "actively engaged" has been weakened. A cottage industry of lawyers and accountants has developed to create shell organizations to allow nonfarmers to qualify for farm program payments because they have a minimal interest in a farming operation. In some cases, participation in a farm management conference call once a year now qualifies them as "engaged."

The PRESIDING OFFICER. The Senator has used 2 minutes.

Mr. CONRAD. These are the three critical points I hope my colleagues will focus on.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, some things in the Senate are heavy lifting and tough to deal with. This is the easiest decision ever to be offered to this Senate. The question is, for what purpose do we offer a farm program in this country? The answer is, because family farmers cannot make it over the valleys of despair. With precipitous drops in international prices, devastating weather disasters, we will not have family farmers left unless we have a basic bridge across the valleys.

That is the purpose of the farm program. Instead of a bridge across valleys to help family farmers populate the prairies of this country, the farm program has become a set of golden arches for the biggest and the wealthiest farms in the country.

Senator GRASSLEY and I proposed something that is kind of novel here. We proposed that the farm program be redirected to help family farms. What we say is this: At a time when we are going to cut price supports and cut the safety net for family farmers, we say maybe the better approach would be to restore those cuts and get the money by shutting down the millions of dollars in checks going to the corporate agrifactories in our country. Is that a novel solution? No. It is what the farm program was supposed to have been.

Let me describe what we have in this country. This is from a story in the Washington Post a couple years ago.

> A prominent and well-respected businessman who lives in a million-dollar home, sits on a local bank board and serves as a president of a tractor dealership with sales last year of $30.8 million . . .

He is also, by some definitions a farmer—the principal landlord of a 61,000-acre spread, $38 million from the Federal Treasury in 5 years.

> Like other large operations this farm was structured to get the most from government programs.

In other words, this was farming the farm program. A novel idea, farming the farm program. Perhaps we ought to stop people from farming the farm program.

Some of my colleagues say you have to be big in some parts of the country. That does not mean the taxpayer has to be shipping checks totaling $68 million or $38 million to those operations. Want to farm the whole country? God bless you. You have every right in this country to do so and we sure hope you are successful. But I don't see that the taxpayer ought to be the one who bankrolls the financing operation if you want to farm the entire county. That is all this is about.

My colleague Senator GRASSLEY and I offer this not to penalize any part of the country. It is to refocus the farm program to where it ought to be, to help family farmers through tough times.

I mentioned that millions of dollars go to corporate megafarms. I also pointed out this is not what I came to the Congress to fight for. I want good support prices to go to family farms to help them through tough times so that in the long run we still have yard lights around this country with families living on the farm producing America's food. That is the purpose of a safety net.

Now, I described some of the megafarms, the corporate agrifactories getting millions of dollars. The Grassley-Dorgan amendment says, let's put some limits on it. We asked the USDA, who gets the farm program payments? Do we have some evidence about how much goes to the big interests? It is interesting, the USDA does not know to whom it is making the farm program payments. It does not know. In our piece of legislation, we require it to know. When they are shoveling millions out the door at USDA, they should figure out where they are sending them.

I was thinking about the payments that are made to farmers in the country. We care about family operations. That is the whole purpose of this. By the way, if the purpose is not to support family farming, we ought not have a farm program. We ought to get rid of it if it is not the purpose. I believe it is the purpose and should be the purpose.

Remember that movie, "Weekend at Bernies," while they haul around a dead guy for the whole weekend? They put him in the car, by a swimming pool with sunglasses on, and hauled around a dead guy. The movies don't have anything on the USDA. The USDA sees dead people on farm subsidy rolls. In fact, you have to be "actively engaged," the law says, in farming. And yet they are making payments to dead people. How can you be "actively engaged" as a farmer if you are dead? But the USDA does not know who it is sending money to so we could not expect them to answer this question: Why are 55 dead farmers receiving more than $400,000 each in farm program payments?

I understand my colleagues exerting a lot of muscle trying to help live farmers. Maybe at least we could agree on dead farmers not receiving nearly half a million each.

Let's back up for a moment. Let's try to ask ourselves, why do we have a farm program? Of what value is it to our country? My great-grandmother actually ran a farm. She lost her husband, an immigrant from Norway, took a train to Eagle Butte Township, and with six kids, pitched a tent, worked a farm, had a son who had a daughter who had me, which is how I came to southwestern North Dakota. It was a family farm. Think of the courage to run this family operation.

Over time, this country said we will not have them left on the prairie if we do not provide some basic support over tough times, a bridge over price valleys. So we did. It is called price supports, to try and help family farmers.

Boy, has that grown. This little price support program trying to help family farmers through tough times has grown to become a huge boon to some of the biggest operators in the country, having nothing to do with families, having to do with corporate agrifactories. Is that what we want the program to be?

The choice Senator GRASSLEY and I offer is a simple choice. The committee brings to the Senate a proposition that says let's cut farm program payments for every farmer. Let's cut farm program price payments for every farmer. We say there is a better way. How about rather than pull the rug out from other family farmers, we decide to do what we should have done long ago, and that is, shut off the spigot on the money that is going to the big corporate agrifactories that have nothing at all to do with families. I am not suggesting they are unworthy, the corporate agrifactories. I am not suggesting that at all. I am saying if they want to farm the whole county, half a State, or they want to get bigger and bigger and bigger and decide to separate into 49 or 69 or 89 entities in order to farm the farm program, God bless them. I just don't think there is a requirement that the American taxpayer or the Federal Government has to bankroll them. I don't think that is our requirement.

The urge and the urgency for Congress should be to want this country to maintain a network of family farms for the people who risk everything. We are not trying to define exactly what a family farmer is. Some are quite large. But I know what it isn't. Michelangelo was asked, how did he sculpt David? He said, I took a piece of marble and chipped away everything that wasn't David. We can have a family farm and chip away that which it is not.

That which it is not, which we are defining today in some respects, represents the enterprises that do not need the Federal Government's help to grow. They have already grown to the point where they are farming a substantial part of our counties around the country.

This is a choice. We can decide to cut farm program payments for everybody and pull the rug out from under a lot of families out there barely making it, given energy costs and the price of grain, or we can provide the kind of program payments over tough times that we told family farmers we would provide and get the money to do that by limiting the payments that go to people who are getting $38 million in the case of the first enterprise I talked about. That is sensible.

The question is very simple: What do you think the purpose of the farm program is? Whose side are you on? Who are you trying to help?

I suppose my discussion about dead farmers was tongue-in-cheek, but it raises an important question. If we had 55 farmers who are dead who receive $400.000-plus, each of them, nearly half a million each, it raises a pretty important question about the golden arches that exist here for some of the biggest enterprises out there in rural America.

This is not difficult. I understand, and I don't denigrate my colleagues who are forced to support the biggest corporate farms and to support the way things are. I understand that. Everyone has a constituent interest here. But our interest, the interest of Senator GRASSLEY and myself, is not to try to injure anybody or injure any part of the country. Our interest is to say this country should aspire to say to family farmers. You matter in America; we want you to be able to make it through tough times. That is why we have a farm program.

When the choice is, do we pull the rug out from under you with the cuts coming from the proposal today, or is there a better way by which we can limit payments to the largest corporate farms and use that money to restore the kind of help we have always said we wanted to provide family farmers, isn't that a smart thing to do? Isn't that the right thing to do? Isn't that what public policy was designed to do, to help America's family farmers?

Take a poll, any time, any place in America, and ask the question about whether they value family farmers. They do. Farmers and ranchers who live on the land risk everything. Every spring all they have is hope, the hope that maybe they will get a crop. Maybe it won't hail. Maybe it won't rain too much. Maybe it won't rain too little. Maybe somehow they get a crop, after they put all the money in, in the spring. And when they harvest it, the hope they get a price and maybe they will make a living. That is all they have, is hope.

That is why this Congress has in the past said, let's try to make sure they have some capability with a safety net to make it across these price valleys and these tough times. That is what Senator GRASSLEY and I are trying to preserve. Every year people try to chip away more and more and more. We are trying to preserve that hope, trying to preserve a way of life, something we think is important to the future of this country.

We can have corporations farm from California to New York. I suppose, big agrifactories. But what are the consequences of that? We lose something very important in this country when we lose America's family farm producers and family ranchers.

How much time did I consume?

The PRESIDING OFFICER (Mr. THUNE). The Senator has consumed 11 minutes.

Mr. DORGAN. I reserve the final 4 minutes of my presentation.

The PRESIDING OFFICER. Who yields time?

Mr. CHAMBLISS. I yield to the Senator from Arkansas 4 minutes.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Thank you, Mr. President. I ask that you tell me when my 4 minutes is up, if that is at all possible.

Mr. President, I rise today in opposition to the Grassley amendment. It is hard for me to do that in the sense that I agree with Chairman GRASSLEY on so many things, but I disagree with him on this amendment.

The 2000 farm bill is a contract, something the Congress entered into, and I think it is a terrible mistake to change the terms of that contract in midstream.

In fact, the USDA had a bipartisan payment limit commission. They looked at it. They concluded the same thing: Don't change the rules in the middle of the game. I do not think any business, much less our family farmers, can have any kind of business plan when the rules change and the rules become very unpredictable.

I thank my colleague Senator CHAMBLISS of Georgia, the chairman of the Agriculture Committee. He has done an outstanding job of trying to be fair when we look at this issue to make sure not one crop or one section of the country is being singled out to carry a disproportionate amount of the pain.

Recently, the WTO made a decision in a cotton case involving Brazil, so our cotton farmers have lost an important program known as Cotton Step II. We are going to add to the burden of our cotton farmers, and add to the burden of our peanut producers and our rice farmers. The biggest concern I have other than that, in addition to the concept of this, is the idea of timing. It could not be worse. When you look at the Southern States—Louisiana, Arkansas, Mississippi, Alabama, Texas, Florida—we are reeling from hurricanes right now, all over that section of the country. In fact, the University of Arkansas Extension Service has estimated there is $900 million worth of hurricane-related crop damage in our State alone—$900 million worth.

Then we look at our farmers. They are paying record energy prices. They have these meritless WTO challenges. They have had storm damage. They have had the worst drought in my State that we have had in 50 years. I think it is a terrible time for us to be adding to their burden.

Of course, there are also many myths that have been perpetrated by people who do not like some of these farm programs. One of these groups—I don't know exactly anything about this group—but the Environmental Working Group says there is a farmer in my State, some guy named Riceland, who is taking boatloads of Federal dollars and subsidies.

Who is Riceland? Riceland is not one farmer. There is not one guy down there named Riceland. Riceland is a farm-owned cooperative. There are 9,000 family farmers who are members of this one cooperative. So, sure, if you bundle all 9,000 up and look, that is a lot of money. But when you look at all these 9,000 separate, independently owned farming operations, you get to see a more accurate picture.

So let's stick with the facts. The facts are this country has the most stable, the most abundant, the safest, the most affordable food and fiber of any country in the world. One thing I would hate to see is us be dependent on foreigners for our food supply. Right now, unfortunately, we are dependent on energy. I think that is a matter of national security. If we ever become dependent on foreign countries for our food, that would be a matter of national security.

Our trade deficit is at an all-time high. We are witnessing—this set of Senators—our manufacturing base in this country evaporating before our very eyes. Do we want to do this to our farm economy? I say no. I say we need to understand we get a big return on the investment we make in our agriculture programs. In fact, all the programs combined—everything total—is less than one-half of 1 percent of the Federal budget.

One of the great strengths America has is we are able to feed ourselves and, if we are given the opportunity, to feed the world.

I urge my colleagues to oppose this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I yield 3 minutes to my colleague from Georgia, Senator ISAKSON.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank the distinguished senior Senator from Georgia, my dear friend. I appreciate his guidance and I associate myself with his remarks. The distinguished Senator from North Dakota made an admittedly tongue-in-cheek analogy about 55 dead farmers. To change this program in midstream could put a lot of family farmers in the South on life support, and that is not tongue-in-cheek. It would not only cripple the agriculture economy of communities across the Nation, but it would have a most devastating effect on farmers in my State and in the Southeast.

Make no mistake, adoption of this amendment would result in many traditional family farms going out of business—plain and simple.

We had this debate in 2002, when we passed a carefully crafted farm bill. We debated farm payment limits extensively at that time, and it is absolutely wrong to seek to change those rules in midstream. That debate takes place in 2007, when the bill is up for reauthorization.

Our farmers have made business decisions based on that farm bill. They have had significant investments based on that farm bill. We cannot pull the rug out from under them in midstream.

This amendment punishes the farmer whose livelihood depends solely on the farm. In my part of the country, a farmer must have a substantial operation to make ends meet. Why would we seek to punish family farmers at a time when they have made large investments in order to become competitive in an international marketplace? Now is not that time.

Mr. President, on behalf of farmers in my State of Georgia and across the Southeast, I urge my colleagues to oppose the Grassley amendment.

I yield back.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, I yield 2 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time is remaining for the entire debate?

The PRESIDING OFFICER. Seven minutes 35 seconds on your side, and 2 minutes 18 seconds on the other side.

Mr. DORGAN. Mr. President, I want to correct, I think, an impression that was made. I do not think it was intentional, but the impression was that the Grassley-Dorgan amendment would prohibit the largest corporate farms from getting payments. We do not do that. They are limited in the payments they would receive. We do put a limit on it. We do not prohibit them. They will still get payments right up to the top limit. But that is all.

To further make my point, in one case, a Mississippi cotton farmer set up a web of 78 corporations and partnerships that collected $11 million in subsidies. The name of one of his companies was Get Rich Farms.

The farm program is not about getting rich for anybody. The farm program is to try to provide some protection and some help for family farmers, who are left to the vagaries of a marketplace that whipsaws up and down with weather, natural disasters. This is not about getting rich. It is about getting through tough times. That is what Senator GRASSLEY and I wish to do.

Now, Mr. President, my colleague from Iowa has arrived. I know he wishes some time. We have very little time left, but I will truncate my remarks so the remaining time will be available to Senator HARKIN, who is also a cosponsor of this legislation.

Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Six minutes.

Mr. DORGAN. Mr. President, let me provide the 6 minutes that is available to Senator HARKIN.

I say to Senator HARKIN, there are 6 minutes available on this debate. I will yield my time at this point in order to make that available.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I want to be clear about how much time I have.

The PRESIDING OFFICER. The Senator from Iowa has 5 minutes 39 seconds.

Mr. HARKIN. Mr. President, I welcome this opportunity to cosponsor this amendment offered by Senator GRASSLEY and Senator DORGAN.

Again, let's be clear why we are here debating this amendment. It is because the President's budget proposal called for taking away substantial funding that had previously been dedicated to agriculture and nutrition assistance. Accordingly, the congressional budget resolution requires cutting $3 billion out of programs in the jurisdiction of the Committee on Agriculture, Nutrition and Forestry over the next 5 years. These cuts could come from farm income assistance, conservation, Federal nutrition assistance, or several other mandatory programs.

Fortunately—and I commend the chairman of our committee, Senator CHAMBLISS, for this—his mark did not cut Federal nutrition assistance, and neither does the committee-reported measure, although such cuts are probably almost certain after we go to conference with the House.

Along with many of my colleagues, I opposed the cuts to agriculture from the time President Bush proposed them because I do not think they are justified. Three years ago we crafted a new, bipartisan farm bill, which the President praised and signed into law. We were given a budget allocation to deal with it. We stayed within it. The farm bill has in general been working as intended. In fact, in for fiscal 2002 through 2005, since the bill was signed, our Federal commodity programs are estimated to have saved the taxpayers of this country $14 billion compared to the cost estimates right after the bill was enacted. We have spent $14 billion less in those 4 years than we were entitled to spend in the farm bill.

So now we have the budget reconciliation bill before us. I don't believe there is any justification for cutting any funds out of agriculture, but the fact is, the budget resolution requires it. Congress is going to cut funds. The question is, how are we going to do it? How are we going to do it? Well, I am supporting the Grassley-Dorgan amendment because it contains a much more equitable and sound way to achieve the $3 billion in cuts over the next 5 years.

Basically, the amendment says there will be a more reasonable set of limits on the amount of Federal farm program payments that any one individual is able to draw from the Federal Treasury. By obtaining the savings in this way, the burden of budget cuts on the vast majority of America's farmers and ranchers will be lessened.

Now, my colleagues—Senator GRASSLEY, Senator DORGAN, and others—have described very well how farm commodity program payments are heavily concentrated on a relatively small percentage of Americans who control our Nation's largest farm operations. They have described how these operations can be reorganized, manipulated, using various partnerships, corporations, and entities, to skirt the payment limitations that are supposedly in the law now.

Again, let me remind my colleagues, the Grassley-Dorgan amendment we have before us is basically what the Senate adopted in the debate on the 2002 farm bill, by a vote of 66 to 31. This amendment was adopted in the farm bill. Of course, it was rejected in conference, because of strong opposition from the House don't you know, but we adopted it here. The Grassley-Dorgan amendment tracks the proposal in the President's budget.

Again, this amendment Senator GRASSLEY and Senator DORGAN have offered is not onerous. It provides for a basic overall payment limit on all benefits of $125,000 an individual. If you have a spouse, that could be $250,000 for the couple. That is a pretty generous amount of money from the Federal Government to support a farming operation in anybody's book. So this is a modest proposal.

The other thing this amendment does is it cuts through all the confusion and murkiness about the "three-entity rule." This amendment would track payments through to the actual individuals who receive the benefits, and then apply the payment limitations directly and straightforwardly. Now we will know exactly who is getting what. This amendment will establish a stronger requirement of active personal management of a farm or ranch before an individual is eligible to receive farm program payments.

The reasonable payment limitations in the Grassley-Dorgan amendment are a better, fairer way to obtain the budget savings. Those savings are then applied in this amendment to mitigate the most damaging aspects of the measure reported by the committee and which is in the bill before us.

The Grassley-Dorgan amendment delays for 1 year the 2.5 percent across-the-board reduction in commodity program payments and benefits which applies to all recipients.

One other thing this amendment does is it lets us go back and lessen the cuts to the farm bill's conservation title. What it does is it restores conservation funds that the bill before us would take out of the Conservation Reserve Program. It gets us back up to 38.45 million acres, close to the farm bill's 39.2 million acres. So this amendment supports conservation.

It also puts money back into the Conservation Security Program, which was cut by some 30 percent in the measure reported by the committee. That is on top of cuts already imposed on the Conservation Security Program in previous legislation.

So again, the Grassley-Dorgan amendment is fairer—more fair—than the bill before us. It is straightforward, and it responds to the real needs we have in rural America today. I commend Senator GRASSLEY and Senator DORGAN for their amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, let me wind up with a couple of responses to some of the comments that have been made.

First, Senator DORGAN got up and said we had one farm that had gotten $37 million over 5 years. That is preposterous. It is wrong. It is simply incorrect. The Senator from Arkansas made it very plain there is one cooperative that has 9.000 members, called Riceland. The entity which Senator DORGAN was talking about was not an individual farmer. There is no provision in the current law that would allow such payments to be made. That is simply wrong.

Secondly. there was a statement made that 55 dead farmers received payments. Let me tell you what happened so the American people understand. A farmer goes into the Farm Service Agency at the beginning of the year, and he fills out a form.

That form says how much he is going to plant of each specific crop. They then know what payments they qualify for. Those checks are sent out during different times of the year and even into the next year after the farm season is over. It is unfortunate that 55 farmers died during that year before they got their checks. I am sorry about that. But those farmers were family farmers. Their families deserve that income because that family member was actively engaged in farming at the time he went into the office and made the application. I kind of resent that. We talk about the fact that we want to continue the family farm. The way we can continue the family farm is to take those folks who do unfortunately pass away and eliminate the estate tax. But, unfortunately, our friends on the other side don't agree with us about that.

Let me just say the commission to which Senator GRASSLEY referred, and others have referred, was a commission created in the 2002 farm bill made up of farmers from Kansas, Texas, Mississippi, Illinois, North Dakota, Iowa, Georgia, Arizona, as well as USDA. That commission made strong recommendations that we should not change this payment limitation provision during the course of this farm bill. That is a discussion that should be held in the next farm bill debated in 2007. I submit that is when it ought to be.

I urge my colleagues to vote against the amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, is it now in order to move on to the amendment of the Senator from New Mexico?

The PRESIDING OFFICER. The Senator is correct.

The Senator from New Mexico is recognized to offer his amendment, with time equally divided in the next 30 minutes.

Mr. BINGAMAN. Mr. President, I appreciate the opportunity to speak. Before I do, I yield 2 minutes to my colleague from North Dakota.

Mr. DORGAN. Mr. President, I thank my colleague for yielding. The chairman of the Agriculture Committee used the word "resent"—I don't remember the exact context—and suggested that somehow what has been presented on the floor of the Senate about the size of the corporate agrifactories sucking money out of this farm program is inaccurate. I stand by my statement and say there is plenty of evidence. I will put even more in the RECORD about the size of these enterprises that are sucking massive amounts of money out of the farm program at a time when family farmers are seeing their farm program payments cut. That is the purpose of our amendment.

I don't wish to extend this any great length. I only respond because the Senator used my name. I will be happy to put in the RECORD the specific and exact representations about the size of family farmers, the largest corporate agrifactories taking massive amounts of money out of the program trough. I want family farmers to be available to have access to that farm program payment that they need in order to survive. That is the purpose of the amendment.

I thank the Senator from New Mexico for allowing me to respond.

AMENDMENT NO. 2365

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. ROCKEFELLER, Mrs. LINCOLN, Mr. PRYOR, and Mr. LEAHY, proposes an amendment numbered 2365.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent a severe reduction in the Federal medical assistance percentage determined for a State for fiscal year 2006 and to extend rebates for prescription drugs to enrollees in Medicaid managed care organizations)

On page 188, after line 24, add the following:

SEC. 6037. LIMITATION ON SEVERE REDUCTION IN THE MEDICAID FMAP FOR FISCAL YEAR 2006.

(a) LIMITATION ON REDUCTION.—In no case shall the FMAP for a State for fiscal year 2006 be less than the greater of the following:

(1) 2005 FMAP DECREASED BY THE APPLICABLE PERCENTAGE POINTS.—The FMAP determined for the State for fiscal year 2005, decreased by—

(A) 0.1 percentage points in the case of Delaware and Michigan;

(B) 0.3 percentage points in the case of Kentucky; and

(C) 0.5 percentage points in the case of any other State.

(2) COMPUTATION WITHOUT RETROACTIVE APPLICATION OF REBENCHMARKED PER CAPITA INCOME.—The FMAP that would have been determined for the State for fiscal year 2006 if the per capita incomes for 2001 and 2002 that was used to determine the FMAP for the State for fiscal year 2005 were used.

(b) SCOPE OF APPLICATION.—The FMAP applicable to a State for fiscal year 2006 after the application of subsection (a) shall apply only for purposes of titles XIX and XXI of the Social Security Act (including for purposes of making disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4) and payments under such titles that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b))) and shall not apply with respect to payments under title IV of such Act (42 U.S.C. 601 et seq.).

(c) DEFINITIONS.—In this section:

(1) FMAP.—The term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(2) STATE.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(d) REPEAL.—Effective as of October 1, 2006, this section is repealed and shall not apply to any fiscal year after fiscal year 2006.

SEC. 6038. EXTENSION OF PRESCRIPTION DRUG REBATES TO ENROLLEES IN MEDICAID MANAGED CARE ORGANIZATIONS.

(a) IN GENERAL.—Section 1927(j)(1) (42 U.S.C. 1396r-8(j)(1)) is amended by striking "dispensed" and all that follows through the period and inserting "are not subject to the requirements of this section if such drugs are—

"(A) dispensed by health maintenance organizations that contract under section 1903(m); and

"(B) subject to discounts under section 340B of the Public Health Service Act (42 U.S.C. 256b).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) on or after such date.

Mr. BINGAMAN. Mr. President, the amendment I am offering today is very similar and essentially the same as the bipartisan language in S. 1007, entitled the Medicaid Formula Fairness Act of 2005. That bill, as we introduced it, had Senators SNOWE, ROCKEFELLER, HUTCHISON, REED, JEFFORDS, LINCOLN, LEAHY, CHAFEE, PRYOR, and JOHNSON as cosponsors. This amendment provides 30 States with protection from serious decreases in the amount of Federal funding that they would otherwise receive in fiscal year 2006 in the Medicaid Program.

Let me put up this chart to give Members an idea of who I am talking about. This chart shows the States that are going to see cuts in their Medicaid Program in the current fiscal year. That is the fiscal year that started the 1st of October.

Let me point to Alaska. The bill before us today provides that Alaska has a full hold-harmless from the estimated $135 million they were scheduled to lose over the next 2 years under Medicaid because of the demographic changes that Medicaid has calculated in a somewhat archaic way. That is in the current bill. The amendment I am offering does not change that. The amendment I am offering leaves that alone. It does not deal with the State of Alaska. My amendment tries to deal with the other 30 States, the red ones shown on this map, the other 30 States that are adversely affected by these cuts in Medicaid in the current fiscal year.

In the case of Alaska, the underlying bill says we are going to hold Alaska totally harmless from any cuts over a 2-year period. My amendment says we are going to reduce the size of the cuts for these other 30 States so that they will not take as much of a cut as they otherwise would. We say they can have up to a half of a percent of cut but not more than that. It is a 1-year amendment. It is not a 2-year amendment, as the underlying bill provides for the State of Alaska.

Currently, due to a technical change made in the calculation of per capita income data, which is a major component of the calculation of the Medicaid Federal Medical Assistance Percentage, or FMAP, there are 30 States that are scheduled to lose over $800 million in Federal Medicaid matching funds. This is for the year we are already in. My amendment would limit the negative impact that the loss of Federal Medicaid funds would have on the 30 States, the vulnerable populations that they serve, and the safety net providers who serve Medicaid patients. It does so by holding those States to no more than a .5 percentage point drop in their matching rate.

Let me emphasize: The amendment does not even hold States fully harmless. We are not asking to do that. We are not urging that the States should not take some cut. The amendment also allows States to receive the better of either the current FMAP or an FMAP formula that does not re-benchmark per capita income data for fiscal years 2001 and 2002. States should not be taking a loss in hundreds of millions of dollars in their Medicaid matching funds due to a technical revision to their per capita income calculations made by the Department of Commerce in 2004 but being retroactively applied to data in 2001 and 2002. And that is exactly what is happening under current law. The approach makes little sense. Both the States and the low-income beneficiaries across this Nation should not have to bear the negative consequences of this kind of a technical change.

For those who are still not persuaded, let me give additional reasons we should not allow the 30 States that are in red on this map of the United States to lose over $800 million in Federal matching funds.

The first reason is, as the chart indicates, of the 30 States that benefit from the amendment, 27 have received emergency declarations due to Hurricane Katrina. That includes the States of Mississippi, Louisiana, and Alabama, and 24 other States that received similar emergency declarations due to the influx of evacuees.

Second, States are also absorbing costs with respect to the implementation of the Medicare prescription drug benefit right now. They will continue to absorb those costs throughout fiscal year 2006. Although States are expected to receive a benefit in the long run, in the short run they are being hit with hundreds of millions of dollars in costs. In fact, the Congressional Budget Office estimated that States will absorb an additional $900 million in added costs in fiscal year 2006 due to the prescription drug bill's implementation. The FMAP drop to our States that I am talking about in my amendment compounds the problem for our States.

One of the arguments against the amendment is, we don't have enough money. We can't afford this. Anyone who has really looked at this bill knows that is not the case. One item that I will mention as an example is this extension of the milk program, the dairy subsidy program that is going to cost another billion dollars, according to the provisions of this bill. The justification for this is minimal. It is something for which most of the benefit will go to four States. It is not a good expenditure of taxpayer dollars. It is just one example. I am sure there are many others I could cite.

We have this amendment fully offset. We have found an offset that we believe the Parliamentarian agrees will more than cover the cost of the amendment. The benefits to my State are substantial. The amendment does not restore all of the $79 million that we are expected to lose in Medicaid funds because of this change in the Federal matching percentage next year, but it does reduce the size of that reduction so that instead of a $79 million cut in Medicaid funding to New Mexico, we would see a reduction of $13 million. This is more manageable. This would allow our State to reverse the policies it has put in place that have resulted in more uninsured children. I am sure a similar circumstance exists for most of the other States, or all of the other States I am mentioning.

The amendment would provide substantial benefits to each of the States that are in red on this chart. Since I know Members are listening, some of them in their offices and some of their staffs, let me elaborate on the extent of the relief that the amendment would provide to the 30 States I mentioned: In the case of Alabama, there is $34 million in relief; in the case of Arizona, $22 million; Arkansas, $14 million; Delaware, $2 million; Florida, $25 million; Georgia, $8 million; Idaho, $5 million; Kansas, $2 million; Kentucky, $2 million; Louisiana, $43 million; Maine, $35 million; Michigan, $2 million; Mississippi, $22 million; Montana, $6 million; Nevada, $17 million.

As I mentioned, the cut would be reduced for New Mexico in the amount of $66 million. Fourteen million would be preserved in North Carolina; $6 million in North Dakota; $52 million for Oklahoma; $6 million for Oregon; $8 million for Rhode Island; $6 million for South Carolina; $3 million for South Dakota; $27 million for Tennessee; $113 million for Texas; $14 million for Utah; $10 million for Vermont; $27 million for West Virginia; $9 million for Wisconsin; and $13 million for Wyoming.

This is a good amendment. It does not say the States should not cut back on their Medicaid or should not suffer some cut in Federal Medicaid funding, but it says that cut should not be as significant as would otherwise be the case.

We can afford this. This is an amendment that is offset. I believe it is a very meritorious amendment and one that should be adopted as part of the underlying bill, and I hope my colleagues will support it.

At this point I yield the floor. I see my colleague is anxious to speak, so I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume.

First of all, the Senator from New Mexico works very closely and very hard as a member of the committee I chair. I appreciate his hard work and he should not take personal anything I am saying about his amendment.

Let me remind people what the Federal medical assistance percentage is all about. We call that FMAP for short. It sets the amount of money that the Federal Government contributes toward the costs of a State's Medicaid Program.

When States are doing well economically, their Federal share goes down. Then when States need more help, when their economy is not doing so well, their Federal share goes up. That is the way the formula was designed. That is the way it has worked. It seems it has worked well for a long period of time. It helps States that need more resources because they have more low-income individuals who will qualify for Medicaid.

Of course, that is another part of the formula. And that makes a lot of sense because it targets scarce Federal resources to States with the largest number of people enrolled in Medicaid. That is the way the program has been on the books since 1965 when it was first enacted.

The Federal contribution, the FMAP, is recalculated each year. As it turns out, at the beginning of the current fiscal year many States saw their Federal share go down, but other States saw their Federal share go up.

So what is the argument that 2006 should be different than any other year? The argument apparently is that this is different because the Census Bureau updated data and that made the FMAP in a few States go down. But the data from the Census Bureau is designed to make the Federal share amounts more accurate. We should seek accuracy in any formulas we have and the statistics that back up those formulas. That is just good common sense, the way Government ought to operate. And, of course, the Census Bureau goes through this very same exercise not just recently—I mean recently but not just for the first time—every 5 years, so this is not something new, and this is done to make sure the rate for Federal contributions to Medicaid, or the FMAP, is set accurately.

Of course, that is what we want. The Federal share should be set according to an accurate formula, and the amount of money that goes to each State ought to be a very accurate amount of money. This is the goal and that is what has happened with the improved data of the Census Bureau.

The States that are affected do not want, of course, to see their Federal share go down, and it is very obvious that Senators, accordingly, would fight for the interests of their States. But Congress—if you look at the responsibility of all of us for the entire country—cannot come in every year and override the FMAP formula, because that defeats the whole purpose of having a formula in the first place.

The Federal share went down in these States this year because, oddly enough, it was supposed to go down. In some years, the Federal share goes up in a majority of the States instead of going down. And surprise—that is the way it is supposed to work. When the Federal share goes up, I can't recall anyone lobbying me as chairman of the committee to override the formula to lower their Federal share instead of increasing it.

If your general argument is that the formula is broken, it is going down for 29 States, doesn't that mean it is not broken for the other 21 States? Is it your argument that the formula only works when the States get more money?

It is true that the fluctuation in the Federal share calculation can create problems in States. I don't doubt that. If the States want to limit the amount of decreases—and the increases in Federal funding—then that is something that I would be willing to discuss further. I would be willing to work with anybody in this body in the future to bring greater predictability to the process.

This summer, as an example, I worked on a proposal to do that with my counterpart on the Democratic side of my committee, Senator BAUCUS of Montana. This proposal would put limits on how far the FMAP could go up or go down in any given year—in other words, to smooth out the peaks and valleys. It gives States predictability on their Federal share, and it would certainly bring stability to the process. I would be willing to introduce the Federal share corridor proposal that Senator BAUCUS worked on over the summer and have anybody in this body join us as cosponsors.

Finally, increasing the Federal share for 29 States this year necessarily means that we create an even bigger problem in the year 2007. This is then trying to solve one problem and creating another problem. We will be back here next year to solve that problem—create a bigger problem in 2008 and be back here to solve that problem in 2008. Most of the States are projected to see slight increases in 2007. By holding all States harmless this year, their decreases the following year will be greater. Are these States going to come back again next year and ask for another temporary fix to get more money for their Medicaid Program? I guess I don't have to tell you the answer to that question. You know what the answer is. They are not going to be here to voluntarily give up something.

I also question the offset included in this amendment to pay for the new spending. This amendment would further increase the rebate paid by drug manufacturers. It would do this by forcing manufacturers to pay States rebates for drugs dispensed through the Medicaid managed care plan.

The bill we are considering today already increases the rebate paid by drug manufacturers from 15.1 to 17 percent. The bill also makes the drug manufacturers pay millions more in rebates by closing a pair of loopholes in the rebate program. All together this bill already increases the rebates drug manufacturers are forced to pay by $1.7 billion. So this was not a source of revenue that my committee overlooked.

I understand my colleague might not think that is enough, but I would encourage him to look at the CBO report put out this past June examining the price of name-brand drugs. That report shows that the effective rebate being paid by drug manufacturers is actually 31.4 percent and not 15 percent.

I am also concerned about the substantive implications of the amendment. These Medicaid health plans are private businesses that can negotiate low drug prices. Yes, that is the way it was set up, so plans would negotiate lower drug prices. They already negotiate the best price of the marketplace. The States already get the benefit of those lower drug prices that these plans negotiate. Making the manufacturers then pay rebates for drugs on top of what is already negotiated is the same as making them pay a double rebate for those drugs. Of course, that makes no sense.

Yes, I do realize that the Medicaid Commission accepted this amendment in its recommendations, but I am quite certain the Medicaid Commission's stamp of approval would not win support from Members of this body for other proposals that we are considering today.

We have looked at this area. We have come up with responsible policies that address loopholes, and I don't think we need to further increase the rebate beyond what is already included in this bill. Therefore, with due respect for my colleague from New Mexico, I urge my colleagues to oppose the amendment and the offset that funds it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. What is the situation relative to time?

The PRESIDING OFFICER. The time is 5 minutes on the side of the Senator from Iowa and 2 minutes for the Senator from New Mexico.

Mr. GREGG. Mr. President, I will yield myself time off that of the Senator from Iowa, and I would simply say that I think the Senator from Iowa has summarized the reasons this proposal should be opposed. I want to reinforce that.

We have a formula in place. The whole theory of the formula, especially the one adjusted annually on the basis of census figures, is that there are going to be different States that win and different States that are adjusted downward, and this formula specifically is adjusted based on income. If some States have an increase in the income of their Medicaid population, then clearly they are going to receive less in the area of Medicaid. If other States have people in the Medicaid population whose income goes down, they are going to receive more. But if every year we step forward and those States which happen to have lost money under this formula are going to be held harmless, there would be no point in having a formula and we would end up in basic chaos as we moved into the outyears because of the fact you would have built in so many grandfathered baselines.

So the Senator from Iowa is absolutely right. The responsible thing to do here is support the law as it is presently structured. More importantly, the Senator from Iowa is correct in saying that the offsets which are proposed here really are a little illusory. First off, they have been proposed to be used in three other amendments already. I don't know how many more amendments we are going to get, but these offsets are becoming the custom fees of this round. It is really incredible to claim this offset.

In addition, of course, this offset by its very nature is punitive in that it basically double-taxes those people who are supplying pharmaceuticals to low-income individuals and we know that somebody is going to have to pay that. And that is probably going to be the States again. They are going to have to renegotiate their pharmaceutical contracts, and so you are going to take from one hand and give to one set of States and basically gerrymandering a formula that had already been put in place and put in place through reasonable allocations, while at the same time you are going to create an offset, should it pass, that would essentially cost other States money or maybe the States getting the new money. It may be a wash for some States in the end.

So as a practical matter, although the amendment, obviously, is well-intentioned—and clearly the Senator from New Mexico doesn't want his State to be impacted by the adjustment in the formula—it ignores the reality on the ground, which is that this formula is exactly that, to be adjusted for change in the population and the economic status of that population.

So I do hope we would oppose it when we get around to voting on it tomorrow sometime. At this point I would reserve the remainder of our time, if the distinguished Senator from New Mexico wishes to wrap up.

Mr. BINGAMAN. Mr. President, I have 2 minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BINGAMAN. Mr. President, let me just say about all of the talk about how this formula is sort of inviolate and we don't want Congress to in any way change it, the underlying bill says it doesn't apply to Alaska. We are just writing into this bill there is going to be no cut in Alaska regardless of what the formula says. So all I am saying is let's at least do something to lessen the extent of the burden we are putting on these other 30 States that I am talking about.

I don't think that is too much of a change. The underlying bill also changes the formula with regard to Katrina victims, which is appropriate, 100 percent Federal matching funds for Katrina victims under Medicaid. I think that is entirely appropriate. We have changed this formula five or six times in the last few years. It would be appropriate to do this again. I think it is the right thing to do. It will not only help our States, but it will help the people our States are trying to serve through the Medicaid Program. We have a great many in New Mexico. We have over 400,000 people in our State who depend upon Medicaid. It is absolutely essential that the State have the resources, including Federal resources, to provide the services, to continue to provide the services for the children and the adults who are eligible under that Medicaid Program.

So I believe this is good legislation. This is a good amendment.

I hear that the offset would be an extra burden on the States. CBO says this is a savings for the States, that this offset saves money for the States. So, in fact, I think it is a good amendment. I urge my colleagues to support the amendment.

I yield the floor.

Mr. GREGG. Mr. President, I would note the next amendment will be that of Senator BYRD, who I understand is on his way, and he has the floor beginning at 2 o'clock. I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. CONRAD. Mr. President, we are making very good progress. It is very important that we stay on track.

The next amendment is a Byrd amendment on visa reform. That is to be followed by a Lott-Lautenberg amendment on Amtrak, followed by a McCain amendment in the 3:30 to 4:15 p.m. timeframe, then a Murray amendment on dual eligible from 4:15 to 5 p.m., an Ensign amendment from 5 to 5:30 p.m., and finally a Landrieu amendment or an amendment by someone I might designate from 5:30 to 6 p.m.

We only have 4 hours of debate left on the reconciliation matter. All of the time has been allocated.

I am informed that Senator BYRD is on his way.

I very much hope that Senators understand, because of the events of yesterday and because of the very tight time limitations under reconciliation, there simply was not additional time for other amendments.

Obviously, we will be going to votes on amendments tomorrow. I think we already have some 15 amendments. That means at least 5 hours of voting tomorrow. I hope colleagues will think about that very carefully: 5 solid hours of voting tomorrow with just the amendments so far.

I see Senator BYRD now entering the Chamber. His amendment is next.

I know the chairman of the committee shares the view that we need to move through the rest of these amendments expeditiously and then Senators recognize that tomorrow we are going to be casting a lot of votes. With what is already scheduled, already lined up, we will have 5 solid hours of voting.

We are glad to see the senior Senator from West Virginia, who will offer his amendment. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, we have almost completed the First Session of the 109th Congress and, incredibly, no serious debate about our immigration policies has occurred. Not a word. No serious debate.

The number of aliens residing illegally in the United States stands between 8 and 12 million. Let me say that again. The number of aliens residing illegally in the United States stands between 8 and 12 million—an alarming figure given the terrorism threat that confronts our country.

The level of legal and illegal immigration combined has surpassed historic records, causing increasing concern about the ability of our Nation to absorb the influx. Our roads, our schools, and our health care systems are overwhelmed and underfunded.

Go to any hospital in the area or in the surrounding area. Take a look at what is going on. The waiting rooms, the emergency rooms are overcrowded. Our infrastructure is just not ready for these influxes. We are being overwhelmed. Go to the emergency rooms at the hospitals. Go over to Fairfax Hospital, for example, one of the finest hospitals in the country. There they are on cots in the aisles. I know because I have been there. Our schools—how can we teach children when the schoolrooms are so overcrowded? What about our poor teachers?

Our infrastructure is just not prepared for this influx. Our roads are not prepared. And that infrastructure is being further worn away with the budget cuts included in this reconciliation bill. Right here.

Immigration is an issue that demands the attention of the Congress. Regretfully, we have been told that tougher enforcement actions will have to wait until next year. So imagine the surprise of Senators to find provisions buried deep, deep, deep in this budget bill that would authorize the Government to issue more than 350,000 additional immigrant visas each year to foreign labor seeking to live and work permanently in the United States.

This is baffling. Baffling. Baffling. It is baffling, I say. If we don't have the time to address the illegal immigration that threatens our national security, then how do we explain to the American people out there that we somehow found the time to raise the level of imported labor each year? How do we do that? How do we do that?

On pages 810 through 815, separate from the deficit reduction measures related to immigration fees, are provisions in the reconciliation bill that would raise the annual cap on employment-based visas and exempt the spouses and children of employment-based immigrants from that cap. In addition, those pages include provisions to increase temporary H–1B visas for high-tech workers by 30,000 each year. These are massive and destabilizing immigration increases, and they are hitching a free ride—hitching a free ride—on this reconciliation bill: a free ride on this reconciliation bill. Hitch on it to get a free ride.

It is bad enough that so many American jobs are moving overseas and wages and benefits here at home are being curtailed to compete with Third World labor and unfair trade practices. Now these provisions would make it more likely that working Americans will find themselves in competition with foreign labor for work in their own country and—and—is being done through this reconciliation process right here where the immigration increase is clouded by budget provisions and where debate and amendments are severely limited.

We are told that an immigration reform debate will take place early next year. Senators are casting themselves as tough—tough, man. Senators are casting themselves as tough on enforcement and wanting to protect American jobs. Well, that pronouncement stands in stark, stark contrast to this effort under the cover of procedural protections and the guise of deficit reduction to increase the number of immigrants authorized to work in the United States by an astonishing 350,000 visas per year.

These immigration provisions are not necessary for the Judiciary Committee to comply with its reconciliation instruction, nor are they necessary to achieve the spending cuts embraced by the congressional budget. The House Judiciary Committee reported legislation to assess a $1,500 fee on L–1 visas for executives and managers of multinational corporations and that savings provision more than satisfies the budget's reconciliation instruction. So I hope that Senators will join me in striking these unrelated immigration increases and limiting the judiciary portion of this bill solely to an increase in the L–1 visa fee.

So the amendment that I will send to the desk is identical to the House language, excluding the provisions related to new judgeships, and would raise the L–1 visa fee to $1,500 per application. Again, this amendment simply strikes the unrelated immigration provisions and would still allow the Senate bill to meet its reconciliation targets.

My amendment has the support of the professional employee unions of the AFL–CIO, as well as immigration enforcement groups like Numbers USA and the Federation for American Immigration Reform.

AMENDMENT NO. 2367

I send that amendment to the desk and I ask Senators for their support.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 2367.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To replace title VIII of the bill with an amendment to section 214(c) of the Immigration and Nationality Act to impose a fee on employers who hire certain nonimmigrants)

On page 810, strike line 17 and all that follows through page 816, lines 21, and insert the following:

TITLE VIII—COMMITTEE ON THE JUDICIARY

SEC. 8001. FEES WITH RESPECT TO IMMIGRATION SERVICES FOR INTRACOMPANY TRANSFEREES.

(a) IN GENERAL.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

"(15)(A) The Secretary of State shall impose a fee on an employer when an alien files an application abroad for a visa authorizing initial admission to the United States as a nonimmigrant described in section 101(a)(15)(L) in order to be employed by the employer, if the alien is covered under a blanket petition described in paragraph (2)(A).

"(B) The Secretary of Homeland Security shall impose a fee on an employer filing a petition under paragraph (1) to—

"(i) initially grant an alien nonimmigrant status under section 101(a)(15)(L); or

"(ii) extend, for the first time, the stay of an alien having such status.

"(C) The amount of each fee imposed under subparagraph (A) or (B) shall be $1,500.

"(D) Fees imposed under subparagraphs (A) and (B)—

"(i) shall apply to principal aliens; and

"(ii) shall not apply to spouses or children who are accompanying or following to join such principal aliens.

"(E)(i) An employer may not require an alien who is the beneficiary of the visa or petition for which a fee is imposed under this paragraph to reimburse, or otherwise compensate, the employer for part or all of the cost of such fee.

"(ii) Any person or entity which is determined, after notice and opportunity for an administrative hearing, to have violated clause (i) shall be subject to the civil penalty described in section 274A(g)(2).".

(b) CONFORMING AMENDMENT.—Section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) is amended by inserting ", including those fees provided for in section 214(c)(15) of such Act," after "all adjudication fees".

(c) EXPENDITURE LIMITATION.—Amounts collected under section 214(c)(15) of the Immigration and Nationality Act, as added by subsection (a), may not be expended unless specifically appropriated by an Act of Congress.

Mr. BYRD. I see my friend, my bosom friend from Alabama, on the floor. I am told that he is going to speak at this point. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank Senator BYRD for offering the amendment. There is a legitimate national interest in deciding how many of these visas should be allowed, and in deciding how much the numbers should be increased, if any. The matter came up before the Judiciary Committee, of which I am a member, within the last 2 weeks, the week before last. There was a good deal of discussion and disagreement and my amendment, almost identical to the amendment Senator BYRD is offering today, did not fully come out of committee. The Judiciary Committee is not a committee that is in any way backward looking and is not a committee that has no interest in having a fair immigration policy, but we had very strong disagreements within our committee regarding whether increases in H–1B visas and other permanent work visas were justified.

Senator BYRD is correct in raising the matter now and objecting and offering this amendment to fix it—what came out of the Judiciary Committee. The current bill language will increase the H–1B visa cap by over 30,000 a year and increase the number of permanent employment-based immigrants, not temporary, by 90,000 a year. Additionally, the current bill language allows all family members of the workers to immigrate to the U.S. and exempts family members from being subjected to the cap. They are currently allowed to immigrate, but are subjected to the annual cap. These changes compose a huge, important policy statement. These extra visas will indeed increase revenue, because an additional fee will be charged for each of these additional visas, but this is not just a budget decision.

Now let's be frank. We are in a national discussion about immigration. We need to be honest with ourselves. We need to do the right thing. We need to be compassionate. We also need to consider what is just, fair, and reasonable for our national interests. Any nation that aspires to be a great nation has every right, indeed it has a responsibility, to determine how many people come into their country and under what circumstances. We are into the process of debating how our immigration system should be reformed.

One of my first, biggest, and most important concerns is the timing of this policy change we might as well do this kind of thing as part of our overall immigration reform debate. We are going to continue it this year and probably in the beginning of next year we will be full-fledged into this discussion. To ram this language through as part of the Budget Reconciliation Act is unfortunate, and I do not think it is appropriate. That is why I support Senator BYRD's amendment.

What we come out with after we fully hear all of these issues discussed, how many the numbers would be, I do not know, but what the American people are concerned about is all we ever pass is something to increase the legal visa numbers, or to forgive people who have violated the law or that kind of thing. That is what we pass and pass and pass, and they are wondering and have been asking firmly and repeatedly in polling numbers and when we go home to townhall meetings and talk to our people, in the phone calls and letters we get, they are simply asking, why do we not have immigration laws that are enforced? Why do we not create a legal immigration system that actually works? Once that is done, they say, then you can talk to me, Mr. Senator, about how many more people ought to be allowed in every year. Let us get this thing under control.

So I think we are getting ahead of ourselves. I am not at all certain that these numbers are necessary. In fact, I do not think they are at this point. Just because somebody might be hired does not mean that this country fully and totally needs them in the coming year as a source of labor for our country.

Our Nation has been enriched by immigrants, talented, hard-working immigrants. For the most part, that is exactly what we are talking about. I do not dispute that we need to be discussing this issue. I do not dispute that we may need to raise that number that we have today to a higher number. I believe, though, the appropriate way to do it is after hearings, after discussion, as part of the overall fix and at the same time we can tell the American people not only have we been more generous to talented people who want to come and work but we have created a system that keeps those who cheat, go around the law, undermine the law, to stop that from occurring. I believe that would be the appropriate, responsible approach to deal with it. I therefore will support the Byrd amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I want to thank the distinguished Senator from Alabama for his strong statement and for his support of the amendment. His statement is very convincing, persuasive, and timely. I am very grateful for his coming to the floor and his joining in the support of this amendment. I hope all Senators will read his statement and learn therefrom and support the amendment.

I reserve any time that I may have remaining, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from New Hampshire controls 28 minutes. The Senator from West Virginia controls 9 minutes.

Mr. GREGG. Mr. President, first I congratulate the Senator from West Virginia for bringing forward a thoughtful amendment, as always, and especially for the fact that it actually, I believe, adds to the savings, if I am not correct. So I cannot argue with that.

To be honest, I am not engaged in this issue. The bill was reported out of the Judiciary Committee. We have heard from Senator SESSIONS, who is a member of the Judiciary Committee. I understand Senator SPECTER is not going to have the opportunity to come over and debate this because he is involved in a variety of other issues today. I am sure he has thoughts and opinions on this because it was part of the package they reported.

I would like to speak briefly about the topic which the Senator from West Virginia has raised because I think it is such a critical one, which is the issue of our borders and how we deal with it. I do have the good fortune, along with the Senator from West Virginia, to have a responsibility for the Homeland Security Agency, he being the ranking member and I being the chairman of that appropriations subcommittee. We know that we simply have borders which are too porous.

This year, with the significant assistance of the Senator from West Virginia, we were able to increase the funding relative to the number of Border Patrol agents to add another 1,500 agents when we count the supplemental, and we were able to increase the number of detention beds taking it up to about 20,000. We were able to add significantly to the number of immigration enforcement officials, and we were able to expand technology. We are nowhere near where we want to be. In fact, I asked my staff what we need in this area and we really need a lot more. We need about another 8,000 Border Patrol agents. We need about another 10,000 detention beds. We need a significant expansion of the technology capability, satellite capability, unmanned vehicle capability, helicopters, transportation facilities for our agents and physical housing facilities. We need training facilities. There are a lot of resources that need to be committed.

As a result, basically, of the ramp-up time, it is very hard to get a lot of agents in place quickly because we want to get the right type of folks. It takes awhile to hire them. We are only able to hire and train about 1,500 a year. Hopefully, we can improve that.

Over the next 4 years, this is something I know the Senator from West Virginia and I are going to spend a significant amount of time and effort to try and make sure our borders are secure and that we do have borders where we can expect the people who cross those borders are crossing legally. Part of it, of course, is making sure that people who get visas pay for the cost of issuing that visa. This is what this amendment is about.

So I congratulate the Senator from West Virginia for his strong effort in this area. I appreciate his support as the ranking member on the Homeland Security Subcommittee and of course the ranking member on the Appropriations Committee. I look forward to continue working with him on this issue.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my chairman for his sage remarks. Let me thank him also for the leadership that he demonstrates daily in the Senate and in committees. I have great respect for him. I serve on the Homeland Security Committee with him. He is a farseeing, wise Senator. He acts in the service of his people and he too is concerned about the protection of our country and its security. I thank him from the bottom of my heart. I thank him for yielding.

Mr. GREGG. I obviously appreciate those generous comments coming from a man who is truly a legend in the Senate and has done an extraordinary service for this Nation over his many years in the Senate. I thank him. Those are very kind and generous comments.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VITTER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, several of the unions are very supportive of the amendment I have just offered. Among these unions, it should be mentioned that the American Federation of Government Employees is very supportive; the American Federation of State, County and Municipal Employees; the American Federation of Teachers; the American Federation of Television and Radio Artists; the American Guild of Musical Artists; the American Federation of Musicians; the American Federation of School Administrators; the Communications Workers of America, including the Newspaper Guild, the National Association of Broadcast Employees and Technicians, the International Union of Electrical Workers; the Federation of Professional Athletes; the International Association of Machinists and Aerospace Workers; the International Alliance of Theatrical Stage Employees; the International Brotherhood of Electrical Workers; the International Federation of Professional and Technical Engineers; the Office and Professional Employees International Union; Plate Printers, Die Stampers and Engravers Union of North America; the Screen Actors Guild; the Seafarers International Union; the United Steelworkers; the Writers Guild of America, East. These unions are trying to protect the health benefits and the wages of working Americans, and they say that American workers are available to fill these jobs.

The Department for Professional Employees, AFL–CIO, has a letter addressed to all Senators endorsing the amendment. Just to quote a few words from the letter:

> The 22 national unions represented by our organization strongly support the Byrd amendment and urge your vote for it.

Continuing, I speak again of the letter and call attention to these excerpts:

> There is absolutely no economic justification for expanding the H–1B program. Unemployment among professionals in H–1B occupations remains high . . .
>
> Finally, it is worth pointing out that industry apologists for off-shore outsourcing of American jobs have long proclaimed that one of the benefits of globalization would be the creation of high end, high skilled technical and professional jobs for workers in the United States. These same industries now seek to contract the number of these very same high end job opportunities that should otherwise be available to highly skilled American workers by once again expanding the H–1B visa program.
>
> On behalf of the 4 million professional and technical workers that are members of our unions, we urge you to oppose any action that would have the effect of making it more difficult for unemployed U.S. professionals to find work.

Mr. President, Senators will please take note of these words on behalf of these unions and the workers in the industries with which they are concerned.

Mr. President, I yield the floor.

Mr. GREGG. I yield the Senator from Georgia 10 minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I thank the Senator from New Hampshire, the distinguished chairman of the Budget Committee. I rise today in support of the budget reconciliation package passed by the Senate Judiciary Committee and in opposition to this amendment. The Senator from West Virginia knows what great respect I have for him and his long-term service in this great institution. But I chaired the Subcommittee on Immigration, Border Security and Citizenship in the Senate Judiciary Committee during the 108th Congress. During that time, I worked very closely with my friends and colleagues, Senator KENNEDY and Senator GRASSLEY, to enact H–1B reform legislation. That is the part of the amendment I wish to address.

One of the most important aspects of that reform was to increase the H–1B visa fee to $1,500 per application to fund education and training programs for U.S. workers. In addition to the application fee, the legislation added a $500 anti-fraud fee to every H–1B visa application to detect and prevent fraud in the visa program.

The reconciliation package passed by the Senate Judiciary Committee, by a vote of 14 to 2, will generate $45 million annually from H–1B visa fees that will go toward scholarships and training programs for U.S. workers. It will also generate $15 million annually to enhance government enforcement of the H–1B program requirements that are designed to protect the U.S. workforce. These excess funds provide even more muscle to the Department of Labor's enforcement and U.S. worker education and training programs.

The Judiciary Committee's reconciliation package will allow for the recapture of up to 30,000 H–1B visas that were authorized and made available by Congress but went unused in previous years, provided the employer pays a $500 fee for each recaptured visa.

I believe this proposal injects much-needed flexibility into current law by allowing the flow of these highly educated and highly skilled workers to be driven by supply and demand rather than by an arbitrary cap each fiscal year.

Currently, only 65,000 H–1B workers are allowed into the U.S. each year. Over the past 3 fiscal years, 2004–2006, the H–1B cap was reached before the end of the fiscal year. A similar shortage occurred in the mid-1990s when demand for high-skilled workers outpaced supply due to the high-tech boom. Congress responded to the needs of the U.S. economy in the 1990s by increasing the H–1B cap to 115,000 for fiscal years 1999 and 2000 and then increasing it again to 195,000 for fiscal years 2001–2003.

By allowing the recapture of up to 30,000 H–1B visas for the next 5 years, Congress will only be returning the total number of H–1B visa holders allowed to come to the U.S. to the fiscal year 1999 levels. I know that many companies, in my home State of Georgia, ranging from the biggest beverage companies and airlines in the world, down to small businesses, rely on access to these H–1B workers to effectively compete in the global economy.

Other companies rely on the expertise of foreign specialists to perform much-needed services their companies provide. For instance, recently, a small company with 60 employees—all U.S. citizens—was awarded a contract with the Pentagon to improve rapid response communications between agencies in the event of a natural disaster or terrorist attack.

Not only are innovations like these critical to the security of citizens of my home State, but they also can help create jobs for Americans everywhere as demand for the innovation grows and the company expands.

This company wanted to bring in a specialist from Northern Ireland to lead its development efforts. The company applied on behalf of this specialist in August 2005 to come in on one of the available H–1B visas for fiscal year 2006. However, there were no remaining H–1B visas available for fiscal year 2006 and as a result, this company will have to wait until fiscal year 2007—14 months—to bring this specialist to the U.S.

I am supportive of the increased flexibility provided in the Judiciary Committee's reconciliation package. When adequate U.S. worker protections are in place, as they are in the H–1B visa program, with strict wage requirements and labor market tests, Congress should facilitate the success of U.S. businesses with our immigration laws.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from West Virginia has 1 minute 3 seconds.

Mr. BYRD. Mr. President, the National Research Council has estimated that the net fiscal cost of immigration ranges from $11 billion to $22 billion per year, with most government expenditures on immigrants coming from State and local coffers.

Mr. President, how much is enough? How much is enough? In 2000, the Congress increased H–1B visas to 195,000 per year for 3 years, authorizing over half a million new visas. Last year, the Congress authorized 20,000 new H–1B visas each year, every year. The Immigration Act authorizes more than 140,000 employment-based visas each year. How much is enough? How much is enough? I say enough is enough.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I join once again with the ranking member of the Budget Committee to remind Members that we now have pending approximately 15 amendments and that it will take us 5 hours tomorrow to vote those amendments. Tomorrow evening, we are going to adjourn at 6 o'clock under any scenario, so if we cannot complete voting, we will be here on Friday. I do hope Members will be conscious of that as we move forward into the rest of this evening.

I understand when this amendment is over we will then be proceeding to the amendment by Senators LOTT and LAUTENBERG relative to ANWR.

At this point, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, perhaps this is a good time to remind colleagues of the lineup and encourage those who have remaining amendments to come to the floor. If there is anyone wishing to speak during the next 15 minutes, there is time available.

Now that we have gone to the Byrd amendment, the next amendment up from 3 to 3:30 is the Lott-Lautenberg amendment, to be followed by the McCain amendment from 3:30 to 4:15, from 4:15 to 5 the Murray amendment on dual eligibles, to be followed by the Ensign amendment on DTV from 5 to 5:30, and then the Landrieu amendment or an amendment to be designated from 5:30 to 6.

I hope very much that colleagues who have requested time watch the floor closely. We are down to the last 3¼ hours on the reconciliation bill in terms of debate time.

If there are those who have not had a chance to speak, if they watch the floor closely—a number of these amendments may not take the full amount of time—that would be their opportunity to talk.

As I have indicated, we have a few minutes left before 3 p.m.

If there are Senators listening or staff listening and their Senator would like a chance to speak, either on the Republican side or on this side, this is their opportunity. This is one of their opportunities. There may be a few more left, but it is a fleeting opportunity.

Mr. GREGG. Mr. President, I think it is important for people to appreciate what the Senator from North Dakota has said. Tomorrow, we will a have a minimum of 5 hours of votes. Some of these votes are going to get fairly complicated because there will be points of order of various nature. People will have to be here all day and ready to vote.

If our membership remembers, during the Budget Committee, the Senator from North Dakota and myself took a position that we should move quickly through the votes, and we will take the same position tomorrow. Members should be on the floor tomorrow all day.

Mr. CONRAD. Mr. President, if I could revisit the point, I hope colleagues understand what we are headed for tomorrow. It is not going to be fun. We already have 5 hours, at least, of voting tomorrow. We hope people take that into consideration as they think about their schedules tomorrow.

The chairman might remind us. We start tomorrow at 9 o'clock and we will go right to votes; is that not correct?

Mr. GREGG. That is correct.

Mr. CONRAD. Colleagues should be aware that tomorrow is going to be a day of voting one vote right after another. Votes have already been scheduled for 5 solid hours, at least. This is a time for restraint. This is a time for colleagues to realize what it is like when we go into these vote-aramas and to try to reduce the number of votes that colleagues are asked to take.

When you get into this vote-arama, it almost becomes hard to fully appreciate and understand the votes you are casting. These votes come so fast and so furiously.

I hope colleagues are thinking about that as they consider how we conduct the business of the Senate tomorrow.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I yield such time as he may consume to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Thank you, Mr. President. I thank the manager of the bill and the ranking member.

I wanted to speak in opposition to the amendment filed by the distinguished Senator from West Virginia that would strike the Judiciary Committee's H-1B visa provisions and insert a prior amendment, the Sessions amendment, that actually was defeated in the Judiciary Committee.

This, of course, is an attempt by the Judiciary Committee to comply with the reconciliation instructions to generate some additional funds to meet the budgetary requirements of the budget resolution.

This is a part of the reconciliation process with the Judiciary Committee to come up with some savings funds to meet the instructions of the Budget Committee. The Judiciary Committee decided to sweep all of the unused H-1B visas for the last few years and to use that as a means to satisfy the reconciliation instructions.

The ability to track and retain the best talent around the world is a major factor in American competitiveness. Arbitrary caps on employment-based green cards and temporary visas for highly trained workers hurt our ability to track and keep that talent and ultimately jobs here in the United States.

In other words, for all of those who are concerned about outsourcing jobs out of America to other countries ought to be in favor of this Judiciary Committee provision and be opposed to the amendment filed by the distinguished Senator from West Virginia. It will keep jobs here in America rather than export them to places like India and China.

The Judiciary Committee in the House met its budget reconciliation obligation by imposition of a $1,500 fee on L-1 visas. The L-1 visa is used by multinational companies to transfer executives, managers, and employees with specialized knowledge. This additional fee would not be used to improve processing or otherwise provide relief on other pressing immigration issues such as the H-1B cap being reached 2 months before the fiscal year even began or 2 months after it began.

That proposed solution by the distinguished Senator from West Virginia will do nothing to address that critical need of the American economy.

Restoring access to the previously allocated H-1B visas will not only make significant strides toward deficit reduction through the additional fees that will be charged but also raise significant additional sums for scholarships and training of U.S. workers. It will also provide additional money for enforcement against fraud in the immigration system.

The fact of the matter is the United States of America is not training a sufficient number of engineers and scientists. In 2001, only 8 percent of all degrees awarded in the United States were in engineering, mathematics, and the physical sciences, which is more than a 50-percent decline since 1960.

Today, more than 50 percent of all engineering doctoral degrees awarded by U.S. engineering colleges are to foreign nationals.

The United States must find a way to increase the pipeline of U.S. engineers. I know many companies already partner with U.S. universities and colleges, and indeed this is a long-term challenge of our economy—to create a sufficient number of homegrown engineers and scientists to meet the demands of our innovative economy. But in the short term, we must ensure that our immigration policies do not unnecessarily restrict access to highly trained individuals, the kinds of employees that will create those additional jobs here in America.

Once again, the demand for high-tech temporary visas far exceeds the statutory cap imposed by Congress.

As I mentioned a moment ago, the fiscal year 2006 visas were gone 2 months before the fiscal year even began. They ran out in August 2005.

There is also a shortage of green cards, even for certain multinational managers and executives. That means that in addition to the years of processing delays, many immigrants must now wait several more years for a visa to be available.

We need comprehensive immigration reform in this country. We need to do more, a lot more, to strengthen our borders, to make sure that we know who is coming into our country and why they are here.

Indeed, this body, I am confident, will be addressing that need for comprehensive immigration reform in the near future.

But it is more than border enforcement—it is interior enforcement. It is enforcement at the workplace. But it is also making sure that by sensible immigration laws we provide the trained workforce necessary for American businesses to thrive and prosper and create additional employment here in America.

On the other hand, the distinguished Senator from West Virginia has proposed no raising of the cap to keep unused H-1B visas from previous years but instead to put a tax on the L-1 visa of $1,500 each. These L-1 visas are issued pursuant to trade agreements with countries such as Chile, Australia, Singapore, and other countries so that when they conduct business operations in the United States, pursuant to these free trade agreements, their managers and high-level employees can actually come here pursuant to that free trade agreement.

Likewise—this is the important part—our managers and high-level employees can go to their country, pursuant to the free trade agreement, so that the benefits of this free trade agreement can be reached in the fullest.

It doesn't take much of an imagination to imagine that if we put a $1,500 tax on each L-1 visa issued to employees of some nation that has a free trade agreement with the United States, they will simply turn around and retaliate and impose the same fees on American workers in those countries.

Rather than producing additional revenue, this will, in essence, be a wash. In other words, this amendment does nothing to solve the problem about a shortage of highly trained engineers and scientists who come here because we simply don't have enough on a temporary basis so that jobs can stay here.

This amendment does not solve that problem. This amendment, also, I believe, creates additional problems and distortions in our relationships with countries with whom we have negotiated and authorized a free trade agreement.

It is not only not helpful to the cause that we are seeking to cure by the Judiciary Committee's proposal, it is positively harmful in that it creates the potential for retaliation.

I wish we lived in a world where all of the good, high-paying, innovative jobs we create in this country could be satisfied by American workers. Indeed, the H-1B visa program requires that companies advertise for Americans first and that they pay people who get H-1B visas comparable wages with what an American worker would make so that there is no manipulation of this visa to pay perhaps a foreign worker far less and undercut the wages of American workers. There are already protections built into our immigration laws to make sure that doesn't happen.

In conclusion, I urge my colleagues to vote against the Byrd amendment. And I urge my colleagues to uphold the reconciliation bill, and vote it out as part of this package through the Budget Committee.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, parliamentary inquiry: What is the situation now? I was told that we needed to call up an amendment at 3 o'clock. We are ready to go on. Senator WYDEN, is he commenting on the subject at hand?

Mr. WYDEN. Mr. President, that is correct. I want to propound a unanimous consent request.

Mr. LOTT. I withhold recognition.

Mr. WYDEN. Mr. President, I ask unanimous consent once the Senate has completed its business on this legislation for tonight to be able to speak for up to 45 minutes on the issue of bargaining power for the Medicare Program to hold down the costs of prescription medicine.

Mr. GREGG. Reserving the right to object, I have no problem, but there are a couple of folks we have to clear that with. We will try to do that promptly so we can arrange this.

Mr. WYDEN. If the Senator from New Hampshire has given me his response, I gather you would like me to hold off on my unanimous consent request.

Mr. GREGG. I appreciate that; or if we clear these, you do not have to stick around and we will make the request for you.

Mr. WYDEN. I appreciate the offer from the Senator from New Hampshire.

When the distinguished Senator from New Hampshire and the Senator from North Dakota have completed the processing of the various amendments, I would like to have the opportunity to speak for up to 45 minutes. Perhaps other colleagues will want to participate on the question of holding down the cost of prescription medicine.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENT NO. 2360

(Purpose: To reauthorize Amtrak and for other purposes)

Mr. LOTT. I call up amendment 2360 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 2360.

Mr. LOTT. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is in today's RECORD under "Text of Amendments.")

Mr. LOTT. I take a few moments to talk about Amtrak and the intercity passenger rail. Several years ago, during the 1990s, I worked with colleagues on both sides of the aisle to pass Amtrak reform. We got it done. It provided some improvements in Amtrak. It gave the Amtrak board some additional authorities, some of which they have used successfully and some of which they have not taken advantage of. I even said at that time I was convinced they could become self-sufficient, that they could make enough changes, they could make enough off revenue that we would not have to continue to pass funds each year through the appropriations project for Amtrak.

I now am prepared to admit that is not going to happen. If we want a national rail passenger system, we have to figure out exactly what we want, how much are we willing to pay for it, and how that will happen. I don't think we can do it with appropriations bills each year. We are going to have to think more broadly and be innovative in what we allow the Amtrak board to do. Some of the lines will probably have to be shut down and some of the services curtailed. We have to make that decision.

In the appropriations bill that passed a week or so ago, the Treasury, Transportation, Housing and Urban Development appropriations bill, funds were included and some small reform provisions. We have to go beyond that. We have to have some broader reform. In fact, the administration has made it clear they will be in a position of having to oppose annual appropriations for Amtrak, the national rail passenger system, unless we have some reforms.

I started back in January trying to work through that and tried to see if we could get some reforms. I did what I think is due diligence. I worked with the ranking member on the Subcommittee on Surface Transportation. I worked with the chairman of the full committee and the ranking member, Senator STEVENS from Alaska and Senator INOUYE from Hawaii, and Senator LAUTENBERG, my colleague from New Jersey, who is in the Chamber. We talked about what we needed to do.

We also reached out and talked to the Amtrak board members, the Inspector General, the Secretary of Transportation, we talked to labor, we talked to the users, and we started moving toward developing some reform. We came to the conclusion of what is in this amendment. It is S. 1516, the Passenger Rail Investment and Improvement Act. The bill was reported by the Commerce Committee in July after having had hearings. By the way, it passed with only one dissenting vote. It is a bipartisan bill. It is ready to be taken up by the full Senate.

I tried to help the leader find time to have this legislation considered in regular order, but have not been able to get it cleared. Because of the way the Treasury-Transportation appropriations bill is written, I guess we could move to try to get this additional language in the appropriations bill, but I would like the Senate to know what we are doing here and have a chance to look at it and have a chance to vote on it.

I assume there is broad support for a national rail passenger system, including the Northeast corridor and for interstate rail service. But we want some reform, too. That is why I am offering it here so it can be considered, within reasonable time limits, and so our colleagues will have a chance to take a look at it and actually express themselves. I emphasize it was developed with input from the administration, input we continued to include up until very recently. The Inspector General, Department of Transportation, has been very helpful in this regard.

The bill makes a number of important reforms to Amtrak. There are three major themes: reform and accountability, cost cutting, and creating funding options for States. By increasing executive branch oversight over Amtrak, which they wanted and which I agree is acceptable, this bill ensures that taxpayers' money is used more effectively.

Under the current president, David Gunn, Amtrak has made some improvements in its management but more needs to be done. They need us to give them the authority to do that. Amtrak must be run more like a business. This bill requires Amtrak to develop better financial systems and to evaluate its operations objective. It forces Amtrak to improve the efficiency of long-distance train service. People are not going to ride a long-distance train if they are going to wind up arriving 12 hours late to their destination. Some people say we should cut out food service and sleeper trains. Are you going to get on a train traveling overnight from Florida into Washington, DC, and not have any food, not have a sleeper option? Maybe we will have to evaluate that, but before we start cutting out services, we need to see if we can't find other ways to be efficient and make Amtrak attractive.

The bill reduces Amtrak's operating subsidy by 40 percent by 2011 by requiring Amtrak to use its funding more effectively. The bill requires a greater role for the private sector by allowing private companies to bid on operation Amtrak routes. Some people have reservations about that. We have to think about ways we can provide better service at a savings. This is one area we should consider.

The bill also creates a new Rail Capital Grant Program States can use to start new intercity passenger rail service. As a matter of fact, there is a real need for this intercity passenger rail service within States. It is being done in several States, being done pretty well, but in order to expand it we need a program that specifically provides funds for it. This will not be the first time the States will have a Federal program they can use for passenger rail. But it will be a very important improvement putting intercity passenger rail on a similar footing with highways, transit, and airports—all of which have Federal assistance through infrastructure. Some people say, my goodness, we cannot help Amtrak. Do we help the highways? Do we help the airlines? If we want a complete system of infrastructure and transportation, America needs to include rail as well as highways and air. States do not want to rely only on Amtrak for intercity rail service.

It is unusual to add this to a bill that is intended to reduce the deficit. I appreciate the work that has been done. I don't want to delay it or encumber it, but time is running out. If we do not get some reform to go with the money, we may not be able to get the money. Do we want Amtrak to wither on the vine? Do we want it to die because of our incompetence or failure to act? This is part of the process.

The administration has indicated it will not support any funding for Amtrak this year unless we do that. This gives an opportunity to look at it and speak on it. I hope my colleagues will allow us to add this amendment to the deficit reduction package.

I yield to Senator LAUTENBERG for any comments, unless the chairman has some action he needs to take.

Mr. GREGG. If the Senator from Mississippi would allow me to inquire as to the time remaining.

The PRESIDING OFFICER. The Senator from Mississippi has 6½ minutes remaining.

Mr. GREGG. I assume the Senator from New Jersey will take the 6½ minutes. The Senator from Oregon wished to speak on the bill generally. It does not appear there will be a number of people speaking in opposition. After the Senator from New Jersey uses the 6 minutes, I suggest yielding part of the opposition time, should no one come in opposition, and I will yield that to Senator SMITH from Oregon. That is not a unanimous consent request; that is a game plan.

Mr. LAUTENBERG. Mr. President, what is the distribution of time? I thought we had 15 minutes.

Mr. GREGG. You do, and you have 6 minutes left.

Mr. LAUTENBERG. Six of our 15? Was that the arrangement, I ask the Senator from Mississippi? I thought we had a clear 15 minutes on our side.

Mr. LOTT. I was under the impression we had 15 minutes on each side. I used about 9 minutes of our time and there is 6 minutes left, so I believe you have 15 minutes if you want to use it. I thought it was 15 minutes on each side.

Mr. GREGG. But I understand Senator LAUTENBERG is a cosponsor, so he does not get 15 minutes.

Mr. LAUTENBERG. I am not hearing the Senator from New Hampshire.

Mr. GREGG. It is my understanding you are a cosponsor of the amendment.

Mr. LAUTENBERG. But I thought it was clearly understood. I ask unanimous consent we have 30 minutes, except for the time used already, divided in the presentation. This is an important amendment. I ask unanimous consent we be allowed 30 minutes, minus the time the Senator from Mississippi has already used.

Mr. GREGG. Mr. President, that means there would be no time in opposition.

The PRESIDING OFFICER (Mr. MARTINEZ). That is correct.

Mr. GREGG. Obviously, when the amendment was structured, it was that there be half the time in opposition and half the time for the proponents. Right now there does not appear to be any Member here actively in opposition. Senator SMITH would like to speak on the bill. I was thinking some of the opposition time could go to Senator SMITH.

How much time does Senator SMITH desire?

Mr. SMITH. I probably would not need more than 15 minutes.

Mr. GREGG. Fifteen minutes.

Mr. DODD. Will the Senator yield for a further request?

Mr. GREGG. For the purpose of a question.

Mr. DODD. Is it possible in some order here after the Senator from Oregon, could I be heard for 10 minutes on the bill itself on another amendment?

Mr. GREGG. I don't think so, to be honest. It appears we do not have any time, either, for Senator SMITH.

Mr. CONRAD. Parliamentary inquiry: Who controls the time in opposition?

The PRESIDING OFFICER. The majority manager controls the time in opposition.

Mr. CONRAD. The majority manager controls the time in opposition and the majority manager is not in opposition.

Mr. GREGG. The majority manager is going to control the time in opposition.

Mr. CONRAD. I understand.

I ask the manager, is there a way we can perhaps parcel out the time in a way that would be acceptable to the manager?

Mr. GREGG. I suggest that the Senator from Oregon can do his statement in approximately half the time, 7½ minutes. Is that possible?

Mr. SMITH. I will certainly try.

Mr. GREGG. And we take the balance and parcel it between the Senator from Mississippi and the Senator from New Jersey since they were already here.

As for the request of the Senator from Connecticut, hopefully, there is another window coming along so we can hear the Senator's concerns.

Mr. LAUTENBERG. How much time is still available to the proponents of the legislation?

The PRESIDING OFFICER. Six minutes 22 seconds.

Mr. LAUTENBERG. Six minutes 22 seconds.

The PRESIDING OFFICER. The opposition has 10½ minutes.

Mr. LAUTENBERG. We have several requests for time to speak on this amendment. I wonder whether it is not possible to give us the opportunity to have those who would speak on behalf of the amendment offset by any opposition, in an equal amount of time, to give us 15 minutes to let the proponents make the case.

We will try to be as brief as we can. We will try to be as brief as we can, so we can develop high-speed service for Amtrak and scoot along.

The PRESIDING OFFICER. There is 9 minutes 22 seconds in opposition.

Mr. GREGG. Mr. President, I suggest we get started and have the Senator from Oregon speak for 7½ minutes, and then the remainder of the time will be available to Senator LAUTENBERG and Senator LOTT as they decide to divide it.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 7½ minutes.

Mr. GREGG. Seven and a half minutes.

Mr. SMITH. Mr. President, it is always difficult for Congress to save money. As the keepers of our Nation's checkbook, our main responsibility lies in allocating our resources where they are needed most. Instinctively, we as Senators like to send help to those who are in need, improve our infrastructure, and prepare for future crises. Yet, in order to adhere to our budget, we are considering a reconciliation bill that requires us to save a significant amount of money.

While saving money during a time when there is so much need in our country is a very arduous task, the reconciliation package we are considering today is not only fiscally responsible but also morally defensible. This is a bill that protects the less fortunate among us. It takes pains to preserve the vital safety-net programs that millions of Americans rely on for such basic needs as feeding their families and receiving proper medical care.

The package before us represents the work of five different committees and contains many hard-fought compromises. As is true with most pieces of legislation, it is not perfect, especially when considering the many interests involved in an undertaking of this size and complexity. Yet when you consider the policies that are not included in this bill, I believe even many of my Democratic colleagues will have to agree that this bill represents a true victory for our Nation's poor because we found efficiencies through government and did so in a manner to protect people from harm.

In recognizing this victory for America's poor, I would be remiss if I did not thank Chairman GRASSLEY for his diligent work in compiling this bill. He managed to unite Members with diverse views and goals, many of whom were skeptical of the process. For this, Chairman GRASSLEY is to be congratulated.

I also commend Leader FRIST for his tenacious efforts to hold this delicate agreement together and shepherd it through the full Senate. The same can be said for Chairman JUDD GREGG who has, likewise, been patient with me and others and persistent in trying to accomplish this very important piece of legislation. To be sure, it is quite a challenge, but one which I am confident we will succeed in achieving.

Our greatest victory in this bill lies not in what is included in the reconciliation package but what we succeeded in keeping out of it. While all components of this bill are important, there are two areas that if done incorrectly would have unraveled the very fabric of our Nation's safety net system—Medicaid and food stamps.

Since March, I have worked with leadership to ensure that proposals intended to undermine the programs were not included in this bill. I established five very straightforward criteria on which to judge the package.

First, the $10 billion in savings the Finance Committee was instructed to find would come from both Medicare and Medicaid; second, that any savings achieved through policy would not impact beneficiary access or coverage under Medicaid; third, that we did not simply cost-shift to the States; fourth, that food stamps should be protected from reductions; and finally, that we would not utilize flawed and unjustifiable policies that result in cuts to services for the poor to pay for spending on providers or people at higher income levels.

When you review this package, I believe you will agree with me that it meets all of these principles. This reconciliation bill protects our most vulnerable and achieves savings by utilizing system efficiencies rather than placing an undue burden on our poorest citizens.

For instance, we did not put forward cost-sharing requirements in Medicaid. While some of my colleagues will argue that the poor get a free ride under Medicaid and Congress should require them to contribute to their health care, studies actually show this to be a fallacy. In fact, according to the Bureau of Labor Statistics' Consumer Expenditure Survey, people with annual incomes under $20,000 contribute far more toward their health care—15.2 percent, to be exact—compared to Americans with annual incomes above $70,000, who contribute just 2.6 percent.

Additionally, because those who receive assistance through Medicaid have such diverse needs, we should not assume a one-size-fits-all policy will work for all States. In fact, looking at the experience of my home State of Oregon, it is clear that cost-shifting does not generate money to be reinvested into the system; rather, it acts as a barrier to care. Now, this may be the objective of some. It is certainly not my objective.

Following Oregon's move to implement what they thought were modest premiums and copayments, the State only saved money because 50,000 Oregonians lost Medicaid coverage. The State's own research shows no savings were generated from the actual premiums or copayments. Implementing such a policy nationwide would result in millions of Americans losing Medicaid coverage and joining the ranks of the uninsured and shifting the cost of their care to private insurance plans.

Another critical program the Senate protected from cuts—and for this I must commend my colleague, Senator SAXBY CHAMBLISS of Georgia—is food stamps. According to a report released last week by USDA's Economic Research Service, the number of households nationwide that were food insecure increased to 11.9 percent, and those who are considered hungry increased to 3.9 percent. The major assistance received by these families comes through the Food Stamp Program, which on average helped about 23.9 million people each month in fiscal year 2004. It is also important to note that most food stamp recipients are children or elderly in poor families with a gross income of $643 per month.

Oregon has made bigger gains than any other State in the Nation in its fight against hunger, drastically reducing its hunger rate. USDA's report showed that Oregon's food insecurity rate dropped from 13.7 percent of households in 1999 to 2001 to 11.9 percent for 2002 to 2004. The report further showed that Oregon's hunger rate dropped over the same period from 5.8 percent to 3.8 percent—the biggest decline in America. Oregon's policy analysts and food relief leaders believe that the State's aggressive food stamp outreach is to credit for the decline in Oregon's hunger rate. By 2002, 81 percent of those eligible, or more than 427,000 Oregonians, received food stamps—the highest rate in the Nation. I am proud of Oregon's achievement and pleased this bill does not include any cuts which would jeopardize the tremendous progress we have made in recent years.

We also excluded policies that, while cloaked as a crackdown on fraud, waste, and abuse, simply are known to result in cost-shifting to States and private plans. One such proposal is called Intergovernmental Transfers or IGTs. Some have argued we should draw a hard line in Federal statute to prevent the use of IGTs. However, if you step back for a moment and review the rules presently governing these policies, you will find that the Centers for Medicare and Medicaid Services already has the authority to enter into these types of agreements with States and to force States to change their arrangements. In fact, CMS has required 26 States to adjust their so-called IGTs to better reflect what CMS believes is appropriate and has just 7 others to go in which it wants to make adjustments.

I fear that by drawing a hard line on this policy, we will remove CMS's flexibility to work with States to ensure that access and coverage are not impacted. After all, some of the biggest recipients of aid from these arrangements are children and public hospitals. Those facilities are on the front lines serving the people in need.

We also rejected policies that would have abdicated the Federal Government's responsibility to ensure certain levels of access and coverage for Medicaid beneficiaries. Many of the Governors support instituting broad authority for States to restructure their programs by changing benefit packages and eligibility standards.

As a former president of the Oregon State Senate, I am a staunch advocate of States being the test bed of ingenuity. Over the history of Medicaid, we have seen numerous examples of States finding new and innovative solutions to make their programs more efficient and able to serve more people. In fact, Oregon's creation of the Oregon Health Plan is just such an example of a success. However, I feared that in a rush to complete the budget reconciliation process Congress would simply provide too much open-ended flexibility that ultimately would undermine the cornerstone of Medicaid—ensuring access to a comprehensive benefit package for those with diverse health care needs. That is why I worked to ensure that these types of proposals are left for when we take a comprehensive review of the program that is based on a thorough understanding of the implications.

In developing this package, consideration was given to Medicaid's long-term care program. It is unfortunate that our Nation has not done more to prepare for the needs of an aging population. Medicaid currently is the long-term care provider for most Americans, regardless of their wealth. However, some policies were put forward that I could not support. They would not have solved the problem, which is that some people try to hide their assets so they can be passed on to heirs upon their death. Rather, I believe they would have succeeded only in penalizing unknowing seniors with limited money because of transfers they made with good intentions to some of their family members or charities. Instead, I continue to advocate for reviewing this system thoroughly and develop policies that encourage Americans to seriously plan for their long-term health care needs. Only then will we truly address the growing challenge of an aging population.

Many of us have worked extremely hard to craft a reconciliation package that is morally defensible and achieves savings through sound policy decisions instead of arbitrarily cutting aid to those who need it most. By passing this bill as it stands we are sending a strong message that the U.S. Senate will fight vigorously for those who cannot fight for themselves. The policies we adopt as they relate to Medicaid and food stamps will be and must be the basis for any reconciliation bill that is ultimately considered by this body. We owe it to the American people to let them know that their Congress will not turn its back on our less fortunate citizens.

Hubert Humphrey once said:

> The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life—the sick, the needy, and the handicapped.

In light of this standard, the reconciliation package before us is a success and I offer it my full support.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. LAUTENBERG. The Senator from Mississippi, I assume, yields time.

Mr. LOTT. Mr. President, I yield such time as he may consume to the distinguished Senator from New Jersey, provided it is not more than the time we have allocated.

The PRESIDING OFFICER. The Senator is recognized for 6 minutes.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Mississippi and commend him for the development of this amendment.

Mr. President, I rise to echo the sentiments of Senator LOTT, who serves so ably as chairman of the Commerce Committee's rail subcommittee. Like him, I believe it is critical that we act to improve passenger rail service in our country.

One of the lessons we learned on 9/11 was that our Nation cannot afford to rely entirely on one mode of transportation. When our aviation system shut down that day, Amtrak was able to reunite thousands of travelers with their families. We also saw chaotic evacuations during the recent hurricanes, with motorists stuck in traffic for hours, and those without cars left behind. We need rail service to help move our citizens to safety during emergencies.

And, of course, congestion isn't just limited to our roads. The DOT has had to cap the number of flights at Chicago's O'Hare airport cutting 37 flights a day because of congestion. Even between here and New York City, ground delays can be as much as an hour, when the flight itself is only 39 minutes of air time. We all know flight delays and cancellations are common. Coupled with long security lines, they make air travel increasingly stressful.

If we give people a choice that is viable and reliable, many will choose rail. Amtrak enjoyed record ridership last year—more than 25 million passengers—and about as many travelers ride the train between here and New York City as fly.

Other nations understand the importance of rail. Unfortunately, we have been lagging behind. I remember a NATO trip I took from Paris to Brussels. There are 18 trains a day between these two cities. The 210-mile trip takes about 85 minutes.

The Europeans aren't any smarter than we are. They simply have made a smart investment in passenger rail. Germany, with its modern, high-speed rail system, invested $9 billion in 2003 alone. And the benefits of their world-class system are obvious to anyone who travels there. We need a similar world-class system in our country.

States are in need of Federal leadership to help make improved intercity passenger rail service a reality, but the infrastructure needs are prohibitive.

Our amendment authorizes funding for Amtrak's capital needs, as well as State grants for passenger rail. We make a significant Federal investment in roads—$35 billion a year. By comparison, we spend almost half that amount on airports and air traffic control towers.

This bipartisan amendment will ultimately provide millions of Americans with more transportation choices.

So Mr. President, in the interests of less congestion, lower fuel demands, and an improved environment, I ask my colleagues to support the Lott-Lautenberg amendment.

With that, Mr. President, I yield the remainder of my time back to my colleague from Mississippi, should he need it.

Mr. LOTT. Mr. President, parliamentary inquiry: How much time do we have remaining?

The PRESIDING OFFICER. One minute 28 seconds.

Mr. LOTT. One minute. Mr. President, I have no requests for time. It is such a good bill and such a great amendment. I just cannot believe there would be any Senator who would rise to oppose it.

Mr. LAUTENBERG. Mr. President, I would like to be as accommodating to the manager of the bill, the Senator from New Hampshire, as I can be, so I relinquish the floor.

I relinquish the time.

Mr. CARPER. I would like to thank Senator LOTT and Senator LAUTENBERG for working so hard to find a way for this important legislation to be considered by the Senate. The lack of authorizing language governing Amtrak—and all the entities with oversight over the railroad—has lead to sporadic, uncoordinated, and often contradictory actions by the administration, the Amtrak board of directors, and Congress.

The year began with the President proposing to reform Amtrak through bankruptcy. Thankfully, this was answered by strong support for continued stable Amtrak funding in the House.

And here in the Senate, we have provided $1.45 billion for the railroad in fiscal year 2006, allowing Amtrak to continue their capital improvement program.

Much of this capital improvement program is designed to bring the Northeast corridor into a state of good repair. This is so badly needed because the Federal Government has ignored its responsibility to maintain the corridor for decades.

There were also several authorizing provisions in the transportation spending bill, including language addressing food service and State contributions to the Northeast corridor. While these provisions were removed on the Senate floor, they were initially included because of strong interest in improving Amtrak service and making the railroad work better.

We may disagree on how to reform Amtrak, but that is the motivation. And we turn to appropriations bills when there is no opportunity to consider a more comprehensive reauthorization bill.

Adding to the confusion, the Amtrak board of directors proposed their own reform package last spring. But since then, the board has changed direction on some issues. For example, the board claimed in their reform package that separating the Northeast corridor from the rest of the railroad's operations would be too complex and would not improve operations.

Then in late September, that same board adopted a resolution calling for the creation of a wholly owned subsidiary to manage the Northeast corridor infrastructure.

It is clearly time to pass a new reauthorization bill and set out a comprehensive, steady policy for Amtrak. An Senator LOTT and Senator LAUTENBERG have introduced an excellent one.

The Passenger Rail Investment and Improvement Act, S. 1516, was passed by the Commerce Committee in July by a vote of 17 to 4. It has strong bipartisan and broad geographical support, including Senators from Alaska to Hawaii and Delaware to Montana.

The Passenger Rail Investment and Improvement Act would reduce Amtrak's operating subsidies by 40 percent but would also authorize capital funding for the States to invest in passenger rail infrastructure. This is modeled on the incredibly successful system we employ to support our highway and airport infrastructure.

Through the Passenger Rail Investment and Improvement Act, we hope Act, we hope to create a national rail policy that allows Governors to make transportation decisions for their States based on what the State needs, rather than which mode of transportation is more highly subsidized by the Federal Government. This is essential if we are going to have an integrated and efficient national transportation system.

I wish this legislation could have been considered on its own. But it has been 3 years since the last authorization bill expired, and it is time Congress prioritize our Nation's passenger rail system.

We need to move this legislation quickly or continued confusion is likely at Amtrak. This confusion reduces the railroad's ability to provide good service, troubles creditors and riders, leads to short-term decision making and deferred maintenance, and costs the Federal Government more in the long run.

I urge support for this amendment.

Mr. BURNS. Just a few weeks ago, the Senate passed the Transportation appropriations bill, which included $1.45 billion in Amtrak funding.

This amendment today represents the next step in continuing the fight to reform Amtrak in a way that preserves passenger rail as a necessary component in our Nation's transportation system.

The Empire Builder, which runs through Montana, serves an important public need, and I appreciate the work of Senators LOTT, INOUYE, and LAUTENBERG on developing this reauthorization bill.

This bill provides needed reforms to help Amtrak operate more efficiently but does so in a way that enhances, rather than harms, existing service.

Amtrak is a key component of Montana's infrastructure, and folks feel pretty strongly about keeping the Empire Builder operational. Conservative estimates indicate that the Empire Builder brings roughly $13 million annually into Montana.

Recently, Amtrak announced record ridership numbers for the past fiscal year—a trend we saw in Montana as well. Given the high fuel prices folks are facing these days, preserving alternate forms of transportation is even more critical.

Amtrak continues to have widespread support throughout the country, and Congress needs to ensure that Amtrak remains a part of our Nation's infrastructure. Part of Congress's duty is to make sure that Amtrak is responsible with the Federal dollars it receives.

This legislation provides important reforms for Amtrak, including audits on amenities like food and beverage service, and sleeper cars. On a train like the Empire Builder, those amenities are critical. On other trains, maybe some changes can be made. Each route needs to be evaluated for potential reforms.

Amtrak must work to reduce its reliance on Federal spending and improve performance across the board. This amendment today moves Amtrak in that direction, and I am pleased to be a cosponsor.

I recognize that attaching authorizing language to the budget reconciliation is not the preferred method to move this bill. However, Amtrak needs to be reauthorized, and Congress must do its duty to direct passenger rail reform.

So I hope that the Senate can agree to include this amendment today and take action on the important reforms that Amtrak needs.

Mr. INOUYE. Mr. President, I rise today to speak in support of the Lott-Lautenberg amendment to add S. 1516, the Passenger Rail Investment and Improvement Act of 2005, to the Budget Reconciliation package. The Commerce Committee favorably reported this bill in July of this year, but we have been unable to get floor time for its consideration. As I said during our markup, I believe this is the most comprehensive reauthorization of Amtrak ever attempted by this body and I commend Senators LOTT and LAUTENBERG for their hard work in putting it together.

Amtrak and intercity passenger rail are critical elements of our national transportation system, and it is time for Congress to devote the attention to Amtrak and passenger rail that we have given to our airports, highways, and other surface transportation modes. Amtrak's critics and supporters alike agree that it is time to reauthorize the corporation so that Amtrak has Congressional guidance on how to proceed with important reform initiatives needed to improve service, grow revenues, and cut costs. With time running out this year, adding our amendment to this reconciliation package is probably the only opportunity for the Senate to vote on this important proposal. Senate passage of S. 1516 will signal our commitment to strengthen and reform Amtrak to the House and the administration, and hopefully, lead to enactment of a reauthorization this year.

Mr. LOTT. We yield the remainder of our time, Mr. President. Good luck, Mr. Chairman. You are going to need it.

The PRESIDING OFFICER. The Senator from New Hampshire has 58 seconds remaining.

Mr. GREGG. I appreciate the Senator from New Jersey and the Senator from Mississippi being so concise and effective in their arguments.

The next amendment will be the McCain amendment beginning at 3:30.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, consistent with the prior discussion we had with the Senator from Oregon, I ask unanimous consent that after the time has expired for this bill, which occurs at 6 o'clock, the Senator from Oregon have 45 minutes as in morning business without the right to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 2370

(Purpose: To move forward the date on which the transition to digital television is to occur)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Arizona [Mr. McCAIN], for himself, Mr. SUNUNU, and Mr. ROCKEFELLER, proposes an amendment numbered 2370.
>
> On page 91, line 6, strike "April 7, 2009" and insert "April 7, 2008".

Mr. McCAIN. Mr. President, the amendment would do one very simple thing: It would move the DTV transition date forward by 1 year, making the completion date April 7, 2008, rather than April 2009. This would accomplish the crucial goal of providing first responders with critically needed spectrum one year sooner than is required in the reconciliation bill. This amendment, if adopted, could provide a greater benefit to the American public than perhaps any other provision in this bill.

We know that first responders' ability to communicate during times of tragedy can be literally a matter of life and death for them and the victims of natural and manmade catastrophes. This is a lesson that has been presented to us over and over again, well before Katrina and even several years after 9/11. Yet to this date, we have not made a commitment to allocate the needed spectrum as soon as possible.

Almost 10 years ago, a coalition of public safety groups issued a report asking Congress and the Federal Communications Commission for additional first responder spectrum. In 1996, Congress promised first responders would be provided with adequate spectrum for communications by December 31, 2006. However, shortly thereafter, Congress effectively reneged on that promise and set a bar for its fulfillment that would be unobtainable for decades. During a hearing held just last year by the Senate Commerce Committee, then-chairman of the FCC, Michael Powell, predicted it could be even "multiple decades" before the turnover of spectrum to first responders under existing law. That provision, which required 85 percent of homes to be available for high-definition television, would have effectively prevented the analog spectrum from ever being returned, and that provision was never run through the Commerce Committee that I was chairman of at the time. It was never debated or discussed. It was snuck into a bill by individuals at the request of the National Association of Broadcasters. It could have been no one else. That is a terrible way to do business. Unfortunately, more and more we are doing business by adding little lines into appropriations bills which never see the light of day.

I am sick and tired of it, and the American people are sick and tired of it. We are sick and tired of all the earmarks, and we are sick and tired of the billions of dollars of pork-barrel spending that occurs. We are sick and tired of mortgaging our children's futures.

I am, most of all, sick and tired that the National Association of Broadcasters is able to prevent this transition from taking place at the risk of American lives, our bravest Americans, our first responders.

I will tell you what the Fraternal Order of Police say:

> As Hurricane Katrina so clearly demonstrated, the ability to communicate and transmit information can often mean the difference between life and death. Congress should no longer delay public safety access to this spectrum. Every year we wait is another year too late. We cannot wait any longer for Congress to deliberate over this issue. Therefore, we ask you to support a transition date as close to December 31st, 2006, as possible.

That plea comes from the Congressional Fire Services Institute, the International Association of Arson Investigators, International Association of Firefighters, International Fire Service Training Association, National Fire Protection Association, the National Volunteer Fire Council, the North American Fire Training Directors, and the International Association of Fire Chiefs.

> Every day police, fire, and emergency personnel face communications problems due to dangerously congested radio communications systems. We need Congress to pass legislation to complete the transition to digital TV and free the spectrum for public safety use. The lives of first responders and the citizens we serve are at risk.

That is signed by Chief Mary Ann Viverette, president of the International Association of Chiefs of Police.

Here we are, the lineup again, our first responders, the brave men and women who put their lives on the line in defense of the lives of their fellow citizens who have already given their lives, who have performed so magnificently, who want to be able to talk to each other, who want the spectrum freed up. And what do we do here in Congress? We delay it as long as possible. It is disgraceful conduct on our part.

Let me tell you what the NAB says, the National Association of Broadcasters:

> On behalf of America's local television broadcasters, I am writing to urge your support for the digital transition provisions included in the Senate reconciliation package. In particular, we are concerned about floor amendments that would harm television VIEWERS by either moving forward the hard date or reducing the revenue allocated to assist consumers in making this transition.

Get it? "We are concerned about floor amendments that would harm television viewers." They are worried about harming television viewers when the heads of the policemen, the firemen, all of the first responders, everybody is worried about saving lives. So we are going to decide, again, whether the National Association of Broadcasters carries the day or whether we take care of those men and women who literally are putting their lives on the line every single day.

I have a quote here from Tom Kean, Chairman of the 9/11 Commission, concerning his frustration and that of the 9/11 Commission, probably one of the most respected persons in America:

> What's frustrating is it's the same thing over again. I mean, how many people have to lose their lives? It's lack of communication, our first responders not being able to talk to each other. . . . Basically it's many of the things that, frankly, if some of our recommendations had been passed by the United States Congress, could have been avoided. But on the ground, the people that get there first can't talk to each other because radio communications don't work. They haven't got enough of what's called spectrum. So there is a bill in Congress to provide first responders spectrum. The bill has been sitting in Congress, nothing has been happening and, again, people on the ground—police, fire, medical personnel—

> couldn't talk to each other. That's outrageous and it's a scandal and I think it costs lives.

I will repeat what Tom Kean, Chairman of the 9/11 Commission says:

> That's outrageous and it's a scandal and I think it costs lives.

I would like to have it earlier than 2008. I would prefer to offer an amendment to set a date of 2007, as I did during the Commerce Committee's executive session on this matter. Prior to that session, the Congressional Budget Office expressed concerns about the revenue impact of that earlier 2007 date. By the way, I don't begrudge the Congressional Budget Office for expressing fiscal concerns about perhaps not as much revenue as they can get. But is it revenue we are worried about or people's lives? The amendment failed very badly in the Commerce Committee. However, I am informed that a date of April 2008 would likely generate considerably more revenue than the committee's reconciliation instruction of $4.8 billion, much closer to the level of revenues expected under the April 2009 date than the January 2007 date that I proposed in committee.

As such, this amendment's 2008 date should not raise any potential violation of the budget rules. It is the best option we have at this time.

I have a memorandum from the following organizations in support of establishing a firm DTV transition date as soon as possible to clear the megahertz ban for public safety use nationwide, the 700 megahertz ban: Association of Public-Safety Communication Officials, International; Congressional Fire Services Institute; International Association of Chiefs of Police; International Association of Fire Chiefs; the Major Cities Chiefs Association; Major County Sheriffs' Association; and the National Sheriffs' Association.

Their memorandum is to Members of the U.S. Senate, dated November 2, 2005. Subject: DTV transition.

> The Senate Commerce Committee, in addressing DTV transition, has set a hard date of April 7, 2009 by which television broadcasters must vacate the 24MHz of spectrum and the 700MHz band allocated to public safety. We applaud the efforts of the Commerce Committee to address this critical issue. Now, Senator John McCain will introduce an amendment to set the date one year earlier—April 2008.
>
> In 1997, as part of budget reconciliation, Congress set December 31, 2006 as the date for broadcasters to vacate the four television channels allocated to public safety. The above listed organizations have sought ever since to assure that date. Senators are well aware of the urgent need for this spectrum to be made available, nationwide, to public safety and our quest for the earliest transition date possible. Senator McCAIN's amendment is an improvement in that regard, and it has our support.

Here we are again, as we have been in the past. All of the brave men and women who don't stand to make a penny from this transition. There is no revenue that accrues to the National Association of Chiefs of Police, to the sheriffs, to all of the medical personnel. They are not going to make a dime out of this. What they are going to do is carry out their mission, which is to save lives.

It is their view and that of the 9/11 Commission and, frankly, that of any objective observer that these people are unable to save people's lives because of a lack of ability to communicate with each other, and the National Association of Broadcasters is again flexing its muscles to the point where it can very likely cost people's lives. So I hope for once when we go home and talk about how much we support all these great public servants and what a great job they do—our chiefs of police, our sheriffs, all of the people who guard us every day—maybe the best way we can show our appreciation to them is to approve this amendment and get them the spectrum they need in order to be prepared to save lives in the event of another disaster.

I do not have a lot more to say on this except that I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At this moment there is not a sufficient second.

At this moment there is not a sufficient second.

Mr. McCAIN. Then I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I ask for the yeas and nays on the McCain amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. McCAIN. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Could the Chair alert us as to the time remaining?

The PRESIDING OFFICER. The Senator from Arizona has 6½ minutes. The time in opposition is 21 minutes.

Mr. CONRAD. And who controls the time in opposition?

The PRESIDING OFFICER. The Senator from New Hampshire would control the time in opposition if in fact he is opposed to the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would be prepared to set aside the pending amendment until such time as anyone else wants to come and talk on it or that my time expires so the other Members may proceed with Senate business.

I ask unanimous consent that my amendment be set aside pending the arrival of another Senator who may want to speak on this amendment. In the meantime, other Senators may be recognized.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, first I thank the Senator from Arizona for his graciousness and indicate that there are Senators who have expressed an eagerness to speak, and what we have been trying to do on both sides here is fit in Senators as they come to the floor. So this may be a good time to alert Senators there are a few moments here that would be available conceivably until 4:15 if Senators on either side want to come and have a chance to make a comment. Perhaps it is also a good time to alert Senators after this amendment we will go to the Murray amendment on dual eligibles from 4:15 to 5, the Ensign amendment from 5 to 5:30, and the Landrieu amendment from 5:30 to 6.

With that, I yield the floor. I thank the Chair. Again I want to thank the Senator from Arizona.

Mr. ALLARD. Mr. President, I also thank the Senator from Arizona for putting us in a position where the Members can speak. I have not had an opportunity to speak on the bill as a whole, so I would like to take time on that, and if someone shows up in opposition to the amendment, I will yield the floor to them to speak.

Now that the amendment has been laid aside, I rise today to speak on the pending business of the Senate, which is the Deficit Reduction Omnibus Reconciliation Act of 2005, which is an extension of the budget resolution we adopted earlier this year.

I am very pleased that we have a budget and cannot express enough how important it is that Congress craft and follow a fiscal plan every year. I have long advocated for a fiscal plan that includes strict rules for controlling the appetite of big Government and reins in spending. We are beholden to the taxpayer and to future generations of taxpayers. The annual budget process should reflect that responsibility. We must bear that in mind today as we debate this very important piece of legislation before us.

The 2006 budget resolution set forth a reconciliation instruction for savings of $34.7 billion over the 5-year period of the resolution. Congress has not attempted to restrain mandatory spending through reconciliation since 1997. As my colleagues are well aware, mandatory spending represents the portion of the Federal Government that is on autopilot. Annual appropriators in the

House and Senate allocate funds accounting for roughly one-third of the Federal Government's expenditures as fully two-thirds of the spending is on cruise control. I am encouraged we are making an attempt to rein in even a modest amount of mandatory spending. This entire process is, indeed, a test of the body's willpower and integrity. Can we manage to make a few hard choices today to protect the interests of our grandchildren?

Since 1974, Congress has passed 19 different reconciliation bills, and 16 of those survived Presidential veto to become law. Since 1990, reconciliation has been used three times to trim mandatory spending. In 1990, mandatory spending was reduced by $100 billion; the 1993 spending reconciliation cut $96 billion; and the 1997 bill, $118 billion over a 5-year period. According to the Congressional Budget Office, the bill before us today will reduce mandatory spending by $39.1 billion from 2006 to 2010 and $108.7 billion from 2006 through 2015. By recent historical standards and contrary to the doom and gloom of several statements made today on this floor, this is a modest reduction, no matter how you slice it.

Once we adopt this reconciliation bill, we will be free to move on to do the two other reconciliation bills allowed under this year's budget resolution. One of those instructions will increase the statutory debt limit, a move I do not take lightly. The other of those reconciliation bills represents an instruction to the Senate Finance Committee to reduce the tax burden by up to $11 billion in fiscal year 2006 and up to $70 billion for the coming 5-year period.

This reconciliation bill will extend a variety of existing tax policies that are very popular among the American public. For a change, I believe the popularity of these tax cuts is reflected in this body and I believe we will find a way to extend these important provisions.

While this is a debate we will have in the near future, I can't help but express my feelings about that tax reconciliation. America's families are relying upon us to extend these new tax policies that have buoyed this economy in recent years. When considering the global war on terrorism, the broad economic impact of Hurricane Katrina, and the current cost of energy in this country, one might expect the economy to be sluggish. Economic data suggests the very opposite. It would be foolish for this body to try to tinker with the policies that have put more dollars in the pockets of America's workers to save, invest, or spend.

Some colleagues may disagree with my assessment and with the desire our citizens have to hold on to more of their earnings. I look forward to taking part in that discussion in the future. And that is a discussion for the future. The resolution we have in the Chamber today is not a tax extension bill. The Senate must discuss and debate the merits of raising the debt limit and of extending the kinds of tax relief that keep this economy humming along in such a healthy way. But that debate will come later. Today we are talking about the first deficit reduction bill since 1997. This is a major effort. It has been 8 years since the Congress attempted to exercise any discretion over mandatory spending. There should be no illusions that this is a defining resolution. We are not just defining this Congress or our careers or the next series of campaign commercials; we are defining the scope of policies that will impact future generations. We must demonstrate that mandatory programs are not destined to grow willy-nilly and without thought for those who have to pay for them.

We have heard a parade of statements these last 2 days that suggests there is simply no way to reduce these programs, that too many people are dependent on these programs for them to undergo any sort of scrutiny. I say to my colleagues we are not only accountable to those who benefit from these programs, but we are accountable to those who work every day in America to pay for these programs. We must be accountable to those who are on the brink of entering the workforce, who will face a greater tax burden if mandatory spending grows unchecked. The modest scope of this legislation suggests to me we can meet the myriad obligations to those drawing on these programs while righting the fiscal ship.

Since 1997, we have made no substantive step to control runaway entitlement spending. This year's budget directed eight different Senate committees to take a stab at it through instructions totalling $34.7 billion in savings. The committees were free to find greater savings, and I am pleased to report that they did, to the tune of more than $39 billion. All eight Senate committees exceeded their instructions. This is no easy task and I commend the leaders of each of these eight committees.

The Agriculture Committee's reduction has been scored by CBO at approximately $3 billion over the next 5 years. The package adopted by the committee leaves unchanged the structure of the farm program created in the last farm bill while achieving some savings in the farm commodity programs. Conservation programs are trimmed without impacting landowners' or farmers' existing contracts in any program. Agricultural research programs and the food stamps program are completely untouched.

The Banking and Housing and Urban Affairs Committee portion of the bill is scored by CBO at a savings of $570 million. This legislation will streamline and simplify the Bank Insurance Fund and the Savings Association Insurance Fund, combining the two entities into the Deposit Insurance Fund. Additional provisions modify the policies of the FDIC to reflect inflation and the growing size of deposits by increasing the retirement fund size the FDIC can insure from $100,000 to $250,000.

Further, the Banking Committee has included provisions dealing with the Federal Housing Administration's inventory of defaulted mortgages. Today, in an effort to preserve a defaulted property as affordable housing, the FHA may sell the property at below-market rates. The foregone proceeds from these sales may total $10 million a year. This legislation will end FHA's permanent authority to sell such properties at below-market prices and authorize funds to support the rehabilitation of these properties.

The Commerce, Science, and Transportation Committee section of this legislation has been scored at $5.98 billion by CBO. The bulk of these savings are generated by the auction of spectrum recovered from broadcasters currently in the midst of the transition to digital signal broadcasting. This spectrum, a long held and used public resource, will enhance public safety communications and advance the long-awaited transition to DTV, or digital TV. Under this legislation, the FCC will be directed to auction licenses for this spectrum in early 2008 in anticipation of the full conversion to DTV in April of 2009.

CBO scores the Energy and Natural Resources Committee title of this legislation at $2.5 billion, achieved largely through the long-needed opening of the Arctic National Wildlife Refuge Coastal Plain area. Careful development and production of oil and natural gas in ANWR will increase our national security and energy policy and do so with a minimal amount of impact on this remote region of Alaska.

The Secretary of the Interior is directed to implement an environmentally sound and competitive oil and gas leasing program to ensure the fair market value for the resources to be leased. I applaud the Energy Committee for its efforts.

The Environment and Public Works and Judiciary Committees each contribute somewhat more humble yet important titles to this legislation. The EPW portion, which is focused on the reform of the Equity Bonus Program, a part of the overall highway program, carries a CBO score $30 million.

The Judiciary Committee title scores a deficit reduction of $578 million, largely through the recapture and subsequent sale of authorized but unused immigrant visas.

The lion's share of savings in this legislation is contained in the titles belonging to the Health, Education, Labor and Pensions Committee and the Finance Committee. These provisions also include those provisions that are probably most exaggerated or vilified by the opponents of this package.

According to CBO, the Finance Committee reconciles a deficit reduction of $10 billion over 5 years through a variety of complex and important changes under Medicaid and Medicare. These two programs, combined with Social Security, make up the bulk of our mandatory obligations that currently exist on autopilot. Today, mandatory spending accounts for 56 percent of all Federal spending.

On the brink of the baby boomer retirement, that number is expected to grow to more than 62 percent in 10 years unless we can find the courage to do something about it. The path we are walking today is not sustainable.

As I have mentioned, this reconciliation bill attempts to deal with this perfect storm by making minor adjustments to Medicaid and Medicare. CBO estimates that fiscal year 2005 outlays for Medicaid will total $184 billion. CBO's estimate for Medicare in 2005 is $332 billion, for a total between the programs of more than $515 billion—more than half a trillion dollars—for fiscal year 2005. The estimated 5 year cost of these two mandatory programs is more than $3.4 trillion The Finance Commitee's reduction in this legislation is $10 billion.

There is $3.4 trillion in mandatory spending reduced by $10 billion over 5 years. Our fiscal house is on fire, and we are talking about taking a gallon of water out of the river to fight it, and you would think we were drying up the river.

So the Finance Committee title of this deficit reduction bill includes a net savings that some members of this body are exaggerating to mean the end of services as we know them. What very few opponents of this bill are talking about is that in addition to this savings there are some very wise spending initiatives that will serve to make Medicaid and Medicare more responsive to the needs of those who depend on them. As much as the doom and gloom set would like to talk about the deficit reduction we make in this resolution, we must also discuss the improvement and preservation of Medicaid and Medicare.

While achieving significant spending reduction the Finance Committee language also reduces wasteful spending and targets resources to improve Medicaid, achieving savings at both the State and Federal level. These savings will enhance our ability to serve vulnerable populations. The language contained in this bill ensures continuity of coverage for low income children by shoring up funding for States facing shortfalls in the State Children's Health Insurance Program, SCHIP, and expanding enrollment activities. This bill will also expand Medicaid benefits to encourage the parents of severely disabled children to go to work and earn above-poverty wages while maintaining the services needed by their child.

This legislation also cracks down on fraud in Medicaid. This bill closes loopholes in current Medicaid law concerning the transfer of assets to limit circumstances under which persons may intentionally shelter assets in order to qualify for Medicaid.

New requirements are included for States to apply partial month penalties and to accumulate transfers in computing the period of ineligibility. Language in this bill creates useful new tools for existing third party recovery programs by implementing State false claims acts, which at the Federal level is the single most important tool taxpayers have to recover the billions of dollars stolen through fraud each year.

The Medicaid section of this act also includes some prescription drug repayment reforms. This has been a hot topic in recent years, and I am pleased to see us take action. Under this bill, the average manufacturer price, AMP, is redefined to reflect discounts and rebates available to retail pharmacies and then uses that definition for payments to pharmacies and for the calculation of best price. The legislation before us further defines the weighted average manufacturer price, WAMP, as the basis for a new payment system for these drugs and for a new Federal upper limit for multiple source drugs.

These reforms go beyond what was asked of the Finance Committee and reflect a commitment by this Senate to enact sensible reforms to better serve the public. I appreciate the efforts of the chairman and the Finance Committee on this matter.

This legislation also makes a downpayment to respond to the health care needs of low income families affected by Hurricane Katrina by providing $1.8 billion to protect Medicaid benefits in Alabama, Louisiana, and Mississippi. These are among the important provisions that will serve our Medicaid population and the taxpayer in this bill—and these are provisions being ignored by the other side.

Similarly, we see some commonsense initiatives in the Medicare portion of this bill. Of primary interest is the one percent increase in the Medicare Physician Fee Schedule instead of a 4.4 percent cut in 2006.

This is of paramount importance to those individuals on Medicare because it provides incentives for physicians to stay with the system. We are staring down the barrel of a punitive change in the Medicare system in the form of a fee reduction that is corrected in this bill—that is good news for doctors and great news for patients. For Members of this body who represent rural populations, there are some very important provisions, including: an extension of the hold-harmless provisions for small rural hospitals and sole community hospitals from implementation of the hospital outpatient prospective payment system, an extension of the Medicare Dependent Hospital program that provides financial protections to rural hospitals with less than 100 beds that have a greater than 60 percent share of Medicare patients, and an expansion of coverage for preventative benefits under Federal Qualified Health Centers. This is good news.

The Health, Education, Labor and Pensions portion of this bill, which contains a significant savings and deficit reduction, accomplishes a great deal of reform and enhances service similar to the Finance portion. This title contains significant savings and deficit reduction. CBO estimates a savings of $9.8 billion, while priming our education infrastructure for the challenges of this new century. The Provisional Grant Assistance Program contained within this bill provides approximately $8.2 billion in grant assistance to Pell Grant eligible students studying math, science, technology, engineering and certain foreign languages. This is a very exciting provision that represents that ability of the HELP Committee and this Senate to listen. The rest of the world is gaining ground on America's sophisticated, high technology work force. For decades our technology and innovation has been the envy of the world and this provision seeks to ensure that we will continue to maintain that dynamic edge.

A well-educated work force creates high-wage jobs and expands our horizons in every aspect of our culture. Again, this is a provision opponents of this bill seek to ignore, refusing to believe that there are noble programs among our sensible and necessary deficit reduction provisions.

That is an all too brief summary of some of the provisions the eight committees receiving reconciliation instructions contributed to this legislation. The constant mischaracterization of this bill amazes me. I hope in some small way that I have been able to clarify some of these issues for the public.

Under this bill, spending for low-income students, families, and patients will increase, and by no small margin. Without passage of this bill, more than $17 billion in loans, grants, sensible reforms, and new programs to benefit families, students, and patients disappears. That is money to aid in the education of 5.3 million low-income students.

That is money to make Medicaid eligible 1.1 million low-income and disabled children. That is money for 700,000 low-income children to continue to receive benefits under SCHIP. Not only is this bill not the end of the world, it appears to me it is an enormous reform and expansion of numerous programs.

It is a credit to the authors of this bill that there is still a gross savings to the taxpayer. Ninety percent of that savings for deficit reduction comes from a reduction in Federal programs that either do not impact low-income families or from receipts from the Federal Government's business relationships. The remaining 10 percent in reductions represents a serious restoration of fiscal responsibility in these programs—closing loopholes and preventing the unscrupulous gaming of the Medicaid system.

Before I yield the floor, I feel it is important to remind my colleagues that this bill should be seen not as a landmark victory but as a good start.

If we are to do anything to seriously address the policy and entitlement burdens our children and grandchildren are likely to inherit we must start today and must continue in the future with reforms and sensible reductions in spending.

We are running a deficit of $319 billion. The deficit, while much lower than last year's, still represents our inability as policymakers to make tough decisions. Our failure to address the deficit, in this bill today and in the future, could have catastrophic consequences for this Nation. Every day we allow spending to grow, either through discretionary programs or through the unchecked growth of mandatory programs, increases our national debt. Today that debt stands at about $8 trillion, the debt held by the public accounting for $4.6 trillion. This is a drain on our economy, and it gets worse every day that we do nothing.

I would urge my colleagues to join me in supporting this good start. The Deficit Reduction Omnibus Reconciliation Act of 2005 strikes me as being the least we can do for future generations. In the coming weeks I hope we will continue this discussion. I hope we will take seriously the harm we can do by simply doing nothing.

I thank Chairman GREGG and the members of the Senate Budget Committee for all their hard work on this legislation. The bill before us today represents a tremendous amount of work that began almost a year ago. As I mentioned at the start of my comment, this reconciliation deficit reduction legislation is a part of this year's budget plan, and I think it speaks to the power and importance of having a blueprint for our fiscal course. I look forward to working with the chairman and with my colleagues to ensure that this legislation represents the beginning of new, fiscally responsible, ongoing agenda to address our fiscal responsibilities.

Mr. President, the Senator from New Hampshire wishes to speak in opposition to the McCain amendment. Do I need to call up the amendment?

The PRESIDING OFFICER (Mr. COBURN). The Senator does not. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, first I ask unanimous consent that the 45 minutes allocated to Senator WYDEN occur after the debate on the Agriculture appropriations conference report this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Second, Mr. President, I would like to correct the record. I appreciate the Senator from Colorado yielding to me, but I wish to speak in support of the McCain amendment, of which I am a cosponsor. One might imagine Senator McCAIN would be enormously disappointed if I came down to speak against his amendment.

Mr. ALLARD. Mr. President, will the Senator from New Hampshire yield?

Mr. SUNUNU. By all means.

Mr. ALLARD. There is a certain amount of time in opposition and in support of the amendment. I am not sure that we have it balanced.

Mr. SUNUNU. Any time I use should be taken from time allocated in favor of the amendment, if there is any time remaining.

The PRESIDING OFFICER. Senator McCAIN still has 5½ minutes under his control.

Mr. ALLARD. How much time do we need for opposition statements? We have until 4:15 p.m. allocated for debate on this amendment.

The PRESIDING OFFICER. The Senator from Colorado is correct. We will proceed until 4:15 p.m. on this amendment. There is 6 minutes in opposition, as we stand at the present time.

Mr. SUNUNU. Mr. President, I ask unanimous consent that I be allocated 3 minutes to speak in favor of the amendment and that the remainder of the time until 4:15 p.m. be reserved for those who wish to speak in opposition to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire is recognized for 3 minutes.

Mr. SUNUNU. To speak in favor of the amendment, which I cosponsor.

Mr. President, I rise in support of this amendment which moves the date for returning spectrum that was allocated for the transition to digital television ahead by 1 year. So instead of that spectrum being returned to the Federal Government for use for other purposes in April of 2009, it will be returned in April of 2008.

I think this makes sense for a number of reasons. First, it moves forward this process of transition. We are technologically able to make this transition. Many, if not most, of the facilities across the country are on a timetable to retrofit their equipment so they can broadcast using the digital standards. It would certainly bring revenue to the Federal Government, the American taxpayers sooner because this spectrum that is available for auction could be auctioned earlier and then put into the public domain used for new technologies, new products, for consumer safety, and that would certainly benefit consumers. But it also provides a very real benefit to public safety because moving this timeframe up by 1 year would ultimately make the portion of the spectrum, about 20 percent of the entire spectrum coming back, available for use for public safety sooner. I am sure this is a point that was strongly emphasized by Senator McCAIN in his remarks.

Those who support or oppose moving up this timetable would probably agree this process has taken much longer than anyone anticipated when it began back in the early 1990s. I don't think it serves the American people well to drag it out any longer. I am sure there may be some concerns about the precise date, but I think once we set a date sooner rather than later, markets will react, the companies that are providing services will react, and public safety will certainly react because goodness knows they can use the additional spectrum to meet the needs of State, Federal, and local first responders who are dealing with public safety needs every day.

I believe this is a commonsense amendment. I was pleased to support it in committee, and I am pleased to support it on the floor.

I yield back the remainder of my time to those who are prepared to speak in opposition to the amendment.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I rise to speak in opposition to this amendment. This amendment puts what we call a hard date only 2 months after the January 28, 2008, auction required by the bill. That is when the auction will commence. It is too soon to move immediately to a hard date in April. The auction could take weeks to conduct, and even after it ends, there are several months necessary for the FCC to decide to whom to award the final licenses. Without the licenses, new wireless providers cannot build their systems, so a tremendous amount of spectrum would not be in use during this period of time.

Importantly, the auction proceeds will not be available until the final licenses are issued. That would mean consumers would face having their analog TVs shut off before the converter box program could be implemented, as is suggested by our bill. American consumers will have to pay more to watch television if this amendment is adopted because the analog cutoff date Senator McCAIN's amendment requires is premature.

The General Accounting Office and the Consumers Union estimate there are 20 million U.S. television households that rely upon over-the-air reception for their television signal. Broadcasting systems are ready to convert, but we cannot get this done until we have the converter sets so they can continue to watch their TVs. Their old sets will not respond to the converted signal. Over-the-air reliant households disproportionately represent America's most vulnerable. Low-income senior citizens are disproportionately dependent on over-the-air TV; 43 percent of Latino households rely solely on analog television; and African-American households are 22 percent reliant.

We have picked this date based upon the recommendations of the Congressional Budget Office to maximize the return from the sale of the spectrum. It is money that is necessary.That is why this portion of the bill is here—to raise money.

To the extent the money is not used for consumer boxes, a provision in our bill requires all money not used raised by the spectrum goes to reduce the deficit. It is a major deficit reduction concept. Having the hard date out to 2009 is going to raise more money. We need that additional money to add to the interoperability portions of the reconciliation bill before us.

The April 7 date is simply too close, as I said in the beginning, to the auction date of January 28. There has to be time between the auction date and the hard date to ensure that the communications capability is there, the set-top boxes will be there, and that a portion of the television spectrum reserved for the first responders is going to be the first date available.

Moving this date is not going to make it available sooner because of the time delay that will take place after the auction on January 28. It is just not physically possible to have a hard date that close to the auction date because of the time necessary to compute the value of these offers, to go through the process of accepting the high bids and having the people bring forth the money to assure they are sound. The whole concept of this bill has been to maximize the return.

The House date is December 31, 2008. Ours is April of 2009. We moved it there to get away from the Christmas season, to get away from things such as the Super Bowl. The longer it goes, the longer people will buy new digital-ready televisions and will not have to rely upon the transponders—the set-top boxes, we call them—that will be purchased with this money. Our combination is, if we can get this bill passed this year, we will have Christmas 2006, 2007, and 2008 before we get to the point where we have to buy these set-top boxes. The more sets sold to new purchasers, the less it will cost to buy these boxes.

I do hope the Senate will see the wisdom in what we have done. We are working closely with House Members on this issue. We believe we will reach an accommodation on the time, and it will be a 2009 date.

I urge the Senate not to adopt the McCain amendment because it will destroy the process we are in, a very calculated process of ensuring that the auctions take place, and then following those auctions, there is enough of a period to satisfy the goal of raising the money in order that we may get to the total transition through the set-top boxes, 8911, interoperability, and all the things that follow in the amendment. For those who read our amendment, it is partially amended by the McCain provision.

I don't know if there is anyone else to speak in opposition, but I urge the Senate not to adopt the amendment.

Mr. President, is there any time left?

The PRESIDING OFFICER. There is 2 minutes remaining.

The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I don't believe there is anybody left to speak on the McCain amendment. I ask unanimous consent that we proceed to the Murray amendment.

Mr. STEVENS. I yield back the remainder of the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

AMENDMENT NO. 2372

Mrs. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 2372.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a 6-month transition period for coverage of prescription drugs under Medicaid for individuals whose drug coverage is to be moved to the Medicare prescription drug program)

On page 188, after line 24, add the following:

SEC. 6037. CONTINUING STATE COVERAGE OF MEDICAID PRESCRIPTION DRUG COVERAGE TO MEDICARE DUAL ELIGIBLE BENEFICIARIES FOR 6 MONTHS.

(a) SIX-MONTH TRANSITION.—

(1) IN GENERAL.—Only with respect to prescriptions filled during the period beginning on January 1, 2006, and ending on June 30, 2006, for, or on behalf of an individual described in paragraph (2), section 1935(d) of the Social Security Act (42 U.S.C. 1396u-5(d)) shall not apply and, notwithstanding any other provision of law, a State (as defined for purposes of title XIX of such Act) shall continue to provide (and receive Federal financial participation for) medical assistance under such title with respect to prescription drugs as if such section 1935(d) had not been enacted.

(2) INDIVIDUAL DESCRIBED.—For purposes of paragraph (1), an individual described in this paragraph is a full-benefit dual eligible individual (as defined in section 1935(c)(6) of such Act (42 U.S.C. 1396u–5(c)(6))—

(A) who, as of January 1, 2006, is not enrolled in a prescription drug plan or an MA-PD plan under part D of title XVIII of the Social Security Act; or

(B) whose access to prescription drugs that were covered under a State Medicaid plan on December 31, 2005, is restricted or unduly burdened as a result of the individual's enrollment in a prescription drug plan or an MA–PD plan under part D of title XVIII of such Act.

(b) APPLICATION.—

(1) MEDICARE AS PRIMARY PAYER.—Nothing in subsection (a) shall be construed as changing or affecting the primary payer status of a prescription drug plan or an MA–PD plan under part D of title XVIII of the Social Security Act with respect to prescription drugs furnished to any full-benefit dual eligible individual (as defined in section 1935(c)(6) of such Act (42 U.S.C. 1396u–5(c)(6)) during the 6-month period described in such subsection.

(2) THIRD PARTY LIABILITY.—Nothing in subsection (a) shall be construed as limiting the authority or responsibility of a State under section 1902(a)(25) of the Social Security Act (42 U.S.C. 1396a(a)(25)) to seek reimbursement from a prescription drug plan, an MA–PD plan, or any other third party, of the costs incurred by the State in providing prescription drug coverage described in such subsection.

Mrs. MURRAY. Mr. President, I ask unanimous consent to add Senators ROCKEFELLER, BINGAMAN, KENNEDY, CLINTON, and LAUTENBERG as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I have some serious concerns about the budget that is now before us.

To make our country strong again, we need to invest at home. What I see in this budget is a $35 billion cut from America's priorities, and I see that it will burden our children with a massive debt.

I am especially concerned this afternoon about what this bill will do to our most vulnerable in this budget and in the new Medicare prescription drug plan that is going to be implemented very soon.

This budget cuts $27 billion from Medicaid. That is a health care program, and it is a safety net for our country's most vulnerable and sickest. I think that cutting their health care is the wrong thing to do.

As I look ahead to this new Medicare prescription drug law, I see a time bomb that is ticking for more than 6 million Americans. A time bomb is ticking for our communities and for our health care providers. That fuse is set to detonate on January 1, 2006, in a few short months. We cannot stand by and let low-income seniors and the disabled lose their drug coverage. We cannot leave doctors, hospitals, and nursing homes unprepared for the biggest change in decades, and we cannot push hundreds of thousands of people who need care on to our local communities.

We cannot wait. We need to fix this problem today. That is why I am offering this amendment. I have been working with Senators ROCKEFELLER, BINGAMAN, and NELSON to address this immediate crisis, and I want to thank them for their leadership.

I have also introduced my own bill to protect our most vulnerable. It is called the Medicare HEALS Act, S. 1822. I have been traveling around my home State of Washington this past month and meeting with people in Seattle, in Lakewood, Yakima, out in Aberdeen, and Olympia. Everywhere I have gone they have been angry, confused, and very worried and with good reason. Here are some of the concerns I heard. One senior told me:

> Everyone I have talked to is totally confused—my doctor, my pharmacist, even the Medicare number you are supposed to call.

Another said:

> If we can't understand this, this whole plan is going to fail.

Everywhere I went, people were confused. There were questions I could not answer. When I turned to the doctors sitting next to me, they did not know the answer and neither did the pharmacists or the patient advocates that were there with us.

If Senators, doctors, and experts do not understand this bill, how can we expect an 80-year-old person with serious medical problems to understand this complicated new Medicare prescription drug plan? We cannot. So I believe we need more time and more resources to make this work.

One person I met with said:

> Please give us more time, give us the chance to understand this so we don't make a mistake when we sign up.

One panelist said to me:

> Taking something away from those that need it the most . . . is not the American way.

I could not agree more, and that is why today I am offering this amendment on this budget bill.

I have a lot of concerns with the Medicare prescription drug law. I was one of those who voted against it in 2003 because I think seniors deserve better, and I think America can do better for our seniors. I am very concerned about the complexity. I am concerned about the coverage gap, and I am concerned about whether needed drugs will actually be covered. I am concerned about the retirees who are losing the good coverage they have today, and I am concerned about the late enrollment penalty that is going to punish seniors who need more time to pick the right plan for themselves.

I am working with many other Senators to address those specific concerns. Today, the most urgent problem is the way that this new Medicare prescription drug law treats our most vulnerable: People with low incomes, the disabled, and those who face serious medical challenges such as AIDS.

This Medicare prescription drug law takes away the critical drug coverage that these people have today and puts them into this new program that could charge them more money in exchange for less drug coverage. If they do not sign up for a plan, they are going to be randomly assigned one. Either way, the prescriptions they need may not be covered. Because these are Americans who are living on the financial brink, an interruption of their drug coverage or a new copayment could keep them from getting the drugs they need to live. These people who are being affected do not know this is even going to happen to them. Their doctors and their pharmacists do not understand it and this entire mess is going to burst into the open on January 1, a few short weeks away.

This Senate needs to take action now so we can prevent this catastrophe, which is just a few months away. To understand this problem, let us look at how our most vulnerable are getting their prescription drugs today and how that is about to change.

Today, about 6.4 million Americans with low incomes get help from two programs: Medicare at the Federal level and Medicaid at the State level. These individuals are what we call in Washington, DC, dual eligible because they are eligible for assistance from both Medicaid and Medicare.

What Medicare does not cover, States cover. For example, since the Federal program did not cover prescription drugs, the State programs filled that gap. This State coverage is often called wraparound coverage, and it is very critical for these vulnerable families. As a result, these individuals got the drugs they need, often without copayments or deductibles.

Now there is a big problem coming on January 1. The new prescription drug bill will prohibit States from providing this extra help these people need. Instead, what it does is take these people and move them into this new Medicare Program alone, which will require of them higher out-of-pocket payments and will probably cover fewer drugs.

To me, it does not make sense to take away the good coverage these vulnerable families have today, force them into a program that might not meet their needs, charge them more money in the process and then prohibit our States from helping out these most vulnerable residents. It does not make sense, but that is exactly what this new drug program will do, unless we fix it before January 1.

In fact, the new Medicare prescription drug program changes the coverage for our most vulnerable families in five ways: First, it is going to impose higher costs, higher premiums, copayments, and deductibles. These are our low-income families. They do not have the extra dollars.

Secondly, it is going to cover fewer drugs. Those drugs that they rely on right now for their health care, their mental health, may not be covered in the plan they are randomly assigned to.

Third, it blocks our States from providing extra help as they do today, and our States are the end here. They are the ones who are going to see the fallout if these people do not get the prescriptions they need.

Fourth, it provides no transition period to make sure that these low-income residents do not face gaps in their coverage.

Finally, it penalizes people who simply need more time to understand and pick the right plan for them. These are real people that we are talking about. I am going to introduce two of them.

Earlier this month in Seattle, I met a woman named Kathryn Cole. She is 36 years old. She is disabled, and she is living on Social Security disability. She fills about 15 prescriptions every month. Her monthly income is $757. That is what she lives on. Well, she told me: Even if this copay were only $5, that adds up to $75 a month out of her $757. She said:

> I don't have that kind of extra money to squeeze out of my budget.

Kathryn looked at me and she said, which week am I not supposed to eat?

People like Kathryn across this country today are living on the financial edge. They cannot afford to pay more for their medication. That is what America is about, making sure that the least among us are able to succeed in this country. Kathryn is one of those people.

In Olympia, in my State, I met a man named William Havens. He is 50 years old, and he is living with HIV/AIDS. He takes 43 pills a day. William told me:

> For the first time I realize I'm going to have to make a choice between pills and food.

It is outrageous that this Medicare prescription drug law is going to make life so much harder for these people that I have met, such as Kathryn and William.

In addition to hurting these people, this new drug program, if enacted the way it is right now, is going to hurt our health care system. It is going to have a costly impact on our nursing homes, our doctors, our pharmacists, and our hospitals.

Many of these dual-eligible individuals live in nursing homes. Nursing homes are going to have to navigate through all of these new plans. In my home State of Washington, there are at least 14 of these new plans that the dual eligibles are going to be assigned. Each one of these plans has different costs and different formularies. Nursing home managers are going to have to see which plan their patient has and if the needed drugs are covered.

In Olympia, I met with a doctor named David Fairbrook. He is in private practice, and he is also the medical director at two of these skilled nursing facilities. He cares for about 150 patients. He is very concerned about his patients being randomly assigned to plans that do not meet their medical needs. He said patients may be denied needed drugs. They could be forced to change their medications, and they could very well face a time-consuming, stressful appeals process.

Dr. Fairbrook predicted to me that there is going to be chaos for nursing staff regarding coordination of multiple suppliers, further duplicating their paperwork and documentation requirements. Chaos, he called it. There is a tremendous new administrative burden for understaffed and underfunded nursing homes and care providers.

In addition, unless we act, this new program is going to make the work of our pharmacists across the country a lot harder. Pharmacists, as we all know, are literally going to be on the front lines. They are going to be forced to deny coverage to these patients. CMS is telling us that pharmacists will be able to look up and see what plan someone has randomly been assigned to so when one of these patients comes into their pharmacy and says, I do not know who is covering me now, they are supposed to be able to look it up and tell them.

Frankly, given all the errors and mistakes that CMS has made so far, I do not have a lot of confidence that this is going to be a flawless transition. Remember, these people whom we are talking about do not have a financial cushion. So if they go into the pharmacy and all of a sudden they find out, much to their surprise, that they have to have a copay of $5 per prescription or more, they are living on fixed incomes, they do not have an extra $20 or $30 to say, fine, okay, I will pay this. They will turn away from the pharmacy counter, and they are not going to have the funds to pay for their drugs now and get reimbursed later when some kind of paperwork system gets sorted out. So we are going to see a huge impact at our pharmacies, and we are already hearing about it from them.

Doctors are going to be on the front line. Doctors are going to have to know which drugs are on the formulary, and they may need to help their patients appeal any denials. I remind my colleagues, most of the plans out there right now do not have a formulary. So people who are looking at this and making conscious decisions about which prescription drug plan they are going to sign up for cannot make a reasoned decision yet because they do not even know which plans cover what drugs. So doctors are telling us that they are going to have a real challenge as they try to help their patients work their way through these plans to make sure that their plan covers the prescriptions that are actually given to them.

One doctor I met with told me if doctors do not have the information they need on this yet, if their patients pick the wrong plan and their medicine is not covered, it can have serious medical harm.

Hospitals are also going to be impacted by this. They are going to have to navigate all of these new plans that are being offered. They are going to have to deal with patients who have not been able to get their prescriptions. In fact, for many of these poor families, the only place to get needed medicine is going to be the emergency room, and that is going to increase the cost of health care for all of us.

So this new drug law is going to impose an expensive and confusing administrative burden on doctors, on pharmacists, on hospitals, and on nursing homes. I think we can do a lot better than this. My amendment simply says let us fix this problem before people realize that they cannot get the prescriptions that they need.

The Murray-Rockefeller-Bingaman amendment simply provides a 6-month transition for low-income, dual-eligible beneficiaries. It does not delay the implementation of the Medicare Part D Program. It simply gives States, CMS, and the Social Security Administration 6 more months to ensure that all of those who currently have access to prescription drugs through Medicaid or who are eligible for Medicaid assistance are not lost in this transition.

Surely we can at least do that for these people.

According to CBO, this amendment could cost $130 million over 5 years. I say that is a very small price to pay when we are talking about the lives of 6.4 million Americans. In this budget, we are being asked to cut $27 billion from health care for the poor. I think it is worth spending less than 1 percent of that amount to make sure our most vulnerable do not lose their drug coverage in this transition.

Today we got another example of how easily our most vulnerable can fall through these cracks. Just today, CMS announced it is going to be sending a mailing to 86,169 dual eligibles in my home State of Washington. But according to the numbers I got from my State, there are actually 95,000 of these dual-eligible patients. So somehow 8,831 vulnerable people are not being counted. They are not going to get a letter. They are not going to get signed up for a plan. They are going to get lost in this transition, and on January 31 they will have no drug coverage. That is exactly why I am offering this amendment and telling my colleagues that we need to have a transition period to allow this to work.

I urge my colleagues to support this amendment and give our most vulnerable a few extra months to make sure they do not get lost in this transition.

This is a life-or-death issue for many people. We cannot rip away the last remaining safety net for these people. We owe them at least this one very small fix. Time is running out. On January 1, millions of vulnerable Americans are going to be forced into a new system they do not understand and that does not meet their needs. I believe we can avoid this train wreck. People's lives are hanging in the balance, and I urge my colleagues to at least allow these people who are dual eligible a transition period so they are not lost as this plan is implemented.

I retain the remainder of my time.

Mr. ALLARD. I yield 10 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 10 minutes.

Mr. HATCH. Mr. President, 98 percent of all drugs are covered by the Medicare Modernization Act. And HIV/AIDS drugs are covered. So I am having trouble understanding the need for this amendment. It makes no sense for dual eligibles to have coverage for prescription drugs in both the Medicare and Medicaid Programs.

I have listened to the arguments the proponents of the amendment have used, primarily that the new Medicare prescription drug benefit will be very confusing to those beneficiaries who are used to having their coverage through the Medicaid Program. I personally believe providing coverage through both programs will make it much more confusing for beneficiaries. Instead of helping these vulnerable seniors, I believe the Murray amendment would confuse them and not provide the help they need with their drug coverage.

CMS is there. They will help. They know what to do. They are there for these people. We have provided they would be there.

In addition, I don't understand why these beneficiaries would need a Federal match for Medicaid coverage because they cannot navigate the exceptions process or the transition process. If an individual has problems with his or her drug coverage, there will be help available to them through CMS, congressional offices, State government agencies, and community organizations such as the AARP that is so strongly behind this bill. There is no need for duplicative drug coverage.

I might add, if I am not mistaken, I think the distinguished Senator from Washington supported the Rockefeller amendment to the Medicare prescription drug bill that we fought so strongly over, that is now law. This particular amendment would have had the duals' drugs covered by Medicare, not Medicaid—this was included in the Medicare Modernization Act of 2003. I don't know what brought about the change of mind.

CMS recognizes the transition from Medicaid drug coverage to Medicare is enormous and has been diligently working to ensure the process for beneficiaries is as quick and efficient as possible. Protections are in place to ensure that no full-benefit dual-eligible beneficiary will go without coverage when the new Medicare prescription drug benefit starts on January 1, 2006. All Part D plans that CMS approves must meet strict Medicare regulations and standards guaranteeing that Medicare beneficiaries receive drug coverage that best fits their needs.

Part D plans are required to have a coverage determination process which includes an exceptions process and appeals processes that provide enrollees with opportunities to challenge the exclusion of a particular drug from a plan's formulary. Each plan must have a procedure for making timely coverage determinations on standard and expedited requests made by enrollees. Plans must also make their determinations as expeditiously as an enrollee's health care condition requires, but no later than 24 hours for expedited decisions involving enrollees who will suffer from serious health conditions, and 72 hours for standard decisions.

These formulary and appeal procedures are in place to ensure that there are no instances where a beneficiary is in need of a drug and cannot get it.

To address the needs of individuals who are stabilized on certain drug regimens, Part D plans are required to establish an appropriate transition process for new enrollees who are transitioning to Part D from other prescription drug coverage and whose current drug therapies may not be included in their Part D plan's formulary. Additionally, this amendment presents an unfair situation for States who have already agreed to pay "clawback" payments to the Federal Government. By mandating that State Medicaid Programs also pay for drugs, we would essentially increase the financial burden on the States.

I hope our colleagues will not vote for this amendment. In all honesty, when we talk about the issue of choosing between food and drugs, the Medicare Modernization Act provides a substantial subsidy for low-income seniors for their drug coverage. These seniors will not have to choose between food and drugs, basically because their drugs will be covered. They will not have to choose, as has been stated here, between having enough food to eat and drugs. That is one of the things we tried to take care of when we did the Medicare Modernization Act. Saying that you have to choose between food and drugs is not only wrong, it unfairly scares our senior citizens, and it confuses them. As I said at the beginning of my remarks, 98 percent of all drugs are covered, and that includes HIV/AIDS drugs.

In fact, beneficiaries can use the plan finder tool to find plans that cover specific drugs.

I want to clarify one thing. Seniors who are dual eligibles will receive their Medicare drug coverage on January 1, 2006. It is not true they will not be covered. They will be covered, and they will receive their drug coverage. That is what this bill is supposed to do, and that is what it will do.

I hope our colleagues will vote this amendment down because I think it not only confusing to seniors, but frankly, the way the benefit is devised by CMS, beneficiaries should be able to get all the drug coverage they need.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, I seek time, but I do not have the authority from the floor manager.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. There is 17 minutes left in opposition to the Murray amendment.

Mr. GRASSLEY. I will yield myself 10 minutes of that.

The PRESIDING OFFICER. Without objection, the Senator from Iowa is recognized for 10 minutes.

Mr. GRASSLEY. Mr. President, first of all, I want to make very clear, regarding some of the concerns that have been expressed in support of this amendment, I thought we took them into consideration 2 years ago—did take them into consideration in their policy. I think now that things are rolling out I am even more confident of what we did. So that would apply also to the issues raised here, whether or not beneficiaries have the ability to make decisions about their care, the type of plan they want to be in.

We knew beneficiaries would need to have good resources to learn about the benefits. We have, for instance, a State Health Insurance Information Program that has counselors who can provide one-on-one counseling. CMS has developed a network of community-based organizations to do the same thing. AARP is holding meetings—all over the country, I believe, but I see them noticed in our newspapers all the time. It seems like a massive number of meetings that my senior citizen constituents have gone to.

Do I think nobody could fall through the cracks? Perhaps so. But I think they would have to be people who are very isolated. I know CMS is taken through the mail, and presumably everybody has an address that gets mail. We have taken very good care to make sure people are notified through the mail. If there is one place where there might be a problem, that is the extent to which States might not have everybody in their files. But I have even been satisfied that CMS has been working on that problem for a long period of time.

So because we have thought about these things, I rise to oppose the amendment by the distinguished Senator from Washington.

When we worked on the Medicare Modernization Act, which established this drug benefit program, every State Governor wanted beneficiaries who have Medicaid and Medicare coverage, dual eligibles, to get their prescription drugs through Medicare.

Members of both sides supported this approach. They said Medicare has been a universal benefit, available to all beneficiaries since its inception. The Medicare drug benefit should then be no different.

Those who supported covering dual eligibles under the Medicare drug benefit noted that these beneficiaries would have nothing, no prescription drug coverage, if a State chose to end its Medicaid prescription drug benefit, which it could do. As Senator HATCH said, we even considered an amendment, supported by 47 Senators, to make the benefit available to all Medicare beneficiaries, including Medicare beneficiaries with Medicaid coverage.

For those of us who ultimately supported this approach in the final bill, did we think that we could just wave a magic wand to make the transition happen? As I said, we did not think that. Transitions like this are not easy. We knew that. The Centers for Medicare and Medicaid Services, the agency responsible for making this transition happen and administering the program over a long period of time, knew it would be a big task to transition all those folks into Medicare.

That is why the agency started working on a transition plan—with States and advocacy groups—more than a year ago. In May, the agency issued a 44-page strategy for transitioning this group of beneficiaries into the Medicare drug benefit. That strategy lays out in great detail the steps that the agency will take to ensure continuity of coverage for this vulnerable group of beneficiaries.

First and foremost, these beneficiaries will be assigned to a Medicare prescription drug plan with their coverage effective on January 1st. Folks refer to this as auto-enrollment. This process will prevent any gap in coverage for these beneficiaries. The agency worked with States to develop lists of dually eligible beneficiaries. These lists have undergone rigorous scrutiny to ensure their accuracy and completeness.

Letters informing beneficiaries about the upcoming changes went out today. It clearly states that beneficiaries should choose a plan, but if they don't, they will be assigned to the plan listed in the letter.

The agency included some additional information in a question and answer format. The first question is, "What should I do now?" Among other things, the answer says that beneficiaries should find out which plans cover the prescriptions they take and the pharmacies they want to use.

I know that folks are concerned that a beneficiary might toss aside their letter—we have all done that with mail. That is why pharmacists will have access to the beneficiaries and their assigned plan. So on January 1st, when a beneficiary goes to a pharmacy, the pharmacist can fill that prescription under that plan.

Now, some people are concerned that a beneficiary will be assigned to a plan that doesn't cover a drug they need, and they won't find out until they go into the pharmacy. In its transition guidance to plans, the agency strongly recommended that plans provide for temporary "first fill" of 30 days to provide a transition supply to meet the immediate need of a beneficiary. This is a common practice today.

Any plan that chooses not to do this, had to provide the agency with sufficient detail on how it would ensure that new enrollees stabilized on a drug not on the plan's formulary would continue to have access to the drugs they need. For example, a plan not using the first-fill could have procedures in place to contact enrollees in advance of their initial effective date in order to identify their needs. All of these alternative plans were subject to the agency's approval.

In addition the agency carefully reviewed all of the plans' formularies to ensure that dually eligible beneficiaries would have good access to the drugs they need. Many plans around the nation cover nearly all of the top 100 drugs used by seniors. The agency also required plans to cover all or substantially all drugs in six classes that include drugs most commonly used by seniors.

I also know there is concern that a dually eligible beneficiary might be assigned to a plan that doesn't cover a drug they need or include their pharmacy in its network. That is one reason why the Centers for Medicare and Medicaid Services sent the letters out now. Dually-eligible beneficiaries can still pick whatever plan they want for their coverage on January 1st, but if the don't make an affirmative decision, then they will have coverage through the plan to which they been assigned.

And if that plan doesn't work for them, they can switch plans at any time throughout the year. Any time.

I was among the Senators who voted against the amendment in the Senate, but I obviously agreed to the provisions hammered out in the conference committee.

Now is not the time to change the provisions. Letters have gone out to beneficiaries. Plans have submitted their proposals to the government based on the specifications in the law. Changes now could lead to increased cost for all beneficiaries and Government.

Members argued with great passion as to why this group of beneficiaries should have their drug benefit covered by Medicare. Members of the conference committee worked to make that happen.

The Senate bill was bipartisan and it passed by a vote of 76 to 21. The bill that emerged from conference was bipartisan and passed by a vote of 54 to 44 with the support of 11 Democrats and 1 Independent.

The bill passed because we recognized that if we asked seniors to wait for a perfect bill, that they were going to be left waiting for a long, long time.

The AARP and more than 300 patient advocacy and health care organizations endorsed the final product. The AARP said the final bill "helps millions of older Americans and their families," and is "an important milestone in the nation's commitment to strengthen and expand health security for its citizens. . . ."

The prescription drug benefit is affordable and universal. It will cover about half the cost of prescriptions for the average beneficiary. Dually-eligible beneficiaries will have almost all their drug costs paid.

After years of hard work on both sides of the aisle, Republicans and Democrats came together to pass the Medicare Modernization Act. Now is not the time to reopen this issue.

The Centers for Medicare and Medicaid Services has worked hard to implement the new program. Any changes at this point will almost certainly delay the drug benefit from implementation.

In thinking about the months of negotiating this package, I can tell you that there is no interest from this Senator to reopen and renegotiate the new Medicare drug benefit now.

The time for delay is over. The new Medicare drug benefit was a bipartisan product, it is law, and it is set to begin for all beneficiaries, who have waited long enough for this important benefit.

I agree that every step needs to be taken to ensure that there is no disruption in coverage for these vulnerable beneficiaries.

I believe those steps are being taken. It is my understanding that a number of folks think that this transition will be too confusing for beneficiaries. In my opinion, having some drugs covered by Medicare and some by Medicaid will be even more so.

I urge my colleagues to vote against this amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time remains?

The PRESIDING OFFICER. Four minutes 30 seconds.

Mrs. MURRAY. Mr. President, I will have more to say on this issue, but I would like to use my remaining time to enter into a colloquy with the Senator from Wyoming.

I ask unanimous consent to set the pending amendment aside.

The PRESIDING OFFICER. Is the time being charged?

Mrs. MURRAY. With time being charged. We can charge it against our side. That is fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I rise today to talk about an issue I have been working on for the past year—ending a runaway subsidy in the student loan program.

I ask unanimous consent that Senators DURBIN and CLINTON be added as cosponsors to amendment No. 2353.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, currently students are enjoying low interest rates on their loans.

That was not always the case. In the 1980s, lenders were promised a rate of return at 9.5 percent on their loans when interest rates were high, but we were trying to keep costs down for students. In 1993, when interest rates were coming down, extra payments to lenders on 9.5 percent loans were supposed to phase out. However, they did not start phasing out and were rapidly increasing until I took action with my colleagues to end this practice.

Last year, I along with my colleagues, including Senators KENNEDY and DURBIN, who support closing this loophole passed the Teacher-Taxpayer Act. The Teacher-Taxpayer Act took aim at some of the most egregious abuse of this runaway subsidy and returned that money to student's pockets. However, while the Teacher-Taxpayer Act took great strides forward on this issue, the Federal government is still paying out $1 billion a year on the 9.5 percent loans. I believe we are far overdue in ending this practice.

I have filed an amendment to fully and permanently end the remaining 9.5 percent subsidy loophole, which according to the Congressional Budget Office will provide a savings of approximately $500 million. I have stated my intent repeatedly to finally close the remaining loophole. The Higher Education Act reauthorization bill moving through the House of Representatives closes this loophole and Education Secretary Spellings have called for the ending this remaining loophole.

Mr. ENZI. Will the Senator yield?

Mrs. MURRAY. Certainly.

Mr. ENZI. I thank my colleague from Washington for her work on higher education and for her passion about this issue in particular. She has been very interested in the higher education bill that we approved in committee, and was among those who supported its unanimous approval. My colleague mentioned the Taxpayer-Teacher Protection Act, which I support and which the committee acted to make permanent. I would add that the Taxpayer-

Teacher Protection Act has reduced holdings of these loans by more than $1.2 billion in only 6 months since its enactment.

While various estimates have been given about savings attached to ending recycling, it would also put an end to an estimated $840 million in student benefits provided by non-profit lenders over the next 5 years. By some estimates, that could mean a net loss of nearly $550 million in student benefits. Because of the efforts among lenders to provide the most competitive benefits, it is likely that the net loss in student benefits would be much greater. It is also important for me to point out that the Senator's amendment does not capture these savings for students, it only ends the practice of recycling, so the net loss in student benefits would likely exceed $1 billion.

I would also note that Federal tax law prohibits non-profit lenders from retaining these subsidies that the Senator has described. I ask my colleague if she agrees with my assessment, that Federal tax law prohibits non-profit lenders from retaining the 9.5 percent subsidy, and that excess funds must be returned to the Treasury, or be used to provide student benefits.

Mrs. MURRAY. I would agree with that assessment, yes.

Mr. ENZI. I thank my colleague for her commitment to continue to work with me on this issue in conference and look forward to reaching a compromise on this issue. I believe it is important that we get this issue right, so we can best serve students.

Mrs. MURRAY. I thank the Senator. We may not fully agree on this issue but I commend my colleague's efforts to develop a bipartisan Higher Education Act reauthorization and the challenges in moving such a bill through the Senate on a reconciliation bill.

I thank my colleague Senator KENNEDY for his leadership on this issue, and I look forward to working with him and the chairman through conference on this issue. I appreciate the chairman's commitment to work with me through that process to make sure my voice is heard and interests are met. I think it is critical that, as we work with the House in conference on this issue and others, that we ensure protection and improvement of student benefits, and that any savings generated on this issue be returned to students. We must also work to advance and protect diversity in the lending market, which leads to the competition that provides for improving student benefits in lending.

I thank my colleague for his commitment to working with me and look forward to working with him and Senator KENNEDY through that process.

Mr. KENNEDY. I am pleased to join my colleagues, Senator MURRAY and Senator ENZI, discussing the important issue of ending the practice of providing lenders a 9.5 percent interest rate on student loans. I thank Senator MURRAY for her leadership on the issue. We have been working together to close this loophole for several years now. As she mentioned, we passed the Taxpayer-Teacher Protection Act last year, and that was a good first step in the right direction.

I would also like to thank Chairman ENZI for his willingness to work with us in extending that important piece of legislation in the context of the reauthorization of higher education and for his commitment to continue to work on the issue as we move to conference on that bill.

As Senator Murray pointed out, the Federal Government will spend $1 billion annually in additional interest on recycled loans through this program unless we end the practice completely. There is no doubt that some of the lenders—particularly the nonprofits—are putting that excess profit to good use, but we need to make sure all of this funding is being used in the best way possible to make college more accessible for the neediest students. The best way to do this is to end the practice of recycling. Currently the taxpayers are spending $2.7 million each day that we allow the recycling of these loans, and too much of that is going to line the pockets of for-profit lenders. Too much of that money is adding to the enormous salaries of CEOs instead of helping low-income students realize their dream of going to college. We need to make a conscious choice to help students and not banks.

I look forward to continuing to work with my colleagues, Chairman ENZI and Senator MURRAY, on this issue as we move into conference with the House.

The PRESIDING OFFICER. Five minutes remain in opposition.

Who yields time?

Mr. GREGG. Mr. President, I suggest that by unanimous consent we begin the process of debating the Ensign amendment and that 5 minutes be added. He is here and ready to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2368

Mr. ENSIGN. Mr. President, I call up amendment No. 2368 at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself and Mr. DEMINT, Mr. SMITH, Mr. SUNUNU, and Mr. MCCAIN proposes an amendment numbered 2368.

Mr. ENSIGN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To cut $2,000,000,000 from the converter box subsidy program)

On page 94, line 7, strike "$3,000,000,000" and insert "$1,000,000,000".

Mr. ENSIGN. Mr. President, first, I want to talk about the general part of the Deficit Reduction Act we have before us, and which the Commerce Committee dealt with a major part of. It has to do with the transition to digital television.

It is a confusing issue for a lot of people, the issue of analog television versus digital television. Digital television will bring far superior quality to our television. We hear about high definition. We hear about digital television today. There is a lot of confusion out there.

In 1996, we set out to transition our television sets—actually by the end of this year—over to the digital age, basically the 21st century in television, in which we would have a much higher quality picture for our television.

Because of a lot of reasons—I think a lot of them are political—we aren't to that point. But what we are doing today in this bill is we have all agreed we are going to have a hard date to actually transition to digital television. What is good about it is everybody can start planning. We will know exactly the time we need to transition from the current television signals the broadcasters are using. Actually, many of them are already broadcasting in both digital and analog, but they will know there will be a hard date where they have to get fully geared to broadcast only in digital.

What does this mean for the consumer out there? A lot of people are afraid: Is my television set going to be turned off when this hard date comes into effect? If we do this right, their television will actually work better than it does today. Even their normal analog television will work better when the hard date comes than it actually works today. With the purchase of a little converter box, they will be able to receive that digital signal. Even if they do not have cable television, with their current analog television—which most televisions are today in the United States—they will be able to receive more television channels free without rabbit ears, without the basic cable that they have today. Because of the way technology works today in the digital age, for each one of those stations which they now have, they will get several stations of digital. There will be a lot more programming which they will actually get free over the air. They will not have to pay for it. This is an advantage for people who aren't on cable or satellite when we go to this hard date.

There are a lot of reasons for wanting to have that hard date. For those who know anything about the Internet, we always hear about high-speed Internet, or broadband access.

The United States is falling further and further behind the rest of the world when it comes to broadband or high-speed Internet access. We used to be 11th in the world a couple years ago when it comes to broadband. Today, we have slipped to 16th in the world. Eleventh was unacceptable for the United States, but 16th makes us less competitive in this highly technological world we are in in this global marketplace. We have to do everything we can to advance the United States getting up to speed to the Internet.

If you live in a rural area, one of the things this bill will do today, thanks to the good work by Senator STEVENS, chairman of the Commerce Committee, one of the good things about having a hard date is that we will be able to free up some spectrum when the broadcasters go off analog. There is valuable spectrum they will go off when they convert to digital. When they go off the spectrum, the spectrum will be auctioned and used for a lot of good uses.

If you live in rural America and you want broadband coming into your home, this spectrum will allow broadband to go throughout the United States with very cheap ways of setting up the infrastructure. Today, it is very expensive to wire, to lay down cables or fiber optics in the ground to rural America. This spectrum is going to make it much more affordable to bring broadband or high-speed Internet access to rural America. That is another one of the huge advantages we have for making a hard date.

First responders need the spectrum that the broadcasters currently occupy as well. It will make the radios work better. It penetrates, for instance, stairwells. On September 11, the first responders' radios did not work as well as they should because they do not have the same kind of spectrum they need to make the radios work better. Getting the broadcasters off this analog spectrum will also make their radios work better.

In the bill, we give $3 billion to convert these analog televisions, these little converter boxes that people will need to get for their televisions to work properly if they do not have cable or if they do not have satellite. Three billion dollars, by many experts I have talked to in looking at the experiences of countries such as Germany that have done similar things, $3 billion is not going to be necessary.

First of all, I don't believe that everyone who has one of these television sets should get a subsidy. We should have that subsidy for low- or low-to-moderate-income families only. For somebody who has a lot of money, why should a middle-income taxpayer have some of their tax dollars going to subsidize somebody who happens to have a bunch of TVs in their house that wants a converter box? The average cost is estimated between $45 and $60 when they are in mass production. I don't think it is unreasonable for somebody of means to buy that on their own. Most people buy a new computer for their home every few years for a lot more money than what this converter box will cost.

It is very reasonable to cut the amount we have from $3 billion down to $1 billion for the subsidy. That is exactly what our amendment does. At this time of runaway Government spending, it is important to look at every place we can to save money.

Our amendment says instead of spending $3 billion on converter boxes to give subsidies to everybody in America, we will only spend $1 billion. Right now, we cannot set the policies in place, but we can set the amount in place. Later on, we can come back with the policies that will reflect the billion. The House of Representatives put in their bill $990 million, right around $1 billion, which is what we reflect. They went through the whole committee process. They did the same thing. It is difficult to get our bill out of committee at the $3 billion level, but it is the responsible thing to do for this Senate, instead of subsidizing those who can afford to buy their own converter boxes, to take $2 billion of that and put it toward offsetting some of the spending in other areas with higher priorities at this time.

I reserve the remainder of my time.

Mr. STEVENS. What is the time situation on this amendment?

The PRESIDING OFFICER. The opposition has 16 minutes 30 seconds; the Senator from Nevada has 8 minutes 24 seconds.

Mr. STEVENS. Mr. President, I will use the time in opposition if I need it, and some others may want to speak.

Our committee worked hard on this bill, our portions of this bill, and the $3 billion associated with the converter box funds was derived from a CBO estimate based upon the problems that exist in the so-called analog world. There are an estimated 73 million analog TV sets not connected to cable or satellite.

Our reconciliation measure ends all analog broadcasts on April 7, 2009. By that date, all televisions that rely on antennas have to be equipped with a digital analog converter box. We call that the set-top box. The cost to the consumers to purchase the box is estimated to be $3 billion. This amendment would cut that to $1 billion. That is not enough to meet the problem of these 73 million analog sets.

I call attention to the Senate that there is a difference between the House approach and the Senate approach. The House would use a voucher system. The House estimates there are fewer sets than our estimate of 73 million.

We believe by using the date—that is also subject to a question on an amendment that has been offered by the Senator from New Hampshire—by using the hard date of April 2009, we estimate we will raise a considerable amount more money than a date closer to the present day. The impact of this far date is we have three periods where television sets are bought in great quantities, and during the Christmas period.

To the extent the analog sets are retired by digital-ready televisions, we will not need money. This $3 billion is up $2 billion. We do not automatically throw in the $3 billion. This merely makes available the estimate of $3 billion and earmarks that.

However, I call attention to the Senate that money not spent is earmarked in this bill to go to deficit reduction. It is not going anywhere else. There are specific items.

There will be some amendments offered. I specifically refer to the amendment on page 94, line 10, that any amounts unexpended, unobligated at the conclusion of the program shall be used for the program described in paragraph 3, which is, in fact, the basic debt reduction system.

There are some other complications here that I have gone into before. One of them is, we ought to be able to take this bill to the House for conference and work out with them the best way to deal with the set-top boxes. One of the great problems is that there currently is a range of estimates, as the Senator has mentioned, from $40 to $60. If it is $60, we do not have enough money. If it is $40, we have a little bit left over, and it will automatically go to debt reduction.

I personally think we have problems in the areas that were devastated by Katrina, Rita, and Wilma. The problem there is the televisions were destroyed altogether. It may well be that the cost in those areas will be substantially more than the costs of the set-top boxes. We have to decide that. Someone has to decide to what extent and where the money is coming from to help those people who are not able to buy their television sets, not able to replace them. Will FEMA do it? Are any other agencies going to do it? We will hear arguments that some of this money should be reserved for that. I, personally, support that. This is a fund that is designed to make sure we stay connected with these people.

One of the real problems about the devastated areas—and having lived in an area that was devastated one time by a monstrous earthquake—it is hard to stay in touch without the local news without television, without connection with the outside world. We should think about earmarking some of this money to go into the devastated areas.

Does the Senator from Montana wish time?

Mr. BURNS. Will the Senator yield?

Mr. STEVENS. I am pleased to yield.

The PRESIDING OFFICER. Eleven minutes 25 seconds remains.

Mr. BURNS. If all of the money is not used for the set-top box and there is money left over, yes, it does go to debt reduction, but isn't it also earmarked in there for first responders and spectrum? Did we not talk about them? Basically that is why we are trying to free up a lot of the 700-megahertz block of spectrum.

I understood that was the case. The Senator said it all goes to deficit reduction, but I thought some of it was held in reserve for emergency responders?

Mr. STEVENS. The Senator is right. There are a series of items held in reserve: $200.000 for converting low-power television stations and television translators; $1.5 billion for emergency communications, which includes $1 billion for interoperability, $250 million for the national alert system, $50 million for tsunami warning and coastal vulnerability problems; we have $250 million to deal with the Senator's E911. But after that, the provision strictly says if the proceeds of the auction exceed the sums of payments under all of those, that amount has to go to deficit reduction.

Mr. BURNS. I thank the Senator.

Mr. STEVENS. Again, it is an estimate.

I appeal to let us go to conference and work this out. I favor putting as much money as possible into debt reduction, but there are some people who are going to have to have help in these disaster areas beyond the moneys we have already provided in the other systems. That argument will come to the Senate. I intend to support the concept of using a portion that we have earmarked, $250 million, and there is a move for that to become $1 billion. We are not spending the money. We are authorizing expenditures up to this amount. What is not expended for the programs goes to debt reduction. That is very important for the Senator to remember.

If the Senator wishes to comment on my comments, I will yield.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized with 8 minutes 24 seconds remaining.

Mr. ENSIGN. Mr. President, the Senator from Alaska always makes very good and important points.

I emphasize a couple of things. First of all, I ask unanimous consent that this GAO report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Table 1 provides the cost of a subsidy program under the assumption that cable and DBS providers downconvert broadcasters' signals at their facilities in a manner that enables them to continue to transmit those signals to subscribers as they currently transmit broadcasters' signals. In this case, cable or DBS subscribers do not require any new equipment, so only over-the-air households—approximately 21 million American households—would need new equipment. As shown in table 1, there is considerable variation in the cost of the subsidy program depending on the level of a means test and the price of the set-top box.

TABLE 1.—ESTIMATED COST OF SET-TOP BOX SUBSIDY, ASSUMING CABLE AND DBS DOWNCONVERSION, ONLY OVER-THE-AIR HOUSEHOLDS ARE SUBSIDIZED

Assumption about means test	Percent of over-the-air households eligible	Number of households subsidized (in millions)	Cost of subsidy, by estimated cost of set-top box (dollars in millions)	
			$50 set-top box	$100 set-top box
Means test at 200% of poverty level	50	9.3 (7.8–10.7)	$463 ($391–534)	$925 ($782–1,068)
Means test at 300% of poverty level	67	12.5 (10.9–14.1)	626 ($545–707)	1,252 ($1,090–1,415)
No means test	All	20.8 (19.1–22.6)	1,042 ($954–1,130)	2,083 ($1,907–2,259)

Source: GAO.
Notes: Ninety-five percent confidence intervals in parentheses.
Analysis based on the status of television households in 2004.

Mr. ENSIGN. Mr. President, the reason I hold up this report, partly to respond, during the hearings we had on transitioning from the analog spectrum to digital, we had the Germany experience where parts of Germany transitioned, and they had a program to subsidize some people who would need to make their analog sets operate in a digital world. When they had this program in Germany, not nearly as many people participated in it as their government expected to happen.

The GAO report said if there were no means test, it would cost about $1 billion for all of the over-the-air broadcast televisions, one per household for all of those who do not have cable and who do not have satellite television. This is for, on average, about $50 per set-top box.

Now, what I have said, and what I would like to see happen, is that we means test this, that anybody, let's say, who is up to 200 percent of poverty would be the only ones subsidized for a set-top box. If we did that, we could buy every one of those households two set-top boxes for under $1 billion, and we would have enough money left over to administer the program. And that is if 100 percent of the homes participate—100 percent.

Now, I think it is reasonable for us to expect that not 100 percent of the homes are going to participate, but that is even with 100 percent of the low-income homes participating. Even if they do, we will have enough money in the program to buy every household, of 200 percent of poverty or below, two of these set-top boxes to make sure their analog television works when we transition over to the digital age.

So I think it is very reasonable for us to only have $1 billion—which "only $1 billion" around here is a low number, I guess, but it is still a lot of money. I think that is plenty of money for us to transition.

Let us not forget that their televisions are going to be working better. It is not like we are just giving them the same service. They are going to get more services. First of all, their TV sets will work better. The picture will be clearer. When you have over-the-air broadcasts today, and you have rabbit ears, it is not a very clear picture. There is a lot of fuzz, and a lot of times it is not great reception.

In the digital age, your television will be much clearer. And for every one of those television stations you currently have, you will also have other stations—weather channels, news channels—broadcasting over the air for free. You will get a lot more services for less money. So I don't think, for anybody making above 200 percent of the poverty level, it is unreasonable for us to ask them to buy their own set-top boxes. That is why I think there will be plenty of money, even at the billion-dollar level, to be able to handle these things and some of the other things that may be needed down in the gulf coast.

But I look forward to working with the chairman of the committee. I always hate to go against him because he is so accommodating on the committee. But this is something we will look forward to working with the chairman on as we move through this process.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, how much time remains in opposition?

The PRESIDING OFFICER. There is 9 minutes 4 seconds.

Mr. STEVENS. Mr. President, I think we ought to make certain that the people are providing service to these analog sets now. The National Association of Broadcasters opposes this amendment. Furthermore, I oppose it for the main reason that we are bringing into this country enormous supplies of what are called digital television sets now, but they are not digital-ready. They are still analog, in effect.

We wanted to put on this bill a provision that said you cannot bring into this country or manufacture in this country a set, from a certain date—say, 90 days from now—that is not digital-ready.

It cannot operate without a converter box. The difficulty is, consumers are buying thousands and thousands and thousands—into the millions now—of sets, believing they are ready, but they are not ready. They are digital, but they are not digital-ready. They will not operate without a converter chip or converter box. Under the circumstances, we rely on the estimate of 73 million sets.

Now, it isn't an argument: How many converter boxes should there be? Every set that is out there needs a converter box to operate. I am told by my staff, 20 million sets are sold annually, and still more than half of them are analog. There are a few of the very high-priced sets that are digital-ready. Some of these sets are in the bedrooms of the elderly. They are in elderly care centers. Every room has a little set.

Now, who are we to say there are sets out there that don't get converter boxes? That may be determined at a later date by the Congress in a bill we have to bring forward, a new communications bill. But for this estimate now, we have to rely upon the estimate we have, that there are at least 73 million sets out there that need a converter box, once we reach the hard date. So that is where the $3 billion came from.

Again, I thank my friend from Nevada for his kind comments. But we have to operate on the basis of dealing with the worst case in terms of providing money. We have done that. This is the worst case we can face, this $3 billion. So we have authorized up to $3 billion. To the extent it is not used, and not used for 9/11, not used for interoperability, not used for first responders, not used for disaster areas, it will go to debt reduction.

Our committee has raised far more than was requested of us, and that is the problem.

We have the luxury of an estimate that says the spectrum auction will bring in more than $10 billion. That may be conservative. Many of my people tell me, once we reach that hard date, the demand for this spectrum is going to be so large that we cannot even estimate the amount of money that is going to be there. So $3 billion is not out of hand.

I urge my friend from Nevada to realize we are not appropriating the money. We are saying up to $3 billion. I urge the Senator not to change that now. Let us go to the House. Let us work with the best available information. Let us try to get this bill back to the Senate as a conference report before this year ends.

If we do not do it and get that other amendment in there somewhere that limits the future production of analog, or less-than-digital-ready sets, this demand for money is going to go up. All those sets are being bought now. Those new sets need a converter box. They are not digital ready.

So again, I thank my friend. I do not think there is anyone else who wants to speak on this amendment. I am prepared to yield back my time, based upon the Senator's comments.

I yield the floor.

Mr. ENSIGN. Mr. President, how much time do I have?

The PRESIDING OFFICER. Four minutes.

Mr. ENSIGN. Mr. President, I will take a couple more minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, first of all, I want to explain to everybody how important it is what the chairman of the Commerce Committee has done in getting us a hard date. Less than a year ago, in the Commerce Committee, there was no way we were going to have a hard date. People were talking maybe it would be 3, 4, 5, 6, 7 years from now. Some people said we would never have a hard date to convert from the analog TV over to digital. So the committee chairman deserves a great deal of credit for actually getting us to this time, where we are going to have a hard date.

But the reason I think this is a reasonable amendment—and I would just reemphasize to my chairman—is I believe this program should be means tested, that it should not be for everybody in America, millionaires and the like, to be able to get a digital converter box. If they do not have cable in their homes, it is because they choose not to. So they should be able to buy their own converter boxes.

As I talked about this GAO study I have, if we limit it to people who are at 200 percent of poverty and below, we can buy every one of those households two converter boxes for less than $1 billion. If we do not cut the money down from $3 billion to $1 billion, I am afraid we will subsidize every income level home in America, and this money will not go for deficit reduction, that we will actually spend up to the $3 billion.

So that is the purpose for offering this amendment. It is to try to guide the policy in the future, not just the money today.

Mr. President, I yield back the remainder of my time.

Mr. INOUYE. Mr. President, I rise in opposition to the amendment by Senator ENSIGN that would reduce the maximum amount authorized for the converter box subsidy program from $3 billion to $1 billion. A similar amendment was considered by the Commerce Committee and was soundly defeated by a vote of 19 to 3.

The consumer converter box subsidy program is an essential part of making sure that those consumers who today rely on over-the-air analog television are able to make a smooth transition to digital television that does not render their existing analog TV sets obsolete.

Without a robust subsidy program, over-the-air households—which are disproportionately minority, elderly and poor—will face a significant burden. Moreover, because the Commerce title transfers any unobligated funds from the converter box subsidy account to the account that will fund interoperable public safety equipment, this amendment would end up hurting first responders in their ability to get new equipment that can use this newly cleared spectrum.

Because of significant uncertainty as to consumer demand and the expected cost of converter boxes, we must leave the fund at $3 billion and err on the side of caution.

For this reason, I must oppose this amendment. I am joined in my opposition to the Ensign amendment by the AARP, Consumer Federation of America, Consumer's Union, U.S. PIRG, National Hispanic Media Coalition, Mexican American Legal Defense and Educational Fund, League of United Latin American Citizens, and the Puerto Rican Defense & Education Fund, among others.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, I believe all time has expired on this amendment. I believe the Senator from Alaska yielded back his time.

The PRESIDING OFFICER. That is correct.

Mr. GREGG. Mr. President, in a few minutes, I think Senator LANDRIEU is going to be over here to offer the final amendment of the day.

AMENDMENT NO. 2392

Pending that, I ask unanimous consent to strike the language on page 41, beginning on line 3 through line 11.

The PRESIDING OFFICER. That is of the bill.

Mr. GREGG. Yes.

This is a unanimous consent request to strike the language.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Amendment (No. 2392) was agreed to, as follows:

On page 41 of the bill, strike lines 3 through 11.

Mr. GREGG. Mr. President, we will support an effort to pass legislation to make the technical change deleted from our bill in a more appropriate vehicle.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, very briefly, we now are going to go to the Landrieu amendment. I understand Senator LANDRIEU is on her way to the floor. She will have from 5:30 to 6 o'clock. At that time, we will be done.

I see Senator LANDRIEU now in the Chamber. We will then be finished with the debate on reconciliation, which means we then go to votes on the amendments. I want to again alert our colleagues, we have 15 amendments already pending. That is 5 hours of solid voting. We would like to send the message, as clearly as we can, to our colleagues: 15 amendments is probably enough. We do not need to add to the time of the Chamber with additional amendments.

I think we have had a very good, full debate on reconciliation. We hope very much that 5 hours of solid voting will be sufficient.

I thank the Chair and yield the floor.

Mr. President, I ask unanimous consent, if the Senator from Louisiana is ready, that we could begin on her amendment at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

AMENDMENT NO. 2366

Ms. LANDRIEU. Mr. President, I ask unanimous consent to call up amendment No. 2366.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 2366.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds for payments to producing States and coastal political subdivisions under the coastal impact assistance program)

On page 95, line 21, before the period at the end insert the following: ", of which $1,000,000,000 shall be transferred to the Secretary of the Interior to make payments to producing States and coastal political subdivisions under section 31(b) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(b))".

Mr. GREGG. Mr. President, we will support an effort to pass legislation to make the technical change deleted from our bill in a more appropriate vehicle.

Ms. LANDRIEU. Mr. President, thank you very much. I appreciate the leaders providing me with an opportunity to speak, briefly, about this amendment.

There have been very important amendments that have been offered and debated throughout the day. As the managers have expressed, we will be voting probably into the night and tomorrow to try to finish budget reconciliation. But one of the amendments I have brought today to speak about is one of the most important things we are going to need as a foundation for the recovery of the gulf coast.

We have had many discussions about the aftermath of Hurricanes Katrina and Rita—two major hurricanes that have hit the gulf coast. And, of course, Wilma hit Florida recently. And there was the subsequent breaking of a levee system that just devastated a major American city and region—one we are still reeling from, as our local officials, our business leaders, our university presidents, our general community struggles to try to provide a framework for rebuilding. We are in the midst of that great debate.

The reason it is so difficult—as you can imagine from your own experience as a leader, I say to the Presiding Officer—is that when this has never happened before, there is no textbook. The tragedy is of such magnitude and is unprecedented in nature that there is no textbook you can go to, to say: Here is step one, step two, step three, as to how to rebuild south Louisiana, southern Mississippi, parts of Alabama and Texas.

We have had some expedience with hurricanes before. I am not suggesting we have not. But we have not had the experience of a devastation, the kind we are experiencing right now in the New Orleans metropolitan area region—including Saint Bernard Parish, Plaquemines Parish, Saint Tammany Parish, Jefferson Parish, Washington Parish, Tangipahoa Parish—and all along the southern part of Mississippi, and the southwestern part which was hit by Rita.

I am going to be showing some pictures of it in a moment so that my colleagues can continue to see—not just hear, but to see—pictures of the devastation.

So I come to the floor today to offer an amendment for this body to consider that will move some money we have identified in reconciliation to our coastal restoration program.

In the last Energy bill, by a bipartisan vote of the House and the Senate, with the support of the administration, we were able to secure a downpayment, if you will, on a new coastal plan that will help not just Louisiana, but the producing States that generate so much money for the general fund through oil and gas production off of our shores.

It was a significant step in the right direction. It happened a few weeks before Katrina and Rita hit, and it gave a spark of hope to people in our part of the country that Congress was listening and understood that the Federal Government had to provide not just mandates, not just plans, not just studies, but real money to help us secure better coastal protection. I only wish we had done this 20 years ago because maybe we could have prevented some of the damage from Katrina, but we didn't. And we can talk about why we didn't and what the consequences are, but it is more productive to talk about what we can do now.

As we debate how to prioritize our money through reconciliation—some for increased investments, some for tax cuts, some for deficit reduction—I wanted to come to the floor to offer an amendment that would provide an additional billion dollars for coastal restoration.

In Louisiana, we are the hub of the oil and gas industry, along with Texas and Mississippi. This is a picture of one of the major pipelines that comes off of our shore through the marshland. I am not sure if this pipeline is oil or gas, but it is one or the other because they have to be in separate pipelines. They are laid down through our marsh. These are the lifelines, if you will, to light up the country, whether it is Chicago or New York or California. The price of gas is extremely high. The price at the gas pump is high. We don't have enough of these pipelines in the country, and we are not conserving enough. We are working on both—increasing production and conserving more. But right now, this pipeline exists.

As you can see, when the hurricane struck, the levee systems of this pipeline were broken and water started moving and gushing into this marsh. Saltwater comes in and the marsh starts fading away. It is basically eaten up by saltwater coming in. We need to be constantly vigilant about maintaining proper levee systems. Some of this work has to be done by the private companies that laid down the pipelines, but the Federal Government has a great role to play in investing wisely and strategically to help keep this marsh healthy. It protects the city of New Orleans and, most importantly, it protects the whole region and, most importantly, it protects the mouth of the Mississippi which serves as such a trading hub for the Nation.

This is another picture that shows the devastation of the wetlands loss that was in National Geographic. It is particularly moving. This is a man who is holding up a picture of a camp that his grandparents—right off of Empire, LA—used to have when he was a child. This is probably 40 to 45 years ago, maybe a little bit longer. It is small, but you can see the healthy marsh that once existed behind this home.

This is what it looks like now. You can't see marsh for miles and miles. It has been eaten up. We have been here now year after year saying: Every investment that we can make, we can restore this marsh. We can't restore every acre we have lost, but we know that our scientists and our engineers can restore a lot of this marshland. The marshland serves—south of Louisiana, south of New Orleans, and in the southern part of our State—as a great protective barrier. It protects not just people and businesses, but the energy infrastructure, the pipes, the refineries that exist to help our Nation continue to grow.

Investments of this nature are quite important.

Without a continuing affirmation from this Congress that we understand investments in coastal protection are important and we are giving real money to it, I am afraid anything we do will be for naught to rebuild the New Orleans region. Because people have told me—poor, middle income, and wealthy, business people and workers—Senator, I cannot bring my family back. I won't bring my family back. I can't build my business back unless I have some security or sense that the administration and this Congress are going to help us build a levee system so we don't wash away again.

Think about that. Why would someone who lost their home or their business, even if they received an insurance check—which some people have, not all people, and we are working on that—even if they received a $250,000 insurance check to rebuild their building, why would they, if they think this is what their house or their neighborhood might look like? This is a little dramatic because, of course, this is not what New Orleans looks like. This is outside of the city, but this is what Plaquemine and St. Bernard look like. Why would someone take an insurance check? To be clear, we wouldn't give someone an insurance check to build a house such as this in this area because we are going to build smarter, better, and higher. There will be some places people can't go back and rebuild.

But in the middle of the metropolitan area, in a neighborhood that never flooded before, people have checks. And they are saying: I am afraid to rebuild my house. What if a big rainstorm comes or another hurricane and washes us away.

Anything we can do, whether it is a half a billion, a billion, next year coming back with some more—we are not expecting $20 or $40 billion in one shot. We know that is a lot of money. But we have to get a little bit every year so we can give people hope that this can be done.

Basically, that is what the amendment does. We have had great support from Chairman DOMENICI, from Ranking Member BINGAMAN. We have had good support from Senator STEVENS, an understanding from Senator STEVENS and Senator INOUYE on the Commerce Committee, because they share jurisdiction, although the Energy Committee has jurisdiction over the Outer Continental Shelf. Most certainly, the Commerce Committee understands the importance of coastal because it is under their jurisdiction. That is basically what the amendment does. We will be voting on it tomorrow. I am hopeful we can get good support for the amendment and lay an additional downpayment on top of that money that we did for energy and get that done.

AMENDMENT NO. 2352

I see my colleague Senator KENNEDY here. We wanted to speak for a moment on another amendment that is pending. I yield a minute to Senator KENNEDY to speak on the education amendment of Senator ENZI.

How much time do we have left, please?

The PRESIDING OFFICER. The Senator has 5 minutes 20 seconds.

Ms. LANDRIEU. Shall I yield some time to Senator KENNEDY of that 5 minutes? I am happy to yield about 3 minutes to him.

Mr. KENNEDY. That would be fine.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. If the Chair would let me know when there is 1 minute remaining.

In a bipartisan way, our Health and Education Committee, under the leadership of Senator ENZI, has found some $2.7 billion that can be used for education. Under the Landrieu amendment, $1.1 billion of that will be used to reduce origination fees that help students all over the country. The rest, $1.6 billion, would be used to help the 370,000 children who have been displaced as a result of Hurricane Katrina.

This will be the only opportunity in the Senate to help children who have been displaced from their education. This is the only opportunity for the Senate to take action. On August 29, when that hurricane came through the gulf and flooded Louisiana and caused havoc along the coast, schools were decimated. Hundreds of thousands of children have all been displaced. Schools—public, private, and also church-related—have welcomed these children into their midst, across the Nation. This amendment is one-shot, one-time, temporary assistance to those schools that are accepting displaced children and need support.

There are some who have said: We can't do this because this is a voucher program. I have been opposed to vouchers because we have scarce resources. And if we have scarce education resources, we ought to use them for public schools. We don't have that choice today. There are no public schools. This was an equal opportunity disaster for children. Protestant, Catholic, Jewish, across the gulf. We have one opportunity, only one opportunity, to provide some help, and it is our amendment. We provide all kinds of protections to ensure this aid is temporary and for the schools that opened their doors to displaced students. This is about children. It is simple. These children, these schools, need assistance.

I reject those arguments that say this is a foot in the door. I was around here when we passed Medicare, and they said: This is socialized medicine. That was poppycock then. It is poppycock now.

Let us help those children. Let's say for those children who were impacted by this disaster, let us provide help to the schools that have opened their arms to embrace these children for a limited period of time.

I thank the Senator from Louisiana for sponsoring the amendment with my distinguished colleagues on the Education Committee and myself, and I urge the Senate to approve the amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank the Senator from Massachusetts for his strong advocacy and support. Without his leadership and that of Senator ENZI, we would not be where we are today on the Enzi-Kennedy-Alexander-Landrieu amendment.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes.

Ms. LANDRIEU. Mr. President, I reserve that time. There may be opposition. I am hoping not. I would be happy to yield back all the time if the manager wants to move on.

The PRESIDING OFFICER. The Senator may reserve the time.

Who yields time?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I am sympathetic to the concerns of the Senator from Louisiana relative to the needs of the children who have been affected so significantly by the event. I especially appreciate the fact that Senator KENNEDY has come to the floor and supported essentially a program which will allow the dollars to follow the children versus a program which would be more school centric and, therefore, you could call it a voucher. Whatever you want to call it, I call it good sense to allow these dollars to follow the children. Hopefully, that will be the way the final package is arranged.

The only issue is whether the money comes from the additional savings which came out of the HELP Committee or whether the money comes from the $40 billion which has already been appropriated as a part of the original Katrina supplementals, the additional supplementals that may follow. So where the money comes from is the issue. As the amendment process goes forward tomorrow and we determine whether these dollars are still available and whether it is appropriate to use these dollars or whether we should look toward the supplemental, in any event, the program should be paid for.

At this point, I am going to move on to another subject, unless the Senator wants to respond to my comments with her 2 minutes.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I will respond. I thank the Senator for his interest in helping out in this extraordinary circumstance with 370,000 children displaced. I wanted the Senator to know, of course, I have been in and out of the city many times. I spoke to one of my relatives and asked, how is the neighborhood looking?

She said: Mary, it is so strange. There are no children anywhere in the city of any age. You don't see any children.

As Senator KENNEDY said, the reason is because we have no school system. Three-hundred and seventy thousand children have moved to other public and private systems, grateful to anyone who would take them in.

I thank our colleagues for coming together in this bipartisan way—Senator ENZI, Senator KENNEDY, Senator ALEXANDER, Senator DODD—to put together an amendment that is not a voucher program, not a traditional "help public schools only." It truly is a bipartisan compromise to try to help in an extraordinary situation.

I hope tomorrow, when we have this vote, we will get a positive vote. I thank the Senators for allowing us to offer the coastal amendment. We have a lot of support for this. Again, it will add to the money we already have. We will need more over time, but every little bit at this point helps to give people hope that they can come back to this region, live safely and securely with floods and rainstorms, hurricanes, and other disasters.

I yield back the remainder of my time.

Mr. DODD. Mr. President, I rise in support of the amendment introduced by Senator ENZI. This amendment is designed to do two things: provide additional savings to postsecondary students by lowering origination fees on student loans and provide immediate relief to K–12 students affected by Hurricane Katrina. The K–12 portion of the amendment is based, in part, on the Hurricane Katrina Elementary and Secondary Education Recovery Act introduced by Senators ENZI, KENNEDY, ALEXANDER, and myself just weeks ago. Like the bill, the amendment is designed to provide much needed relief to the children, families and schools devastated and affected by Hurricane Katrina.

Two months ago, hundreds of thousands of children were displaced by Katrina. Schools in the Gulf States were damaged and in many cases, destroyed. But schools in the Gulf States were not the only ones affected.

In response to this unprecedented crisis, schools across the country took Gulf State students in, offering them a safe haven, a place to learn and some sense of normalcy and routine. The willingness of these schools to take students in without hesitation point to the education system as an integral part of our communities. The amendment before us assists these schools and the schools directly impacted in a number of ways.

First, it provides immediate aid to restart school operations in the districts devastated by Katrina. In the wake of the hurricane, the HELP Committee held a hearing on the devastating affects of the storm. At this hearing, the superintendent of Jefferson Parish Schools in Louisiana said that if "you rebuild the schools, they will come." Through these comments, she helped us understand that rebuilding schools will have a major impact on the economic viability of the communities directly impacted by the storm. She reminded us of something that we already knew, that schools are the heart and soul of communities.

The amendment also provides financial assistance for displaced students wherever they are currently enrolled in school. Through these provisions, public and nonpublic schools will receive assistance for specified purposes as long as materials purchased and services provided are secular and neutral in nature and are not used for religious instruction, indoctrination or worship. This provision recognizes that in taking students in, schools around the country may need a little extra support in getting these students the services that they need and the education that they deserve.

Additionally, the amendment also allows the Secretary of Education to delay for up to 1 year the highly qualified provisions within the No Child Left Behind Act for teachers affected by Katrina. This provision recognizes that like students, teachers and paraprofessionals have been displaced and should not be professionally penalized because of this.

Mr. President, collectively these provisions provide temporary, emergency impact aid for displaced students. It is temporary in that it sunsets at the end of the current school year, emergency in that it is necessary because of the extraordinary circumstances that we have been presented with, and impact aid as it is assistance for those schools that have been impacted as thousands of children and their families have left the devastated areas.

Most importantly, by attaching this legislation to reconciliation we are providing students with assistance now. It has already been 2 months since the hurricane devastated the Gulf region. These children cannot and should not have to wait another day for the assistance that we promised in the wake of the storm 2 months ago.

Today, we are reaching out to all students because it makes sense, because it gets kids back on their feet as quickly as possible. As I have said before, we are not changing the generic laws. The level of assistance we are providing to nonpublic schools is being authorized solely because of the unprecedented nature of the crisis, the massive dislocation of students, and the short duration of the assistance. I cannot underscore this enough—The provisions in this bill are a departure from Federal law but they are a temporary departure in light of extraordinary events.

Next school year, in terms of assistance to nonpublic schools, we will go back to the ways things are. For now, we will get students the assistance they need. They deserve as much.

Mr. CONRAD. Mr. President, I ask unanimous consent that the following material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROVISIONS OF S. 1932 EXTRANEOUS PURSUANT TO THE BYRD RULE

(Prepared by the Senate Budget Committee Democratic Staff)

TITLE I AS REPORTED BY COMMITTEE ON AGRICULTURE

No apparent violations.

TITLE II—AS REPORTED BY BANKING, HOUSING, AND URBAN AFFAIRS COMMITTEE

Provision	Violations	Description of provision
Section 2001	Sec. 313(b)(1)(A)—no chg in OL/revs	Short title
Section 2002	Sec. 313(b)(1)(A)—no chg in OL/revs	Definitions

Provision	Violations	Description of provision
Section 2003	Sec. 313(b)(1)(D)—any change in outlays or revenues is merely incidental.	Merges Banking Insurance Fund (BIF) and Savings Association Insurance Fund (SAIF) into one fund. Merging funds has negligible, if any, budgetary effect.
Section 2004	Sec. 313(b)(1)(D)—any change in outlays or revenues is merely incidental.	Establishes new "Deposit Insurance Fund" to replace separate BIF and SAIF. Merging funds has negligible, if any, budgetary effect.
Section 2005	Sec. 313(b)(1)(A)—no chg in OL/revs	Technical and conforming amendments to merging two trust funds.
Section 2006	Sec. 313(b)(1)(A)—no chg in OL/revs	Other technical and conforming amendments to merging two trust funds.
Section 2007	Sec. 313(b)(1)(A)—no chg in OL/revs	Effective date.
Part of Sec. 2014. p. 77 lines 11-25	Sec. 313(b)(1)(A)—no chg in OL/revs	Requirement to report to Congress.
Sec. 2018	Sec. 313(b)(1)(A)—no chg in OL/revs	Studies of potential changes to the Federal Deposit Insurance System.
Sec. 2019	Sec. 313(b)(1)(A)—no chg in OL/revs	Effective date.
Sec. 2025	Sec. 313(b)(1)(A)—no chg in OL/revs	Authorization of appropriations.

TITLE III—AS REPORTED BY COMMERCE, SCIENCE, AND TRANSPORTATION COMMITTEE

Provision	Violations	Description of provision
Subsections 3005(c)(2)-(5)	Sec. 313(b)(1)(E)—increases deficit in fiscal years 2011 & 2012	Authorizes spending by the Secretary of Commerce or the Secretary's designee on a number of activities. Spending occurs outside the five-year budget window.
Subsection 3005(d)	Sec. 313(b)(1)(A)—does not produce a change in outlays or revenues.	Directs the Secretary of Commerce to transfer $5 B from the new Digital Transition and Public Safety Fund to Treasury's general fund. Provision does not score and has not net effect on the budget (intragovernmental transfer).
Subsection 3005(f)	Sec. 313(b)(1)(A)—does not produce a change in outlays or revenues.	Directs that excess savings be transferred to Treasury's general fund. Provision does not score and has no net effect on the budget (intragovernmental transfer).

TITLE IV—AS REPORTED BY ENERGY COMMITTEE

Provision	Violation	Description of provision
Title IV	313(b)(1)(D)—merely incidental	Authorizes oil and gas drilling in the Arctic National Wildlife Refuge (ANWR).
Sec. 401(a)(2)	313(b)(1)(D)—merely incidental	Defines "Secretary." The phrase "acting through the Bureau of Land Management" transfers authority over ANWR to the Bureau of Land Management from the Fish and Wildlife Service.
Sec. 401(c)(2)	313(b)(1)(D)—merely incidental	Deems ANWR to be compatible with uses of National Wildlife Refuge. Overrides existing framework for determining compatibility.
Sec. 401(c)(3)	313(b)(1)(D)—merely incidental	Overrides requirements of National Environmental Policy Act (NEPA) for pre-lease activities. Deems 1987 impact statement to be sufficient to satisfy NEPA requirements.
Sec. 401(c)(4)	313(b)(1)(D)—merely incidental	Overrides NEPA requirements regarding identification of leasing/nonleasing alternatives.
Sec. 401(c)(5)	313(b)(1)(D)—merely incidental	Expedited judicial review. Must file within 90 days of action being challenged.
Sec. 401(e)	313(b)(1)(D)—merely incidental	Rights of way requirements. Overrides Alaska National Interest Lands Conservation Act's procedures for transportation rights of way within the Alaska refuges.

TITLE V—AS REPORTED BY THE ENVIRONMENT AND PUBLIC WORKS COMMITTEE

Provision	Violation	Description of provision
Sec. 5001(b)	Sec. 313(b)(1)(E)—increases deficit in a year after 2010	Delays effective date of a highway bill provision that allows the State of Alaska to spend its federal-aid highway contract authority without a limit on obligations.

TITLE VI—AS REPORTED BY THE FINANCE COMMITTEE

Provision	Violation	Description of provision
Sec. 6012(b)	Sec. 313(b)(1)(A)—no chg in OL/rev	Requires HHS Secretary to develop uniform standards for Long Term Care Partnerships and make recommendations to Congress.
Sec. 6012(c)	Sec. 313(b)(1)(A)—no chg in OL/rev	Requires annual report to Congress re. Long term Care Partnerships.
Sec. 6022	Sec. 313(b)(1)(A)—no chg in OL/rev	Limits state Medicaid Agencies' use of contingency fee arrangements with consultants and contractors.
Sec. 6026(c)(3)	Sec. 313(b)(1)(A)—no chg in OL/rev	Requires HHS IG annual report to Congress regarding use of appropriated funds.
Sec. 6036(e)	Sec. 313(b)(1)(A)—no chg in OL/rev	Requires reports and recommendations.
Portion of Sec. 6055 on p. 230, lines 21-23	Sec. 313(b)(1)(A)—no chg in OL/rev	Reporting requirement.
Sec. 6103(c)(d)	Sec. 313(b)(1)(A)—no chg in OL/rev	Requires HHS study and report.
Sec. 6103(d)	Sec. 313(b)(1)(A)—no chg in OL/rev	Establishes rehabilitation advisory council, requires reports/recommendations to Congress.
Portion of Sec. 6110 on p. 284, lines 5-22	Sec. 313(b)(1)(A)—no chg in OL/rev	Authorization of appropriation.
Sec. 6113(d)	Sec. 313(b)(1)(A)—no chg in OL/rev	Requires report to Congress to evaluate rural PACE pilot sites.

TITLE VII—AS REPORTED BY HEALTH, LABOR, EDUCATION AND PENSIONS COMMITTEE

Provision	Violation	Description of provision
Sec. 7101(b)	Sec. 313(b)(1)(A)—no chg in OL/rev	Sense of Senate Language.
Part of Sec. 7102. p. 371, line 19—p. 372 line 19	Sec. 313(b)(1)(A)—no chg in OL/rev	Findings and purpose for the National Smart Grant Program.
Part of Sec. 7102. p. 374 lines 6-11	Sec. 313(b)(1)(A)—no chg in OL/rev	Allows schools to provide matching assistance.
Sec. 7107(c)	Sec. 313(b)(1)(A)—no chg in OL/rev	Provides additional loan deferment from repayment for Perkins Loan borrowers serving on active duty during a war or other military operation or national emergency.
Sec. 7109	Sec. 313(b)(1)(A)—no chg in OL/rev	Repeals the single holder rule, which requires borrowers to obtain consolidation loans from current lender if that lender owns all their loans.
Sec. 7122(b)	Sec. 313(b)(1)(A)—no chg in OL/rev	Requires an evaluation of the simplified needs test.
Sec. 7153(d)(3)	Sec. 313(b)(1)(A)—no chg in OL/rev	Waives requirement for return of Perkins Loans that have been disbursed at institutions impacted by Hurricane Katrina.
Sec. 7153(h)	Sec. 313(b)(1)(A)—no chg in OL/rev	Allows Secretary to modify the teacher quality enhancement grants program.
Sec. 7153(i)	Sec. 313(b)(1)(A)—no chg in OL/rev	Provides Secretary waiver authority to modify authorized uses of grant programs including TRIO, GEAR UP, & teacher quality.
Sec. 7153(j)	Sec. 313(b)(1)(A)—no chg in OL/rev	Allows the Secretary to extend or waive certain data reporting deadlines and requirements.
Sec. 7154-7157	Sec. 313(b)(1)(A)—no chg in OL/rev	Allows Sec. to waive HEA provisions/regs; waives statutory requirements; & requires inspector general audit and report.
Sec. 7201(d)(3)	Sec. 313(b)(1)(A)—no chg in OL/rev	Provides that the bill's premiums do not take effect if comprehensive pension reforms achieving same savings are enacted this year.
Sec. 7311	Sec. 313(b)(1)(A)—no chg in OL/rev	Updates the names of the House and Senate authorizing committees.
Sec. 7314	Sec. 313(b)(1)(A)—no chg in OL/rev	Includes provisions dealing with student speech and association rights.
Sec. 7315	Sec. 313(b)(1)(A)—no chg in OL/rev	Extends the National Advisory Committee on Institutional Quality and Integrity.
Sec. 7316	Sec. 313(b)(1)(A)—no chg in OL/rev	Reauthorizes higher education drug and alcohol abuse prevention programs.
Sec. 7317	Sec. 313(b)(1)(A)—no chg in OL/rev	Provides authorization of appropriations.
Sec. 7318	Sec. 313(b)(1)(A)—no chg in OL/rev	Requires the Secretary to make public information about the costs of higher education.
Sec. 7319-7320	Sec. 313(b)(1)(A)—no chg in OL/rev	Amends the Performance Based Organization, which administers student aid programs.
Sec. 7331	Sec. 313(b)(1)(A)—no chg in OL/rev	Reauthorizes the teacher quality enhancement grants program.
Sec. 7341-7351	Sec. 313(b)(1)(A)—no chg in OL/rev	Reauthorizes programs supporting Historically Black Colleges & Universities, Native Hawaiian & Alaskan Institutions, Tribal Colleges & Universities, & professional/grad institutions for minority serving institutions.
Sec. 7362-7370	Sec. 313(b)(1)(A)—no chg in OL/rev	Reauthorizes federal student aid grant programs, including TRIO, GEAR UP, SEOGs, LEAP, Byrd scholarships, etc.
Sec. 7386-7389	Sec. 313(b)(1)(A)—no chg in OL/rev	Requires lenders to provide borrower repayment info to credit bureaus & more consumer info.
Sec. 7391-7395	Sec. 313(b)(1)(A)—no chg in OL/rev	Reauthorizes federal work-study program.
Sec. 7412-7413	Sec. 313(b)(1)(A)—no chg in OL/rev	Amends terms of Perkins loans. Provides loan cancellation for early childhood educators, instructors at Tribal Colleges or Universiteis, and librarians with master's degrees serving in Title I schools or libraries.
Sec. 7432	Sec. 313(b)(1)(A)—no chg in OL/rev	Requires the Secretary to provide schools with a calendar of regulatory requirements.
Sec. 7437-7439	Sec. 313(b)(1)(A)—no chg in OL/rev	Requires schools to provide students with description of credit transfer policies and makes other transfer policy changes. Requires early assessments to students of financial eligibility.
Sec. 7442-7443	Sec. 313(b)(1)(A)—no chg in OL/rev	Extends experimental sites. Amends provision allowing schools to transfer funds between Perkins loans, Work-study, & SEOG.

Provision	Violation	Description of provision
Sec. 7445–7448	Sec. 313(b)(1)(A)—no chg in OL/rev	Reauthorizes Advisory Committee on Student Financial Assistance. Amends regional meetings and deletes Year 2000 requirements.
Sec. 7451–7453	Sec. 313(b)(1)(A)—no chg in OL/rev	Amends expanded due process procedures of accreditation & online/distance ed courses. Amends provisions re: admin capacity of education institutions. Requires Sec. to give schools info under program review & opportunity to review & respond.
Sec. 7501–7507	Sec. 313(b)(1)(A)—no chg in OL/rev	Reauthorizes programs that support Hispanic Serving Institutions.
Sec. 7601–7622	Sec. 313(b)(1)(A)—no chg in OL/rev	Reauthorizes international education programs.
Sec. 7701–7716	Sec. 313(b)(1)(A)—no chg in OL/rev	Reauthorizes graduate & postsecondary education programs.
Sec. 7801	Sec. 313(b)(1)(A)—no chg in OL/rev	Misc.—Authorizes new programs, including merit-based math & science scholarships, job skills training in high-growth occupations; support for Teach for America; student retention grants; & fellowships for minority math & science scholars. Authorizes study on cost of postsecondary education.
Sec. 7901–7913	Sec. 313(b)(1)(A)—no chg in OL/rev	Reauthorizes the Education of the Deaf Act.
Sec. 7921	Sec. 313(b)(1)(A)—no chg in OL/rev	Reauthorizes the United States Institute of Peace.
Sec. 7931–7932	Sec. 313(b)(1)(A)—no chg in OL/rev	Repeals HEA programs. Amends Workplace & Community Transition Training for Incarcerated Youth Offenders grant program.
Sec. 7941	Sec. 313(b)(1)(A)—no chg in OL/rev	Reauthorizes the Tribally Controlled College or University Assistance Act.
Sec. 7945–7946	Sec. 313(b)(1)(A)—no chg in OL/rev	Reauthorizes the Navajo Community College Act.

TITLE VIII—AS REPORTED BY JUDICIARY COMMITTEE

Provision	Violation	Description of provision
Portion of Section 8001 on p. 812 line 12 through page 814 line 3.	Sec. 313(b)(1)(A)—no chg in OL/rev	Revises application procedure for immigrants already in U.S. who seek to change their immigration status.

Mr. JOHNSON. Mr. President, I rise today to offer my thoughts on the Deficit Reduction Omnibus Reconciliation Act currently pending before the Senate.

On its own, this bill would cut about $39.1 billion from mandatory spending programs over the next 5 years. But it is a mistake to look at this bill on its own because the reconciliation process under which this bill comes to the floor is made up of three parts that when put together will cut funding for critical programs, implement irresponsible tax cuts, and actually increase both the deficit and national debt.

Today we are considering the first part of the reconciliation process, a package of spending cuts. As a member of the Budget Committee, I opposed this bill in committee and will oppose it when the full Senate votes on it later this week. While I am pleased the bill contains provisions related to FDIC reform that I have fought for, overall this bill simply takes us in the wrong direction.

I believe, in the interest of providing more tax cuts for wealthy Americans, the leadership in the Senate is cutting funding for programs, many of which are critical in my home State of South Dakota. For example, the bill includes $4.57 billion in cuts to Medicaid that are the result of changes in the way pharmacies are reimbursed, something that may harm community pharmacies in my State.

There are new restrictions placed on State Medicaid targeted case management programs, which have created much concern among consumer advocacy groups. Also included is a provision that reduces payments to long-term care providers for unpaid beneficiary payments or "bad debt," a provision that is being opposed by leading nursing home and consumer groups.

Further, I am very troubled by the $3 billion in cuts to agricultural programs, including a 2.5 percent across-the-board cut in commodity programs and $1.1 billion in cuts to conservation programs over the next 5 years. This proposal would weaken the essential safety net that we need to foster economic development in rural America and would be especially difficult in this time of weak commodity prices. The 2002 farm bill, our contract with rural America, has already come in at $14 billion under projected costs. Simply put, agriculture has paid enough.

If this Senate proposal were not bad enough, I have little doubt that the package that will be brought back after conference with the House will be worse. The House is considering a proposal to cut at least $50 billion in spending over the next 5 years. The Washington Post notes that the House package will "cut back Federal aid to State child-support enforcement programs, limit Federal payments to some foster care families, and cut welfare payments to the disabled."

In addition, the House bill includes $3.7 billion in cuts to farm programs, including $844 million in cuts to food stamps.

Budgets are about priorities, and I understand the need to bring spending under control. But it seems irresponsible to do so at the expense of ordinary people and struggling family farmers when huge agribusinesses continue to reap millions without effective payment caps in place, and tax cuts for multimillionaires are being preserved.

I recently received a thoughtful letter on the budget from Bishop Mark S. Hanson, the presiding bishop of the Evangelical Lutheran Church in America, ELCA, and signed by all 66 ELCA bishops. I am a member of the ELCA, and while I do not take directions on how to vote from my church, my religious faith and the values it instills in me do impact my views. As the letter states, "Programs such as Food Stamps, Medicaid, the State Children's Health Insurance Program (SCHIP), and Temporary Assistance to Needy Families (TANF) help to keep struggling families together and assist low-income working families in moving to higher economic ground. This is not the time to cut such important programs while using the cuts to pay for tax breaks for those who don't need them."

The country faces a series of challenges that Congress is failing to address. Instead of cutting domestic programs to pave the way for additional tax cuts, the Congress should focus on solving the problem of soaring energy costs. High energy prices are a tax on the middle class and drain disposable income, causing the public to spend less and make painful tradeoffs all in order to keep the car or truck filled with gas. The Democrats have a plan to reduce gasoline prices and help families with high winter heating costs. Unfortunately, the congressional leadership is not focusing on the real needs of Americans in choosing to devote an entire week to a package of budget cuts as part of a larger plan to push a tax cuts for the rich agenda.

If this truly was a deficit reduction package, or even if the savings were going to pay the costs of hurricane relief, that would be one thing. However, when this bill is approved, the Senate is expected to begin working on the second piece of the reconciliation process, an irresponsible tax cut bill. The reconciliation instructions approved as a part of last spring's budget resolution provided for an additional $70 billion in tax cuts.

While the tax bill has not been finalized, early indications are this bill will not result in tax breaks for middle and working class Americans, but will once again reward the wealthiest in our society. And when these tax cuts are included, the Republican's deficit reduction omnibus reconciliation plan will actually increase the deficit by $20 billion to $30 billion over the next 5 years. So what many in the majority party in Washington will call trimming the fat actually increases the limit on the national credit card.

This leads to the final piece of the Republicans' reconciliation plan—Congress will be required to pass legislation to raise, yet again, the Federal debt ceiling by $781 billion. It may surprise many Americans to learn that a large portion of our Nation's public debt is actually held by foreign countries like Japan and China. By further increasing our debt and the need for more foreign financing of that debt, we give other countries substantial leverage over our economy and threaten our Nation's economic well-being. Make no mistake, the decisions we are making in enacting this legislation will have long lasting consequences for our economy.

As I said earlier, budgets are about priorities. The budget proposal we have before us simply sets the wrong priorities by cutting programs for the most vulnerable in our society to make way for additional tax cuts for millionaires, all the while increasing the debt burden we will pass on to our children and grandchildren. These are not priorities that I—or the vast majority of Americans—can support.

Mrs. MURRAY. Mr. President, to make our country strong again, we need to invest here at home, and that is why I oppose this budget. It is a bill that will cut $35 billion from America's priorities and burden our children with massive debt. Simply put, I think America can do better.

I will vote against this flawed budget, just as I did in the Budget Committee last week, because it starves our highest priorities. Not only that, this bill opens up the Arctic National Wildlife Refuge to oil drilling, which will not solve our energy problems. And I have serious concerns about a House proposal—which could be added to the House version of this bill—to split the Ninth Circuit into two smaller circuits.

Mr. President, a budget is a statement of priorities. As I look at the challenges facing our country—and as I listen to people in my home State of Washington—it is clear that our top priority now must be making America strong again. To do that, we need to invest here at home.

Today, too many people don't feel secure. They feel like they are one step away from losing their job or their pension or their healthcare. They are worried about high gas prices and how they are going to heat their homes this winter. They are worried about the men and women in uniform, who are returning home and can't find a job or healthcare. They are worried they won't be able to afford college tuition for their children. Many people are worried about the new prescription drug program, which will make life harder for so many vulnerable families.

Today people across America worry about being safe here at home. They look around their communities and see aging and unsafe highways, roads and bridges. After what happened in the Gulf Coast with Hurricane Katrina, they are worried their own communities are not protected. There is a coastline, or a volcano, or a fault line, or an aging dam in every State in this Nation, and this budget doesn't make the right investments in prevention or protection.

This budget has the wrong priorities. I believe we should be providing greater investments in the tools that spur economic growth and help all Americans—education, health care, transportation, and job training. In short, we should be making Americans more secure. Unfortunately, the package before us today does just the opposite. It cuts $35 billion from areas like healthcare and education.

And what is more, this is only the first step in the reconciliation process. You will not hear much about it from the other side of the aisle, but in the coming weeks, the Senate is scheduled to take up the next piece of the reconciliation process—a massive tax giveaway that's even bigger than the cuts we're considering this week.

So what's happening here today is we're being asked to make painful cuts for average Americans so that in a few weeks we can turn around and give massive giveaways to the most well off. That is what's really going on here.

The massive tax cut package that's coming soon would give billions away to the richest people in our country. Multi-millionaires and special interests will reap the benefits from these budget-busting tax breaks, including capital gains and dividends tax breaks. In fact, the upcoming tax breaks exceed the spending cuts we're considering this week by more than $30 billion.

And who benefits? 53 percent of the benefits of capital gains and dividends go to those with incomes greater than $1 million. Listen to the facts. On average, those who make more than $1 million would get tax cuts of more than $35,000. But those with income under $50,000 would get just $6.

Something is clearly out of whack.

The Senate leadership wants to impose painful cuts on average families today. Why? So that in a few weeks they can give massive tax cuts to the most well off. That is wrong.

Today people are hurting on the Gulf Coast. People are concerned for their safety—be it by terrorist attack or flu epidemic and instead of meeting these important priorities, the Senate will cut spending, give away tax cuts, and increase the amount of debt each American owes.

Taken together, these efforts represent the core values and priorities of the Republican Congress, but not of the American people. America can do better. The bill before us this week cuts important programs while doing almost nothing to address the real priorities facing our nation.

First let me talk about Medicaid—a health care program, a safety net for our country's most vulnerable and sickest. This bill cuts Medicaid spending for those least among us by $27 billion. At the same time, Republican members of this body are refusing to take up and pass bi-partisan Medicaid relief for Americans affected by Hurricane Katrina, they want to slash spending on the program here today.

What about agriculture—programs that make sure we can feed our Nation? This bill also cuts agriculture investments by $3 billion, and that will have a painful impact on our family farmers who are struggling today. Just last week, I sat down with farmers from Washington State, and I can tell you they are reeling from drought and high fuel and fertilizer prices. This bill makes their lives even harder by retracting the support that helps family farms get by and will impact our country's ability to ensure we will be able to feed our Nation and keep our country strong. These farm families need our help, but Republicans just say no.

This bill also undermines the pension plans of millions of hard-working Americans. This is a top anxiety for people everywhere I go. Is my retirement gone? What happened to my security?

This bill will increase the financial burden on companies and drive more employers into bankruptcy and out of the defined benefit pension system. It more than doubles the Pension Benefit Guaranty premiums, and it will index those payments in the future. This budget we are debating today undermines the carefully crafted bipartisan pension reform bill that the HELP Committee bill recently passed unanimously. America's pension policy should be driven by what is best for American workers, retirees and employers—not by the need to meet an arbitrary budget target.

And of course, this budget opens ANWR up to shortsighted drilling. This misguided effort is especially troublesome, and is worth a few minutes of time here on the Senate floor. We are all concerned about the high cost of energy. It's a tremendous burden for families, businesses and farmers. We should use that concern to make wise choices that will actually help our country. Instead, this bill takes shortsighted steps in the wrong direction. The responsible way to address our energy problems is to focus on long term solutions like reducing our need for oil, and investing in clean, renewable energy sources.

I oppose drilling in ANWR because the potential benefits do not outweigh the significant environmental impacts. The Arctic National Wildlife Refuge is an important and unique national treasure. It's the only conservation system in North America that protects a complete spectrum of arctic ecosystems. It's the most biologically productive part of the Arctic Refuge. And it's an important calving ground for a large herd of caribou, which are vital to many Native Alaskans. Energy exploration in ANWR would have a significant impact on this unique ecosystem.

Further, development will not provide the benefits being advertised. Proponents claim that energy exploration has become more environmentally friendly in recent years. While that may be true, there are still significant environmental impacts for this sensitive region. Exploration means a footprint for drilling, permanent roads, gravel pits, water wells, and air strips. We recognize that our economy and lifestyle require significant energy resources, and we are facing some important energy questions. However, opening ANWR to oil and gas drilling is not the answer to our energy needs.

And let's keep in mind that drilling in ANWR will not make us less dependent on foreign oil. As a Nation, the only way to become less dependent on foreign oil is to become less dependent on oil overall. The oil reserves in ANWR are not enough to significantly reduce our dependence on foreign oil.

There are better ways to meet America's energy needs—including boosting fuel efficiency, expanding the use of homegrown renewable and alternative fuels, investing in new technologies like fuel cells, developing and deploying more energy efficient technologies, and improving conservation and energy efficiency. Drilling in ANWR is not a serious answer to our country's serious energy challenges, and it should not be included in this budget bill.

Another reason I am voting against this bill is because it will clearly get much worse in conference—through steeper cuts in critical investments. This budget bill already cuts $35 billion from America's priorities. And on the House side, leaders are working to cut an additional $15 billion from infrastructure, education and healthcare. That would move this bill even further in the wrong direction.

Finally, I am very concerned about a possible attempt in the House—which we may see next week—to split the 9th Circuit.

As a member of the West Coast delegation, I strongly oppose this change. The House proposal is not warranted by the facts and is not supported by the judges on the circuit. Back in 1980, when Congress split the 5th Circuit, all of the judges supported that move. But today, that is not the case. I understand that a majority of judges on the 9th Circuit oppose the split. I've spoken with some of them, and they have said a split could create new problems.

They pointed out that splitting the circuit would impose new costs for facilities, staff and administration. The efficiency we have today would turn to duplication tomorrow if the circuit is divided. There would be significant costs to establish a new circuit headquarters and to create a duplicate administration system. In an era of limited budgets, this makes little sense. As the ranking member on the subcommittee that funds the Judiciary, I know we don't have extra money to spend to duplicate administrative services.

A split would also lead to a duplication of cases. Today, by deciding cases for nine States, the circuit provides clear, uniform guidance to district courts. That prevents a duplication of cases. If the circuit is divided, issues decided in the new 9th Circuit would have to be decided again in the new 12th Circuit, doubling the use of judicial resources and costing even more money. And in addition to the massive cost associated with splitting the 9th Circuit, the change would split the West Coast Technology Corridor into two different circuits. That could have a paralyzing effect on IT and technology growth since there would be a weaker judicial foundation.

I share my concerns about this because next week there may be an effort in the House of Representatives to attach the judicial provision to the House version of this bill. I want House Members to know that as a member of the affected delegation—and as the ranking member of the subcommittee that funds the Judiciary—I oppose this change.

Mr. President, this budget plan has the wrong priorities and that is why I am voting against it. We need to make America stronger and invest here at home. This budget does just the opposite—cutting key investments in the things that our people need. Why? To have money for tax cuts for the wealthiest. America can do better. I urge my colleagues to reject these flawed priorities and work to invest in that which will make our country and our people strong.

Mr. SMITH. Mr. President, more and more our country's fight against HIV/AIDS is being hindered because we are not focusing enough of our resources on treating individuals who have been diagnosed with HIV so we prevent their illnesses from progressing to full-blown AIDS. This is especially true for those with low-income who may lack stable access to potentially life-saving pharmaceutical treatments and other health care services.

While Medicaid is an important provider of health care to vulnerable Americans living with AIDS, they generally must be disabled before they can qualify for coverage. In a sense, we require them to become sicker before they can get treatment, and that is simply not right.

Full-blown AIDS is an incredibly costly illness and it has much more of an impact on an individual's quality of life than HIV. That is why it is important for us to focus our resources on providing early treatment to individuals with HIV.

Earlier this year, I, along with 27 of my colleagues, filed legislation that would have allowed states the option of providing Medicaid coverage to low-income individuals who have been diagnosed with HIV. The initiative, known as the Early Treatment for HIV Act, or ETHA, was modeled after the successful breast and cervical cancer benefit added to Medicaid program several years ago. My amendment would provide the care in the same "early is better" fashion, so that more HIV cases are prevented from reaching the point of full-blown AIDS.

Like the breast and cervical cancer benefit, ETHA would provide States the incentive of an enhanced Federal Medicaid match to extend coverage to those individuals living with HIV—the same rate that is paid to them to operate their S-CHIP programs.

Realizing the tight budget constraints we are currently facing, I have restructured my original ETHA proposal into a 5-year demonstration project that is capped at $450 million. States will apply to the Centers for Medicare and Medicaid Services to offer Medicaid coverage to low-income individuals who have been diagnosed with HIV.

This scaled back version would provide Congress and CMS the opportunity to learn more about the cost-saving benefits of providing treatment to those with HIV in the early stages of their illness. It is expected that in addition to Medicaid, other Federal programs—like SSI and Medicare—will realize significant long-term savings by preventing individuals from being disabled by full-blown AIDS.

Additionally, with more and more states having financial difficulties with their AIDS Drug Assistance Programs—such as North Carolina, Nebraska, Missouri and Minnesota—it is important that we provide alternative methods of delivering treatment to those individuals with HIV/AIDS who may be living in poverty.

Most importantly though, the assistance authorized by this proposal will help individuals with HIV lead healthier, longer lives, so that they can remain active participants in both the community and the workforce and improve their chances of living to one day see a cure for their illness.

As I mentioned, the cost of this amendment is $450 million over 5 years. That amount would be offset with a .8 percent increase in the brand-name prescription drug rebate. I realize that the package already includes an increase in the drug rebate, but the additional request made in this amendment, less than one percent, will have an enormous payoff in the long-run. I don't believe it's too high a price to pay for the benefits that ETHA will provide the Federal and State governments, as well as individuals living with HIV.

Mr. President, I ask my colleagues to support this amendment. I understand that there is concern over keeping the underlying package that was passed by the Finance Committee intact. I assure you that this amendment will not affect the bottom-line savings Chairman GRASSLEY and other members—including myself—worked so hard to achieve in title VI of the Deficit Reduction Act.

In fact, in the long-term, my amendment should increase savings to the Federal Government by providing targeted, effective care to those individuals who genuinely need it, which will help them maintain active, healthy lives. That is a strategy I fully support.

I will be working with the leadership as the debate moves forward today to schedule a vote on this amendment. At the appropriate time, I ask for my colleagues' support on this bill that is not only fiscally responsible, but the right thing to do.

AMENDMENT NO. 2351

Mr. CARPER. The last time I came to the floor to discuss the benefits of reinstating the pay-as-you-go rules, I related to everyone the theory of holes.

As much as I like talking about Dennis Healey, who used to be Great Britain's Chancellor of the Exchequer, I was hoping that I wouldn't have to again remind my Senate colleagues of his wisdom.

The theory of holes is simple. It says, when you find yourself in a hole, stop digging. Not only are we still digging, we also seem to be digging more furiously, taking ourselves to new fiscal depths.

Last year, we dug our way to a $319 billion budget deficit, which is the third worst deficit in the history of our country. That number, by itself, is a clear indicator of our current fiscal misfortunes.

What is more telling is that number—again, a $319 billion deficit—was hailed as good news by some in the current administration. Why? Well, because, at the beginning of the year, everyone expected the deficit to be over $400 billion. An improvement from worse to bad is still bad.

It is no wonder that many Americans think Washington, DC is no longer in touch with reality. Where they live—in towns large and small across Delaware and across America—this kind of fiscal recklessness is not an option. To the contrary, the vast majority of the people we serve strive to live by two simple rules: Live within your means and pay as you go.

In turn, families demand that their State and local governments live by the same rules. We in Congress used to live by those same rules. Unfortunately, they were allowed to expire in 2002.

We have been close to reinstating pay-as-you-go budgeting on two occasions since 2002. A year ago, the Senate voted to reinstate it. Unfortunately, it did not survive conference and was dropped out of the final compromise. Then, earlier this year, we fell one vote short of again passing pay-as-you-go budgeting.

With this amendment, Senator CONRAD is giving us another opportunity to again live within our means and to pay for the things we find worth doing.

Pay-as-you-go budgeting requires that proposals to increase spending would have to be offset, either by cutting other spending or by raising revenue. Likewise, if I were to propose a tax cut, I would have to come up with an offset to make sure the hole we are in was not dug deeper.

Pay-as-you-go budgeting served us well during the 12-year period it was in force. And, it is important to note that during that time it applied to both the spending and tax sides of the ledger. That kind of across-the-board fiscal discipline eventually lead to our eliminating the deficit, establishing budget surpluses and even beginning to pay down a significant portion of the publicly held debt.

That is not a bad record. In fact, it is a good one. And, it looks especially good when compared to our current period of record deficits and a national debt of over $8 trillion.

We cannot continue down the fiscal path we are currently on. A fiscal policy based on cutting taxes, on increasing spending and then on borrowing whatever is needed to make up the difference cannot be sustained.

Moreover, today's borrow-and-spend policies are as immoral as they are unsustainable. We are running up bills that will be left for our children and grandchildren to pay.

However, we still have time to do the right thing. We still have time to begin to put our fiscal house in order. Voting for Senator CONRAD's amendment to reinstate pay-as-you-go budgeting would be a good start to that end.

AMENDMENT NO. 2352

Mr. ENZI. Mr. President, the amendment that I have offered along with several of my colleagues be explained very simply—it commits the education savings above the HELP Committee reconciliation target to students.

As chairman of the Committee on Health, Education, Labor, and Pensions, my committee received the largest reconciliation instruction—$13.65 billion in spending cuts over 5 years. That is nearly 40 percent of the overall target. We exceeded that target and reported legislation with net savings of $16.4 billion over 5 years. That is an additional $2.75 billion beyond HELP's reconciliation target.

This amendment ensures that extra savings generated from education will be returned to students. Let me be clear, education savings should be for students.

The amendment makes higher education more affordable for students by reducing the cost of college by lowering the origination fees students pay on Federal student loans. The current origination fee of 3 percent would be reduced to 2 percent under my amendment. This change of 1 percent can save students at least $500 over the 10-year life of the loan. For independent and graduate students, these savings are even greater.

Why is it important that higher education be more affordable? Because education beyond high school and lifelong learning opportunities are vital to ensuring that America retains its competitive edge in the global economy. Technology, demographics, and diversity have brought far-reaching changes to the U.S. economy and the workplace, including an increased demand for a well-educated and highly skilled workforce. If we continue on the path we are on, we will not have people with the talents and the skills we will need to fill the jobs that will be created over the next few years. In this decade, 40 percent of job growth will be in positions requiring a postsecondary education.

If our students and workers are to have the best chance to succeed in life and employers to remain competitive, we must ensure that everyone has the opportunity to achieve academically and obtain the skills they need to succeed, regardless of their background. For many, acquiring a postsecondary education or training will be the key to their success.

This amendment also provides fiscally responsible temporary aid for more than 300,000 students displaced by Hurricane Katrina. As soon as they could, both public and nonpublic schools in neighboring communities, regions, and States enrolled these students. Many of these displaced students are still enrolled in schools that are not the ones they would have been attending had Hurricane Katrina not struck.

This amendment includes provisions from the Hurricane Katrina Elementary and Secondary Education Recovery Act, S. 1904, a bipartisan compromise that accomplishes the common goal of providing relief to support the instruction and services that the students displaced by this terrible storm need in order to continue their education, regardless of whether it is in a public or nonpublic school.

With this amendment we will be providing one-time, temporary, emergency aid on behalf of these students. These displaced students deserve help to continue their education under these extraordinary circumstances caused by a disaster of unprecedented scope. At the same time these States and schools need realistic, fiscally responsible assistance from the Congress to accommodate the students they have taken into their education system, who came to them without any property tax base or tuition payment which had already been made. Our top concern was to make sure that all displaced students continued their education.

Some students are already returning home as their schools reopen, but severe problems of displacement remain. Many schools will remain closed for the entire school year. This amendment is a one-time temporary solution that sets aside ideological differences to make sure that children are not harmed unnecessarily by the impact of this unprecedented disaster. It focuses on the immediate needs of students with the expectation that they will return home to their local school.

Let me briefly describe what this amendment does. First and foremost, it provides support for all displaced students, ensures accountability, and is fiscally responsible by sending the funds through regular channels to local school districts and accounts established on behalf of students attending nonpublic schools.

The amendment helps schools directly impacted by the hurricane reopen their doors by providing $450 billion in grant assistance. These grants are meant to supplement FEMA funding to ensure the effective use of Federal funds and can be used to assist those who are working to reopen these schools.

The largest portion of the funding under this amendment is focused on easing the temporary transition of students into new schools, both public and nonpublic, through one-time emergency aid. These funds will be used to help defray the additional costs incurred as a result of enrolling displaced students and provide assistance to schools in a nonideological and responsible way.

Quarterly payments are made based on the head count of the displaced students temporarily enrolled in schools. The total for these four payments is $6,000—$7,500 for students with disabilities—per displaced student or the cost of tuition, fees, and transportation for nonpublic students, whichever is less.

Parents of displaced students verify that they have made the choice for their child to attend a nonpublic school, and the nonpublic school must attest to the use of funds and the numbers of displaced students in attendance.

The assistance provided through this amendment is temporary—it sunsets at the end of this school year. This amendment is necessary because of the extraordinary circumstances and the emergency nature of this situation.

Our efforts must be focused on ensuring that the educational needs of the children affected by this unprecedented emergency are addressed, and I believe that this amendment achieves that goal. I am sure that some of you have heard from school groups opposing this amendment. I am surprised that groups representing the very schools and students that have been most impacted by this disaster are now opposing efforts to provide relief to their students, teachers, and administrators. It is important that we provide this much-needed relief to those who are working to make sure our displaced students don't suffer even more than they already have by this extraordinary disaster.

I urge my colleagues to support this amendment. Education savings should go to students. An investment in our students is an investment in our future.

Mr. GREGG. Mr. President, we have now completed, for all intents and purposes, all of the debate on the deficit reduction bill, 20 hours. That will be effective as of 6 o'clock.

I would note once again, as the Senator from North Dakota has noted and I have noted, tomorrow we begin a fairly complex and lengthy process of voting on the amendments that have been offered. There are 16 or so amendments already pending, which represents many hours of voting, and there may be additional amendments offered. Obviously, we hope they will be limited because there is a desire, I believe, by most people to complete this bill tomorrow. But if we do not finish all the voting by 6 o'clock, then we will move the events over until Friday because this bill will be completed under either scenario.

At this time I want to thank again the Senator from North Dakota and the staff for their courtesy, their professionalism, their effort to move this bill along in a very constructive way as we moved through the debate process. I also especially wish to thank my staff, which has done a great job of getting us to this point. Tomorrow is going to be a fairly intense period for these folks and we appreciate them in anticipation of all the work they are going to have to do.

Mr. President, I will yield back the remainder of the time on this amendment and ask unanimous consent that for the purposes of this bill, all time be deemed to have expired relative to debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I understand the next item of business will be the Agriculture appropriations conference report.

I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE APPROPRIATIONS CONFERENCE REPORT

Mr. CRAIG. It is my understanding that for the remainder of the day, we have completed work on budget reconciliation and we are about to move to the Agriculture appropriations conference. I understand Chairman BENNETT is on his way to the floor, and as soon as he gets here I will yield, but I thought for the few moments that remain prior to that, I would discuss that very important appropriations conference we will soon be discussing.

The reason I want to do that is because I made an effort during the appropriations conference to deal with what I believe is a major issue threatening American agriculture today that the Congress has largely ignored at this moment, and the courts are now working their will and the trial bar is working its will at the moment to try to change the intent of law.

The agricultural industry is, I think, very concerned about litigation actions being taken to apply the Superfund law, referred to as CERCLA, and its counterpart, the Community Right to Know Act, better known as EPCRA, to emissions or discharges primarily from livestock and poultry waste produced during the normal course of farming operations.

Someone would say, You mean a dairy farm or a poultry operation ought to be plunged into Superfund? Well, that is exactly what is being attempted at this moment and, of course, we would say no. The reason we say no is because when those laws were created by Congress, agriculture was clearly exempt. It was intended to be and it was exempt at that time. If you were to put agriculture into the CERCLA/EPCRA issue, according to EPA's own description, then you have changed the whole dynamics.

According to the EPA's own description, the Superfund law is "the Federal Government's program to clean up the nation's uncontrolled hazardous waste sites. Under the Superfund program, abandoned, accidentally spilled, or illegally dumped hazardous wastes that pose a current or future threat to human health or the environment are cleaned up."

That is the responsibility of EPA under that issue. Are dairies and feedlots uncontrolled and abandoned hazardous waste sites? That is what we are talking about at this moment.

EPA goes on to say that "the Superfund law created a tax on the chemical and petroleum industries and allowed the Federal Government to respond to releases or potential releases of hazardous wastes that might harm people or the environment. The tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites."

The question is, if we allow the courts and the legal process to drive those in agriculture into EPCRA and into CERCLA—again the Superfund law and the Community Right to Know law—is Congress then ready to appropriate moneys for other concentrated herd releases that might result? Should dairies, poultry farms, farmer-owned cooperatives, and others be required to pay into Superfund as the nuclear laboratories and the petroleum industry do?

That was never the intent of Congress, and in trying to speak to that issue, Congress has to date been silent because environmental groups have moved in and are standing at the doors of some of my colleagues, wringing their hands and saying oh, no, no, communities have the right to know and it ought to be included in all of this, even though the law says not.

Now, that is not to say that these agricultural entities of the day are not responsible for clean air and clean water. They are under the Clean Water Act and the Clean Air Act. They work with EPA in those standards. They work with their State environmental councils and environmental departments to meet those kinds of standards.

What we are talking about is a legal issue attempting to shift, if you will, these responsibilities away from the intent of the law, as spoken to so very clearly by this Congress in the creation of those two entities, EPCRA and CERCLA.

Another provision of the Superfund law allows EPA to fine violators up to $27,500 per day. Does that sound like a sum tailored to fit a farmer? Environmental groups would have you think that, well, you know, this is only for the big boys, the big operators. But then they do not define big. They say, well, large concentrated herd areas. It is the small versus large issue. Once it is well established that large operators in American agriculture are required to comply under these acts and meet the standards of the acts, any of us who have ever watched the progress or the evolution or the migration of law through the courts over time know it is only a moment in time before the small operator is included.

I made an effort during Agriculture appropriations and Agriculture appropriations conferences to clarify this issue and to say once again very clearly to the American public the intent of the laws of Superfund and Community Right to Know, and those intents were very clear—not to include American agriculture. It isn't the big versus small issue at all. It is where do you rest the responsibility on the issue. It is not to say that American agriculture doesn't have a responsibility. Of course, they do. And they are fulfilling that responsibility under State law, under county zoning, under EPA, under the Clean Water Act and the Clean Air Act. These are issues that I hope this Congress will soon address.

As to my amendment that I attempted, that the Republicans in the Senate did support in the conference, the conference collapsed itself so that it would not have to deal with this "thorny issue" of the moment: it walked away from the National Association of State Departments of Agriculture that supported our effort and the Southern Association of State Departments of Agriculture because at the State level, State Departments of Agriculture get it, they understand it, and they know this has to be clarified. We cannot let the trial bar, if you will, and communities of interest try to rewrite public policy through the court process. That is exactly what is going on today. Several lawsuits have been filed in this effort.

I am certainly going to be back, as I know many of my colleagues will, in attempting to deal with this very important issue. I do respect what Chairman Bennett had to do to move the Agriculture appropriations conference forward. I had hoped we could get the CERCLA and EPCRA amendment into the conference, but it is not here. The conference is silent to it. The conference did good work. I am pleased to see that we could get as far as we could get in a variety of issues.

The chairman and the ranking member are now in the Chamber. They had a tough road to meet budget reconciliation with what they were allocated. I know that was difficult, and I appreciate the work my staff was able to do with the chairman and the ranking member's staffs to get where we got with what we have today. I wish we had my amendment. I don't want those who say they stand for agriculture walking away from this issue and allowing the courts to rewrite public policy. If we are responsible practitioners of public policy—and that is what we are—then this is an issue we well ought to take on. Every State in the Nation has this problem today, and we ought not let the bar, the courts, and a few interested parties rewrite our laws.

I hope we can address this again at another time.

I do appreciate the work that was done. There were a lot of issues left on the table in this conference I hoped we could have addressed, that we could then get to, certainly those which dealt with healthy forests, categoric exclusions, and other issues, but that is debate for another day.

The chairman is in the Chamber. It is 6 o'clock. It is his time to bring forth the Agriculture appropriations conference report. I thought I would use some of the limited time we have to debate this important appropriations conference report.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

APPROPRIATIONS FOR AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—CONFERENCE REPORT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the conference report to accompany the Agriculture appropriations bill; provided further that following the completion of that debate it be laid aside, that the vote occur on adoption of the conference report tomorrow morning immediately following the remarks of the two leaders.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BENNETT. Mr. President, it is my understanding we now have 2 hours equally divided to discuss the conference report.

The PRESIDING OFFICER. Once the clerk reports the conference report by title, that is correct.

The clerk will now report.

The assistant legislative clerk read as follows:

> The Committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by a majority of conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the proceedings of the House in the Record of October 26, 2005.)

The PRESIDING OFFICER (Mr. DeMint). The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I ask unanimous consent that at the conclusion of my remarks, the following Senators on our side be allowed to speak on the conference report: Senator Burns for up to 15 minutes; Senators Enzi, Craig, and Thomas for up to 10 minutes each; Senator Thune for up to 7 minutes; and Senator Cornyn for up to 5 minutes.

Mr. DORGAN. Reserving the right to object, I assume the request means we will go back and forth in rotation across the aisle.

Mr. BENNETT. Mr. President, that is my understanding. This is the reservation of time on my side so that Senators will know the time is reserved for them, and if one Senator might otherwise be tempted to run on, the order can be called so that every Senator will have his right for speaking reserved. It does anticipate time will go back and forth between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I am pleased to present to the Senate the conference report to accompany H.R. 2744, which provides funds for the Department of Agriculture, Food and Drug Administration, and the Commodity Futures Trading Commission for fiscal year 2006.

I will mention a few highlights of the bill to demonstrate why it benefits not just farmers and ranchers but every constituent of the Members of the Senate.

On nutrition, this bill provides for more than $12.6 billion in child nutrition programs, $5.2 billion for the Women, Infants and Children nutrition program, and nearly $108.3 million for the Commodity Supplemental Food Program.

I know particularly in response to Katrina that there has been great concern about WIC in the country as a whole. This bill funds WIC.

For the farmers, ranchers, and conservation, there is more than $2 billion in farm ownership and operating loans, $840 million for conservation operations, and more than $1 billion total for all USDA conservation programs.

For those of us who are concerned about research, there is more than $2.5 billion for research on nutrition, crop and animal production, bioenergy, genetics, and food safety.

There is funding for cooperative research with agriculture and forestry schools in every State and with Native Americans, Hispanic, and historically Black centers of learning, and extension programs that teach nutrition in low-income communities.

In pest and disease control, there is more than $820 million to protect American agriculture, forests, and horticulture from plant and animal diseases.

For those interested in rural development, the bill provides for nearly $5 billion in single and multifamily housing in rural areas, and more than $6 billion in electric and telecommunications loans.

Turning to the Food and Drug Administration, there is a $62 million increase over fiscal year 2005, with key increases of $10 million for drug safety, $7.8 million for medical device review, and $10 million for food safety. Overall, however, the spending level remains consistent with the previous year and does not represent for the entire bill a major spending increase.

I ask for the support of all Senators for this conference report.

I reserve whatever time may be left after the Senators have exercised their rights.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise today in support of the appropriations conference report for Agriculture, Rural Development, FDA, and related agencies.

Our conference allocation of just over $17 billion was a $258 million reduction from the Senate-passed level, but I think we did a good job preserving the Senate priorities. This bill contains funding vital for research, conservation, nutrition programs, rural development, and the Food and Drug Administration. Some of the bill's highlights include the following:

For research programs, including the Agricultural Research Service and the Cooperative State Research, Education, and Extension Service, the bill provides an increase of nearly $66 million to support work on solutions to many problems faced by farmers—including research programs for BSE or mad cow disease, Johne's Disease, soybean rust, and countless other programs.

The conservation title of this bill contains funding for important watershed improvements, including soil and water erosion control, flood control, and watershed dam rehabilitation. The Natural Resources Conservation Service received an increase in this conference report of more than $12 million over last year.

Nutrition programs also received increases over last year in this conference report. Child nutrition programs receive $12.6 billion, an increase of more than $870 million to provide school lunches to low-income kids. The WIC program received $5.257 million, an increase of nearly $22 million, and language proposed by the administration to restrict eligibility and cap administrative funds was not included. The Food Stamp Program received an increase of more than $5.5 billion, and the Commodity Supplemental Food Program received an increase over last year as well.

In the rural development title, more than $700 million is provided for the Rural Community Advancement Program. The Rural Housing Service received an increase of $105 million above last year's level, bringing the total loan authorization level of more than $5 billion to provide housing to low-income rural Americans.

The Food and Drug Administration received nearly $1.5 billion this bill, an increase of nearly $40 million over last year's level. This includes increases for medical device review, drug safety, food defense and BSE.

The bill Senators have before them is a product of multiple hearings, regular proceedings in both the House and Senate, nearly a 3-hour conference meeting, and countless staff hours. While this may seem unremarkable, it is, in fact, the first time since the fiscal year 2002 bill that the Agriculture appropriations bill has come through this process in the regular order.

At the end of the day, while not perfect, I believe we have produced a good bill, one that comes as a result of much hard work and compromise on all sides.

I thank Senator BENNETT and his staff—John Ziolkowski, Fitz Elder, Hunter Moorhead, Dianne Preece, and Stacey McBride—for once again working with my staff as closely as they did.

On my side, I thank Galen Fountain, Jessica Arden, Bill Simpson, and Tom Gonzales worked very hard as well. Together both sides made every effort to protect Democratic priorities, as well as Republican priorities, for the good of everyone. I believe the strong bipartisan relationship we have on this subcommittee has resulted in a bill for which all Senators should be proud to vote.

I urge Senators to do just that and vote in favor of adopting this conference report.

Before I yield the floor, I ask unanimous consent that time be allotted for the following Senators to speak on this conference report on the Democratic side: 5 minutes for Senator MURRAY, 10 minutes for Senator DORGAN, and 15 minutes for Senator HARKIN.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise to talk about an issue that did not survive the conference, and I am hopeful we can replace it. I am talking about the country-of-origin labeling. As we know, a couple of years ago we put that provision in our Agriculture bill. I was one of the original sponsors of the country-of-origin labeling. It is reasonable and something we ought to do.

In the meantime, we seem to have delayed it, we seem to have set it back. That is what has happened again in this bill. It seems to me we ought to move back to the original purpose and get it back in place.

It is very important that we deal with this issue as we look forward to the trade meetings. We are shortly going to be going to Doha and we have gone to Hong Kong. This is one of the issues being talked about in agriculture and agricultural trade and, quite frankly, the nature of trade in this world is such that we are going to see more and more trade of agricultural products. As that happens, it is legitimate for the consumers in this country to say: I want a product that was made in the United States and to be able to know that.

We do this on lots of products. We do it now on fish and shellfish, and it appears to be working. We ought to do it as well on livestock. There is a variety of products that have come in. We will see more and more of it around the world as time goes on.

We are very proud of our livestock program in the United States, certainly the healthy part of it, the acceptable part of it for markets. I think we are going to see more of a tendency toward marketing these products because of the health issues, so there is no reason why they cannot be marked as well for their country of origin. It is important we do that, that we get away from this idea of simply prolonging it and setting it off, and that we come to grips with letting the bill that has already been passed and accepted come into place.

This business of delaying does not seem to be right. It was supposed to have been implemented in 2004, and it was designed to do that. It was delayed for 2 years, until 2006. The appropriations bill before us delays it again until 2008.

There are two points I wish to make. One, it is a valid concern and something we should be doing. It is good for the market, it is good for agriculture, it is certainly good for consumers, it helps us be stronger in the international trade situation, and it is something we ought to do.

Furthermore, it is not proper to be simply setting it back, to have it as an amendment on these bills and move it back another couple of years.

The last time the Senate voted on COOL was in November of 2003. The vote was 58 to 36 in support of mandatory COOL.

This has been very disappointing. I happen to know there are other Senators in the Chamber who would like to talk about this topic, so I will not take any longer.

I close by saying we need to take a look at the future of agriculture, we need to take a look at the future of world trade, and we need to take a look at the opportunity for consumers in this country to choose where their products come from.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise this evening to talk about an issue that affects Americans all across the country, and that is the credibility of the FDA.

I thank Senator BENNETT and Senator ENZI, who are both here, for their work in a bipartisan fashion on the language that was put into the Agriculture appropriations bill. I also thank Senator KOHL for his help.

Every time I come to the floor to talk about the FDA and plan B, I hope it will be the last time. I continue to hope that the FDA and HHS will do the right thing and put science, safety, and efficacy over politics. Unfortunately, over the past couple of years, I, along with millions of Americans, have been disappointed time and time again.

I have always supported a strong and independent Food and Drug Administration. It is the only way in which the FDA can truly operate effectively and with the confidence of American consumers and health care providers. Americans have to have faith that when they walk into their pharmacy or their local grocery store that the products they purchase are safe and effective and that their approval has been based on sound science, not on political pressure, not on pandering to interest groups.

That is why the application process for plan B emergency contraceptives has been so troubling to me.

Back in December 2003, 2 years ago, the FDA's own scientific advisory board overwhelmingly recommended approval of plan B over-the-counter application by a vote of 23 to 4. But the FDA has not adhered to its guidelines for drug approval and continues to drag its heels.

In fact, Alastair Wood, who is a member of that advisory panel, said:

> What's disturbing is that the science was overwhelming here, and the FDA is supposed to make decisions based on science.

It is obvious to me—to many of my colleagues—and to millions of American women that something other than science is going on now at the FDA, and it is far past time to get to the bottom of it.

That is why I am especially pleased that I have been able to secure bipartisan language in the Agriculture appropriations conference report that expresses the sense of both bodies of Congress that enough is enough.

The language simply says:

> The conferees remain concerned about the legal and regulatory issues relating to approval of drugs as both prescription drugs and over the counter products, and urge the FDA to expedite rulemaking on this topic.

If the leaders of FDA and HHS refuse to take the steps to restore the confidence of the American consumers and FDA's ability to promote safe treatments, then Congress has to step in. The health and well-being of the American people should not blow with the political winds. Caring for our people is an American issue, and part of that goal is ensuring we have access to safe, effective medicines in a timely fashion.

How can we trust the FDA to move quickly on vaccines for global pandemics if they continue to operate the way they have on plan B?

Time and time again, I, along with Senator CLINTON of New York and others, have asked simply for a decision on plan B. We have not asked for a yes or a no, just a decision. This continued foot-dragging is unusual, it is unwarranted, and it is unprofessional. This continued delay goes against everything the FDA's own advisory panel found nearly 2 years ago: that plan B is safe, effective, and should be available over the counter. There is no credible scientific reason to continue to deny increased access to this safe health care option, but there is even less reason to deny an answer.

Yesterday marked another deadline in the approval process for plan B. Yesterday was the last day of the highly unusual 60-day comment period that was asked for by FDA. Senator CLINTON and I joined with nearly 10,000 Americans in calling on the FDA to take a real step toward closing the agency's credibility gap by making a prompt decision based on scientific evidence.

I am on the floor tonight to say I hope the FDA does just that. The language we secured in this conference report is a good step, but it is not the last word on this issue. The problem with politics subverting the FDA's adherence to science and its integrity is so profound and so urgent that I intend to use every tool available to me as a Senator to make sure this discussion about our priorities and our future is not lost.

I yield back my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I will assume I was next in the queue. I thank the chairman of the Subcommittee on Agriculture for bringing this conference report up. You know, I just want to point out to the American people that even though the total of this bill is $100 billion—That's—I rounded that off a little bit—only $25 billion gets to production agriculture. We could add in some conservation programs and watershed and this type of thing and probably get that up a little higher but not a lot.

What I am trying to say, better than half of this bill does not go to the farm and ranch producing community in this country, and yet the bill is $100 billion.

I have been on the Appropriations Committee since 1993. For 12 years, I have served with my colleagues in this body and have gone through a lot of conferences. I have chaired some. I have been ranking in some. There are a lot of good things in this bill that help my State of Montana and agriculture across this Nation, but if there is one shortcoming—I say, not very much of it gets to the farmers and ranchers out of this $100 billion. I was a county commissioner. I understand WIC. I understand nutrition programs. I understand food stamps for those folks who really need help. I'll tell you what, it is born in every one of us who comes out of the farm and ranch community: we do not like to see people hungry. We have always been like that.

With regard to this conference, we had four or five items that were very important that we have to address in this body, and we were closed down. Categorical exemptions, which my friend from Idaho just spoke on a few minutes ago, in forest rehabilitation, forest legacy, forest health—all of those programs are designed to help our timber communities take advantage of the great resource that is around them, and also it does a lot for fire prevention.

Another thing about this amendment we had on the prevention of the slaughter of horses for human consumption, we did not get that resolved. I invite any of my friends who voted for that amendment to come to my office and answer the phones because I'll tell you what, last Saturday there was a horse sale in Billings. If anything prompts some calls, just let somebody go to the next horse sale.

Then we got down to the country of origin labeling that was put into law and signed by the President of the United States in the 2002 farm bill. It is the law of the land, and an overwhelming majority of both this body and the House of Representatives voted to put it there. Yet we are denied the money to write the rules and regulations and implement the law and put it into effect.

This year, they just said: We are going to go voluntary for 2 more years. I am going to tell you something, that has not worked. Now, there is nothing done here that is done in the dark of night. It is the law. Did we accomplish getting it implemented in this bill? No, we are delayed for two more years.

What is even worse, there was no debate and no vote in the conference committee while the conference was going on. Just like I said, I have chaired conference committees on appropriations, and we did not leave that room until all of the issues that were still on the table were dealt with, folks got to debate them, we listened to them, and we got an up-or-down vote.

I am not really concerned about the results of a vote; I am concerned about a vote. So this was something that was done that absolutely was beyond my belief.

We know that our cattle producers are pretty proud of their product. They produce a good product. We do not feed a lot of cattle in Montana, but we raise a lot of feeder cattle. They go to Colorado, Kansas, and Nebraska to be finished out. They produce a great product for America's dinner tables, the greatest source of protein we have in our diet. They also want to know where it comes from, and that is being denied our producers today.

I heard from my colleagues who say they should delay COOL until the farm bill. They say the law will not work and we need to rewrite it. I agree with some of that, but there are provisions right now that are in the current labeling law that need to be implemented.

So I seriously doubt that any of my cattle producers can be convinced at this point that Congress intends to make a good-faith effort to improve the law as it stands today. We have had three years to work on that law, and the only thing Congress has delivered to the hard-working ranchers in my country is one delay after another, and that is unacceptable.

We have given the meat packers years to volunteer and voluntarily label the meat. Not one packer has done that. Now, we have labeling on that. We have certified Angus beef, and we have a lot of house brands and house labels and some breeds of cattle promote their production, but nothing says "USA." These delays are not designed to help us improve this important law; they are just a way that the packers get their way.

In all likelihood, this evening the Senate will debate this issue, and tomorrow we will pass this conference report. I did not sign the report, and I shall vote against it tomorrow even though there are some very good things in here, but enough is enough.

Given the hysteria of the meat packers, one would think that COOL assistance would destroy the whole industry, and one would think origin labeling is some outlandish, unheard of concept when it has been around for the last four years. Packers whine about labeling products in the United States, and the packers are engaged in country-of-origin labeling in foreign markets. I do not see what the difference is? It feels to me like you have been discriminated against for your product? And those who do not want labeling, are you not proud of your product? Are you afraid to put your brand on it? Afraid to put a label on it? What is the problem?

Most of our major trading partners require country-of-origin labeling on imported beef and beef products. I could go all night about the situation in which we find ourselves in regarding to beef trade with Japan. We took a pretty tough stand. I believe that it is time that markets be opened.

New Zealand passed a COOL law just last week at the very same time that this conference was shirking its duty to the American cattle producers.

By the way, New Zealand is not afraid to put a label on their lamb. One can go to any grocery store, and the package says, "New Zealand lamb." They are proud of that product. Yet we do not want to do that. Consumers in the United States do not deserve to know where their beef comes from, but foreign consumers do. That is the message we are sending on this conference report tonight.

We know that foreign consumers demand U.S. beef. It is pretty plain. I have talked to the consumers in Japan. They are getting ready to serve these beef bowls. It is the most desired product we ship there. Yet by their standards, they have decided to keep our product off of their market. They have nerve enough to come here and expect us to accept theirs when they have a larger problem than we do in that arena. So Congress is telling the producers that they lose out again in this conference report with a delay provision put in at conference with no debate and no vote.

I will cast a vote against the conference report when it comes up tomorrow. This is a terrible way to do business in the Senate. We can do better in this body. We can respect everyone's opinion and everybody's amendment and everybody's bill, but give them a vote.

We are going to talk about a judge one of these days, and we are going to say he deserves an up-or-down vote. This issue does, too. There is no difference. And we were denied it.

So I am disappointed, but yet we move along and there will be another day when again we will saddle up and try to get this legislation implemented, which basically is the law of the land. Make no mistake about it, this hurts our credibility. We better start taking our job very seriously. Instead, we are taking ourselves too seriously.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I believe I am yielded 10 minutes per the instructions of the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, first I will say a word about the leadership of this subcommittee, Senator BENNETT from Utah and my colleague, Senator KOHL, from the State of Wisconsin. I appreciate the work they have done. This is not easy to do. The product that came out of the Senate was a good subcommittee bill. To the chairman, the ranking member, and their staffs, I thank them for all of the work they have done on this legislation.

As they might know, while they are complimented, there is something that comes behind the compliment. They both know that I did not sign the conference report, having nothing to do with their actions or their activities. I refused to sign the conference report because of what happened in the conference. I wish to describe just a little of that.

The process by which we went to conference with the U.S. House was one in which we expected we would be treated with some respect and we would, through the normal course of things, make judgments and decisions and have votes. That did not happen. It did not happen on the issue especially of the country-of-origin labeling for meat—something my colleague just described. This is a commonsense, farmer-friendly, rancher-friendly law that has always been opposed by the big meat-packing plants and those who do their bidding. The fact is, it is the law of the land and should have been implemented last year.

One day, I brought a porterhouse steak to the floor of the Senate. I had to ask consent to show it on the Senate floor. I held up a porterhouse steak and I said: I would like to know if anybody can tell me where this piece of meat came from. Anybody? Well, nobody could tell where the piece of meat came from. It is just a piece of raw meat in cellophane. It comes from the store.

I asked the question: Might it have come from this particular packing plant? This packing plant, by the way, was only inspected once by a USDA inspector. It happens to be in Mexico. Here is what he said he found. This is a packing plant sending meat to our country. The inspector found:

> Shanks and briskets were contaminated with feces, a U.S. Department of Agriculture official later wrote of his tour of the plant on the floor. In the refrigerator, he wrote, a diseased, condemned carcass was observed ready for boning and distribution in commerce.
>
> The audit noted paint and viscera containers, condensation from dirty surfaces dripping into the exposed product . . .

Did anyone know if that piece of meat came from that plant? No one could tell because it was not labeled.

I thought then about something I read when I was in school. Upton Sinclair wrote the book "The Jungle" in 1906. He described the conditions in the packing plants of Chicago. He said:

> There would be meat stored in great piles in rooms; and the water from leaky roofs would drip over it, and thousands of rats would race about on it.

Then he described how they would lace loaves of bread with poison and lay them around, and the rats would eat the poison and die, and they would shove it down a hole and grind it up and ship it out as meat.

People read "The Jungle" written by Upton Sinclair and demanded something be done in this country, and it was. We have a wholesome supply of meat in this country that we are proud of. Our farmers and ranchers who produce it have a wholesome supply that is inspected. We are proud of it.

"The Jungle," 1906—I just read what he said in the book. May 1999, one inspector goes to Mexico—by the way, he has never gone back. This plant was closed, opened immediately thereafter with new owners and a new company name, and has never been inspected since. Condensation from dirty surfaces dripping into the exposed product . . . Carcass shanks and briskets [were] contaminated with feces. . . .

Does it sound like 1906? Sound like "The Jungle"? Or if you are reading "The Jungle," 1906, by Upton Sinclair:

> There would be meat that had tumbled out on the floor, in the dirt and sawdust, where the workers had tramped and spit uncounted billions of . . . germs.
>
> The employees' feet touched carcasses . . . a diseased condemned carcass . . . was observed in the chilling room ready for boning and distribution in commerce.

How much progress have we made?

So we go to conference and there is a requirement there be meat labeling, and the big packing houses and those that do their bidding in this Congress say it would be way too complicated.

We can drive a remote car on the surface of the planet Mars, and we can't stick a label on a piece of meat, for god's sake? We did require that of seafood. Go to the local grocery store and buy some seafood and you will find a label.

Let me tell you what the manager of the meat department at a supermarket had to say about implementing labeling for seafood. On April 4, 2005, asked about labeling seafood, this fellow at a supermarket said, "It's just a matter of putting a sticker on the package."

Not a problem. So why, then, are the American consumers now told, as a result of this conference, that not only are you not going to get country-of-origin labeling last year when you were supposed to have had it—and then we extended it, the folks over there on the House side extended it—so now they extended it 2 more years. And they did that after they recessed the conference and extended the date for implementation of this law—and it is a law—by 2 years, never having a vote, never notifying anybody.

I would expect the chairman and ranking member of this subcommittee should be furious about that. They probably are. I wrote, by the way, the chairman of the conference and said to the chairman of the conference: That will only happen once because you will not have a second conference in which we sit around and somewhere between the issue of thumb-sucking and daydreaming, believe there is a crevice to do the right thing.

If you decide you are not going to allow votes and then get rid of the conference and go behind a closed door with one party from one side of the Capitol and decide you are going to change the law and shove it down everybody's throat, you are only going to get to do that once. The next time you go to a conference like that, it is going to be a much different circumstance because we now know how at least some are willing to treat others in the conference.

It wasn't so much about treating us, it was about how you are treating farmers and ranchers who are proud of what they produce, and it is about how you are treating consumers in this country. Oh, in this Congress, regrettably, the big interests still have a lot of sway, a lot of influence. They somehow at the end of the day get their way. They especially get their way when the door is closed, when the lights are out; the door is closed, and it is done in secret. And that is exactly what happened here. People should be furious about what has been shoved down the throats of the Congress as a result of a few people in that conference.

So the result will be bad public policy. The result will be consumers consuming food, consuming meat that they do not know the origin of. Why? Because the Congress said: You don't deserve to know the origin of that meat.

There is much to say about this subject. My colleague from Montana described his disgust. My colleague from Iowa will as well. I probably should, in the middle of this angst, say again that this is not the fault of the Senator from Utah, Mr. BENNETT. It is not the fault of the Senator from Wisconsin, Mr. KOHL. They did not do this.

My guess is—I have not talked to them at great length—they would have provided a conference that is the regular order: have debate and have a vote, have a debate and have a vote, and you count the votes and, in this system of ours, determine who has the votes and what policies prevail.

That is not what happened with respect to this conference with the House, and I regret that. We will have another opportunity. In the meantime, the consumers lose, the ranchers lose, the farmers lose because those, whose names I don't have in this statement, behind closed doors, in secret, decided to pull the rug out from under all of those interests.

I assume they are applauded today by the big economic interests, as is always the case in this Congress. But one day soon, I think consumers and others will say: There is no cause for applause for you. In fact, you really should be doing something else.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I am going to keep the litany going on country-of-origin labeling because I am upset, too. I want to speak in opposition to that specific provision in the conference report, H.R. 2744, which is the Agriculture appropriations bill for fiscal year 2006.

The report before the Senate includes an additional 2-year delay—until September 30, 2008—for the implementation of mandatory country-of-origin labeling for covered commodities, except for fish. Fish was taken care of earlier.

I am highly frustrated that implementation funding has been stripped because this is not the first time the conference committee has traveled beyond the scope of its conference. The House bill stripped funding for implementation of country-of-origin labeling for meat and meat products for fiscal year 2006. The Senate bill did not include a delay. However, the conference result is a new 2-year delay that will keep consumers in the dark about the origin of their food.

Mandatory country-of-origin labeling was included in the 2002 farm bill, yet consumers and producers, except those that catch, raise, or eat fish, will not see any benefit from country-of-origin labeling before the next farm bill is written. The opponents of labeling claim it will cost too much to implement. If we do not provide any funding for implementation, they will be right because any cost would be too high. I have heard the concerns of those who have responsibilities under the law, but those concerns can be addressed.

I wish to point out I asked how much country-of-origin labeling would cost and was told it would be $1.5 billion to keep track of the cows so we would know where they came from. There are much simpler systems that can be put in place. Canada keeps track of all of this now. But when we started having problems with other animals, I asked how much an identification system for all animals would cost, and was told that it would only cost half a billion. Tell me, how can you keep track of every animal in the country for a third of what it costs just to keep track of cows? It is bad accounting, if you ask me. It is a plain, blatant statement they don't want to do country of origin. Why wouldn't they want to? I guess to increase the sale of beef from other countries.

As I discussed this matter with my colleagues, it has become clear there is a need for education regarding country-of-origin labeling. Many of them were not here when the last farm bill debate was done. For those who were, the issue of country-of-origin labeling may not be familiar because it was not debated on the Senate floor. Country-of-origin labeling was included in the bill by way of an Agriculture Committee vote, and the final details of the law were worked out during a conference with the House.

For those of my colleagues who were not personally familiar with the topic, they should not excuse themselves from consideration of this important issue because their State doesn't have significant numbers of livestock producers or farmers. I have livestock producers in my State, but I care about country-of-origin labeling because I am a consumer of agricultural products. I am sure that all of us have a lot of consumers of agricultural products in our States, so it should be a concern of every State. Everybody ought to be researching this. Everybody ought to be concerned that we do not have labeling.

Country-of-origin labeling is relevant for agricultural producers, for consumers, and even for the Members of the Senate. In fact, the country-of-origin labeling law is based on the Consumer Right To Know Act of 2001, which I cosponsored. The law requires the U.S. Department of Agriculture to put in place a system for U.S. retailers to inform their customers, when they buy beef, lamb, pork, or other perishable agricultural commodities, from what country the product originated.

Food labeling can help increase consumer confidence by assuring consumers they are making informed and knowledgeable decisions about the products they buy. People know that the United States has the best, cleanest, and safest system for processing beef. Consumers should know if the meat they are bringing home to feed their family has been produced here or if it was imported from a country that may have fewer environmental, health, or safety regulations on livestock production.

The country-of-origin labeling law is not a new concept in the world. Most U.S. trade partners, including the EU, require country-of-origin labeling for food. Many of the laws in other nations are more rigorous than the U.S. law. Virtually every other item a consumer buys in the United States indicates a country of origin.

I understand that some people say we do not need to have country-of-origin labeling when the USDA is already moving forward on a national animal identification program. I have mentioned that I am fascinated by its cost. This is simply not the case. A national ID program will be useful for health safety reasons. It will help pinpoint and track the spread of disease, but this information will not be passed on to the consumer. Tracking disease is not the only concern. Providing information to consumers should also be a priority, and the only consumer-focused program is country-of-origin labeling. That is a priority for me.

After the first 2-year country-of-origin implementing delay was added during an appropriations conference almost 2 years ago, I joined other Senators in cosponsoring legislation to move the implementation date closer to the present. With this second 2-year delay, it is readily apparent that opponents of country-of-origin labeling are using this delay tactic to gut country-of-origin labeling. Rather than meeting us for an open debate on the merits of the law, they continually put it off and allow it to work through the House process. By saying we need more time to implement the law, they are making the law voluntary.

Time is one thing that the debate surrounding country of origin has had. This issue was debated in the years before its inclusion in the farm bill. Since the law was passed, 2 years were granted for rulemaking to ensure its thorough implementation. We have already had a 2-year delay. Removing funding for implementation did not improve the process, it stopped the process cold. For those who have genuine concerns regarding implementation of the country-of-origin labeling, the answer is not to put off implementing the law but to implement it properly.

I wish to remind my colleagues why mandatory country-of-origin labeling passed in the farm bill. Consumers and producers want the information that it will provide. Consumers want to know.

Personally I am more of a food consumer than a food producer, but as a shoe store owner, I could tell you where the shoes I sold were from. It was required.

My dad used to travel on the road and sell some shoes. They were Ball-Band rubber footwear. There was a little dispute that came up at one point in time on that because they had to be labeled if they were made in the United States, and other countries were not allowed to use that label. But in Japan, they started another little town, and they named it Usa. U-S-A with no dots after the letters. Then they could say their boots were made in USA, which looked like U.S.A.

Other people are jealous of the labeling that we have. We require that kind of labeling so our consumers know where their shoes or boots or shirts or hats—things that don't hurt them nearly as much as what goes inside their body—are from. As a father, I could tell you where the clothes I bought for my children were made. I have to say, I would rather have known more about what I was putting into my growing kids than what I was putting on my growing kids.

It is really simple. Artists sign their work, authors pen their books with pride, and American ranchers and farmers want to sign their work, too. They want consumers to know they are proud of what they have produced. They are convinced the people of this country want U.S. beef, U.S. pork, and U.S. lamb.

Although I appreciate the work done by this conference on other important provisions for agriculture, and I appreciate the work they did on some of the issues that have already been mentioned, because of this critical issue to a huge industry in my State, I will be voting against final passage.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. Fifteen minutes.

Mr. HARKIN. I hope not to use all time because others want to speak, also.

I want to take a few minutes to lay out my reasons for my vote on this conference report tomorrow.

First of all, there are many aspects of the bill that I do support and which I believe should become law. I believe Senator BENNETT and Senator KOHL worked very hard to get this bill through.

I supported the bill as it was reported from committee and as it passed the Senate. I believe it was a good bill given the subcommittee's allocation when it passed the Senate, and I said so on the Senate floor. But, unfortunately, the conference process with the House was seriously flawed and resulted in a seriously flawed report as a result.

In some instances, it is as if the House were negotiating with the administration rather than allowing the Senate any meaningful role.

My greatest concern is the continued assault on the farm bill's mandatory conservation programs, particularly the Conservation Security Program. As passed by the Senate, this bill included no annual cap on CSP spending. That is as it is in the 6-year farm bill which was passed in 2002 and signed by the President: no annual cap on CSP funds. So the Congressional Budget Office's baseline estimate for CSP spending in fiscal 2006 was $331 million based upon the program's mandatory funding and no set annual spending cap, as was passed in the farm bill.

While the other body included an extremely low cap of $245 million for CSP in 2006, traditionally, we usually attempt to kind of split the difference on matters such as this. But in this instance, rather than splitting the difference between the House and Senate—the conferees evidently chose to split the difference between the President's budget proposal to cap CSP at $274 million and the $245 million cap in the House bill for a conference level of $259 million. That is far below the $288 million that would have resulted from splitting the difference between the House and Senate figures.

In effect, the will of the Senate as expressed in the bill that we passed by a vote of 97 to 2 was totally thwarted.

Since the farm bill was enacted in 2002, the USDA conservation programs have taken a real beating year after year. They have been used repeatedly as a source offsets to fund other needs.

Including this conference report, the annual appropriations measures from fiscal year 2003 through fiscal year 2006 have cut $1.13 billion in mandatory funds that we dedicated to conservation in the farm bill.

In addition to that, last fall, a further $3 billion was taken out of the Conservation Security Program to pay for disaster assistance. And in the Senate budget reconciliation measure now pending a further $1.78 billion would be taken away from conservation over the next 10 fiscal years—over $1.2 billion of that from the Conservation Security Program alone.

Again, here is a chart that illustrates what we are talking about.

If you look at Agriculture appropriations, those bills have cut, from fiscal year 2003 through 2006, $1.13 billion. Here on the chart is $3 billion which was an offset taken out of the Conservation Security Program to pay for disaster assistance.

Mind you, prior to the past few years, when we have had disasters in this country that require extraordinary amounts of disaster assistance we have paid for the assistance out of the general fund. When there is a tornado, a hurricane, or a flood—whatever it might be—we don't rob programs that are particularly important to one group of Americans in order to pay for the disaster assistance. We paid for the disaster assistance out of the general fund.

Yet when we had a drought disaster in this country that affected many States in the West and Midwest, the money to pay for disaster assistance was taken from the Conservation Security Program to pay for it. That was strongly pushed by the administration and the House. Many times on the floor I said that was wrong. I objected to it. But that is what happened. They took the money out of agriculture conservation to pay for disaster assistance. It was wrong then; it is wrong now to do that.

Then on top of those cuts, in the Senate budget reconciliation measure, another $1.78 billion would be taken out of conservation.

So what we have here is cumulative, $5.9 billion taken out of conservation programs in measures before us just since fiscal year 2003.

Again, I might add that conservation is part of the bill that was loudly praised by President Bush when he signed the farm bill. I was there at the signing. The President said this is a great bill, especially the conservation provisions. The Department of Agriculture put out publications on the farm bill highlighting conservation. Yet since the farm bill as passed, in measures passed or now before the Senate $5.9 billion will be taken out of conservation programs.

Again, I want to emphasize this conservation funding taken away is mandatory spending in the farm bill as to which we met all of the budget requirements when we passed the farm bill. We met all of the budget requirements. It was within the budget allocation provided to us when we passed the farm bill.

In earlier debate today on the reconciliation bill, I heard a lot of talk about the importance of not reopening the farm bill. That was the debate on the amendment offered by Senator GRASSLEY and Senator DORGAN on payment limitations. I heard a lot of talk about not reopening the farm bill. Sorry folks. The farm bill has already been reopened many times regarding on conservation, and other programs for that matter.

To complain about an amendment limiting payments to those getting hundreds of thousands of dollars annually from farm programs, to complain that this is reopening the farm bill is a bogus argument.

Where were their voices last year, the year before, and the year before when all of this money was being taken out of the farm bill, out of mandatory spending? Why didn't I hear their voices on the Senate floor saying we can't reopen the farm bill? There was not a peep from them.

But now when it is proposed to limit payments to the largest farmers in America to meet some of our budget reconciliation requirements, they don't want to reopen the farm bill. We should never have reopened it to take money out of it to pay for disasters.

I have a number of other concerns. I joined with those who are upset about the country-of-origin labeling provision. During the debate on the 2002 farm bill—I was chairman at the time—there was a bipartisan effort. We included country-of-origin labeling for meats, fruits, vegetables, peanuts, and fish. I supported it then, and I support it now. It makes sense. Producers in our country ought to be able to add value by differentiating the origin of their products. Consumers ought to have the power of information of choice. Unfortunately, the will of producers and consumers has been ignored, behind closed doors, without debate, without a hearing, without votes. Country-of-origin labeling for meats, fruits, vegetables, and peanuts has now been delayed until September 30, 2008, after this farm bill expires.

They just want to kill country-of-origin labeling altogether, in the next farm bill—and in the meantime by rewriting the farm bill in the appropriations process. It has gotten out of hand. It is making a mockery of the both the authorization and the appropriations process.

I happen to serve on both authorizing committees and the appropriations committee. They both have a legitimate role to play. To have the authorization committee usurp the power of the appropriations committee is just as wrong as to have the appropriations committee undercut and make a mockery of the authorization process. But that is what the House did.

I don't mind losing if you have fair debate and if you have fair votes. If you lose, you lose. To me, that is democracy. I don't mind that. What I object to is when the House of Representatives, the chairman of the House subcommittee, bangs the gavel and says we will meet subject to the call of the Chair, and we never meet. They go behind closed doors and they do this. They take away country-of-origin labeling, they put limits on conservation, and I don't even get a chance to vote on it. No one gets a chance to vote on it. They say, take it or leave it. That is what I object to.

I am also concerned that the same back-door process I am describing was used to amend the Organic Foods Production Act. Earlier this year, the First Circuit Court of Appeals struck down three final rules for the National Organic Program. I urged the organic community to come together and reach a consensus on what was needed to respond to the court decision. That didn't happen. Some people were left out of the process.

Last month, Senator LEAHY offered an amendment to our Agriculture appropriations bill as a placeholder in the hope that the organic community would have more time to discuss these proposed changes in the law, and reach a consensus which we could then put into the conference report. Unfortunately, this conference report complicates what was already a complicated and sticky issue.

Again, behind closed doors, without a single vote or debate, the Organic Foods Production Act was amended at the behest of large food processors without the benefit of the organic community reaching a compromise.

To rush provisions into the law that have not been properly vetted, that fail to close loopholes, and that do not reflect a consensus undermines the integrity of the National Organic Program.

The Agriculture appropriations conference report also strikes a provision adopted by the full Senate that would limit contracting out to private companies to carry out the Food Stamp Program.

Again, this amendment was adopted without objection by the full Senate. It was reaffirmed by Senate conferees. We did have a vote. The Senate conferees voted to uphold the Senate side. The issue went to the House conferees, and that was the end of it. Usually you work these things out in conference. Again, the chairman gaveled the conference shut, went behind closed doors, and threw out the provision.

Here is the hypocrisy of that. In the Agriculture appropriations bill, there is a limit, a prohibition against any money being used to contract out to private companies for the operation of the rural development programs or farm loan programs. So those programs can't be privatized. But already the Department of Agriculture is approving private contracting for Federal food assistance applications.

Again, I guess the needs of the poor don't warrant the same kind of protection other clients of USDA receive.

There are other problems with this bill. I am disappointed that the measure eliminates or reduces funding for a variety of programs in the farm bill's rural development title. For example, there is a major reduction in the value added development grants.

Fortunately, the bill does call for revamping the rural broadband loan program. Clearly this is a technology that needs to be available. We need to have rural broadband access for economic development.

I am thankful to the chairman and others for the inclusion of numerous projects that help promote biofuels and bioproducts, which have a lot of promise for this country. I also commend them for including funding for the national animal disease facilities at Ames, IA.

One last thing I would mention is that Congress provides money in this bill for Public Law 480, the title II Food for Peace Program, the largest foreign food aid program of the U.S. government. The funding in this conference report is the same as last year, but that was not enough to meet both massive emergency food aid needs and to provide the needed funding for development assistance. Quite frankly, I am concerned that the administration in its budget proposal—which is the basis for this appropriations measure is seriously shorting the development assistance projects under Food for Peace.

In many cases, investment in mitigating chronic food needs in developing countries in 1 year may avert the need for much higher emergency food aid in later years.

For example, one of the countries where USAID development projects were cut back earlier in 2005 was Niger, a country which by summer was experiencing a serious shortage in food availability, which prompted a flash appeal for emergency assistance by the U.N.'s World Food Program in August.

On the other hand, I am pleased that funding for the McGovern-Dole Food for Education Program has been boosted to $100 million for fiscal year 2006.

Again, there are good things in this bill. The bill is not totally bad. But I have a lot of objections to the process on which the House proceeded and the outcomes in the conference report that resulted from the process. This is not the way to do things.

This sort of sort of one-sided process, behind-closed-doors process is a sharp break from the normal practice in appropriations conference deliberations. It sets a terrible precedent.

For the reasons I have outlined, especially for all of the money being taken out of conservation, for the further delay of COOL, the country-of-origin labeling, and other problems I mentioned, it pains me, and I don't like to vote against the conference report. I have great respect for the chairman and the ranking member. As I said, they did a good job. But what came back from the House is not good for our farmers or rural communities, it is not good for consumers, and it is not good for conservation.

For those reasons, I will sadly have to vote against this conference report.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, country-of-origin labeling has been an issue in the Senate for quite awhile, and yet, after all this time, we're no closer to promoting U.S. products than we were a decade ago. In reviewing the storied history of this issue, it is clear that there is no shortage of viewpoints. One view that has been overwhelmingly vocalized is that U.S. producers of beef and pork want to market and promote their products as born and raised in the United States of America. They are proud of what they produce, and they should be: the U.S. produces the safest, most abundant food supply at the most affordable price, and our livestock producers want to capture the value they add to the market.

But just like every other debate in Washington, the debate over country-of-origin labeling has been about the means to accomplish the goal. It is not that we are fighting about whether or not promoting U.S. products is a good idea. We are fighting about how to do it. Some in the U.S. Senate, and some around the country have said: "If it isn't mandatory, it's not labeling," or that the current mandatory labeling law that passed in the 2002 Farm Bill is the only way labeling will work. I strongly disagree.

The current mandatory law is an example of a good idea gone awry. The warning signs of the negative impact of this law have long been on the horizon. On a number of occasions the U.S. Department of Agriculture, the Government Accountability Office, and the Office of Management and Budget have published reports and studies, and testified before Congress about the burdens of mandatory country-of-origin labeling.

In 1999, GAD testified before Congress that "there is going to be significant costs associated with compliance and enforcement" of mandatory labeling.

The next year, GAO released another study indicating that.

> U.S. Packers, processors, and grocers would . . . pass their compliance costs back to their suppliers . . . in the form of lower prices or forward to consumers in the form of higher retail prices. And when USDA issued its proposed rule, they included a cost-benefit analysis that said implementation could cost up to $4 billion—with no quantifiable benefit. The rule was followed by a letter from the Director of Office of Information and Regulatory Affairs at OMB, Dr. John Graham, which said "this is one of the most burdensome rules to be reviewed by this Administration."

Not surprisingly, these predictions were recently realized when several processors, preparing for implementation of mandatory labeling in September 2006, sent their suppliers letters spelling out the arduous procedures that would be employed to verify animal origin, ensure compliance, and indemnify the processors from liability for inaccurate information.

Given these ominous warnings, many of my constituents are rightly concerned about the financial and record keeping burdens this law will impose on them. They ask:

> How can something so popular, like marketing and promoting U.S. products be so expensive?

There has to be a better way to market and promote U.S. products. I am pleased that the conference report for the Fiscal Year 2006 Agriculture Appropriations Act contains a provision that will delay implementation of mandatory country-of-origin labeling until

2008 because it gives us 2 more years to enact a meaningful, cost-effective labeling program like the Meat Promotion Act of 2005, which I introduced with 13 of my colleagues earlier this year. This bipartisan, commonsense legislation would establish a voluntary country-of-origin labeling program driven by the free-market, not the rigid legal interpretations of Federal bureaucrats.

I stand with livestock producers that want to market and promote the products they proudly raise. I believe they should be able to market and promote their products as born, raised, and processed in the United States, and I believe the Meat Promotion Act of 2005 provides the most effective and efficient opportunity for them to do so, while adding value to their bottom line and helping the economy of rural America.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I rise, too, on behalf of South Dakota's cattle producers to voice my support for country-of-origin labeling and also to express my profound disappointment in the tactics that were employed to derail country-of-origin labeling in the bill under consideration this evening.

I have been a supporter of mandatory country-of-origin labeling since first being elected to the House of Representatives in 1996. I offered the country-of-origin labeling amendment in the House Agricultural Committee 2002 farm bill deliberations. Figuratively speaking, that was a bloody battle. Anyone who was in the room will tell you we spent 4 hours fighting over this issue about whether to include country-of-origin labeling in the 2002 farm bill. The truth of the matter is, even though at that particular point in the process we were not able to get included in the House farm bill, we were later on, when the bill went into conference with the Senate, the Senate adopted a provision, and we were able to retain that provision. So when the 2002 farm bill conference report was reported to the floor of the House and the Senate, it included mandatory country-of-origin labeling. It was passed overwhelmingly by the House and the Senate, put on the President's desk and signed into law. In fact, it was signed into law by the President back on May 13, 2002.

I assumed at that time that we had achieved a major victory for the ranchers that we represent, the cattle producers in places such as South Dakota and other areas of the country. Unfortunately, I was wrong.

Even though country-of-origin labeling has been the law of the land since that day, it has been on the receiving end of an onslaught of attacks and delays. Where I come from, a deal is a deal. The Congress, the elected Representatives of the people of this country, through the 2002 farm bill, adopted a provision that would implement mandatory country-of-origin labeling. Under the 2002 farm bill, country-of-origin labeling was set to be implemented by September in 2004. The fiscal year 2004 agriculture appropriations bill—and at that time I was not in the Congress—delayed implementation until September of 2006. And now the conference report we have before the Senate today will delay it even further, until 2008.

It always ends up being done in the dark of night. As was noted earlier by several of my colleagues in the Senate, the House negotiators came to this process and walked away from the table, not even giving us an opportunity to debate this in the light of the day. It would be great to have the debate on the floor, but even in the conference there was not an opportunity for Members of the Senate to have their voices heard through a vote on that particular provision.

If you want to rewrite the 2002 farm bill, don't do it in a conference committee, for crying out loud. Let's do it in the light of day. Let's at least give the members in the conference committee an opportunity to vote up or down on this issue. I believe if the members of that conference committee had that opportunity, those in favor of country-of-origin labeling would have prevailed.

I have heard the arguments against mandatory country-of-origin labeling more times than I can count. While I respect my colleagues and their views, I disagree with those who oppose this program and wish to delay it to death.

My colleague from Texas suggested this is a bad thing, we cannot implement this. How do we know? We have not implemented it yet. We passed the law. The people's representatives of the Congress spoke out in favor and made it part of the 2002 farm bill. We have lots of people, naysayers, now saying it will never work. How do we know? It has never been implemented.

The deal we struck back in 2002, and the commitment we made to the producers of this country and to the consumers of this country, has now been derailed not once but twice. Literally, it is death by a thousand cuts to the producers across this country who believe the Congress had taken their side and made a commitment to implement this legislation.

My colleague from Texas—again, whose views on this I certainly respect—suggests we just have a voluntary system. The people who are opposed to doing this mandatory country-of-origin labeling, how do you expect them to come out and voluntarily say, we are going to do it. They are the very folks who are fighting, resisting, opposing, trying to delay and ultimately kill the country-of-origin labeling provision that was a part of the 2002 farm bill that ought to be the law of the land today.

Everything that we have in this country has a label on it. The tie I am wearing this evening says "Made in China." The glasses, as I get older, I need for reading purposes, say "Made in China." Even the holder for the glasses has a labeling on it. The pen I hold in my hand says "Made in Japan." Literally everything we purchase in this country has a label. We know where things come from, where they originate. In the last farm bill, we even implemented for fish, for fruit and vegetables. Yet we do not want to know where the meat comes from that the consumers of this country consume on a daily basis? Does anybody understand or recognize the inconsistency in that argument?

It will not be very far from here that producers in this country will be forced to implement an animal ID system, and somehow we cannot implement a country-of-origin labeling system. Yet we are going to ask producers to trace the origin of those animals as a food safety precaution.

I argue, again, that country-of-origin labeling is an opportunity for our producers to differentiate their product from those products raised elsewhere in the world. We have the highest quality, and our producers are proud of what they raise in this country. They want to be able to differentiate it, but they are going to be required in the not-too-distant future, as a food safety measure, to implement an animal ID. We have a number of pilot programs underway across the country today. When one of those is adopted as some sort of a national standard, producers will be expected to trace the origin of those animals. The only question is, Who is going to pay for it?

It is a slap in the face to this Nation's livestock producers and consumers. This recent delay is unacceptable. It is unwarranted. Who loses? The livestock producers who grow and raise quality products in this country, who want an opportunity to market and differentiate their products, and ultimately, the consumers of this country who have a right to know where the meats they purchase, day in and day out for consumption by themselves and their families, comes from. Special interests have won out this day over the will of our producers, our consumers, and the elected representatives in the Senate. That is a sad day.

I will oppose this Agriculture appropriations conference report for that reason.

I yield back my remaining time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I have listened to this debate with interest. There are a few things perhaps to get on the record so we have it clear if someone wishes to go back in historic fashion and look at all this and say what really happened. I would like to make a few comments to that extent with respect to country-of-origin labeling.

Conferences are for the purpose of resolving differences. The Senate had no statement at all with respect to country-of-origin labeling, so the Senate bill would have allowed the law to go forward in the way that many of the speakers here tonight have asked. The House bill would have killed it—not delayed it, killed it. The House voted overwhelmingly to eliminate country-of-origin labeling.

We had to come up with a compromise. We could either have the Senate position—that it goes forward—we could have the House position—that it dies—or we could have something in between. In the spirit of most conferences, we came up with something in between.

We have not killed the program in this conference report. We have delayed the implementation. So the Senate did not get what it wanted, which was full speed ahead. The House did not get what it wanted, which was to kill the program. We have a compromise.

I think we should understand that so those who say, We caved in to the House, the House did it to us, without any consultation or conference with the Senate—well, understand that is not true. We arrived at a compromise between two very different positions. It does not satisfy the people in the Senate, and it probably does not satisfy the people in the House.

Now, I will say from a personal point of view, I am getting tired of this debate. It came up when I became chairman of the subcommittee the first time. We have had to deal with it several times now. I think this is an issue that should be resolved in the authorizing committee. I think the authorizers should come to the conclusion it is a good idea and we should go ahead with it or they should come to the conclusion we made a mistake in the farm bill and we should kill it. They should not ask us in the appropriations process to make the decision that the authorizers need to make.

The point has been made here that the date we set on this, with this compromise between the House and the Senate, carries to a point beyond the expiration of the current farm bill. That is true. That means the authorizers will have an opportunity, before we visit this issue again on the Appropriations Committee, to make their decision. The authorizers will have an opportunity to either re-endorse the idea or to kill it.

So I say to those who feel so strongly on both sides: Talk to the authorizers when it comes up in the farm bill and make the decision—do we really want to go ahead with this or do we really want to kill it?—and not ask those of us in the appropriations conference to have to deal with it. Get it off our plate and put it in the place where it belongs.

I make one other comment. As I have looked at the issue, I find myself on the side of those who think it is a mistake. I have no pressure from consumers who want a label on meat that says where it comes from. I do not think they would pay that much attention to it. The history of country-of-origin labeling for virtually every other product is that consumers are mildly interested but that it does not significantly affect their purchasing.

If someone really believes this would make meat more attractive to customers, he or she has the opportunity to put that label on right now. A voluntary program would make it available everywhere. But if someone wants to promote Iowa beef, they have the opportunity right now as a marketing device to say, This is Iowa beef, without having to go through all of the regulatory requirements that are connected with this law.

So once again, this is an issue that the authorizers should look at. This is an issue that those of us who have been forced to deal with it are tired of. We hope this is the last time we will have to deal with it in an appropriations bill.

Mr. President, I ask unanimous consent that a letter sent to me from the USDA Acting General Counsel regarding sections 794 and 798 of the fiscal year 2006 Agriculture Appropriations Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, October 28, 2005.

Hon. ROBERT F. BENNETT,
Chair, Subcommittee on Agriculture, Rural Development, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This will respond to the inquiry made today by members of your staff for the interpretation of the Department of Agriculture (USDA) regarding sections 794 and 798 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Act), as that measure was approved by Senate and House conferees on October 26, 2005.

If enacted, section 794 would provide that, effective 120 days after the date of enactment, no funds made available by the Act may be used to pay the salaries and expenses of personnel to inspect horses under section 3 of the Federal Meat Inspection Act (FMIA), 21 U.S.C. §603, or under guidelines issued by USDA under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (FAIR Act), 7 U.S.C. §1901 note. If enacted, section 794 would prohibit the use of appropriated funds to pay the salaries and expenses of USDA employees to perform inspections of horses under either section 3 of the FMIA or the guidelines issued under section 903 of the FAIR Act.

If enacted, section 798 would (1) amend the FMIA by removing the list of species, i.e., "cattle, sheep, swine, goats, horses, mules, and other equines" at every place where it presently occurs in the FMIA and replace such list with the term "amenable species"; (2) provide that the term "amenable species" means those species subject to the provisions of the FMIA on the day before the date of enactment of the Act, as well as "any additional species of livestock that the Secretary considers appropriate"; and (3) make similar amendments to section 19 of the FMIA regarding the marking and labeling of carcasses of horses, mules, and other equines and products thereof. Section 798 would become effective on the day after the effective date of section 794.

Having reviewed these sections, it is our opinion that section 798 does not nullify or supersede section 794 and that, if both sections are enacted as written, barring further amendment the prohibitions effected by section 794 would become effective 120 days after the date of enactment of the Act.

Please let us know if you have any further questions regarding this matter.

Sincerely,

JAMES MICHAEL KELLY,
Acting General Counsel.

Mr. BENNETT. Mr. President, I ask unanimous consent that all time be yielded back on the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On November 20, 2002, in Scottsdale, AZ, a gay man was attacked while leaving a bar. According to police the man was leaving a bar when two men approached him. One man said, "you offend me . . . you are an insult to straight men." He then attacked the victim punching him twice in the face.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE TO ROSA PARKS

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to one of the truly legendary and enduring figure of the 20th century, Rosa Parks, who dedicated herself to fighting for equality and justice.

Rosa Parks, the matriarch of our Nation's civil rights movement, died last Monday at the age of 92. An American icon who changed the course of the 20th Century, Rosa Parks believed that men and women, regardless of color, should not be treated as second class citizens. Sixty years after the name Rosa Parks first made headlines, her courageous acts continue to symbolize the cause of freedom in America.

As we mourn the passing of Rosa Parks, we are reminded of the power and integrity of her spirit. Her quiet dignity and fearless strength shaped and inspired the civil rights movement in the United States over the last half-century.

Most historians date the beginning of the modern civil rights movement in the United States to December 1, 1955. Tired and weary not only from a long day of work, but from years of discrimination and racial inequality, an unknown seamstress in Montgomery, AL, refused to give up her bus seat to a white passenger. On that momentous day in history, Rosa Parks was arrested for violating a city ordinance, but her lonely act of defiance sparked a movement that ended legal segregation in America.

The subsequent bus boycott by African Americans created a national sensation. Led by Reverend Martin Luther King, Jr., the Montgomery bus boycott lasted nearly 13 months and inspired the Nation's civil rights movement.

The boycott led to the Supreme Court questioning the legality of the Jim Crow law that mandated the discrimination of African-Americans on the public bus system. And on November 13, 1956, in the landmark case Browder v. Gayle, the Supreme Court banned segregation on buses. A tremendous victory for the cause of freedom and equality.

Throughout her long life, Rosa Parks possessed an innate ability to lead. Her quiet acts of courage illuminated for Americans the disgrace and moral injustice of segregation. She continued to inspire non-violent protests in the name of civil rights throughout the 20th century and changed the face of America forever.

Rosa Parks was born in Tuskegee, AL, in 1913, a time when black and white America seemed destined to remain perpetually divided. In 1932, she married civil rights activist Raymond Parks. Together, they worked for the Montgomery chapter of the NAACP, where she worked as a secretary for the Montgomery branch and as its youth leader.

In the summer of 1955, while working for the NAACP, Rosa Parks attended an interracial leadership conference. She later said that it was at this conference where she "gained strength to persevere in my work for freedom, not just for blacks but for all oppressed people."

Rosa Parks had a distinguished career of public and community service. In 1965, Rosa Parks began to work as a receptionist and office assistant for Congressman John Conyers in his Detroit office, where she continued to work until 1988. Later, she established the Rosa and Raymond Parks Institute for Self-Development. Its ongoing mission is to motivate and direct youth to achieve their highest potential.

Rosa Parks once remarked that she wanted to be remembered "as a person who wanted to be free and wanted others to be free." She lived each day by this mantra and inspired countless individuals in America and throughout the world to take up the mantle of freedom.

But although our country has come a long way since the days of the Jim Crow laws, it doesn't mean that we still don't have even more to accomplish. We must protect the advances made by America's minorities, and also further those advances in the years ahead.

Today, we honor the life and legacy of Rosa Parks, a great champion of freedom, equality and justice, and prosperity for all people. I believe that it was especially fitting that she was given the distinct tribute of lying in honor in our Nation's Capitol. An icon who changed America, there is no doubt that Rosa Parks will remain etched forever in our memories.

THE RECENT ELECTIONS IN ZANZIBAR

Mr. FEINGOLD. Mr. President, I am deeply concerned about the situation in Zanzibar, Tanzania.

Just last month, Zanzibaris went to the polls in Presidential and parliamentary elections. I commend the strong voter turnout and the understandable desire of Zanzibaris that their votes be counted. Unfortunately, the people of Zanzibar have so far been denied the accountable and transparent election process they deserve. This is a cruel repeat of the Presidential and parliamentary elections held in 1995 and 2000, which were widely considered to have been mismanaged, resulting in serious irregularities. Credible allegations were made after the 2000 elections that votes were manipulated to deny the opposition Civic United Front, CUF, victory in Zanzibar.

Even more disturbing was the violent aftermath of the 2000 elections. In 2001, demonstrators protesting election abuses in Zanzibar and Pemba met with a brutal police response in which 32 people died, hundreds were arrested, and countless others fled to neighboring countries for asylum. These events were deeply troubling and underscored the need for real reform to ensure that violence and serious irregularities in the electoral process were not repeated. I traveled to Pemba in the aftermath of these troubling events, and in my conversations with local residents and leaders, I sensed real frustration with the failure of the Tanzanian authorities and the international community to speak out on behalf of the civil and political rights of the people of Zanzibar.

The Mukata II agreement established in 2002 gave rise to hope for change. Reforms under this agreement, agreed to by all parties and implemented in the 2003 local elections in Pemba, gave further reason to believe that the rights of the Zanzibari people would now be respected. Unfortunately, while the Mukata II agreement set out to improve transparency and ensure that election results are credible to parties, it appears today that Zanzibari voters' rights are again being ignored.

Once again, serious allegations of voting irregularities and unfair preelection conditions have surfaced, including double voting, inaccurate voter lists which prevented eligible voters from casting ballots, and media bias. Once again, reports speak to the use of excessive force against civilians protesting these injustices.

The Government of Tanzania and the Government of Zanzibar have a responsibility to pursue accountability for past abuses and transparency in the political process. The U.S. Government has a responsibility, too. To turn a blind eye to the abuses that have taken and are taking place in Zanzibar is inconsistent with our principles, and it is, frankly, inconsistent with our interests. Zanzibar's population is nearly entirely Muslim. Given all the hostility, all of the suspicion, and all of the resentment of American foreign policy that exists in the Muslim world, we cannot afford to be indifferent to this kind of injustice. I call on the administration to provide Congress with a plan to work with the rest of the donor community to send strong, unmistakable signals to the Tanzanian Government that the disenfranchisement of the people of Zanzibar is simply unacceptable.

SUPERB PERFORMANCE OF THE COAST GUARD

Mr. KENNEDY. The October 31 issue of Time magazine contains a brief and extraordinary article about the Coast Guard's brilliant efforts to assist the devastated people of New Orleans in the wake of Hurricane Katrina, when the Federal agencies were so incompetent in their efforts to provide relief.

As one local official noted, the Coast Guard "was the only Federal Agency to provide any significant assistance for a full week after the storm."

The Coast Guard deserves great credit for its superb performance and I ask unanimous consent that this article may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Time Magazine, Oct. 31, 2005]

HOW THE COAST GUARD GETS IT RIGHT

WHERE DID THOSE ORANGE HELICOPTERS COME FROM, ANYWAY? THE STORY OF THE LITTLE AGENCY THAT COULD

(By Amanda Ripley)

Wil Milam, 39, is a rescue swimmer for the U.S. Coast Guard in Kodiak, Alaska, which means he spends most of his time jumping out of helicopters to help fishermen who break bones and pilots who crash their private planes. "We're pretty much the area ambulance service," he says. Before he was dispatched to New Orleans in the aftermath of Hurricane Katrina, Milam had never been called out of Alaska for a mission and had never done urban search-and-rescue work. But like thousands of other personnel, he was brought to Louisiana to do what the Coast Guard does best: improvise wildly.

Milam made his first rescue late one night near a warehouse outside New Orleans. After dropping him into the black miasma below, his helicopter did something he had never seen in his entire 13-year career: it flew away—so that he could hear the cries for help. He looked around through his night-vision goggles and saw what looked like caskets—in fallen trees, on porches. Yes, they were caskets, dislodged from a nearby cemetery. That night Milam found a man and four dogs and helped hoist them all safely into the helicopter when it returned. The man's pig, however, Milam left behind. "No way I'm taking a pig. The pig will be O.K.," he says. And so it went for 11 days, with Milam experiencing such firsts as flying over a semitrailer sitting on the roof of a house, seeing alligators undulating in the water below and finding himself surrounded by four men with shotguns in a dark, empty hospital. (They were security guards, as it turned out, and just as frightened as he was.) "I'm like, man, they didn't teach me this in swimmer school."

In Katrina's aftermath, the Coast Guard rescued or evacuated more than 33,500 people, six times as many as it saved in all of 2004. The Coast Guard was saving lives before any other, federal agency—despite the fact that almost half the local Coast Guard personnel lost their own homes in the hurricane. In decimated St. Bernard Parish east of New Orleans, Sheriff Jack Stephens says the Coast Guard was the only federal agency to provide any significant assistance for a full week after the storm. Coast Guard personnel helped his deputies commandeer boats and rescue thousands. So last week, when two representatives from the U.S. Government Accountability Office came to ask how he would fix the Federal Emergency Management Agency (FEMA), he had his answer ready: "I would abolish it," he told. them. "I'd blow up FEMA and ask the Coast Guard what it needs."

In one sense, that has. already happened. After the implosion of FEMA director Michael Brown, President George W. Bush placed Coast Guard Vice Admiral Thad Allen in charge of the federal response to Katrina. Before Hurricane Rita even hit land, the Administration placed a Coast Guard rear admiral in charge of that recovery. These are essentially urban-planning jobs—not something men and women who spend much of their professional lives on water are exactly trained to do.

So how is it that an agency that is underfunded and saddled with aging equipment—and about the size of the New York City police department—makes disaster response look like just another job, not a quagmire? How did an organization that, like FEMA, had been subsumed by the soul-killing Department of Homeland Security, (DHS), remain a place where people took risks? And perhaps most important, can any of these traits be bottled?

TRIBUTE TO DR. RICHARD E. SMALLEY

Mrs. HUTCHISON. Mr. President, I rise today to pay tribute to Dr. Richard Errett Smalley of Rice University.

On October 28, 2005, Texas and America lost a brilliant mind, a great American and a dear friend, Richard Smalley.

Early in his life, Dr. Smalley developed a love for science as he collected single-cell organisms with his mother at a local pond and studied them with a microscope.

He took this love of science with him to the University of Michigan where he graduated in 1965 with a bachelor's degree in chemistry.

After working at a Shell Chemical Company manufacturing plant in New Jersey for 4 years, Dr. Smalley continued his education at Princeton University, graduating with an M.S. in 1971 and his Ph.D. in 1973.

He moved his family to Chicago to begin a postdoctoral period with Donald H. Levy at the University of Chicago.

While there, Dr. Smalley's work began to elevate when he pioneered what has become one of the most powerful techniques in chemical physics, supersonic beam laser spectroscopy.

In 1976, Dr. Smalley joined the Department of Chemistry at Rice University as an assistant professor, where he, along with his colleague, Dr. Robert F. Curl and British chemist Sir Harold Kroto, discovered a new class of carbon molecules called the fullerene, or "buckyballs."

This discovery led to the team's 1996 Nobel Prize in chemistry, and spurred the development of nanotechnology as a revolutionary area of science capable of solving global problems in fields ranging from medicine to energy to national security.

Dr. Smalley's accomplishments in the field of nanotechnology have greatly contributed to the academic and research communities of Rice University, the State of Texas, and the entire country.

He, along with Nobel Laureate Michael Brown, was a founding cochairman of the Texas Academy of Medicine, Engineering and Science, which has played an instrumental role in enhancing research in Texas.

Dr. Smalley devoted his talent to employ nanotechnology to solve the world's energy problem, which he believed could ultimately solve other global problems such as hunger and lack of water.

His devotion to science and its application to solving world issues earned him numerous honors and accolades, including the Distinguished Public Service Medal from the U.S. Department of the Navy and the Lifetime Achievement Award from Small Times Magazine.

While Dr. Smalley may no longer be with us, his legacy will continue to grow as scientists build upon his work and all of us around the world reap the benefits of his discoveries.

My condolences go out to his wife Deborah, two sons, Chad and Preston, and the rest of his family and friends.

TRIP DIARY ON BEHALF OF THE HURRICANE KATRINA FARMWORKERS DISASTER RELIEF EFFORT

Mr. ENZI. Mr. President, I ask unanimous consent to have printed in the RECORD the trip diary of Dr. John Arnold on behalf of the Hurricane Katrina Farmworkers Disaster Relief Effort.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRIP DIARY HURRICANE KATRINA FARMWORKERS DISASTER RELIEF EFFORT (THE LARGEST INTERSTATE NON-GOVERNMENTAL RELIEF EFFORT OF THE KATRINA/RITA/TORNADO AFTERMATH DISASTERS)

Trip log of Dr. John David Arnold on his 6-day trip to the Hurricane Katrina Disaster States of Mississippi and Alabama from Friday, September 9, 2005 to Wednesday, September 14, 2005—His debriefing trip to federal agencies and Congressional Representatives in Washington, D.C. September 29 and 30, 2005.

INTRODUCTION

Why go to the Mississippi and Alabama? Perhaps because they are rural states with many farmworkers that are consistently ignored and would be forgotten about in the Hurricane Katrina/Rita relief efforts. Also, because of the abject poverty these workers are in. They would be hard pressed to find resources to evacuate. Most had no credit cards, no bank accounts, no gas, nor cars to put it in. A key concern was the remoteness of these rural agricultural states and the lack of adequate infrastructure to deal with Hurricane disasters. Another key factor is that the coastal region infrastructure was all but compromised by the storms. Our long-term relationship with two sister farmworker organizations, Mississippi Delta and Telamon Alabama farmworker councils as contacts would facilitate our relief assistance as their headquarters are located far inland and their infrastructure was intact. This was an opportunity to move much needed relief supplies to that region for present needs as well as establish for the future a permanent emergency relief supply distribution and training center. The following is my diary of the 6 days spent in the Gulf States region from September 9th—September 14, 2005, and subsequent events.

PRE-WEEKEND COLLECTING PHASE

SEPTEMBER 7, 2005: INITIAL CONTACT PHASE WITH GULF STATES REGION PARTNERS

A. Initial contact with sister agencies Mississippi Delta and Alabama Telamon Farmworker Councils.

B. Conference call LULAC Executive Board to secure $5,400.00 to pay for the costs of the first convoy of three (3) trucks with emergency relief supplies from Arizona to Clarksdale, Mississippi

SEPTEMBER 8TH: PPEP KATRINA RELIEF EFFORT IN TUCSON, AZ

I spent most of the day (AM) arranging for transport vehicles and volunteer laborers to load the (3) 26′ Penske rental trucks with emergency relief supplies. By noon trucks had been secured as well as 12 students from PPEP TEC Charter H. S., Fernandez Learning Center. Initially the donated items came from both of the 13 PPEP TEC Charter High Schools, the general public, and later the bulk of the items from World Care. Lisa and Pam, from World Care were most generous with the relief supplies they had collected as well as with volunteers, trucks and drivers. The students of PPEP TEC were also great and we worked loading the 3 26′ trucks for about 4–5 hours in 107° heat. One of the young ladies passed out and was taken to urgent care—she was fine. The hungry student volunteers were treated to the Home Town Buffet all you can eat buffet. The media was great; CBS Channel 13 showed up and interviewed us about what we were doing as well as the Tucson Citizen photographer Gary Gaynor. During the loading, I was interviewed by Maria Garza live on her Hispanic radio network program. One of about a dozen such interviews daily while I was in the gulf state region. The Washington Post tracked me down in Clarksdale on the abuses to the immigrant workers. We spoke about the need for mobile medical clinics, bilingual volunteers to translate for Spanish speaking volunteers wanting to fill out FEMA Emergency relief applications. There was discussion about Wal-Mart and Home Depot making discounts and jobs for Katrina low income victims to repair their home—of course many do not even have homes to fix nor are the insurance companies willing to pay for it if they did have insurance. The students that helped us load the trucks were impressed with that because of their hard work they were "now humanitarians—they showed there is hope for the future generations."

SEPTEMBER 9TH: MOBILIZING VOLUNTEERS, RESOURCES, DEPARTURE TO CLARKSDALE, MISS.

A press conference was held at 10:30 a.m. Friday, September 9, 2005 to thank everyone involved with the relief effort as well as a send off for those 7 individuals on the PPEP staff that volunteered to make the some 25 hour 1,500 mile drive from Tucson to Clarksdale, Mississippi to our drop off point and then fly back to Tucson. They were Art Benge, Olivia Bernal, David Green, Suzette Hamill, George Long, and Samuel Lopez. I flew down ahead of time to make preparations for their arrival and visit farmworker camps in the region. George Long from PMHDC would head up the first convoy. The press conference was attended by the Arizona Star, Tucson Citizen and Channel 4 (NBC) provided coverage. About 35 students and staff along with Representative Ted Downing participated in the send off. Representative Ted Downing spoke of the loss psychologically that Katrina victims have sustained. This includes disorientation because the landmarks are gone, time of day no longer matters, whether it's Sunday or Saturday is meaning less. Despair, poverty, disease, loss of family members and possessions blur everything. Time seems to stand still until the shock wears off, relief or rescue arrives, if ever. During Maria Garza's live radio broadcast, I brought up these points and others; such as need for volunteer bilingual psychological counseling, legal assistance for the victims, bio-hygiene was also discussed as crucial, just to feel clean again. Among the items transported were health, personal hygiene kits, canned food, clothing of all ages, bedding, water, crutches, walkers, infant needs, and even pet food there was need for insect repellent as the mosquito population was exploding carry diseases. Clorox is a priority as the monster mold that sets in afterwards.

My flight to Clarksdale was rerouted to Little Rock, Arkansas 2 hours away from Clarksdale. My purpose for flying ahead of the relief convoy was to make preparations in Clarksdale to set up the proposed storage facility to be used later for distribution of the contents of the three trucks of donated items. Furthermore, we were to have a press conference and tour on Saturday the local emergency shelter with Hector Flores, President of LULAC, Congressman Benny Thompson as well as consult with local emergency officials.

Initially, LULAC contributed the $5,400 to cover rental of the 3 trucks, airfare for drivers to return home, gas and lodging. PPEP, Inc. contributed the staff hours, logistics on both ends of the trip. My flight arrived at Little Rock at 10:24 p.m. where I was greeted by Mr. Nathan Norris a representative from Mississippi Delta Farmworker Council who drove me to Clarksdale. Because of several detours we arrived in Clarksdale at 4:00 a.m.

SEPTEMBER 10TH CLARKSDALE, MISSISSIPPI TOUR/PRESS CONFERENCE/OUTREACH TO FARMWORKERS, MORNING

Don Green picked me up from the Best Western and we had breakfast and talked over strategies for recovery the efforts including microbusiness and housing development. Afterward we went to the Mississippi Delta Farmworker Council office in Clarksdale and greeted Barbara Thompson and met the other staff. I located Hector Flores President of LULAC that had flown into Jackson, Mississippi, and rented a car. During the morning, two groups of Mexican farmworkers came into the office and I translated for them as there were no Spanish speaking workers there or anywhere I went. We made arrangements to go visit the farmworkers that evening where they lived as well as present the services available in Don's job training organization. Don and I went out to Stovall Farms where we saw some farmworkers and also promised to return with Pizza's in the evening and talk to the rest of the group. Back at the office we made preparations for the press conference at 1:30 p.m. Mr. Hector Flores arrived with assistant Mr. Briones and he talked to some of the farmworkers whom had come into the office and took photos with them. We then took off to the local shelter located at the Clarksdale Expo Center. The center was being toured by the local, State, and congressional representative Bennie Thompson. The center was very well organized, equipped, and supplied all with local resources—mainly none governmental. After the shelter tour, we went back to the Mississippi Delta office for the press conference. Hector, myself, and Congressman Thompson spoke to the press and the group assembled there. The balance of the afternoon was devoted to making flyers in Spanish, which I translated, and ordering 60 pizzas and sodas for the evening farmworkers meetings.

At 5 p.m. went back to Stovall Farms passing the Indian burial mounds. We found the farmworkers playing volleyball behind one of the houses. Corn, barley, marlo, cotton, soybeans, rice, and catfish farming are common to the area. There are also some casinos along the river. Some of the people say the once rich soil is being depleted and contaminated by overuse of pesticides. The farmworkers at Stovall listened to our presentation of services, ate pizza, and we took pictures together. Don's group played volleyball with the farmworkers, an important bonding between two diverse cultures yet with the same farm work background. We then left for a trailer park near Clarksdale that housed farmworkers, unlike Stovall farms most spoke English. We ate pizza together with these workers whom were interested in computer, CDL, and technical classes. The Stovall farmworkers wanted English classes. Both types of classes were going to be looked into by Barbara Thompson from Delta.

The last stop was to visit some farmworkers was at Vance, Mississippi, about 15 miles south of Clarksdale. One group of male farmworkers invited us into their home where we exchanged pizza and a Mexican dish prepared by the farmworkers. Afterwards, we took the balance of the pizza to the shelter for the evacuees whom were mostly out for the evening in town. We spoke to the sheriff safety officers at the shelter and they advised us if we were going to the coastal cities of Biloxi and Gulfport we should take extra gas rations as supplies were non-existent. Also, suggested we travel with armed guard or get Military Police escort while in the immediate coastal area as there are armed gangs, car jacking, and looting. Once there, I saw none of that, only people whose dreams were shattered and praying that relief would arrive soon. Also suggested, was that we must leave before it gets dark because it is extremely dangerous and the military has a curfew and will snipers shoot at you. I then returned to my hotel. Most all the hotels in Mississippi are completely filled with evacuees. The first available reservations were in December.

SEPTEMBER 11TH: TRIP TO GULF COAST REGION—PPEP CONVOY ARRIVES

We left Clarksdale at 6 a.m. and traveled down Highway 49 through Indianola, Jackson, and Hattiesburg to 1–10 and Gulfport. One of Don's staff personal that drove was armed in case of an emergency. We arrived in Jackson and stopped for fuel to ensure we could get in and out of the Gulf area. From that point on we began to see damage of trees uprooted and buildings in disrepair.

As we got closer to Biloxi and Gulfport, there was evidence of military personnel, shelter tents and relief stockpiles in the open, mainly donated items that were being distributed. People were returning and the areas inland north of the US–90 were congested with vehicles. Perhaps loading up with supplies, rebuilding materials, and families returning to survey what was left if anything. Some of the gas stations were open (long lines) and a few restaurants were all very busy. As we got closer to downtown Gulfport the road was blockaded and cars were screened by the Military Police. The Downtown was abandoned as far as business activity since most of them were damaged, many beyond repair or blown away.

As we approached US–90 the buildings were leveled and the large hotels facing the beach were blown out and only their structural frames remained. Once on US–90 we were stopped again and screened carefully to continue westbound. Once heading west, the evidence of the magnitude of the storm was alarming. The floating casinos were beached. One casino had rested atop what was once a 3-story motel and flattened it. All the businesses along the route were swept away and barely a trace left where they once stood. The large oaks were leveled and stripped of their leaves. Most were up rooted. The banana industry warehouses and trucks near the docking areas were gone. Their mangled and twisted trailer truck frames were scattered everywhere. I took several hundred digital photos with one hand and attempted to videotape the unbelievable devastation with the other hand. As we proceeded east on US-90 in Gulfport, I noticed only empty spaces where many stately mansions I remembered previously seeing were swept away. All that was left was mangled truck frames, vehicles, scattered railroad cars, and enormous uprooted oak trees. Occasionally there were cement steps that once led up to the houses otherwise there was no evidence of some ones home ever being there.

The only structure that remained with some semblance in its former state was the Gulfport Girls College where my mother once attended school, now Mississippi State College. However, upon closer inspection only the walls remained. The building had been gutted by the wind and water surges that were some 30 feet high and winds up to 200 mph. The newer school structures were gone. One heartening thing was the 300-year-old oak tree known as the Friendship Tree apparently survived. I took some photos there and called my daughters Chaska and Tika and let them know the tree they played on was still there. In order to enter the area we had to have a military escort as helicopters were flying overhead watching closely for looters. Military Humvees were patrolling the area and checked on our presence. I took so many photos because I knew I could never describe what I saw nor would anyone believe me. These photos were some of the first taken as we were admitted to the areas shortly as it was opened up to public access. The roadway was not stable in some places and washed away in others. I was careful not to take photos of any families' victims of Katrina that might be surveying the damage. We headed back east on US-90 towards Biloxi, Miss. Once again the former business district was totally devastated or washed away. All the homes were devastated or completely gone. All that was left in some cases were the foundations and front steps. Some owners had left an American flag where there house once stood. One sign said "Pray for Us" others said "looters will be shot." We stopped at the Biloxi Fire station to pick up Jacobo Brado from the Mexican Consulate. He was on loan from the Mexican Embassy to provide relief, cash, and airfare back to Mexico for certain evacuees. Also, they were running interference with the local military base that had arrested some illegal workers of one of the re-constructions contractors. He took us to a small Hispanic-owned grocery store where we talked to the owner and patrons whom came into the store about conditions in the Latino community. We also visited a nearby apartment complex where many Latinos live that worked in the casinos that were now damaged. It will take 9 months to a year, weather permitting to get them open again. Most of the tenants at the apartments lost their furniture and personal items during the Hurricane. We also went to a barrio we were told once housed hundreds of immigrants with their businesses and homes. Nothing was left but mounds of rubble, tree fragments, foundations, and heavily damaged vehicles. Some of the rubble was piled 20-30 feet high. It was total devastation. There was a terrible smell of sewage, perhaps rotting flesh, etc. I just could not imagine the once happy neighborhood now devastated beyond recognition. Proceeding west on US-90 in Biloxi was most difficult as the roadway was washed out in several places. Along the beach was a grouping of military tents called "camp recovery" I we also saw a hovercraft beached as well as some navel vessels docked. There was also a Mexican Navy ship with medical personnel and portable water purification units there. They were being delayed we were told because of U.S. Customs red tape. After our coastal tour we went and had lunch, there we left Jacobo and his three cell phones and headed back toward Clarksdale, Mississippi. All totaled it was a 6-hour drive from Clarksdale to Gulfport; we stayed 5 hours on the coast and 7 hours returning as we stopped in Indianola, Miss. to see Clanton Beaman.

Clanton heads up the Mississippi Delta Housing programs for farmworkers. I have known him for over 30 years and we talked about the funding of the programs and what would be needed for the reconstruction. Ironically USDOL had cut of all of his emergency and temporary housing funds this year.

We had dinner there and arrived at the Best Western in Clarksdale shortly after midnight. We also were informed that the PPEP relief convoy of 3-26' Penske rental trucks and the 1998 Pontiac van loaded with computers (donated by PPEP Inc) had arrived safely that evening. The Mississippi Delta staff had greeted them and provided a dinner. The sheriff also escorted them from the Arkansas-Mississippi border into Clarksdale.

SEPTEMBER 12TH: UNLOADING RELIEF SUPPLIES FROM TUCSON, AZ

We met the PPEP drivers at 8:00 a.m. and went to the Clarksdale Hospital Café, which provided us a free breakfast and lunch. That morning we drove the trucks to the Mississippi Delta distribution point but it was too small. So the Chamber of Commerce provided us a 60,000 sq. ft. warehouse with 3 loading bays free of charge. It took several hours for the local crew to unload the trucks. We contacted World Care in Tucson about the increased storage space for a regional distribution center and Pam from World Care immediately dispatched a 53 semi loaded with more relief supplies. Mississippi Delta received that day 130 calls for relief. They desperately need Spanish speaking personal to reach the Latino Community and farmworkers. We made pleas through the media to get Spanish speaking volunteers to come to Clarksdale. LULAC responded and will send someone and Mississippi Delta will provide housing.

The media, local, national, and international was great. Everyday at noon I provided an update over Maria Garza, Miami based National Hispanic Radio Program. The Washington Post called as did the Hispanic Magazine. The Arizona Daily Star also did a story and photo. These all helped us get more relief supplies and donations to World Care.

Once the trucks were un-loaded, Mississippi Delta treated the PPEP workers to a trip to the "Rhythm and Blues" Museum as Clarksdale, as it is the nation's capital for contributions to that music. Many of the greatest blues singers are from that region. Afterwards we returned to the Mississippi Delta office for the signing over of the 1998 (6) passenger van being donated by PPEP along with 5 computers for use in the emergency relief and re-training the farmworkers. We also visited the Chamber of Commerce to see if they would sell the warehouse we are using to distribute the emergency relief supplies. They are asking $650,000 for the property which is an about 10 acres and has railroad and 3 loading docks.

SEPTEMBER 13TH: TRIP TO MOBILE AND BALDWIN COUNTY—AGRICULTURE REGION ALABAMA

I left Clarksdale for Memphis to catch a Delta flight to Mobile, Alabama via Atlanta, Georgia. The purpose of the Alabama visit is to identify farmworkers Katrina disaster relief victims and find their whereabouts and needs. On my way to Mobile, I spoke to LULAC and obtained an additional $4,000 to transport two more 53′ semi-trucks to Clarksdale. World Care said they would match several more 53′ semi-trucks eventually making it 9 semi-trucks, and 3—26′ foot delivery. trucks to Clarksdale. Also, I spoke to Hector Flores to see if he could help Mississippi Delta purchase the warehouse as a permanent regional emergency relief center. LULAC will secure appointments with USDA, HUD, Commerce, and other agencies for my upcoming trip to D.C.

Once in Mobile, Alabama, I headed to the Mexican Consulate located in the Hispanic Ministries building on Dolphin Island Parkway. After briefing the Mexican consulate staff we waited for Michelle Coel of the Alabama Telamon Farmworker Council and her assistant Elizabeth. We all then went to a very crowded Olive Garden Restaurant to have a late lunch and exchange information about what each was doing. Afterwards we went with the Mexican Consulate staff to Fairhope located in Baldwin County. This is a major agricultural region for peanuts, cotton, peaches, etc. Names of the Mexican Consulate staff were: Alberto Diaz (Atlanta), Alfonso Joule (Chicago), David Peñaflor (Florida), and Astrid Diaz (SRE. D.F.). Enrique Maldonado (Consul General), Jorge Cesar (Atlanta).

When we arrived one of Michelle's contacts greeted us and took us to a grocery store where farmworkers shop. There were 75 farmworkers there waiting for us. I translated for Michelle as she explained what Telamon Alabama Farmworker Council does and the services they offer. The Mexican Consulate team that included Enrique Maldonado from the Mexican Consulate in Atlanta, Georgia and staff from other branches of the SRE. They made presentations of their government's services. The farmworkers raised a number of concerns such as:

1. Abuses by local law enforcement officers stopping, citing, and harassing Hispanic drivers to a point they are afraid to drive.
2. Landlord abuses of charging high rents and surcharges along with steep fines if late. Shutting off water arbitrarily. Also having vehicles towed off and throwing out their furniture in the street. Non-refundable deposits of $1800 are required to move into dilapidated trailers.
3. Abuses by employers refusing to pay workers for their labor. Threatening to call immigration and have them deported if they complained.
4. Fear of government and law enforcement to the point they do not report crimes against them such as robberies, assaults, rapes, etc.
5. No recreation available for the youth, which breeds drinking and drug abuse.
6. No one to turn to for help or to be their advocate.

7. Need for picture identification cards and classes to learn English were top priorities.

8. Expressed the desire to be working and helping with the reconstruction efforts in the region.

Both the Mexican Consulate and Telamon Alabama staff gave out checks for rental assistance, and other emergency needs that surfaced from the workers. The Mexican Consulate and I visited a family in a trailer park that needed to be repatriated to Mexico. Airfare was made available as well as the logistics to get to the airport. There was mention that the US Immigration Authorities were honoring an Amnesty directive to not arrest Katrina victims. Maybe someone in Washington got smart and realized we might need these workers to repair the devastated Gulf States. Later I found out this was contradicted by numerous arrests of illegal workers. The message from Washington on this issue was not clear. Also, it was reported in the newspaper that several victims whom applied for disaster assistance were in deportation hearings. This experience pointed out how poorly we are prepared to make accessible emergency relief services or even to notify and evacuate these workers when danger is eminent. Also, it pointed out the greed that drives abuses and discrimination and harassment directed towards our farmworkers. Also, the need for Spanish speaking workers at hospitals, schools, banks, police forces, county, state, and federal offices. Ironically, it was at the Mexican Consulate I found that they were the only governmental agency on the scene along with the USDOL NFJP WIA 167 grantees that provided Spanish speaking services. They also rescued me and provided lodging in Mobile as there were no hotels available. We crashed with the Mexican media and staff in a 4-bedroom house.

SEPTEMBER 14TH: TOUR OF BAYOU LA BATRE AND PASCAGOULA, MISS. DISASTER REGIONS

I got up early and called the airport transportation dispatcher and told her I wanted to tour the coastal disaster areas. I left at 8:00 a.m. from the Mexican Consulate house and proceeded west to Bayou Batre. I was told this is one of the most important gulf shrimp and fishing areas mostly run by Cambodian and Vietnamese immigrants. There were reports that Latinos were moving into the area as well. I noticed at the local store "Jurritos sodas" and other favorite food of Latinos. However neither the Asians nor Latinos could be found because there homes were wiped out.

As for the fishing port area it was heavily damaged and well as the residential and business districts. There is grave concern about the water quality for the shrimp and fish. Government workers were on rafts testing the waters. The stench was almost nauseating. The driver took me along the coastal area where the fisherman once lived. There were very few structures left as the storm surge was up to 30 feet. The fishing peers were just poles in the water and none of the infrastructure survived. I could see the water line on the trees as well as debris high up on the limbs. There were fishing ships overturned and some pushed far inland. Upon returning to highway 90 I proceeded to Pascagoula, Mississippi. By the way, the driver "James" pointed out the alligator farm that made the national news because of the 200 alligators that had escaped. We stopped and I saw an enormous bull alligator still in his confinement.

However, across the parking lot in a shallow pond, there was a small alligator that peered up at me, when I approached him he lunged forward at me.

Once in Pascagoula, Mississippi, I observed much of the devastation I saw in Gulfport and Biloxi, but on a much larger scale. The devastation on the waterfront neighborhoods was total. Some huge homes had been pushed inland, others destroyed on their foundations. Most of the lots had only their concrete front steps. Otherwise, their lots were swept clean by the force of the winds and 20′ to 30′ water surges. Some locals said that the gusts of winds got up to 200 miles an hour. In the interior neighborhoods the people were just returning and you could see clothing drying out and mounds of ruined furniture and appliances piled up, tagged, out front for removal. Some streets were still blocked because of the debris, service trucks, and removal equipment.

Everywhere there were utility vehicles restoring power, dump trucks, cranes, front loaders, and emergency vehicles. There was definitely a bustle of activity to restore some semblance of the community. There were some gruesome stories such as before one hardware store could open 5 dead bodies had to be removed from the roof. As for comparisons to Hurricane Camille the old timers said Katrina by far was the worst. Even the elevated railroad bridge and Highway 90 were breached this time. I had to hurry back to Mobile to catch a plane, but the driver said there was not enough time so we continued on the Pensacola, Florida to catch a flight to Tucson, Arizona via Dallas, Fort Worth. On the way to Pensacola, Maria Garza gave me 25 minutes on her program to discuss the aforementioned negative situations with the farmworkers we found in Baldwin County, Alabama.

Upon my return to Tucson we had a press conference to debrief and thank the volunteers and our partners such as LULAC, PPEP TEC Charter High School students, and World Care. By then five more 18-wheelers from World Care had arrived in Clarksdale, Miss. In Mobile, Alabama, we have located another warehouse as a sub regional distribution center. Yes there was another Hurricane since then, "Rita" who spawned high winds, water, and tornados in the Clarksdale region. Both Hurricanes were category 5 and three weeks apart.

After Rita, the only indoor relief center was in Clarksdale as most others were left to the elements and ruins. Don and I made plans to travel to Washington, D.C. to hopefully meet with government officials: USDOL, USDA, HUD and Commerce to find resources to keep the relief center permanent for economic development and training. We also will attend the National LULAC Board meeting while there and thank them for their donations. We will show a PowerPoint we developed showing the relief efforts, the devastation, as well as a photo album and this trip diary.

SUMMARY

What was accomplished on this short trip to the Gulf States was the following:

1. Collection and transporting of emergency relief supplies from Tucson, Arizona that included 6 53′ semi-trucks, 3 26′ semi-trucks, donation of 1998 (6) passenger van with (5) computers, PPEP, INC. staff which drove these trucks came from our school, property management, finance, and housing divisions. World Care whom we owe the greatest thank you provided 9 semis and CDL drivers. Lisa and Pam of World Care get 3 gold stars! They never said "No"—just that "more trucks are on the way." LULAC earns a gold star for providing $10,000 to cover the cost of 3 drivers' food, 2 semi's, lodging, 3 rental trucks, gas and associated costs.

2. Establishing in Clarksdale, Mississippi a permanent regional emergency relief distribution, training, and economic development center. We secured free of charge a 10 acre 60,000 sq. ft. modern warehouse with 3 truck bays, railroad spur for securing storing and distribution of emergency supplies. We need $650,000 to purchase the building.

3. We helped bond relationships between the African American community and the Latino community everywhere we went. Jesse Jackson and Hector Flores of LULAC have named this the "New South" partnership.

4. We have helped surface the abuses and discrimination that is on going in the region against Latinos. We owe much gratitude to Maria Garza and her national Hispanic radio program that aired my updates each day. As well as the Mexican Consulate staff from Atlanta, Georgia.

5. We have given the local farmworkers staff and the farmworkers our love and concern and the knowledge that there are many of us out there that care about them and this forgotten region.

6. Learned to appreciate what it means to lose all your earthly possessions, pets, including loved ones.

7. Set the foundation to continue supporting the long-term recovery efforts long after FEMA, Red Cross, and the Salvation Army, which never arrived for the farmworkers and other relief agencies, depart the region.

8. We found out great and lasting relief efforts for those forgotten really do work—even without federal dollars.

An important thought came to me; President James Madison once said "those societies that honor the workers that toil the fields shall endure." I observed that in the Katrina crisis brought out the best and worse in our society. If all the dedicated efforts I witnessed made during the aforementioned relief efforts are any indication—then President Madison would be proud of them.

THE DEBRIEFING IN D.C.—POST KATRINA/RITA/TORNADO AFTERMATH

On Friday, September 30, 2005, Don Green and myself made several visits in D.C. on Capitol Hill as well as meeting with federal officials to present our Katrina/Rita emergency relief report and recommendations on what is needed not to help provide much needed relief as will as re-construction of the rural agriculture regions.

Furthermore, the important of the Clarksdale facility as a permanent emergency relief distribution training center, we also presented our concerns on civil rights violations, and wide spread abuse by tenant landlords and the failure of FEMA, Salvation Army, and the Red Cross to reach farmworkers hurricane victims. Perhaps a good reason not to give to the Red Cross or Salvation Army because at it never will get to farmworkers. Best give to local charities and relief organizations that have on going contacts with farmworkers. We presented the fact that these agencies had they found the farmworkers there were no Spanish speaking field workers. We also discussed the failure of federal agencies medium of communication to warn farmworkers of eminent danger as well as relief efforts. Most federal agencies were putting the word out over their websites or in the media but in English. Of course farmworkers do not have computers and when electricity was out so were the radios.

USDOL MEETING

We raised the concern with USDOL that by sending all its relief monies to the State

Work Force Investment Boards the relief does not get to the farmworker community or the organizations that serve them. We also made note that USDOL contracting with privately owned personnel agencies that have no previous experience providing job referrals to farmworkers. Furthermore, we made mention that the government and relief agencies bypassed the USDOL WIA 176 NFJP farmworker job training grantees in Alabama and Mississippi that had a combined 40 years experience serving local migrant and seasonal populations. Don Green submitted a proposal to USDOL for $80,000 to hire 3 Spanish speaking outreach workers to assist the farmworkers victims. USDOL is to get back with him on that request. We also requested USDOL for funding to create a training program for operating an emergency relief warehouse and distribution center. Training would include forklift operations, CDL truck drivers, warehouse management, inventory, receiving and distribution, accounting, computer, and English classes.

HUD MEETING

Meeting took place in the office of the Deputy HUD Secretary Roy A. Bernardi, whom we presented the need for acquiring the $850,000 needed to purchase and renovate the Clarksdale facility. Our Katrina/Rita Relief Report was also presented and we requested that Secretary Jackson take this report to his briefing at the White House later in the day.

USDA MEETING

Met with Deputy Secretary of Agriculture Charles F. Conner and his assistant Annabelle J. Romero and also presented the need to provide funding to obtain the Clarksdale Relief Facility. We also presented to the Civil Rights Deputy Assistant and presented the civil rights and blatant abuses of farmworkers in Baldwin County, Alabama.

US DEPARTMENT OF COMMERCE

We met with Secretary Gutierrez and presented him the Katrina/Rita Report. He was most interested and indicated that we would contact HUD and USDA and see how the 3 agencies could be of assistance in obtaining the Clarksdale Facility.

DIRECTION OF OFFICE PERSONAL MANAGEMENT

We met with Director Carol Springer and staff regarding Spanish media outlets to get the word out to farmworkers during emergencies. Also, requested her to talk to FEMA and other governmental agencies about the need for hiring and training Spanish speaking workers to interface with farmworkers and others in the workforce.

ON CAPITOL HILL

We were able to also present our Katrina/Rita Relief Reports to Arizona Congressman Raul Grijalva, Senator John McCain, and Ken Salazar (Col) directly. We also spoke to the staff of Senator Mike Enzi (WY); Senator Lieberman of Connecticut, Senator McCain took special interest in the report because of family roots in Mississippi.

LULAC

Don Green and I were recognized at the LULAC luncheon, and allowed to give our profound thanks for the $10,400 LULAC contributed for trucking of relief supplies from Tucson to Clarksdale, Mississippi. Don Green received the LULAC Presidential Citation Award by President Hector Flores for the job he and his agency had done to help farmworkers in Mississippi.

That evening Leticia Aragon, President of LULAC Council 1091 of San Luis, Arizona, presented Don Green a check for $1,075 which was collected by the farmworkers adult and youth from her hometown to help fellow farmworkers in Mississippi. Eight farmworker youth who were attending the National LULAC Leadership Conference in D.C. joined in the presentation. On Saturday, I officially presented the Katrina/Rita Relief report to the LULAC National Board meeting and thanked them for their generous support both financially and other support including opening doors to the government agencies to hear our case.

ADDITIONAL STATEMENTS

HONORING WERNER FORNOS

• Mr. SARBANES. Mr. President, today I would like to honor Werner Fornos, who is retiring after 23 years as president of the Population Institute. Across his long and productive career, Werner has worked tirelessly to improve the lives of Marylanders and people around the world.

Werner has been a dedicated public servant. He and I served together in the Maryland House of Delegates from 1966–1970. As a delegate he fought many important legislative battles—to protect the State's natural resources, to strengthen civil rights and to ensure open government. He served as Maryland's Manpower Administrator and as Assistant Secretary of Human Resources. At the Federal level he served as Special Assistant to the U.S. Assistant Secretary of Labor for labor-management relations and Deputy Assistant Manpower Administrator.

Over the past three decades, Werner broadened his focus to the international arena, fighting to expand access to voluntary and affordable family planning information, education, and services to couples across the globe. He has spoken to college and university audiences and service and community organizations in all 50 States and has addressed virtually every major international population and development conference. He has written numerous opinion articles for newspapers and magazines worldwide, and is the author of the book, "Gaining People, Losing Ground."

His numerous awards and honors include the Humanist of the Year Award of the American Humanist Association; the University of Maryland University College Alumnus of the Year Award; Germany's Order of Merit, the highest distinction granted by the German Government; Rotary International's 2005 Service Above Self Award; and the 2003 United Nations Population Award.

Werner Fornos' efforts for more than a quarter of a century have aimed to provide a better quality of life for people everywhere. I ask my colleagues to join me in commending his extraordinary record of achievement and public service.•

FAYETTEVILLE PUBLIC LIBRARY

• Mr. PRYOR. Mr. President, it is with the greatest pleasure that I today honor the Fayetteville Public Library which was recently named the 2005 "Library of the Year" by Thomson Gale and Library Journal. The Library of the Year Award honors the library that is most dedicated to community service through its creativity and leadership. Thompson Gale and Library Journal will present a check for $10,000 to the Fayetteville Public Library later this month during the American Library Association's annual conference in Chicago, IL.

I would like to recognize Louise Schapter, executive director of the Fayetteville Public Library, and her outstanding staff, for their commitment to providing such a quality community resource to the citizens of Northwest Arkansas. During Ms. Schapter's tenure, library usage has soared. Visits have increased from 192,179 to 576,773, checkouts have risen from 271,187 to 718,159, program attendance has grown from 14,448 to 41,658, and cardholders have leaped from 15,662 to 48,419. What a remarkable accomplishment!

I would also like to mention that the Library has more than 160 regular volunteers, who deliver books to the homebound, shelve and cover books, staff the computer lab and conduct various programs. This involvement by the community is truly commendable and makes all of us in Arkansas proud.

Mr. President, I ask my colleagues to join me in congratulating the Fayetteville Public Library on receiving this well-deserved honor.•

HONORING SAM MOORE

• Mr. BUNNING. Mr. President, I proudly rise today to recognize Mr. Sam Moore for his outstanding contribution to Kentucky Agriculture.

Mr. Moore has served as president of the Kentucky Farm Bureau Federation since December 1998 following 7 years of service as first vice president. He has been a member of the Kentucky Farm Bureau Federation board of directors since 1975 and is a distinguished member of the American Farm bureau board of directors. Mr. Moore, a Butler County native and father of six has been an active member of Kentucky's agricultural community all his life. In 1973, Mr. Moore was selected an outstanding young farmer by the Kentucky Jaycees, and the following year he won a similar designation from the Kentucky Farm Bureau. As Kentucky's representative in the 1974 national young farmer competition, he received a special citation as one of the top entrants. In 2003, he was selected as Man of the Year in Kentucky Agriculture by Progressive Farmer Magazine.

Mr. President, Mr. Moore has announced he will retire after 30 years of outstanding service to the Kentucky Farm Bureau. The people of Kentucky are extremely fortunate to have had Mr. Moore's leadership over the years. I have had the honor and privilege of working with Mr. Moore on a variety of issues and have found his dedication and commitment to agriculture admirable. He and his wife Helen serve as a wonderful example to the citizens of Kentucky and I would like to take this moment to recognize his service to the Commonwealth.

Mr. Moore, the citizens of Kentucky are grateful for all you have done for Kentucky and for the agricultural community.•

150TH ANNIVERSARY OF INDIANAPOLIS HEBREW CONGREGATION

• Mr. LUGAR. Mr. President, I rise today to acknowledge an important milestone in my home State. I am pleased to join with the more than 1150 families who are members of Indianapolis Hebrew Congregation as they commemorate their year long sesquicentennial celebration.

On November 2, 1856, fourteen Jewish men in Indianapolis signed the constitution and by-laws to create Indianapolis Hebrew Congregation, the first Jewish congregation in the growing city of Indianapolis. IHC, the largest congregation in Indiana, has played an important role as the spiritual home of the Jewish community in Central Indiana.

I strongly believe that a religious community cannot thrive without the active participation of its members. Indianapolis Hebrew Congregation's long and distinguished history of significance in the Indianapolis community is the result of members' hard work, dedication, and enthusiasm for their congregation. This celebration provides a special opportunity to recognize the many members who have put forth their time and energy to serve the congregation throughout the last 150 years.

I would like to extend to Indianapolis Hebrew Congregation my own personal mazel tov on celebrating this simcha. I am hopeful they will continue to celebrate many more years of fellowship and service in the Indianapolis community.•

AMERICAN LEGION AUXILIARY POST 62

• Mr. THUNE. Mr. President, today I wish to honor the ladies of American Legion Auxiliary Post 62 from Humboldt, SD. These ladies ranging from 60 to 80 years of age have not only been active supporters of our young men and women serving abroad but have dedicated themselves to providing support for their community and Nation.

This small group of dedicated members holds an annual fundraiser where this year they raised a considerable sum. The ladies of Post 62 were able to give an average of $150 to the following organizations: the West Central FFA, the Community Club Fund, the Volunteer Fire Department, Buddy Walk, the Special Olympics, and the Creative Arts Festival for Veterans. In addition to donating to this long list of charitable organizations they also purchased new dictionaries for all third graders in South Dakota's West Central School District.

I am proud to highlight the accomplishments made by the Ladies of Post 62 in Humboldt, SD, and I gladly congratulate them on their many and generous contributions to the State of South Dakota and to our Nation.•

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Finance.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2413. An act to designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the "Lillian McKay Post Office Building".

H.R. 3548. An act to designate the facility ofthe United States Postal Service located on Franklin Avenue in Pearl River, New York, as the "Heinz Ahlmeyer, Jr. Post Office Building".

H.R. 3989. An act to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the "Albert H. Quie Post Office".

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2413. An act to designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the "Lillian McKay Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3548. An act to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the "Heinz Ahlmeyer, Jr. Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3989. An act to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the "Albert Harold Quie Post Office"; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4490. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, a report of the Commission's updated Strategic Plan for 2006–2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4491. A communication from the Special Counsel, Office of Special Counsel, transmitting, pursuant to law, the Fiscal Year 2005 Report on Agency Management of Commercial Activities under the Federal Activities Inventory Reform (FAIR) Act; to the Committee on Homeland Security and Governmental Affairs.

EC–4492. A communication from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the Sixty-Fourth Financial Statement for the period of October 1, 2003 through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–4493. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 3F for Fiscal Years 2003 Through 2005, as of March 31, 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–4494. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 4D for Fiscal Years 2003 Through 2005, as of March 31, 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–4495. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 5A for Fiscal Years 2003 Through 2005, as of March 31, 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–4496. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–4497. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Financial Crimes Enforcement Network: Amendment to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Insurance Companies" (RIN1506–AA70) received on October 31, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–4498. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Financial Crimes Enforcement Network: Amendment to the Bank Secrecy Act Regulations—Requirement that Insurance Companies Report Suspicious Transactions"

(RIN1506–AA36) received on October 31, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–4499. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Annual Report to Congress on Implementation of Public Law 106–107"; to the Committee on Environment and Public Works.

EC–4500. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Price-Anderson Act Financial Protection Regulations and Elimination of Antitrust Reviews" (RIN3150–AH78) received on October 31, 2005; to the Committee on Environment and Public Works.

EC–4501. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans: Colorado: PM10 Designation of Areas for Air Quality Planning Purposes, Lamar" (FRL7983–4) received on October 31, 2005; to the Committee on Environment and Public Works.

EC–4502. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans: State of Utah: State Implementation Plan Corrections" (FRL7987–9) received on October 31, 2005; to the Committee on Environment and Public Works.

EC–4503. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Tennessee: Nashville Area Second 10-Year Maintenance Plan for the 1-Hour Ozone National Ambient Air Quality Standard" (FRL7990–3) received on October 31, 2005; to the Committee on Environment and Public Works.

EC–4504. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina: Approval of Revisions to the Control of Visible Emissions Rule" (FRL7988–2) received on October 31, 2005; to the Committee on Environment and Public Works.

EC–4505. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District" (FRL7986–8) received on October 31, 2005; to the Committee on Environment and Public Works.

EC–4506. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards and Practices for All Appropriate Inquiries" (FRL7989–7) received on October 31, 2005; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance, without amendment:

S. 1953. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension benefits are funded and that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes (Rept. No. 109–174).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. STEVENS for the Committee on Commerce, Science, and Transportation.

*Mark V. Rosenker, of Maryland, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2010.

*Kathryn Higgins, of South Dakota, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2009.

*Shana L. Dale, of Georgia, to be Deputy Administrator of the National Aeronautics and Space Administration.

Coast Guard nominations beginning with Rear Adm. (lh) Jody A. Breckenridge and ending with Rear Adm. (lh) Timothy S. Sullivan, which nominations were received by the Senate and appeared in the Congressional Record on October 25, 2005.

Mr. STEVENS. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nominations beginning with David K. Almond and ending with Jeffrey Saine, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2005.

Coast Guard nominations beginning with Steven J. Andersen and ending with Vann J. Young, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2005.

Coast Guard nomination of Louvenia A. McMillan to be Lieutenant.

National Oceanic and Atmospheric Administration nominations beginning with John W. Humphrey, Jr. and ending with Mark H. Pickett, which nominations were received by the Senate and appeared in the Congressional Record on July 29, 2005.

National Oceanic and Atmospheric Administration nominations beginning with Melissa M. Ford and ending with Jamie S. Wasser, which nominations were received by the Senate and appeared in the Congressional Record on September 28, 2005.

By Mr. LUGAR for the Committee on Foreign Relations.

Donald A. Gambatesa, of Virginia, to be Inspector General, United States Agency for International Development.

*Jeffrey Thomas Bergner, of Virginia, to be an Assistant Secretary of State (Legislative Affairs).

James Caldwell Cason, of Florida, to be Ambassador to the Republic of Paraguay.

Nominee: James Caldwell Cason.

Post: U.S. Ambassador to Paraguay.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donnee:

1. Self: None

2. Spouse: Carmen Cason: None

3. Children and Spouses: William T. Cason, James C. and Michelle Cason: None

4. Parents: Arthur Cason, Marion Cason (deceased): None

5. Grandparents: None living last 20 years

6. Brothers and Spouses: William and Chris Cason: None

7. Sisters and Spouses: Linda & Tim Godell: None; Nancy & Doug Eckert: None; Susan Cason: None.

*Roland Arnall, of California, to be Ambassador to the Kingdom of the Netherlands.

Nominee: Roland E. Arnall.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Roland E. Arnall—See attached.

2. Spouse: Dawn L. Arnall—See attached.

Date, Amount, Donee:

10/9/2001, $1,000.00, Friends of Jane Harman;

3/29/2002, $2,000.00, Colorado Senate 2002;

6/20/2002, $1,000.00, Committee To Elect Artur Davis to Congress;

6/25/2002, $250,000.00, Democratic National Committee;

6/30/2002, $1,000.00, Katrina Swett for Congress Committee;

6/30/2002, $1,000.00, Katrina Swett for Congress Committee;

8/14/2002, $1,000.00, Denise Majette for Senate;

8/14/2002, $1,000.00, Denise Majette for Senate;

8/26/2002, $1,000.00, Ed Royce for Congress;

10/24/2002, $1,000,000.00, Republican National State Elections Committee;

3/26/2003, $25,000.00, Republican National Committee;

4/25/2003, $2,000.00, Tom Lantos for Congress;

4/25/2003, $2,000.00, Tom Lantos for Congress;

8/20/2003, $250.00, New Majority FEDPAC;

9/23/2003, $1,000.00, Republican National Committee;

9/25/2003, $2,000.00, Bush–Cheney 04;

10/13/2003, $500,000.00, California Republican Party;

12/11/2003, -$1,000.00, Republican National Committee;

2/10/2004, $2,000.00, Friends of Jane Harman;

2/17/2004, $22,250.00, Republican National Committee;

8/4/2004, $1,000,000.00, Progress for American Voter Fund;

8/18/2004, $4,000,000.00, Progress for American Voter Fund;

8/18/2004, $1,000.00, FEDPAC Tribute to Laura Bush;

10/20/2004, $2,000.00, Bush Cheney 04 Compliance;

10/20/2004, $4,500.00, 2004 Joint Candidate Committee II;

10/20/2004, $10,000.00, Joint Candidate Committee II;

10/20/2004, $15,000.00, Joint Candidate Committee II;

3/4/2005, –$1,000.00, California Republican Party;

6/17/2005, –$10,000.00, California Republican Party;

5/8/2001, $1,000.00, Berman for Congress;

5/8/2001, $1,000.00, Berman for Congress;

6/15/2001, $1,000.00, Tom Lantos for Congress;

10/9/2001, $1,000.00, Friends of Jane Harman;

3/29/2002, $2,000.00, Colorado Senate 2002;

4/2/2002, $1,000.00, Cardoza for Congress;

5/27/2002, $1,000.00, Feinstein for Senate;

5/29/2002, $2,500.00, LA PAC;

6/7/2002, $5,000.00, PAC to the Future;

6/20/2002, $1,000.00, Committee to Elect Artur Davis to Congress;

6/24/2002, $1,000.00, Cardoza for Congress;

6/25/2002, $250,000.00, Democratic National Committee;

6/30/2002, $1,000.00, Katrina Swett for Congress Committee;

6/30/2002, $1,000.00, Katrina Swett for Congress Committee;

8/14/2002, $1,000.00, Denise Majette for Senate;

8/14/2002, $1,000.00, Denise Majette for Senate;

8/26/2002, $1,000.00, Ed Royce for Congress;

3/21/2003, $10,000.00, DCCC;

4/25/2003, $2,000.00, Tom Lantos for Congress;

4/25/2003, $2,000.00, Tom Lantos for Congress;

4/30/2003, $1,000.00, Friends of Harry Reid;

9/25/2003, $2,000.00, Bush–Cheney 04;

10/13/2003, $500,000.00, California Republican Party;

2/2/2004, $2,000.00, Jim Costa for Congress;

2/10/2004, $2,000.00, Friends of Jane Harman;

3/2/2004, $2,000.00, Committee to Reelect Loretta Sanchez;

4/23/2004, $1,000.00, The Sherman for Congress Committee;

6/4/2004, $2,000.00, Friends of Katherine Harris;

6/4/2004, $2,000.00, Friends of Katherine Harris;

6/4/2004, $10,000.00, DCCC;

10/20/2004, $2,000.00, Bush–Cheney 04 Compliance;

10/20/2004, $2,500.00, 2004 Joint State Victory Committee;

10/20/2004, $9,500.00, 2004 Joint Candidate Committee II;

10/20/2004, $10,000.00, 2004 Joint Candidate Committee II;

10/22/2004, $10,000.00, RNC—Presidential Trust;

10/22/2004, $15,000.00, RNC—Presidential Trust;

11/5/2004, $312.00, Republican Federal Committee of Pennsylvania;

3/4/2005, –$1,000, California Republican Party, refund;

6/17/2005, –$10,000.00, California Republican Party, refund.

3. Children and Spouses: Daniel M. Arnall (Spouse: Judith Arnall), Michelle A. Arnall: $0

4. Parents: (Deceased)—$0

5. Grandparents: (Deceased)—$0

6. Brothers and Spouses: Claude E. Arnall (Spouse: Etty Arnall): See attached

Contributions, amount, Date, donee:

Jim Gerlach for Congress Committee, $450.00, 11/1/2004, Jim Gerlach;

Republican Federal Committee of Pennsylvania, $3,750.00, 11/5/2004, Republican Federal Committee of Pennsylvania;

Louie Gohmert for Congress Committee, $450.00, 10/20/2004, Louis B Gohmert, Jr.;

Walcher for Congress, $1,000.00, 12/31/2004, Greg Walacher;

Walcher for Congress, $1,000.00, 12/31/2004, Greg Walcher;

Tom Lantos for Congress Committee, $2,000.00, 4/25/2003, Tom Lantos;

Tom Lantos for Congress Committee, $2,000.00, 4/25/2003, Tom Lantos;

Gephardt for President Inc., $2,000.00, 9/30/2003, Richard A Gephardt;

Terrell for Senate, $1,000.00, 11/27/2004, Suzanne Haik Terrell;

Terrell for Senate, $1,000.00, 11/21/2002, Suzanne Haik Terrell;

Bush-Cheney '04 (Primary) Inc., $2,000.00, 8/7/2003, George W Bush;

New Hampshire Republican State Committee, $714.00, 10/27/2004, New Hampshire Republican State Committee;

Bush-Cheney '04 Compliance Committee Inc., $2,000.00, 10/20/2004, George W Bush;

Republican National Committee, $25,000.00, 2/25/2004, Republican National Committee;

2004 Joint Candidate Committee II, $20,000.00, 10/20/2004, 2004 Joint Candidate Committee II;

2004 Joint State Victory Committee, $30,000.00, 10/20/2004, 2004 Joint State Victory Committee;

Fitzpatrick for Congress, $450.00, 10/24/2004, Michael G Fitzpatrick;

Jeff Fortenberry for United States Congress, $450.00, 10/15/2004, Jeffrey Lane Fortenberry;

Wohlgemuth for Congress, $450.00, 10/18/2004, Mrs. Arlene Wohlgemuth;

Arkansas Leadership Committee 2004 FCRC, $1.071.00, 11/4/2004, Arkansas Leadership Committee 2004 FCRC;

Richard Burr Committee, $1,500.00, 10/23/2004, Richard Burr;

Missouri Republican State Committee-Federal, $1.965.00, 11/4/2004, Missouri Republican State Committee-Federal;

Nevada Republican State Central Committee, $894.00, 11/5/2004, Nevada Republican State Central Committee;

Porter for Congress, $450.00, 11/2/2004, Jon C Porter, Sr;

Friends of Dave Reichert, $450.00, 10/20/2004, Dave Reichert;

Republican Party of Florida, $4,821.00, 10/20/2004, Republican Party of Florida;

John Swallow for Congress Inc., $450.00, 10/20/2004, John Swallow;

Tauzin for Congress, $450.00, 10/20/2004, Wilbert J Tauzin III;

Walcher for Congress, $450.00, 10/20/2004, Greg Walcher;

Walcher for Congress, $1,000.00, 11/10/2004, Greg Walcher;

Washington State Republican Party, $981.00, 10/19/2004, Washington State Republican Party;

Geoff Davis for Congress, $450.00, 11/2/2004, Geoffrey C Davis;

Diedrich for Congress, $450.00, 11/22/2004, Larry William Diedrich;

Nancy Naples for Congress, $450.00, 10/15/2004, Nancy A Naples;

Ohio State Central & Executive Committee, $3,570.00, 10/25/2004, Ohio State Central & Executive Committee;

Ashburn Congress Committee, $450.00, 10/29/2004, Roy Ashburn;

Republican Party of Minnesota, $1,518.00, 11/22/2004, Republican Party of Minnesota;

Republic Party of Wisconsin, $1,785.00, 10/19/2004, Republican party of Wisconsin;

WV Republican State Exec Committee, $894.00, 10/22/2004, Republican State Exec Committee;

Bernard Parks for City Council, $500.00, 8/23/2002, Bernard Parks;

Bernard Parks for City Council, $500.00, 8/23/2002, Bernard Parks;

Jim Gerlach for Congress Committee, $450.00, 11/1/2004, Jim Gerlach;

Republican Federal Committee of Pennsylvania, $3,750.00, 11/5/2004, Republican Federal Committee of Pennsylvania;

Louie Gohmert for Congress Committee, $450.00, 10/20/2004, Louis B Gohmert, Jr.;

Walcher for Congress, $1,000.00, 12/31/2004, Greg Walcher;

Walcher for Congress, $1,000.00, 12/31/2004, Greg Walcher;

Tom Lantos for Congress Committee, $2,000.00, 4/25/2003, Tom Lantos;

Tom Lantos for Congress Committee, $2,000.00, 4/25/2003, Tom Lantos;

Gephardt for President Inc., $2,000.00, 9/30/2003, Richard A Gephardt;

Terrell for Senate, $1,000.00, 11/27/2002, Suzanne Haik Terrell;

Terrell for Senate, $1,000.00, 11/21/2002, Suzanne Haik Terrell;

Bush-Cheney '04 (Primary) Inc., $2,000.00, 8/7/2003, George W Bush;

New Hampshire Republican State Committee, $714.00, 10/27/2004, New Hampshire Republican State Committee;

Bush-Cheney '04 Compliance Committee Inc., $2,000.00, 10/20/2004, George W Bush;

Republican National Committee, $25,000.000, 2/25/2004, Republican National Committee;

2004 Joint Candidate Committee II, $20,000.00, 10/20/2004, 2004 Joint Candidate Committee II;

2004 Joint State Victory Committee, $30,000.00, 10/20/2004, 2004 Joint State Victory Committee;

Jeff Fortenberry for United States Congress, $450.00, 10/15/2004, Jeffrey Lane Fortenbery;

Wohlgemuth for Congress, $450.00, 10/18/2004, Mrs. Arlene Wohlgemuth;

Arkansas Leadership Committee 2004 FCRC, $1.071.00, 11/4/2004, Arkansas Leadership Committee 2004 FCRC;

Richard Burr Committee, $1,500.00, 10/23/2004, Richard Burr;

Missouri Republican State Committee-Federal, $1,965.00, 11/4/2004, Missouri Republican State Committee-Federal;

Nevada Republican State Central Committee, $894.00, 11/5/2004, Nevada Republican State Central Committee;

Porter for Congress, $450.00, 11/2/2004, Jon C Porter, Sr;

Friends of Dave Reichert, $450.00, 10/20/2004, Dave Reichert;

Republican Party of Florida, $4,821.00, 10/20/2004, Republican Party of Florida;

John Swallow for Congress Inc., $450.00, 10/20/2004, John Swallow;

Tauzin for Congress, $450.00, 10/20/2004, Wilbert J. Tauzin III;

Walcher for Congress, $450.00, 10/20/2004, Greg Walcher;

Walcher for Congress, $1,000.00, 11/10/2004, Greg Walcher;

Washington State Republican Party, $981.00, 10/19/2004, Washington State Republican Party;

Geoff Davis for Congress, $450.00, 11/2/2004, Geoffrey C. Davis;

Diedrich for Congress, $450.00, 11/22/2004, Larry William Diedrich;

Nancy Naples for Congress, $450.00, 10/15/2004, Nancy A. Naples;

Ohio State Central & Executive Committee, $3,570.00, 10/25/2004, Ohio State Central & Executive Committee;

Ashburn Congress Committee, $450.00, 10/29/2004, Roy Ashburn;

Republican Party of Minnesota, $1,518.00, 11/22/2004, Republican Party of Minnesota;

Republican Party of Wisconsin, $1,785.00, 10/19/2004, Republican Party of Wisconsin;

WV Republican State Exec Committee, $894.00, 10/22/2004, Republican State Exec Committee;

John Thune for U.S. Senate, $1,500.00, 10/13/2004, John Thune;

David Vitter for U.S. Senate, $1,500.00, 10/20/2004, David Vitter.

$243,076.00

7. Sisters and Spouses: N/A.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KENNEDY (for himself and Mr. DeWine):

S. 1951. A bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes; to the Committee on Finance.

By Mr. COLEMAN (for himself, Mr. Bayh, Mr. Cornyn, and Mr. Lugar):

S. 1952. A bill to provide grants for rural health information technology development activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 1953. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension benefits are funded and that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. CRAIG (for himself and Mr. Akaka):

S. 1954. A bill to amend the General Notes of the Harmonized Tariff Schedule of the United States to give products imported from United States insular possessions the same treatment as products imported from countries with which the United States has entered into a free trade agreement; to the Committee on Finance.

By Mr. ENZI (for himself, Mr. Nelson of Nebraska, and Mr. Burns):

S. 1955. A bill to amend title I of the Employee Retirement Security Act of 1974 and the Public Health Service Act to expand health care access and reduce costs through the creation of small business health plans and through modernization of the health insurance marketplace; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself, Mr. Lautenberg, Mr. Durbin, Mrs. Clinton, Mr. Corzine, Mr. Salazar, Mr. Kennedy, Mr. Lieberman, Mrs. Feinstein, Mr. Dodd, Mr. Kerry, Mr. Obama, Mrs. Boxer, Mr. Feingold, Mr. Kohl, and Ms. Stabenow):

S. Res. 294. A resolution expressing the sense of the Senate on the retention of the Federal tax deduction for State and local taxes paid; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. Frist, and Mr. McCain):

S. Res. 295. A resolution expressing the sense of the Senate on the arrest of Sanjar Umarov in Uzbekistan; considered and agreed to.

By Mrs. HUTCHISON (for herself and Mr. Cornyn):

S. Res. 296. A resolution honoring the life of and expressing the condolences of the Senate on the passing of Dr. Richard Errett Smalley; considered and agreed to.

By Mr. FEINGOLD (for himself and Mr. Kohl):

S. Res. 297. A resolution marking the dedication of the Gaylord Nelson Wilderness within the Apostle Islands National Lakeshore; considered and agreed to.

ADDITIONAL COSPONSORS

S. 368

At the request of Mr. Lautenberg, the name of the Senator from Minnesota (Mr. Dayton) was added as a cosponsor of S. 368, a bill to provide assistance to reduce teen pregnancy, HIV/AIDS, and other sexually transmitted diseases and to support healthy adolescent development.

S. 406

At the request of Ms. Snowe, the name of the Senator from Pennsylvania (Mr. Santorum) was added as a cosponsor of S. 406, a bill to amend title I of the Employee Retirement Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

S. 632

At the request of Mr. Santorum, his name was added as a cosponsor of S. 632, a bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes.

S. 633

At the request of Mr. Johnson, the name of the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 855

At the request of Ms. Collins, the name of the Senator from Minnesota (Mr. Coleman) was added as a cosponsor of S. 855, a bill to improve the security of the Nation's ports by providing Federal grants to support Area Maritime Transportation Security Plans and to address vulnerabilities in port areas identified in approved vulnerability assessments or by the Secretary of Homeland Security.

S. 908

At the request of Mr. McConnell, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 912

At the request of Mr. Feingold, the name of the Senator from Rhode Island (Mr. Reed) was added as a cosponsor of S. 912, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 994

At the request of Mrs. Feinstein, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of S. 994, a bill to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes.

S. 1184

At the request of Mr. Biden, the name of the Senator from Virginia (Mr. Allen) was added as a cosponsor of S. 1184, a bill to waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member.

S. 1190

At the request of Mr. Salazar, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 1190, a bill to provide sufficient blind rehabilitation outpatient specialists at medical centers of the Department of Veterans Affairs.

S. 1191

At the request of Mr. Salazar, the name of the Senator from Louisiana (Mr. Vitter) was added as a cosponsor of S. 1191, a bill to establish a grant program to provide innovative transportation options to veterans in remote rural areas.

S. 1272

At the request of Mr. Nelson of Nebraska, the names of the Senator from New York (Mr. Schumer) and the Senator from Montana (Mr. Baucus) were added as cosponsors of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army

Transport Service and the Naval Transport Service) during World War II.

S. 1315

At the request of Mr. LUGAR, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 1315, a bill to require a report on progress toward the Millennium Development Goals, and for other purposes.

S. 1417

At the request of Mr. CRAIG, the names of the Senator from Missouri (Mr. TALENT) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 1417, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 1440

At the request of Mr. CRAPO, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1512

At the request of Mr. SARBANES, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1512, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 1791

At the request of Mr. SMITH, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1815

At the request of Mr. ALEXANDER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1815, a bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes.

S. 1922

At the request of Mr. CONRAD, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1922, a bill to authorize appropriate action if negotiations with Japan to allow the resumption of United States beef exports are not successful, and for other purposes.

S. 1925

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1925, a bill to provide for workers and businesses during the response to Hurricane Katrina and Hurricane Rita, and for other purposes.

S. 1947

At the request of Mr. SUNUNU, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1947, a bill to amend chapter 21 of title 38, United States Code, to enhance adaptive housing assistance for disabled veterans.

S. RES. 219

At the request of Mrs. FEINSTEIN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. Res. 219, a resolution designating March 8, 2006, as "Endangered Species Day", and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

AMENDMENT NO. 2351

At the request of Mr. CONRAD, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mrs. CLINTON) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 2351 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2353

At the request of Mrs. MURRAY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 2353 intended to be proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2354

At the request of Mr. NELSON of Florida, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of amendment No. 2354 intended to be proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2355

At the request of Mr. INHOFE, the names of the Senator from South Carolina (Mr. DEMINT), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. KYL) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 2355 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2357

At the request of Mr. NELSON of Florida, the names of the Senator from New York (Mrs. CLINTON), the Senator from Minnesota (Mr. DAYTON), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 2357 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself and Mr. DEWINE):

S. 1951. A bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. Mr. President, it's a privilege to join Senator DEWINE in introducing this bipartisan legislation to build on the promise and possibilities of the Americans with Disabilities Act.

Our bill, the Community Living Assistance Services and Supports Act—the CLASS Act—will help large numbers of Americans who struggle everyday to live productive lives in their communities.

Too many Americans are perfectly capable of living a life in the community, but are denied the supports they need.

They languish in needless circumstances with no choice about how or where to obtain these services.

Too often, they have to give up the American Dream the dignity of a job, a home, and a family—so they can qualify for Medicaid, the only program that will support them.

The bill we propose is a long overdue effort to offer greater dignity, greater hope, and greater opportunity.

It makes a simple pact with all Americans—"If you work hard and contribute, society will take care of you when you fall on hard times."

The concept is clear—everyone can contribute and everyone can win. We all benefit when no one is left behind.

For only $30 a month, a person who pays into the program will receive either $50 or $100 a day, based on their ability to carry out basic daily activities.

They themselves will decide how this assistance will be spent—on transportation so they can stay employed, or on a ramp to make their home more accessible, or to cover the cost of a personal care attendant or a family caregiver.

It will help keep families together—instead of being torn apart by obstacles that discourage them from staying at home.

The bill will strengthen job opportunities for people with disabilities at a time when 70 percent are unemployed. They have so much to contribute and the bill will help them do it.

It will save on the mushrooming health care costs for Medicaid, the Nation's primary insurer of long-term care services, which also forces beneficiaries to give up their jobs and live in poverty before they become eligible for assistance.

The CLASS Act is a hopeful new approach to restoring independence and choice for millions of these persons and enabling them to take greater control of their lives.

It's time to respect the rights and dignity of all Americans, and I look forward to working with Senator DEWINE and other colleagues to see this bill enacted into law.

I ask unanimous consent that a summary of the CLASS Act legislation be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE DEWINE-KENNEDY CLASS ACT OF 2005—(COMMUNITY LIVING ASSISTANCE SERVICES AND SUPPORTS ACT)

PURPOSE OF THE BILL

To help adults with severe functional impairments obtain the services and supports they need to stay functional and independent, while providing them with choices about community participation, education and employment.

BACKGROUND

Currently there are 10 million Americans in need of long term services and supports, and the number is expected to increase to near 15 million by 2020.

Most private-sector disability or long-term care insurance plans are constrained in the insurance protection they can offer at an affordable price, and neither Supplemental Security Insurance (SSI) nor Old, Age, Survivors, and Disability Insurance (OASDI) programs have any benefit differentials related to the extent and character of the disability.

Thus, most Americans who have or develop severe functional impairments can only access coverage for the services critical to their independence (such as housing modifications, assistive technologies, transportation, and personal assistance services), through Medicaid. Their reliance on Medicaid for critical support services creates a strong incentive for them to "spend down" assets and remain poor and unemployed. With Medicaid paying 50 percent of the costs of long term services, increased expenditures on long term services are expected to add $44 billion annually to the cost of Medicaid over the next decade.

OVERVIEW OF THE LEGISLATION

The CLASS Act will offer an alternative path. It will create a new national insurance program to help adults who have or develop functional impairments to remain independent, employed, and stay a part of their community.

Financed through voluntary payroll deductions of $30.00 per month, without enrollment like Medicare Part B, this legislation will help remove barriers to independence and choice, e.g., housing modification, assistive technologies, personal assistance services, transportation, that can be overwhelmingly costly, by providing a cash benefit to those individuals who are unable to perform 2 or more functional activities of daily living.

The large risk pool to be created by this program approach will make added coverage much more affordable than it is currently, thereby reducing the incentives for people with severe impairments to "spend down" to Medicaid. It will give individuals added choice and access to supports without requiring them to become impoverished to qualify.

The CLASS Act is an important step in the evolution of public policy toward a new focus on helping individuals overcome barriers to independence that they may confront due to severe functional impairments. It is an important extension of concepts embodied in the Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Act of 1990 (ADA), and Ticket to Work and Work Incentives Improvement Act of 1999.

SPECIFICS OF THE BILL

Scope

The CLASS Act will establish a national insurance program, financed by voluntary premium payments to be collected through payroll withholding and placed in a "National Independence Fund." The Department of Health and Human Services will manage the Fund as a new insurance program, and may enter into contractual agreements with those entities that states direct to assume administrative/program implementation roles.

Enrollment in the Program

Any individual who is at least 18 years old and actively working will be automatically enrolled, unless they opt out, and pay their premiums through payroll deduction or another alternative method. Any non-working spouse may enroll in the program and pay their premiums through an alternative payment procedure.

Triggering the Benefit

To qualify for CLASS Act benefits, individuals must be at least 18 years old and have contributed to the program during at least 5 years. Eligibility for benefits will be determined by state disability determination centers and will be limited to: 1. individuals who are unable to perform two or more activities of daily living (ADL) e.g. eating, bathing, dressing, or 2. individuals who have an equivalent cognitive disability that requires supervision or hands-on assistance to perform those activities, e.g. traumatic brain injury, Alzheimer's disease, multiple sclerosis, mental retardation.

Benefits

To account for differences in independence support needs, there will be two cash benefit tiers.

Tier 1 benefits $50/day, will be payable to eligible individuals who are unable to perform 2 or more ADLs or have the equivalent cognitive impairment.

Tier 2 benefits $100/day, will be payable to individuals who are unable to perform 4 or ore ADL's or have the equivalent cognitive impairment.

The monthly case benefit will be posted monthly to a debit account or a "Choice Account". Individuals who do not use the full monthly amount may roll it over from month to month, but not year to year.

However, once an individual becomes ineligible for CLASS benefits (by improvement in functional status or death), CLASS Act benefits will cease. Any residual balance of available services remaining on the individual's account will not be payable. If an eligible individual does choose to move into an institutional facility, CLASS Act benefits will be used to defray those associated expenses.

Relationship of CLASS Act Insurance Program to Social Security Disability Insurance

Eligibility for CLASS Act benefits will be independent of whether or not an individual is eligible for SSDI, so participation in the CLASS Act insurance program will not impair an individual's ability to remain qualified for SSDI.

Relationship of CLASS Act Insurance Program to Social Security Retirement Benefits

Similarly, eligibility for CLASS Act benefits will be independent of retirement benefits eligibility.

Relationship to Medicaid

If an individual is eligible for CLASS Act benefits, and are also eligible for the long term care benefit under Medicaid, CLASS Act benefits can be used to offset the costs to Medicaid, thus producing Medicaid savings for the state.

Relationship to Private Long Term Care Insurance

The "Class" program benefit does not replace the need for basic health insurance—it provides a mechanism to pay for those non-medical expenses that allow a disabled person to remain independent.

The "Class" program benefit can be an addition to long term care insurance. It provides a consistent, basic cash benefit to glove with the insurance products that provide more intense medical services over a shorter period of time.

Mr. DEWINE. Mr. President, I am pleased to join Senator KENNEDY today in introducing the Community Living Assistance Services and Supports Act—or the CLASS Act.

Unfortunately, most Americans are not prepared for the costs of long-term services and supports when they arise. High premiums have discouraged many Americans from purchasing long-term care insurance in the private market. Furthermore, underwriting practices have excluded individuals with existing disabilities from purchasing plans.

Right now, 10 million people suffer from severe functional impairments and by 2020 that number will have increased to 15 million. Therefore, in the next 15 years, we will experience a 50 percent growth in the number of persons with severe functional impairments. Some of those people will be struck suddenly—through accidents or sudden illness. And the reality is that any one of us here today could face sudden impairment and disability. We won't see it coming until it happens, and most of us will not be prepared to provide for necessary, long-term care needs.

Some people may end up with a degenerative disease, such as Parkinson's disease, which leads to increased impairments. They may know now what their needs will be, but are unable to purchase private insurance due to this pre-existing condition. Others will age and develop other physical or cognitive impairments, such as Alzheimer's disease.

Although we know that age is inevitable, we are not properly preparing for this eventuality or the possibility of sudden accidents and many people are financially unable to purchase available insurance due to the high price. However, the fact remains that millions of Americans will need the services that the CLASS Act seeks to provide.

The CLASS Act will help Americans to remain independent in their communities by creating a new long-term care insurance program. This program will be available to all working Americans above the age of 18. For only $30 per individual each month, and a minimum of 20 quarters of payments, the CLASS Act will help those who do not have adequate long-term care insurance due to cost or current disability. This bill will allow people to choose the supports they need when and if they become severely impaired. It will help them remain independent. It will help them remain in their communities. It will help them remain with their families.

This is a good bill. I thank Senator KENNEDY for his work on this bill, and I encourage my colleagues to support it.

By Mr. COLEMAN (for himself, Mr. BAYH, Mr. CORNYN, and Mr. LUGAR):

S. 1952. A bill to provide grants for rural health information technology development activities; to the Committee on Health, Education, Labor, and Pensions.

Mr. COLEMAN. Mr. President, as United States Senators, we are well aware of the rising cost of health care and the difficulty of health care access in rural areas. Through the improvement of health information technology, we will see overall productivity and quality improvements to our health care system. New technologies make the system more efficient and effective by diagnosing diseases sooner, providing preventive and ongoing managed care.

Today, I am proud to be joined by my friends, Senators BAYH, CORNYN, and LUGAR, in introducing the Critical Access to Health Information Technology Act to help Critical Access Hospitals compete for health information technology grants.

Our legislation would give smaller rural health hospitals a competitive edge for health information technology grants. A health system technology infrastructure should be encouraged and facilitated as broadly and rapidly as possible to help reduce medical errors, improve quality of care and reduce rising health care costs.

A recent American Hospitals Association study shows that while 9 out of 10 hospitals are using or considering using health information technology for clinical uses, most cite cost as a major impediment to broader adoption, especially for small or rural hospitals. The study suggests that the use of health information technology in caring for patients is evolving as hospitals adopt specific technologies based on their needs and priorities, size and financial resources.

The Critical Access to Health Information Technology Act creates a grant program administered by the Secretary of Health and Human Services in conjunction with State agencies for improving health information technology in our Nation's rural areas. In addition, this legislation supports the next generation of coding system, ICD–10, that will modernize and expand Centers for Medicare and Medicaid Services' capacity to keep pace with changes in medical practice and technology. ICD–10 was developed as an improvement to ICD–9 which has not been updated since 1980. The adoption of ICD–10 will allow for far more accurate, detailed and descriptive coding, and will allow the system to adapt as future changes are warranted. The transition to ICD–10 is time-sensitive, as the number of available ICD–9 codes is rapidly dwindling.

Earlier this Congress, I, along with Senator PRYOR, introduced the bipartisan "Rural Renaissance II Act." This is a bipartisan piece of legislation, based on earlier legislation introduced last year, which would establish a private-public partnership to provide bonds that will finance grants that will fund key rural development projects to address critical rural infrastructure problems. I am pleased that Chairman GRASSLEY has agreed to include our Rural Renaissance Act II in his tax reconciliation package later this year.

These bonds will be made available to small rural communities of 50,000 or fewer for: water and waste facilities, affordable housing, community facilities, including hospitals, fire and police stations, and nursing and assisted living facilities, farmer-owned value-added agriculture or renewable energy projects, including ethanol, biodiesel and wind, distance learning and telemedicine and high speed internet access and rural teleworks projects.

I urge my fellow colleagues to join me in ensuring Critical Access Hospitals have the opportunity to keep pace with health information technology by supporting the Critical Access to Health Information Technology Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Critical Access to Health Information Technology Act of 2005".

SEC. 2. HEALTH INFORMATION TECHNOLOGY GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish and implement a program to award grants to increase access to health care in rural areas by improving health information technology, including the reporting, monitoring, and evaluation required under this section.

(b) STATE GRANTS.—The Secretary shall award grants to States to be used to carry out the State plan under subsection (e) through the awarding of subgrants to local entities within the State. Amounts awarded under such a grant may only be used in the fiscal year in which the grant is awarded or in the immediately subsequent fiscal year.

(c) AMOUNT OF GRANT.—From amounts appropriated under subsection (k) for each fiscal year, the Secretary shall award a grant to each State that complies with subsection (e) in an amount that is based on the total number of critical access hospitals in the State (as certified by the Secretary under section 1817(e) of the Social Security Act) bears to the total number of critical access hospitals in all States that comply with subsection (e).

(d) LEAD AGENCY.—A State that receives a grant under this section shall designate a lead agency to—

(1) administer, directly or through other governmental or nongovernmental agencies, the financial assistance received under the grant;

(2) develop, in consultation with appropriate representatives of units of general purpose local government and the hospital association of the State, the State plan; and

(3) coordinate the expenditure of funds and provision of services under the grant with other Federal and State health care programs.

(e) STATE PLAN.—To be eligible for a grant under this section, a State shall establish a State plan that shall—

(1) identify the State's lead agency;

(2) provide that the State shall use the amounts provided to the State under the grant program to address health information technology improvements and to pay administrative costs incurred in connection with providing the assistance to local grant recipients;

(3) provide that benefits shall be available throughout the entire State; and

(4) require that the lead agency consult with the hospital association of such State and rural hospitals located in such State on the most appropriate ways to use the funds received under the grant.

(f) AWARDING OF LOCAL GRANTS.—

(1) IN GENERAL.—The lead agency of a State shall use amounts received under a grant under subsection (a) to award local grants on a competitive basis. In determining whether a local entity is eligible to receive a grant under this subsection, the lead agency shall utilize the following selection criteria:

(A) The extent to which the entity demonstrates a need to improve its health information reporting and health information technology.

(B) The extent to which the entity will serve a community with a significant low-income or other medically underserved population.

(2) APPLICATION AND APPROVAL.—To be eligible to receive a local grant under this subsection, an entity shall be a government-owned or private nonprofit hospital (including a non-Federal short-term general acute care facility that is a critical access hospital located outside a Metropolitan Statistical Area, in a rural census tract of a Metropolitan Statistical Area as determined under the most recent version of the Goldsmith Modification or the Rural-Urban Commuting Area

codes, as determined by the Office of Rural Health Policy of the Health Resources and Services Administration, or is located in an area designated by any law or regulation of the State in which the hospital is located as a rural area (or is designated by such State as a rural hospital or organization)) that submits an application to the lead agency of the State that—

(A) includes a description of how the hospital intends to use the funds provided under the grant;

(B) includes such information as the State lead agency may require to apply the selection criteria described in paragraph (1);

(C) includes measurable objectives for the use of the funds provided under the grant;

(D) includes a description of the manner in which the applicant will evaluate the effectiveness of the activities carried out under the grant;

(E) contains an agreement to maintain such records, make such reports, and cooperate with such reviews or audits as the lead agency and the Secretary may find necessary for purposes of oversight of program activities and expenditures;

(F) contains a plan for sustaining the activities after Federal support for the activities has ended; and

(G) contains such other information and assurances as the Secretary may require.

(3) Use of amounts.—

(A) In general.—An entity shall use amounts received under a local grant under this section to—

(i) offset the costs incurred by the entity after December 31, 2005, that are related to clinical health care information systems and health information technology designed to improve quality of health care and patient safety; and

(ii) offset costs incurred by the entity after December 31, 2005, that are related to enabling health information technology to be used for the collection and use of clinically specific data, promoting the interoperability of health care information across health care settings, including reporting to Federal and State agencies, and facilitating clinic decision support through the use of health information technology.

(B) Eligible costs.—Costs that are eligible to be offset under subparagraph (A) shall include the cost of—

(i) purchasing, leasing, and installing computer software and hardware, including handheld computer technologies, and related services;

(ii) making improvements to existing computer software and hardware;

(iii) purchasing or leasing communications capabilities necessary for clinical data access, storage, and exchange;

(iv) services associated with acquiring, implementing, operating, or optimizing the use of new or existing computer software and hardware and clinical health care information systems;

(v) providing education and training to staff on information systems and technology designed to improve patient safety and quality of care; and

(vi) purchasing, leasing, subscribing, integrating, or servicing clinical decision support tools that integrate patient-specific clinic data with well-established national treatment guidelines, and provide ongoing continuous quality improvement functions that allow providers to assess improvement rates over time and against averages for similar providers.

(4) Grant limit.—The amount of a local grant under this subsection shall not exceed $250,000.

(g) Reporting, Monitoring, and Evaluation.—The lead agency of a State that receives a grant under this section shall annually report to the Secretary—

(1) the amounts received under the grant;

(2) the amounts allocated to State grant recipients under the grant;

(3) the breakdown of types of expenditures made by the local grant recipients with such funds; and

(4) such other information required by the Secretary to assist the Secretary in monitoring the effectiveness of activities carried out under this grant.

(h) Review of Compliance With State Plan.—The Secretary shall review and monitor State compliance with the requirements of this section and the State plan submitted under subsection (e). If the Secretary, after reasonable notice to a State and opportunity for a hearing, finds that there has been a failure by the State to comply substantially with any provision or requirement set forth in the State plan or the requirements of this section, the Secretary shall notify the lead agency involved of such finding and that no further payments to the State will be made with respect to the grant until the Secretary is satisfied that the State is in compliance or that the noncompliance will be promptly corrected.

(i) Preemption of Certain Laws.—The provisions of this section shall preempt applicable Federal and State procurement laws with respect to health information technology purchased under this section.

(j) Relation to Other Programs.—Amounts appropriated under this section shall be in addition to appropriations for Federal programs for Rural Hospital FLEX grants, Rural Health Outreach grants, and Small Rural Hospital Improvement Program grants.

(k) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2006 through 2008.

SEC. 3. REPLACEMENT OF THE INTERNATIONAL STATISTICAL CLASSIFICATION OF DISEASES.

(a) In General.—Not later than October 1, 2006, the Secretary of Health and Human Services shall promulgate a final rule concerning the replacement of the International Statistical Classification of Diseases, 9th revision, Clinical Modification (referred to in this section as the "ICD-9-CM"), under the regulation promulgated under section 1178(c) of the Social Security Act (42 U.S.C. 1320d-2(c)), including for purposes of part A of title XVIII, or part B where appropriate, of such Act, with the use of each of the following:

(1) The International Statistical Classification of Diseases and Related Health Problems, 10th revision, Clinical Modification (referred to in this section as "ICD-10-CM".

(2) The International Statistical Classification of Diseases and Related Health Problems, 10th revision, Clinical Modification Coding System (referred to in this section as "ICD-10-PCS").

(b) Implementation.—

(1) In general.—The Secretary of Health and Human Services shall ensure that the rule promulgated under subsection (a) is implemented by not later than October 1, 2009. In carrying out the preceding sentence, the Secretary shall ensure that such rule ensure that Accredited Standards Committee X12 HIPAA transactions version (v) 4010 is upgraded to a newer version 5010, and that the National Council for Prescription Drug Programs Telecommunications Standards version 5.1 is updated to a newer version (to be released by the named by the National Council for Prescription Drug Programs Telecommunications Standards) that supersedes, in part, existing legislation and regulations under the Health Insurance Portability and Accountability Act of 1996.

(2) Authority.—The Secretary of Health and Human Services shall have the authority to adopt, without notice and comment rulemaking, standards for electronic health care transactions under section 1173 of the Social Security Act (42 U.S.C. 1320d-2) that are recommended to the Secretary by the Accredited Standards Committee X12 of the American National Standards Institute in relation to the replacement of ICD-9-CM with ICD-10-CM and ICD-10-PCS. Such modifications shall be published in the Federal Register.

(c) Notice of Intent.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue and publish in the Federal Register a Notice of Intent that—

(1) adoption of Accredited Standards Committee X12 HIPAA transactions version (v) 5010 shall occur not later than April 1, 2007, and compliance with such rule shall apply to transactions occurring on or after April 1, 2009;

(2) adoption of the National Council for Prescription Drug Programs Telecommunications Standards version 5.1 with a new version will occur not later than April 1, 2007, and compliance with such rule shall apply to transactions occurring on or after April 1, 2009;

(3) adoption of ICD-10-CM and ICD-10-PCS will occur not later than October 1, 2006, and compliance with such rules shall apply to transactions occurring on or after October 1, 2009; and

(4) covered entities and health technology vendors under the Health Insurance Potability and Accountability Act of 1996 shall begin the process of planning for and implementing the updating of the new versions and editions referred to in this subsection.

(d) Assurances of Code Availability.—The Secretary of Health and Human Services shall take such action as may be necessary to ensure that procedure codes are promptly available for assignment and use under ICD-9-CM until such time as ICD-9-CM is replaced as a code set standard under section 1173(c) of the Social Security Act with ICD-10 PCS.

(e) Deadline.—Notwithstanding section 1172(f) of the Social Security Act (42 U.S.C. 1320d-1(f)), the Secretary of Health and Human Services shall adopt the modifications provided for in this section without a recommendation of the National Committee on Vital and Health Statistics unless such recommendation is made to the Secretary on or before a date specified by the Secretary as consistent with the implementation of the replacement of ICD-9-CM with ICD-10-CM and ICD-10-PCS for transactions occurring on or after October 1, 2009.

(f) Limitation on Judicial Review.—The rule promulgated under subsection (a) shall not be subject to judicial review.

(g) Application.—The rule promulgated under subsection (a) shall apply to transactions occurring on or after October 1, 2009.

(h) Rule of Construction.—Nothing in this section shall be construed as effecting the application of classification methodologies or codes, such as the Current Procedural Terminology (CPT) as maintained and distributed by the American Medical Association and the Healthcare Common Procedure Coding System (HCPCS) as maintained and distributed by the Department of Health and Human Services, other than under the International Statistical Classification of Disease and Related Health Problems.

By Mr. ENZI (for himself, Mr. NELSON of Nebraska, and Mr. BURNS):

S. 1955. A bill to amend title I of the Employee Retirement Security Act of 1974 and the Public Health Service Act to expand health care access and reduce costs through the creation of small business health plans and through modernization of the health insurance marketplace; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, together with Senator NELSON of Nebraska and Senator BURNS, I am pleased today to introduce "The Health Insurance Marketplace Modernization and Affordability Act of 2005." This is a bipartisan effort aimed at relieving the worsening crisis of cost and coverage in America's health insurance system.

As I speak today, we are nearing almost five years of double-digit growth in health insurance premiums—increases that have repeatedly exceeded more than five times the rate of inflation. Since 2000, for example, group premiums for family coverage have grown nearly 60 percent, compared to an underlying inflation rate of 9.7 percent over the same period.

Those hardest hit are America's small businesses and those individuals outside of employer-provided insurance. These are the ones with the least market leverage and the weakest ability to pool risk. Already, among the very smallest of our businesses, those with fewer than 10 employees, only 52 percent offer coverage to their employees.

As a former small business owner, I understand the difficulties these employers face when trying to provide health insurance for their employees.

A constituent of mine, Mitchell Blake of Jackson, WY recently told me his story, and it illustrates what is happening to thousands of small businesses across America. Mr. Blake owns a small architecture firm with eight employees. He believes, like so many small business owners across America, that providing insurance for his employees not only promotes a healthy workforce but is simply the right thing to do.

In the nine years since his firm opened, the deductibles for employees' health insurance quadrupled, co-pays rose by more than 35 percent, and monthly premiums grew by 20 percent. Since 2001, the company's profits have dropped by nearly one-third, due in large part to providing health insurance coverage.

I am realistic. The biggest drivers of health care costs are ones that defy short-term solutions. These include advances in costly medical treatments, Americans' continuing appetite for such treatments, lack of transparency in pricing, and an outdated third-party payment system that insulates consumers from seeing the true cost of care they receive. Addressing these deep problems in a fundamental way will require years of effort and a great deal of political will.

And yet, like most members in this body, I am hearing an ever-growing chorus of concern from my constituents about health insurance—and most especially from small businesses.

America's families and small businesses don't want us to wait for the perfect solution or the perfect moment. They need real help, and they need it now.

Recognizing this increasing concern, and as the new Chairman of the Senate's Health, Education, Labor and Pensions Committee, I have made it a priority in recent months to seek the counsel of stakeholders, citizens, experts, and fellow members of Congress on how we might come together on a package of health insurance reforms we can realistically hope to enact in this Congress.

The most well known proposal now on the table is the approach known as association health plans, or AHPs. Under this proposal, which was introduced in this Congress by Senators SNOWE and TALENT, qualifying trade associations would be permitted to band together their members for purposes of offering health coverage.

Association health plans hold significant promise—particularly in the pooling of risk, economies of scale, and market clout they could lend to thousands of small businesses.

At the same time, however, the AHP bills in their current form may also go too far in allowing some association plans to play by a separate set of rules than those governing the rest of the small group insurance marketplace—thereby tempting adverse selection and market disruption. Another concern is the fact that the current AHP proposals would shift primary oversight over many association plans away from the states and move it to the federal government.

Regrettably, debate over these AHP pros and cons has hardened into a political and stakeholder stalemate—a stalemate that has helped block constructive action on new health insurance reform for nearly a decade.

It is time we broke this logjam and moved forward.

Toward this end, I sincerely appreciate the hard work of Senators SNOWE and TALENT and other AHP proponents in working with me on possible compromise approaches. And similarly, I am encouraged by what appears to be a growing pragmatic spirit among traditional AHP critics.

The legislation we are introducing today is a compromise approach.

This legislation blends a modified version of the current Snowe/Talent AHP legislation with several additional reform initiatives applicable not just to association plans, but also to the wider health insurance marketplace.

It is built around several fundamental principles, including: 1. giving associations a meaningful role, but on a level playing field; 2. streamlining the current hodgepodge of varying State regulation; 3. preserving the primary role of the States in health insurance oversight and consumer protection; 4. making lower-cost health plan options available; and 5. achieving meaningful reform without a big price tag that could cloud prospects for passage.

With regard to association-based health plans, this bill preserves most of what is known as the "fully insured" component of the current AHP bill. That is, like the current AHP bill, my legislation would allow associations to independently pool their members for purposes of buying health coverage, thereby giving them needed strength in numbers and bargaining power.

Unlike the current AHP bill, however, this legislation does not include the much more controversial option for associations to self-insure. Primary regulatory oversight of coverage issued to associations would remain at the state level and would not be transferred to Federal control. Although far from perfect, our state insurance commissions are much closer to the real problems confronted by purchasers of insurance in their communities than would be a Federal agency in Washington.

Like the current AHP bill, this legislation would enable associations to take advantage of more streamlined rules in the areas of benefit design and rating. In an important departure from the current AHP bill, however, this greater streamlining would be made available not just to associations, but also to other purchasers of insurance. This adjustment will go a long way toward easing critics' fears that the current AHP bill would create an unlevel playing field and market disruption.

In short, association-based plans should have the opportunity to harness the advantage of independent pooling and play a commercially meaningful role in the coverage marketplace. However, the coverage offered to association members should be subject to underlying regulatory and consumer protection requirements substantially comparable to those applicable to other entities offering similar coverage.

In addition to addressing coverage offered through associations, the legislation we are introducing today also makes several very important improvements in the health insurance marketplace as a whole.

For example, this legislation would permit issuers of coverage, both to associations and others, to offer lower-cost health plans free from some, though not all, of the current state benefit mandates that have proliferated over the past decade.

Under this bill, those mandates that are currently in place in at least 45 States would continue in effect, but carriers would be permitted to offer plans that do not include other mandated benefits. The intent of this provision is not only to enable the offering of more affordable plan options, but also to make it easier for carriers to offer coverage on a multi-state basis and in more markets.

This legislation would also set in motion a process to create greater harmonization in the current costly and competition-inhibiting hodgepodge of varying State health insurance regulation.

However, even as it moves the system to greater uniformity in the rules applied, this approach would also carefully retain the current structure of State-based oversight and administration of insurance.

This harmonization approach is patterned in general terms after the process used in the early 1990s to achieve greater stability in the Medicare supplemental, Medigap, market.

The bill would establish a harmonization commission under the Secretary of Health and Human Services to develop harmonized standards for health insurance regulation. The commission would work in close consultation with the NAIC and the States, and would consist of members representing a full range of perspectives and stakeholders.

Upon issuance of model standards by the commission and their certification by the Secretary, the States would have two years to adopt them. If a state did not adopt the standards within the required timeframe, an insurer, following certain certification requirements, would be permitted to sell insurance in that State following the harmonized Federal rules.

I want to take a moment to thank Senator GREGG, my predecessor as chairman of the HELP Committee. It is due in no small part to his efforts in the last Congress that health insurance market harmonization has matured in the policy community as a needed and valuable step. I look forward to working with him to make this and other aspects of this legislation as effective as it can possibly be.

It is important to note that responsibility for oversight and management of the insurance market would remain with the States. What would change is that the rules being applied would become more uniform across State lines. This will enable a wider range of plans to be offered, because the offering of insurance on a multi-State basis will become easier. Competition will improve and costs will go down as more plans enter more markets.

This bill reflects and incorporates much thoughtful input from those on many sides of this difficult issue. Such input continues even as I speak. Indeed, there are a number of important issues that remain to be worked on as we proceed with consideration of this bill.

For example, we will be continuing discussions on how to smoothe the interaction between association-based plans and the individual insurance market. Similarly, work remains to be done in the calibration of transition rules, including with respect to the handling of older blocks of business vis a vis new plan options that will arise under the new system. Another issue deserving of further attention is the handling of the way carriers can become licensed in multiple States, and opportunities for making this process as smooth as possible while maintaining the authority of State insurance commissioners.

I am open to suggestions, and I am open to compromise—but I am not open to continued inaction.

My intention is for this bill to serve as a foundation for the swift finalization and passage of a health insurance reform package that will deliver real relief to America's small businesses and struggling families.

I ask unanimous consent that a summary of the legislation and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY: HEALTH INSURANCE MARKETPLACE MODERNIZATION AND AFFORDABILITY ACT OF 2005

The intent of the Health Insurance Marketplace Modernization and Affordability Act of 2005 is to reduce costs and improve access in the health insurance marketplace, principally though not exclusively in the small group market.

This legislation addresses these goals by blending a modified version of the current AHP legislation—S. 406, introduced by Senators Snowe and Talent with several additional reform initiatives applicable not just to association plans but also to the wider marketplace.

The fundamental principle include: 1. giving associations a meaningful role, but on a level playing field; 2. streamlining the current hodgepodge of varying state regulations; 3. preserving a strong state role in insurance oversight and consumer protection; 4. making lower-cost health plan options available; 5. achieving meaningful reform without a big price tag clouding prospects for passage.

Title I, regarding Small Business Health Plans (SBHPs), resembles the "fully insured" component of the S. 406, but does not include that bill's more controversial provisions permitting association plans to self-insure. Associations will be permitted to pool independently from the underlying small group market.

SBHPs may offer coverage free from many but not all benefit mandates, which reflects a different approach but similar intent to that included in S. 406. If a benefit mandate is in place in at least 45 states, an SBHP must follow it, but it may opt out of other mandated benefits. This approach preserves the most widely agreed-upon mandates, but achieves the goal of giving multi-state associations the uniformity they need to operate effectively across State lines.

Associations wishing to establish an SBHP will follow rules very similar to those for AHPs under S. 406, the bill introduced by Senators Snowe and Talent. An SBHP must: 1. be established for purposes other than health coverage; 2. have been in existence for at least 3 years; 3. do not condition association membership or coverage on health status; 4. obtain Federal certification; 5. be governed by a board of directors with complete fiscal control.

This bill also retains primary oversight and supervision of insurance coverage at the State level, and does not shift it to Federal oversight, as parts of S. 406 would require.

Title II, the Near-Term Market Relief section, provides for certain near-term changes in insurance regulation aimed at reducing costs and expanding access. Ultimately, some of these provisions will be superseded by the wider regulatory harmonization process provided in Title III. These provisions will apply not just to association plans (SBHPs) but also to policies sold to others.

Rating Relief: The first section of Title II deals with rating relief. Under Title II, The National Association of Insurance Commissioners (NAIC) model rules regarding rating, the amount that premiums can vary from an insurer's base rate, or average, that are now in effect in nearly half the states would become the interim standard for rating. Currently these NAIC rating rules are in effect in 24 states, and about a dozen others are very close. The NAIC rules require that premiums charged when the policy is issued cannot vary more than +/- 25 percent from the base rate, and +/- 15 percent upon renewal.

Insurers licensed in a given state will be permitted to use the NAIC standard even if State law differs. A graduated transition process will apply for States that currently have rating bands significantly different from the NAIC model.

Lower-Cost Plan Options: The intent of the second provision of Title II is to permit lower-cost plans to be offered that are free from many of the current benefit mandates. Mirroring the approach applied to benefit mandates for SBHPs in Title I, if a benefit mandate is mandated in at least 45 States, an insurer must offer it, but it may opt out of other mandated benefits provided that the exercise of such opt-out is fully disclosed in the policy. This approach preserves the most widely agreed-upon mandates, but allows for greater flexibility in the offering of more affordable coverage options.

Title II, which addresses regulatory harmonization, establishes a process intended to create greater uniformity in the current costly and competition-inhibiting hodgepodge of varying state health insurance regulation. However, even as this moves the system to greater uniformity in rules applied, it also carefully retains the current structure of State-based oversight and administration of insurance.

This approach is patterned in general terms after the process used in the early 1990s to achieve greater stability in the Medicare supplemental, Medigap, market.

To achieve uniformity, this legislation establishes a harmonization commission under HHS to develop uniform standards for insurance regulation. The commission will work in close consultation with the NAIC and the States, and will consist of members representing: 1. State insurance regulators; 2. insurers; 3. business/employer representatives; 4. consumer advocates; 5. agents; 6.

providers; 7. high risk pool administrators; and 8. actuaries.

The commission will address these areas of insurance regulation: 1. rating; 2. consumer protections; and 3. access to coverage, such as standards regarding issuance and renewability.

Upon issuance of model standards by the commission and their certification by the Secretary, the States will have two years to adopt them. If a State fails to adopt the standards within the required timeframe, an insurer, following certain certification requirements, will be permitted to sell insurance in that State following the harmonized Federal rules, rather than that State's rules.

Responsibility for oversight and management of the insurance market will remain with the States. What changes is that the rules being applied will become more uniform across State lines, thereby achieving a number of advantages, including: 1. a wider range of plans offered, because offering insurance on a multi-state basis will become easier; 2. improved competition and reduced costs as more plans enter more markets; and 3. reduced administrative costs.

S. 1955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Health Insurance Marketplace Modernization and Affordability Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.
TITLE I—SMALL BUSINESS HEALTH PLANS
Sec. 101. Rules governing small business health plans.
Sec. 102. Cooperation between Federal and State authorities.
Sec. 103. Effective date and transitional and other rules.
TITLE II—NEAR-TERM MARKET RELIEF
Sec. 201. Near-term market relief.
TITLE III—HARMONIZATION OF HEALTH INSURANCE LAWS
Sec. 301. Health Insurance Regulatory Harmonization.

TITLE I—SMALL BUSINESS HEALTH PLANS

SEC. 101. RULES GOVERNING SMALL BUSINESS HEALTH PLANS.

(a) IN GENERAL.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding after part 7 the following new part:

"PART 8—RULES GOVERNING SMALL BUSINESS HEALTH PLANS

"SEC. 801. SMALL BUSINESS HEALTH PLANS.

"(a) IN GENERAL.—For purposes of this part, the term 'small business health plan' means a fully insured group health plan whose sponsor is (or is deemed under this part to be) described in subsection (b).

"(b) SPONSORSHIP.—The sponsor of a group health plan is described in this subsection if such sponsor—

"(1) is organized and maintained in good faith, with a constitution and bylaws specifically stating its purpose and providing for periodic meetings on at least an annual basis, as a bona fide trade association, a bona fide industry association (including a rural electric cooperative association or a rural telephone cooperative association), a bona fide professional association, or a bona fide chamber of commerce (or similar bona fide business association, including a corporation or similar organization that operates on a cooperative basis (within the meaning of section 1381 of the Internal Revenue Code of 1986)), for substantial purposes other than that of obtaining or providing medical care;

"(2) is established as a permanent entity which receives the active support of its members and requires for membership payment on a periodic basis of dues or payments necessary to maintain eligibility for membership in the sponsor; and

"(3) does not condition membership, such dues or payments, or coverage under the plan on the basis of health status-related factors with respect to the employees of its members (or affiliated members), or the dependents of such employees, and does not condition such dues or payments on the basis of group health plan participation.

Any sponsor consisting of an association of entities which meet the requirements of paragraphs (1), (2), and (3) shall be deemed to be a sponsor described in this subsection.

"SEC. 802. CERTIFICATION OF SMALL BUSINESS HEALTH PLANS.

"(a) IN GENERAL.—Not later than 6 months after the date of enactment of this part, the applicable authority shall prescribe by interim final rule a procedure under which the applicable authority shall certify small business health plans which apply for certification as meeting the requirements of this part.

"(b) REQUIREMENTS APPLICABLE TO CERTIFIED PLANS.—a small business health plan with respect to which certification under this part is in effect shall meet the applicable requirements of this part, effective on the date of certification (or, if later, on the date on which the plan is to commence operations).

"(c) REQUIREMENTS FOR CONTINUED CERTIFICATION.—The applicable authority may provide by regulation for continued certification of small business health plans under this part. Such regulation shall provide for the revocation of a certification if the applicable authority finds that the small employer health plan involved is failing to comply with the requirements of this part.

"(d) CLASS CERTIFICATION FOR FULLY INSURED PLANS.—The applicable authority shall establish a class certification procedure for small business health plans under which all benefits consist of health insurance coverage. Under such procedure, the applicable authority shall provide for the granting of certification under this part to the plans in each class of such small business health plans upon appropriate filing under such procedure in connection with plans in such class and payment of the prescribed fee under section 806(a).

"SEC. 803. REQUIREMENTS RELATING TO SPONSORS AND BOARDS OF TRUSTEES.

"(a) SPONSOR.—The requirements of this subsection are met with respect to a small business health plan if the sponsor has met (or is deemed under this part to have met) the requirements of section 801(b) for a continuous period of not less than 3 years ending with the date of the application for certification under this part.

"(b) BOARD OF TRUSTEES.—The requirements of this subsection are met with respect to a small business health plan if the following requirements are met:

"(1) FISCAL CONTROL.—The plan is operated, pursuant to a plan document, by a board of trustees which pursuant to a trust agreement has complete fiscal control over the plan and which is responsible for all operations of the plan.

"(2) RULES OF OPERATION AND FINANCIAL CONTROLS.—The board of trustees has in effect rules of operation and financial controls, based on a 3-year plan of operation, adequate to carry out the terms of the plan and to meet all requirements of this title applicable to the plan.

"(3) RULES GOVERNING RELATIONSHIP TO PARTICIPATING EMPLOYERS AND TO CONTRACTORS.—

"(A) BOARD MEMBERSHIP.—

"(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the members of the board of trustees are individuals selected from individuals who are the owners, officers, directors, or employees of the participating employers or who are partners in the participating employers and actively participate in the business.

"(ii) LIMITATION.—

"(I) GENERAL RULE.—Except as provided in subclauses (II) and (III), no such member is an owner, officer, director, or employee of, or partner in, a contract administrator or other service provider to the plan.

"(II) LIMITED EXCEPTION FOR PROVIDERS OF SERVICES SOLELY ON BEHALF OF THE SPONSOR.—Officers or employees of a sponsor which is a service provider (other than a contract administrator) to the plan may be members of the board if they constitute not more than 25 percent of the membership of the board and they do not provide services to the plan other than on behalf of the sponsor.

"(III) TREATMENT OF PROVIDERS OF MEDICAL CARE.—In the case of a sponsor which is an association whose membership consists primarily of providers of medical care, subclause (I) shall not apply in the case of any service provider described in subclause (I) who is a provider of medical care under the plan.

"(iii) CERTAIN PLANS EXCLUDED.—Clause (i) shall not apply to a small business health plan which is in existence on the date of the enactment of the Health Insurance Marketplace Modernization and Affordability Act of 2005.

"(B) SOLE AUTHORITY.—The board has sole authority under the plan to approve applications for participation in the plan and to contract with insurers and service providers.

"(c) TREATMENT OF FRANCHISE NETWORKS.—In the case of a group health plan which is established and maintained by a franchiser for a franchise network consisting of its franchisees—

"(1) the requirements of subsection (a) and section 801(a) shall be deemed met if such requirements would otherwise be met if the franchiser were deemed to be the sponsor referred to in section 801(b), such network were deemed to be an association described in section 801(b), and each franchisee were deemed to be a member (of the association and the sponsor) referred to in section 801(b); and

"(2) the requirements of section 804(a)(1) shall be deemed met.

The Secretary may by regulation define for purposes of this subsection the terms 'franchiser', 'franchise network', and 'franchisee'.

"SEC. 804. PARTICIPATION AND COVERAGE REQUIREMENTS.

"(a) COVERED EMPLOYERS AND INDIVIDUALS.—The requirements of this subsection are met with respect to a small business health plan if, under the terms of the plan—

"(1) each participating employer must be—

"(A) a member of the sponsor;

"(B) the sponsor; or

"(C) an affiliated member of the sponsor with respect to which the requirements of subsection (b) are met, except that, in the case of a sponsor which is a professional association or other individual-based association, if at least one of the officers, directors, or employees of an employer, or at least one of the individuals who are partners in an employer and who actively participates in the business, is a member or such an affiliated member of the sponsor, participating employers may also include such employer; and

"(2) all individuals commencing coverage under the plan after certification under this part must be—

"(A) active or retired owners (including self-employed individuals), officers, directors, or employees of, or partners in, participating employers; or

"(B) the beneficiaries of individuals described in subparagraph (A).

"(b) Coverage of Previously Uninsured Employees.—In the case of a small business health plan in existence on the date of the enactment of the Health Insurance Marketplace Modernization and Affordability Act of 2005, an affiliated member of the sponsor of the plan may be offered coverage under the plan as a participating employer only if—

"(1) the affiliated member was an affiliated member on the date of certification under this part; or

"(2) during the 12-month period preceding the date of the offering of such coverage, the affiliated member has not maintained or contributed to a group health plan with respect to any of its employees who would otherwise be eligible to participate in such small business health plan.

"(c) Individual Market Unaffected.—The requirements of this subsection are met with respect to a small business health plan if, under the terms of the plan, no participating employer may provide health insurance coverage in the individual market for any employee not covered under the plan which is similar to the coverage contemporaneously provided to employees of the employer under the plan, if such exclusion of the employee from coverage under the plan is based on a health status-related factor with respect to the employee and such employee would, but for such exclusion on such basis, be eligible for coverage under the plan.

"(d) Prohibition of Discrimination Against Employers and Employees Eligible to Participate.—The requirements of this subsection are met with respect to a small business health plan if—

"(1) under the terms of the plan, all employers meeting the preceding requirements of this section are eligible to qualify as participating employers for all geographically available coverage options, unless, in the case of any such employer, participation or contribution requirements of the type referred to in section 2711 of the Public Health Service Act are not met;

"(2) upon request, any employer eligible to participate is furnished information regarding all coverage options available under the plan; and

"(3) the applicable requirements of sections 701, 702, and 703 are met with respect to the plan.

"SEC. 805. OTHER REQUIREMENTS RELATING TO PLAN DOCUMENTS, CONTRIBUTION RATES, AND BENEFIT OPTIONS.

"(a) In General.—The requirements of this section are met with respect to a small business health plan if the following requirements are met:

"(1) Contents of Governing Instruments.—

"(A) In General.—The instruments governing the plan include a written instrument, meeting the requirements of an instrument required under section 402(a)(1), which—

"(i) provides that the board of directors serves as the named fiduciary required for plans under section 402(a)(1) and serves in the capacity of a plan administrator (referred to in section 3(16)(A)); and

"(ii) provides that the sponsor of the plan is to serve as plan sponsor (referred to in section 3(16)(B)).

"(B) Description of Material Provisions.—The terms of the health insurance coverage (including the terms of any individual certificates that may be offered to individuals in connection with such coverage) describe the material benefit and rating, and other provisions set forth in this section and such material provisions are included in the summary plan description.

"(2) Contribution Rates Must Be Nondiscriminatory.—

"(A) In General.—The contribution rates for any participating small employer shall not vary on the basis of any health status-related factor in relation to employees of such employer or their beneficiaries and shall not vary on the basis of the type of business or industry in which such employer is engaged.

"(B) Effect of Title.—Nothing in this title or any other provision of law shall be construed to preclude a health insurance issuer offering health insurance coverage in connection with a small business health plan, and at the request of such small business health plan, from—

"(i) setting contribution rates for the small business health plan based on the claims experience of the plan so long as any variation in such rates complies with the requirements of clause (ii); or

"(ii) varying contribution rates for participating employers in a small business health plan in a State to the extent that such rates could vary using the same methodology employed in such State for regulating premium rates, subject to the terms of part I of subtitle A of title XXIX of the Public Health Service Act (relating to rating requirements), as added by title II of the Health Insurance Marketplace Modernization and Affordability Act of 2005.

"(3) Regulatory Requirements.—Such other requirements as the applicable authority determines are necessary to carry out the purposes of this part, which shall be prescribed by the applicable authority by regulation.

"(b) Ability of Small Business Health Plans to Design Benefit Options.—Nothing in this part or any provision of State law (as defined in section 514(c)(1)) shall be construed to preclude a small business health plan or a health insurance issuer offering health insurance coverage in connection with a small business health plan, from exercising its sole discretion in selecting the specific benefits and services consisting of medical care to be included as benefits under such plan or coverage, except that such benefits and services must meet the terms and specifications of part II of subtitle A of title XXIX of the Public Health Service Act (relating to lower cost plans), as added by title II of the Health Insurance Marketplace Modernization and Affordability Act of 2005, provided that, upon issuance by the Secretary of Health and Human Services of the List of Required Benefits as provided for in section 2922(a) of the Public Health Service Act, the required scope and application for each benefit or service listed in the List of Required Benefits shall be—

"(1) if the domicile State mandates such benefit or service, the scope and application required by the domicile State; or

"(2) if the domicile State does not mandate such benefit or service, the scope and application required by the non-domicile State that does require such benefit or service in which the greatest number of the small business health plan's participating employers are located.

"(c) State Licensure and Informational Filing.—

"(1) Domicile State.—Coverage shall be issued to a small business health plan in the State in which the sponsor's principal place of business is located.

"(2) Non-domicile States.—With respect to a State (other than the domicile State) in which participating employers of a small business health plan are located, an insurer issuing coverage to such small business health plan shall not be required to obtain full licensure in such State, except that the insurer shall provide each State insurance commissioner (or applicable State authority) with an informational filing describing policies sold and other relevant information as may be requested by the applicable State authority.

"SEC. 806. REQUIREMENTS FOR APPLICATION AND RELATED REQUIREMENTS.

"(a) Filing Fee.—Under the procedure prescribed pursuant to section 802(a), a small business health plan shall pay to the applicable authority at the time of filing an application for certification under this part a filing fee in the amount of $5,000, which shall be available in the case of the Secretary, to the extent provided in appropriation Acts, for the sole purpose of administering the certification procedures applicable with respect to small business health plans.

"(b) Information to Be Included in Application for Certification.—An application for certification under this part meets the requirements of this section only if it includes, in a manner and form which shall be prescribed by the applicable authority by regulation, at least the following information:

"(1) Identifying Information.—The names and addresses of—

"(A) the sponsor; and

"(B) the members of the board of trustees of the plan.

"(2) States in Which Plan Intends to Do Business.—The States in which participants and beneficiaries under the plan are to be located and the number of them expected to be located in each such State.

"(3) Bonding Requirements.—Evidence provided by the board of trustees that the bonding requirements of section 412 will be met as of the date of the application or (if later) commencement of operations.

"(4) Plan Documents.—A copy of the documents governing the plan (including any bylaws and trust agreements), the summary plan description, and other material describing the benefits that will be provided to participants and beneficiaries under the plan.

"(5) Agreements With Service Providers.—A copy of any agreements between the plan, health insurance issuer, and contract administrators and other service providers.

"(c) Filing Notice of Certification With States.—A certification granted under this part to a small business health plan shall not be effective unless written notice of such certification is filed with the applicable State authority of each State in which at least 25 percent of the participants and beneficiaries under the plan are located. For purposes of this subsection, an individual shall be considered to be located in the State in which a known address of such individual is located or in which such individual is employed.

"(d) NOTICE OF MATERIAL CHANGES.—In the case of any small business health plan certified under this part, descriptions of material changes in any information which was required to be submitted with the application for the certification under this part shall be filed in such form and manner as shall be prescribed by the applicable authority by regulation. The applicable authority may require by regulation prior notice of material changes with respect to specified matters which might serve as the basis for suspension or revocation of the certification.

"SEC. 807. NOTICE REQUIREMENTS FOR VOLUNTARY TERMINATION.

"A small business health plan which is or has been certified under this part may terminate (upon or at any time after cessation of accruals in benefit liabilities) only if the board of trustees, not less than 60 days before the proposed termination date—

"(1) provides to the participants and beneficiaries a written notice of intent to terminate stating that such termination is intended and the proposed termination date;

"(2) develops a plan for winding up the affairs of the plan in connection with such termination in a manner which will result in timely payment of all benefits for which the plan is obligated; and

"(3) submits such plan in writing to the applicable authority.

Actions required under this section shall be taken in such form and manner as may be prescribed by the applicable authority by regulation.

"SEC. 808. DEFINITIONS AND RULES OF CONSTRUCTION.

"(a) DEFINITIONS.—For purposes of this part—

"(1) AFFILIATED MEMBER.—The term 'affiliated member' means, in connection with a sponsor—

"(A) a person who is otherwise eligible to be a member of the sponsor but who elects an affiliated status with the sponsor,

"(B) in the case of a sponsor with members which consist of associations, a person who is a member of any such association and elects an affiliated status with the sponsor, or

"(C) in the case of a small business health plan in existence on the date of the enactment of the Health Insurance Marketplace Modernization and Affordability Act of 2005, a person eligible to be a member of the sponsor or one of its member associations.

"(2) APPLICABLE AUTHORITY.—The term 'applicable authority' means the Secretary, except that, in connection with any exercise of the Secretary's authority with respect to which the Secretary is required under section 506(d) to consult with a State, such term means the Secretary, in consultation with such State.

"(3) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of title XXVII of the Public Health Service Act for the State involved with respect to such issuer.

"(4) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning provided in section 733(a)(1) (after applying subsection (b) of this section).

"(5) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning provided in section 733(b)(1).

"(6) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning provided in section 733(b)(2).

"(7) INDIVIDUAL MARKET.—

"(A) IN GENERAL.—The term 'individual market' means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

"(B) TREATMENT OF VERY SMALL GROUPS.—

"(i) IN GENERAL.—Subject to clause (ii), such term includes coverage offered in connection with a group health plan that has fewer than 2 participants as current employees or participants described in section 732(d)(3) on the first day of the plan year.

"(ii) STATE EXCEPTION.—Clause (i) shall not apply in the case of health insurance coverage offered in a State if such State regulates the coverage described in such clause in the same manner and to the same extent as coverage in the small group market (as defined in section 2791(e)(5) of the Public Health Service Act) is regulated by such State.

"(8) MEDICAL CARE.—The term 'medical care' has the meaning provided in section 733(a)(2).

"(9) PARTICIPATING EMPLOYER.—The term 'participating employer' means, in connection with a small business health plan, any employer, if any individual who is an employee of such employer, a partner in such employer, or a self-employed individual who is such employer (or any dependent, as defined under the terms of the plan, of such individual) is or was covered under such plan in connection with the status of such individual as such an employee, partner, or self-employed individual in relation to the plan.

"(10) SMALL EMPLOYER.—The term 'small employer' means, in connection with a group health plan with respect to a plan year, a small employer as defined in section 2791(e)(4).

"(b) RULE OF CONSTRUCTION.—For purposes of determining whether a plan, fund, or program is an employee welfare benefit plan which is a small business health plan, and for purposes of applying this title in connection with such plan, fund, or program so determined to be such an employee welfare benefit plan—

"(1) in the case of a partnership, the term 'employer' (as defined in section 3(5)) includes the partnership in relation to the partners, and the term 'employee' (as defined in section 3(6)) includes any partner in relation to the partnership; and

"(2) in the case of a self-employed individual, the term 'employer' (as defined in section 3(5)) and the term 'employee' (as defined in section 3(6)) shall include such individual.".

(b) CONFORMING AMENDMENTS TO PREEMPTION RULES.—

(1) Section 514(b)(6) of such Act (29 U.S.C. 1144(b)(6)) is amended by adding at the end the following new subparagraph:

"(E) The preceding subparagraphs of this paragraph do not apply with respect to any State law in the case of a small business health plan which is certified under part 8.".

(2) Section 514 of such Act (29 U.S.C. 1144) is amended—

(A) in subsection (b)(4), by striking "Subsection (a)" and inserting "Subsections (a) and (d)";

(B) in subsection (b)(5), by striking "subsection (a)" in subparagraph (A) and inserting "subsection (a) of this section and subsections (a)(2)(B) and (b) of section 805", and by striking "subsection (a)" in subparagraph (B) and inserting "subsection (a) of this section or subsection (a)(2)(B) or (b) of section 805";

(C) by redesignating subsection (d) as subsection (e); and

(D) by inserting after subsection (c) the following new subsection:

"(d)(1) Except as provided in subsection (b)(4), the provisions of this title shall supersede any and all State laws insofar as they may now or hereafter preclude a health insurance issuer from offering health insurance coverage in connection with a small business health plan which is certified under part 8.

"(2) In any case in which health insurance coverage of any policy type is offered under a small business health plan certified under part 8 to a participating employer operating in such State, the provisions of this title shall supersede any and all laws of such State insofar as they may establish rating and benefit requirements that would otherwise apply to such coverage, provided the requirements of section 805(a)(2)(B) and (b) (concerning small business health plan rating and benefits) are met.".

(3) Section 514(b)(6)(A) of such Act (29 U.S.C. 1144(b)(6)(A)) is amended—

(A) in clause (i)(II), by striking "and" at the end;

(B) in clause (ii), by inserting "and which does not provide medical care (within the meaning of section 733(a)(2))," after "arrangement,", and by striking "title." and inserting "title, and"; and

(C) by adding at the end the following new clause:

"(iii) subject to subparagraph (E), in the case of any other employee welfare benefit plan which is a multiple employer welfare arrangement and which provides medical care (within the meaning of section 733(a)(2)), any law of any State which regulates insurance may apply.".

(4) Section 514(e) of such Act (as redesignated by paragraph (2)(C)) is amended by striking "Nothing" and inserting "(1) Except as provided in paragraph (2), nothing".

(c) PLAN SPONSOR.—Section 3(16)(B) of such Act (29 U.S.C. 102(16)(B)) is amended by adding at the end the following new sentence: "Such term also includes a person serving as the sponsor of a small business health plan under part 8.".

(d) SAVINGS CLAUSE.—Section 731(c) of such Act is amended by inserting "or part 8" after "this part".

(e) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 734 the following new items:

"PART 8—RULES GOVERNING SMALL BUSINESS HEALTH PLANS

"801. Small business health plans.
"802. Certification of small business health plans.
"803. Requirements relating to sponsors and boards of trustees.
"804. Participation and coverage requirements.
"805. Other requirements relating to plan documents, contribution rates, and benefit options.
"806. Requirements for application and related requirements.
"807. Notice requirements for voluntary termination.
"808. Definitions and rules of construction.".

SEC. 102. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

Section 506 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by adding at the end the following new subsection:

"(d) CONSULTATION WITH STATES WITH RESPECT TO SMALL BUSINESS HEALTH PLANS.—

"(1) AGREEMENTS WITH STATES.—The Secretary shall consult with the State recognized under paragraph (2) with respect to a small business health plan regarding the exercise of—

"(A) the Secretary's authority under sections 502 and 504 to enforce the requirements for certification under part 8; and

"(B) the Secretary's authority to certify small business health plans under part 8 in accordance with regulations of the Secretary applicable to certification under part 8.

"(2) RECOGNITION OF DOMICILE STATE.—In carrying out paragraph (1), the Secretary shall ensure that only one State will be recognized, with respect to any particular small business health plan, as the State with which consultation is required. In carrying out this paragraph such State shall be the domicile State, as defined in section 805(c).".

SEC. 103. EFFECTIVE DATE AND TRANSITIONAL AND OTHER RULES.

(a) EFFECTIVE DATE.—The amendments made by this title shall take effect 1 year after the date of the enactment of this Act. The Secretary of Labor shall first issue all regulations necessary to carry out the amendments made by this title within 1 year after the date of the enactment of this Act.

(b) TREATMENT OF CERTAIN EXISTING HEALTH BENEFITS PROGRAMS.—

(1) IN GENERAL.—In any case in which, as of the date of the enactment of this Act, an arrangement is maintained in a State for the purpose of providing benefits consisting of medical care for the employees and beneficiaries of its participating employers, at least 200 participating employers make contributions to such arrangement, such arrangement has been in existence for at least 10 years, and such arrangement is licensed under the laws of one or more States to provide such benefits to its participating employers, upon the filing with the applicable authority (as defined in section 808(a)(2) of the Employee Retirement Income Security Act of 1974 (as amended by this subtitle)) by the arrangement of an application for certification of the arrangement under part 8 of subtitle B of title I of such Act—

(A) such arrangement shall be deemed to be a group health plan for purposes of title I of such Act;

(B) the requirements of sections 801(a) and 803(a) of the Employee Retirement Income Security Act of 1974 shall be deemed met with respect to such arrangement;

(C) the requirements of section 803(b) of such Act shall be deemed met, if the arrangement is operated by a board of trustees which—

(i) is elected by the participating employers, with each employer having one vote; and

(ii) has complete fiscal control over the arrangement and which is responsible for all operations of the arrangement;

(D) the requirements of section 804(a) of such Act shall be deemed met with respect to such arrangement; and

(E) the arrangement may be certified by any applicable authority with respect to its operations in any State only if it operates in such State on the date of certification.

The provisions of this subsection shall cease to apply with respect to any such arrangement at such time after the date of the enactment of this Act as the applicable requirements of this subsection are not met with respect to such arrangement or at such time that the arrangement provides coverage to participants and beneficiaries in any State other than the States in which coverage is provided on such date of enactment.

(2) DEFINITIONS.—For purposes of this subsection, the terms "group health plan", "medical care", and "participating employer" shall have the meanings provided in section 808 of the Employee Retirement Income Security Act of 1974, except that the reference in paragraph (7) of such section to an "small business health plan" shall be deemed a reference to an arrangement referred to in this subsection.

TITLE II—NEAR-TERM MARKET RELIEF

SEC. 201. NEAR-TERM MARKET RELIEF.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXIX—HEALTH CARE INSURANCE MARKETPLACE REFORM

"SEC. 2901. GENERAL INSURANCE DEFINITIONS.

"In this title, the terms 'health insurance coverage', 'health insurance issuer', 'group health plan', and 'individual health insurance' shall have the meanings given such terms in section 2791.

"Subtitle A—Near-Term Market Relief

"PART I—RATING REQUIREMENTS

"SEC. 2911. DEFINITIONS.

"In this part:

"(1) ADOPTING STATE.—The term 'adopting State' means a State that has enacted either the NAIC model rules or the National Interim Model Rating Rules in their entirety and as the exclusive laws of the State that relate to rating in the small group insurance market.

"(2) COMMISSION.—The term 'Commission' means the Harmonized Standards Commission established under section 2921.

"(3) ELIGIBLE INSURER.—The term 'eligible insurer' means a health insurance issuer that is licensed in a nonadopting State and that—

"(A) notifies the Secretary, not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer small group health insurance coverage consistent with the National Interim Model Rating Rules in a nonadopting State;

"(B) notifies the insurance department of a nonadopting State (or other State agency), not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer small group health insurance coverage in that State consistent with the National Interim Model Rating Rules, and provides with such notice a copy of any insurance policy that it intends to offer in the State, its most recent annual and quarterly financial reports, and any other information required to be filed with the insurance department of the State (or other State agency) by the Secretary in regulations; and

"(C) includes in the terms of the health insurance coverage offered in nonadopting States (including in the terms of any individual certificates that may be offered to individuals in connection with such group health coverage) and filed with the State pursuant to subparagraph (B), a description in the insurer's contract of the National Interim Model Rating Rules and an affirmation that such Rules are included in the terms of such contract.

"(4) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' means any coverage issued in small group health insurance market.

"(5) NAIC MODEL RULES.—The term 'NAIC model rules' means the rating rules provided for in the 1992 Adopted Small Employer Health Insurance Availability Model Act of the National Association of Insurance Commissioners.

"(6) NATIONAL INTERIM MODEL RATING RULES.—The term 'National Interim Model Rating Rules' means the rules promulgated under section 2912(a).

"(7) NONADOPTING STATE.—The term 'nonadopting State' means a State that is not an adopting State.

"(8) SMALL GROUP INSURANCE MARKET.—The term 'small group insurance market' shall have the meaning given the term 'small group market' in section 2791(e)(5).

"(9) STATE LAW.—The term 'State law' means all laws, decisions, rules, regulations, or other State actions (including actions by a State agency) having the effect of law, of any State.

"SEC. 2912. RATING RULES.

"(a) NATIONAL INTERIM MODEL RATING RULES.—Not later than 6 months after the date of enactment of this title, the Secretary, in consultation with the National Association of Insurance Commissioners, shall, through expedited rulemaking procedures, promulgate National Interim Model Rating Rules that shall be applicable to the small group insurance market in certain States until such time as the provisions of subtitle B become effective. Such Model Rules shall apply in States as provided for in this section beginning with the first plan year after the such Rules are promulgated.

"(b) UTILIZATION OF NAIC MODEL RULES.—In promulgating the National Interim Model Rating Rules under subsection (a), the Secretary, except as otherwise provided in this subtitle, shall utilize the NAIC model rules regarding premium rating and premium variation.

"(c) TRANSITION IN CERTAIN STATES.—

"(1) IN GENERAL.—In promulgating the National Interim Model Rating Rules under subsection (a), the Secretary shall have discretion to modify the NAIC model rules in accordance with this subsection to the extent necessary to provide for a graduated transition, of not to exceed 3 years following the promulgation of such National Interim Rules, with respect to the application of such Rules to States.

"(2) INITIAL PREMIUM VARIATION.—

"(A) IN GENERAL.—Under the modified National Interim Model Rating Rules as provided for in paragraph (1), the premium variation provision of subparagraph (C) shall be applicable only with respect to small group policies issued in States which, on the date of enactment of this title, have in place premium rating band requirements that vary by less than 50 percent from the premium variation standards contained in subparagraph (C) with respect to the standards provided for under the NAIC model rules.

"(B) OTHER STATES.—Health insurance coverage offered in a State that, on the date of enactment of this title, has in place premium rating band requirements that vary by more than 50 percent from the premium variation standards contained in subparagraph (C) shall be subject to such graduated transition schedules as may be provided by the Secretary pursuant to paragraph (1).

"(C) AMOUNT OF VARIATION.—The amount of a premium rating variation from the base premium rate due to health conditions of covered individuals under this subparagraph shall not exceed a factor of—

"(i) +/- 25 percent upon the issuance of the policy involved; and

"(ii) +/- 15 percent upon the renewal of the policy.

"(3) OTHER TRANSITIONAL AUTHORITY.—In developing the National Interim Model Rating Rules, the Secretary may also provide for the application of transitional standards in certain States with respect to the following:

"(A) Independent rating classes for old and new business.

"(B) Such additional transition standards as the Secretary may determine necessary for an effective transition.

"SEC. 2913. APPLICATION AND PREEMPTION.

"(a) SUPERCEDING OF STATE LAW.—

"(1) IN GENERAL.—This part shall supersede any and all State laws insofar as such State laws (whether enacted prior to or after the date of enactment of this subtitle) relate to rating in the small group insurance market as applied to an eligible insurer, or small group health insurance coverage issued by an eligible insurer, in a nonadopting State.

"(2) NONADOPTING STATES.—This part shall supersede any and all State laws of a nonadopting State insofar as such State laws (whether enacted prior to or after the date of enactment of this subtitle)—

"(A) prohibit an eligible insurer from offering coverage consistent with the National Interim Model Rating Rules in a nonadopting State; or

"(B) discriminate against or among eligible insurers offering health insurance coverage consistent with the National Interim Model Rating Rules in a nonadopting state.

"(b) SAVINGS CLAUSE AND CONSTRUCTION.—

"(1) NONAPPLICATION TO ADOPTING STATES.—Subsection (a) shall not apply with respect to adopting states.

"(2) NONAPPLICATION TO CERTAIN INSURERS.—Subsection (a) shall not apply with respect to insurers that do not qualify as eligible insurers that offer small group health insurance coverage in a nonadopting State.

"(3) NONAPPLICATION WHERE OBTAINING RELIEF UNDER STATE LAW.—Subsection (a)(1) shall not apply to any State law in a nonadopting State to the extent necessary to permit individuals or the insurance department of the State (or other State agency) to obtain relief under State law to require an eligible insurer to comply with the terms of the small group health insurance coverage issued in the nonadopting State. In no case shall this paragraph, or any other provision of this title, be construed to create a cause of action on behalf of an individual or any other person under State law in connection with a group health plan that is subject to the Employee Retirement Income Security Act of 1974 or health insurance coverage issued in connection with such a plan.

"(4) NONAPPLICATION TO ENFORCE REQUIREMENTS RELATING TO THE NATIONAL RULE.—Subsection (a)(1) shall not apply to any State law in a nonadopting State to the extent necessary to provide the insurance department of the State (or other State agency) with the authority to enforce State law requirements relating to the National Interim Model Rating Rules that are not set forth in the terms of the small group health insurance coverage issued in a nonadopting State, in a manner that is consistent with the National Interim Model Rating Rules and that imposes no greater duties or obligations on health insurance issuers than the National Interim Model Rating Rules.

"(5) NONAPPLICATION TO SUBSECTION (A)(2).—Paragraphs (3) and (4) shall not apply with respect to subsection (a)(2).

"(6) NO AFFECT ON PREEMPTION.—In no case shall this subsection be construed to affect the scope of the preemption provided for under the Employee Retirement Income Security Act of 1974.

"(c) EFFECTIVE DATE.—This section shall apply beginning in the first plan year following the issuance of the final rules by the Secretary under the National Interim Model Rating Rules.

"SEC. 2914. CIVIL ACTIONS AND JURISDICTION.

"(a) IN GENERAL.—The district courts of the United States shall have exclusive jurisdiction over civil actions involving the interpretation of this part.

"(b) ACTIONS.—A health insurance issuer may bring an action in the district courts of the United States for injunctive or other equitable relief against a nonadopting State in connection with the application of a state law that violates this part.

"(c) VIOLATIONS OF SECTION 2913.—In the case of a nonadopting State that is in violation of section 2913(a)(2), a health insurance issuer may bring an action in the district courts of the United States for damages against the nonadopting State and, if the health insurance issuer prevails in such action, the district court shall award the health insurance issuer its reasonable attorneys fees and costs.

"SEC. 2915. SUNSET.

"The National Interim Model Rating Rules shall remain in effect in a non-adopting State until such time as the harmonized national rating rules are promulgated and effective pursuant to part II. Upon such effective date, such harmonized rules shall supersede the National Rules.

"PART II—LOWER COST PLANS

"SEC. 2921. DEFINITIONS.

"In this part:

"(1) ADOPTING STATE.—The term 'adopting State' means a State that has enacted the State Benefit Compendium in its entirety and as the exclusive laws of the State that relate to benefit, service, and provider mandates in the group and individual insurance markets.

"(2) ELIGIBLE INSURER.—The term 'eligible insurer' means a health insurance issuer that is licensed in a nonadopting State and that—

"(A) notifies the Secretary, not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer group health insurance coverage consistent with the State Benefit Compendium in a nonadopting State;

"(B) notifies the insurance department of a nonadopting State (or other State agency), not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer group health insurance coverage in that State consistent with the State Benefit Compendium, and provides with such notice a copy of any insurance policy that it intends to offer in the State, its most recent annual and quarterly financial reports, and any other information required to be filed with the insurance department of the State (or other State agency) by the Secretary in regulations; and

"(C) includes in the terms of the health insurance coverage offered in nonadopting States (including in the terms of any individual certificates that may be offered to individuals in connection with such group health coverage) and filed with the State pursuant to subparagraph (B), a description in the insurer's contract of the State Benefit Compendium and that adherence to the Compendium is included as a term of such contract.

"(3) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' means any coverage issued in the group or individual health insurance markets.

"(4) NONADOPTING STATE.—The term 'nonadopting State' means a State that is not an adopting State.

"(5) STATE BENEFIT COMPENDIUM.—The term 'State Benefit Compendium' means the Compendium issued under section 2922.

"(6) STATE LAW.—The term 'State law' means all laws, decisions, rules, regulations, or other State actions (including actions by a State agency) having the effect of law, of any State.

"SEC. 2922. OFFERING LOWER COST PLANS.

"(a) LIST OF REQUIRED BENEFITS.—Not later than 3 months after the date of enactment of this title, the Secretary shall issue by interim final rule a list (to be known as the 'List of Required Benefits') of the benefit, service, and provider mandates that are required to be provided by health insurance issuers in at least 45 States as a result of the application of State benefit, service, and provider mandate laws.

"(b) STATE BENEFIT COMPENDIUM.—

"(1) VARIANCE.—Not later than 12 months after the date of enactment of this title, the Secretary shall issue by interim final rule a compendium (to be known as the 'State Benefit Compendium') of harmonized descriptions of the benefit, service, and provider mandates identified under subsection (a). In developing the Compendium, with respect to differences in State mandate laws identified under subsection (a) relating to similar benefits, services, or providers, the Secretary shall review and define the scope and application of such State laws so that a common approach shall be applicable under such Compendium in a uniform manner. In making such determination, the Secretary shall adopt an approach reflective of the approach used by a plurality of the States requiring such benefit, service, or provider mandate.

"(2) EFFECT.—The State Benefit Compendium shall provide that any State benefit, service, and provider mandate law (enacted prior to or after the date of enactment of this title) other than those described in the Compendium shall not be binding on health insurance issuers in an adopting State.

"(3) IMPLEMENTATION.—The effective date of the State Benefit Compendium shall be the later of—

"(A) the date that is 12 months from the date of enactment of this title; or

"(B) such subsequent date on which the interim final rule for the State Benefit Compendium shall be issued.

"(c) NON-ASSOCIATION COVERAGE.—With respect to health insurers selling insurance to small employers (as defined in section 808(a)(10) of the Employee Retirement Income Security Act of 1974), in the event the Secretary fails to issue the State Benefit Compendium within 12 months of the date of enactment of this title, the required scope and application for each benefit or service listed in the List of Required Benefits shall, other than with respect to insurance issued to a Small Business Health Plan, be—

"(1) if the State in which the insurer issues a policy mandates such benefit or service, the scope and application required by such State; or

"(2) if the State in which the insurer issues a policy does not mandate such benefit or service, the scope and application required by such other State that does require such benefit or service in which the greatest number of the insurer's small employer policyholders are located.

"(d) UPDATING OF STATE BENEFIT COMPENDIUM.—Not later than 2 years after the date on which the Compendium is issued under subsection (b)(1), and every 2 years thereafter, the Secretary, applying the same methodology provided for in subsections (a) and (b)(1), in consultation with the National

Association of Insurance Commissioners, shall update the Compendium. The Secretary shall issue the updated Compendium by regulation, and such updated Compendium shall be effective upon the first plan year following the issuance of such regulation.

"SEC. 2923. APPLICATION AND PREEMPTION.

"(a) SUPERCEDING OF STATE LAW.—

"(1) IN GENERAL.—This part shall supersede any and all State laws (whether enacted prior to or after the date of enactment of this title) insofar as such laws relate to benefit, service, or provider mandates in the health insurance market as applied to an eligible insurer, or health insurance coverage issued by an eligible insurer, in a nonadopting State.

"(2) NONADOPTING STATES.—This part shall supersede any and all State laws of a nonadopting State (whether enacted prior to or after the date of enactment of this title) insofar as such laws—

"(A) prohibit an eligible insurer from offering coverage consistent with the State Benefit Compendium, as provided for in section 2922(a), in a nonadopting State; or

"(B) discriminate against or among eligible insurers offering or seeking to offer health insurance coverage consistent with the State Benefit Compendium in a nonadopting State.

"(b) SAVINGS CLAUSE AND CONSTRUCTION.—

"(1) NONAPPLICATION TO ADOPTING STATES.—Subsection (a) shall not apply with respect to adopting States.

"(2) NONAPPLICATION TO CERTAIN INSURERS.—Subsection (a) shall not apply with respect to insurers that do not qualify as eligible insurers who offer health insurance coverage in a nonadopting State.

"(3) NONAPPLICATION WHERE OBTAINING RELIEF UNDER STATE LAW.—Subsection (a)(1) shall not apply to any State law of a nonadopting State to the extent necessary to permit individuals or the insurance department of the State (or other State agency) to obtain relief under State law to require an eligible insurer to comply with the terms of the group health insurance coverage issued in a nonadopting State. In no case shall this paragraph, or any other provision of this title, be construed to create a cause of action on behalf of an individual or any other person under State law in connection with a group health plan that is subject to the Employee Retirement Income Security Act of 1974 or health insurance coverage issued in connection with such plan.

"(4) NONAPPLICATION TO ENFORCE REQUIREMENTS RELATING TO THE COMPENDIUM.—Subsection (a)(1) shall not apply to any State law in a nonadopting State to the extent necessary to provide the insurance department of the State (or other state agency) authority to enforce State law requirements relating to the State Benefit Compendium that are not set forth in the terms of the group health insurance coverage issued in a nonadopting State, in a manner that is consistent with the State Benefit Compendium and imposes no greater duties or obligations on health insurance issuers than the State Benefit Compendium.

"(5) NONAPPLICATION TO SUBSECTION (A)(2).—Paragraphs (3) and (4) shall not apply with respect to subsection (a)(2).

"(6) NO AFFECT ON PREEMPTION.—In no case shall this subsection be construed to affect the scope of the preemption provided for under the Employee Retirement Income Security Act of 1974.

"(c) EFFECTIVE DATE.—This section shall apply upon the first plan year following final issuance by the Secretary of the State Benefit Compendium.

"SEC. 2924. CIVIL ACTIONS AND JURISDICTION.

"(a) IN GENERAL.—The district courts of the United States shall have exclusive jurisdiction over civil actions involving the interpretation of this part.

"(b) ACTIONS.—A health insurance issuer may bring an action in the district courts of the United States for injunctive or other equitable relief against a nonadopting State in connection with the application of a State law that violates this part.

"(c) VIOLATIONS OF SECTION 2923.—In the case of a nonadopting State that is in violation of section 2923(a)(2), a health insurance issuer may bring an action in the district courts of the United States for damages against the nonadopting State and, if the health insurance issuer prevails in such action, the district court shall award the health insurance issuer its reasonable attorneys fees and costs.".

TITLE III—HARMONIZATION OF HEALTH INSURANCE LAWS

SEC. 301. HEALTH INSURANCE REGULATORY HARMONIZATION.

Title XXIX of the Public Health Service Act (as added by section 201) is amended by adding at the end the following:

"Subtitle B—Regulatory Harmonization

"SEC. 2931. DEFINITIONS.

"In this subtitle:

"(1) ACCESS.—The term 'access' means any requirements of State law that regulate the following elements of access:

"(A) Renewability of coverage.

"(B) Guaranteed issuance as provided for in title XXVII.

"(C) Guaranteed issue for individuals not eligible under subparagraph (B).

"(D) High risk pools.

"(E) Pre-existing conditions limitations.

"(2) ADOPTING STATE.—The term 'adopting State' means a State that has enacted the harmonized standards adopted under this subtitle in their entirety and as the exclusive laws of the State that relate to the harmonized standards.

"(3) ELIGIBLE INSURER.—The term 'eligible insurer' means a health insurance issuer that is licensed in a nonadopting State and that—

"(A) notifies the Secretary, not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer health insurance coverage consistent with the harmonized standards in a nonadopting State;

"(B) notifies the insurance department of a nonadopting State (or other State agency), not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer group health insurance coverage in that State consistent with the State Benefit Compendium, and provides with such notice a copy of any insurance policy that it intends to offer in the State, its most recent annual and quarterly financial reports, and any other information required to be filed with the insurance department of the State (or other State agency) by the Secretary in regulations; and

"(C) includes in the terms of the health insurance coverage offered in nonadopting States (including in the terms of any individual certificates that may be offered to individuals in connection with such group health coverage) and filed with the State pursuant to subparagraph (B), a description of the harmonized standards published pursuant to section 2932(g)(2) and an affirmation that such standards are a term of the contract.

"(4) HARMONIZED STANDARDS.—The term 'harmonized standards' means the standards adopted by the Secretary under section 2932(d).

"(5) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' means any coverage issued in the health insurance market.

"(6) NONADOPTING STATE.—The term 'nonadopting State' means a State that fails to enact, within 2 years of the date in which final regulations are issued by the Secretary adopting the harmonized standards under this subtitle, the harmonized standards in their entirety and as the exclusive laws of the State that relate to the harmonized standards.

"(7) PATIENT PROTECTIONS.—The term 'patient protections' means any requirement of State law that regulate the following elements of patient protections:

"(A) Internal appeals.

"(B) External appeals.

"(C) Direct access to providers.

"(D) Prompt payment of claims.

"(E) Utilization review.

"(F) Marketing standards.

"(8) PLURALITY REQUIREMENT.—The term 'plurality requirement' means the most common substantially similar requirements for elements within each area described in section 2932(b)(1).

"(9) RATING.—The term 'rating' means, at the time of issuance or renewal, requirements of State law the regulate the following elements of rating:

"(A) Limits on the types of variations in rates based on health status.

"(B) Limits on the types of variations in rates based on age and gender.

"(C) Limits on the types of variations in rates based on geography, industry and group size.

"(D) Periods of time during which rates are guaranteed.

"(E) The review and approval of rates.

"(F) The establishment of classes or blocks of business.

"(G) The use of actuarial justifications for rate variations.

"(10) STATE LAW.—The term 'State law' means all laws, decisions, rules, regulations, or other State actions (including actions by a State agency) having the effect of law, of any State.

"(11) SUBSTANTIALLY SIMILAR.—The term 'substantially similar' means a requirement of State law applicable to an element of an area identified in section 2932 that is similar in most material respects. Where the most common State action with respect to an element is to adopt no requirement for an element of an area identified in such section 2932, the plurality requirement shall be deemed to impose no requirements for such element.

"SEC. 2932. HARMONIZED STANDARDS.

"(a) COMMISSION.—

"(1) ESTABLISHMENT.—The Secretary, in consultation with the NAIC, shall establish the Commission on Health Insurance Standards Harmonization (referred to in this subtitle as the 'Commission') to develop recommendations that harmonize inconsistent State health insurance laws in accordance with the laws adopted in a plurality of the States.

"(2) COMPOSITION.—The Commission shall be composed of the following individuals to be appointed by the Secretary:

"(A) Two State insurance commissioners, of which one shall be a Democrat and one shall be a Republican, and of which one shall be designated as the chairperson and one shall be designated as the vice chairperson.

“(B) Two representatives of State government, one of which shall be a governor of a State and one of which shall be a State legislator, and one of which shall be a Democrat and one of which shall be a Republican.

“(C) Two representatives of employers, of which one shall represent small employers and one shall represent large employers.

“(D) Two representatives of health insurers, of which one shall represent insurers that offer coverage in all markets (including individual, small, and large markets), and one shall represent insurers that offer coverage in the small market.

“(E) Two representatives of consumer organizations.

“(F) Two representatives of insurance agents and brokers.

“(G) Two representatives of healthcare providers.

“(H) Two independent representatives of the American Academy of Actuaries who have familiarity with the actuarial methods applicable to health insurance.

“(I) One administrator of a qualified high risk pool.

“(3) TERMS.—The members of the Commission shall serve for the duration of the Commission. The Secretary shall fill vacancies in the Commission as needed and in a manner consistent with the composition described in paragraph (2).

“(b) DEVELOPMENT OF HARMONIZED STANDARDS.—

“(1) IN GENERAL.—In accordance with the process described in subsection (c), the Commission shall identify and recommend nationally harmonized standards for the small group health insurance market, the individual health insurance market, and the large group health insurance market that relate to the following areas:

“(A) Rating.

“(B) Access to coverage.

“(C) Patient protections.

“(2) RECOMMENDATIONS.—The Commission shall recommend separate harmonized standards with respect to each of the three insurance markets described in paragraph (1) and separate standards for each element of the areas described in subparagraph (A) through (C) of such paragraph within each such market. Notwithstanding the previous sentence, the Commission shall not recommend any harmonized standards that disrupt, expand, or duplicate the benefit, service, or provider mandate standards provided in the State Benefit Compendium pursuant to section 2922(a).

“(c) PROCESS FOR IDENTIFYING HARMONIZED STANDARDS.—

“(1) IN GENERAL.—The Commission shall develop recommendations to harmonize inconsistent State insurance laws with the laws adopted in a plurality of the States. In carrying out the previous sentence, the Commission shall review all State laws that regulate insurance in each of the insurance markets and areas described in subsection (b)(1) and identify the plurality requirement within each element of such areas. Such plurality requirement shall be the harmonized standard for such area in each such market.

“(2) CONSULTATION.—The Commission shall consult with the National Association of Insurance Commissioners in identifying the plurality requirements for each element within the area and in recommending the harmonized standards.

“(3) REVIEW OF FEDERAL LAWS.—The Commission shall review whether any Federal law imposes a requirement relating to the markets and areas described in subsection (b)(1). In such case, such Federal requirement shall be deemed the plurality requirement and the Commission shall recommend the Federal requirement as the harmonized standard for such elements.

“(d) RECOMMENDATIONS AND ADOPTION BY SECRETARY.—

“(1) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this title, the Commission shall recommend to the Secretary the adoption of the harmonized standards identified pursuant to subsection (c).

“(2) REGULATIONS.—Not later than 120 days after receipt of the Commission's recommendations under paragraph (1), the Secretary shall issue final regulations adopting the recommended harmonized standards. If the Secretary finds the recommended standards for an element of an area to be arbitrary and inconsistent with the plurality requirements of this section, the Secretary may issue a unique harmonized standard only for such element through the application of a process similar to the process set forth in subsection (c) and through the issuance of proposed and final regulations.

“(3) EFFECTIVE DATE.—The regulations issued by the Secretary under paragraph (2) shall be effective on the date that is 2 years after the date on which such regulations were issued.

“(e) TERMINATION.—The Commission shall terminate and be dissolved after making the recommendations to the Secretary pursuant to subsection (d)(1).

“(f) UPDATED HARMONIZED STANDARDS.—

“(1) IN GENERAL.—Not later than 2 years after the termination of the Commission under subsection (e), and every 2 years thereafter, the Secretary shall update the harmonized standards. Such updated standards shall be adopted in accordance with paragraph (2).

“(2) UPDATING OF STANDARDS.—

“(A) IN GENERAL.—The Secretary shall review all State laws that regulate insurance in each of the markets and elements of areas set forth in subsection (b)(1) and identify whether a plurality of States have adopted substantially similar requirements that differ from the harmonized standards adopted by the Secretary pursuant to subsection (d). In such case, the Secretary shall consider State laws that have been enacted with effective dates that are contingent upon adoption as a harmonized standard by the Secretary. Substantially similar requirements for each element within such area shall be considered to be an updated harmonized standard for such an area.

“(B) REPORT.—The Secretary shall request the National Association of Insurance Commissioners to issue a report to the Secretary every 2 years to assist the Secretary in identifying the updated harmonized standards under this paragraph. Nothing in this subparagraph shall be construed to prohibit the Secretary from issuing updated harmonized standards in the absence of such a report.

“(C) REGULATIONS.—The Secretary shall issue regulations adopting updated harmonized standards under this paragraph within 90 days of identifying such standards. Such regulations shall be effective beginning on the date that is 2 years after the date on which such regulations are issued.

“(g) PUBLICATION.—

“(1) LISTING.—The Secretary shall maintain an up to date listing of all harmonized standards adopted under this section on the Internet website of the Department of Health and Human Services.

“(2) SAMPLE CONTRACT LANGUAGE.—The Secretary shall publish on the Internet website of the Department of Health and Human Services sample contract language that incorporates the harmonized standards adopted under this section, which may be used by insurers seeking to qualify as an eligible insurer. The types of harmonized standards that shall be included in sample contract language are the standards that are relevant to the contractual bargain between the insurer and insured.

“(h) STATE ADOPTION AND ENFORCEMENT.—Not later than 2 years after the issuance by the Secretary of final regulations adopting harmonized standards under this section, the States may adopt such harmonized standards (and become an adopting State) and, in which case, shall enforce the harmonized standards pursuant to State law.

“SEC. 2933. APPLICATION AND PREEMPTION.

“(a) SUPERCEDING OF STATE LAW.—

“(1) IN GENERAL.—The harmonized standards adopted under this subtitle shall supersede any and all State laws (whether enacted prior to or after the date of enactment of this title) insofar as such State laws relate to the areas of harmonized standards as applied to an eligible insurer, or health insurance coverage issued by a eligible insurer, in a nonadopting State.

“(2) NONADOPTING STATES.—This subtitle shall supersede any and all State laws of a nonadopting State (whether enacted prior to or after the date of enactment of this title) insofar as they may—

“(A) prohibit an eligible insurer from offering coverage consistent with the harmonized standards in the nonadopting State; or

“(B) discriminate against or among eligible insurers offering or seeking to offer health insurance coverage consistent with the harmonized standards in the nonadopting State.

“(b) SAVINGS CLAUSE AND CONSTRUCTION.—

“(1) NONAPPLICATION TO ADOPTING STATES.—Subsection (a) shall not apply with respect to adopting States.

“(2) NONAPPLICATION TO CERTAIN INSURERS.—Subsection (a) shall not apply with respect to insurers that do not qualify as eligible insurers who offer health insurance coverage in a nonadopting State.

“(3) NONAPPLICATION WHERE OBTAINING RELIEF UNDER STATE LAW.—Subsection (a)(1) shall not apply to any State law of a nonadopting State to the extent necessary to permit individuals or the insurance department of the State (or other State agency) to obtain relief under State law to require an eligible insurer to comply with the terms of the health insurance coverage issued in a nonadopting State. In no case shall this paragraph, or any other provision of this subtitle, be construed to permit a cause of action on behalf of an individual or any other person under State law in connection with a group health plan that is subject to the Employee Retirement Income Security Act of 1974 or health insurance coverage issued in connection with such plan.

“(4) NONAPPLICATION TO ENFORCE REQUIREMENTS RELATING TO THE COMPENDIUM.—Subsection (a)(1) shall not apply to any State law in a nonadopting State to the extent necessary to provide the insurance department of the State (or other state agency) authority to enforce State law requirements relating to the harmonized standards that are not set forth in the terms of the health insurance coverage issued in a nonadopting State, in a manner that is consistent with the harmonized standards and imposes no greater duties or obligations on health insurance issuers than the harmonized standards.

“(5) NONAPPLICATION TO SUBSECTION (A)(2).—Paragraphs (3) and (4) shall not apply with respect to subsection (a)(2).

"(6) NO AFFECT ON PREEMPTION.—In no case shall this subsection be construed to affect the scope of the preemption provided for under the Employee Retirement Income Security Act of 1974.

"(c) EFFECTIVE DATE.—This section shall apply beginning on the date that is 2 years after the date on which final regulations are issued by the Secretary under this subtitle adopting the harmonized standards.

"SEC. 2934. CIVIL ACTIONS AND JURISDICTION.

"(a) IN GENERAL.—The district courts of the United States shall have exclusive jurisdiction over civil actions involving the interpretation of this subtitle.

"(b) ACTIONS.—A health insurance issuer may bring an action in the district courts of the United States for injunctive or other equitable relief against a nonadopting State in connection with the application of a State law that violates this subtitle.

"(c) VIOLATIONS OF SECTION 2933.—In the case of a nonadopting State that is in violation of section 2933(a)(2), a health insurance issuer may bring an action in the district courts of the United States for damages against the nonadopting State and, if the health insurance issuer prevails in such action, the district court shall award the health insurance issuer its reasonable attorneys fees and costs.

"SEC. 2935. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.".

Mr. NELSON of Nebraska. Mr. President, I am pleased to join with my good friend, Chairman MIKE ENZI, in introducing the Health Insurance Marketplace Modernization and Affordability Act. This legislation will help bring much-needed relief to small businesses who are struggling to afford health insurance coverage for their employees.

The affordability of health insurance coverage is a major problem facing America's businesses and consumers. According to the Kaiser Family Foundation, health insurance premiums for businesses rose 9.2 percent last year. While health care cost increases have subsided somewhat, premium increases for last year alone were more than 3 times the growth in workers' wages and two-and-a-half times the rate of inflation.

This legislation helps address the problem of rising health care costs. By providing small businesses with more ability to pool and by harmonizing and streamlining insurance regulations, this bill will help reduce the cost of coverage for small businesses. By lowering costs, this bill holds promise in reducing the number of working Americans who lack health insurance coverage. Our legislation will help reduce costs in a balanced and carefully targeted manner while avoiding some of the problems that other proposals have raised.

In contrast to other proposals, such as Association Health Plans (AHP), our bill retains State-based regulation and oversight. State-based oversight and enforcement is critical to protecting consumers. Unlike other AHP bills, associations cannot self insure and be outside of State oversight. As a former insurance director, this issue is critical for my support.

Moreover, the bill maintains a level playing field in the health insurance marketplace by avoiding harmful provisions that would have led to rampant "cherry-picking" and adverse selection problems. The bill does not allow association health plans to abide by less comprehensive rules and under minimal oversight by the U.S. Department of Labor—which would allow these plans to attract only young and healthy groups while increasing costs for the vast majority of small businesses and their workers.

I applaud the effort of Senator ENZI and his talented staff and am pleased to introduce the bill. However, I also recognize that is not a perfect solution; nor is it a panacea for all the problems facing our health care system.

I look forward to working with Senator ENZI to assure that the bill preserves comprehensive and high-quality benefits while, at the same time, allowing small businesses to have access to affordable coverage.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 294—EXPRESSING THE SENSE OF THE SENATE ON THE RETENTION OF THE FEDERAL TAX DEDUCTION FOR STATE AND LOCAL TAXES PAID

Mr. SCHUMER (for himself, Mr. LAUTENBERG, Mr. DURBIN, Mrs. CLINTON, Mr. CORZINE, Mr. SALAZAR, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. DODD, Mr. KERRY, Mr. OBAMA, Mrs. BOXER, Mr. FEINGOLD, Mr. KOHL, and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 294

Whereas no American should be unnecessarily or excessively burdened with additional taxes;

Whereas the Federal income tax has grown more complicated and unmanageable over time, imposing burdensome administrative and compliance costs on American taxpayers;

Whereas on January 7, 2005, President George W. Bush created the President's Advisory Panel on Federal Tax Reform (the "Panel") via Executive Order 13369;

Whereas the Panel was tasked with providing several options for Federal tax reform that would simplify Federal tax laws, retain progressivity, and promote long-run economic growth and job creation;

Whereas in its final report, released publicly on November 1, 2005, the Panel recommended the complete repeal of the Federal deduction for State and local taxes, as a central component of both the "Simplified Income Tax Plan" and the "Growth and Investment Tax Plan";

Whereas State and local taxes have been deductible from the Federal income tax since the inception of the Federal income tax in 1913;

Whereas eliminating the deduction for State and local taxes would create a new form of double taxation at a time where efforts are being made to reduce other forms of double taxation, since repeal would require millions of taxpayers to pay Federal taxes on income that is also taxed at the State or local level;

Whereas Congress has recently taken steps to expand, rather than cut back, the State and local tax deduction, by reinstating a deduction for State sales taxes for some taxpayers (previously repealed as part of the Tax Reform Act of 1986), as part of the American Jobs Creation Act of 2004;

Whereas there is some concern, as noted by the nonpartisan Urban-Brookings Tax Policy Center, that eliminating the deduction could "lower support for public services and lead to a 'race to the bottom' in terms of State and local expenditures as States compete to have the lowest taxes in order to attract higher-income households";

Whereas the deduction for State and local taxes is not just a concern for a small minority of taxpayers in the largest States, as 22 States saw more than one-third of their taxpayers take the deduction in 2003, the latest year for which data is available (Maryland, New Jersey, Connecticut, Colorado, Oregon, Minnesota, Massachusetts, Virginia, Utah, California, Georgia, New York, Wisconsin, Arizona, Rhode Island, Michigan, Delaware, North Carolina, Illinois, New Hampshire, Nevada, and Idaho (ranked in order of the percentage of taxpayers affected));

Whereas in tax year 2003, 43,538,000 taxpayers in the United States took advantage of the Federal deduction for State and local taxes, deducting a total of $315,690,000,000, thereby saving taxpayers in the United States approximately $88,390,000,000 in Federal income taxes, assuming an average marginal rate of 28 percent for taxpayers who itemize; and

Whereas in tax year 2003, the top 25 States ranked by the number of taxpayers affected represented 77 percent of the taxpayers affected nationally, and took 85 percent of the total deductions for State and local taxes, as detailed below:

(1) In California, 5,807,000 taxpayers deducted a total of $54,920,000,000, thereby saving California taxpayers approximately $15,380,000,000 in Federal income taxes.

(2) In New York, 3,228,000 taxpayers deducted a total of $37,600,000,000, thereby saving New York taxpayers approximately $10,530,000,000 in Federal income taxes.

(3) In Illinois, 1,994,000 taxpayers deducted a total of $13,720,000,000, thereby saving Illinois taxpayers approximately $3,840,000,000 in Federal income taxes.

(4) In Ohio, 1,809,000 taxpayers deducted a total of $12,720,000,000, thereby saving Ohio taxpayers approximately $3,560,000,000 in Federal income taxes.

(5) In New Jersey, 1,791,000 taxpayers deducted a total of $18,750,000,000, thereby saving New Jersey taxpayers approximately $5,250,000,000 in Federal income taxes.

(6) In Pennsylvania, 1,765,000 taxpayers deducted a total of $12,400,000,000, thereby saving Pennsylvania taxpayers approximately $3,470,000,000 billion in Federal income taxes.

(7) In Michigan, 1,627,000 taxpayers deducted a total of $10,350,000,000, thereby saving Michigan taxpayers approximately $2,900,000,000 in Federal income taxes.

(8) In Georgia, 1,416,000 taxpayers deducted a total of $8,720,000,000, thereby saving Georgia taxpayers approximately $2,440,000,000 in Federal income taxes.

(9) In Virginia, 1,355,000 taxpayers deducted a total of $9,630,000,000, thereby saving Virginia taxpayers approximately $2,700,000,000 in Federal income taxes.

(10) In North Carolina, 1,304,000 taxpayers deducted a total of $8,720,000,000, thereby saving North Carolina taxpayers approximately $2,440,000,000 in Federal income taxes.

(11) In Maryland, 1,260,000 taxpayers deducted a total of $10,410,000,000, thereby saving Maryland taxpayers approximately $2,920,000,000 in Federal income taxes.

(12) In Massachusetts, 1,216,000 taxpayers deducted a total of $10,840,000,000, thereby saving Massachusetts taxpayers approximately $3,040,000,000 in Federal income taxes.

(13) In Minnesota, 969,000 taxpayers deducted a total of $7,060,000,000, thereby saving Minnesota taxpayers approximately $1,980,000,000 in Federal income taxes.

(14) In Wisconsin, 961,000 taxpayers deducted a total of $8,000,000,000, thereby saving Wisconsin taxpayers approximately $2,240,000,000 in Federal income taxes.

(15) In Colorado, 856,000 taxpayers deducted a total of $4,570,000,000, thereby saving Colorado taxpayers approximately $1,280,000,000 in Federal income taxes.

(16) In Arizona, 841,000 taxpayers deducted a total of $4,110,000,000, thereby saving Arizona taxpayers approximately $1,150,000,000 in Federal income taxes.

(17) In Indiana, 832,000 taxpayers deducted a total of $4,530,000,000, thereby saving Indiana taxpayers approximately $1,270,000,000 in Federal income taxes.

(18) In Missouri, 772,000 taxpayers deducted a total of $4,890,000,000, thereby saving Missouri taxpayers approximately $1,370,000,000 in Federal income taxes.

(19) In Connecticut, 713,000 taxpayers deducted a total of $7,970,000,000, thereby saving Connecticut taxpayers approximately $2,230,000,000 in Federal income taxes.

(20) In Oregon, 641,000 taxpayers deducted a total of $5,100,000,000, thereby saving Oregon taxpayers approximately $1,430,000,000 in Federal income taxes.

(21) In South Carolina, 574,000 taxpayers deducted a total of $3,390,000,000, thereby saving South Carolina taxpayers approximately $949,000,000 in Federal income taxes.

(22) In Alabama, 538,000 taxpayers deducted a total of $2,090,000,000, thereby saving Alabama taxpayers approximately $586,000,000 in Federal income taxes.

(23) In Kentucky, 515,000 taxpayers deducted a total of $3,300,000,000, thereby saving Kentucky taxpayers approximately $925,000,000 in Federal income taxes.

(24) In Oklahoma, 434,000 taxpayers deducted a total of $2,320,000,000, thereby saving Oklahoma taxpayers approximately $650,000,000 in Federal income taxes.

(25) In Iowa, 397,000 taxpayers deducted a total of $2,510,000,000, thereby saving Iowa taxpayers approximately $702,000,000 in Federal income taxes:

Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should not repeal or substantially alter the longstanding Federal tax deduction for State and local taxes.

SENATE RESOLUTION 295—EXPRESSING THE SENSE OF THE SENATE ON THE ARREST OF SANJAR UMAROV IN UZBEKISTAN

Mr. LUGAR (for himself and Mr. FRIST, and Mr. MCCAIN) submitted the following resolution; which was considered and agreed to:

S. RES. 295

Whereas the United States supports the development of democracy, free markets, and civil society in Uzbekistan and in other states in Central Asia;

Whereas the rule of law, the impartial application of the law, and equal justice for all courts of law are pillars of all democratic societies;

Whereas Sanjar Umarov was reportedly arrested in Tashkent, Uzbekistan, on October 22, 2005;

Whereas Sanjar Umarov is a businessman and leader of the Uzbek opposition party, Sunshine Coalition;

Whereas Sanjar Umarov was reportedly taken into custody on October 22, 2005, during a crackdown on the Sunshine Coalition that included a raid of its offices and seizure of its records;

Whereas Sanjar Umarov was reportedly charged with grand larceny;

Whereas press accounts report that representatives of Sanjar Umarov claim that Mr. Umarov was drugged and abused while at his pretrial confinement center in Tashkent, Uzbekistan, but such accounts could not be immediately confirmed, and official information about the health, whereabouts, and treatment while in custody of Mr. Umarov has thus far been unavailable;

Whereas the United States has expressed its serious concern regarding the overall state of human rights in Uzbekistan and is seeking to clarify the facts of this case;

Whereas the European Union (EU) and the Organization for Security and Cooperation in Europe (OSCE) have expressed concern about the arrest and possible abuse of Sanjar Umarov; and

Whereas the Government of Uzbekistan is party to various treaty obligations, and in particular those under the International Covenant on Civil and Political Rights, which obligate governments to provide for due process in criminal cases: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the law enforcement and judicial authorities of Uzbekistan should ensure that Sanjar Umarov is accorded the full measure of his rights under the Uzbekistan Constitution to defend himself against any and all charges that may be brought against him, in a fair and transparent process, so that individual justice may be done;

(2) the Government of Uzbekistan should observe its various treaty obligations, especially those under the International Covenant on Civil and Political Rights, which obligate governments to provide for due process in criminal cases; and

(3) the Government of Uzbekistan should publicly clarify the charges against Sanjar Umarov, his current condition, and his whereabouts.

SENATE RESOLUTION 296—HONORING THE LIFE OF AND EXPRESSING THE CONDOLENCES OF THE SENATE ON THE PASSING OF DR. RICHARD ERRETT SMALLEY

Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted the following resolution; which was considered and agreed to:

S. RES. 296

Whereas Dr. Richard Errett Smalley opened the field of nanotechnology with his 1985 discovery of a new form of carbon molecules called "buckyballs", and for this, in 1996, the Royal Swedish Academy of Sciences awarded him the Nobel Prize in Chemistry along with Dr. Robert Curl and Sir Harold Kroto;

Whereas the research and advocacy done by Dr. Smalley in support of the National Nanotechnology Initiative led to the development of a revolutionary area of science that will improve materials and devices in fields ranging from medicine to energy to National defense;

Whereas the accomplishments of Dr. Smalley in the field of nanotechnology have contributed greatly to the academic and research communities of Rice University, the State of Texas, and the United States of America;

Whereas Dr. Smalley has been described as a "Moses" in the field of nanotechnology;

Whereas Dr. Smalley is credited with being the "Father of Nanotechnology";

Whereas Dr. Smalley is considered by Neal Lane, a former Presidential science adviser, as "a real civic scientist, one who not only [did] great science, but [used] that knowledge and fame to do good, to benefit society, and to try and educate the public";

Whereas Dr. Smalley devoted his talent to employ nanotechnology to solve the global energy problem, which he believed could ultimately solve other global problems such as hunger and water shortages;

Whereas the dedication and devotion of Dr. Smalley to science led to his receipt of numerous awards and honors, including the Distinguished Public Service Medal from the United States Department of the Navy and the Lifetime Achievement Award from Small Times Magazine;

Whereas Dr. Smalley, along with Nobel Laureate Michael Brown, was a founding co-chairman of the Texas Academy of Medicine, Engineering, and Science, which was founded to further enhance research in Texas; and

Whereas the legacy of Dr. Smalley will continue to grow as scientists build upon his work and reap the benefits of his discoveries: Now, therefore, be it

Resolved, That the Senate honors the life and accomplishments of Dr. Richard Errett Smalley and expresses its condolences on his passing.

SENATE RESOLUTION 297—MARKING THE DEDICATION OF THE GAYLORD NELSON WILDERNESS WITHIN THE APOSTLE ISLANDS NATIONAL LAKESHORE

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. RES. 297

Whereas the Honorable Gaylord Nelson, a State Senator, Governor, and United States Senator from Wisconsin, devoted his life to protecting the environment by championing issues of land protection, wildlife habitat, environmental health, and increased environmental awareness, including founding Earth Day;

Whereas the Honorable Gaylord Nelson authored the Apostle Islands National Lakeshore Act, which led to the protection of one of the most beautiful areas in Wisconsin and recognized the rich assemblage of natural resources, cultural heritage, and scenic features on Wisconsin's north coast and 21 islands of the 22-island archipelago;

Whereas the Apostle Islands National Lakeshore was designated a National Park on September 26, 1970;

Whereas, on December 8, 2004, approximately 80 percent of the Apostle Islands National Lakeshore was designated the Gaylord Nelson Wilderness;

Whereas the Gaylord Nelson Wilderness within the Apostle Islands National Lakeshore provides a refuge for many species of birds, including threatened bald eagles and endangered piping plovers, herring-billed gulls, double-crested cormorants, and great blue herons, and is a safe haven for a variety of amphibians, such as blue-spotted salamanders, red-backed salamanders, gray treefrogs, and mink frogs, and is a sanctuary for several mammals, including river otters, black bears, snowshoe hares, and fishers;

Whereas the official dedication of the Gaylord Nelson Wilderness occurred on August 8, 2005, 36 days after the Honorable Gaylord Nelson's passing; and

Whereas the Honorable Gaylord Nelson changed the consciousness of our Nation and embodied the principle that 1 person can change the world, and the creation of the Gaylord Nelson Wilderness is a small, but fitting, recognition of his efforts: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the Honorable Gaylord Nelson's environmental legacy;

(2) celebrates the dedication of the Gaylord Nelson Wilderness within the Apostle Islands National Lakeshore; and

(3) requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the family of the Senator.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2358. Ms. CANTWELL (for herself, Mr. Feingold, Mr. Dayton, Mr. Lieberman, Mr. Kerry, Ms. Collins, Ms. Mikulski, Mr. Jeffords, Mr. Durbin, Mr. Salazar, Mrs. Murray, Mrs. Clinton, Mrs. Boxer, Ms. Snowe, and Mr. Wyden) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

SA 2359. Mr. GRASSLEY (for himself, Mr. Dorgan, Mr. Enzi, Mr. Harkin, Mr. Hagel, Mr. Johnson, Mr. Brownback, Mr. Thune, Mr. Feingold, Mr. Conrad, Mr. Thomas, Mrs. Clinton, and Mr. Nelson, of Nebraska) submitted an amendment intended to be proposed by him to the bill S. 1932, supra.

SA 2360. Mr. LOTT (for himself, Mr. Lautenberg, Mr. Stevens, Mr. Inouye, Mr. Burns, Mr. Carper, Mr. Specter, Mrs. Clinton, Mr. Chafee, Mr. Corzine, Mr. Schumer, and Mr. Biden) submitted an amendment intended to be proposed by him to the bill S. 1932, supra.

SA 2361. Mr. TALENT submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2362. Mr. WYDEN (for himself, Mr. Talent, Mr. Dorgan, Mrs. Feinstein, Mr. Dayton, Mr. Kohl, and Mr. Feingold) proposed an amendment to the bill S. 1932, supra.

SA 2363. Mr. HARKIN (for himself, Mr. Kohl, Mr. Obama, Mr. Bayh, Mr. Kerry, Mr. Jeffords, Mr. Kennedy, Mr. Durbin, Mr. Bingaman, and Mr. Salazar) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2364. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2365. Mr. BINGAMAN (for himself, Mr. Rockefeller, Mrs. Lincoln, Mr. Pryor, and Mr. Leahy) proposed an amendment to the bill S. 1932, supra.

SA 2366. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1932, supra.

SA 2367. Mr. BYRD proposed an amendment to the bill S. 1932, supra.

SA 2368. Mr. ENSIGN (for himself, Mr. DeMint, Mr. Smith, Mr. Sununu, and Mr. McCain) submitted an amendment intended to be proposed by him to the bill S. 1932, supra.

SA 2369. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2370. Mr. McCAIN (for himself, Mr. Sununu, and Mr. Rockefeller) proposed an amendment to the bill S. 1932, supra.

SA 2371. Ms. SNOWE (for herself, Mr. Wyden, Mr. McCain, and Ms. Stabenow) submitted an amendment intended to be proposed by her to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2372. Mrs. MURRAY (for herself, Mr. Rockefeller, Mr. Bingaman, Mr. Kennedy, Mrs. Clinton, Mr. Lautenberg, and Mr. Kohl) proposed an amendment to the bill S. 1932, supra.

SA 2373. Mr. REED (for himself, Ms. Collins, Mr. Kennedy, Mr. Kerry, Mr. Rockefeller, Mr. Schumer, Mr. Lieberman, Ms. Mikulski, Mr. Kohl, and Mr. Salazar) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2374. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2375. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2376. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2377. Mr. COLEMAN (for himself, Mr. Kennedy, Mr. Bayh, and Mrs. Clinton) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2378. Mr. SPECTER (for himself and Mr. Leahy) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2379. Mrs. FEINSTEIN (for herself, Mrs. Hutchison, Mrs. Boxer, Mrs. Murray, Mr. Lautenberg, Mr. Schumer, Mr. Corzine, and Ms. Cantwell) submitted an amendment intended to be proposed by her to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2380. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2381. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2382. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2383. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2384. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2385. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2386. Mr. SUNUNU (for himself and Mr. Allen) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2387. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2388. Mr. SUNUNU (for himself, Mr. Allen, and Mr. DeMint) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2389. Mr. WARNER (for himself, Mr. Lieberman, Mr. Roberts, Mr. Durbin, and Mr. Allen) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2390. Mr. SMITH (for himself and Mrs. Clinton) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2391. Mr. HAGEL (for himself and Mr. Sununu) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2392. Mr. GREGG proposed an amendment to the bill S. 1932 supra.

SA 2393. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2394. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2395. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2396. Mr. REED (for himself, Mr. Dodd, and Mr. Corzine) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2397. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2398. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2399. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2400. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2401. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2358. Ms. CANTWELL (for herself, Mr. Feingold, Mr. Dayton, Mr. Lieberman, Mr. Kerry, Ms. Collins, Ms. Mikulski, Mr. Jeffords, Mr. Durbin, Mr. Salazar, Mrs. Murray, Mrs. Clinton, Mrs. Boxer, Ms. Snowe, and

Mr. WYDEN) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

Beginning on page 96, strike line 16 and all that follows through page 102, line 8.

SA 2359. Mr. GRASSLEY (for himself, Mr. DORGAN, Mr. ENZI, Mr. HARKIN, Mr. HAGEL, Mr. JOHNSON, Mr. BROWNBACK, Mr. THUNE, Mr. FEINGOLD, Mr. CONRAD, Mr. THOMAS, Mrs. CLINTON, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

Beginning on page 10, strike line 8 and all that follows through page 17, line 22 and insert the following:

SEC. 1101. REDUCTION OF COMMODITY PROGRAM PAYMENTS.

(a) IN GENERAL.—Subtitle F of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7991 et seq.) is amended by adding at the end the following:

"SEC. 1619. REDUCTION OF COMMODITY PROGRAM PAYMENTS.

"(a) DEFINITION OF COMMODITY PROGRAM PAYMENTS.—In this section, the term 'commodity program payments' means—

"(1) direct payments;

"(2) counter-cyclical payments; and

"(3) payments and benefits associated with the loan program, including gains from the forfeiture of any commodity pledged as collateral for loans and gains from in-kind payments described in section 166 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7286), as determined by the Secretary.

"(b) REDUCTION.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, for each of the 2007 through 2010 crop years for wheat, corn, grain sorghum, barley, oats, upland cotton, extra long staple cotton, rice, soybeans, other oilseeds, wool, mohair, honey, dry peas, lentils, small chickpeas, unshorn pelts, silage, hay, and peanuts, the Secretary shall reduce the total amount of commodity program payments received by the producers on a farm for those commodities for that crop year by an amount equal to 2.5 percent of that amount.

"(2) MILK.—During the period beginning on October 1, 2005, and ending on September 30, 2007, the Secretary shall reduce the total amount of payments received by producers pursuant to section 1502 by an amount equal to 2.5 percent of that amount.".

(b) COMMODITIES.—

(1) IN GENERAL.—Title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.), including each amendment made by that title, is amended by striking "2007" each place it appears (other than in sections 1104(f), 1304(g), and 1307(a)(6) and amendments made by this title) and inserting "2011".

(2) COTTON.—Sections 1204(e)(1) and 1208(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7934(e)(1), 7938(a)) are amended by striking "2008" each place it appears and inserting "2012".

(3) PAYMENT LIMITATIONS.—

(A) DEFINITIONS.—Section 1001(a) of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1444) is amended—

(i) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(ii) by inserting after paragraph (1) the following:

"(2) ENTITY.—

"(A) IN GENERAL.—The term 'entity' means—

"(i) an entity that (subject to the requirements of this section and section 1001A) is eligible to receive a payment under subsection (b), (c), or (d);

"(ii) a corporation, joint stock company, association, limited partnership, charitable organization, grantor of a revocable trust, or other similar entity (as determined by the Secretary); and

"(iii) an entity that is participating in a farming operation as a partner in a general partnership or as a participant in a joint venture.

"(B) EXCLUSION.—Except with respect to section 1001F, the term 'entity' does not include an entity that is a general partnership or joint venture.

"(3) INDIVIDUAL.—The term 'individual' means—

"(A) a natural person, and minor children of the natural person (as determined by the Secretary), that (subject to the requirements of this section and section 1001A) is eligible to receive a payment under subsection (b), (c), or (d); and

"(B) an individual participating in a farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or a participant in a similar entity (as determined by the Secretary).".

(B) LIMITATION ON DIRECT PAYMENTS.—Section 1001(b) of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1444) is amended in paragraphs (1) and (2)—

(i) by striking "made to a person" each place it appears and inserting "that an individual or entity may receive, directly or indirectly,"; and

(ii) by striking "$40,000" each place it appears and inserting "$20,000".

(C) LIMITATION ON COUNTER-CYCLICAL PAYMENTS.—Section 1001(c) of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1444) is amended in paragraphs (1) and (2)—

(i) by striking "made to a person" each place it appears and inserting "that an individual or entity may receive, directly or indirectly,"; and

(ii) by striking "$65,000" each place it appears and inserting "$30,000".

(D) LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS.—Section 1001(d) of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1444) is amended—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking "that a person may receive" and inserting "that an individual or entity may receive, directly or indirectly,"; and

(II) by adding at the end the following:

"(C) In the case of settlement of a marketing assistance loan under that subtitle, or section 1307 of that Act, for a crop of any loan commodity by forfeiture, any gain represented by the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

"(D) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle or section 1307 of that Act."; and

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking "that a person may receive" and inserting "that an individual or entity may receive, directly or indirectly,"; and

(II) by adding at the end the following:

"(C) In the case of settlement of a marketing assistance loan under that subtitle, or section 1307 of that Act, for peanuts, wool, mohair, or honey by forfeiture, any gain represented by the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

"(D) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle or section 1307 of that Act.".

(E) PAYMENTS TO INDIVIDUAL AND ENTITIES.—Section 1001 of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1444) is amended—

(i) by striking subsection (e) and inserting the following:

"(e) PAYMENTS TO INDIVIDUALS AND ENTITIES.—

"(1) INTERESTS WITHIN THE SAME ENTITY.—All individuals or entities that are owners of an entity, including shareholders, may not collectively receive payments directly or indirectly that are attributable to the ownership interests in the entity for a fiscal or corresponding crop year that exceed the limitations established under subsections (b), (c), and (d).

"(2) ALL INTERESTS OF AN INDIVIDUAL OR ENTITY.—An individual or entity may not receive, directly or indirectly, through all ownership interests of the individual or entity from all sources, payments for a fiscal or corresponding crop year that exceed the limitations established under subsections (b), (c), and (d)."; and

(ii) in subsection (f), by striking "person" and inserting "individual or entity".

(4) SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308-1) is amended to read as follows:

"SEC. 1001A. SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.

"(a) SUBSTANTIVE CHANGE.—

"(1) IN GENERAL.—The Secretary may not approve (for purposes of the application of the limitations under this section) any change in a farming operation that otherwise will increase the number of individuals or entities to which the limitations under this section are applied unless the Secretary determines that the change is bona fide and substantive.

"(2) FAMILY MEMBERS.—For the purpose of paragraph (1), the addition of a family member (as defined in regulations promulgated by the Secretary) to a farming operation shall be considered to be a bona fide and substantive change in the farming operation.

"(3) PROHIBITION.—The Secretary may not establish a di minimus beneficial interest level exempt from the requirements of this section.

"(b) PAYMENTS LIMITED TO ACTIVE FARMERS.—

"(1) IN GENERAL.—To be eligible to receive, directly or indirectly, payments or benefits (as described in subsections (b), (c), and (d) of section 1001 as being subject to limitation) with respect to a particular farming operation, an individual or entity shall be actively engaged in farming with respect to the operation, as provided under paragraphs (2), (3), and (4).

"(2) GENERAL CLASSES ACTIVELY ENGAGED IN FARMING.—

"(A) IN GENERAL.—For the purpose of paragraph (1), except as otherwise provided in paragraph (3)—

"(i) an individual shall be considered to be actively engaged in farming with respect to a farm operation if—

"(I) the individual makes a significant contribution (based on the total value of the farming operation) to the farming operation of—

"(aa) capital, equipment, or land; and

"(bb) personal labor and active personal management (in accordance with subparagraph (E));

"(II) the individual's share of the profits or losses from the farming operation is commensurate with the individual's contributions to the operation; and

"(III) the contributions of the individual are at risk;

"(ii) an entity (as defined in section 1001(a)) shall be considered to be actively engaged in farming with respect to a farming operation if—

"(I) the entity separately makes a significant contribution (based on the total value of the farming operation) of capital, equipment, or land;

"(II)(aa) the stockholders or members that collectively own at least 50 percent of the combined beneficial interest in the entity each make a significant contribution of personal labor or active personal management to the operation; or

"(bb) in the case of a corporation or entity in which all of the beneficial interests are held by family members (as defined in paragraph (3)(B)(i)), any stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) who owns at least 10 percent of the beneficial interest makes a significant contribution of personal labor or active personal management; and

"(III) the standards provided in subclauses (II) and (III) of clause (i), as applied to the entity, are met by the entity.

"(B) ENTITIES MAKING SIGNIFICANT CONTRIBUTIONS.—If a general partnership, joint venture, or similar entity (as determined by the Secretary) separately makes a significant contribution (based on the total value of the farming operation involved) of capital, equipment, or land, and the standards provided in subclauses (II) and (III) of subparagraph (A)(i), as applied to the entity, are met by the entity, the partners or members making a significant contribution of personal labor or active personal management shall be considered to be actively engaged in farming with respect to the farming operation involved.

"(C) EQUIPMENT AND PERSONAL LABOR.—In making determinations under this subsection regarding equipment and personal labor, the Secretary shall take into consideration the equipment and personal labor normally and customarily provided by farm operators in the area involved to produce program crops.

"(D) ACTIVE PERSONAL MANAGEMENT.—For an individual to be considered to be providing active personal management under this paragraph on behalf of the individual or entity, the management provided by the individual shall be personally provided on a regular, substantial, and continuous basis through the supervision and direction of—

"(i) activities and labor involved in the farming operation; and

"(ii) onsite services that are directly related and necessary to the farming operation.

"(E) SIGNIFICANT CONTRIBUTION OF PERSONAL LABOR OR ACTIVE PERSONAL MANAGEMENT.—

"(i) IN GENERAL.—For an individual to be considered to be providing a significant contribution of personal labor or active personal management under this paragraph on behalf of the individual or entity, the total contribution of personal labor and active personal management shall be at least equal to the lesser of—

"(I) the material participation standard as determined under Treasury Regulation section 1.469-5T(a), as in effect on the date of enactment of this subsection; or

"(II)(aa) 50 percent of the commensurate share of the total number of hours of personal labor and active personal management required to conduct the farming operation; or

"(bb) in the case of a stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) who owns at least 10 percent of the beneficial interest in a corporation or entity in which all of the beneficial interests are held by family members (as defined in paragraph (3)(B)), 50 percent of the commensurate share of hours of all family members' personal labor and active personal management required to conduct the farming operations.

"(ii) MINIMUM NUMBER OF LABOR HOURS.—For the purpose of clause (i), the minimum number of labor hours required to produce each commodity shall be equal to the number of hours that would be necessary to conduct a farming operation for the production of each commodity that is comparable in size to an individual or entity's commensurate share in the farming operation for the production of the commodity, based on the minimum number of hours per acre required to produce the commodity in the State in which the farming operation is located, as determined by the Secretary.

"(3) SPECIAL CLASSES ACTIVELY ENGAGED IN FARMING.—Notwithstanding paragraph (2), the following persons shall be considered to be actively engaged in farming with respect to a farm operation:

"(A) LANDOWNERS.—An individual or entity that is a landowner contributing the owned land and that meets the standard provided in subclauses (II) and (III) of paragraph (2)(A)(i), if—

"(i) the landowner share rents the land; and

"(ii) the share received by the landowner is commensurate with the share of the crop or income received as rent.

"(B) SHARECROPPERS.—A sharecropper who makes a significant contribution of personal labor to the farming operation and, with respect to such contribution, who meets the standards provided in subclauses (II) and (III) of paragraph (2)(A)(i).

"(4) INDIVIDUALS AND ENTITIES NOT ACTIVELY ENGAGED IN FARMING.—For the purposes of paragraph (1), except as provided in paragraph (3), the following individuals and entities shall not be considered to be actively engaged in farming with respect to a farm operation:

"(A) LANDOWNERS.—A landowner contributing land to the farming operation if the landowner receives cash rent, or a crop share guaranteed as to the amount of the commodity to be paid in rent, for the use of the land.

"(B) OTHER INDIVIDUALS AND ENTITIES.—Any other individual or entity, or class of individual or entity, that fails to meet the standards established under paragraphs (2) and (3), as determined by the Secretary.

"(5) PERSONAL LABOR AND ACTIVE PERSONAL MANAGEMENT.—No stockholder or member may provide personal labor or active personal management to meet the requirements of this subsection for individuals or entities collectively receiving, directly or indirectly, more than the applicable limits in (b), (c), and (d) of section 1001.

"(6) CUSTOM FARMING SERVICES.—An individual or entity receiving custom farming services shall be considered to be separately eligible for payment limitation purposes if the individual or entity is actively engaged in farming as determined under paragraphs (1) through (3).

"(7) GROWERS OF HYBRID SEED.—To determine whether an individual or entity growing hybrid seed under contract shall be considered to be actively engaged in farming, the Secretary shall not take into consideration the existence of a hybrid seed contract.

"(c) NOTIFICATION BY ENTITIES.—To facilitate the administration of this subsection, each entity receiving payments or benefits (as described in subsections (b), (c), and (d) of section 1001 as being subject to limitation) with respect to a particular farming operation shall—

"(1) notify each individual or other entity that acquires or holds a beneficial interest in the farming operation of the requirements and limitations under this section; and

"(2) provide to the Secretary of Agriculture, at such times and in such manner as may be prescribed by the Secretary, the name and social security number of each individual, or the name and taxpayer identification number of each entity, that holds or acquires such a beneficial interest.".

(5) SCHEMES OR DEVICES.—Section 1001B of the Food Security Act of 1985 (7 U.S.C. 1308–2) is amended—

(A) by striking "If the Secretary of Agriculture determines that any person" and inserting:

"(a) IN GENERAL.—If the Secretary of Agriculture determines that any individual or entity";

(B) in subsection (a) (as designated by paragraph (1)), by striking "person" each place it appears and inserting "individual or entity"; and

(C) by adding at the end the following:

"(b) FRAUD.—

"(1) IN GENERAL.—If the Secretary determines that an individual or entity has committed, or has assisted another individual or entity in committing, fraud in connection with a scheme or device to evade, or that has the purpose of evading, section 1001, 1001A, or 1001C, the individual or entity shall—

"(A) be ineligible to receive farm program payments (as described in subsections (b), (c), and (d) of section 1001 as being subject to limitation) applicable to—

"(i) the crop year for which the scheme or device is adopted; and

"(ii) the succeeding 5 crop years; and

"(iii) be responsible for payment to the Commodity Credit Corporation an amount equal to the total of all payments and loan gains improperly received by the individual or entity as a result of the scheme or device.

"(2) EXAMPLES OF PROHIBITED ACTIVITIES.—Prohibited activities under paragraph (1) may include actions that materially affect the ability of the Secretary to make a determination under section 1001, including—

"(A) failure to submit to the Secretary documents requested by the Secretary;

"(B) submission to the Secretary of falsified documents; and

"(C) failure to notify the Secretary of a change from initial submissions of information to the Secretary by an individual or entity, regarding active labor, active management, capital, land, or equipment provided by the individual or entity person to a farming operation.".

(6) FOREIGN INDIVIDUALS AND ENTITIES MADE INELIGIBLE FOR PROGRAM BENEFITS.—Section 1001C of the Food Security Act of 1985 (7 U.S.C. 1308-3) is amended—

(A) in the section heading, by striking "**persons**" and inserting "**individuals and entities**";

(B) in subsection (a), by striking "person" each place it appears and inserting "individual"; and

(C) in subsection (b)—

(i) by striking the subsection heading and inserting "ENTITIES"; and

(ii) in the first sentence, by striking "a corporation or other" and inserting "an".

SEC. 1102. FORFEITURE PENALTY FOR NONRECOURSE SUGAR LOANS.

Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended—

(1) by redesignating subsections (h), (i), and (j) as subsections (i), (j), and (k), respectively; and

(2) by inserting after subsection (g) the following:

"(h) FORFEITURE PENALTY.—

"(1) IN GENERAL.—In the case of each of the 2006 through 2010 crops of sugar beets and sugarcane, a penalty shall be assessed on the forfeiture of any sugar pledged as collateral for a nonrecourse loan under this section.

"(2) AMOUNT.—The penalty for sugarcane and sugar beets under this subsection shall be 1.2 percent of the loan rate established for sugarcane and sugar beets under subsections (a) and (b), respectively.

"(3) EFFECT OF FORFEITURE.—Any payments owed producers by a processor that forfeits any sugar pledged as collateral for a nonrecourse loan shall be reduced in proportion to the loan forfeiture penalty incurred by the processor.

"(4) CROPS.—This subsection shall apply only to the 2006 through 2010 crops of sugar beets and sugarcane.".

SEC. 1103. COTTON COMPETITIVENESS PROVISIONS.

(a) IN GENERAL.—Section 1207 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7937) is amended—

(1) by striking the section heading and inserting the following: "**upland cotton import quotas.**";

(2) by striking subsection (a);

(3) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(4) in subsection (a) (as so redesignated)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ", adjusted for the value of any certificate issued under subsection (a),"; and

(ii) in subparagraph (C), by striking ", for the value of any certificates issued under subsection (a)"; and

(B) in paragraph (4), by striking "subsection (c)" and inserting "subsection (b)"; and

(5) in subsection (b)(2) (as so redesignated), by striking "subsection (b)" and inserting "subsection (a)".

(b) FAIR.—Section 136 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7236) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on August 1, 2006.

SEC. 1104. NATIONAL DAIRY MARKET LOSS PAYMENTS.

(a) AMOUNT.—Section 1502(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)) is amended by striking paragraph (3) and inserting the following:

"(3)(A) during the period beginning on the first day of the month the producers on a dairy farm enter into a contract under this section and ending on September 30, 2005, 45 percent; and

"(B) during the period beginning on October 1, 2005, and ending on September 30, 2007, 34 percent.".

(b) DURATION.—Section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982) is amended by striking "2005" each place it appears in subsections (f) and (g)(1) and inserting "2007".

(c) CONFORMING AMENDMENTS.—Section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982) is amended—

(1) in subsection (g)(1), by striking "and subsection (h)"; and

(2) by striking subsection (h).

SEC. 1105. ADVANCE DIRECT PAYMENTS.

(a) IN GENERAL.—Section 1103(d)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913(d)(2)) is amended in the first sentence by striking "2007 crops years" and inserting "2005 crop years, up to 40 percent of the direct payment for a covered commodity for the 2006 crop year, and up to 29 percent of the direct payment for a covered commodity for any of the 2007 through 2011 crop years,".

(b) PEANUTS.—Section 1303(e)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7953(e)(2)) is amended in the first sentence by striking "2007 crops years" and inserting "2005 crop years, up to 40 percent of the direct payment for the 2006 crop year, and up to 29 percent of the direct payment for any of the 2007 through 2011 crop years,".

Subtitle B—Conservation

SEC. 1201. CONSERVATION RESERVE PROGRAM.

(a) IN GENERAL.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(1) in subsection (a), by striking "2007" and inserting "2011";

(2) in subsection (d), by striking "up" and all that follows through "years" and inserting "in the conservation reserve at any 1 time 38,450,000 acres during the 2006 through 2010 calendar years and 38,880,000 acres during the 2006 through 2015 calendar years"; and

(3) in subsection (h)(1)(A), by striking "2007" and inserting "2011".

(b) FUNDING.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended—

(1) in the matter before paragraph (1), by striking "For" and inserting "Except as otherwise provided in this subsection, for"; and

(2) in paragraph (1), by striking "The conservation" and inserting "For fiscal years 2002 through 2011, the conservation".

(c) IMPLEMENTATION.—In implementing the amendments made by this section, the Secretary of Agriculture shall achieve the new maximum acreage enrollment limit not later than 2 years after the date of enactment of this Act without affecting conservation reserve existing contracts.

SEC. 1202. CONSERVATION SECURITY PROGRAM.

(a) IN GENERAL.—Section 1238A(a) of the Food Security Act of 1985 (16 U.S.C. 3838a(a)) is amended by striking "2007" and inserting "2011".

(b) FUNDING.—Section 1241(a)(3) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(3)) is amended by striking "not more than $6,037,000,000" and all that follows through "2014." and inserting the following: "not more than—

"(A) $2,570,000,000 for the period of fiscal years 2006 through 2010; and

"(B) $6,209,000,000 for the period of fiscal years 2006 through 2015.".

SA 2360. Mr. LOTT (for himself, Mr. LAUTENBERG, Mr. STEVENS, Mr. INOUYE, Mr. BURNS, Mr. CARPER, Mr. SPECTER, Mrs. CLINTON, Mr. CHAFEE, Mr. CORZINE, Mr. SCHUMER, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

DIVISION —AMTRAK REAUTHORIZATION

SECTION 1. SHORT TITLE.

This division may be cited as the "Passenger Rail Investment and Improvement Act of 2005".

SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this division an amendment is expressed in terms of an amendment to a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this division is as follows:

Sec. 1. Short title.
Sec. 2. Amendment of title 49, United States Code.
Sec. 3. Table of contents.

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Sec. 101. Authorization for Amtrak capital and operating expenses and State capital grants.
Sec. 102. Authorization for the Federal Railroad Administration.
Sec. 103. Repayment of long-term debt and capital leases.
Sec. 104. Excess railroad retirement.
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TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

Sec. 201. National railroad passenger transportation system defined.
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Sec. 213. Northeast Corridor state-of-good-repair plan.
Sec. 214. Northeast Corridor infrastructure and operations improvements.
Sec. 215. Restructuring long-term debt and capital leases.
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Sec. 218. Access to Amtrak equipment and services.
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TITLE III—INTERCITY PASSENGER RAIL POLICY

Sec. 301. Capital assistance for intercity passenger rail service.
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TITLE IV—PASSENGER RAIL SECURITY AND SAFETY

Sec. 401. Systemwide Amtrak security upgrades.
Sec. 402. Fire and life-safety improvements.
Sec. 403. Amtrak plan to assist families of passengers involved in rail passenger accidents.
Sec. 404. Northern border rail passenger report.
Sec. 405. Passenger, baggage, and cargo screening.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION FOR AMTRAK CAPITAL AND OPERATING EXPENSES AND STATE CAPITAL GRANTS.

(a) OPERATING GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for operating costs the following amounts:

(1) For fiscal year 2006, $580,000,000.

(2) For fiscal year 2007, $590,000,000.

(3) For fiscal year 2008, $600,000,000.

(4) For fiscal year 2009, $575,000,000.

(5) For fiscal year 2010, $535,000,000.

(6) For fiscal year 2011, $455,000,000.

(b) CAPITAL GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for capital projects (as defined in subparagraphs (A) and (B) of section 24401(2) of title 49, United States Code) to bring the Northeast Corridor (as defined in section 24102(a)) to a state-of-good-repair, for capital expenses of the national railroad passenger transportation system, and for purposes of making capital grants under section 24402 of that title to States, the following amounts:

(1) For fiscal year 2006, $813,000,000.

(2) For fiscal year 2007, $910,000,000.

(3) For fiscal year 2008, $1,071,000,000.

(4) For fiscal year 2009, $1,096,000,000.

(5) For fiscal year 2010, $1,191,000,000.

(6) For fiscal year 2011, $1,231,000,000.

(c) AMOUNTS FOR STATE GRANTS.—Out of the amounts authorized under subsection (b), the following percentage shall be available each fiscal year for capital grants to States under section 24402 of title 49, United States Code, to be administered by the Secretary of Transportation:

(1) 3 percent for fiscal year 2006.

(2) 11 percent for fiscal year 2007.

(3) 23 percent for fiscal year 2008.

(4) 25 percent for fiscal year 2009.

(5) 31 percent for fiscal year 2010.

(6) 33 percent for fiscal year 2011.

(d) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to ½ of 1 percent of amounts appropriated pursuant to subsection (b) for the costs of project management oversight of capital projects carried out by Amtrak.

SEC. 102. AUTHORIZATION FOR THE FEDERAL RAILROAD ADMINISTRATION.

There are authorized to be appropriated to the Secretary of Transportation for the use of the Federal Railroad Administration such sums as necessary to implement the provisions required under this division for fiscal years 2006 through 2011.

SEC. 103. REPAYMENT OF LONG-TERM DEBT AND CAPITAL LEASES.

(a) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases, not more than the following amounts:

(A) For fiscal year 2006, $130,200,000.

(B) For fiscal year 2007, $140,700,000.

(C) For fiscal year 2008, $156,000,000.

(D) For fiscal year 2009, $183,800,000.

(E) For fiscal year 2010, $156,100,000.

(F) For fiscal year 2011, $193,500,000.

(2) INTEREST ON DEBT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2006, $148,100,000.

(B) For fiscal year 2007, $141,500,000.

(C) For fiscal year 2008, $133,800,000.

(D) For fiscal year 2009, $124,000,000.

(E) For fiscal year 2010, $113,900,000.

(F) For fiscal year 2011, $103,800,000.

(3) EARLY BUYOUT OPTION.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for the use of Amtrak for the payment of costs associated with early buyout options if the exercise of those options is determined to be advantageous to Amtrak.

(4) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, with the proceeds of grants authorized by this section shall not—

(A) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(B) change the private nature of Amtrak's or its successors' liabilities; or

(C) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

SEC. 104. EXCESS RAILROAD RETIREMENT.

There are authorized to be appropriated to the Secretary of Transportation, beginning with fiscal year 2006, such sums as may be necessary to pay to the Railroad Retirement Account an amount equal to the amount Amtrak must pay under section 3221 of the Internal Revenue Code of 1986 in such fiscal years that is more than the amount needed for benefits for individuals who retire from Amtrak and for their beneficiaries. For each fiscal year in which the Secretary makes such a payment, the amounts authorized by section 101(a) shall be reduced by an amount equal to such payment.

SEC. 105. OTHER AUTHORIZATIONS.

There are authorized to be appropriated to the Secretary of Transportation—

(1) $5,000,000 for each of fiscal years 2006 through 2011 to carry out the rail cooperative research program under section 24910 of title 49, United States Code;

(2) $5,000,000 for fiscal year 2006, to remain available until expended, for grants to Amtrak and States participating in the Next Generation Corridor Train Equipment Pool Committee established under section 303 of this division for the purpose of designing, developing specifications for, and initiating the procurement of an initial order of 1 or more types of standardized next-generation corridor train equipment and establishing a jointly-owned corporation to manage that equipment; and

(3) $2,000,000 for fiscal year 2007, for the use of Amtrak in conducting the evaluation required by section 216 of this division.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

SEC. 201. NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM DEFINED.

(a) IN GENERAL.—Section 24102 is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after paragraph (4) as so redesignated the following:

"(5) 'national rail passenger transportation system' means—

"(A) the segment of the Northeast Corridor between Boston, Massachusetts and Washington, D.C.;

"(B) rail corridors that have been designated by the Secretary of Transportation as high-speed corridors (other than corridors described in subparagraph (A)), but only after they have been improved to permit operation of high-speed service;

"(C) long distance routes of more than 750 miles between endpoints operated by Amtrak as of the date of enactment of the Passenger Rail Investment and Improvement Act of 2005; and

"(D) short-distance corridors, or routes of not more than 750 miles between endpoints, operated by—

"(i) Amtrak; or

"(ii) another rail carrier that receives funds under chapter 244.".

(b) AMTRAK ROUTES WITH STATE FUNDING.—

(1) IN GENERAL.—Chapter 247 is amended by inserting after section 24701 the following:

"§ 24702. Transportation requested by States, authorities, and other persons

"(a) CONTRACTS FOR TRANSPORTATION.—Amtrak may enter into a contract with a State, a regional or local authority, or another person for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.

"(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract by either party, Amtrak may discontinue such service or route, notwithstanding any other provision of law.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24701 the following:

"24702. Transportation requested by States, authorities, and other persons".

(c) AMTRAK TO CONTINUE TO PROVIDE NON-HIGH-SPEED SERVICES.—Nothing in this division is intended to preclude Amtrak from restoring, improving, or developing non-high-speed intercity passenger rail service.

(d) APPLICABILITY OF SECTION 24706.—Section 24706 is amended by adding at the end the following:

"(c) APPLICABILITY.—This section applies to all service over routes provided by Amtrak, notwithstanding any provision of section 24701 of this title or any other provision of this title except section 24702(b).".

SEC. 202. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302 is amended to read as follows:

"§ 24302. Board of directors

"(a) COMPOSITION AND TERMS.—

"(1) The Board of Directors of Amtrak is composed of the following 10 directors, each of whom must be a citizen of the United States:

"(A) The Secretary of Transportation.

"(B) The President of Amtrak, who shall serve ex officio, as a non-voting member.

"(C) 8 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, cruise line, and passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or a State government.

"(2) In selecting individuals described in paragraph (1) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate and try to provide adequate and balanced representation of the major geographic regions of the United States served by Amtrak.

"(3) An individual appointed under paragraph (1)(C) of this subsection serves for 5 years or until the individual's successor is appointed and qualified. Not more than 5 individuals appointed under paragraph (1)(C) may be members of the same political party.

"(4) The Board shall elect a chairman and a vice chairman from among its membership. The vice chairman shall serve as chairman in the absence of the chairman.

"(5) The Secretary may be represented at board meetings by the Secretary's designee.

"(6) The voting privileges of the President can be changed by a unanimous decision of the Board.

"(b) PAY AND EXPENSES.—Each director not employed by the United States Government is entitled to $300 a day when performing Board duties. Each Director is entitled to reimbursement for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending Board meetings.

"(c) VACANCIES.—A vacancy on the Board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a)(1)(C) must be filled not later than 120 days after the vacancy occurs.

"(d) QUORUM.—A majority of the members serving shall constitute a quorum for doing business.

"(e) BYLAWS.—The Board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.".

(b) EFFECTIVE DATE FOR DIRECTORS' PROVISION.—The amendment made by subsection (a) shall take effect on January 1, 2006. The members of the Amtrak Board serving on the date of enactment of this Act may continue to serve for the remainder of the term to which they were appointed.

SEC. 203. ESTABLISHMENT OF IMPROVED FINANCIAL ACCOUNTING SYSTEM.

(a) IN GENERAL.—The Amtrak Board of Directors—

(1) may employ an independent financial consultant with experience in railroad accounting to assist Amtrak in improving Amtrak's financial accounting and reporting system and practices; and

(2) shall implement a modern financial accounting and reporting system that will produce accurate and timely financial information in sufficient detail—

(A) to enable Amtrak to assign revenues and expenses appropriately to each of its lines of business and to each major activity within each line of business activity, including train operations, equipment maintenance, ticketing, and reservations;

(B) to aggregate expenses and revenues related to infrastructure and distinguish them from expenses and revenues related to rail operations;

(C) to allow the analysis of ticketing and reservation information on a real-time basis;

(D) to provide Amtrak cost accounting data; and

(E) to allow financial analysis by route and service.

(b) VERIFICATION OF SYSTEM; REPORT.—The Inspector General of the Department of Transportation shall review the accounting system designed and implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General shall report his findings and conclusions, together with any recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 204. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

(a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—The Amtrak Board of Directors shall submit an annual budget and business plan for Amtrak, and a 5-year financial plan for the fiscal year to which that budget and business plan relate and the subsequent 4 years, prepared in accordance with this section, to the Secretary of Transportation and the Inspector General of the Department of Transportation no later than—

(1) the first day of each fiscal year beginning after the date of enactment of this Act; or

(2) the date that is 60 days after the date of enactment of an appropriation Act for the fiscal year, if later.

(b) CONTENTS OF 5-YEAR FINANCIAL PLAN.—The 5-year financial plan for Amtrak shall include, at a minimum—

(1) all projected revenues and expenditures for Amtrak, including governmental funding sources;

(2) projected ridership levels for all Amtrak passenger operations;

(3) revenue and expenditure forecasts for non-passenger operations;

(4) capital funding requirements and expenditures necessary to maintain passenger service which will accommodate predicted ridership levels and predicted sources of capital funding;

(5) operational funding needs, if any, to maintain current and projected levels of passenger service, including state-supported routes and predicted funding sources;

(6) projected capital and operating requirements, ridership, and revenue for any new passenger service operations or service expansions;

(7) an assessment of the continuing financial stability of Amtrak, as indicated by factors such as the ability of the Federal government to fund capital and operating requirements adequately, Amtrak's ability to efficiently manage its workforce, and Amtrak's ability to effectively provide passenger train service;

(8) estimates of long-term and short-term debt and associated principle and interest payments (both current and anticipated);

(9) annual cash flow forecasts;

(10) a statement describing methods of estimation and significant assumptions;

(11) specific measures that demonstrate measurable improvement year over year in Amtrak's ability to operate with reduced Federal operating assistance; and

(12) capital and operating expenditures for anticipated security needs.

(c) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements of subsection (b), Amtrak shall—

(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices;

(2) use the categories specified in the financial accounting and reporting system developed under section 203 when preparing its 5-year financial plan; and

(3) ensure that the plan is consistent with the authorizations of appropriations under title I of this division.

(d) ASSESSMENT BY DOT INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall assess the 5-year financial plans prepared by Amtrak under this section to determine whether they meet the requirements of subsection (b), and may suggest revisions to any components thereof that do not meet those requirements.

(2) ASSESSMENT TO BE FURNISHED TO THE CONGRESS.—The Inspector General shall furnish to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation—

(A) an assessment of the annual budget within 90 days after receiving it from Amtrak; and

(B) an assessment of the remaining 4 years of the 5-year financial plan within 180 days after receiving it from Amtrak.

SEC. 205. ESTABLISHMENT OF GRANT PROCESS.

(a) GRANT REQUESTS.—Amtrak shall submit grant requests (including a schedule for the disbursement of funds), consistent with the requirements of this division, to the Secretary of Transportation for funds authorized to be appropriated to the Secretary for the use of Amtrak under sections 101(a) and (b), 103, and 105.

(b) PROCEDURES FOR GRANT REQUESTS.—The Secretary shall establish substantive and procedural requirements, including schedules, for grant requests under this section not later than 30 days after the date of enactment of this Act and shall transmit copies to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. As part of those requirements, the Secretary shall require, at a minimum, that Amtrak deposit grant funds, consistent with the appropriated amounts for each area of expenditure in a given fiscal year, in the following 3 accounts:

(1) The Amtrak Operating account.

(2) The Amtrak General Capital account.

(3) The Northeast Corridor Improvement funds account.

Amtrak may not transfer such funds to another account or expend such funds for any purpose other than the purposes covered by the account in which the funds are deposited without approval by the Secretary.

(c) REVIEW AND APPROVAL.—

(1) 30-DAY APPROVAL PROCESS.—The Secretary shall complete the review of a complete grant request (including the disbursement schedule) and approve or disapprove the request within 30 days after the date on which Amtrak submits the grant request. If the Secretary disapproves the request or determines that the request is incomplete or deficient, the Secretary shall include the reason for disapproval or the incomplete items or deficiencies in the notice to Amtrak.

(2) 15-DAY MODIFICATION PERIOD.—Within 15 days after receiving notification from the Secretary under the preceding sentence, Amtrak shall submit a modified request for the Secretary's review.

(3) REVISED REQUESTS.—Within 15 days after receiving a modified request from Amtrak, the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

SEC. 206. STATE-SUPPORTED ROUTES.

(a) IN GENERAL.—Within 2 years after the date of enactment of this Act, the Board of Directors of Amtrak, in consultation with the Secretary of Transportation and the governors of each State and the Mayor of the District of Columbia or groups representing those officials, shall develop and implement a standardized methodology for establishing and allocating the operating and capital costs among the States and Amtrak associated with trains operated on routes described in section 24102(5)(B) or (D) or section 24702 that—

(1) ensures, within 5 years after the date of enactment of this Act, equal treatment in the provision of like services of all States and groups of States (including the District of Columbia); and

(2) allocates to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

(b) REVIEW.—If Amtrak and the States (including the District of Columbia) in which Amtrak operates such routes do not voluntarily adopt and implement the methodology developed under subsection (a) in allocating costs and determining compensation for the provision of service in accordance with the date established therein, the Surface Transportation Board shall determine the appropriate methodology required under subsection (a) for such services in accordance with the procedures and procedural schedule applicable to a proceeding under section 24904(c) of title 49, United States Code, and require the full implementation of this methodology with regards to the provision of such service within 1 year after the Board's determination of the appropriate methodology.

(c) USE OF CHAPTER 244 FUNDS.—Funds provided to a State under chapter 244 of title 49, United States Code, may be used, as provided in that chapter, to pay capital costs determined in accordance with this section.

SEC. 207. INDEPENDENT AUDITOR TO ESTABLISH METHODOLOGIES FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

(a) METHODOLOGY DEVELOPMENT.—The Federal Railroad Administration shall obtain the services of an independent auditor or consultant to develop and recommend objective methodologies for determining intercity passenger routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes. In developing such methodologies, the auditor or consultant shall consider—

(1) the current or expected performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services;

(2) connectivity of a route with other routes;

(3) the transportation needs of communities and populations that are not well served by other forms of public transportation;

(4) Amtrak's and other major intercity passenger rail service providers in other countries' methodologies for determining intercity passenger rail routes and services; and

(5) the views of the States and other interested parties.

(b) SUBMITTAL TO CONGRESS.—The auditor or consultant shall submit recommendations developed under subsection (a) to Amtrak, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation.

(c) CONSIDERATION OF RECOMMENDATIONS.—Within 90 days after receiving the recommendations developed under subsection (a) by the independent auditor or consultant, the Amtrak Board shall consider the adoption of those recommendations. The Board shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure explaining its action in adopting or failing to adopt any of the recommendations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be made available to the Secretary of Transportation, out of any amounts authorized by this division to be appropriated for the benefit of Amtrak and not otherwise obligated or expended, such sums as may be necessary to carry out this section.

(e) PIONEER ROUTE.—Within 2 years after the date of enactment of this Act, Amtrak shall conduct a 1-time evaluation of the Pioneer Route formerly operated by Amtrak to determine, using methodologies adopted under subsection (c), whether a level of passenger demand exists that would warrant consideration of reinstating the entire Pioneer Route service or segments of that service.

SEC. 208. METRICS AND STANDARDS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Railroad Administration and Amtrak shall jointly, in consultation with the Surface Transportation Board, rail carriers over whose rail lines Amtrak trains operate, States, Amtrak employees, and groups representing Amtrak passengers, as appropriate, develop new or improve existing metrics and minimum standards for measuring the performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services. Such metrics, at a minimum, shall include the percentage of avoidable and fully allocated operating costs covered by passenger revenues on each route, ridership per train mile operated, measures of on-time performance and delays incurred by intercity passenger trains on the rail lines of each rail carrier and, for long distance routes, measures of connectivity with other routes in all regions currently receiving Amtrak service and the transportation needs of communities and populations that are not well-served by other forms of public transportation. Amtrak shall provide reasonable access to the Federal Railroad Administration in order to enable the Administration to carry out its duty under this section.

(b) QUARTERLY REPORTS.—The Administrator of the Federal Railroad Administration shall collect the necessary data and publish a quarterly report on the performance and service quality of intercity passenger train operations, including cost recovery, ridership, on-time performance and minutes of delay, causes of delay, on-board services, stations, facilities, equipment, and other services.

(c) CONTRACT WITH HOST RAIL CARRIERS.—To the extent practicable, Amtrak and its host rail carriers shall incorporate the metrics and standards developed under subsection (a) into their access and service agreements.

(d) ARBITRATION.—If the development of the metrics and standards is not completed within the 180-day period required by subsection (a), any party involved in the development of those standards may petition the Surface Transportation Board to appoint an arbitrator to assist the parties in resolving their disputes through binding arbitration.

SEC. 209. PASSENGER TRAIN PERFORMANCE.

(a) IN GENERAL.—Section 24308 is amended by adding at the end the following:

"(f) PASSENGER TRAIN PERFORMANCE AND OTHER STANDARDS.—

"(1) INVESTIGATION OF SUBSTANDARD PERFORMANCE.—If the on-time performance of any intercity passenger train averages less than 80 percent for any 2 consecutive calendar quarters, or the service quality of intercity passenger train operations for which minimum standards are established under section 208 of the Passenger Rail Investment and Improvement Act of 2005 fails to meet those standards for 2 consecutive calendar quarters, the Surface Transportation Board shall investigate whether, and to what extent, delays or failure to achieve minimum standards are due to causes that could reasonably be addressed by a rail carrier over the tracks of which the intercity passenger train operates or reasonably addressed by the intercity passenger rail operator. In carrying out such an investigation, the Board shall obtain information from all parties involved and make recommendations regarding reasonable measures to improve the service, quality, and on-time performance of the train.

"(2) PROBLEMS CAUSED BY HOST RAIL CARRIER.—If the Board determines that delays or failures to achieve minimum standards investigated under paragraph (1) are attributable to a rail carrier's failure to provide preference to Amtrak over freight transportation under subsection (c), then the Board shall enforce its recommendations for relief under this section.

"(3) PENALTIES.—

"(A) IN GENERAL.—The Board shall publish a schedule of penalties which will—

"(i) fairly reflect the extent to which Amtrak suffers financial loss as a result of host rail carrier delays or failure to achieve minimum standards; and "(ii) will adequately deter future actions which may reasonably be expected to be likely to result in delays to Amtrak.

"(B) ASSESSMENT.—The Board may assess these penalties upon a host rail carrier.

"(C) USE.—The Board shall make any amounts received as penalties under this paragraph available to Amtrak or a State contracting with Amtrak, as applicable, for capital or operating expenditures on such routes.".

(b) CHANGE OF REFERENCE.—Section 24308 is amended—

(1) by striking "Interstate Commerce Commission" in subsection (a)(2)(A) and inserting "Surface Transportation Board";

(2) by striking "Commission" each place it appears and inserting "Board";

(3) by striking "Secretary" the last 3 places it appears in subsection (c) and each place it appears in subsections (d) and (e) and inserting "Board".

SEC. 210. LONG DISTANCE ROUTES.

(a) IN GENERAL.—Chapter 247 is amended by adding at the end thereof the following:

"§ 24710. Long distance routes

"(a) ANNUAL EVALUATION.—Using the financial and performance metrics developed under section 208 of the Passenger Rail Investment and Improvement Act of 2005, Amtrak shall—

"(1) evaluate annually the financial and operating performance of each long distance passenger rail route operated by Amtrak; and

"(2) rank the overall performance of such routes for 2006 and identify each long distance passenger rail route operated by Amtrak in 2006 according to its overall performance as belonging to the best performing third of such routes, the second best performing third of such routes, or the worst performing third of such routes.

"(b) PERFORMANCE IMPROVEMENT PLAN.—Amtrak shall develop and publish a performance improvement plan for its long distance passenger rail routes to achieve financial and operating improvements based on the data collected through the application of the financial and performance metrics developed under section 208 of that Act. The plan shall address—

"(1) on-time performance;

"(2) scheduling, frequency, routes, and stops;

"(3) the feasibility of restructuring service into connected corridor service;

"(4) performance-related equipment changes and capital improvements;

"(5) on-board amenities and service, including food, first class, and sleeping car service;

"(6) State or other non-Federal financial contributions;

"(7) improving financial performance; and

"(8) other aspects of Amtrak's long distance passenger rail routes that affect the financial, competitive, and functional performance of service on Amtrak's long distance passenger rail routes.

"(c) IMPLEMENTATION.—Amtrak shall implement the performance improvement plan developed under subsection (b)—

"(1) beginning in fiscal year 2007 for those routes identified as being in the worst performing third under subsection (a)(2);

"(2) beginning in fiscal year 2008 for those routes identified as being in the second best performing third under subsection (a)(2); and

"(3) beginning in fiscal year 2009 for those routes identified as being in the best performing third under subsection (a)(2).

"(d) ENFORCEMENT.—The Federal Railroad Administration shall monitor the development, implementation, and outcome of improvement plans under this section. If, for any year, it determines that Amtrak is not making reasonable progress in implementing its performance improvement plan or in achieving the expected outcome of the plan for any calendar year, the Federal Railroad Administration—

"(1) shall notify Amtrak, the Inspector General of the Department of Transportation, and appropriate Congressional committees of its determination under this subsection;

"(2) shall provide an opportunity for a hearing with respect to that determination; and

"(3) may withhold any appropriated funds otherwise available to Amtrak for the operation of a route or routes on which it is not making progress, other than funds made available for passenger safety or security measures.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24709 the following:

"24710. Long distance routes".

SEC. 211. ALTERNATE PASSENGER RAIL SERVICE PROGRAM.

(a) IN GENERAL.—Chapter 247, as amended by section 209, is amended by adding at the end thereof the following:

"§ 24711. Alternate passenger rail service program

"(a) IN GENERAL.—Within 1 year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005, the Federal Railroad Administration shall initiate a rulemaking proceeding to develop a program under which—

"(1) a rail carrier or rail carriers that own infrastructure over which Amtrak operates a passenger rail service route described in subparagraph (B), (C), or (D) of section 24102(5) or in section 24702 of title 49, United States Code may petition the Federal Railroad Administration to be considered as a passenger rail service provider over that route in lieu of Amtrak;

"(2) the Administration would notify Amtrak within 30 days after receiving a petition under paragraph (1) and establish a deadline by which both the petitioner and Amtrak would be required to submit a bid to provide passenger rail service over the route to which the petition relates;

"(3) each bid would describe how the bidder would operate the route, what Amtrak passenger equipment would be needed, if any, what sources of non-Federal funding the bidder would use, including any State subsidy, among other things;

"(4) the Administration would make a decision and execute a contract within a specified, limited time after that deadline awarding to the winning bidder—

"(A) the right and obligation to provide passenger rail service over that route subject to such performance standards as the Administration may require, consistent with the standards developed under section 208 of this division; and

"(B) an operating subsidy—

"(i) for the first year at a level not in excess of the level in effect during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation;

"(ii) for any subsequent years at such level, adjusted for inflation; and

"(5) each bid would contain a staffing plan describing the number of employees needed to operate the service, the job assignments and requirements, and the terms of work for prospective and current employees of the bidder for the service outlined in the bid, and such staffing plan would be made available by the winning bidder to the public after the bid award.

"(b) IMPLEMENTATION.—

"(1) INITIAL PETITIONS.—Pursuant to any rules or regulations promulgated under subsection (A), the Administration shall establish a deadline for the submission of a petition under subsection (a)—

"(A) during fiscal year 2007 for operations commencing in fiscal year 2008; and

"(B) during the immediately preceding fiscal year for operations commencing in subsequent fiscal years.

"(2) ROUTE LIMITATIONS.—The Administration may not make the program available with respect to more than 1 Amtrak passenger rail route for operations beginning in fiscal year 2008 nor to more than 2 such routes for operations beginning in fiscal year 2010 and subsequent fiscal years.

"(c) PERFORMANCE STANDARDS; ACCESS TO FACILITIES; EMPLOYEES.—If the Administration awards the right and obligation to provide passenger rail service over a route under the program to a rail carrier or rail carriers—

"(1) it shall execute a contract with the rail carrier or rail carriers for rail passenger operations on that route that conditions the operating and subsidy rights upon—

"(A) the service provider continuing to provide passenger rail service on the route that is no less frequent, nor over a shorter distance, than Amtrak provided on that route before the award; and

"(B) the service provider's compliance with the minimum standards established under section 208 of the Passenger Rail Investment and Improvement Act of 2005 and such additional performance standards as the Administration may establish;

"(2) it shall, if the award is made to a rail carrier other than Amtrak, require Amtrak to provide access to its reservation system, stations, and facilities to any rail carrier or rail carriers awarded a contract under this section, in accordance with section 218 of that Act, necessary to carry out the purposes of this section;

"(3) the employees of any person used by a rail carrier or rail carriers (as defined in section 10102(5) of this title) in the operation of a route under this section shall be considered an employee of that carrier or carriers and subject to the applicable Federal laws and regulations governing similar crafts or classes of employees of Amtrak, including provisions under section 121 of the Amtrak Reform and Accountability Act of 1997 relating to employees that provide food and beverage service; and

"(4) the winning bidder shall provide preference in hiring to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder.

"(d) CESSATION OF SERVICE.—If a rail carrier or rail carriers awarded a route under this section cease to operate the service or fail to fulfill their obligations under the contract required under subsection (c), the Administrator, in collaboration with the Surface Transportation Board shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including the installment of an interim service provider and re-bidding the contract to operate the service. The entity providing service shall either be Amtrak or a rail carrier defined in section 24711(a)(1).

"(e) ADEQUATE RESOURCES.—Before taking any action allowed under this section, the

Secretary shall certify that the Administrator has sufficient resources that are adequate to undertake the program established under this section.”.

(b) Conforming Amendment.—The chapter analysis for chapter 247, as amended by section 209, is amended by inserting after the item relating to section 24710 the following:

“24711. Alternate passenger rail service program”.

SEC. 212. EMPLOYEE TRANSITION ASSISTANCE.

(a) Provision of Financial Incentives.—For Amtrak employees who are adversely affected by the cessation of the operation of a long distance route or any other route under section 24711 of title 49, United States Code, previously operated by Amtrak, the Secretary shall develop a program under which the Secretary may, in the Secretary's discretion, provide grants for financial incentives to be provided to employees of the National Railroad Passenger Corporation who voluntarily terminate their employment with the Corporation and relinquish any legal rights to receive termination-related payments under any contractual agreement with the Corporation.

(b) Conditions for Financial Incentives.—As a condition for receiving financial assistance grants under this section, the Corporation must certify that—

(1) a reasonable attempt was made to reassign an employee adversely affected under section 24711 of title 49, United States Code, or by the elimination of any route, to other positions within the Corporation in accordance with any contractual agreements;

(2) the financial assistance results in a net reduction in the total number of employees equal to the number receiving financial incentives;

(3) the financial assistance results in a net reduction in total employment expense equivalent to the total employment expenses associated with the employees receiving financial incentives; and

(4) the total number of employees eligible for termination-related payments will not be increased without the express written consent of the Secretary.

(c) Amount of Financial Incentives.—The financial incentives authorized under this section may be no greater than $50,000 per employee.

(d) Authorization of Appropriations.—There are hereby authorized to be appropriated to the Secretary such sums as may be necessary to make grants to the National Railroad Passenger Corporation to provide financial incentives under subsection (a).

(e) Termination-Related Payments.—If Amtrak employees adversely affected by the cessation of Amtrak service resulting from the awarding of a grant to an operator other than Amtrak for the operation of a route under section 24711 of title 49, United States Code, or any other route, previously operated by Amtrak do not receive financial incentives under subsection (a), then the Secretary shall make grants to the National Railroad Passenger Corporation from funds authorized by section 102 of this division for termination-related payments to employees under existing contractual agreements.

SEC. 213. NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR PLAN.

(a) In General.—Within 6 months after the date of enactment of this Act, the National Railroad Passenger Corporation, in consultation with the Secretary and the States (including the District of Columbia) that make up the Northeast Corridor (as defined in section 24102 of title 49, United States Code), shall prepare a capital spending plan for capital projects required to return the Northeast Corridor to a state of good repair by the end of fiscal year 2011, consistent with the funding levels authorized in this division and shall submit the plan to the Secretary.

(b) Approval by the Secretary.—

(1) The Corporation shall submit the capital spending plan prepared under this section to the Secretary of Transportation for review and approval pursuant to the procedures developed under section 205 of this division.

(2) The Secretary of Transportation shall require that the plan be updated at least annually and shall review and approve such updates. During review, the Secretary shall seek comments and review from the commission established under section 24905 of title 49, United States Code, and other Northeast Corridor users regarding the plan.

(3) The Secretary shall make grants to the Corporation with funds authorized by section 101(b) for Northeast Corridor capital investments contained within the capital spending plan prepared by the Corporation and approved by the Secretary.

(4) Using the funds authorized by section 101(d), the Secretary shall review Amtrak's capital expenditures funded by this section to ensure that such expenditures are consistent with the capital spending plan and that Amtrak is providing adequate project management oversight and fiscal controls.

(c) Eligibility of Expenditures.—The Federal share of expenditures for capital improvements under this section may not exceed 100 percent.

SEC. 214. NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS IMPROVEMENTS.

(a) In General.—Section 24905 is amended to read as follows:

“§ 24905. Northeast Corridor Infrastructure and Operations Advisory Commission; Safety and Security Committee.

“(a) Northeast Corridor Infrastructure and Operations Advisory Commission.—

“(1) Within 180 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005, the Secretary of Transportation shall establish a Northeast Corridor Infrastructure and Operations Advisory Commission (hereinafter referred to in this section as the ‘Commission’) to promote mutual cooperation and planning pertaining to the rail operations and related activities of the Northeast Corridor. The Commission shall be made up of—

“(A) members representing the National Railroad Passenger Corporation;

“(B) members representing the Secretary of Transportation and the Federal Railroad Administration;

“(C) 1 member from each of the States (including the District of Columbia) that constitute the Northeast Corridor as defined in section 24102, designated by, and serving at the pleasure of, the chief executive officer thereof; and

“(D) non-voting representatives of freight railroad carriers using the Northeast Corridor selected by the Secretary.

“(2) The Secretary shall ensure that the membership belonging to any of the groups enumerated under subparagraph (1) shall not constitute a majority of the commission's memberships.

“(3) The commission shall establish a schedule and location for convening meetings, but shall meet no less than four times per fiscal year, and the commission shall develop rules and procedures to govern the commission's proceedings.

“(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

“(5) Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

“(6) The Chairman of the Commission shall be elected by the members.

“(7) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

“(8) Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

“(9) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

“(10) The commission shall consult with other entities as appropriate.

“(b) General Recommendations.—The Commission shall develop recommendations concerning Northeast Corridor rail infrastructure and operations including proposals addressing, as appropriate—

“(1) short-term and long term capital investment needs beyond the state-of-good-repair under section 213;

“(2) future funding requirements for capital improvements and maintenance;

“(3) operational improvements of intercity passenger rail, commuter rail, and freight rail services;

“(4) opportunities for additional non-rail uses of the Northeast Corridor;

“(5) scheduling and dispatching;

“(6) safety and security enhancements;

“(7) equipment design;

“(8) marketing of rail services; and

“(9) future capacity requirements.

“(c) Access Costs.—

“(1) Development of formula.—Within 1 year after verification of Amtrak's new financial accounting system pursuant to section 203(b) of the Passenger Rail Investment and Improvement Act of 2005, the Commission shall—

“(A) develop a standardized formula for determining and allocating costs, revenues, and compensation for Northeast Corridor commuter rail passenger transportation, as defined in section 24102 of this title, that use National Railroad Passenger Corporation facilities or services or that provide such facilities or services to the National Railroad Passenger Corporation that ensure that—

“(i) there is no cross-subsidization of commuter rail passenger, intercity rail passenger, or freight rail transportation; and

“(ii) each service is assigned the costs incurred only for the benefit of that service, and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 service;

“(B) develop a proposed timetable for implementing the formula before the end of the 6th year following the date of enactment of that Act;

“(C) transmit the proposed timetable to the Surface Transportation Board; and

“(D) at the request of a Commission member, petition the Surface Transportation Board to appoint a mediator to assist the Commission members through non-binding mediation to reach an agreement under this section.

"(2) IMPLEMENTATION.—The National Railroad Passenger Corporation and the commuter authorities providing commuter rail passenger transportation on the Northeast Corridor shall implement new agreements for usage of facilities or services based on the formula proposed in paragraph (1) in accordance with the timetable established therein. If the entities fail to implement such new agreements in accordance with the timetable, the Commission shall petition the Surface Transportation Board to determine the appropriate compensation amounts for such services in accordance with section 24904(c) of this title. The Surface Transportation Board shall enforce its determination on the party or parties involved.

"(d) TRANSMISSION OF RECOMMENDATIONS.—The commission shall annually transmit the recommendations developed under subsection (b) and the formula and timetable developed under subsection (c)(1) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

"(e) NORTHEAST CORRIDOR SAFETY AND SECURITY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish a Northeast Corridor Safety and Security Committee composed of members appointed by the Secretary. The members shall be representatives of—

"(A) the Secretary;

"(B) Amtrak;

"(C) freight carriers operating more than 150,000 train miles a year on the main line of the Northeast Corridor;

"(D) commuter agencies;

"(E) rail passengers;

"(F) rail labor;

"(G) the Transportation Security Administration; and

"(H) other individuals and organizations the Secretary decides have a significant interest in rail safety or security.

"(2) FUNCTION; MEETINGS.—The Secretary shall consult with the Committee about safety and security improvements on the Northeast Corridor main line. The Committee shall meet at least once every 2 years to consider safety matters on the main line.

"(3) REPORT.—At the beginning of the first session of each Congress, the Secretary shall submit a report to the Commission and to Congress on the status of efforts to improve safety and security on the Northeast Corridor main line. The report shall include the safety recommendations of the Committee and the comments of the Secretary on those recommendations.".

(3) CONFORMING AMENDMENTS.—Section 24904(c)(2) is amended by—

(A) inserting "commuter rail passenger" after "between"; and

(B) striking "freight" in the second sentence.

SEC. 215. RESTRUCTURING LONG-TERM DEBT AND CAPITAL LEASES.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Transportation and Amtrak, may make agreements to restructure Amtrak's indebtedness as of the date of enactment of this Act. This authorization expires on January 1, 2007.

(b) DEBT RESTRUCTURING.—The Secretary of Treasury, in consultation with the Secretary of the Transportation and Amtrak, shall enter into negotiations with the holders of Amtrak debt, including leases, outstanding on the date of enactment of this Act for the purpose of restructuring (including repayment) and repaying that debt. The Secretary of the Treasury may secure agreements for restructuring or repayment on such terms as the Secretary of the Treasury deems favorable to the interests of the Government.

(c) CRITERIA.—In restructuring Amtrak's indebtedness, the Secretary and Amtrak—

(1) shall take into consideration repayment costs, the term of any loan or loans, and market conditions; and

(2) shall ensure that the restructuring results in significant savings to Amtrak and the United States Government.

(d) PAYMENT OF RENEGOTIATED DEBT.—If the criteria under subsection (c) are met, the Secretary of Treasury shall assume or repay the restructured debt, as appropriate.

(e) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(1) for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases.

(2) INTEREST ON DEBT.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(2) for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases.

(3) REDUCTIONS IN AUTHORIZATION LEVELS.—Whenever action taken by the Secretary of the Treasury under subsection (a) results in reductions in amounts of principal or interest that Amtrak must service on existing debt, the corresponding amounts authorized by section 103(a)(1) or (2) shall be reduced accordingly.

(f) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, other than debt assumed under subsection (d), with the proceeds of grants under subsection (e) shall not—

(1) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(2) change the private nature of Amtrak's or its successors' liabilities; or

(3) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

(g) SECRETARY APPROVAL.—Amtrak may not incur more debt after the date of enactment of this Act without the express advance approval of the Secretary of Transportation.

(h) REPORT.—The Secretary of the Treasury shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Appropriations by June 1, 2007—

(1) describing in detail any agreements to restructure the Amtrak debt; and

(2) providing an estimate of the savings to Amtrak and the United States Government.

SEC. 216. STUDY OF COMPLIANCE REQUIREMENTS AT EXISTING INTERCITY RAIL STATIONS.

Amtrak, in consultation with station owners, shall evaluate the improvements necessary to make all existing stations it serves readily accessible to and usable by individuals with disabilities, as required by section 242(e)(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)). The evaluation shall include the estimated cost of the improvements necessary, the identification of the responsible person (as defined in section 241(5) of that Act (42 U.S.C. 12161(5))), and the earliest practicable date when such improvements can be made. Amtrak shall submit the evaluation to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the National Council on Disability by September 30, 2007, along with recommendations for funding the necessary improvements.

SEC. 217. INCENTIVE PAY.

The Amtrak Board of Directors is encouraged to develop an incentive pay program for Amtrak management employees.

SEC. 218. ACCESS TO AMTRAK EQUIPMENT AND SERVICES.

If a State desires to select or selects an entity other than Amtrak to provide services required for the operation of an intercity passenger train route described in section 24102(5)(D) or 24702 of title 49, United States Code, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the State to utilize an entity other than Amtrak to provide services required for operation of the route. If the parties cannot agree upon terms, and the Surface Transportation Board finds that access to Amtrak's facilities or equipment, or the provision of services by Amtrak, is necessary to carry out this provision and that the operation of Amtrak's other services will not be impaired thereby, the Surface Transportation Board shall, within 120 days after submission of the dispute, issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability and other terms for use of the facilities and equipment and provision of the services. Compensation shall be determined in accord with the methodology established pursuant to section 206 of this division.

SEC. 219. GENERAL AMTRAK PROVISIONS.

(a) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.

(1) TITLE 49 AMENDMENTS.—Chapter 241 is amended—

(A) by striking the last sentence of section 24101(d); and

(B) by striking the last sentence of section 24104(a).

(2) AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(3) COMMON STOCK REDEMPTION DATE.—Section 415 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24304 nt) is amended by striking subsection (b).

(b) LEASE ARRANGEMENTS.—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481(b) and 491(b)) for each of fiscal years 2006 through 2011.

SEC. 220. PRIVATE SECTOR FUNDING OF PASSENGER TRAINS.

Amtrak is encouraged to increase its operation of trains funded by the private sector in order to minimize its need for Federal subsidies. Amtrak shall utilize the provisions of section 24308 of title 49, United States Code, when necessary to obtain access to facilities, train and engine crews, or services of a rail carrier or regional transportation authority that are required to operate such trains.

SEC. 221. ON-BOARD SERVICE IMPROVEMENTS.

(a) In General.—Within 1 year after metrics and standards are established under section 208 of this division, Amtrak shall develop and implement a plan to improve onboard service pursuant to the metrics and standards for such service developed under that section.

(b) Report.—Amtrak shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the on-board service improvements proscribed in the plan and the timeline for implementing such improvements.

SEC. 222. AMTRAK MANAGEMENT ACCOUNTABILITY.

(a) In General.—Chapter 243 is amended by inserting after section 24309 the following:

"§ 24310. Management accountability

"(a) In General.—Three years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005, and two years thereafter, the Inspector General of the Department of Transportation shall complete an overall assessment of the progress made by Amtrak management and the Department of Transportation in implementing the provisions of that Act.

"(b) Assessment.—The management assessment undertaken by the Inspector General may include a review of—

"(1) effectiveness improving annual financial planning;

"(2) effectiveness in implementing improved financial accounting;

"(3) efforts to implement minimum train performance standards;

"(4) progress maximizing revenues and minimizing Federal subsidies; and

"(5) any other aspect of Amtrak operations the Inspector General finds appropriate to review.".

(b) Conforming Amendment.—The chapter analysis for chapter 243 is amended by inserting after the item relating to section 24309 the following:

"24310. Management accountability".

TITLE III—INTERCITY PASSENGER RAIL POLICY

SEC. 301. CAPITAL ASSISTANCE FOR INTERCITY PASSENGER RAIL SERVICE; STATE RAIL PLANS.

(a) In General.—Part C of subtitle V is amended by inserting the following after chapter 243:

"CHAPTER 244. INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE

"Sec.
"24401. Definitions.
"24402. Capital investment grants to support intercity passenger rail service.
"24403. Project management oversight
"24404. Use of capital grants to finance first-dollar liability of grant project.
"24405. Grant conditions.

"§ 24401. Definitions

"In this subchapter:

"(1) Applicant.—The term 'applicant' means a State (including the District of Columbia), a group of States, an Interstate Compact, or a public agency established by one or more States and having responsibility for providing intercity passenger rail service.

"(2) Capital project.—The term 'capital project' means a project or program in a State rail plan developed under chapter 225 of this title for—

"(A) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility for use in or for the primary benefit of intercity passenger rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to intercity passenger rail service, security, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

"(B) rehabilitating, remanufacturing or overhauling rail rolling stock and facilities used primarily in intercity passenger rail service;

"(C) costs associated with developing State rail plans; and

"(D) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 24404.

"(3) Intercity passenger rail service.—The term 'intercity passenger rail service' means transportation services with the primary purpose of passenger transportation between towns, cities and metropolitan areas by rail, including high-speed rail, as defined in section 24102 of title 49, United States Code.

"§ 24402. Capital investment grants to support intercity passenger rail service.

"(a) General Authority.—

"(1) The Secretary of Transportation may make grants under this section to an applicant to assist in financing the capital costs of facilities and equipment necessary to provide or improve intercity passenger rail transportation.

"(2) The Secretary shall require that a grant under this section be subject to the terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section and shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures and a record of decision on applicant eligibility. The Secretary shall issue a final rule establishing such procedures not later than 90 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005.

"(b) Project as Part of State Rail Plan.—

"(1) The Secretary may not approve a grant for a project under this section unless the Secretary finds that the project is part of a State rail plan developed under chapter 225 of this title, or under the plan required by section 203 of the Passenger Rail Investment and Improvement Act of 2005, and that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities.

"(2) An applicant shall provide sufficient information upon which the Secretary can make the findings required by this subsection.

"(3) If an applicant has not selected the proposed operator of its service competitively, the applicant shall provide written justification to the Secretary showing why the proposed operator is the best, taking into account price and other factors, and that use of the proposed operator will not unnecessarily increase the cost of the project.

"(c) Project Selection Criteria.—The Secretary, in selecting the recipients of financial assistance to be provided under subsection (a), shall—

"(1) require that each proposed project meet all safety and security requirements that are applicable to the project under law;

"(2) give preference to projects with high levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing demand, or other significant service enhancements as measured against minimum standards developed under section 208 of the Passenger Rail Investment and Improvement Act of 2005;

"(3) encourage intermodal connectivity through projects that provide direct connections between train stations, airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

"(4) ensure that each project is compatible with, and is operated in conformance with—

"(A) plans developed pursuant to the requirements of section 135 of title 23, United States Code; and

"(B) the national rail plan (if it is available); and

"(5) favor the following kinds of projects:

"(A) Projects that are expected to have a significant favorable impact on air or highway traffic congestion, capacity, or safety.

"(B) Projects that also improve freight or commuter rail operations.

"(C) Projects that have significant environmental benefits.

"(D) Projects that are—

"(i) at a stage of preparation that all pre-commencement compliance with environmental protection requirements has already been completed; and

"(ii) ready to be commenced.

"(E) Projects with positive economic and employment impacts.

"(F) Projects that encourage the use of positive train control technologies.

"(G) Projects that have commitments of funding from non-Federal Government sources in a total amount that exceeds the minimum amount of the non-Federal contribution required for the project.

"(H) Projects that involve donated property interests or services.

"(I) Projects that are identified by the Surface Transportation Board as necessary to improve the on time performance and reliability of intercity passenger rail under section 24308(f).

"(d) Amtrak Eligibility.—To receive a grant under this section, the National Railroad Passenger Corporation may enter into a cooperative agreement with 1 or more States to carry out 1 or more projects on a State rail plan's ranked list of rail capital projects developed under section 22504(a)(5) of this title.

"(e) Letters of Intent, Full Funding Grant Agreements, and Early Systems Work Agreements.—

"(1)(A) The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

"(B) At least 30 days before issuing a letter under subparagraph (A) of this paragraph or entering into a full funding grant agreement, the Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the House and Senate Committees on Appropriations of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

"(C) An obligation or administrative commitment may be made only when amounts are appropriated.

"(2)(A) The Secretary may make a full funding grant agreement with an applicant. The agreement shall—

"(i) establish the terms of participation by the United States Government in a project under this section;

"(ii) establish the maximum amount of Government financial assistance for the project;

"(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

"(iv) make timely and efficient management of the project easier according to the law of the United States.

"(B) An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government and is subject to the availability of appropriations made by Federal law and to Federal laws in force on or enacted after the date of the contingent commitment. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

"(3)(A) The Secretary may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

"(i) a full funding grant agreement for the project will be made; and

"(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

"(B) A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier. A work agreement shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization. Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms. If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government payments made under the work agreement plus reasonable interest and penalty charges the Secretary establishes in the agreement.

"(4) The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements may be not more than the amount authorized under section 101(c) of Passenger Rail Investment and Improvement Act of 2005, less an amount the Secretary reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full funding grant agreements and early systems work agreements may be not more than a limitation specified in law.

"(f) Federal Share of Net Project Cost.—

"(1)(A) Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net project cost.

"(B) A grant for the project shall not exceed 80 percent of the project net capital cost.

"(C) The Secretary shall give priority in allocating future obligations and contingent commitments to incur obligations to grant requests seeking a lower Federal share of the project net capital cost.

"(2) Up to an additional 20 percent of the required non-Federal funds may be funded from amounts appropriated to or made available to a department or agency of the Federal Government that are eligible to be expended for transportation.

"(3) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) for capital projects to benefit intercity passenger rail service in fiscal years 2003, 2004, and 2005 shall be credited towards the matching requirements for grants awarded under this section. The Secretary may require such information as necessary to verify such expenditures.

"(4) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) in a fiscal year beginning in 2006 for capital projects to benefit intercity passenger rail service or for the operating costs of such service above the average of expenditures made for such service in fiscal years 2003, 2004, and 2005 shall be credited towards the matching requirements for grants awarded under this section. The Secretary may require such information as necessary to verify such expenditures.

"(g) Undertaking Projects in Advance.—

"(1) The Secretary may pay the Federal share of the net capital project cost to an applicant that carries out any part of a project described in this section according to all applicable procedures and requirements if—

"(A) the applicant applies for the payment;

"(B) the Secretary approves the payment; and

"(C) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

"(2) The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the applicant to the extent proceeds of the bonds are expended in carrying out the part. However, the amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

"(3) The Secretary shall consider changes in capital project cost indices when determining the estimated cost under paragraph (2) of this subsection.

"(h) 2-Year Availability.—Funds appropriated under this section shall remain available until expended. If any amount provided as a grant under this section is not obligated or expended for the purposes described in subsection (a) within 2 years after the date on which the State received the grant, such sums shall be returned to the Secretary for other intercity passenger rail development projects under this section at the discretion of the Secretary.

"(i) Public-Private Partnerships.—

"(1) In general.—A metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project funded with a grant under this title.

"(2) Forms of participation.—Participation by an entity under paragraph (1) may consist of—

"(A) ownership or operation of any land, facility, locomotive, rail car, vehicle, or other physical asset associated with the project;

"(B) cost-sharing of any project expense;

"(C) carrying out administration, construction management, project management, project operation, or any other management or operational duty associated with the project; and

"(D) any other form of participation approved by the Secretary.

"(3) Sub-allocation.—A State may allocate funds under this section to any entity described in paragraph (1).

"(j) Special Transportation Circumstances.—In carrying out this section, the Secretary shall allocate an appropriate portion of the amounts available under this section to provide grants to States—

"(1) in which there is no intercity passenger rail service for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 225 of this title that provide public benefits (as defined in chapter 225) as determined by the Secretary; or

"(2) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.

"(k) Small Capital Projects.—The Secretary shall make available $10,000,000 annually from the amounts authorized under section 101(c) of the Passenger Rail Investment and Improvement Act of 2005 beginning in fiscal year 2007 for grants for capital projects eligible under this section not exceeding $2,000,000, including costs eligible under section 206(c) of that Act. The Secretary may wave requirements of this section, including state rail plan requirements, as appropriate.

"§ 24403. Project management oversight

"(a) Project Management Plan Requirements.—To receive Federal financial assistance for a major capital project under this subchapter, an applicant must prepare and carry out a project management plan approved by the Secretary of Transportation. The plan shall provide for—

"(1) adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

"(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

"(3) a construction schedule for the project;

"(4) a document control procedure and recordkeeping system;

"(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

"(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

"(7) quality control and quality assurance functions, procedures, and responsibilities for construction, system installation, and integration of system components;

"(8) material testing policies and procedures;

"(9) internal plan implementation and reporting requirements;

"(10) criteria and procedures to be used for testing the operational system or its major components;

"(11) periodic updates of the plan, especially related to project budget and project schedule, financing, and ridership estimates; and

"(12) the recipient's commitment to submit a project budget and project schedule to the Secretary each month.

"(b) Secretarial Oversight.—

"(1) The Secretary may use no more than 0.5 percent of amounts made available in a fiscal year for capital projects under this subchapter to enter into contracts to oversee the construction of such projects.

"(2) The Secretary may use amounts available under paragraph (1) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under paragraph (1).

"(3) The Federal Government shall pay the entire cost of carrying out a contract under this subsection.

"(c) Access to Sites and Records.—Each recipient of assistance under this subchapter shall provide the Secretary and a contractor the Secretary chooses under subsection (c) of this section with access to the construction sites and records of the recipient when reasonably necessary.

"§ 24404. Use of capital grants to finance first-dollar liability of grant project

"Notwithstanding the requirements of section 24402 of this subchapter, the Secretary of Transportation may approve the use of capital assistance under this subchapter to fund self-insured retention of risk for the first tier of liability insurance coverage for rail passenger service associated with the capital assistance grant, but the coverage may not exceed $20,000,000 per occurrence or $20,000,000 in aggregate per year.

"§ 24405. Grant conditions

"(a) Domestic Buying Preference.—

"(1) Requirement.—

"(A) In general.—In carrying out a project funded in whole or in part with a grant under this title, the grant recipient shall purchase only—

"(i) unmanufactured articles, material, and supplies mined or produced in the United States; or

"(ii) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

"(B) De minimis amount.—Subparagraph (1) applies only to a purchase in an total amount that is not less than $1,000,000.

"(2) Exemptions.—On application of a recipient, the Secretary may exempt a recipient from the requirements of this subsection if the Secretary decides that, for particular articles, material, or supplies—

"(A) such requirements are inconsistent with the public interest;

"(B) the cost of imposing the requirements is unreasonable; or

"(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality.

"(3) United states defined.—In this subsection, the term 'the United States' means the States, territories, and possessions of the United States and the District of Columbia.

"(b) Operators Deemed Rail Carriers and Employers for Certain Purposes.—A person that conducts rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this title shall be considered a rail carrier as defined in section 10102(5) of this title for purposes of this title and any other statute that adopts the that definition or in which that definition applies, including—

"(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.); and

"(2) the Railway Labor Act (43 U.S.C. 151 et seq.).

"(c) Grant Conditions.—The Secretary shall require as a condition of making any grant under this title for a project that uses rights-of-way owned by a railroad that—

"(1) a written agreement exist between the applicant and the railroad regarding such use and ownership, including—

"(A) any compensation for such use;

"(B) assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations; and

"(C) an assurance by the railroad that collective bargaining agreements with the railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor;

"(D) an assurance that an applicant complies with liability requirements consistent with section 28103 of this title; and

"(2) the applicant agrees to comply with—

"(A) the standards of section 24312 of this title, as such section was in effect on September 1, 2003, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of this title; and

"(B) the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants under this subchapter.

"(d) Replacement of Existing Intercity Passenger Rail Service.—

"(1) Collective bargaining agreement for intercity passenger rail projects.—Any entity providing intercity passenger railroad transportation that begins operations after the date of enactment of this Act on a project funded in whole or in part by grants made under this title and replaces intercity rail passenger service that was provided by Amtrak, unless such service was provided solely by Amtrak to another entity, as of such date shall enter into an agreement with the authorized bargaining agent or agents for adversely affected employees of the predecessor provider that—

"(A) gives each such qualified employee of the predecessor provider priority in hiring according to the employee's seniority on the predecessor provider for each position with the replacing entity that is in the employee's craft or class and is available within 3 years after the termination of the service being replaced;

"(B) establishes a procedure for notifying such an employee of such positions;

"(C) establishes a procedure for such an employee to apply for such positions; and

"(D) establishes rates of pay, rules, and working conditions.

"(2) Immediate replacement service.—

"(A) Negotiations.—If the replacement of preexisting intercity rail passenger service occurs concurrent with or within a reasonable time before the commencement of the replacing entity's rail passenger service, the replacing entity shall give written notice of its plan to replace existing rail passenger service to the authorized collective bargaining agent or agents for the potentially adversely affected employees of the predecessor provider at least 90 days before the date on which it plans to commence service. Within 5 days after the date of receipt of such written notice, negotiations between the replacing entity and the collective bargaining agent or agents for the employees of the predecessor provider shall commence for the purpose of reaching agreement with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1). The negotiations shall continue for 30 days or until an agreement is reached, whichever is sooner. If at the end of 30 days the parties have not entered into an agreement with respect to all such matters, the unresolved issues shall be submitted for arbitration in accordance with the procedure set forth in subparagraph (B).

"(B) Arbitration.—If an agreement has not been entered into with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1) as described in subparagraph (A) of this paragraph, the parties shall select an arbitrator. If the parties are unable to agree upon the selection of such arbitrator within 5 days, either or both parties shall notify the National Mediation Board, which shall provide a list of seven arbitrators with experience in arbitrating rail labor protection disputes. Within 5 days after such notification, the parties shall alternately strike names from the list until only 1 name remains, and that person shall serve as the neutral arbitrator. Within 45 days after selection of the arbitrator, the arbitrator shall conduct a hearing on the dispute and shall render a decision with respect to the unresolved issues among the matters set forth in subparagraphs (A) through (D) of paragraph (1). This decision shall be final, binding, and conclusive upon the parties. The salary and expenses of the arbitrator shall be borne equally by the parties; all other expenses shall be paid by the party incurring them.

“(3) SERVICE COMMENCEMENT.—A replacing entity under this subsection shall commence service only after an agreement is entered into with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1) or the decision of the arbitrator has been rendered.

“(4) SUBSEQUENT REPLACEMENT OF SERVICE.—If the replacement of existing rail passenger service takes place within 3 years after the replacing entity commences intercity passenger rail service, the replacing entity and the collective bargaining agent or agents for the adversely affected employees of the predecessor provider shall enter into an agreement with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1). If the parties have not entered into an agreement with respect to all such matters within 60 days after the date on which the replacing entity replaces the predecessor provider, the parties shall select an arbitrator using the procedures set forth in paragraph (2)(B), who shall, within 20 days after the commencement of the arbitration, conduct a hearing and decide all unresolved issues. This decision shall be final, binding, and conclusive upon the parties.

“(e) INAPPLICABILITY TO CERTAIN RAIL OPERATIONS.— Nothing in this section applies to—

“(1) commuter rail passenger transportation (as defined in section 24102(4) of this title) operations of a State or local government authority (as those terms are defined in section 5302(11) and (6), respectively, of this title) eligible to receive financial assistance under section 5307 of this title, or to its contractor performing services in connection with commuter rail passenger operations (as so defined);

“(2) the Alaska Railroad or its contractors; or

“(3) the National Railroad Passenger Corporation's access rights to railroad rights of way and facilities under current law.”.

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 243:

“244. Intercity passenger rail service capital assistance .... 24401”.

“(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 243:

“244. Intercity passenger rail service capital assistance .... 24401”.

SEC. 302. STATE RAIL PLANS.

(a) IN GENERAL.—Part B of subtitle V is amended by adding at the end the following:

“CHAPTER 225. STATE RAIL PLANS AND HIGH PRIORITY PROJECTS

“Sec.
“22501. Definitions
“22502. Authority
“22503. Purposes
“22504. Transparency; coordination; review
“22505. Content
“22506. Review

“§ 22501. Definitions

“In this subchapter:

“(1) PRIVATE BENEFIT.—

“(A) IN GENERAL.—The term ‘private benefit’—

“(i) means a benefit accrued to a person or private entity, other than the National Railroad Passenger Corporation, that directly improves the economic and competitive condition of that person or entity through improved assets, cost reductions, service improvements, or any other means as defined by the Secretary; and

“(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

“(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

“(2) PUBLIC BENEFIT.—

“(A) IN GENERAL.—The term ‘public benefit’—

“(i) means a benefit accrued to the public in the form of enhanced mobility of people or goods, environmental protection or enhancement, congestion mitigation, enhanced trade and economic development, improved air quality or land use, more efficient energy use, enhanced public safety or security, reduction of public expenditures due to improved transportation efficiency or infrastructure preservation, and any other positive community effects as defined by the Secretary; and

“(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

“(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

“(3) STATE.—The term ‘State’ means any of the 50 States and the District of Columbia.

“(4) STATE RAIL TRANSPORTATION AUTHORITY.—The term ‘State rail transportation authority’ means the State agency or official responsible under the direction of the Governor of the State or a State law for preparation, maintenance, coordination, and administration of the State rail plan.”.

“§ 22502. Authority

“(a) IN GENERAL.—Each State may prepare and maintain a State rail plan in accordance with the provisions of this subchapter.

“(b) REQUIREMENTS.—For the preparation and periodic revision of a State rail plan, a State shall—

“(1) establish or designate a State rail transportation authority to prepare, maintain, coordinate, and administer the plan;

“(2) establish or designate a State rail plan approval authority to approve the plan;

“(3) submit the State's approved plan to the Secretary of Transportation for review; and

“(4) revise and resubmit a State-approved plan no less frequently than once every 5 years for reapproval by the Secretary.

“§ 22503. Purposes

“(a) PURPOSES.—The purposes of a State rail plan are as follows:

“(1) To set forth State policy involving freight and passenger rail transportation, including commuter rail operations, in the State.

“(2) To establish the period covered by the State rail plan.

“(3) To present priorities and strategies to enhance rail service in the State that benefits the public.

“(4) To serve as the basis for Federal and State rail investments within the State.

“(b) COORDINATION.—A State rail plan shall be coordinated with other State transportation planning goals and programs and set forth rail transportation's role within the State transportation system.

“§ 22504. Transparency; coordination; review

“(a) PREPARATION.—A State shall provide adequate and reasonable notice and opportunity for comment and other input to the public, rail carriers, commuter and transit authorities operating in, or affected by rail operations within the State, units of local government, and other interested parties in the preparation and review of its State rail plan.

“(b) INTERGOVERNMENTAL COORDINATION.—A State shall review the freight and passenger rail service activities and initiatives by regional planning agencies, regional transportation authorities, and municipalities within the State, or in the region in which the State is located, while preparing the plan, and shall include any recommendations made by such agencies, authorities, and municipalities as deemed appropriate by the State.

“§ 22505. Content

“(a) IN GENERAL.—Each State rail plan shall contain the following:

“(1) An inventory of the existing overall rail transportation system and rail services and facilities within the State and an analysis of the role of rail transportation within the State's surface transportation system.

“(2) A review of all rail lines within the State, including proposed high speed rail corridors and significant rail line segments not currently in service.

“(3) A statement of the State's passenger rail service objectives, including minimum service levels, for rail transportation routes in the State.

“(4) A general analysis of rail's transportation, economic, and environmental impacts in the State, including congestion mitigation, trade and economic development, air quality, land-use, energy-use, and community impacts.

“(5) A long-range rail investment program for current and future freight and passenger infrastructure in the State that meets the requirements of subsection (b).

“(6) A statement of public financing issues for rail projects and service in the State, including a list of current and prospective public capital and operating funding resources, public subsidies, State taxation, and other financial policies relating to rail infrastructure development.

“(7) An identification of rail infrastructure issues within the State that reflects consultation with all relevant stake holders.

“(8) A review of major passenger and freight intermodal rail connections and facilities within the State, including seaports, and prioritized options to maximize service integration and efficiency between rail and other modes of transportation within the State.

“(9) A review of publicly funded projects within the State to improve rail transportation safety and security, including all major projects funded under section 130 of title 23.

“(10) A performance evaluation of passenger rail services operating in the State.

including possible improvements in those services, and a description of strategies to achieve those improvements.

"(11) A compilation of studies and reports on high-speed rail corridor development within the State not included in a previous plan under this subchapter, and a plan for funding any recommended development of such corridors in the State.

"(12) A statement that the State is in compliance with the requirements of section 22102.

"(b) Long-Range Service and Investment Program.—

"(1) Program content.—A long-range rail investment program included in a State rail plan under subsection (a)(5) shall include the following matters:

"(A) A list of any rail capital projects expected to be undertaken or supported in whole or in part by the State.

"(B) A detailed funding plan for those projects.

"(2) Project list content.—The list of rail capital projects shall contain—

"(A) a description of the anticipated public and private benefits of each such project; and

"(B) a statement of the correlation between—

"(i) public funding contributions for the projects; and

"(ii) the public benefits.

"(3) Considerations for project list.—In preparing the list of freight and intercity passenger rail capital projects, a State rail transportation authority should take into consideration the following matters:

"(A) Contributions made by non-Federal and non-State sources through user fees, matching funds, or other private capital involvement.

"(B) Rail capacity and congestion effects.

"(C) Effects on highway, aviation, and maritime capacity, congestion, or safety.

"(D) Regional balance.

"(E) Environmental impact.

"(F) Economic and employment impacts.

"(G) Projected ridership and other service measures for passenger rail projects.

"§ 22506. Review

"The Secretary shall prescribe procedures for States to submit State rail plans for review under this title, including standardized format and data requirements. State rail plans completed before the date of enactment of the Passenger Rail Investment and Improvement Act of 2005 that substantially meet the requirements of this chapter, as determined by the Secretary, shall be deemed by the Secretary to have met the requirements of this chapter".

(b) Conforming Amendments.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 223:

"225. State rail plans ....22501".

"(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 223:

"225. State rail plans ....24401".

SEC. 303. NEXT GENERATION CORRIDOR TRAIN EQUIPMENT POOL.

(a) In General.—Within 180 days after the date of enactment of this Act, Amtrak shall establish a Next Generation Corridor Equipment Pool Committee, comprised of representatives of Amtrak, the Federal Railroad Administration, and interested States. The purpose of the Committee shall be to design, develop specifications for, and procure standardized next-generation corridor equipment.

(b) Functions.—The Committee may—

(1) determine the number of different types of equipment required, taking into account variations in operational needs and corridor infrastructure;

(2) establish a pool of equipment to be used on corridor routes funded by participating States; and

(3) subject to agreements between Amtrak and States, utilize services provided by Amtrak to design, maintain and remanufacture equipment.

(c) Cooperative Agreements.—Amtrak and States participating in the Committee may enter into agreements for the funding, procurement, remanufacture, ownership and management of corridor equipment, including equipment currently owned or leased by Amtrak and next-generation corridor equipment acquired as a result of the Committee's actions, and may establish a corporation, which may be owned or jointly-owned by Amtrak, participating States or other entities, to perform these functions.

(d) Funding.—In addition to the authorization provided in section 105 of this division, capital projects to carry out the purposes of this section shall be eligible for grants made pursuant to chapter 244 of title 49, United States Code.

SEC. 304. FEDERAL RAIL POLICY.

Section 103 is amended—

(1) by inserting "In General.—" before "The Federal" in subsection (a);

(2) by striking the second and third sentences of subsection (a);

(3) by inserting "Administrator.—" before "The head" in subsection (b);

(4) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively and by inserting after subsection (b) the following:

"(c) Safety.—To carry out all railroad safety laws of the United States, the Administration is divided on a geographical basis into at least 8 safety offices. The Secretary of Transportation is responsible for all acts taken under those laws and for ensuring that the laws are uniformly administered and enforced among the safety offices.";

(5) by inserting "Powers and Duties.—" before "The" in subsection (d), as redesignated;

(6) by striking "and" after the semicolon in paragraph (1) of subsection (d), as redesignated;

(7) by redesignating paragraph (2) of subsection (d), as redesignated, as paragraph (3) and inserting after paragraph (1) the following:

"(2) the duties and powers related to railroad policy and development under subsection (e); and";

(8) by inserting "Transfers of Duty.—" before "A duty" in subsection (e), as redesignated;

(9) by inserting "Contracts, Grants, Leases, Cooperative Agreements, and Similar Transactions.—" before "Subject" in subsection (f), as redesignated;

(10) by striking the last sentence in subsection (f), as redesignated; and

(11) by adding at the end the following:

"(g) Additional Duties of the Administrator.—The Administrator shall—

"(1) provide assistance to States in developing State rail plans prepared under chapter 225 and review all State rail plans submitted under that section;

"(2) develop a long range national rail plan that is consistent with approved State rail plans and the rail needs of the Nation, as determined by the Secretary in order to promote an integrated, cohesive, efficient, and optimized national rail system for the movement of goods and people;

"(3) develop a preliminary national rail plan within a year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005;

"(4) develop and enhance partnerships with the freight and passenger railroad industry, States, and the public concerning rail development;

"(5) support rail intermodal development and high-speed rail development, including high speed rail planning;

"(6) ensure that programs and initiatives developed under this section benefit the public and work toward achieving regional and national transportation goals; and

"(7) facilitate and coordinate efforts to assist freight and passenger rail carriers, transit agencies and authorities, municipalities, and States in passenger-freight service integration on shared rights of way by providing neutral assistance at the joint request of affected rail service providers and infrastructure owners relating to operations and capacity analysis, capital requirements, operating costs, and other research and planning related to corridors shared by passenger or commuter rail service and freight rail operations.

"(h) Performance Goals and Reports.—

"(1) Performance goals.—In conjunction with the objectives established and activities undertaken under section 103(e) of this title, the Administrator shall develop a schedule for achieving specific, measurable performance goals.

"(2) Resource needs.—The strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each goal and the additional duties required under section 103(e).

"(3) Submission with President's budget.—Beginning with fiscal year 2007 and each fiscal year thereafter, the Secretary shall submit to Congress, at the same time as the President's budget submission, the Administration's performance goals and schedule developed under paragraph (1), including an assessment of the progress of the Administration toward achieving its performance goals.".

SEC. 305. RAIL COOPERATIVE RESEARCH PROGRAM.

(a) Establishment and Content.—Chapter 249 is amended by adding at the end the following:

"§ 24910. Rail cooperative research program

"(a) In General.—The Secretary shall establish and carry out a rail cooperative research program. The program shall—

"(1) address, among other matters, intercity rail passenger and freight rail services, including existing rail passenger and freight technologies and speeds, incrementally enhanced rail systems and infrastructure, and new high-speed wheel-on-rail systems and rail security;

"(2) address ways to expand the transportation of international trade traffic by rail, enhance the efficiency of intermodal interchange at ports and other intermodal terminals, and increase capacity and availability of rail service for seasonal freight needs;

"(3) consider research on the interconnectedness of commuter rail, passenger rail, freight rail, and other rail networks; and

"(4) give consideration to regional concerns regarding rail passenger and freight transportation, including meeting research needs common to designated high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.

"(b) Content.—The program to be carried out under this section shall include research designed—

"(1) to identify the unique aspects and attributes of rail passenger and freight service;

"(2) to develop more accurate models for evaluating the impact of rail passenger and freight service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

"(3) to develop a better understanding of modal choice as it affects rail passenger and freight transportation, including development of better models to predict utilization;

"(4) to recommend priorities for technology demonstration and development;

"(5) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

"(6) to explore improvements in management, financing, and institutional structures;

"(7) to address rail capacity constraints that affect passenger and freight rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account the impact of such options on operations;

"(8) to improve maintenance, operations, customer service, or other aspects of intercity rail passenger and freight service;

"(9) to recommend objective methodologies for determining intercity passenger rail routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes;

"(10) to review the impact of equipment and operational safety standards on the further development of high speed passenger rail operations connected to or integrated with non-high speed freight or passenger rail operations; and

"(11) to recommend any legislative or regulatory changes necessary to foster further development and implementation of high speed passenger rail operations while ensuring the safety of such operations that are connected to or integrated with non-high speed freight or passenger rail operations.

"(c) Advisory Board.—

"(1) Establishment.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger and freight transportation.

"(2) Membership.—The advisory board shall include—

"(A) representatives of State transportation agencies;

"(B) transportation and environmental economists, scientists, and engineers; and

"(C) representatives of Amtrak, the Alaska Railroad, freight railroads, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

"(d) National Academy of Sciences.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.".

(b) Clerical Amendment.—The chapter analysis for chapter 249 is amended by adding at the end the following:

"24910. Rail cooperative research program".

TITLE IV—PASSENGER RAIL SECURITY AND SAFETY

SEC. 401. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) In General—Subject to subsection (c) the Secretary of Homeland Security, in consultation with the Secretary of Transportation, is authorized to make grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units;

(7) to expand emergency preparedness efforts; and

(8) for employee security training.

(b) Conditions.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) Equitable Geographic Allocation.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $63,500,000 for fiscal year 2006;

(2) $30,000,000 for fiscal year 2007; and

(3) $30,000,000 for fiscal year 2008.

Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 402. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) Life-safety Needs.—The Secretary of Transportation is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $190,000,000 for fiscal year 2006;

(B) $190,000,000 for fiscal year 2007;

(C) $190,000,000 for fiscal year 2008;

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $19,000,000 for fiscal year 2006;

(B) $19,000,000 for fiscal year 2007;

(C) $19,000,000 for fiscal year 2008;

(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $13,333,000 for fiscal year 2006;

(B) $13,333,000 for fiscal year 2007;

(C) $13,333,000 for fiscal year 2008;

(c) Infrastructure Upgrades.—There are authorized to be appropriated to the Secretary of Transportation for fiscal year 2006 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) Availability of Appropriated Funds.—Amounts made available pursuant to this section shall remain available until expended.

(e) Plans Required.—The Secretary may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) Review of Plans.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) Financial Contribution From Other Tunnel Users.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. 403. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) In General.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) Submission of Plan.—Not later than 6 months after the date of the enactment of the Passenger Rail Investment and Improvement Act of 2005, Amtrak shall submit to the

Chairman of the National Transportation Safety Board and the Secretary of Transportation a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

"(b) Contents of Plans.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

"(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

"(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

"(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

"(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

"(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

"(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

"(c) Use of Information.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release to any person information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

"(d) Limitation on Liability.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

"(e) Limitation on Statutory Construction.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(f) Funding.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2006 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.".

(b) Conforming Amendment.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"24316. Plan to assist families of passengers involved in rail passenger accidents.".

SEC. 404. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, the Assistant Secretary of Homeland Security (Transportation Security Administration), heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in "The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America", dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the "Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States", dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating United States Customs and Border Patrol rolling inspections onboard international Amtrak trains.

SEC. 405. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) Requirement for Study and Report.—The Secretary of Homeland Security, in cooperation with the Secretary of Transportation through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies, shall—

(1) study the cost and feasibility of requiring security screening for passengers, baggage, and cargo on passenger trains including an analysis of any passenger train screening pilot programs undertaken by the Department of Homeland Security; and

(2) report the results of the study, together with any recommendations that the Secretary of Homeland Security may have for implementing a rail security screening program to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Homeland Security $1,000,000 for fiscal year 2006 to carry out this section.

SA 2361. Mr. TALENT submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 102, between lines 8 and 9, insert the following:

(g) Prohibition on Exports.—An oil or gas lease issued under this title shall prohibit the exportation of oil or gas produced under the lease.

SA 2362. Mr. WYDEN (for himself, Mr. Talent, Mr. Dorgan, Mrs. Feinstein, Mr. Dayton, Mr. Kohl, and Mr. Feingold) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); follows:

At the end of section 401, add the following:

(h) Prohibition on Exports.—An oil or gas lease issued under this title shall prohibit the exportation of oil or gas produced under the lease.

SA 2363. Mr. HARKIN (for himself, Mr. Kohl, Mr. Obama, Mr. Bayh, Mr. Kerry, Mr. Jeffords, Mr. Kennedy, Mr. Durbin, Mr. Bingaman, and Mr. Salazar) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) Findings.—The Senate makes the following findings:

(1) On October 26, 2005, the Committee on Ways and Means of the United States House of Representatives approved a budget reconciliation package that would significantly reduce the Federal Government's funding used to pay for the child support program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) and would restrict the ability of States to use Federal child support incentive payments for child support program expenditures that are eligible for Federal matching payments.

(2) The child support program enforces the responsibility of non-custodial parents to

support their children. The program is jointly funded by Federal. State and local governments.

(3) The Office of Management and Budget gave the child support program a 90 percent rating under the Program Assessment Rating Tool (PART), making it the highest performing social services program.

(4) The President's 2006 budget cites the child support program as "one of the highest rated block/formula grants of all reviewed programs government-wide. This high rating is due to its strong mission, effective management, and demonstration of measurable progress toward meeting annual and long term performance measures."

(5) In 2004, the child support program spent $5,300,000,000 to collect $21,900,000,000 in support payments. Public investment in the child support program provides more than a four-fold return, collecting $4.38 in child support for every Federal and State dollar that the program spends.

(6) In 2004, 17,300,000 children, or 60 percent of all children living apart from a parent, received child support services through the program. The percentage is higher for poor children—84 percent of poor children living apart from their parent receive child support services through the program. Families assisted by the child support program generally have low or moderate incomes.

(7) Children who receive child support from their parents do better in school than those that do not receive support payments. Older children with child support payments are more likely to finish high school and attend college.

(8) The child support program directly decreases the costs of other public assistance programs by increasing family self-sufficiency. The more effective the child support program in a State, the higher the savings in public assistance costs.

(9) Child support helps lift more than 1,000,000 Americans out of poverty each year.

(10) Families that are former recipients of assistance under the temporary assistance for needy families program (TANF) have seen the greatest increase in child support payments. Collections for these families increased 94 percent between 1999 and 2004, even though the number of former TANF families did not increase during this period.

(11) Families that receive child support are more likely to find and hold jobs, and less likely to be poor than comparable families without child support.

(12) The child support program saved costs in the TANF, Medicaid, Food Stamps, Supplemental Security Income, and subsidized housing programs.

(13) The Congressional Budget Office estimates that the funding cuts proposed by the Committee on Ways and Means of the House of Representatives would reduce child support collections by nearly $7,900,000,000 in the next 5 years and $24,100,000,000 in the next 10 years.

(14) That National Governor's Association has stated that such cuts are unduly burdensome and will force States to reevaluate several services that make the child support program so effective.

(15) The Federal Government has a moral responsibility to ensure that parents who do not live with their children meet their financial support obligations for those children.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate will not accept any reduction in funding for the child support program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.), or any restrictions on the ability of States to use Federal child support incentive payments for child support program expenditures that are eligible for Federal matching payments, during this Congress.

SA 2364. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

Strike section 7201 and insert the following:

SEC. 7201. INCREASES IN PBGC PREMIUMS.

Section 4006(a)(3)(A)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)(i)) is amended to read as follows:

"(i) in the case of a single-employer plan, an amount equal to—

"(I) for plan years beginning after December 31, 1990, and before January 1, 2006, $19, or

"(II) for plan years beginning after December 31, 2005, $30,

plus the additional premium (if any) determined under subparagraph (E) for each individual who is a participant in such plan during the plan year;".

SA 2365. Mr. BINGAMAN (for himself, Mr. ROCKEFELLER, Mrs. LINCOLN, Mr. PRYOR, and Mr. LEAHY) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 188, after line 24, add the following:

SEC. 6037. LIMITATION ON SEVERE REDUCTION IN THE MEDICAID FMAP FOR FISCAL YEAR 2006.

(a) LIMITATION ON REDUCTION.—In no case shall the FMAP for a State for fiscal year 2006 be less than the greater of the following:

(1) 2005 FMAP DECREASED BY THE APPLICABLE PERCENTAGE POINTS.—The FMAP determined for the State for fiscal year 2005, decreased by—

(A) 0.1 percentage points in the case of Delaware and Michigan;

(B) 0.3 percentage points in the case of Kentucky; and

(C) 0.5 percentage points in the case of any other State.

(2) COMPUTATION WITHOUT RETROACTIVE APPLICATION OF REBENCHMARKED PER CAPITA INCOME.—The FMAP that would have been determined for the State for fiscal year 2006 if the per capita incomes for 2001 and 2002 that was used to determine the FMAP for the State for fiscal year 2005 were used.

(b) SCOPE OF APPLICATION.—The FMAP applicable to a State for fiscal year 2006 after the application of subsection (a) shall apply only for purposes of titles XIX and XXI of the Social Security Act (including for purposes of making disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4) and payments under such titles that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b))) and shall not apply with respect to payments under title IV of such Act (42 U.S.C. 601 et seq.).

(c) DEFINITIONS.—In this section:

(1) FMAP.—The term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(2) STATE.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(d) REPEAL.—Effective as of October 1, 2006, this section is repealed and shall not apply to any fiscal year after fiscal year 2006.

SEC. 6038. EXTENSION OF PRESCRIPTION DRUG REBATES TO ENROLLEES IN MEDICAID MANAGED CARE ORGANIZATIONS.

(a) IN GENERAL.—Section 1927(j)(1) (42 U.S.C. 1396r-8(j)(1)) is amended by striking "dispensed" and all that follows through the period and inserting "are not subject to the requirements of this section if such drugs are—

"(A) dispensed by health maintenance organizations that contract under section 1903(m), and

"(B) subject to discounts under section 340B of the Public Health Service Act (42 U.S.C. 256b).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) on or after such date.

SA 2366. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 95, line 21, before the period at the end insert the following: ", of which $1,000,000,000 shall be transferred to the Secretary of the Interior to make payments to producing States and coastal political subdivisions under section 31(b) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(b))".

SA 2367. Mr. BYRD proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 810, strike line 17 and all that follows through page 816, lines 21, and insert the following:

TITLE VIII—COMMITTEE ON THE JUDICIARY

SEC. 8001. FEES WITH RESPECT TO IMMIGRATION SERVICES FOR INTRACOMPANY TRANSFEREES.

(a) IN GENERAL.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

"(15)(A) The Secretary of State shall impose a fee on an employer when an alien files an application abroad for a visa authorizing initial admission to the United States as a nonimmigrant described in section 101(a)(15)(L) in order to be employed by the employer, if the alien is covered under a blanket petition described in paragraph (2)(A).

"(B) The Secretary of Homeland Security shall impose a fee on an employer filing a petition under paragraph (1) to—

"(i) initially grant an alien nonimmigrant status under section 101(a)(15)(L); or

"(ii) extend, for the first time, the stay of an alien having such status.

"(C) The amount of each fee imposed under subparagraph (A) or (B) shall be $1,500.

"(D) Fees imposed under subparagraphs (A) and (B)—

"(i) shall apply to principal aliens; and

"(ii) shall not apply to spouses or children who are accompanying or following to join such principal aliens.

"(E)(i) An employer may not require an alien who is the beneficiary of the visa or petition for which a fee is imposed under this paragraph to reimburse, or otherwise compensate, the employer for part or all of the cost of such fee.

"(ii) Any person or entity which is determined, after notice and opportunity for an administrative hearing, to have violated clause (i) shall be subject to the civil penalty described in section 274A(g)(2).".

(b) CONFORMING AMENDMENT.—Section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) is amended by inserting ", including those fees provided for in section 214(c)(15) of such Act," after "all adjudication fees".

(c) EXPENDITURE LIMITATION.—Amounts collected under section 214(c)(15) of the Immigration and Nationality Act, as added by subsection (a), may not be expended unless specifically appropriated by an Act of Congress.

SA 2368. Mr. ENSIGN (for himself, Mr. DEMINT, Mr. SMITH, Mr. SUNUNU, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 94, line 7, strike "$3,000,000,000" and insert "$1,000,000,000".

SA 2369. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

After section 6036, insert the following:

SEC. 6037. TREATMENT OF HAWAII AS A LOW-DSH STATE.

Section 1923(f) (42 U.S.C. 1396r–4(f)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6), the following:

"(7) TREATMENT OF HAWAII AS A LOW-DSH STATE.—The Secretary shall compute a DSH allotment of $10,000,000 for the State of Hawaii for fiscal year 2006. For purposes of fiscal year 2007 and each fiscal year thereafter, such allotment shall be increased in the same manner as allotments for low DSH States are increased under clauses (ii) and (iii) of paragraph (5)(B).".

SA 2370. Mr. MCCAIN (for himself, Mr. SUNUNU, and Mr. ROCKEFELLER) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 91, line 6, strike "April 7, 2009" and insert "April 7, 2008".

SA 2371. Ms. SNOWE (for herself, Mr. WYDEN, Mr. MCCAIN, and Ms. STABENOW) submitted an amendment intended to be proposed by her to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

After section 6115, insert the following:

SEC. 6116. NEGOTIATING FAIR PRICES FOR MEDICARE PRESCRIPTION DRUGS.

(a) IN GENERAL.—Section 1860D–11 (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and inserting the following:

"(i) AUTHORITY TO NEGOTIATE PRICES WITH MANUFACTURERS.—

"(1) IN GENERAL.—Subject to paragraph (4), in order to ensure that beneficiaries enrolled under prescription drug plans and MA–PD plans pay the lowest possible price, the Secretary shall have authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs, consistent with the requirements and in furtherance of the goals of providing quality care and containing costs under this part.

"(2) MANDATORY RESPONSIBILITIES.—The Secretary shall be required to—

"(A) negotiate contracts with manufacturers of covered part D drugs for each fallback prescription drug plan under subsection (g); and

"(B) participate in negotiation of contracts of any covered part D drug upon request of an approved prescription drug plan or MA–PD plan.

"(3) RULE OF CONSTRUCTION.—Nothing in paragraph (2) shall be construed to limit the authority of the Secretary under paragraph (1) to the mandatory responsibilities under paragraph (2).

"(4) NO PARTICULAR FORMULARY OR PRICE STRUCTURE.—In order to promote competition under this part and in carrying out this part, the Secretary may not require a particular formulary or institute a price structure for the reimbursement of covered part D drugs.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

SA 2372. Mrs. MURRAY (for herself, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. KENNEDY, Mrs. CLINTON, Mr. LAUTENBERG, and Mr. KOHL) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 188, after line 24, add the following:

SEC. 6037. CONTINUING STATE COVERAGE OF MEDICAID PRESCRIPTION DRUG COVERAGE TO MEDICARE DUAL ELIGIBLE BENEFICIARIES FOR 6 MONTHS.

(a) SIX-MONTH TRANSITION.—

(1) IN GENERAL.—Only with respect to prescriptions filled during the period beginning on January 1, 2006, and ending on June 30, 2006, for, or on behalf of an individual described in paragraph (2), section 1935(d) of the Social Security Act (42 U.S.C. 1396u–5(d)) shall not apply and, notwithstanding any other provision of law, a State (as defined for purposes of title XIX of such Act) shall continue to provide (and receive Federal financial participation for) medical assistance under such title with respect to prescription drugs as if such section 1935(d) had not been enacted.

(2) INDIVIDUAL DESCRIBED.—For purposes of paragraph (1), an individual described in this paragraph is a full-benefit dual eligible individual (as defined in section 1935(c)(6) of such Act (42 U.S.C. 1396u–5(c)(6))—

(A) who, as of January 1, 2006, is not enrolled in a prescription drug plan or an MA–PD plan under part D of title XVIII of the Social Security Act; or

(B) whose access to prescription drugs that were covered under a State Medicaid plan on December 31, 2005, is restricted or unduly burdened as a result of the individual's enrollment in a prescription drug plan or an MA–PD plan under part D of title XVIII of such Act.

(b) APPLICATION.—

(1) MEDICARE AS PRIMARY PAYER.—Nothing in subsection (a) shall be construed as changing or affecting the primary payer status of a prescription drug plan or an MA–PD plan under part D of title XVIII of the Social Security Act with respect to prescription drugs furnished to any full-benefit dual eligible individual (as defined in section 1935(c)(6) of such Act (42 U.S.C. 1396u–5(c)(6)) during the 6-month period described in such subsection.

(2) THIRD PARTY LIABILITY.—Nothing in subsection (a) shall be construed as limiting the authority or responsibility of a State under section 1902(a)(25) of the Social Security Act (42 U.S.C. 1396a(a)(25)) to seek reimbursement from a prescription drug plan, an MA–PD plan, or any other third party, of the costs incurred by the State in providing prescription drug coverage described in such subsection.

SA 2373. Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. KERRY, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. KOHL, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . TEMPORARY WINDFALL PROFITS TAX FOR LIHEAP FUNDING.

(a) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 56—TEMPORARY WINDFALL PROFITS ON CRUDE OIL

"Sec. 5896. Imposition of tax.
"Sec. 5897. Windfall profit; removal price; adjusted base price; qualified investment.
"Sec. 5898. Special rules and definitions.

"SEC. 5896. IMPOSITION OF TAX.

"(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any integrated oil company (as defined in section 291(b)(4)) an excise tax equal to the amount equal to the applicable percentage of the windfall profit from all barrels of taxable crude oil removed from the property during taxable years beginning in 2005.

"(b) Applicable Percentage.—For purposes of subsection (a), the applicable percentage shall be determined by the Secretary such that the resulting revenues in the Treasury are sufficient to meet the expenditure requirements of section ____(d) (relating to appropriations for Low-Income Home Energy Assistance program).

"(c) Fractional Part of Barrel.—In the case of a fraction of a barrel, the tax imposed by subsection (a) shall be the same fraction of the amount of such tax imposed on the whole barrel.

"(d) Tax Paid by Producer.—The tax imposed by this section shall be paid by the producer of the taxable crude oil.

"SEC. 5897. WINDFALL PROFIT; REMOVAL PRICE; ADJUSTED BASE PRICE.

"(a) General Rule.—For purposes of this chapter, the term 'windfall profit' means the excess of the removal price of the barrel of taxable crude oil over the adjusted base price of such barrel.

"(b) Removal Price.—For purposes of this chapter—

"(1) In general.—Except as otherwise provided in this subsection, the term 'removal price' means the amount for which the barrel of taxable crude oil is sold.

"(2) Sales between related persons.—In the case of a sale between related persons, the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

"(3) Oil removed from property before sale.—If crude oil is removed from the property before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

"(4) Refining begun on property.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the property—

"(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

"(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

"(5) Property.—The term 'property' has the meaning given such term by section 614.

"(c) Adjusted Base Price Defined.—For purposes of this chapter, the term 'adjusted base price' means $40 for each barrel of taxable crude oil.

"SEC. 5898. SPECIAL RULES AND DEFINITIONS .

"(a) Withholding and Deposit of Tax.—The Secretary shall provide such rules as are necessary for the withholding and deposit of the tax imposed under section 5896 on any taxable crude oil.

"(b) Records and Information.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information (to the Secretary and to other persons having an interest in the taxable crude oil) with respect to such oil as the Secretary may by regulations prescribe.

"(c) Return of Windfall Profit Tax.—The Secretary shall provide for the filing and the time of such filing of the return of the tax imposed under section 5896.

"(d) Definitions.—For purposes of this chapter—

"(1) Producer.—The term 'producer' means the holder of the economic interest with respect to the crude oil.

"(2) Crude oil.—

"(A) In general.—The term 'crude oil' includes crude oil condensates and natural gasoline.

"(B) Exclusion of newly discovered oil.—Such term shall not include any oil produced from a well drilled after the date of the enactment of the chapter, except with respect to any oil produced from a well drilled after such date on any proven oil or gas property (within the meaning of section 613A(c)(9)(A)).

"(3) Barrel.—The term 'barrel' means 42 United States gallons.

"(e) Adjustment of Removal Price.—In determining the removal price of oil from a property in the case of any transaction, the Secretary may adjust the removal price to reflect clearly the fair market value of oil removed.

"(f) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.".

(b) Clerical Amendment.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Chapter 56. Temporary Windfall Profit on Crude Oil.".

(c) Deductibility of Windfall Profit Tax.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The windfall profit tax imposed by section 5896.".

(d) Low Income Home Energy Assistance Program Appropriations.—With respect to fiscal year 2006, in addition to amounts appropriated under any other provision of law, for making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.), $2,920,000,000, shall be appropriated to distribute funds to all the States in accordance with section 2604 of that Act (42 U.S.C. 8623) (other than subsection (e) of such section).

(e) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning in 2005.

(2) Subsection (d).—Subsection (d) shall take effect on the date of the enactment of this Act.

SA 2374. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

Beginning on page 105, strike line 23 and all that follows through page 106, line 2, and insert the following:

"(IV) Chargebacks, rebates provided to a pharmacy (excluding a mail order pharmacy, a pharmacy at a nursing facility or home, and a pharmacy benefit manager), or any other direct or indirect discounts.

SA 2375. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

After section 6115, insert the following:

SEC. 6116. EXTENSION OF IMPLEMENTATION SCHEDULE FOR MEDICARE CONTRACTING REFORM.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall extend the schedule for the implementation of the amendments made by section 911 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2378) until September 30, 2011.

SA 2376. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

Beginning on page 123, strike line 1 and all that follows through page 124, line 3, and insert the following:

(A) January 1, 2009; or

(B) the date that is 6 months after the close of the first regular session of the State legislature that begins after the date of enactment of this Act.

(c) Interim Upper Payment Limit.—

(1) In general.—With respect to a State program under title XIX of the Social Security Act, during the period that begins on January 1, 2006, and ends on the effective date applicable to such State under subsection (b)(3), the Secretary shall—

(A) apply the Federal upper payment limit established under section 447.332(b) of title 42, Code of Federal Regulations to the State by substituting "125 percent" for "150 percent";

(B) in the case of covered outpatient drugs under title XIX of such Act that are marketed as of July 1, 2005, and are subject to Federal upper payment limits that apply under section 447.332 of title 42, Code of Federal Regulations, use average wholesale prices, direct prices, and wholesale acquisition costs for such drugs that do not exceed such prices and costs as of such date to determine the Federal upper payment limits that apply under section 447.332 of title 42, Code of Federal Regulations to such drugs during such period; and

(C) analyze and report to Congress not later than July 1, 2008, on the impact of applying the pharmacy reimbursement limits for multiple source drugs under section 1927(e) of the Social Security Act (as amended by subsection (b) and taking into account the amendments made by subsection (a)), particularly with respect to whether such limits are consistent with acquisition costs for rural and urban pharmacies.

SA 2377. Mr. COLEMAN (for himself, Mr. Kennedy, Mr. Bayh, and Mrs. Clinton) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 298, after line 25, insert the following:

"(5) Requirements for measures of efficiency.—

"(A) In general.—Any measure of efficiency selected by the Secretary under paragraph (3)(A) shall, to the extent feasible, reflect cost reductions resulting from—

"(i) improvements in quality of care, including the appropriate use of preventive and screening services and reductions in medical errors;

"(ii) changes in clinical processes that eliminate practices that are clearly not beneficial, as determined by a consensus of peer-reviewed medical literature or by the relevant medical specialty societies; or

"(iii) improvements in administrative processes, such as reductions in unnecessarily duplicative tests, reductions in the unnecessary use of hospital emergency departments, or the use of health information technology.

"(B) LIMITATIONS ON TYPES OF MEASURES SELECTED.—No measure of efficiency may be selected by the Secretary under paragraph (3)(A) that—

"(i) is based on cost comparisons between providers that do not identify clear, scientifically justified paths to reducing costs without compromising quality of care;

"(ii) is based on governmental judgments about the value of life, reduction in pain, or improvement of function;

"(iii) requires physicians to limit the choice by patients and physicians of advanced medical technologies based on individual needs; or

"(iv) would limit the adoption of new medical technologies.

"(C) SCIENTIFICALLY JUSTIFIED.—For purposes of subparagraph (B)(i), the term 'scientifically justified' means supported by—

"(i) the consensus recommendation of the relevant specialty or subspecialty society; or

"(ii) a consensus of the peer-reviewed literature.

"(D) APPLICATION TO ADDITIONAL MEASURES.—The provisions of subparagraphs (B), (C), and (D) shall apply to measures described in section 1860E–1(b)(1)(B)(iv).

SA 2378. Mr. SPECTER (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

At the end of title VIII, insert the following:

SEC. ___. JUSTICE PROGRAMS.

(a) IN GENERAL.—The Secretary of the Treasury

(1) for fiscal year 2006, out of the funds in the Treasury not otherwise appropriated, shall pay to the Attorney General, by December 31, 2005, the amounts listed in subsection (b) that are to be provided for fiscal year 2006; and

(2) for each subsequent fiscal year provided in subsection (b) out of funds in the Treasury not otherwise appropriated shall pay to the Attorney General the amounts provided by November 1 of each such fiscal year.

(b) AMOUNTS PROVIDED.—The amounts referred to in subsection (a), which shall be in addition to funds appropriated for each fiscal year, are—

(1) $8,000,000 for fiscal year 2006, $17,000,000 for fiscal year 2007, $15,000,000 for fiscal year 2008, $10,000,000 for fiscal year 2009, and $10,000,000 for fiscal year 2010, to fund the Bulletproof Vest Partnership Program as authorized under section 4 of Public Law 108–372.

(2) $3,700,000 for fiscal year 2006, $6,300,000 for fiscal year 2007, $5,000,000 for fiscal year 2008, $5,000,000 for fiscal year 2009, and $5,000,000 for fiscal year 2010, to fund DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers as authorized by section 303 of Public Law 108–405.

(3) $8,000,000 for fiscal year 2006, $12,000,000 for fiscal year 2007, $10,000,000 for fiscal year 2008, $10,000,000 for fiscal year 2009, and $10,000,000 for fiscal year 2010, to fund DNA Research and Development as authorized by section 305 of Public Law 108–405.

(4) $500,000 for fiscal year 2006, $500,000 for fiscal year 2007, $500,000 for fiscal year 2008, $500,000 for fiscal year 2009, and $500,000 for fiscal year 2010, to fund the National Forensic Science Commission as authorized by section 306 of Public Law 108–405.

(5) $1,000,000 for fiscal year 2006, $1,000,000 for fiscal year 2007, $1,000,000 for fiscal year 2008, $1,000,000 for fiscal year 2009, and $1,000,000 for fiscal year 2010, to fund DNA Identification of Missing Persons as authorized by section 308 of Public Law 108–405.

(6) $8,000,000 for fiscal year 2006, $27,000,000 for fiscal year 2007, $26,000,000 for fiscal year 2008, $25,000,000 for fiscal year 2009, and $25,000,000 for fiscal year 2010, to fund Capital Litigation Improvement Grants as authorized by sections 421, 422, and 426 of Public Law 108–405.

(7) $2,500,000 for fiscal year 2006, $3,000,000 for fiscal year 2007, $2,500,000 for fiscal year 2008, $2,500,000 for fiscal year 2009, and $2,500,000 for fiscal year 2010, to fund the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program as authorized by sections 412 and 413 of Public Law 108–405.

(8) $1,000,000 for fiscal year 2006, $1,000,000 for fiscal year 2007, $1,000,000 for fiscal year 2008, $1,000,000 for fiscal year 2009, and $1,000,000 for fiscal year 2010, to fund Increased Resources for Enforcement of Crime Victims Rights, Crime Victims Notification Grants as authorized by section 1404D of the Victims of Crime Act of 1984 (42 D.S.C. 10603 d).

(c) OBLIGATION OF FUNDS.—THE ATTORNEY GENERAL SHALL—

(1) receive funds under this section for fiscal years 2006 through 2010; and

(2) accept such funds in the amounts provided which shall be obligated for the purposes stated in this section by March 1 of each fiscal year.

SEC. —. COPYRIGHT PROGRAM.

(a) IN GENERAL.—The Secretary of the Treasury—

(1) for fiscal year 2006, out of the funds in the Treasury not otherwise appropriated, shall pay to the Librarian of the Congress, by December 31, 2005, the amounts listed in subsection (b) that are to be provided for fiscal year 2006; and

(2) for each subsequent fiscal year provided in subsection (b) out of funds in the Treasury not otherwise appropriated shall pay to the Librarian of the Congress the amounts provided by November 1 of each such fiscal year.

(b) AMOUNTS PROVIDED.—The amounts referred to in subsection (a), which shall be in addition to funds appropriated for each fiscal year, are: $1,300,000 for fiscal year 2006, $1,300,000 for fiscal year 2007, $1,300,000 for fiscal year 2008, $1,300,000 for fiscal year 2009, and $1,300,000 for fiscal year 2010, to fund the Copyright Royalty Judges Program as authorized under section 803(e)(1)(B) of title 17, United States Code.

(c) OBLIGATION OF FUNDS.—The Librarian of the Congress shall—

(1) receive funds under this section for fiscal years 2006 through 2010; and

(2) accept such funds in the amounts provided which shall be obligated for the purposes stated in this section by March 1 of each fiscal year.

SA 2379. Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mrs. BOXER, Mrs. MURRAY, Mr. LAUTENBERG, Mr. SCHUMER, Mr. CORZINE, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 188, after line 24, add the following:

SEC. 6037. AUTHORITY TO CONTINUE PROVIDING CERTAIN ADULT DAY HEALTH CARE SERVICES OR MEDICAL ADULT DAY CARE SERVICES.

Notwithstanding any other provision of law, the Secretary shall not—

(1) withhold, suspend, disallow, or otherwise deny Federal financial participation under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) for adult day health care services or medical adult day care services, as defined under a State medicaid plan approved on or before 1982, if such services are provided consistent with such definition and the requirements of such plan; or

(2) withdraw Federal approval of any such State plan or part thereof regarding the provision of such services.

SA 2380. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 368, between line 5 and 6, insert the following:

SEC. 6116. QUALITY MEASUREMENT SYSTEMS AMENDMENTS.

Section 1860E-1 , as added by section 6110(a)(2), is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B)—

(i) in clause (vi), by striking "and" at the end;

(ii) in clause (vii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(viii) measures that address conditions where there is the greatest disparity of health care provided and health outcomes between majority and minority groups."; and

(B) in subparagraph (E)—

(i) in clause (v), by striking "and" at the end;

(ii) by redesignating clause (vi) as clause (vii); and

(iii) by inserting after clause (v) the following new clause:

"(vi) allows quality measures that are reported to be stratified according to patient group characteristics, such as gender, language spoken, insurance status, and race and ethnicity, using, at a minimum, the categories of race and ethnicity described in the 1997 Office of Management and Budget Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity; and";

(2) in subsection (c)(4)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) The report commissioned by Congress from the Institute of Medicine of the National Academy of Sciences, titled 'Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care'."; and

(3) in subsection (d)(2), by inserting "experts in minority health," after "government agencies,".

SA 2381. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 368, between line 5 and 6, insert the following:

SEC. 6116. CERTIFICATION PRIOR TO BENEFICIARY ENROLLMENT IN A PRESCRIPTION DRUG PLAN OR AN MA-PD PLAN THAT HAS A GAP IN THE COVERAGE OF PRESCRIPTION DRUGS UNDER PART D.

(a) IN GENERAL.—The Secretary shall take appropriate measures to ensure that the process for enrollment established under section 1860D–1(b)(1) of the Social Security Act (42 U.S.C. 1395w-101) includes, in the case of a prescription drug plan or an MA–PD plan that contains an initial coverage limit (as described in section 1860D-2(b)(3) of such Act), a requirement that, prior to enrolling an individual in the plan, the plan must obtain a certification signed by the enrollee or the legal guardian of the enrollee that meets the requirements described in subsection (b) and includes the following text: "I understand that the Medicare Prescription Drug Plan or MA–PD Plan that I am signing up for may result in a gap in coverage during a given year. I understand that if subject to this gap in coverage, I will be responsible for paying 100 percent of the cost of my prescription drugs and will continue to be responsible for paying the plan's monthly premium while subject to this gap in coverage. For specific information on the potential coverage gap under this plan, I understand that I should contact (insert name of the sponsor of the prescription drug plan or the sponsor of the MA-PD plan) at (insert toll free phone number for such sponsor of such plan).".

(b) CERTIFICATION REQUIREMENTS DESCRIBED.—The certification required under subsection (a) shall meet the following requirements:

(1) The certification shall be printed in a typeface of not less than 18 points.

(2) The certification shall be printed on a single piece of paper separate from any matter not related to the certification.

(3) The certification shall have a heading printed at the top of the page in all capital letters and bold face type that states the following: "WARNING: POTENTIAL MEDICARE PRESCRIPTION DRUG COVERAGE GAP".

SA 2382. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

Beginning on page 123, strike line 1 and all that follows through page 124, line 10, and insert the following:

(A) January 1, 2009; or

(B) the date that is 6 months after the close of the first regular session of the State legislature that begins after the date of enactment of this Act.

(c) INTERIM UPPER PAYMENT LIMIT.—

(1) IN GENERAL.—With respect to a State program under title XIX of the Social Security Act, during the period that begins on January 1, 2006, and ends on the effective date applicable to such State under subsection (b)(3), the Secretary shall—

(A) apply the Federal upper payment limit established under section 447.332(b) of title 42, Code of Federal Regulations to the State by substituting "125 percent" for "150 percent";

(B) in the case of covered outpatient drugs under title XIX of such Act that are marketed as of July 1, 2005, and are subject to Federal upper payment limits that apply under section 447.332 of title 42, Code of Federal Regulations, use average wholesale prices, direct prices, and wholesale acquisition costs for such drugs that do not exceed such prices and costs as of such date to determine the Federal upper payment limits that apply under section 447.332 of title 42, Code of Federal Regulations to such drugs during such period; and

(C) analyze and report to Congress not later than July 1, 2008, on the impact of applying the pharmacy reimbursement limits for multiple source drugs under section 1927(e) of the Social Security Act (as amended by subsection (b) and taking into account the amendments made by subsection (a)), particularly with respect to whether such limits are consistent with acquisition costs for rural and urban pharmacies.

(2) APPLICATION TO NEW DRUGS.—Paragraph (1)(A) shall apply to a covered outpatient drug under title XIX of the Social Security Act that is first marketed after July 1, 2005, but before January 1, 2007, and is subject to the Federal upper payment limit established under section 447.332(b) of title 42, Code of Federal Regulations.

(d) EXTENSION OF PRESCRIPTION DRUG DISCOUNTS TO ENROLLEES OF MEDICAID MANAGED CARE ORGANIZATIONS.—

(1) IN GENERAL.—Section 1903(m)(2)(A) (42 U.S.C. 1396b(m)(2)(A)) is amended—

(A) in clause (xi), by striking "and" at the end;

(B) in clause (xii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(xiii) such contract provides that payment for covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity shall be subject to the same rebate agreement entered into under section 1927 as the State is subject to and that the State shall have the option of collecting rebates for the dispensing of such drugs by the entity directly from manufacturers or allowing the entity to collect such rebates from manufacturers in exchange for a reduction in the prepaid payments made to the entity for the enrollment of such individuals.".

(2) CONFORMING AMENDMENT.—Section 1927(j)(1) (42 U.S.C. 1396r–8(j)91)) is amended by inserting "other than for purposes of collection of rebates for the dispensing of such drugs in accordance with the provisions of a contract under section 1903(m) that meets the requirements of paragraph (2)(A)(xiii) of that section" before the period.

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r-8) on or after such date.

SA 2383. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 110, after line 24, add the following:

(4) EXCLUSION OF DISCOUNTS PROVIDED TO MAIL ORDER AND NURSING FACILITY PHARMACIES FROM THE DETERMINATION OF AVERAGE MANUFACTURER PRICE.—

(A) IN GENERAL.—Section 1927(k)(1)(B)(ii)(IV) (42 U.S.C. 1396r–8(k)(1)(B)(ii)(IV)), as added by paragraph (1)(C), is amended to read as follows:

"(IV) Chargebacks, rebates provided to a pharmacy (excluding a mail order pharmacy, a pharmacy at a nursing facility or home, and a pharmacy benefit manager), or any other direct or indirect discounts.".

(B) EFFECTIVE DATE.—Paragraph (3) shall apply to the amendment made by subparagraph (A).

(5) EXTENSION OF PRESCRIPTION DRUG DISCOUNTS TO ENROLLEES OF MEDICAID MANAGED CARE ORGANIZATIONS.—

(A) IN GENERAL.—Section 1903(m)(2)(A) (42 U.S.C. 1396b(m)(2)(A)) is amended—

(i) in clause (xi), by striking "and" at the end;

(ii) in clause (xii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(xiii) such contract provides that payment for covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity shall be subject to the same rebate agreement entered into under section 1927 as the State is subject to and that the State shall have the option of collecting rebates for the dispensing of such drugs by the entity directly from manufacturers or allowing the entity to collect such rebates from manufacturers in exchange for a reduction in the prepaid payments made to the entity for the enrollment of such individuals.".

(B) CONFORMING AMENDMENT.—Section 1927(j)(1) (42 U.S.C. 1396r–8(j)91)) is amended by inserting "other than for purposes of collection of rebates for the dispensing of such drugs in accordance with the provisions of a contract under section 1903(m) that meets the requirements of paragraph (2)(A)(xiii) of that section" before the period.

(C) EFFECTIVE DATE.—The amendments made by this paragraph take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) on or after such date.

SA 2384. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ASSISTANCE TO COMBAT INFLUENZA AND NEWLY EMERGING PANDEMICS.

(a) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $7,975,000,000 to enable the Secretary of Health and Human Services to carry out the pandemic influenza preparedness activities described in subsection (b).

(b) ACTIVITIES.—From amounts appropriated under subsection (a), the Secretary of Health and Human Services shall carry out the following activities:

(1) To stockpile antivirals and necessary medical supplies relating to pandemic influenza and public health infrastructure.

(2) To award grants to State and local public health agencies for emergency preparedness activities.

(3) To provide for risk communication and outreach to the public concerning pandemic influenza.

(4) To conduct research and improve the laboratory capacity of the Centers for Disease Control and Prevention relating to pandemic influenza.

(5) To conduct surveillance activities of migratory birds relating to the occurrence of influenza.

(6) To stockpile influenza vaccines.

(7) To create expanded domestic capacity for influenza vaccine manufacturing and vaccine-related research.

(8) To improve global surveillance related to a pandemic influenza.

(9) To improve hospital preparedness and surge capacity.

(10) To improve health information technology systems and networks to improve the detection of influenza outbreaks.

SA 2385. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 95, line 12, strike "2010" and insert "2009".

On page 95, line 12, after the period insert "Any amount in the Fund that is not to be transferred under subsection (d) and that has not been obligated under subsection (c) or section 3006 by such date shall be transferred to the general fund of the Treasury.".

SA 2386. Mr. SUNUNU (for himself and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 95, line 12, after the period insert "The Secretary may not obligate any amounts from the Fund until the proceeds of the auction authorized by section 309(j)(15)(C)(v) are actually deposited by the Commission pursuant to subsection (b).".

SA 2387. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 368, between line 5 and 6, insert the following:

SEC. 6116. ELECTRONIC PRESCRIPTION INCENTIVES.

Section 1860D–42 (42 U.S.C. 1395w–152) is amended by adding at the end the following new subsection:

"(d) ELECTRONIC PRESCRIPTION INCENTIVES.—

"(1) PHYSICIAN PAYMENTS.—For each electronic prescription written by a physician during the period beginning on January 1, 2006, and ending on December 31, 2009, the PDP sponsor of a prescription drug plan shall make a payment of an amount equal to—

"(A) $1.00, minus

"(B) an amount equal to the percentage of total claims that consist of electronic claims, as determined under subparagraphs (A) and (B) of paragraph (3) (expressed in cents).

"(2) DISPENSING FEE OFFSET REDUCTION.—For each non-electronic prescription written by a physician during the period described in paragraph (1), the PDP sponsor of a prescription drug plan shall reduce the dispensing fee established in accordance with section 1860D–4(c)(2)(E) by an amount equal to—

"(A) $1.00, minus

"(B) an amount equal to the percentage of total claims that consist of non-electronic claims, as determined under subparagraphs (A) and (B) of paragraph (3) (expressed in cents).

"(3) DATA USED.—

"(A) INITIAL ESTIMATE.—Subject to the update required under subparagraph (B), in determining the percentage of total claims that consist of electronic claims and the percentage of total claims that consist of non-electronic claims, the Secretary shall use an estimate of the number of electronic claims and non-electronic claims that will be submitted as of January 1, 2006.

"(B) UPDATE.—For each 6 month period beginning after January 1, 2006, the Secretary shall update the estimate of the number of electronic claims and non-electronic claims used to determine the percentage of total claims that consist of electronic claims and the percentage of total claims that consist of non-electronic claims.

To the extent feasible, the Secretary shall use the most recent data available, including real-time data on drug claims submitted under this part, to determine the percentage of total claims that consist of electronic claims and the percentage of total claims that consist of non-electronic claims.

"(4) REGULATIONS.—The Secretary shall establish regulations and procedures for carrying out this subsection.".

SA 2388. Mr. SUNUNU (for himself, Mr. ALLEN, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 94, line 4, strike "shall" and insert "may".

On page 94, line 7, after "(1)" insert "not to exceed".

On page 94, line 13, after "(2)" insert "not to exceed".

On page 94, line 19, after "(3)" insert "not to exceed".

On page 95, line 1, after "(4)" insert "not to exceed".

On page 95, line 4, after "(5)" insert "not to exceed".

On page 95, beginning in line 10, strike "The amounts payable" and insert "Any amounts that are to be paid".

On page 95, line 12, after the period insert "Any amount in the Fund that is not obligated under subsection (c) by that date shall be transferred to the general fund of the Treasury.".

SA 2389. Mr. WARNER (for himself, Mr. LIEBERMAN, Mr. ROBERTS, Mr. DURBIN, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 369, between lines 15 and 16, insert the following:

"(3) INCREASED PROGAP AWARD FOR SCIENCE, MATHEMATICS, ENGINEERING, AND FOREIGN LANGUAGES STUDENTS.—

"(A) INCREASED PROGAP AWARD.—Notwithstanding paragraph (1)(A), the Secretary shall increase the maximum and minimum award level for students who are eligible for a grant under this section and who, subject to subparagraph (C), are pursuing a degree with a major in, or a certificate or program of study relating to, engineering, mathematics, science (such as physics, chemistry, or computer science), or a foreign language, described in a list developed or updated under subparagraph (B).

"(B) LISTS OF QUALIFYING DEGREES, MAJORS, CERTIFICATES, OR PROGRAMS.—

"(i) ENGINEERING, MATHEMATICS, OR SCIENCE.—The Secretary, in consultation with the Secretary of Defense, the Secretary of the Department of Homeland Security, and the Director of the National Science Foundation, shall develop, update not less often than once every 2 years, and publish in the Federal Register, a list of engineering, mathematics, and science degrees, majors, certificates, or programs that if pursued by a student, enables the student to receive an increased ProGAP award under subparagraph (A). In developing and updating the list, the Secretaries and Director shall consider the following:

"(I) The current engineering, mathematics, and science needs of the United States with respect to national security, homeland security, and economic security.

"(II) Whether institutions of higher education in the United States are currently producing enough graduates with degrees to meet the national security, homeland security, and economic security needs of the United States.

"(III) The future expected workforce needs of the United States required to help ensure the Nation's national security, homeland security, and economic security.

"(IV) Whether institutions of higher education in the United States are expected to produce enough graduates with degrees to meet the future national security, homeland security, and economic security needs of the United States.

"(ii) FOREIGN LANGUAGES.—The Secretary, in consultation with the Secretary of Defense, the Secretary of the Department of Homeland Security, and the Secretary of State, shall develop, update not less often than once every 2 years, and publish in the Federal Register, a list of foreign language degrees, majors, certificates, or programs that if pursued by a student, enables the student to receive an increased ProGAP award under subparagraph (A). In developing and updating the list the Secretaries shall consider the following:

"(I) The foreign language needs of the United States with respect to national security, homeland security, and economic security.

"(II) Whether institutions of higher education in the United States are currently producing enough graduates with degrees to meet the national security, homeland security, and economic security needs of the United States.

"(III) The future expected workforce needs of the United States required to help ensure the Nation's national security, homeland security, and economic security.

"(IV) Whether institutions of higher education in the United States are expected to produce enough graduates with degrees to meet the future national security, homeland security, and economic security needs of the United States.

"(C) CONTINUATION OF ELIGIBILITY.—In the case of a student who receives an increased ProGAP award under subparagraph (A) for an academic year and whose degree, major, certificate, or program is subsequently removed from a list described in subparagraph (B), such student shall continue to be eligible for the increased ProGAP award in the subsequent academic years required for completion of such degree, major, certificate, or program.

SA 2390. Mr. SMITH (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 188, after line 24, add the following:

SEC. 6037. DEMONSTRATION PROJECT REGARDING MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

(a) REQUIREMENT TO CONDUCT DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Secretary shall establish a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State medicaid program to HIV-infected individuals described in subsection (b) in accordance with the provisions of this section.

(2) LIMITATION ON NUMBER OF APPROVED APPLICATIONS.—The Secretary shall only approve as many State applications to provide medical assistance in accordance with this section as will not exceed the limitation on aggregate payments under subsection (d)(2)(A).

(3) AUTHORITY TO WAIVE RESTRICTIONS ON PAYMENTS TO TERRITORIES.—The Secretary shall waive the limitations on payment under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) in the case of a State that is subject to such limitations and submits an approved application to provide medical assistance in accordance with this section.

(b) HIV-INFECTED INDIVIDUALS DESCRIBED.—For purposes of subsection (a), HIV-infected individuals described in this subsection are individuals who are not described in section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i))—

(1) who have HIV infection;

(2) whose income (as determined under the State Medicaid plan with respect to disabled individuals) does not exceed 200 percent of the poverty line (as defined in section 2110(c)(5) of the Social Security Act (42 U.S.C. 1397jj(c)(5)); and

(3) whose resources (as determined under the State Medicaid plan with respect to disabled individuals) do not exceed the maximum amount of resources a disabled individual described in section 1902(a)(10)(A)(i) of such Act may have and obtain medical assistance under such plan.

(c) LENGTH OF PERIOD FOR PROVISION OF MEDICAL ASSISTANCE.—A State shall not be approved to provide medical assistance to an HIV-infected individual in accordance with the demonstration project established under this section for a period of more than 5 consecutive years.

(d) LIMITATIONS ON FEDERAL FUNDING.—

(1) APPROPRIATION.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section, $450,000,000 for the period of fiscal years 2006 through 2010.

(B) BUDGET AUTHORITY.—Subparagraph (A) constitutes budget authority in advance of appropriations Act and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under that subparagraph.

(2) LIMITATION ON PAYMENTS.—In no case may—

(A) the aggregate amount of payments made by the Secretary to eligible States under this section exceed $450,000,000; or

(B) payments be provided by the Secretary under this section after September 30, 2010.

(3) FUNDS ALLOCATED TO STATES.—The Secretary shall allocate funds to States with approved applications under this section based on their applications and the availability of funds.

(4) PAYMENTS TO STATES.—The Secretary shall pay to each State, from its allocation under paragraph (3), an amount each quarter equal to the enhanced Federal medical assistance percentage described in section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)) of expenditures in the quarter for medical assistance provided to HIV-infected individuals who are eligible for such assistance under a State Medicaid program in accordance with the demonstration project established under this section.

(e) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct an evaluation of the demonstration project established under this section. Such evaluation shall include an analysis of the cost-effectiveness of the project and the impact of the project on the Medicare, Medicaid, and Supplemental Security Income programs established under titles XVIII, XIX, and XVI, respectively, of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., 1381 et seq.).

(2) REPORT TO CONGRESS.—Not later than December 31, 2010, the Secretary shall submit a report to Congress on the results of the evaluation of the demonstration project established under this section.

(f) EFFECTIVE DATE.—This section shall take effect on January 1, 2006.

SEC. 6038. ADDITIONAL INCREASE IN REBATE FOR SINGLE SOURCE AND INNOVATOR MULTIPLE SOURCE DRUGS.

Section 1927(c)(1)(B)(i)(VI) (42 U.S.C. 1396r-8(c)(1)(B)(i)(VI)), as added by section 6002(a)(3), is amended by striking "17" and inserting "17.8".

SA 2391. Mr. HAGEL (for himself and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . REGISTRATION OF GSE SECURITIES.

(a) FANNIE MAE.—

(1) MORTGAGE-BACKED SECURITIES.—Section 304(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(d)) is amended by striking the fourth sentence and inserting the following: "Securities issued by the corporation under this subsection shall not be exempt securities for purposes of the Securities Act of 1933.".

(2) SUBORDINATE OBLIGATIONS.—Section 304(e) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(e)) is amended by striking the fourth sentence and inserting the following: "Obligations issued by the corporation under this subsection shall not be exempt securities for purposes of the Securities Act of 1933.".

(3) SECURITIES.—Section 311 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723c) is amended—

(A) in the section heading, by striking "ASSOCIATION";

(B) by inserting "(a) IN GENERAL.—" after "SEC. 311.";

(C) in the second sentence, by inserting "by the Association" after "issued"; and

(D) by adding at the end the following:

"(b) TREATMENT OF CORPORATION SECURITIES.—

"(1) IN GENERAL.—Any stock, obligations, securities, participations, or other instruments issued or guaranteed by the corporation pursuant to this title shall not be exempt securities for purposes of the Securities Act of 1933.

"(2) EXEMPTION FOR APPROVED SELLERS.—Notwithstanding any other provision of this title or the Securities Act of 1933, transactions involving the initial disposition by an approved seller of pooled certificates that are acquired by that seller from the corporation upon the initial issuance of the pooled certificates shall be deemed to be transactions by a person other than an issuer, underwriter, or dealer for purposes of the Securities Act of 1933.

"(3) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) APPROVED SELLER.—The term 'approved seller' means an institution approved by the corporation to sell mortgage loans to the corporation in exchange for pooled certificates.

"(B) POOLED CERTIFICATES.—The term 'pooled certificates' means single class mortgage-backed securities guaranteed by the corporation that have been issued by the corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities.

"(4) MORTGAGE RELATED SECURITIES.—A single class mortgage-backed security guaranteed by the corporation that has been issued by the corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities or directly by the corporation for cash shall be deemed to be a mortgage related security, as defined in section 3(a) of the Securities Exchange Act of 1934.".

(b) Freddie Mac.—Section 306(g) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455(g)) is amended to read as follows:

"(g) Treatment of Securities.—

"(1) In general.—Any securities issued or guaranteed by the Corporation shall not be exempt securities for purposes of the Securities Act of 1933.

"(2) Exemption for approved sellers.—Notwithstanding any other provision of this title or the Securities Act of 1933, transactions involving the initial disposition by an approved seller of pooled certificates that are acquired by that seller from the Corporation upon the initial issuance of the pooled certificates shall be deemed to be transactions by a person other than an issuer, underwriter, or dealer for purposes of the Securities Act of 1933.

"(3) Definitions.—For purposes of this subsection, the following definitions shall apply:

"(A) Approved seller.—The term 'approved seller' means an institution approved by the Corporation to sell mortgage loans to the Corporation in exchange for pooled certificates.

"(B) Pooled certificates.—The term 'pooled certificates' means single class mortgage-backed securities guaranteed by the Corporation that have been issued by the Corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities.".

(c) No Effect on Other Law.—Nothing in this section or the amendments made by this section shall be construed to affect any exemption from the provisions of the Trust Indenture Act of 1939 provided to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

(d) Regulations.—The Securities and Exchange Commission may issue such regulations as may be necessary or appropriate to carry out this section and the amendments made by this section.

(e) Effective Date.—The amendments made by this section shall become effective 1 year after the date of enactment of this Act.

SA 2392. Mr. GREGG proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 41 of the bill, strike lines 3 through 11.

SA 2393. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 1, lines 4 and 5, strike "Deficit Reduction Omnibus Reconciliation Act of 2005" and insert "Moral Disaster of Monumental Proportion Reconciliation Act".

SA 2394. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 256, between lines 21 and 22, insert the following:

CHAPTER 7—ADDITONAL REFORMS

SEC. 6081. ENSURING FAIR TREATMENT OF MEDICAID SERVICES FURNISHED TO INDIANS.

(a) Application of 100 Percent FMAP for Services Furnished to an Indian by an Urban Indian Health Program.—

(1) In general.—The third sentence of section 1905(b) (42 U.S.C. 1396d(b)) is amended by inserting before the period at the end the following: ", or through an urban Indian health program receiving funds under title V of the Indian Health Care Improvement Act".

(2) Conforming amendment.—Section 1911(c) (42 U.S.C. 1396j(c)) is amended by inserting before the period the following: ", or through an urban Indian health program receiving funds under title V of the Indian Health Care Improvement Act".

(b) Prohibition on Imposition of Premiums, Deductibles, Copayments, and Other Cost-Sharing on Indians.—Section 1916 (42 U.S.C. 1396o) is amended—

(1) in subsection (a)(3), by inserting "(other than such individuals who are Indians (as defined in section 4 of the Indian Health Care Improvement Act)" after "other such individuals";

(2) in subsection (b), in the matter preceding paragraph (1), by inserting "or who are Indians (as defined in section 4 of the Indian Health Care Improvement Act)" after "section 1902(a)(10)"; and

(3) in subsection (c)(1), by inserting "(other than such an individual who is an Indian (as defined in section 4 of the Indian Health Care Improvement Act))" after "section 1902(l)(1)".

(c) Prohibition on Recovery Against Estates of Indians.—Section 1917(b)(1) (42 U.S.C. 1396p(b)(1)) is amended, in the matter preceding subparagraph (A), by inserting " who is not an Indian (as defined in section 4 of the Indian Health Care Improvement Act)" after "an individual" the second place it appears.

(d) Requirement for Consultation With Indian Tribes Prior to Approval of Section 1115 Waivers.—Section 1115 (42 U.S.C. 1315) is amended by adding at the end the following:

"(g) In the case of an application for a waiver of compliance with the requirements of section 1902 (or a renewal or extension of such a waiver) that is likely to affect members of an Indian tribe (as defined in section 4 of the Indian Health Care Improvement Act) or a tribal health program (whether operated by an Indian tribe or a tribal organization (as so defined) serving such members, the Secretary shall, prior to granting such a waiver under subsection (a) or renewing or extending such a waiver under subsection (e), consult with each such Indian tribe.".

(e) Effective Date.—Except as provided in section 6026(e), the amendments made by this section shall apply to items or services furnished on or after October 1, 2006.

SEC. 6082. INCREASED AFFORDABILITY OF INPATIENT DRUGS FOR MEDICAID AND SAFETY NET HOSPITALS.

(a) Extension of Discounts to Inpatient Drugs.—

(1) In general.—Section 340B(b) of the Public Health Service Act (42 U.S.C. 256b(b)) is amended by inserting before the period the following: ", except that, notwithstanding the limiting definition set forth in section 1927(k)(3) of the Social Security Act, the terms 'covered outpatient drug' and 'covered drug' include any inpatient or outpatient drug purchased by a hospital described in subsection (a)(4)(L)".

(2) Payment of Medicaid rebates on inpatient drugs.—Section 340B(c) of such Act (42 U.S.C. 256b(c)) is amended to read as follows:

"(c) Payment of Medicaid Rebates on Inpatient Drugs.—

"(1) In general.—For the cost reporting period covered by the most recently filed Medicare cost report, a hospital described in subsection (a)(4)(L) shall provide to each State with an approved State plan under title XIX of such Act—

"(A) a rebate on the estimated annual costs of single source and innovator multiple source drugs provided to Medicaid recipients for inpatient use; and

"(B) a rebate on the estimated annual costs of noninnovator multiple source drugs provided to Medicaid recipients for inpatient use.

"(2) Calculations of rebates.—

"(A) Single source and innovator multiple source drugs.—For purposes of paragraph (1)(A)—

"(i) the rebate under such paragraph shall be calculated by multiplying the estimated annual costs of single source and innovator multiple source drugs provided to Medicaid recipients for inpatient use by the minimum rebate percentage described in section 1927(c)(1)(B) of the Social Security Act;

"(ii) the estimated annual costs of single source drugs and innovator multiple source drugs provided to Medicaid recipients for inpatient use under clause (i) shall be equal to the product of—

"(I) the hospital's actual acquisition costs of all drugs purchased during the cost reporting period for inpatient use;

"(II) the Medicaid inpatient drug charges as reported on the hospital's most recently filed Medicare cost report divided by total inpatient drug charges reported on the cost report; and

"(III) the percent of the hospital's annual inpatient drug costs described in subclause (I) arising out of the purchase of single source and innovator multiple source drugs; and

"(iii) the terms 'single source drug' and 'innovator multiple source drug' have the meanings given such terms in section 1927(k)(7) of the Social Security Act.

"(B) Noninnovator multiple source drugs.—For purposes of subparagraph (1)(B)—

"(i) the rebate under such paragraph shall be calculated by multiplying the estimated annual costs of noninnovator multiple source drugs provided to Medicaid recipients for inpatient use by the applicable percentage as defined in section 1927(c)(3)(B) of the Social Security Act;

"(ii) the estimated annual costs of noninnovator multiple source drugs provided to Medicaid recipients for inpatient use shall be equal to the product of—

"(I) the hospital's actual acquisition cost of all drugs purchased during the cost reporting period for inpatient use;

"(II) the Medicaid inpatient drug charges as reported on the hospital's most recently filed Medicare cost report divided by total inpatient drug charges reported on the cost report; and

"(III) the percent of the hospital's annual inpatient drug costs described in subclause (I) arising out of the purchase of noninnovator multiple source drugs; and

"(iii) the term 'noninnovator multiple source drug' has the meaning given such term in section 1927(k)(7) of the Social Security Act.

"(3) Payment deadline.—The rebates provided by a hospital under paragraph (1) shall be paid within 90 days of the filing of the hospital's most recently filed Medicare cost report.

"(4) OFFSET AGAINST MEDICAL ASSISTANCE.—Amounts received by a State under this subsection in any quarter shall be considered to be a reduction in the amount expended under the State plan in the quarter for medical assistance for purposes of section 1903(a)(1) of the Social Security Act.".

(3) CLARIFICATION THAT GROUP PURCHASING PROHIBITION FOR CERTAIN HOSPITALS IS NOT APPLICABLE TO INPATIENT DRUGS.—Section 340B(a)(4)(L)(iii) of such Act (42 U.S.C. 256b(a)(4)(L)(iii)) is amended by inserting "(not including such drugs purchased for inpatient use)" after "covered outpatient drugs".

(b) PROVIDING ACCESS TO DISCOUNTED DRUG PRICES FOR CRITICAL ACCESS HOSPITALS.—

(1) IN GENERAL.—Section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended—

(A) in subsection (a)(4), by adding at the end the following:

"(M) An entity that—

"(i) is a critical access hospital (as determined under section 1820(c)(2) of the Social Security Act); and

"(ii) does not obtain covered outpatient drugs though a group purchasing organization or other group purchasing arrangement (not including such drugs purchased for inpatient use).";

(B) in subsection (b), as amended by section 2(a), by inserting "or subsection (a)(4)(M)" after "subsection (a)(4)(L)"; and

(C) in subsection (c)(1), as added by inserting "or subsection (a)(4)(M)" after "subsection (a)(4)(L)".

(2) EXCLUSION FROM MEDICAID BEST PRICE CALCULATIONS.—Section 1927(c)(1)(C)(i)(I) (42 U.S.C. 1396r–8(c)(1)(C)(i)(I)) is amended by inserting "and to critical access hospitals described in section 340B(a)(4)(M) of such Act" after "Public Health Service Act".

(3) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs purchased on or after January 1, 2006.

(c) ALLOWING QUALIFYING CHILDREN'S HOSPITALS TO PARTICIPATE IN THE 340B DRUG DISCOUNT PROGRAM.—

(1) IN GENERAL.—Section 340B(a)(4)(L) of the Public Health Service Act (42 U.S.C. 256b(a)(4)(L)) is amended—

(A) by inserting after "A subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act)" the following: "or a children's hospital described in section 1886(d)(1)(B)(iii) of such Act"; and

(B) in clause (ii), by inserting "or, in the case of such a children's hospital, as would be determined under such section if the hospital were such a subsection (d) hospital" after "section 1886(d)(5)(F) of the Social Security Act".

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to drugs purchased on or after the date of the enactment of this Act.

SA 2395. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 368, between lines 5 and 6, insert the following:

SEC. 6116. MINIMUM UPDATE FOR PHYSICIANS' SERVICES FOR 2007.

(a) MINIMUM UPDATE FOR 2007.—

(1) IN GENERAL.—Section 1848(d) (42 U.S.C. 1395w–4(d)), as amended by section 6105, is amended by adding at the end the following new paragraph:

"(8) UPDATE FOR 2007.—The update to the single conversion factor established in paragraph (1)(C) for 2007 shall be not less than 2.5 percent.".

(2) CONFORMING AMENDMENT.—Section 1848(d)(4)(B) (42 U.S.C. 1395w–4(d)(4)(B)), as amended by section 6105, is amended, in the matter preceding clause (i), by striking "and (7)" and inserting ", (7), and (8)".

(3) NOT TREATED AS CHANGE IN LAW AND REGULATION IN SUSTAINABLE GROWTH RATE DETERMINATION.—The amendments made by this subsection shall not be treated as a change in law for purposes of applying section 1848(f)(2)(D) of the Social Security Act (42 U.S.C. 1395w–4(f)(2)(D)).

(b) OFFSETS.—

(1) CARVE-OUT OF THE INDIRECT COSTS OF MEDICAL EDUCATION AND DISPROPORTIONATE SHARE PAYMENTS FROM THE ADJUSTED AVERAGE PER CAPITA COST FOR PURPOSES OF CALCULATING THE ANNUAL MEDICARE ADVANTAGE CAPITATION RATE.—Section 1853(c)(1)(D)(i) (42 U.S.C. 1395w–23(c)(1)(D)(i)) is amended by inserting "and (beginning with 2007) subparagraphs (B) and (F) of section 1886(d)(5)" before the period at the end.

(2) ELIMINATION OF ADD-ON PAYMENT UNDER PHASE-OUT OF RISK ADJUSTMENT BUDGET NEUTRALITY UNDER MEDICARE ADVANTAGE PROGRAM.—Section 1853(k), as added by section 6111(a) of this Act, is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "subject to paragraph (2),";

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2)(A), as so redesignated, by striking "Except for the adjustment provided for in paragraph (2), the" and inserting "The".

SA 2396. Mr. REED (for himself, Mr. DODD, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 86, strike line 22 and all that follows through page 90, line 19.

SA 2397. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

Beginning on page 175, strike line 23 and all that follows through page 181, line 4, and insert the following:

(a) EMERGENCY HEALTH CARE RELIEF FOR EVACUEES OF HURRICANE KATRINA.—

(1) DEFINITIONS.—In this subsection:

(A) AFFECTED STATE.—The term "affected State" means Louisiana, Alabama, or Mississippi.

(B) DISASTER PARISHES AND COUNTIES.—The term "Disaster parishes and counties" means a parish in the State of Louisiana, or a county in the State of Mississippi or Alabama, for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina and which the President has determined, before September 14, 2005, warrants individual and public assistance from the Federal Government under such Act.

(C) EVACUEES OF HURRICANE KATRINA.—The term "Evacuees of Hurricane Katrina" means individuals who had a primary residence in a Disaster parish or county for the 30-day period immediately prior to August 24, 2005.

(D) STATE MEDICAID PLAN.—The term "State Medicaid plan" means a State plan for medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), including any medical assistance provided under a waiver of such plan.

(2) AUTHORITY TO ADJUST FEDERAL MATCHING PAYMENTS FOR AFFECTED STATES.—

(A) ADJUSTMENT RELATED TO AFFECTED STATES.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), during the period beginning on August 21, 2005, and ending on June 30, 2006, the Secretary may increase the Federal matching percentage otherwise applicable to an affected State under section 1903(a) of such Act (42 U.S.C. 1396b(a)) in order for such State to fund medical assistance consisting of medically necessary health care services and supplies, and associated administrative costs, for Evacuees of Hurricane Katrina present in the State who are determined eligible for temporary Medicaid eligibility status under a Hurricane Katrina Multistate demonstration waiver approved by the Secretary under section 1115 of the Social Security Act (42 U.S.C. 1315).

(B) ADJUSTMENTS FOR AFFECTED STATE FOR OBLIGATIONS FOR CARE PROVIDED TO EVACUEES OF HURRICANE KATRINA BY OTHER STATES.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), during the period beginning on August 24, 2005, and ending on June 30, 2006, if any affected State incurs an obligation for the State share of medical assistance for medically necessary services or supplies, and associated administrative costs, provided for Evacuees of Hurricane Katrina who are determined eligible for temporary Medicaid eligibility status under a Hurricane Katrina Multistate demonstration waiver approved under section 1115 of such Act for the affected State or another State, the Secretary may increase the Federal matching percentage otherwise applicable under section 1903(a) of such Act (42 U.S.C. 1396b(a)) to relieve such affected State from such obligation.

(3) UNCOMPENSATED CARE POOLS.—In the case of States with approved Hurricane Katrina Multistate demonstration waivers under section 1115 of the Social Security Act (42 U.S.C. 1315) that fund uncompensated health care, and associated administrative costs for Evacuees of Hurricane Katrina, the Secretary may provide reimbursement to such States for costs incurred during the period beginning on August 24, 2005, and ending on January 31, 2006, for—

(A) the cost of medically necessary health care services or supplies, and associated administrative costs provided for such Evacuees—

(i) who do not have health insurance coverage; or

(ii) who have been determined eligible for temporary Medicaid eligibility status under such a waiver but who receive medically necessary services or supplies that are not covered by the State Medicaid plan of the State in which such determination has been made; and

(B) monthly premium payments made directly to private health insurers on behalf of such Evacuees that have private health insurance coverage but are in need of financial assistance for the payment of such premiums.

(4) COMMUNITY HEALTH CENTER GRANTS.—

(A) IN GENERAL.—The Secretary may provide grants to existing health centers (within the meaning of section 330(a)(1) of the Public Health Service Act (42 U.S.C. 254b(a)(1)) located in Alabama, Arkansas, Georgia, Louisiana, Mississippi, and Texas for health care services provided to Evacuees of Hurricane Katrina.

(B) PREFERENCE.—In awarding grants under this paragraph, the Secretary shall give preference to health centers that are located in Disaster Parishes and Counties or which are serving a high percentage of Evacuees of Hurricane Katrina, as determined by the Secretary.

(5) FUNDING.—

(A) IN GENERAL.—Not later than 10 days after the date of enactment of this Act, the Secretary of Homeland Security shall transfer from amounts provided to the Department of Homeland Security under the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (Public Law 109-62, 119 Stat 1990, 1991) and designated "Disaster Relief" to the Secretary of Health and Human Services—

(i) the amount the Secretary of Health and Human Services determines is necessary for the purpose of carrying out paragraph (2); and

(ii) an amount, not to exceed $800,000,000, the Secretary of Health and Human Services determines is necessary for the purpose of carrying out paragraphs (3) and (4).

(B) AVAILABILITY OF FUNDS.—Funds provided under subparagraph (A)(ii) for purposes of carrying out paragraphs (3) and (4) shall remain available for use by the Secretary until October 1, 2006, after which time, the unexpended balance, if any, shall revert to the Federal Treasury.

(b) FMAP ADJUSTMENT.—Notwithstanding the first

SA 2398. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 188, after line 24, add the following:

SEC. 6037. LIMITATION ON SEVERE REDUCTION IN THE MEDICAID FMAP FOR FISCAL YEAR 2006.

(a) LIMITATION ON REDUCTION.—

(1) IN GENERAL.—In no case shall the FMAP for a State for fiscal year 2006 be less than the greater of the following:

(A) 2005 FMAP DECREASED BY THE APPLICABLE PERCENTAGE POINTS.—The FMAP determined for the State for fiscal year 2005, decreased by—

(i) 0.1 percentage points in the case of Delaware and Michigan;

(ii) 0.3 percentage points in the case of Kentucky; and

(iii) 0.5 percentage points in the case of any other State.

(B) COMPUTATION WITHOUT RETROACTIVE APPLICATION OF REBENCHMARKED PER CAPITA INCOME.—The FMAP that would have been determined for the State for fiscal year 2006 if the per capita incomes for 2001 and 2002 that was used to determine the FMAP for the State for fiscal year 2005 were used.

(2) SCOPE OF APPLICATION.—The FMAP applicable to a State for fiscal year 2006 after the application of paragraph (1) shall apply only for purposes of titles XIX and XXI of the Social Security Act (including for purposes of making disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r-4) and payments under such titles that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b))) and shall not apply with respect to payments under title IV of such Act (42 U.S.C. 601 et seq.).

(3) DEFINITIONS.—In this subsection:

(A) FMAP.—The term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(B) STATE.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(4) REPEAL.—Effective as of October 1, 2006, this subsection is repealed and shall not apply to any fiscal year after fiscal year 2006.

(b) DECREASE IN ADD-ON PAYMENT UNDER PHASE-OUT OF RISK ADJUSTMENT BUDGET NEUTRALITY UUNDER MEDICARE ADVANTAGE PROGRAM.—Subparagraph (C) of section 1853(k)(2), as added by section 6111(a) of this Act, is amended to read as follows:

"(C) APPLICABLE PERCENT.—For purposes of subparagraph (A)(ii), the term 'applicable percent' means—

"(i) for 2007, 55 percent;

"(ii) for 2008, 25 percent;

"(iii) for 2009, 15 percent; and

"(iv) for 2010, 0 percent.".

SA 2399. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 181, strike lines 4 through 15 and insert the following:

(c) FMAP ADJUSTMENT.—Notwithstanding the first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), if, for purposes of titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.), the Federal medical assistance percentage determined for a State for fiscal year 2006 is less than the Federal medical assistance percentage determined for the State for fiscal year 2005, the Federal medical assistance percentage determined for the State for fiscal year 2005 shall be substituted for the Federal medical assistance percentage otherwise determined for the State for fiscal year 2006.

(d) DECREASE IN ADD-ON PAYMENT UNDER PHASE-OUT OF RISK ADJUSTMENT BUDGET NEUTRALITY UNDER MEDICARE ADVANTAGE PROGRAM.—Subparagraph (C) of section 1853(k)(2), as added by section 6111(a) of this Act, is amended to read as follows:

"(C) APPLICABLE PERCENT.—For purposes of subparagraph (A)(ii), the term 'applicable percent' means—

"(i) for 2007, 55 percent;

"(ii) for 2008, 15 percent;

"(iii) for 2009, 0 percent; and

"(iv) for 2010, 0 percent.".

SA 2400. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 101, strike lines 12 through 19 and insert the following:

(d) RECEIPTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty receipts derived from oil and gas leasing and operations authorized under this section—

(A) 50 percent shall be paid to the State of Alaska; and

(B) the balance shall be deposited into the Treasury as miscellaneous receipts.

(2) JUDICIAL REVIEW.—

(A) IN GENERAL.—Any civil action brought by the State of Alaska to compel an increase in the percentage of revenues to be paid under paragraph (1) shall be filed not later than 90 days after the date of enactment of this Act.

(B) LIMITATION.—

(i) IN GENERAL.—If a civil action is filed by the State of Alaska under subparagraph (A), until such time as a final nonappealable order is issued with respect to the civil action and notwithstanding any other provision of law—

(I) production of oil and gas from the Arctic National Wildlife Refuge is prohibited;

(II) no action shall be taken to establish or implement the competitive oil and gas leasing program authorized under this title; and

(III) no leasing or other development leading to the production of oil or gas from the Arctic National Wildlife Refuge shall be undertaken.

(ii) FINAL ORDER.—If the court issues a final nonappealable order with respect to a civil action filed under subparagraph (A) that increases the percentage of revenues to be paid to the State of Alaska—

(I) production of oil and gas from the Arctic National Wildlife Refuge is prohibited; and

(II) no leasing or other development leading to the production of oil or gas from the Arctic National Wildlife Refuge shall be undertaken.

SA 2401. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 741, strike lines 1 and 2 and insert the following:

(5) in paragraph (7), as redesignated by paragraph (1), by striking "Act; and" and inserting "Act, and means a nonprofit private educational institution in the Middle East that meets the provisions of paragraphs (1), (3), (4), and (5) of section 101(a) as of the date of enactment of the Higher Education Amendments of 2005;";

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. SUNUNU. Mr. President: I ask unanimous consent that the Committee on Commerce, Science, and

Transportation be authorized to meet on Wednesday, November 2, 2005, at 2:30 p.m., in SH–216, on pending Committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, November 2 at 9:30 a.m. The Committee on Environment and Public Works will hold the second in a series of two hearings to receive testimony on the response to Hurricane Katrina.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, November 2, 2005, at 3 p.m. to hold a hearing on U.S.-India Nuclear Energy Cooperation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, November 2, 2005, at 9:30 a.m. for a hearing entitled, "Hurricane Katrina: Why Did the Levees Fail?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, November 2, 2005, at 9:30 a.m. in Room 216 of the Hart Senate Office Building to conduct an oversight hearing on the In Re Tribal Lobbying Matters, Et Al.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meeting during the session of the Senate on Wednesday, November 2, 2005, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND PROPERTY RIGHTS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a markup on Wednesday, November 2, 2005, at 2:30 p.m. in Dirksen 226.

Agenda:

S.J. Res. 1, the Marriage Protection Amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. SUNUNU. Mr. President, I ask unanimous consent the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on Wednesday, November 2 at 2 p.m. The purpose of the hearing is to receive testimony on S. 1541, to protect, conserve, and restore public lands administered by the Department of the Interior or the Forest Service and adjacent land through cooperative cost-share grants to control and mitigate the spread of invasive species, and for other purposes; S. 1548, to provide for the conveyance of certain forest service land to the city of Coffman Cove, Alaska; S. 1552, to amend public law 97-435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain lands conveyed by the United States to Eastern Washington University until December 31, 2009; H.R. 482, to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico; and S. 405, a bill to provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Senator JEFFORDS' staff member, Brian Keefe, be granted floor privileges during the debate on the Cantwell Arctic Refuge amendment.

I thank the Chair and yield the floor.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the following Senate Finance Committee interns and fellows be granted the privileges of the floor during consideration of the Deficit Reduction Omnibus Reconciliation Act of 2005: Brad Behan, Melissa Atkinson, and Catriona Johnson.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Matt Ryno of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, I ask unanimous consent that Paul Ross of my staff be given floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING THE SENSE OF THE SENATE ON THE ARREST OF SANJAR UMAROV IN UZBEKISTAN

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 295, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 295) expressing the sense of the Senate on the arrest of Sanjar Umarov in Uzbekistan.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 295) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 295

Whereas the United States supports the development of democracy, free markets, and civil society in Uzbekistan and in other states in Central Asia;

Whereas the rule of law, the impartial application of the law, and equal justice for all courts of law are pillars of all democratic societies;

Whereas Sanjar Umarov was reportedly arrested in Tashkent, Uzbekistan, on October 22, 2005;

Whereas Sanjar Umarov is a businessman and leader of the Uzbek opposition party, Sunshine Coalition;

Whereas Sanjar Umarov was reportedly taken into custody on October 22, 2005, during a crackdown on the Sunshine Coalition that included a raid of its offices and seizure of its records;

Whereas Sanjar Umarov was reportedly charged with grand larceny;

Whereas press accounts report that representatives of Sanjar Umarov claim that Mr. Umarov was drugged and abused while at his pretrial confinement center in Tashkent, Uzbekistan, but such accounts could not be immediately confirmed, and official information about the health, whereabouts, and treatment while in custody of Mr. Umarov has thus far been unavailable;

Whereas the United States has expressed its serious concern regarding the overall state of human rights in Uzbekistan and is seeking to clarify the facts of this case;

Whereas the European Union (EU) and the Organization for Security and Cooperation in Europe (OSCE) have expressed concern about the arrest and possible abuse of Sanjar Umarov; and

Whereas the Government of Uzbekistan is party to various treaty obligations, and in particular those under the International Covenant on Civil and Political Rights, which obligate governments to provide for due process in criminal cases: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the law enforcement and judicial authorities of Uzbekistan should ensure that Sanjar Umarov is accorded the full measure of his rights under the Uzbekistan Constitution to defend himself against any and all charges that may be brought against him, in a fair and transparent process, so that individual justice may be done;

(2) the Government of Uzbekistan should observe its various treaty obligations, especially those under the International Covenant on Civil and Political Rights, which obligate governments to provide for due process in criminal cases; and

(3) the Government of Uzbekistan should publicly clarify the charges against Sanjar Umarov, his current condition, and his whereabouts.

HONORING THE LIFE OF AND EXPRESSING THE CONDOLENCES OF THE SENATE ON THE PASSING OF DR. RICHARD ERRETT SMALLEY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 296, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 296) honoring the life of and expressing the condolences of the Senate on the passing of Dr. Richard Errett Smalley.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 296) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 296

Whereas Dr. Richard Errett Smalley opened the field of nanotechnology with his 1985 discovery of a new form of carbon molecules called "buckyballs", and for this, in 1996, the Royal Swedish Academy of Sciences awarded him the Nobel Prize in Chemistry along with Dr. Robert Curl and Sir Harold Kroto;

Whereas the research and advocacy done by Dr. Smalley in support of the National Nanotechnology Initiative led to the development of a revolutionary area of science that will improve materials and devices in fields ranging from medicine to energy to National defense;

Whereas the accomplishments of Dr. Smalley in the field of nanotechnology have contributed greatly to the academic and research communities of Rice University, the State of Texas, and the United States of America;

Whereas Dr. Smalley has been described as a "Moses" in the field of nanotechnology;

Whereas Dr. Smalley is credited with being the "Father of Nanotechnology";

Whereas Dr. Smalley is considered by Neal Lane, a former Presidential science adviser, as "a real civic scientist, one who not only [did] great science, but [used] that knowledge and fame to do good, to benefit society, and to try and educate the public";

Whereas Dr. Smalley devoted his talent to employ nanotechnology to solve the global energy problem, which he believed could ultimately solve other global problems such as hunger and water shortages;

Whereas the dedication and devotion of Dr. Smalley to science led to his receipt of numerous awards and honors, including the Distinguished Public Service Medal from the United States Department of the Navy and the Lifetime Achievement Award from Small Times Magazine;

Whereas Dr. Smalley, along with Nobel Laureate Michael Brown, was a founding cochairman of the Texas Academy of Medicine, Engineering, and Science, which was founded to further enhance research in Texas; and

Whereas the legacy of Dr. Smalley will continue to grow as scientists build upon his work and reap the benefits of his discoveries: Now, therefore, be it

Resolved, That the Senate honors the life and accomplishments of Dr. Richard Errett Smalley and expresses its condolences on his passing.

MARKING THE DEDICATION OF THE GAYLORD NELSON WILDERNESS WITHIN THE APOSTLE ISLANDS NATIONAL LAKESHORE

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 297, submitted early today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 297) marking the dedication of the Gaylord Nelson Wilderness within the Apostle Islands National Lakeshore.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FEINGOLD. Mr. President, earlier this fall, Senator KOHL and I introduced a resolution marking the dedication of the Gaylord Nelson Wilderness Area within the Apostle Islands National Lakeshore. Today, the same day the Senate will officially pay tribute to Senator Nelson, we proudly reintroduced our resolution.

On December 8, 2004, approximately 80 percent of the Apostle Islands National Lakeshore in Wisconsin was designated the Gaylord Nelson Wilderness. Although we did not formally celebrate the new wilderness area until August 8, 2005, we have been delighting in the designation ever since December of last year.

The designation of the Gaylord Nelson Wilderness within the Apostle Islands National Lakeshore on August 8, 2005, was a tremendous occasion for both Wisconsin and the country. I was deeply honored to participate in the ceremony marking the creation of the Gaylord Nelson Wilderness. I knew Gaylord, and am proud to occupy his Senate seat. Like all of those in attendance at the dedication ceremony, including Tia Nelson, Governor Doyle, Congressman OBEY, local officials, tribal chairs, and many others, I was deeply saddened that Gaylord wasn't able to be sitting among us, having passed away on July 3, 2005.

However, I do believe that because the area, the magnificent Apostles, and the wilderness designation we were celebrating were such a part of Gaylord, he was in fact there with us that day, urging us to mark the achievement and to continue his life's work of building a national conservation ethic. As we all know, while his record of achievements is long and impressive, it is Senator Nelson's passion and commitment to protecting our environment that will remain the centerpiece of his legacy. For this reason, Senator KOHL and I have submitted a resolution to bring recognition to Gaylord's unwavering efforts on behalf of the environment and to celebrate the dedication of a wilderness area rightly named in his honor.

Gaylord so believed in his responsibility to the environment that he started a revolution that has inspired millions of people from across the globe. The day he created in 1970—Earth Day—has become a cause for celebration, education, and reflection for all. Simply stated, Gaylord Nelson changed the consciousness of a nation, and quite possibly the world. He was a distinguished Governor and Senator, a recipient of the Presidential Medal of Freedom, and a personal hero of mine. Most importantly, he was the embodiment of the principle that one person can change the world.

August 8, 2005, marked the beginning of a new period for the Apostle Islands, and I could not be more proud of this. In 1998, Representative OBEY and I asked for a wilderness survey. Seven years later, we finally gathered to salute the awe-inspiring resource as well as the man who dedicated himself to protecting our environment, particularly those places where we humans are but humble visitors—wilderness areas. Let us not forget, however, that before we could talk about having a wilderness area within the Apostle Islands National Lakeshore, we had to have a National Lakeshore. I am sure it will come as no surprise that Gaylord was essential in the effort to recognize the Apostle Islands as a national treasure.

The wild and primitive nature of the Apostles and now the Gaylord Nelson Wilderness has always been an attraction, not only for Wisconsin residents but for people from across the globe. At the Apostles you can find pristine old growth forests; wetlands that are home to an astounding ecological diversity; birds that travel long distances and use the islands for respite; and amphibians, which can act as indicators of the park's environmental health.

It is a truly amazing place.

And people know it. In fact, just recently, the Apostles was rated the No. 1 National Park in the U.S. by National Geographic Traveler. The rating was based on a variety of factors, most notably environmental and ecological quality, social and cultural integrity, and the outlook for the future.

We have it all in the park—ecological and cultural resources intertwined with one another. The history of the islands is a history of people living off, and very much in balance with, the land and water surrounding them. A visit to the Apostles and the Gaylord Nelson Wilderness can be, if we let go of the trappings of modern society, an enlightening voyage that challenges us to think about those who came before us, those who will follow us, and the connections between us and the natural resources we depend on for our survival.

The Ojibwae, who Wisconsinites know were the original inhabitants of the Apostles, had great respect for the resources. They believed in taking something only if they were giving something in return. The Ojibwae people understood their dependence on the environment long before many others began contemplating such a relationship. Unfortunately, as a society, we have not always heeded their example. We must be better stewards of our land, our air, and our water. Gaylord pushed us toward that goal every day of his life. And, what better way to mark the dedication of the Wilderness Area named in his honor than for each of us to dedicate ourselves to actively carrying his legacy forward. That is Gaylord's challenge for all of us.

So many people supported the creation of the Lakeshore and the wilderness area. The support has taken many forms—all of which have added to the success of our park and the wilderness designation. I am especially grateful for the families that have donated their properties, many of which are filled with childhood and other cherished family memories, for the betterment of the whole Apostle Islands and now the Gaylord Nelson Wilderness. Future generations whom none of us will ever know will benefit deeply from their commitment to one of Wisconsin's most treasured places.

Every time I visit the Apostles and pieces of what are now the Gaylord Nelson Wilderness, I depart with a sense of inner peace and clarity. A New York Times journalist wrote about the Apostle Islands National Lakeshore in 1972, saying he encountered a "silence so intense you can hear it." I believe that what all those who visit the Gaylord Nelson Wilderness are bound to hear through that "intense silence" is Gaylord himself calling them to action.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 297) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 297

Whereas the Honorable Gaylord Nelson, a State Senator, Governor, and United States Senator from Wisconsin, devoted his life to protecting the environment by championing issues of land protection, wildlife habitat, environmental health, and increased environmental awareness, including founding Earth Day;

Whereas the Honorable Gaylord Nelson authored the Apostle Islands National Lakeshore Act, which led to the protection of one of the most beautiful areas in Wisconsin and recognized the rich assemblage of natural resources, cultural heritage, and scenic features on Wisconsin's north coast and 21 islands of the 22-island archipelago;

Whereas the Apostle Islands National Lakeshore was designated a National Park on September 26, 1970;

Whereas, on December 8, 2004, approximately 80 percent of the Apostle Islands National Lakeshore was designated the Gaylord Nelson Wilderness;

Whereas the Gaylord Nelson Wilderness within the Apostle Islands National Lakeshore provides a refuge for many species of birds, including threatened bald eagles and endangered piping plovers, herring-billed gulls, double-crested cormorants, and great blue herons, and is a safe haven for a variety of amphibians, such as blue-spotted salamanders, red-backed salamanders, gray treefrogs, and mink frogs, and is a sanctuary for several mammals, including river otters, black bears, snowshoe hares, and fishers;

Whereas the official dedication of the Gaylord Nelson Wilderness occurred on August 8, 2005, 36 days after the Honorable Gaylord Nelson's passing; and

Whereas the Honorable Gaylord Nelson changed the consciousness of our Nation and embodied the principle that 1 person can change the world, and the creation of the Gaylord Nelson Wilderness is a small, but fitting, recognition of his efforts: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the Honorable Gaylord Nelson's environmental legacy;

(2) celebrates the dedication of the Gaylord Nelson Wilderness within the Apostle Islands National Lakeshore; and

(3) requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the family of the Senator.

ORDERS FOR THURSDAY, NOVEMBER 3, 2005

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Thursday, November 3; I further ask that following the morning prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a vote on adoption of the conference report to accompany the Agriculture appropriations bill; I further ask that upon disposition of the conference report, the Senate resume consideration of S. 1932, the deficit reduction bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. Mr. President, tomorrow the Senate will complete action on S. 1932, the deficit reduction bill. There are currently 16 amendments in the queue, and the first vote in the series will occur on the Agriculture appropriations conference report, as noted. We will begin voting shortly after 9 a.m. tomorrow morning, and Senators should plan on staying in and around the Chamber throughout the day tomorrow. We will have at least 17 back-to-back votes.

ORDER FOR ADJOURNMENT

Mr. BENNETT. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order, following the time allocated to the Senator from Oregon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE PRESCRIPTION DRUG BENEFIT

Mr. WYDEN. Mr. President, as all Members of this body know, the Federal Government is about to begin one of the biggest expansions in Federal entitlement programs in our country's history. In a few weeks, the senior citizens of our country will be eligible for a much-needed prescription drug benefit, and I rise to talk about that program tonight.

I am particularly troubled about the fact that the Federal Government, in launching this program, is not going to be a smart shopper. You would think, after Katrina, given the huge hemorrhaging in our Federal budget, this would be a top priority for the Federal budget, to shop smart, to squeeze every possible bit of value out of the money that is being spent for critical programs, such as purchasing prescription drugs for senior citizens. Unfortunately, that is not the case. At a time when the costs for this program have escalated from about $400 billion to over $530 billion, with a 10-year estimate for this benefit projected to cost over $720 billion, what is locked into current law is an inability to get the best value for the purchase of those medicines.

It is well understood all across the country that anybody who goes shopping in the private sector tries to get the most for their dollar by stressing their bargaining power. Certainly, the senior citizens of this country have a whole lot of bargaining power. You would think it would be the position of the Federal Government to try to take advantage of that bargaining power in order to strike the best deal for older people and taxpayers. Notice that I emphasize the words "bargaining power"—not price controls, not rules set in Washington, DC, a one-size-fits-all approach, nothing that would discourage innovation among pharmaceutical companies, but simply bargaining power. Of course, that is what all the smart buyers do in the private sector today.

Take, for example, a big timber company in my part of the world. They represent a lot of workers. They go out and bargain with pharmaceutical companies, insurance companies, and others. They get the most for their dollar. The small company, on the other hand, doesn't have that kind of leverage and, to a great extent in this country, individuals and small companies basically end up subsidizing the big companies and people with clout in the marketplace. Again, nobody is talking about price controls. We are talking about economics 101. If you are buying in volume, if you have the opportunity to use marketplace forces to get the most for your dollar, you try to do it. You try to use the powerful forces of economics 101, which is the market power of bulk purchasing.

Unfortunately, that is not going to be done in the area of purchasing prescription drugs for older people in our country, beginning the first of the year. In fact, what the Federal Government is doing is essentially turning on its head the principle of smart shopping. What the Federal Government would be doing, unless the Congress steps in, is pretty much like somebody going to Costco and buying toilet paper one roll at a time. The Federal Government isn't using its bargaining power to hold down the cost of medicine. At a time when prescriptions are one of the fastest growing forces in American health care, that defies common sense.

Some errors are known as errors of omission; others are known as errors of commission. The fact that the Secretary of Health and Human Services is prohibited from using the power of bulk buying to hold down the cost of medicine for seniors is, in my view, one of the most outrageous errors of commission in the history of health care legislation. The Medicare prescription drug statute didn't forget to give the Secretary of Health and Human Services bargaining power to hold down the cost of medicine; the statute specifically told the Secretary he could not have such authority to get a fair deal for older people. So what we have at a time when the cost of the program is going through the stratosphere, at a time when seniors are trying to decide whether to sign up, is we have a statute that denies the Secretary of Health and Human Services the same marketplace tool that any consumer has in our communities across the country—the power to leverage bulk purchasing to get a better price. Federal law now denies the Secretary of Health and Human Services what hundreds of other Federal officials have—the power to get a better price for the taxpayer.

The Congress did not tell the Army they had to go out and buy one tent at a time for our soldiers in Iraq. The Congress didn't tell the Federal Emergency Management Agency they had to buy one mobile home at a time for hurricane victims. But unbelievably, Congress told Medicare they have to go out and buy one drug at a time as it relates to other people. So Medicare can't do what any savvied shopper in our country does, which is use their leverage in the marketplace to get lower prices. I think it is outrageous to have this double standard that prohibits Medicare from doing what all the other consumers in America can do, and it is time, in my view, to fix that.

Tomorrow, the Senate will have a bipartisan opportunity to do just that. Senator SNOWE and I, along with Senator MCCAIN and Senator STABENOW and a number of others, will offer an amendment that will lift the outrageous restriction on the Federal Government's ability to bargain, and under our bipartisan amendment the Secretary of Health and Human Services would have the authority to negotiate for lower drug prices.

I particularly wish to thank Senator SNOWE. She and I have worked on this a number of years. Both of us voted for the prescription drug legislation. We have the welts on our back to show for it, and even the night of the vote we said we were going to come back and try to improve this, particularly to improve it in a way that would make sense for older people and for taxpayers. So we see our bipartisan amendment as an effort to follow up on the promise we made to our citizens back home.

I thank Senator SNOWE, who is always trying to find common ground, bipartisan common ground, which is, of course, the only way you get important work done in the Senate.

I also want to say a special thanks to Senator MCCAIN, who is constantly focused on ways to expose waste, get more for the taxpayer dollar, and also Senator STABENOW of Michigan. Senator STABENOW has spent enormous amounts of time on a whole host of issues advocating for older people and the cost of prescription drugs, and I am convinced that this issue would never have gotten the visibility and the attention that it warrants were it not for Senator STABENOW's focus on it.

I also would like to say the same about Senator FEINSTEIN. She and I agreed on the night of the vote that we were going to join Senator SNOWE in a bipartisan effort to get a fairer and better deal for older people, and I thank her as well for all of her effort.

Now, Mr. President, the Snowe-Wyden legislation includes specific language that prohibits price controls and the setting of prices in America. This is something I feel very strongly about, and I know the Presiding Officer has a great interest in encouraging innovation and research. I think we all understand what is going on in the pharmaceutical field. We are seeing breakthroughs every single day, and one of the most important steps we can take in the public policy arena is to foster innovation and research even in my fair flat tax proposal that I introduced this week, and I know the Presiding Officer has great interest in tax reform, keeping the research and development tax break because it is important. So I don't take a backseat to anybody in terms of encouraging innovation and research, and one of the key ways to promote innovation and research is to avoid price controls, the setting of prices in Washington, DC, anything that would lead to policies that freeze the Government's ability to encourage innovation.

So what we have done in this particular amendment is put in a statutory restriction on price controls, on the setting of prices so that it is clear to everyone in the Senate that all we wish to do in our bipartisan effort is to untie the hands of the Secretary of Health and Human Services and put Medicare in the position of being a smart shopper. I cannot for the life of me think why Medicare should not have the same power to negotiate what other programs and governments have, that others in the private sector would have, and with our bipartisan legislation, Medicare would have that power.

This is particularly important because savings from negotiations are only going to come about as it relates to single-source drugs if this restriction is lifted. Without it, it seems to me we will not have negotiations for these single-source drugs where there isn't the kind of competition and marketplace forces. Many single-source drugs are particularly important for older people. We are talking about drugs such as Lipator, Zocor, and Prevacid. Lipator, for example, was at the top of the list of drugs most often taken by older people, and all of the drugs I mentioned were in the top 20 in terms of drugs used by seniors.

So when it comes to savings—and this was noted by the Congressional Budget Office in a letter to me and Senator SNOWE last year—it seems to me that you especially need the power to negotiate when you are talking about single-source drugs. Given the importance of Lipator in the marketplace, prevalence in terms of the older population, I hope that as Senators look at this amendment, they will see the value of giving the Secretary the power to negotiate. It is particularly critical when it relates to single-source drugs.

In my view, it is disappointing that the way the underlying legislation was drafted, the fundamental base bill is going to require more than a simple majority for us to prevail. Certainly, there are a lot of special interests in this town that do not want the Federal Government to be a smart shopper. The number of lobbyists that are working against this legislation, which I will tell you I think is just about the most offensive restriction I have seen in health policy, the number of lobbyists working against our bipartisan amendment is just staggering. And make no mistake about what the special interests who oppose our legislation want to do. They would rather soak the taxpayer and add to the budget deficit than to have to negotiate with the Federal Government like all other businesses. They are basically saying: Look, we are special. Don't require us to have to go out and bargain. We shouldn't have to do what everybody else does.

Everybody else in America who has marketplace clout is allowed to use it. That is what markets are all about. But because of the power of the special interests, this restriction prohibits Medicare from using the kind of marketplace forces that everybody else uses, and it is not right.

I am sure that seniors and their families across the country are going to be especially concerned about the fact that this legislation is going to increase their Part B premiums. But it seems to me that at a time when their part B premiums are going to go up, when they are going to have to pay extra costs out of their pocket for copays and deductibles and other out-of-pocket expenses, that alone would be a reason why we would look to give Medicare more bargaining power to hold down the cost of this program.

Seniors are going to have less in their pocket to pay for prescription drugs and to sign up for this program. But the legislation was carefully written to make it tough on us and to increase the number of Senators we would have to have to pass this legislation. We are going to need more than a simple majority, and I think it is particularly unfortunate that at a time when seniors are going to see their Part B premiums go up, that we are not going to give them this opportunity to seek some real savings in what they have to pay for prescription medicine.

I hope that Senators are going to be supportive of this legislation. I am sure when a Senator goes home and discusses prescription drugs, one of the first things that folks at home are going to ask is: How are you going to keep the cost down? What are you doing, Senator, to hold down the cost of medicine? The private sector is doing it, other Government programs are doing it; what are you doing, Senator, to hold down the cost of medicine?

Tomorrow, the bipartisan group of Senators I mentioned—Senator SNOWE leading our effort, myself, Senator MCCAIN, Senator STABENOW, and others—will be saying: Look, we have something that is going to provide an opportunity for the Federal Government to be a smart shopper, to use its marketplace clout, and to hold down the cost of medicine when seniors are seeing an increase in their out-of-pocket expenses.

The Congressional Budget Office estimates that there is going to be an 8.5-percent increase in the cost of this program, and the Government Accountability Office has shown that the prices for existing drugs are increasing two and three times the rate of inflation.

This is a prescription for a program that does not work. That is a failure, and I will tell you I don't want to fail our country's seniors. I voted for the prescription drug law. I want to make it work. But I will tell you, I am very troubled about the prospect that if steps are not taken to hold down the costs of this program, there is a real prospect that a great deal of money will be spent on a relatively small number of people because we will not have the number of seniors signing up that we need.

We need to make this program work. It is important. Prescription drugs are a lifeline. Affordable prescription drugs are essential for the Nation's older people. Too many of these drugs are simply priced out of the reach of older people.

At the end of the day, the bipartisan legislation that Senator SNOWE will offer with myself and our bipartisan group is simply common sense. Let's make Medicare a smart shopper by allowing bargaining power. Let's stop this idea of forsaking our ability to be a savvy shopper, and let us make sure that when Medicare goes out and tries to make sure that the costs of this program are held down, that it has the tools it needs in its cost-containment arsenal to get the job done right and to make sure that the costs of this program, for both taxpayers and seniors, are held down.

Mr. President, I ask unanimous consent that Senators FEINSTEIN, DAYTON, KOHL, and FEINGOLD be added as cosponsors of the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, this bipartisan measure will be voted on tomorrow. My sense is that because the day will be very hectic, having to vote on many amendments, that there will not be much time for explanation of this measure. Senator SNOWE, Senator STABENOW, and others who spent so much time on this issue are going to want to speak. I will tell the Senate tonight this is one of the most important issues to come up in a long time. This program will be one of the biggest, if not the biggest, expansions of Federal entitlement policy we have ever seen. Why we wouldn't want to go about this right and make the Government a smart shopper, a savvy shopper, why we wouldn't want to do that is beyond me.

What we have is an error of commission. What you saw is, in this legislation, very powerful special interests said we want a unique set of rules to apply to us: We shouldn't have to negotiate, even though everybody else negotiates with the Government and the private sector; give us a free ride; restrict, as a matter of law, the ability of the Secretary of Health and Human Services to make sure that seniors and taxpayers got a square deal.

That is not right. This is about common sense. This is about the Federal Government being a smart shopper. This is about standing up for taxpayers and seniors.

I would like to wrap up tonight by reading a bit from the AARP letter of endorsement for the legislation. Mr. President, I am going to read briefly from this letter, but I ask unanimous consent that the AARP letter endorsing the bipartisan measure to contain the cost of medicine be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AARP,
November 1, 2005.

The Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: AARP supports your amendment to the Senate fiscal year 2006 Budget Reconciliation bill to provide for the ability of the Secretary of Health and Human Services to participate in the negotiations between pharmaceutical manufacturers and prescription drug plans under the Medicare Part D program.

Prescription drug prices continue to rise much faster than the rate of inflation. AARP's latest Rx Watchdog report released this week found that prices for nearly 200 of the most commonly used brand name medications rose 6.1 percent during the 12 month period from July 2004–June 2005. At the same

> time, the rate of general inflation was 3 percent. These drug price increases particularly hit older Americans, who use prescription drugs more than any other segment of the U.S. population.
>
> In two weeks, millions of older and disabled Americans will have the opportunity to choose prescription drug coverage as part of their 2006 Medicare benefit options. The new Medicare prescription drug benefit will help millions of beneficiaries afford needed medications. Improvements to the Medicare Modernization Act are necessary to strengthen the benefit and the Medicare program. We believe the first step is to keep the drug benefit affordable for beneficiaries as well as taxpayers.
>
> While the competitive structure already existing in the MMA may help to bring prescription drug prices down, we believe that giving the Secretary the authority to participate in negotiations may also help to make prescription drugs more affordable for Medicare beneficiaries.
>
> We look forward to working with you and your colleagues on both sides of the aisle to ensure that the new Medicare Part D benefit remains affordable over time. If you have any further questions, please feel free to contact me, or have your staff contact Anna Schwamlein of our Federal Affairs staff at 202-434-3770.
>
> Sincerely,
>
> DAVID P. SLOANE,
> *Sr. Managing Director,*
> *Government Relations and Advocacy.*

Mr. WYDEN. Mr. President, the letter says, and I will read a bit of it:

> AARP supports your amendment to the Senate fiscal year 2006 Budget Reconciliation bill to provide for the ability of the Secretary of Health and Human Services to participate in the negotiations between pharmaceutical manufacturers and prescription drug plans under the Medicare Part D program.
>
> Prescription drug prices continue to rise much faster than the rate of inflation. AARP's latest Rx Watchdog report released this week found that prices for nearly 200 of the most commonly used brand name medications rose 6.1 percent during the 12 month period from July 2004–June 2005. At the same time, the rate of general inflation was 3 percent. These drug price increases particularly hit older Americans, who use prescription drugs more than any other segment of the U.S. population.
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> In two weeks, millions of older and disabled Americans will have the opportunity to choose prescription drug coverage as part of their 2006 Medicare benefit options. The new Medicare prescription drug benefit will help millions of beneficiaries afford needed medications. Improvements to the Medicare Modernization Act are necessary to strengthen the benefit and the Medicare program. We believe the first step is to keep the drug benefit affordable for beneficiaries as well as taxpayers.
>
> While the competitive structure already existing in the MMA may help to bring prescription drug prices down, we believe that giving the Secretary the authority to participate in negotiations may also help to make prescription drugs more affordable for Medicare beneficiaries.

Mr. President, there is a bit more to the letter, but I think the Senate can get the general drift.

The AARP, the organization that represents millions of older people, explicitly tonight endorses our bipartisan amendment. They have pointed out that the cost of these medications, the ones that are so important to older people, are going up double the rate of inflation.

Let me emphasize that to the Senate. The drugs that seniors use, the prices are going up double the rate of inflation.

So we need some serious tools to contain these costs. At a time when the Federal Government ought to be using more effective tools to hold down the costs of medicine, we have locked into law a restriction on the ability of the Government to do what smart shoppers in America do every single day, and that is to use their marketplace clout, bulk purchasing power, to get the best value for them and their families. It is time to lift this outrageous, offensive restriction that is now in Medicare law that prevents the Federal Government from being a smart shopper. It is now time to stand up for taxpayers and stand up for the older people in this country. The Senate will have a chance to do that when it votes on the bipartisan amendment tomorrow that has been filed tonight, will be offered tomorrow, by Senator SNOWE, a bipartisan group. I hope my colleagues will support it resoundingly.

I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9 a.m. tomorrow morning.

Thereupon, the Senate, at 7:56 p.m., adjourned until Thursday, November 3, 2006, at 9 a.m.

NOMINATIONS

Executive nomination received by the Senate November 2, 2005:

EXECUTIVE OFFICE OF THE PRESIDENT

SUSAN C. SCHWAB, OF MARYLAND, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE LINNET F. DEILY, RESIGNED.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 3, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 4

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the employment-unemployment situation for October 2005.
2226 RHOB

NOVEMBER 7

12:30 p.m.
Judiciary
To hold hearings to examine the nomination of Harriet Ellan Miers, of Texas, to be an Associate Justice of the Supreme Court of the United States.
SH-216

NOVEMBER 8

9:30 a.m.
Foreign Relations
To hold hearings to examine Kosovo.
SD-419

Judiciary
To hold hearings to examine U.S.-Saudi Arabia relations relating to the war on terror.
SD-226

10 a.m.
Small Business and Entrepreneurship
To hold hearings to examine strengthening hurricane recovery efforts for small businesses.
SR-428A

2:30 p.m.
Judiciary
To hold hearings to examine pending nominations.
SD-226

Agriculture, Nutrition, and Forestry
Research, Nutrition, and General Legislation Subcommittee
To hold hearings to examine the Pet Animal Welfare Statute.
SDG-50

Environment and Public Works
Superfund and Waste Management Subcommittee
To hold oversight hearings to examine the impact of certain government contractor liability proposals on environmental laws.
SD-406

NOVEMBER 9

9:30 a.m.
Commerce, Science, and Transportation
Energy and Natural Resources
To hold joint hearings to examine energy pricing and profits.
SD-106

Environment and Public Works
To hold hearings to examine issues regarding a comprehensive and integrated approach to meet the water resources needs of coastal Louisiana in the wake of Hurricanes Katrina and Rita, including storm and flood damage reduction, ecosystem restoration and navigation.
SD-406

Judiciary
To hold hearings to examine the use of cameras in the courtroom.
SD-226

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the Coast Guard's response to Hurricane Katrina.
SD-342

10:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine agricultural transportation and energy issues.
Room to be announced

2 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine Department of Defense Business Transformation and Financial Management Accountability.
SR-232A

2:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To resume oversight hearings to examine the Federal security clearance process, focusing on Office of Personnel Management's plan to address the backlog of security clearance investigations.
SD-342

NOVEMBER 10

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine the impact of the Wright amendment, which restricts travel into and out of Dallas Love Field for commercial flights with more than 56 seats.
SD-562

10:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the nominations of Charles R. Christopherson, Jr., of Texas, to be Chief Financial Officer, and James M. Andrew, of Georgia, to be Administrator, Rural Utilities Service, both of the Department of Agriculture.
SR-328A

2 p.m.
Veterans' Affairs
To hold hearings to examine the rebuilding of VA assets on the Gulf Coast.
SD-138

NOVEMBER 15

10 a.m.
Energy and Natural Resources
To hold hearings to examine a status report on the Environmental Protection Management programs of the Department of Energy.
SD-366

NOVEMBER 16

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005.
SD-562

NOVEMBER 17

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine aviation safety.
SD-562

POSTPONEMENTS

NOVEMBER 8

10 a.m.
Energy and Natural Resources
To hold hearings to examine the progress made on the development of interim and long-term plans for use of fire retardant aircraft in Federal wildfire suppression operations.
SD-366

NOVEMBER 9

11:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD-366

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SENATE—*Thursday, November 3, 2005*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, who gathers the waters of the sea together as a heap. Your counsel stands forever. Lord, keep us today both outwardly in our body and inwardly in our souls.

Give us the health and strength we need for today's journey. Help us to avoid the pitfalls of too much and too little. Prevent us from driving ourselves to exhaustion or growing weak through too much ease. Keep our minds at rest and peace as we trust You moment by moment.

Bless our Senators. Save them from being so busy with things which are seen and temporal that they forget the things which are unseen and eternal.

Bless us all in body, soul, and spirit that we may learn to rest in Your love. Let Your eye be on those who fear You and who hope in Your mercy. We pray in Your loving Name.

Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, we will shortly begin this morning's session with a rollcall vote on the adoption of the conference report to accompany the Agriculture appropriations bill. After that vote, we will resume the deficit reduction reconciliation bill. All time expired last night, and therefore we will begin a series of rollcall votes in relation to the pending amendments. We will, in a few moments, enter into an agreement which states the order for those votes. At this time, there are approximately 16 pending amendments that we would need to vote on.

Following those votes, additional amendments may be offered, and therefore the voting sequence would continue. This stacked series of votes could be very lengthy, but we will continue voting until we complete the deficit reduction bill or up until 6 o'clock tonight. I hope and believe we can finish this afternoon, but that will depend on the number of amendments and how many will be offered over the course of the so-called vote-arama that we will be in a little bit later today. We have asked Senators to remain in and around the Senate Chamber over the course of the day to avoid missing any recorded votes. These vote-aramas are very trying as the day goes on so I do wish to thank everybody in advance for their patience during what will be a very busy session of voting today.

ENERGY INDEPENDENCE AND ANWR

Mr. FRIST. Mr. President, over the past couple of weeks prices at the pump have been steadily falling—thank goodness. After the shock of paying nearly $3, sometimes over, sometimes well over $3 a gallon, families are finally getting some relief when they are filling up their cars or trucks, automobiles with gas. Gas prices are finally back to pre-Katrina levels.

And that is the good news. The bad news is that prices are still much higher than they were a year ago. Americans are paying significantly more to fill up their cars, their automobiles with gas. And as we all know with winter right around the corner, home heating costs threaten to literally break the family bank.

Meanwhile, America's oil companies are making multibillion dollar profits, record profits. You could not miss the news last week that oil companies posted these record-breaking profits with one company posting the biggest profit in U.S. history. So while Americans have been reeling from Katrina, standing in long lines at the pump at gas stations following Katrina and the other hurricanes and their cutting back on the necessities of everyday life, what they see are oil profits that are booming, going off the chart. And we have constituents naturally calling and writing and e-mailing saying, Why? How could that possibly be?

Literally, what they see is pumping gas and watching the little figures come up higher and higher and higher, seeing money go out of their pocket and then going home and turning on the news and seeing that the coffers of oil companies, that same money going into the gas tank almost being in the coffers of these large oil companies, and they are asking why.

I think these are legitimate questions, and Americans do have the right to know what is going on. Is this the way the market works and, if so, what are those dynamics? They need to know why those gas prices and those oil and natural gas prices are so much higher than they used to be at the same time these profits are off the chart.

That is why last week I asked Chairman DOMENICI and Chairman STEVENS to hold a joint hearing to be able to answer those basic questions. Next week, several executives will be coming in from some of the biggest oil companies to explain. We may well learn that there are no sinister reasons behind all this, but I think we all agree that our free market works best when we all know and we all follow the rules of the road and all have confidence in that system.

That is what the focus of those hearings will be. If there are people abusing the free enterprise system to advantage themselves or their businesses at the expense of everyday Americans, they need to be exposed and they should be ashamed.

Next week's hearings will help shed light on this very important matter.

Meanwhile, the Senate is also working to strengthen and secure America's energy supply. Indeed, we are doing it, in part, in the bill that we will be voting on over the course of today.

Last summer, the Senate passed a comprehensive energy plan that looked, in terms of framework, at production, at consumption, at conservation, at alternative uses of fuel, at nuclear, at hydrogen, at the investment of science and technology to make fuel use more efficient, and that was a good first step. But we have a lot more to do.

When you go home and you are talking to constituents and you say: What if I told you that most of the oil that you are pumping into your gas tank comes from overseas, from foreign sources, from countries that are very specifically hostile to the United States, and what if I told you that the United States has barely 45 days' worth of oil on hand in our own Strategic Petroleum Reserve, the answer is obvious. You would want to diversify your energy sources, you would want to move toward energy independence, and that is exactly what we need to do.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Now, if I told you that in the United States we have untapped oil reserves comparable to all of the oil in Arizona, California, Oregon, Washington, Idaho, Montana, Wyoming, Colorado, Utah, New Mexico, North Dakota, and South Dakota combined, you would want to find it since it is here and get it to the American people.

Well, we do have that resource. It is in Alaska under the Arctic National Wildlife Reserve, ANWR. We all know ANWR is the Nation's single greatest prospect for future oil. The Government estimates that ANWR contains approximately 10.4 billion barrels of technically recoverable oil. At peak production at this one site could be produced more oil than any other U.S. State, any other State in this country, Texas or Louisiana, from this one site.

In 1968, the Federal Government estimated that Prudhoe Bay held 9 billion barrels of oil. To date, Prudhoe Bay has produced 13 billion barrels and it is still producing. Now, more than ever, we need to recognize the need to strengthen America's oil supply and now we have the opportunity to do that. America can't afford $3 a gallon, and we can't afford to depend on sources many of which are hostile to the United States.

Some critics complain that drilling in ANWR will hurt the environment. It is simply not true. It was stated again and again in the Chamber yesterday and explained, the prospective drilling site is an area equivalent to the size, if you took a tennis court, of a single postage stamp.

State-of-the-art drilling technology has made remarkable advancements to preserve and protect the environment. It is now possible to extract oil using that horizontal drilling technique from a site that could reach way out from a site that is very tiny, as you look at it on the horizon or area. These are called extended reach wells. We talked yesterday about how far out you can go. You can go out horizontally twice as far as you can vertically, therefore reducing the number of drilling sites.

Developing the Reserve will create hundreds of thousands of jobs for hardworking Americans. It will contribute billions to the economy and strengthen America's energy independence. The oil in ANWR is critical to our economic and national security. I look forward to the vote today on developing this tremendous resource. Responsible, environmentally sensitive exploration will help ease the bottom line for every American family. We are working hard to deliver real solutions for the real problems facing the American people by taking strong, decisive action. Indeed, by today's floor action, we are moving America forward.

ORDER OF PROCEDURE

AMENDMENT NO. 2347 WITHDRAWN

Mr. FRIST. Mr. President, I ask for the regular order with respect to amendment No. 2347 and I ask that the amendment be withdrawn. I further ask unanimous consent that the Senate proceed to votes in relation to the pending amendments in the order offered; provided further that there be 2 minutes equally divided for debate prior to the votes in relation to any of the pending amendments, in addition to any second degrees offered.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, has the majority leader completed his statement?

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. REID. I thank the Chair.

THE BUDGET

Mr. REID. Mr. President, I strongly oppose the Republican budget and the package of reconciliation bills we will be debating and have debated this past week. The Republican budget and the reconciliation bills are fiscally irresponsible and simply will increase the deficit, which is already staggering—$8 trillion.

The budget and these reconciliation bills are based on the wrong values. They harm vulnerable Americans. And these cuts simply provide tax breaks for special interests. With so many other serious problems facing middle-class families and our Nation, the decision to focus on this reconciliation legislation reflects seriously misplaced priorities. Certainly, together we can do better than this.

The budget of the United States ought to be a mirror of our Nation's values. The budget should reflect what we think is important, what we care about and what we don't. It says a lot about who we are and what we value as a people and a nation, this thing we call the budget.

In essence, a budget is a moral document. Unfortunately, the Republican budget is an immoral document. That is not my term, Mr. President. That is the conclusion of some of our Nation's leading religious leaders who, citing scripture and the Bible, have urged all of us to oppose this budget reconciliation process. As Bishop Mark Hanson, the presiding bishop of the Evangelical Lutheran Church in America, put it, "This is not the time to cut . . . important programs while using the cuts to pay for tax breaks for those who don't need them."

My Republican friends will portray their budget as a way to reduce the deficit. In truth, their budget and these reconciliation bills actually make the deficit worse. In fact, debt under their budget would go up by about $3 trillion in just 5 years. That is fiscally responsible? No. It is irresponsible at any time but especially when we should be saving to prepare for the baby boomers' retirement.

Let's review a little bit of the history. When this administration came to power, our Nation had finally put our fiscal house in order. After many years of deficits and raids on Social Security to pay for other programs, Democrats, without the help of a single Republican vote, stopped that practice.

As a result of our efforts, this Nation ran a surplus from 1998 through 2001, and it was projected we would enjoy surpluses as far as the eye could see. At the time, our future looked so bright that many economists, including Alan Greenspan, seriously worried about what would happen to financial markets if we eliminated our debt altogether. Unfortunately, in these 5 short years, with Washington Republicans in control of the House, the Senate, and the White House, we have moved from a period of record surpluses to a time of record deficits. Once again, we are raiding Social Security, and the deficits in each of the last 3 years have been higher than at any time before President Bush took office.

This year, Social Security has had taken from it—I don't know the exact amount—about $175 billion to mask the deficit. The latest Republican budget before us will make matters even worse. While the majority has divided its budget in a way that obscures its overall effect, nobody should be fooled. Viewed as a whole, budget reconciliation would increase the deficit by more than $30 billion. After 5 years under their budget, our national debt would exceed $11 trillion.

But the problems with their budget go well beyond its fiscal irresponsibility. This budget reflects the wrong values. It puts more burdens on those already struggling. And if that isn't bad enough, it takes the sacrifices it demands of the less fortunate to partially pay for another round of large tax breaks for the elite of this country.

Let's look at what is in the bill before us.

The budget increases burdens on America's seniors by increasing Medicare premiums, and we have not seen what the House is going to give us.

It cuts health care, both Medicare and Medicaid, by a total of $27 billion.

It cuts support for our farmers by $3 billion.

It cuts housing.

It allows drilling in an Alaskan wildlife refuge, at the behest of the oil and gas industry, even though this year they are going to make a $100 billion profit.

If we take a look at what is happening in the House of Representatives, we can see what is likely coming down the pike from them:

> Student loan cuts, food stamp cuts, cuts in child support enforcement, deeper and more painful cuts in health care.

Why? Why are we using expedited procedures for cuts that will harm millions of seniors and working Americans? Is it to reduce the deficit or to pay for Katrina? No; no on both counts. Is it to prepare for the avian flu? No. It is to provide congressional Republicans fiscal cover today so they can turn around tomorrow to provide tax breaks to special interests and multimillionaires.

Let me be more specific. The capital gains and dividend tax breaks in the Republican budget would provide 53 percent of its benefits to those with incomes greater than $1 million. Those lucky few would get an average tax break of about $35,000.

What about those with incomes between, say, $50,000 and $200,000? Well, they will get an average cut of $112. How about those with incomes of less than $50,000? Six dollars—$35,000 for those with incomes of more than $1 million, $6 for those earning less than $50,000. And to partially pay for these tax breaks, many Republicans now want to cut Medicare, cut Medicaid, cut agriculture, cut housing, cut student loans, cut child support enforcement, cut services on which Katrina survivors should be relying, cut benefits needed by our Nation's most vulnerable Americans.

Now you know why some of our Nation's most respected religious leaders call this budget immoral. These choices do not reflect the best of American values. That is not what Americans would want. America can do better.

Finally, beyond the fiscal irresponsibility of this budget and the disturbing choices it makes, there are other more important priorities the Senate should be addressing. Take, for example, skyrocketing prices of fuel. Families are struggling to fuel their vehicles and heat their homes. Farmers and businesses are feeling the pinch. Democrats have a plan to respond, to address price gouging, and ultimately make our Nation energy independent. That is more important than harming the vulnerable to provide tax breaks to special interests while increasing the deficit.

Hurricane survivors are still struggling. Thousands lack health care coverage. More than 200,000 still live in motel and hotel rooms. Devastated communities have been forced into massive layoffs and are unable to provide even basic services, such as a place for kids to go to school. And many survivors who have lost everything are facing the threats of foreclosure and bankruptcy in homes that do not even exist. Democrats have a plan to address these urgent needs. That is more important than harming the vulnerable to provide tax breaks to special interests and multimillionaires while increasing the deficit.

The Iraq war is not going well, as we all know. We were promised by this administration that it would. Mr. President, 2,036 American soldiers have been killed in Iraq. Tens of thousands have been wounded, badly injured; 150,000 more are still in harm's way in Iraq, while the administration still has no plan to end the conflict and bring them home. Instead of being greeted as liberators, the violence continues nearly 3 years after the start of this conflict. Our Nation badly needs a strategy for success, and that, too, is more important than harming the vulnerable to provide tax breaks to special interests and multimillionaires while increasing the deficit.

I urge my colleagues to defeat this budget piece by piece. It is fiscally irresponsible. It is based on the wrong values and reflects the wrong priorities. I would hope together we could do better. Let's reject this budget, and let's focus on the real needs of the middle class and our Nation.

APPROPRIATIONS FOR AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—CONFERENCE REPORT—Resumed

Mr. KERRY. Mr. President, while I recognize there are good things in this bill, today I will be voting against the Agriculture appropriations conference report for two primary reasons. One, it delays the implementation of the country- of-origin labeling for beef and other foods. U.S. consumers deserve to know where their food is grown and processed, and domestic producers deserve the opportunity to differentiate their products from foreign imports. While mandatory country-of-origin food labeling passed as part of the 2002 farm law, its implementation continues to be delayed and this bill would delay it an additional 2 years.

My other primary concern is that the bill cuts funding for many important conservation programs, such as the Conservation Security Program. Since the farm bill was enacted in 2002, the USDA conservation programs have taken hits year after year. They have been used repeatedly as a source of offsets to fund other needs. Including this conference report, the annual appropriations measures from fiscal year 2003 through fiscal year 2006 have cut $1.13 billion in mandatory funds that we dedicated to conservation in the farm bill.

I appreciate the hard work of the chairman and the ranking member, but what came back from the House is not good for our Nation's farmers, it is not good for consumers, and it is not good for conservation. I will, therefore, be voting against it.

Mr. McCAIN. Mr. President, today the Senate will vote on the conference report to H.R. 2744, the Agriculture Appropriations bill for fiscal year 2006. Unfortunately, I cannot support final passage of this bill.

The conference agreement to H.R. 2744 appropriates about $100.9 billion in spending, an amount that is approximately $848 million over the administration's request, $258 million more than the Senate-approved bill and $660 million more than the House-passed bill. As is the case with many of the appropriations bills that come to the floor, this bill and its accompanying report contain earmarks and pork projects which have not been authorized or requested.

I believe that some Federal involvement is necessary to assist low-income families under the Food Stamp Program and that we ensure that our farmers stay out of the red. And to this end, many of the programs under the Agriculture Department are worthwhile and I support their funding. I know that many of my colleagues have spoken before the Senate about the economic struggles of America's farmers, but as Congress looks ahead towards legislating a new farm bill in the near future, we once again conform to the practice of diverting taxpayer dollars into an array of special interest pork projects.

Let's take a look at some of the earmarks that are in this bill: $350,000 for a report on the economic development of the sheep industry in the United States; $1,250,000 for the National Sheep Industry Improvement Center; $210,000 to the Little Red River Irrigation project, Arkansas; $1,800,000 for the Muskingam River Watershed, Mohican River, Jerome and Muddy Fork obstruction removal projects, Ohio; $1,000,000 for a flood prevention project in Kane County, Illinois; $200,000 for a grant to administer a private lands wildlife management program in Alaska; $1,000,000 for a grant to the Ohio Livestock Expo Center in Springfield, OH; $2,250,000 for a grant to the Wisconsin Federation of Cooperatives for pilot Wisconsin-Minnesota health care cooperative purchasing alliance; $200,000 for a grant to the Utah State University for a farming and dairy training initiative; and $500,000 for a grant to the Nueces County, Texas Regional Fairground.

It is a violation of Senate rules to legislate on an appropriations bill, and this fact is far too often overlooked. Authorizing policy is a function reserved for the authorizing committees, not the appropriations committee. As is done far too frequently, this appropriations bill includes a variety of policy changes. Examples include:

The conference agreement authorizes the purchase of land by the Agriculture Research Service in Florence, SC.

The conference agreement authorizes the lease of 40 acres of Federal ARS land to the Colorado State University system.

The conference agreement authorizes the ARS to convey 19 acres of Federal land to Oktibbeha County, MS.

The conference agreement allows for the granting of easements at the Beltsville, MD, Agricultural Research Center.

The conference agreement amends the Rural Electrification Act of 1936 regarding Federal loans.

The conference agreement amends the Immigration and Nationality Act.

The conference agreement amends the Organic Food Production Act of 1990.

The conference agreement amends the Federal Meat Inspection Act.

The statement of managers that accompanies this conference report also includes hundreds of earmarks and questionable projects. Here are some examples: $300,000 for beaver management in North Carolina; $625,000 for game bird predation work with the University of Georgia; $50,000 for control of feral hogs in Missouri; $50,000 for animal tracking projects in the State of Washington; $380,000 to continue control measures for minimizing blackbird damage to sunflowers in North Dakota and South Dakota; $196,000 for geese control in the State of New York; $75,000 for research into peanut production, Dawson, GA; $75,000 for research into seafood waste, Fairbanks, AK; and $250,000 for turf grass research, Beaver, WV.

Despite high gas prices, despite a swelling budget deficit, despite our military operations overseas, and despite our domestic emergencies, pork continues to thrive in good times and bad. The cumulative effect of these earmarks erode the integrity of the appropriations process and, by extension, our responsibility to the taxpayers. We can do better for our farmers and the American people.

Mr. DORGAN. Mr. President, I voted to reject the conference committee's report on the fiscal year 2006 Agriculture appropriations bill. There is much about this bill that I support. It funds important research in North Dakota and across the country that will greatly benefit American agriculture.

I voted against the conference report because of how it treats an important issue called country-of-origin labeling. The 2002 farm bill required that fruits, vegetables, seafood, and meat sold in grocery stores and supermarkets be labeled with its country of origin. This is a consumer-friendly, farmer-friendly, rancher-friendly law, and I strongly supported it. After all, if we can look at a label on our T-shirt and know where it came from, we should be able to do the same with the T-bone steak on our dinner plate.

Country-of-origin labeling, or COOL, was supposed to begin in September 2004. If we had followed the law we passed in the farm bill, American consumers would today be able to know where their food comes from, and our farmers and ranchers would be reaping the benefits. Unfortunately, 2 years ago, opponents of this commonsense law hid a provision in a massive spending bill that delayed the start date for COOL until 2006.

COOL is the law of the land. The Senate has voted overwhelmingly in favor of it. It should have gone into effect years ago. So I was outraged to learn there was another 2-year delay of COOL in this year's Agriculture Appropriations bill.

I knew some opponents of COOL wanted to delay this important program. But I expected that when the conference committee met to write a final version of the Agriculture appropriations bill, we would get a chance to debate this issue and vote on it, in public. Instead, a handful of Republican Senators and Representatives went behind closed doors and decided on their own to delay the program for an additional 2 years.

That is an outrage. I voted no today because I think we should send this bill back to the conference committee and force the conference committee to vote on this issue.

Mrs. CLINTON. Mr. President, today I discuss the Agricultural Appropriations conference report, which recently passed the Senate. Though I was not pleased with all aspects of the final report, I voted in favor of this bill because I support New York farmers and consumers.

I am proud to support the increases made to the Food Stamp Program, which is vital to feeding New York families and children.

The Food Stamp Program plays a critical role in fighting hunger and ameliorating poverty in both our urban and rural communities. This program provides critical resources to millions of low-income families with children, seniors and individuals with disabilities.

In addition, hundreds of thousands of displaced evacuees are currently in need of critical food assistance due to Hurricanes Katrina and Rita. As the Nation works to recover and rebuild from these devastating natural disasters, the widespread need for increased assistance demands that Federal Government food relief efforts be expanded, not cut.

I also welcomed increased funding to child nutrition programs, though I was upset to see that New York State was not included in the USDA's Fruit and Vegetable Program this year. I will continue to work with my Senate colleagues on the Agriculture Committee to ensure that New York is added next year. New York children deserve to have access to fresh produce in their lunch lines and in their schools.

These positive aspects of the bill won my support for the bill as a whole. However, the bill has several important flaws that I must make note of. I am dismayed by the decision to cut funds to the Conservation Security Program, CSP, which provides voluntary incentives for farmers and ranchers to participate in efforts to preserve and enhance their farmland, their natural resources and the environment.

Five watersheds in New York State are currently eligible for CSP sign up in FY 2005—Ausable, Northern and Southern Long Island, Buffalo and Niagara—and about 2,860 farms and over 436,000 acres are enrolled. Two additional New York State watersheds have been proposed to be added to CSP for FY 2006—East Branch Delaware and Oak Orchard—which would add an estimated 1,800 new farms and almost 390,000 acres to the program. Due to the drastic nature of the cuts to the Conservation Security Program, these contracts to New York State farmers are in jeopardy.

I am also extremely disappointed by several of the provisions that were included in the conference report, particularly the decision to once again delay mandatory country-of-origin labeling. This provision was inserted behind closed doors and does not serve the interests of producers and consumers in my state of New York.

The 2002 farm bill required that the U.S. Department of Agriculture write rules and implement mandatory country-of-origin labeling, COOL, of meat products, seafood, fresh and frozen fruits and vegetables, and peanuts by September 2004.

My producers want mandatory COOL because it will give them a competitive advantage over foreign goods, particularly for the fresh market specialty crops that New York produces. It is also good for consumers, who will be able to make an informed choice and buy food produced closer to home. In addition, mandatory COOL will enhance food safety through increased traceability of our food products and will better protect animal and human health.

Despite practical suggestions from small farmers and ranchers for streamlining the country-of-origin labeling process, I am disheartened to see that the decision has instead been made by agribusiness, which doesn't want consumers to know where food comes from.

While I voted for this bill because I feel that it is imperative to keep agriculture and nutrition programs moving forward, I hope to continue to work with my Senate colleagues to address some of the shortcomings in the future.

Mr. CONRAD. Mr President, the fiscal year 2006 Agriculture appropriations conference report was written under some very difficult spending constraints compared to the needs of U.S. agriculture. Because the bill contains many positive elements for North Dakota agriculture, I intend to vote for its passage. However, I am deeply concerned that the appropriators have again adopted a delay in the implementation of the mandatory country-of-origin labeling for U.S. agricultural products. This provision is broadly supported by U.S. farmers and livestock producers who wish to be able to differentiate their products in the marketplace. It is also supported by our consumers who desire to know where their food is produced. It is unfortunate the conference failed to represent those interests.

Mr. SALAZAR. Mr. President, I rise to speak about the fiscal year 2006 Agriculture appropriations bill. I want to thank Chairman BENNETT and Ranking Member KOHL for their long, hard work on this important bill. In the current fiscal environment, it is extremely difficult to put together an Agriculture appropriations bill that meets the needs of rural communities across the U.S., and I believe that Senators BENNETT and KOHL have done an admirable job.

I am very pleased that two of my amendments that were adopted during Senate consideration of this bill were included in the final conference report—specifically, my first amendment will result in a thorough review of the impact the increased cost of gas, natural gas, and diesel is having on farmers, ranchers, and rural communities; and my second amendment will help to address ongoing bark beetle infestation problems.

In addition, I am pleased that Colorado State University will receive funding for several important agricultural research programs such as infectious disease research, Russian wheat aphid research, and beef cattle genetics research.

Unfortunately, I am still concerned about the rural communities this conference report is primarily designed to assist. I am concerned that we are not doing everything we can on behalf of those farmers, ranchers and agri-businesses that continue to play a vital role in our Nation's rural communities. We are not making the necessary investments to keep our young people in these communities, and we are not making the necessary investments in research and development that will allow those communities to compete economically.

I am also concerned that this bill includes yet another delay for country-of-origin labeling. I believe this is a commonsense provision that will provide American consumers with information about where their food is coming from—information they need and deserve. Common sense dictates that if we can label where our shirts and socks are made, we can surely label where our meat and other kinds of food come from. I was disappointed to see this provision in the conference report, one that I believe will prevent our consumers from receiving the information they need to make an informed choice—the choice to buy American meat.

We can do more. Here is what I am hearing from my State: During harvest, agricultural producers are some of the largest fuel consumers in the U.S., and producers are facing enormous fuel costs. In Grand Junction, CO, diesel prices are over $3.00.

I have heard from one Colorado farmer in Kit Carson County who has estimated that, in order to harvest this year, he will need an additional $46,000 to cover fuel costs alone.

I have also heard from a farmer in northeastern Colorado who, in order to cover the increasing price of fuel, has applied for additional loans at his bank—only to be turned down because he is already overextended with existing loans.

That is why I am so pleased this bill now includes my amendment to require the Secretary of Agriculture to work with the Secretary of Energy to produce a comprehensive report on the impact of high gas prices on our farmers, ranchers, and rural communities across the country. That data is the first step toward a comprehensive solution that will help these communities address these terrible prices.

When you consider that these increasing fuel costs come on top of both natural disasters and an overall budget picture that has resulted in $3 billion worth of cuts to important agricultural programs, it is painfully clear that we must do more to help our producers. I believe we must cooperate to provide our rural residents with increased rural development and sustainable agricultural opportunities as well as reasonable commodity supports and eligibility guidelines to ensure that Federal supports go to the family farmers who are the intended beneficiaries.

Our family farmers, ranchers, and rural business people deserve fair farm, rural development, and conservation programs. They also deserve a safe food supply and other policies that help create more successful communities. I will support this bill, which is a step in the right direction. However, I do so with the recognition that it is not the whole answer, and that we must continue to fight—fight for the important investments that will assure our rural communities that we have not forgotten them.

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a vote on the adoption of the conference report to accompany H.R. 2744.

Mr. GREGG. Mr. President, have the yeas and nays been ordered?

The PRESIDENT pro tempore. They have not.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

Mr. FEINGOLD. Mr. President, in September I was pleased to support the Senate version of H.R. 2744, the fiscal year 2006 appropriations bill providing funding for the Department of Agriculture, Food and Drug Administration, and related agencies. I want to thank Senators BENNETT and KOHL for their hard work in crafting that legislation. While I may not have supported every provision, on balance, the Senate bill provided important funding to support our Nation's farmers, rural communities, and conservation programs and to provide nutritious food for seniors, children, and those in need. While I still support many of the provisions that remained in the conference report, there were significant changes and new provisions added that prevent me from supporting the final conference report.

After years of delay, I was encouraged that the Senate bill included funds to implement mandatory country-of-origin labeling, COOL, for meat, vegetables, and fruits. Unfortunately the conference report delays COOL for another 2 years, which is unacceptable for a provision that was part of the 2002 farm bill. Country-of-origin labeling is vitally important to enable our farmers to show their pride in the quality of their products, from ginseng to cheese to cranberries. Wisconsin farmers are proud of their work, and many consumers want to support American products—with country-of-origin labeling, both farmers and consumers benefit.

The strength of the organic certification and labeling program through USDA has been the ability of organic consumers, farmers, processors, and retailers to work together to create a seal that everyone has confidence in. The Harvey court decision challenged some of the procedures in place for organic farming and food processing. This situation should have caused the organic community to again come together, openly discuss the issues, and more than likely propose consensus changes to the law to both ensure the reputation of the organic label and allow for the continued record growth of the organic market. The Senate had included an amendment to require the USDA to report on the effects of the Harvey decision as part of this open process.

Unfortunately, some powerful corporate interests who see organic foods simply through the lens of potential profit were able to have language inserted in conference. While some of the inserted changes might ultimately have been adopted after open discussions with interested parties, backroom deals in the dead of night are not the way to go and have the potential for undermining confidence in the entire organic program.

This closed-door process extended to other provisions that were changed in conference to the detriment of the final report, including reductions in conservation funding and the removal of a provision proposed by Senator HARKIN that would have prevented the privatization of food stamp offices.

I am also disappointed that there are not stronger protections against the politicization of decisions made by the Food and Drug Administration. There is no room for politics in science, yet the FDA has demonstrated an alarming indifference to scientific integrity in its unprecedented decision preventing emergency contraception, or Plan B, from being offered over the counter. I strongly believe women should have access to all available contraceptive methods so that they can make choices regarding their personal health. I have supported scientific integrity in the past, and I must express my displeasure that stronger language was not included in the final conference report to prevent the FDA from allowing politics to affect its decision making.

By highlighting the problems with the conference report's process and policy I don't mean to suggest that nothing good remains from the Senate bill. The conference report still rejects a number of administration proposals to reduce or eliminate important programs such as funds for research at our land-grant colleges and universities, conservation partnerships through resource conservation and development councils, and funds to combat Johne's disease in our dairy industry. I was also heartened that the conferees included critical funds to address chronic wasting disease, and an amendment I proposed with Senator ALLARD to speed USDA's development of uniform regulations governing captive deer and elk. But, on balance, I simply cannot support the detrimental changes made in conference to the Senate bill.

Mrs. FEINSTEIN. Mr. President, as a member of the Agriculture Appropriations Subcommittee, I rise today to speak in support of the Agriculture appropriations conference report.

I would particularly like to thank the chairman and ranking member of the Subcommittee, Senators BENNETT and KOHL, for including $7 million in the bill for specialty crop funding.

Americans tend to forget that California is the largest agricultural producing State in the Nation. Of the top 10 agricultural producing counties nationwide, 8 are located in California. We export more crops than any other State, and I am proud to say that 97 percent of our farms are family owned.

As a result, I supported the Specialty Crop Competitiveness Act, legislation to boost the marketing of highly nutritious fruits, vegetables and other specialty crops to American consumers and international markets. The legislation provided, for the first time, a dedicated source of funding to promote the marketing of specialty crop products.

Specialty crops are fruits and vegetables, tree nuts, dried fruits, and nursery crops, including floriculture. Farms in the Golden State produce more than half of the Nation's fruits, vegetables and nuts from just 3 percent of the Nation's farmland. While California accounts for about 13 percent of national cash receipts from agriculture, it receives only about 3 percent of direct government payments to agriculture. These funds, while open to all 50 States, will help California specialty crop farmers.

As the globalization of markets continues, it is becoming increasingly difficult for United States producers to compete against heavily subsidized foreign producers in both the domestic and foreign markets. United States specialty crop producers also continue to face serious tariff and nontariff trade barriers in many export markets. The funding for specialty crops will promote the marketing of specialty crops and improve access to foreign markets and competitiveness.

I am extremely pleased that we were able to include $7 million for crops that are so vital to our Nation's food supply.

In addition, I would like to thank the chairman and ranking member for including other projects that will benefit California.

They include: $1.35 million for the California County Pest Detection Augmentation Program. These funds will help California counties increase high-risk pest exclusion inspection activities of new shipments of plants, seeds, fruits, vegetables, and animals. Pest exclusion is critical to a successful agricultural industry because it is more effective and less costly to prevent the introduction and establishment of potentially harmful exotic pests from the local environment than it is to eliminate them;

$24.25 million for the Glassy-winged Sharpshooter/Pierce's Disease Control Program. The glassy-winged sharpshooter is an invasive pest that spreads bacteria that kills grapes, almonds and tree fruits. This funding will be used to develop the resources to eliminate the spread of the disease;

$200 million for the Market Access Program. This nationwide program provides funding to promote the export of American agricultural products;

$1.929 million for Exotic Pest Disease Research at the University of California. The Exotic Pest and Disease Research Program funds research to combat a wide variety of exotic organisms that have invaded or could invade California. Recent successes in the program include determining the origin of avocado thrips found in Ventura and Orange counties—causing an $8.7 million annual loss to growers—and identifying natural enemies to control the thrips and replace pesticides previously in use. A similar approach is being developed for the Avocado Lace Bug. In addition, the program has funded work on such organisms as Sudden Oak Death, red imported fire ant, and Mediterranean fruitfly;

$20 million for the Farmers' Market Nutrition Program. The program provides nutritional information and supplements as well as healthcare referrals to low-income mothers and pregnant women. The Farmers Market Nutrition Program provides coupons to participants to use to buy produce from small farmers, and nutrition information is provided through the local Farmers Market Nutrition Program agency;

$3.076 million for the Sudden Oak Death Control Program. Funding will be used to continue researching Sudden Oak Death Disease, which infects and destroys oak and tanoak trees;

$401,000 for Ozone Air Quality Research by the San Joaquin Valleywide Air Pollution Study Agency. A multi-year, intensive air quality study is needed to meet the requirements of Regional Haze State Implementation Plans anticipated after 2008. This study would build upon the Central California Ozone Study and the California Regional Air Quality Study. These new studies will include an ozone filed study, data analysis, modeling performance evaluations, air quality and meteorological modeling improvements, and a retrospective look at previous State Implementation Plan modeling.

This bill is extremely important to ensuring a safe and secure domestic food supply. I would like to again thank the chairman and the ranking member for all of their hard work on this bill.

The question is on agreeing to the conference report. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. SUNUNU). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 18, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—81

Akaka
Alexander
Allard
Allen
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint

DeWine
Dole
Domenici
Durbin
Feinstein
Frist
Graham
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Vitter
Voinovich
Warner
Wyden

NAYS—18

Baucus
Bayh
Burns
Coburn
Dodd
Dorgan
Ensign
Enzi
Feingold
Grassley
Harkin
Johnson
Kerry
Kyl
McCain
Sununu
Thomas
Thune

NOT VOTING—1

Corzine

The conference report was agreed to.

Mr. BENNETT. Mr. President. I move to reconsider the vote.

Mr. INHOFE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEFICIT REDUCTION OMNIBUS RECONCILIATION ACT OF 2005—RESUMED

AMENDMENT NO. 2351

The PRESIDING OFFICER. It is now in order to consider the Conrad amendment. There is 2 minutes equally divided.

Mr. CONRAD. Mr. President, I ask unanimous consent that Senator BIDEN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, the best argument made for my amendment, which is to restore fiscal responsibility, is the argument made by the chairman of the Budget Committee in 2002. Here is what he said:

> The second budget discipline, which is pay-go, essentially says if you are going to add a new entitlement program, or you are going to cut taxes, you must offset that event so that it becomes a budget neutral event. If we don't do this, if we don't put back in place caps and pay-go, we will have no budget discipline, and as a result we will dramatically aggravate the deficit, which, of course, impacts a lot of important issues but especially impacts Social Security.

The budget chairman was right then. It is the right position now. Support the restoration of the budget discipline of pay-go.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I was correct then, and that is why we put pay-go into this resolution. The budget resolution does have pay-go in it, and it is the appropriate approach to pay-go because it recognizes there is a difference between tax relief and raising spending. The other side of the aisle has always looked on people's taxes as their money. We don't look at it that way on this side of the aisle. We look at it as the people's money, and they should be able to keep it. We should not have a rule that arbitrarily takes it from them.

For that reason, I oppose the amendment.

I make a point of order that the pending amendment is not germane before the Senate, and I raise a point of order under section 305 of the Budget Act.

Mr. CONRAD. Mr. President. pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable section of the act for the consideration of the pending amendment.

I ask for the yeas and nays, and I ask my colleagues to support this budget discipline.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50. nays 49, as follows:

[Rollcall Vote No. 283 Leg.]

YEAS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coburn
Collins
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Voinovich
Wyden

NAYS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 50. the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. OBAMA. Madam President, I rise today to speak in favor of fiscal responsibility. This pay-go amendment introduced by Ranking Member CONRAD of the Budget Committee, of which I am a cosponsor, seeks to fully reinstate the pay-as-you-go requirement for direct spending and revenue legislation in the Senate through 2010.

This is about restoring responsible budgeting. Previously, pay-go rules applied equally to increases in mandatory spending and decreases in revenue. New spending or tax cuts could only become law if they were offset or found 60 votes in support. This enforced a badly needed budget discipline. It said, either pay for your priorities whether entitlement spending or tax cuts or both or find a supermajority of colleagues willing to override the rule. Simple logic. Simple balance. Common sense. Pay-go worked well in the 1990s to reduce deficits and it can work well today.

Unfortunately, the rules were changed, and the balance was overturned. Now, the requirements of budget discipline apply to only half of the budget. Tax breaks are exempt from the logic and balance and common sense of budget discipline.

The problem is that there is no such thing as half a budget. Budget discipline requires enforcing control over both sides of the ledger. You can't fill a bath tub just by plugging the drain. You can't drive a car just by pressing on the brakes.

The original pay-go rules were abandoned to provide for a series of unfunded tax breaks. And since the tax breaks were unfunded, the Government had to borrow money to pay for them. So we borrowed from countries like Japan and China. And we borrowed from the Social Security trust fund. In the process, our national debt shot up to $8 trillion, and it is still rising. Last year, for example, our national commitments exceeded our national resources by more than $550 billion. And we continue to borrow.

Some have argued that this first chapter of reconciliation is an effort to reduce the deficit. They tout the reductions in spending, many of which I would support. But later this month, the Senate will get to chapter two of reconciliation, which proposes further unfunded tax breaks and guarantees additional deficits and growing debt. So much debt, in fact, that the third chapter of budget reconciliation, which no one really wants to talk about, will involve raising our country's debt ceiling to almost $9 trillion.

Americans deserve better financial leadership. The people I talk to in Illinois are not fooled by what is going on. They know what is happening with higher deficits and reduced levels of government service. They understand that, in this life, you get what you pay for and if you don't pay for it today, it will cost you more tomorrow.

Washington could learn a lot from the American people about fiscal responsibility. The people I have met with know that if you need to spend more money on something, you also need to make more money, and if your income falls, your spending must fall, too. This is the essence of the pay-go rules we are trying to reinstate in the Senate. Changes in spending must be offset by changes in revenue, and vice versa.

Americans know that when you are already deep in debt, it is not the optimal time to be gutting your revenue stream, whether it's a few hundred dollars in the case of a family or a $70 billion tax break in the case of the Federal Government.

They also understand the difference between a home mortgage, a student loan, a credit card debt for uninsured health care expenses, and an unpaid tab at the bar. They know that some debts are good investments or may be unavoidable. But some debts are irresponsible the result of spending more than you can afford on purchases you could postpone or do without.

The people I have met with know that you do not respond to emergencies by indiscriminately cutting all parts of the family budget. You make choices and forego luxuries before cutting back on essentials like food, heating, education, and healthcare. They understand that across the board cuts are neither fair nor responsible. Such cuts sound bold, but they represent a lack of leadership, not an example of it.

The American people also know that the whole family must share in sacrifice—it is not right to pick on any one member of the family, or any one State in our Union. We are in this together. Singling out Alaska's bridge projects or any one State's earmarked funds is the wrong approach. If Congress is going to eliminate frivolous pork projects, as we should to support the gulf coast, let's eliminate all of them, in all States, together.

Finally, the people I talk to understand that when you have massive costs coming down the road, you need to prepare for them. There is no excuse for ignoring the financial consequences of foreseeable expenses whether it is the rising costs of health care, the retirement of the baby boom generation, or the growing inequality of wealth in our society.

You don't have to be a deficit hawk to be disturbed by the growing gap between revenues and expenses. This makes sense to people because the same principles that apply to our national budget apply to their family budgets as well. Americans are willing to share in the hard choices required to get us back on track, as long as they know that everyone is pulling their weight and doing their fair share.

That is why it is so important that we reinstate pay-go in a way that meaningfully enforces the budget discipline both sides of the aisle need to honestly tackle our short-term and long-term fiscal challenges.

Mr. President, it is time for fiscal responsibility to return to Washington. Adult supervision must return to the budgeting process.

Pay-go provides a necessary tool at a necessary time. I urge my colleagues to support this amendment.

AMENDMENT NO. 2352, AS MODIFIED

The PRESIDING OFFICER. At this time there is 2 minutes on the Enzi amendment.

The Senator from New Hampshire.

Mr. GREGG. I will yield to Senator ENZI.

Mr. CONRAD. The Senate is not in order. The Senator deserves a chance to be heard.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Nevada.

Mr. ENSIGN. Madam President, at the end of 2 minutes, that time being expired, I intend to send a second-degree amendment to the Enzi amendment to the desk. Let me briefly describe it. My amendment addresses the concerns of the Orthodox Union, the Catholic Bishops, and the Council on American Private Education. My amendment clearly establishes an indirect aid program for displaced private school students that meets all the constitutional requirements without placing unworkable and unnecessary restrictions on private schools serving these displaced families. It ensures accountability for the funds and, most important, delivers on the much-needed relief to ensure the restart and operation of schools at all levels in the affected areas.

The 2002 Zellman decision by the Supreme Court clarified that religious schools which accept Government funding do not have to modify their teachings and curricula in order to receive Government funding so long as the Government aid arrives at the school by virtue of an independent choice made by the student and parent, and this amendment complies with that decision and meets all of its constitutional requirements.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Wyoming.

Mr. ENZI. I hate to debate a second-degree amendment that has not yet been sent to the desk.

Mr. CONRAD. Could we have order, Madam President.

Mr. ENZI. At the appropriate point in time I will be raising the point of germaneness. This amendment shows the Gordian knot we are trying to cut through so we can do the right things for the children of Katrina.

What we have is constitutional. We are not trying, in the amendment that will be up as the original amendment, to resolve vouchers. We are not trying to resolve faith-based initiatives. What we are trying to do is do the right thing to treat the kids of Katrina the right way, and in order to solve this it has to be a very bipartisan way because we also will have to overcome a point of germaneness.

I yield the remainder of my time to Senator KENNEDY.

Mr. KENNEDY. Madam President, we should not penalize the children of Louisiana and the gulf, once by the storm and once by this amendment. This amendment does not have accountability. It allows Federal funds to be used for religious purposes. It guts the civil rights protections of our proposal.

For the sake of the children and for the sake of the schools, I hope this amendment will be defeated.

AMENDMENT NO. 2401 TO AMENDMENT NO. 2352, AS MODIFIED

(Purpose: To provide assistance for elementary and secondary schools and students, and institutions of higher education, affected by Hurricane Katrina)

Mr. ENSIGN. I send a second-degree amendment to the Enzi amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes amendment No. 2404 to amendment No. 2352, as modified.

Mr. ENSIGN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. ENZI. The pending amendment is not germane to the measure now before the Senate. I raise a point of order under section 305 of the Budget Act.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Pursuant to section 904(c) of the Congressional Budget Act of 1974, I move to waive section 305 of the Budget Act for the consideration of the Ensign second-degree amendment. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, as I understand it, and I am not sure I understand it, I believe there is now still 2 minutes of debate available between the proponent of the second degree and the proponent in opposition. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. I presume Senator ENZI and Senator ENSIGN can continue their discussion.

Mr. KENNEDY. Madam President, will the Senator yield?

Is this the total time? I thought we had a minute on each side on each amendment. Are we now debating the Enzi underlying amendment?

The PRESIDING OFFICER. There is 2 minutes on the second-degree amendment, the Ensign amendment.

Mr. GREGG. Madam President, parliamentary inquiry. And I ask unanimous consent that this time not be applied to the time relative to the debate that is available.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. GREGG. As I understand the situation, the 2 minutes of debate has already occurred on the Enzi amendment. We are now under 2 minutes of debate on the second-degree amendment, which is the Ensign amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. After this amendment is debated, there will be a vote on the motion to waive the point of order made by Senator ENZI from Wyoming, the motion to waive being made by Senator ENSIGN relative to the second-degree amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Massachusetts.

Mr. KENNEDY. Parliamentary inquiry, Madam President: I thought we were having the 2 minutes prior to each vote just over the course of the day on these different amendments. It is my mistake because I thought we were just voting on the Ensign amendment, and then, when we disposed of that, we would have a vote up or down on the underlying amendment. But I guess that is not the way we are going to proceed.

Mr. GREGG. Madam President, if I may respond to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I say to the Senator from Massachusetts, because there was a second degree, the way it worked out, the debate on the Enzi amendment occurred as part of that process. So the 2 minutes did occur. However, because this is the first exercise here in this undertaking, I would suggest that, after the Ensign amendment is disposed of, if it is favorably disposed of, that there won't be 2 minutes, but if it is not favorably disposed of we would have another 2 minutes of debate on the Enzi amendment.

Mr. KENNEDY. I thank the chairman of the Budget Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. ENZI. Madam President, to clarify this, why would we have the debate on the overlying motion before we have the debate on the underlying motion and then try to deny a debate on the overlying motion at the appropriate time?

I would ask the chairman and the ranking member to consider this process. It will save a lot of time if the person suggesting a second-degree amendment do the debate on the second-degree amendment. Did anybody here hear the debate on the first-degree amendment? That was debate on the second-degree amendment.

So we disposed with the debate on the second-degree amendment. Now we ought to have the vote on the second-degree amendment, not another debate on the second-degree amendment and then go to the first-degree amendment without debate—or even with debate.

If we are going to limit the time, we need to limit the time each time. And if somebody is going to do a second-degree amendment, they ought to do their debate on the second-degree amendment, face the vote on the second-degree amendment, and move on. But you ought to get your time to debate your motion at the time of the vote on the motion, not an hour later.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I think the Senator from Wyoming has made an excellent case. We will try to orchestrate it in that manner, should we get additional second degrees.

At this point, the debate for 2 minutes is on the second-degree amendment, and Senator ENSIGN has a minute, and whoever claims the opposition has a minute.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, as I understand it, Senator ENZI has made the point of order, has he not, on this amendment?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Wyoming.

Mr. ENZI. Parliamentary inquiry: I think I would have to withdraw that point of germaneness and he would have to withdraw his in order for us to have continuing debate. Is that not true?

The PRESIDING OFFICER. All debate is expired except under the order.

There is now 2 minutes of debate on the second-degree amendment.

Mr. ENZI. Madam President, parliamentary inquiry: Does that mean my point of order was on my amendment and his motion to waive was on my amendment, not on his?

The PRESIDING OFFICER. The pending motion is to waive the point of order against the Ensign second-degree amendment.

Mr. ENZI. That will be what the debate is on? I thought debate did not happen once the germaneness was entered.

The PRESIDING OFFICER. By unanimous consent, the order was changed.

The Senator from Nevada.

Mr. ENSIGN. Madam President, now that we have been through all that, just to restate, the managers of the underlying amendment believe their proposal is constitutional. But the lawyers for the private schools, the ones who have looked at this, believe they could not accept the aid in a constitutional manner, that people will be able to bring a court case against them and that they would lose if they did not change the way they do their instruction. They have a moral, religious-based instruction. They believe they would have to change it.

Our amendment clearly makes the way they receive the funds constitutional. We both want to provide help for those people who have been displaced, for those schools that have taken in these displaced students. We both want to have the help go. What we want to do, though, is allow the private schools to function as they have been functioning in the past. If you are a Catholic school, you would be able to function as a Catholic school functions and not be penalized for that because you have taken in these displaced students and are getting some Federal aid.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I guess there have been a lot of constitutional lawyers involved in all of this. I certainly want people to know we also conferred with constitutional lawyers and found a way to be able to do, on a one-time emergency basis, what needs to be done properly for the kids of Katrina and for any other major event where we have a large number of displaced students. But this one just deals with the one-time emergency event. It is constitutional. It does not, however, as Senator ENSIGN would like to do, resolve the voucher issue, and it does not resolve the faith-based initiative issue. But it does get help to kids, and that is what we are trying to do with all the education amendments we have today.

I yield the remainder of my time to Senator KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, as the chairman of the committee has pointed out, we have reviewed and cleared this with constitutional authorities. This is an indirect way of providing help and assistance to the children. The alternative is effectively a voucher program. We have tried to stay clear from ideological fixes on this.

Let's treat the children with respect and the schools with respect and in the generosity with which they have treated these children. I hope the amendment will be defeated.

Mr. BINGAMAN. Madam President, I would like to talk about the Enzi-Kennedy amendment to S. 1932, the deficit reduction bill. We all want to do the right thing and help the hundreds of thousands of students displaced by Hurricane Katrina. Just a few weeks after the tragic events surrounding Hurricane Katrina, I came to the floor of the Senate and offered an amendment to the Commerce-Justice-State appropriations bill to assist students and schools impacted by Hurricane Katrina. I also cosponsored a bill with Senators ENZI and KENNEDY, S. 1715, to assist schools and students impacted by Katrina. But I have tremendous concerns about the amendment before us today.

This amendment sets up an unworkable mechanism to assist displaced students attending private schools. It requires states to funnel Federal dollars to local school districts to establish private accounts to pay the tuition to private schools. In contrast, current law provides a reasonable mechanism for local school districts to assist students attending private schools, called equitable participation, without establishing a national voucher program. I support efforts to use equitable participation to assist private schools serving these displaced students. Unfortunately, this amendment fails to use this mechanism. At the same time, it establishes the first national voucher program. Accordingly, along with educators, school boards, principals, teacher unions, and many civil rights and faith-based organizations, I must oppose this provision.

Mr. REED. Madam President, while the Enzi-Kennedy amendment passed on a voice vote, I want the record to reflect my opposition to this amendment.

We have all seen the devastation of Hurricanes Katrina and Rita, and I certainly understand and share my colleagues' desire to address the needs of displaced school children.

Unfortunately, this amendment, which frankly is more than 2 months overdue, falls far short of the help needed for the affected families and public schools. It falls short financially, since it provides less money than these schools need in order to reopen and serve the children of the Gulf Coast. It also falls short constitutionally by making payments to private religious schools on behalf of students who fled these hurricanes and are now attending such schools across the country.

Now, I understand that these hurricanes did not differentiate between public and private school students, and that we need to be able to provide some assistance for all students affected by them. However, this amendment is not the answer. As my colleagues are very well aware, we currently have a mechanism in current law to provide support to students in private schools. We do it every day under Title I and Title V of NCLB, and under IDEA.

These children should have been helped over 2 months ago with the funding mechanisms we already have in place. That is why this amendment is not about getting help to these students. This is about using these students' needs as a pawn to further the Republican agenda of vouchers.

In addition, we are doing a disservice to families displaced by Hurricanes Katrina and Rita by not informing them that this assistance is just for this school year. No where in this legislation is there a requirement that parents be notified that this assistance is temporary and that it will not be renewed beyond August 2006. Instead of being fair to these parents by providing them with transparent information, this amendment fails to include a provision to notify parents that this assistance is time-limited. We have an obligation to inform parents receiving this assistance that this funding is a one-time deal. Without clear language on this point, language which I suggested to the sponsors of the amendment, parents will have an unfounded expectation that this aid will be there next year and perhaps even for years to come. These families are settling down in new communities, and they may lack the resources, ability, or desire to go back to the gulf coast.

Of course, we want to help families in their moment of need and distress. I understand my colleague, Senator LANDRIEU's position on this matter, and her sincere desire to help her constituents. I too believe this assistance to schools, both public and private, is important, needed, and appropriate. But this amendment could and should have been structured in a way that contains clear notification requirements and that mirrors current law.

This legislation is not the direction we should be heading. This legislation is a stalking horse for a national voucher program. At the same time, it provides less funding than is needed to repair and fund our devastated public schools. It provides very little accountability for the use of taxpayers' funds and provides little or no enforcement of the civil rights protections that would exist if money were sent through existing funding mechanisms.

I want to thank Senators ENZI, ALEXANDER, KENNEDY, and DODD, because I know that they have worked very hard to improve this amendment, and I appreciate their efforts. I urge my colleagues to continue to work to address the concerns I have raised as this bill moves forward.

Mr. KOHL. Madam President, I support the Enzi amendment. This amendment would provide $1.6 billion in emergency funding to address the desperate funding needs of schools who have taken in displaced Katrina students and the schools that have been damaged or destroyed by the hurricane.

Over 2 months ago, hundreds of thousands of children in the gulf region were displaced from their homes, their communities, and their local schools. Neighboring communities have welcomed these students with open arms. It is only fair to provide school districts the funds necessary to educate and care for dislocated students left in the wake of Hurricane Katrina.

I know some are concerned about funding for displaced students who are attending private schools. However, this provision is carefully crafted to ensure that funding flows directly to school districts, much like similar provisions in Title I and special education. This program will not set up a national school voucher program. Rather, it simply ensures, on a temporary, one-time basis, that all students in need and schools that take them in have access to the relief they need. In this extraordinary circumstance, I believe that this provision takes a balanced approach, and we will continue to monitor its implementation.

It is my hope that my colleagues will join me in supporting the Enzi amendment, thereby supporting students who became displaced through no fault of their own.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result yeas and nays resulted—yeas 31, nays 68, as follows:

[Rollcall Vote No. 284 Leg.]

YEAS—31

Allard
Allen
Bennett
Brownback
Bunning
Coburn
Coleman
Craig
Crapo
DeMint
DeWine
Dole
Ensign
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Inhofe
Kyl
Martinez
McCain
McConnell
Santorum
Sessions
Shelby
Sununu
Thune
Vitter
Voinovich

NAYS—68

Akaka
Alexander
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Collins
Conrad
Cornyn
Dayton
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Harkin
Hutchison
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama

Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Warner
Wyden

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote the yeas are 31, the nays are 68. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. BOND. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2352, AS MODIFIED

Mr. GREGG. Madam President, the next amendment is the Enzi amendment. I ask that we move immediately to a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2352), as modified, was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Madam President, the next amendment is the Lincoln amendment. I ask unanimous consent that all votes on additional amendments be 10 minutes.

We are going to clarify the issue of second-degree amendments that we just went through because, under the rule, all time has to expire on debate on the first degree before you can debate a second degree or offer it. That is why we had the confusion before. We are going to adjust that through this unanimous consent request.

I ask unanimous consent that for the purposes of today's votes, all second-degree amendments must be offered prior to beginning the 2 minutes of debate on the underlying first-degree amendment. Before the Chair rules, as a clarification, this will now mandate that second-degree amendments must be offered before we begin the 2-minute debate on the first degree. We would then have 2 minutes of debate on the second degree, both in relationship to the second degree, and then have 2 minutes of debate on the first degree prior to the vote in relationship to that amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Reserving the right to object, I would say to Senators who are in the back of the Chamber, who are most interested in this question, this is a good time to hear what is being done to correct what occurred previously. What occurred previously was, under the rule, all time had to expire on the first-degree amendment before a second-degree amendment could be offered. Under the interpretation of the Chair, that included the 2 minutes of debate on the first-degree amendment. Now what we are doing is modifying that through unanimous consent agreement so if someone offers a second degree, they have to offer it before the 2 minutes of debate on the first degree. Then we will be able to have 2 minutes of debate on the second degree, a vote on the second degree. Then, in consideration of the first degree, we will be able to have the 2 minutes of debate in conjunction with it. For the interest of our colleagues, that is what is being done.

We should take this moment, as well, to say to our colleagues, we have 35 amendments filed. That would take 12 hours of straight voting. We have to end today at 6 o'clock, which would mean we would be in tomorrow for at least 4 hours. I ask our colleagues to show restraint on calling up amendments that have been filed. We have had a good debate on this matter. It has been an absolutely fair debate in terms of how we have been treated with respect to amendments being offered. We really don't need to have 35 amendments offered to this measure. I urge my colleagues to show restraint.

I will not object.

Mr. GREGG. I also renew my request that votes on additional amendments be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. The next amendment is that of Senator LINCOLN.

AMENDMENT NO. 2356, AS MODIFIED

The PRESIDING OFFICER. There is now 2 minutes of debate evenly divided on the Lincoln amendment.

The Senator from Arkansas.

Mrs. LINCOLN. Madam President, I modify my amendment with the language that is currently at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of subtitle A of title VI, add the following:

CHAPTER 7—EMERGENCY HEALTH CARE AND OTHER RELIEF FOR SURVIVORS OF HURRICANE KATRINA

Subchapter A—Emergency Health Care Relief

SEC. 6081. DEFINITIONS.

In this subchapter:

(1) DIRECT IMPACT PARISH OR COUNTY.—

(A) IN GENERAL.—The term "direct impact parish or county" means a parish in the State of Louisiana, or a county in the State of Mississippi or Alabama, for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina and which the President has determined, before September 14, 2005, warrants individual and public assistance from the Federal Government under such Act.

(B) EXCLUSION.—Such term does not include a parish in the State of Louisiana or a county in the State of Mississippi or Alabama which the President has determined warrants only public assistance from the Federal Government under such Act as a result of Hurricane Katrina.

(C) AUTHORITY TO RELY ON WEB SITE POSTED DESIGNATIONS.—The Secretary of Health and Human Services shall post on the Internet Web site for the Centers for Medicare & Medicaid Services a list of parishes and counties identified as direct impact parishes or counties in accordance with this paragraph. Any such parish or county that is posted on such Web site as a direct impact parish or county shall be treated for purposes of subparagraph (A) as described in such subparagraph.

(2) DRM ASSISTANCE.—The term "DRM assistance" means the short-term, non-cash, temporary, in-kind, emergency disaster relief health program established under section 6082 to assist Katrina Survivors in accordance with that section.

(3) DRM COVERAGE PERIOD.—

(A) IN GENERAL.—The term "DRM coverage period" means the period beginning on August 28, 2005, and, subject to subparagraph (B), ending on the date that is 5 months after the date of enactment of this Act.

(B) AUTHORITY TO EXTEND DRM COVERAGE PERIOD.—

(i) IN GENERAL.—The Secretary may extend the DRM coverage period for an additional 5 months. Any reference to the term "DRM coverage period" in this subchapter shall include any extension under this clause.

(ii) NOTICE TO CONGRESS AND STATES.—The Secretary shall notify the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Chairs and Ranking Members of the Committee on Finance of the Senate and the Committees on Energy and Commerce and Ways and Means of the House of Representatives, and the States at least 45 days prior to—

(I) extending the DRM coverage period; or

(II) if the Secretary determines not to extend such period, the ending date described in subparagraph (A).

(4) KATRINA SURVIVOR.—

(A) IN GENERAL.—The term "Katrina Survivor" means an individual who is described in subparagraph (B) or (C).

(B) RESIDENTS AND EVACUEES OF DIRECT IMPACT PARISHES AND COUNTIES.—An individual who, on any day during the week preceding August 28, 2005, had a primary residence in a direct impact parish or county.

(C) INDIVIDUALS WHO LOST EMPLOYMENT.—An individual whose—

(i) worksite, on any day during the week preceding August 28, 2005, was located in a direct impact parish or county; and

(ii) employment with an employer which conducted an active trade or business on August 28, 2005, in a direct impact parish or county and with respect to whom such trade or business is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained in connection with Hurricane Katrina, is terminated.

(D) TREATMENT OF CURRENT MEDICAID BENEFICIARIES.—Nothing in this subchapter shall be construed as preventing an individual who is otherwise entitled to medical assistance under title XIX of the Social Security Act from being treated as a Katrina Survivor under this subchapter.

(E) TREATMENT OF HOMELESS PERSONS.—For purposes of this subchapter, in the case of an individual who was homeless on any day during the week described in subparagraph (B), the individual's "residence" shall be deemed to be the place of residence as otherwise determined for such an individual under title XIX of the Social Security Act.

(5) POVERTY LINE.—The term "poverty line" has the meaning given that term in section 2110(c)(5) of the Social Security Act (42 U.S.C. 1397jj(c)(5)).

(6) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(7) STATE.—The term "State" has the meaning given that term for purposes of title XIX of the Social Security Act (42 U.S.C 1396 et seq.).

(8) STATE MEDICAID PLAN.—The term "State Medicaid plan" means a State plan for medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), including any medical assistance provided under a waiver of such plan.

SEC. 6082. DISASTER RELIEF MEDICAID.

(a) AUTHORITY TO PROVIDE DISASTER RELIEF MEDICAID.—

(1) IN GENERAL.—Notwithstanding any provision of title XIX of the Social Security Act, a State shall, as a condition of participation in the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), provide medical assistance to DRM-eligible Katrina Survivors (as defined in subsection (b)) under a State Medicaid plan during the DRM coverage period in accordance with the following provisions of this section.

(2) AUTHORITY TO PROVIDE DRM ASSISTANCE AS SEPARATE COMPONENT OF REGULAR STATE MEDICAID PLAN OR UNDER SUCH PLAN.—

(A) IN GENERAL.—A State may provide DRM assistance without submitting an amendment to the State Medicaid plan and as a separate component of the State Medicaid plan or, subject to subparagraph (B), under such plan.

(B) CONDITIONS FOR PROVISION OF DRM ASSISTANCE UNDER REGULAR STATE MEDICAID PLAN.—A State may only provide DRM assistance under the State Medicaid plan if the State provides such assistance in accordance with the requirements of this section and the State is able to separately identify and report expenditures or other information attributable to the provision of such assistance.

(b) DRM-ELIGIBLE KATRINA SURVIVOR DEFINED.—

(1) IN GENERAL.—In this section, the term "DRM-eligible Katrina Survivor" means a Katrina Survivor whose family income does not exceed the higher of—

(A) 100 percent (200 percent, in the case of such a Survivor who is a pregnant woman or child) of the poverty line; or

(B) the income eligibility standard which would apply to the Survivor under the State Medicaid plan.

(2) SPECIAL RULE FOR KATRINA SURVIVORS WHO ARE RECIPIENTS OF DISABILITY INSURANCE BENEFITS.—In the case of a Katrina Survivor who is a recipient of disability insurance benefits under section 202 or 223 of the Social Security Act (42 U.S.C. 402, 423), paragraph (1) shall be applied to such Survivor by substituting "300 percent of the supplemental security income benefit rate established by section 1611(b)(1) of the Social Security Act (42 U.S.C. 1382(b)(1))" for subparagraph (A) of such paragraph.

(3) NO RESOURCES, RESIDENCY, OR CATEGORICAL ELIGIBILITY REQUIREMENTS.—Eligibility under paragraph (1) shall be determined without application of any resources test, State residency, or categorical eligibility requirements.

(4) INCOME DETERMINATION.—

(A) LEAST RESTRICTIVE INCOME METHODOLOGIES; PROSPECTIVE DETERMINATION.—The State shall use the least restrictive methodologies applied under the State Medicaid plan under section 1902(r)(2) of the Social Security Act (42 U.S.C. 1396a(r)(2)) in determining income eligibility for Katrina Survivors under paragraph (1) and shall determine family income for such Survivors only prospectively from the date of application.

(B) DISREGARD OF UI COMPENSATION AND DISASTER RELIEF ASSISTANCE.—In determining such income eligibility, the State shall disregard—

(i) any amount received under a law of the United States or of a State which is in the nature of unemployment compensation by a Katrina Survivor during the DRM coverage period, including unemployment assistance provided under section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177); and

(ii) any assistance provided (in cash or in kind) to a Katrina Survivor from any public or private entity as a result of Hurricane Katrina.

(5) DEFINITION OF CHILD.—For purposes of paragraph (1), a DRM-eligible Katrina Survivor shall be determined to be a "child" if such Survivor meets the definition of "child" under the State Medicaid plan.

(6) CERTAIN INDIVIDUALS DEEMED TO BE DRM-ELIGIBLE KATRINA SURVIVORS.—

(A) IN GENERAL.—Upon submission of an application from an individual attesting that the individual is an individual described in any of the categories described in subparagraph (B), or, if an individual is an individual described in subparagraph (C), the State shall deem the individual to be a DRM-eligible Katrina Survivor for purposes of eligibility for DRM assistance during the DRM coverage period.

(B) CATEGORIES DESCRIBED.—For purposes of subparagraph (A), the categories described in this subparagraph are the following:

(i) KATRINA SURVIVORS ENROLLED IN A STATE MEDICAID PLAN AS OF THE BEGINNING OF THE DRM COVERAGE PERIOD.—Any Katrina Survivor who can provide proof of enrollment in a State Medicaid plan as of August 28, 2005.

(ii) KATRINA SURVIVORS WHO ARE RECIPIENTS OF UNEMPLOYMENT COMPENSATION.—Any Katrina Survivor who, during the DRM coverage period, is a recipient of an amount paid under a law of the United States or of a State which is in the nature of unemployment compensation, including unemployment assistance provided under section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177).

(iii) KATRINA SURVIVORS ENROLLED IN DRM ASSISTANCE IN ANOTHER STATE.—Any Katrina Survivor determined by another State to be a DRM-eligible Katrina Survivor who was enrolled in DRM assistance in that State and who relocates to the State during the DRM coverage period.

(C) KATRINA SURVIVORS PROVIDED MEDICAL ASSISTANCE PRIOR TO DATE OF ENACTMENT.—

(i) IN GENERAL.—An individual described in this subparagraph is any Katrina Survivor who is provided medical assistance under a State Medicaid plan in accordance with guidance from the Secretary during the period that begins on August 28, 2005, and ends on the date of enactment of this Act.

(ii) NONAPPLICATION TO CHILD HEALTH ASSISTANCE.—In the case of an individual who is a Katrina Survivor who is provided child health assistance under a State child health plan in accordance with guidance from the Secretary during the period described in clause (i), such individual shall not be deemed to be a DRM-eligible Katrina Survivor for purposes of receiving DRM assistance under this section. Nothing in the preceding sentence shall be construed as prohibiting such an individual from submitting an application for DRM assistance.

(c) ELIGIBILITY DETERMINATION; NO CONTINUATION OF DRM ASSISTANCE.—

(1) STREAMLINED ELIGIBILITY PROCESS.—The State shall use the following streamlined procedures in processing applications and determining eligibility for DRM assistance for DRM-eligible Katrina Survivors and eligibility for the payment of private health insurance premiums under section 107(b)(2)(A):

(A) ONE-PAGE APPLICATION.—A common 1-page application form developed by the Secretary of Health and Human Services in consultation with the National Association of State Medicaid Directors. Such form shall—

(i) require an applicant to provide an expected address for the duration of the DRM coverage period and to agree to update that information if it changes during such period;

(ii) include notice regarding the penalties for making a fraudulent application under subsection (h);

(iii) require the applicant to assign to the State any rights of the applicant (or any other person who is a DRM-eligible Katrina Survivor and on whose behalf the applicant has the legal authority to execute an assignment of such rights) under any group health plan or other third-party coverage for health care;

(iv) require the applicant to—

(I) list any health insurance coverage which the applicant was enrolled in immediately prior to submitting such application; and

(II) indicate whether the applicant would rather receive DRM assistance from a State in accordance with this section or, if private health insurance is available, assistance in paying the premiums for such health insurance under section 6088(b)(2)(A); and

(v) be translated by the Secretary into languages other than English, and in cultural contexts, that are most appropriate for the applicants expected to submit such forms.

(B) SELF-ATTESTATION.—Self-attestation by the applicant that the applicant—

(i) is a DRM-eligible Katrina Survivor; and

(ii) if applicable, requires home and community-based services provided under such DRM assistance in accordance with subsection (d)(3).

(C) NO DOCUMENTATION.—The State shall not require documentation evidencing the basis on which the applicant qualifies to be a DRM-eligible Katrina Survivor or, if applicable, requires home and community-based services.

(D) ISSUANCE OF ELIGIBILITY CARD.—

(i) IN GENERAL.—Subject to clause (iii), the State shall, immediately upon submission of a complete application (including the self-attestation required under subparagraph (B)) by an applicant, issue a DRM assistance eligibility card to the applicant.

(ii) VALIDITY; NOTICE OF TERMINATION DATE.—A DRM assistance eligibility card shall be valid as long as the DRM coverage period is in effect and shall be accompanied by notice of the termination date for the DRM coverage period and, if applicable, notice that such termination date may be extended. If the Secretary extends the DRM coverage period, the State shall notify DRM-eligible Katrina Survivors enrolled in DRM assistance of the new termination date for the DRM coverage period.

(iii) APPLICATION TO STATES THAT ELECT TO PROVIDE DRM ASSISTANCE UNDER THE REGULAR STATE MEDICAID PLAN.—In the case of a State that elects under subsection (a)(2) to provide DRM assistance under the State Medicaid plan, the State may issue to an applicant who submits a complete application an eligibility card that is similar to the cards issued by the State to enrollees in the State medicaid plan, but only if the State is able to adapt the card in a manner which clearly identifies that the applicant is eligible for DRM assistance and provides notice of the termination date for the DRM coverage period (and the new termination date applicable if the Secretary extends such coverage period).

(E) APPLICATION FOR MEDICAL ASSISTANCE UNDER REGULAR STATE MEDICAID PLAN.—Concurrent with the issuance of an eligibility card under subparagraph (D), the State shall provide the applicant with an application for medical assistance under the State Medicaid plan.

(F) PRESUMPTIVE ELIGIBILITY.—

(i) STATES THAT PROVIDE FOR PRESUMPTIVE ELIGIBILITY UNDER THE REGULAR STATE MEDICAID PLAN.—In the case of a State that, as of the date of enactment of this Act, provides for a period of presumptive eligibility under the State Medicaid plan in accordance with section 1920, 1920A, or 1920B of the Social Security Act (42 U.S.C. 1396r–1, 1396r–1a, 1396r–1b), the State shall deem an applicant to be a DRM-eligible Katrina Survivor eligible for DRM assistance in accordance with this section, subject to subsection (g), if the applicant completes an application for such assistance, presents it to a provider or facility participating in the State Medicaid plan that is qualified to make presumptive eligibility determinations under such plan (which at a minimum shall consist of facilities identified in section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)), and it appears to the provider or facility that the applicant is a DRM-eligible Katrina Survivor based on the information in the application.

(ii) APPLICATION TO STATES THAT DO NOT PROVIDE PRESUMPTIVE ELIGIBILITY UNDER THE REGULAR STATE MEDICAID PLAN.—In the case of a State which does not provide for a period of presumptive eligibility under the State medicaid plan, the State may elect to provide for a period of presumptive eligibility for DRM assistance by designating qualified providers (as defined in section 1920(b)(2) of such Act (42 U.S.C. 1396r–1(b)(2)) as providers that are specifically designated by the State to make presumptive determinations in accordance with clause (i) with respect to eligibility for such assistance, but only if—

(I) the State elects to provide for a period of presumptive eligibility for such assistance for all Katrina Survivors who may be DRM-eligible Katrina Survivors in accordance with subsection (b); and

(II) the qualified providers designated by the State to make determinations of presumptive eligibility for such assistance, at a minimum, consistent of facilities identified in section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) that are qualified providers under section 1920(b)(2) of such Act.

(G) CONTINUOUS ELIGIBILITY.—Continuous eligibility, without the need for any redetermination of eligibility, for the duration of the DRM coverage period.

(2) NO CONTINUATION OF DRM ASSISTANCE.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no DRM assistance shall be provided after the end of the DRM coverage period.

(B) PRESUMPTIVE ELIGIBILITY FOR MEDICAL ASSISTANCE UNDER REGULAR MEDICAID PLAN.—

(i) IN GENERAL.—If a State, as of the date of enactment of this Act, provides for a period of presumptive eligibility for medical assistance under the State Medicaid plan in accordance with section 1920, 1920A, or 1920B of the Social Security Act (42 U.S.C. 1396r–1, 1396r–1a, 1396r–1b), the State shall provide a DRM-eligible Katrina Survivor who is receiving DRM assistance from the State in accordance with this section and who, as of the end of the DRM coverage period, is an individual for whom a period of presumptive eligibility would be provided under the State Medicaid plan, with presumptive eligibility for medical assistance under the State Medicaid plan.

(ii) STATE OPTION TO PROVIDE PRESUMPTIVE ELIGIBILITY.—If a State is a State to which clause (i) does not apply, the State may elect to provide for a period of presumptive eligibility for medical assistance under the State Medicaid plan for a DRM-eligible Katrina Survivor who is receiving DRM assistance from the State in accordance with this section and who, as of the end of the DRM coverage period, is an individual for whom a period of presumptive eligibility would be provided under the State Medicaid plan in accordance with section 1920, 1920A, or 1920B of such Act, if the State were to provide such a period of presumptive eligibility under the State Medicaid plan.

(iii) STATE OPTION FOR ALL STATES TO PROVIDE PRESUMPTIVE ELIGIBILITY TO OTHER POPULATIONS OF DRM-ELIGIBLE KATRINA SURVIVORS.—In addition to the populations of DRM-eligible Katrina Survivors described in clauses (i) and (ii), a State to which clause (i) or (ii) applies, may elect to provide for a period of presumptive eligibility for medical assistance under the State Medicaid plan for other DRM-eligible Katrina Survivors who are receiving DRM assistance from the State in accordance with this section as of the end of the DRM coverage period.

(iv) LENGTH OF PERIOD.—A presumptive eligibility period provided in accordance with clause (i), (ii), or (iii) shall be provided until the earlier of—

(I) the date on which a determination with respect to the Survivor's application for medical assistance under the State Medicaid plan is made; or

(II) the end of the 60-day period that begins on the first day after the end of the DRM coverage period.

(C) PREGNANT WOMEN.—In the case of a DRM-eligible Katrina Survivor who is receiving DRM assistance from a State in accordance with this section and whose pregnancy ended during the 60-day period prior to the end of the DRM coverage period, or who is pregnant as of the end of such period, such Survivor shall continue to be eligible for DRM assistance after the end of the DRM coverage period, including (but not limited to) for all pregnancy-related and postpartum medical assistance available under the State Medicaid plan, through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends.

(d) SCOPE OF COVERAGE.—

(1) CATEGORICALLY NEEDY BENEFITS.—The State shall treat a DRM-eligible Katrina Survivor as an individual eligible for medical assistance under the State plan under title XIX of the Social Security Act on the basis of section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), with coverage for such assistance retroactive to items and services furnished on or after August 28, 2005 (or in the case of applications for DRM assistance submitted after January 1, 2006, the first day of the 5th month preceding the date on which such application is submitted).

(2) EXTENDED MENTAL HEALTH AND CARE COORDINATION BENEFITS.—The State may provide, without regard to any restrictions on amount, duration, and scope, comparability, or restrictions otherwise applicable under the State Medicaid plan (other than restrictions applicable under such plan with respect to services provided in an institution for mental diseases), to DRM-eligible Katrina Survivors extended mental health and care coordination benefits which may include the following:

(A) Screening, assessment, and diagnostic services (including specialized assessments for individuals with cognitive impairments).

(B) Coverage for a full range of mental health medications at the dosages and frequencies prescribed by health professionals for depression, post-traumatic stress disorder, and other mental disorders.

(C) Treatment of alcohol and substance abuse.

(D) Psychotherapy, rehabilitation, and other treatments administered by psychiatrists, psychologists, or social workers.

(E) Subject to restrictions applicable under the State Medicaid plan with respect to services provided in an institution for mental diseases, in-patient mental health care.

(F) Family counseling.

(G) In connection with the provision of health and long-term care services, arranging for, (and when necessary, enrollment in waiver programs or other specialized programs), and coordination related to, primary and specialty medical care, which may include personal care services, durable medical equipment and supplies, assistive technology, and transportation.

(3) HOME AND COMMUNITY-BASED SERVICES.—

(A) IN GENERAL.—In the case of a State with a waiver to provide home and community-based services granted under section 1115 of the Social Security Act or under subsection (c) or (d) of section 1915 of such Act, the State may provide such services to DRM-eligible Katrina Survivors who self-attest in accordance with subsection (c)(1)(B)(ii) that they require immediate home and community-based services that are available under such waiver without regard to whether the Survivors would require the level of care provided in a hospital, nursing facility, or intermediate care facility for the mentally retarded. Such DRM-eligible Katrina Survivors include (but are not limited to) individuals described in subparagraph (B).

(B) INDIVIDUALS DESCRIBED.—Individuals described in this subparagraph are individuals who—

(i) on any day during the week preceding August 28, 2005—

(I) had been receiving home and community-based services under a waiver described in subparagraph (A) in a direct impact parish or county;

(II) had been receiving support services from a primary family caregiver who, as a result of Hurricane Katrina, is no longer available to provide services; or

(III) had been receiving personal care, home health, or rehabilitative services under the State Medicaid plan or under a waiver granted under section 1915 or 1115 of the Social Security Act; or

(ii) are disabled (as determined under the State Medicaid plan).

(B) WAIVER OF RESTRICTIONS.—The Secretary shall waive with respect to the provision of home and community-based services under this paragraph any limitations on—

(i) the number of individuals who shall receive home or community-based services under a waiver described in subparagraph (A);

(ii) budget neutrality requirements applicable to such waiver; and

(iii) targeted populations eligible for services under such waiver.

The Secretary may waive other restrictions applicable under such a waiver, that would prevent a State from providing home and community-based services in accordance with this paragraph.

(4) CHILDREN BORN TO PREGNANT WOMEN.—In the case of a child born to a DRM-eligible Katrina Survivor who is provided DRM assistance during the DRM coverage period, such child shall be treated as having been born to a pregnant woman eligible for medical assistance under the State Medicaid plan and shall be eligible for medical assistance under such plan in accordance with section 1902(e)(4) of the Social Security Act (42 U.S.C. 1396a(e)(4)). The Federal medical assistance percentage applicable to the State Medicaid plan shall apply to medical assistance provided to a child under such plan in accordance with the preceding sentence.

(e) TERMINATION OF COVERAGE; ASSISTANCE WITH APPLYING FOR REGULAR MEDICAID COVERAGE.—

(1) NOTICE OF EXPECTED TERMINATION OF DRM COVERAGE PERIOD.—A State shall provide DRM-eligible Katrina Survivors who are receiving DRM assistance from the State in accordance with this section, as of the beginning of the 4th month (and, if applicable, 9th month) of the DRM coverage period with—

(A) notice of the expected termination date for DRM assistance for such period and, if applicable, any extension of the DRM coverage period and the expected termination date for the extension of such period;

(B) information regarding eligibility for medical assistance under the State's eligibility rules otherwise applicable under the State Medicaid plan; and

(C) an application for such assistance and information regarding where to obtain assistance with completing such application in accordance with paragraph (2).

(2) APPLICATION ASSISTANCE.—A State shall provide DRM-eligible Katrina Survivors who are receiving DRM assistance from the State in accordance with this section with assistance in applying for medical assistance under the State Medicaid plan for periods beginning after the end of the DRM coverage period, at State Medicaid offices and at locations easily accessible to such Survivors.

(3) STATE REPORTS.—A State providing DRM assistance in accordance with this section shall submit to the Secretary the following reports:

(A) TERMINATION AND TRANSITION ASSISTANCE TO REGULAR MEDICAID COVERAGE FOR DRM-ELIGIBLE KATRINA SURVIVORS ELIGIBLE FOR SUCH ASSISTANCE.—Not later than the last day of the 3rd month of the DRM coverage period, a report detailing how the State intends to satisfy the requirements of paragraphs (1) and (2).

(B) ENROLLMENT.—Not later than 3 months after the end of the DRM coverage period, a report regarding—

(i) the number of Katrina Survivors who are determined to be DRM-eligible Katrina Survivors; and

(ii) the number of DRM-eligible Katrina Survivors who are determined to be eligible for, and enrolled in, the State Medicaid plan.

(4) SECRETARIAL OVERSIGHT.—The Secretary of Health and Human Services shall ensure that a State is complying with the requirements of paragraphs (1) and (2) and that applications for medical assistance under the State Medicaid plan from DRM-eligible Katrina Survivors for periods beginning after the end of the DRM coverage period are processed in a timely and appropriate manner.

(5) NO PRIVATE RIGHT OF ACTION AGAINST A STATE FOR FAILURE TO PROVIDE NOTICE.—No private right of action shall be brought against a State for failure to provide the notices required under paragraph (1) or subsection (c)(1) so long as the State makes a good faith effort to provide such notices.

(f) 100 PERCENT FEDERAL MATCHING PAYMENTS.—

(1) IN GENERAL.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b), the Federal medical assistance percentage or the Federal matching rate otherwise applied under section 1903(a) of such Act (42 U.S.C. 1396b(a)) shall be 100 percent for—

(A) providing DRM assistance to DRM-eligible Katrina Survivors during the DRM coverage period in accordance with this section;

(B) costs directly attributable to administrative activities related to the provision of such DRM assistance, including costs attributable to obtaining recoveries under subsection (h);

(C) costs directly attributable to providing application assistance in accordance with subsection (e)(2); and

(D) medical assistance provided in accordance with subparagraph (B) of subsection (c)(2), and DRM assistance provided in accordance with subparagraph (C) of that subsection, after the end of the DRM coverage period.

(2) INCLUSION OF ASSISTANCE PROVIDED TO KATRINA SURVIVORS PRIOR TO DATE OF ENACTMENT.—Any assistance provided to a Katrina Survivor under a State Medicaid plan in accordance with guidance from the Secretary during the period that begins on August 28, 2005, and ends on the date of enactment of this Act, shall be treated as a DRM assistance provided to a DRM-eligible Katrina Survivor during the DRM coverage period for purposes of paragraph (1).

(3) 100 PERCENT FEDERAL MATCHING PAYMENTS FOR COSTS FOR PROVIDING CHILD HEALTH ASSISTANCE PRIOR TO DATE OF ENACTMENT; RESTORATION OF ALLOTMENTS USED TO PROVIDE SUCH ASSISTANCE.—With respect to child health assistance for items and services furnished during the period described in paragraph (2) to a Katrina Survivor—

(A) notwithstanding section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)), the Federal matching rate for providing such child health assistance under a State child health plan and for costs directly attributable to all administrative activities that relate to the provision of such child health assistance, shall be 100 percent;

(B) payments to a State for the provision of such assistance shall not be considered to be payments from an allotment for the State under section 2104 of such Act (42 U.S.C 1397dd); and

(C) any payments that were made to a State for the provision of such assistance prior to such date of enactment, shall be disregarded for purposes of determining the unexpended amount of any allotment available for expenditure by the State under that section.

(4) DISREGARD OF PAYMENTS.—Payments provided to a State in accordance with this subsection shall be disregarded for purposes of applying subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308).

(g) VERIFICATION OF STATUS AS A KATRINA SURVIVOR.—

(1) IN GENERAL.—The State shall make a good faith effort to verify the status of an individual who is enrolled in the State Medicaid plan as a DRM-eligible Katrina Survivor under the provisions of this section. Such effort shall not delay the determination of the eligibility of the Survivor for DRM assistance under this section or the provision of such assistance to the Survivor.

(2) EVIDENCE OF VERIFICATION.—A State may satisfy the verification requirement under subparagraph (A) with respect to an individual by showing that the State providing DRM assistance obtained information from the Federal Emergency Management Agency, the Social Security Administration, the Internal Revenue Service, or the State Medicaid Agency for the State from which individual is from (if the individual was not a resident of such State on any day during the week preceding August 28, 2005).

(h) PENALTY FOR FRAUDULENT APPLICATIONS.—

(1) INDIVIDUAL LIABLE FOR COSTS.—If a State, as the result of verification activities conducted under subsection (g) or otherwise, determines after a fair hearing that an individual has knowingly made a false self-attestation described in subsection (c)(1)(B), the State may, subject to paragraph (2), seek recovery from the individual for the full amount of the cost of DRM assistance provided to the individual under this section.

(2) EXCEPTION.—The Secretary shall exempt a State from seeking recovery under paragraph (1) if the Secretary determines that it would not be cost-effective for the State to do so.

(3) REIMBURSEMENT TO THE FEDERAL GOVERNMENT.—Any amounts recovered by a State in accordance with this subsection shall be returned to the Federal government.

(i) EXEMPTION FROM ERROR RATE PENALTIES.—

(1) IN GENERAL.—All payments attributable to providing DRM assistance in accordance with this section, including during a period of presumptive eligibility for such assistance in accordance with subsection (c)(1)(F), shall be disregarded for purposes of section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)).

(2) APPLICATION OF ERROR RATE PENALTIES FOR PRESUMPTIVE ELIGIBILITY PERIODS FOR MEDICAL ASSISTANCE AFTER THE END OF THE DRM COVERAGE PERIOD.—The rules for application of such section under the State Medicaid plan, as in effect on the date of enactment of this Act, shall apply with respect to any period of presumptive eligibility for medical assistance under such plan provided by a State in accordance with subsection (c)(2)(B).

(j) PROVIDER PAYMENT RATES.—In the case of any DRM assistance provided in accordance with this section to a DRM-eligible Katrina Survivor that is covered under the State Medicaid plan (as applied without regard to this section) the State shall pay a provider of such assistance the same payment rate as the State would otherwise pay for the assistance if the assistance were provided under the State Medicaid plan (or, if no such payment rate applies under the State Medicaid plan, the usual and customary prevailing rate for the item or service for the community in which it is provided).

(k) Application to Individuals Eligible for Medical Assistance.—Nothing in this section shall be construed as affecting any rights accorded to an individual who is a recipient of medical assistance under a State Medicaid plan who is determined to be a DRM-eligible Katrina Survivor, but the provision of DRM assistance to such individual shall be limited to the provision of such assistance in accordance with this section.

(l) No Entitlement to Regular Medical Assistance Solely On the Basis of Receipt of DRM Assistance or In the Absence of a New Application for Medical Assistance.—Notwithstanding paragraphs (3) and (8) of section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), and section 435.930(b) of title 42, Code of Federal Regulations, subject to subparagraphs (B) and (C) of subsection (c)(2), and subsection (d)(4), nothing in this section shall be construed as providing an individual who is a DRM-eligible Katrina Survivor who receives DRM assistance in accordance with this section, with an entitlement to receive medical assistance under the State Medicaid plan after the end of the DRM coverage period—

(1) solely on the basis of the individual's receipt of such DRM assistance; or

(2) in the absence of a new application submitted by such individual for medical assistance under such plan.

(m) Limitation With Respect to Application to Medicare Prescription Drug Benefit.—In the case of an individual who is a DRM-eligible Katrina Survivor who receives DRM assistance from a State in accordance with this section, and who is eligible for part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) or enrolled in part B of title XVIII of such Act (42 U.S.C. 1395j et seq.)—

(1) the State payment required under section 1935(c) of such Act (42 U.S.C. 1395u-5(c)) shall be determined without regard to the provision of DRM assistance to such individual; and

(2) such individual shall not be treated as a subsidy eligible individual for purposes of eligibility for the low-income subsidies provided under section 1860D-14 of such Act (42 U.S.C. 1395w–114) with respect to the prescription drug coverage provided under part D of title XVIII of such Act (42 U.S.C. 1395w–101 et seq.), or enrollment in such coverage, solely on the basis of the provision of DRM assistance to such individual.

(n) No DRM Assistance if the Secretary Is Making Payments on Behalf of the Individual for Private Health Insurance.—A DRM-eligible Katrina Survivor may not receive DRM assistance from a State in accordance with this section during any period in which the Secretary is making a payment for a health insurance premium on behalf of such Survivor under section 6088(b)(2)(A) with respect to that period.

SEC. 6083. TARGETED MEDICAID RELIEF FOR MAJOR DISASTER PARISHES AND COUNTIES IN LOUISIANA, MISSISSIPPI, AND ALABAMA.

(a) 100 Percent Federal Matching Payments for Medical Assistance Provided in Major Disaster Parish or County.—

(1) In general.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), for items and services furnished during the period that begins on August 28, 2005, and ends on August 31, 2006, the Federal medical assistance percentage for providing medical assistance for such items and services under a State Medicaid plan to any individual, including a Katrina Survivor, residing in a major disaster parish or county (as defined in subsection (c)), and for costs directly attributable to all administrative activities that relate to the provision of such medical assistance, shall be 100 percent.

(2) Application to child health assistance.—Notwithstanding section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)), for items and services furnished during the period described in subsection (a), the Federal matching rate for providing child health assistance for such items and services under a State child health plan in a major disaster parish or county, and for costs directly attributable to all administrative activities that relate to the provision of such child health assistance, shall be 100 percent.

(b) Moratorium on Redeterminations.—During the DRM coverage period, the States of Louisiana, Mississippi, and Alabama shall not be required to conduct eligibility redeterminations under the State's Medicaid plan.

(c) Major Disaster Parish or County Defined.—For purposes of subsection (a), a major disaster parish or county is a parish of the State of Louisiana or a county of the State of Mississippi or Alabama for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina and which the President has determined, as of September 14, 2005, warrants individual or public assistance from the Federal Government under such Act.

SEC. 6084. AUTHORITY TO WAIVE REQUIREMENTS DURING NATIONAL EMERGENCIES WITH RESPECT TO EVACUEES FROM AN EMERGENCY AREA.

(a) In General.—Section 1135(g)(1) of the Social Security Act (42 U.S.C. 1320b-5(g)(1)) is amended by adding at the end the following:

"Any geographical area in which the Secretary determines there are a significant number of evacuees from an area that is considered to be an emergency area under the preceding sentence shall be considered to be an 'emergency area' for purposes of this section.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if enacted on August 28, 2005.

SEC. 6085. EMERGENCY ASSISTANCE FOR STATES WITH SIGNIFICANT NUMBERS OF EVACUEES WITH RESPECT TO THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE FOR FISCAL YEAR 2006.

(a) In General.—If the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b))) determined for a State described in subsection (b) for fiscal year 2006 is less than the Federal medical assistance percentage determined for such State for fiscal year 2005, the Federal medical assistance percentage for the State for fiscal year 2005 shall apply to the State for fiscal year 2006 for purposes of titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.).

(b) State Described.—For purposes of subsection (a), a State described in this subsection is a State that, as of September 30, 2005, is hosting at least 10,000 Katrina Survivors described in section 6081(4)(A), as determined on the basis of Federal Emergency Management Authority data.

SEC. 6086. EMERGENCY ASSISTANCE TO MEDICARE BENEFICIARIES.

(a) Exclusion of DRM Coverage Period in Computing Medicare Part B Late Enrollment Period.—In applying the first sentence of section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) in the case of an individual who, on any day during the week preceding August 28, 2005, had a residence in a direct impact parish or county, there shall not be taken into account any month any part of which is within the DRM coverage period.

(b) Written Plan on Transition of Certain Full-Benefit Dual Eligible Individuals to Prescription Drug Coverage Under Medicare Part D.—

(1) In general.—Not later than December 1, 2005, the Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall submit to Congress a written plan on how the Secretary will provide for the transition of coverage of prescription drugs for full-benefit dual eligible individuals (as defined in section 1935(c)(6) of the Social Security Act (42 U.S.C. 1396u–5(c)(6)) who, on any day during the week preceding August 28, 2005, had a residence in a direct impact parish or county, from the Medicaid program under title XIX of such Act to the Medicare program under part D of title XVIII of such Act.

(2) Requirements.—The plan shall address issues relating to the following:

(A) The application of the rules for automatic assignment into prescription drug plans under section 1860D-1(b)(1)(C) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)(C)).

(B) The communication by the Secretary and sponsors of prescription drug plans to individuals described in paragraph (1) of—

(i) information regarding such rules; and

(ii) if such an individual is automatically assigned to a plan, information on the plan.

(C) Beneficiary protections related to the emergency use of out-of-network and nonformulary benefits, including under circumstances related to a lack of medical records and access to prescribing physicians.

(D) Any other area determined appropriate by the Secretary.

SEC. 6087. RELIEF FOR HOSPITALS LOCATED IN A DIRECT IMPACT PARISH OR COUNTY.

(a) Increase in Medicare Payments to Hospitals for Bad Debt.—During the DRM coverage period, section 1861(v)(1)(T)(iv) of the Social Security Act (42 U.S.C. 1395x(v)(1)(T)(iv)) shall be applied by substituting "0 percent" for "30 percent" with respect to—

(1) a hospital located in a direct impact parish or county; and

(2) any other hospital, but only to the extent that the bad debt is related to items and services furnished to an individual who, on any day during the week preceding August 28, 2005, had a residence in a direct impact parish or county.

(b) Waiver of Certain Medicare Quality Reporting Requirements for Hospitals.—During the DRM coverage period, section 1886(b)(3)(B)(vii) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(vii)) shall not apply to a hospital that is located in a direct impact parish or county.

SEC. 6088. DISASTER RELIEF FUND.

(a) Establishment.—There is established in the Treasury of the United States the Disaster Relief Fund (in this section referred to as the "Fund") which—

(1) shall be administered by the Secretary; and

(2) shall consist of amounts made available under subsection (h).

(b) Use of Amounts in Fund.—Amounts in the Fund shall be used by the Secretary for the following:

(1) Payments to providers.—The Secretary shall make payments directly to medicaid providers described in subsection (e) to

offset the costs incurred by such providers as a result of Hurricane Katrina.

(2) PAYMENTS FOR PRIVATE HEALTH INSURANCE COVERAGE.—The Secretary shall make payments to State insurance commissioners for the purpose of making payments to health insurance issuers—

(A) on behalf of individuals that would otherwise qualify for DRM assistance from the State under section 6082 but for subsection (n) of such section for such individual's share of their health insurance premium; and

(B) on behalf of qualified employers for the employer share of their employee's health insurance premiums, but only with respect to the days on which the employer meets the definition under subsection (f).

(c) RULES FOR PAYMENTS TO PROVIDERS.—

(1) CONSULTATION.—In making payments to medicaid providers under subsection (b)(1), the Secretary shall consult with the Louisiana Department of Health and Hospitals, the Mississippi Department of Health, and the Alabama Department of Public Health in order to best identify the providers with the greatest need of such payments.

(2) PRIORITY.—In making payments to medicaid providers under subsection (b)(1), the Secretary shall give priority to community-based hospitals, physician practices, and other providers located in a direct impact parish or county where the health care infrastructure was destroyed or nearly destroyed.

(3) DESCRIPTION OF NEED AND HOW FUNDING WILL BE USED.—In order for a medicaid provider to be eligible for a payment under subsection (b)(1), the provider shall provide the Secretary with a description of the need for the funding and how the funding will be used.

(4) TIMING FOR FIRST PAYMENT.—The first payment to medicaid providers under subsection (b)(1) shall be made by not later than 10 days after the date of enactment of this Act.

(d) RULES FOR PAYMENTS ON BEHALF OF INDIVIDUALS FOR PRIVATE HEALTH INSURANCE.—

(1) STREAMLINED ELIGIBILITY PROCESS.—In making payments on behalf of individuals under subsection (b)(2)(A), the Secretary shall use the streamlined eligibility process under section 6082(c)(1).

(2) NO PAYMENTS IF THE INDIVIDUAL IS RECEIVING DRM ASSISTANCE.—No payments may be made on behalf of an individual under subsection (b)(2)(A) with respect to any period in which the individual is receiving DRM assistance from a State under section 6082.

(e) MEDICAID PROVIDERS DESCRIBED.—For purposes of subsection (b)(1), medicaid providers described in this subsection are—

(1) any provider under such title, including a supplier of medical assistance consisting of durable medical equipment (as defined in section 1861(n) of such Act (42 U.S.C. 1395x(n)), that, during a period after August 28, 2005, as determined by the Secretary—

(A) experiences a significant increase, as determined by the Secretary, in their patient caseload; or

(B) experiences a significant drop, as determined by the Secretary, in their patient caseload, including a provider that is temporarily closed during such period; and

(2) any other provider under such title, including such a supplier, determined appropriate by the Secretary.

(f) QUALIFIED EMPLOYER DEFINED.—For purposes of subsection (b)(2)(B), the term "qualified employer" means any employer—

(1) which conducted an active trade or business on August 28, 2005, in a direct impact parish or county; and

(2) with respect to which the trade or business described in paragraph (1)—

(A) is inoperable on any day during the DRM coverage period as a result of damage sustained in connection with Hurricane Katrina; or

(B) is not paying salary or benefits to employees on any day during the DRM coverage period as a result of damage sustained in connection with Hurricane Katrina.

(g) EXPEDITING IMPLEMENTATION.—The Secretary shall promulgate regulations to carry out this section which may be effective and final immediately on an interim basis as of the date of publication of the interim final regulation. If the Secretary provides for an interim final regulation, the Secretary shall provide for a period of public comments on such regulation after the date of publication. The Secretary may change or revise such regulation after completion of the period of public comment.

(h) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there is appropriated to the Fund $800,000,000 for fiscal year 2005, to remain available until expended.

(i) APPLICATION OF APPROPRIATIONS FUNDING PROVISIONS.—Amounts provided in this section for making payments to medicaid providers under subsection (b)(1) shall be governed by the terms of division F of the Consolidated Appropriations Act, 2005 (Public Law 108-447, 118 Stat. 3112) (or succeeding appropriations measures for a fiscal year) that apply to funding for Grants to States for Medicaid under Title XIX of the Social Security Act.

SEC. 6089. NONAPPLICATION OF CERTAIN PROVISIONS.

Notwithstanding any other provision of this Act, this Act shall be applied without regard to subsections (a) and (b) of section 6032.

Subchapter B—TANF Relief

SEC. 6090. REIMBURSEMENT OF STATES FOR TANF BENEFITS PROVIDED TO ASSIST FAMILIES OF STATES AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—Section 3 of the TANF Emergency Response and Recovery Act of 2005 is amended to read as follows:

"SEC. 3. REIMBURSEMENT OF STATES FOR TANF BENEFITS PROVIDED TO ASSIST FAMILIES OF STATES AFFECTED BY HURRICANE KATRINA.

"(a) ELIGIBILITY FOR PAYMENTS FROM THE CONTINGENCY FUND.—

"(1) PERIOD OF APPLICABILITY.—Beginning with August 29, 2005, and ending with September 30, 2006, a State described in paragraph (2) or (3) shall be considered a needy State for purposes of section 403(b) of the Social Security Act (42 U.S.C. 603(b)).

"(2) DIRECT IMPACT STATES.—A State described in this paragraph is Louisiana, Mississippi, or Alabama.

"(3) OTHER STATES.—

"(A) IN GENERAL.—A State is described in this paragraph if the State provides any benefit or service that may be provided under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to a family which—

"(i) has resided in a direct impact State described in paragraph (2);

"(ii) has travelled (not necessarily directly) to the State from such direct impact State as a result of Hurricane Katrina; and

"(iii) if applying for benefits or services on or after October 28, 2005, the State has determined is not receiving cash benefits from any program funded under such part of any other State.

"(B) APPLICATION TO TERRITORIES.—

"(i) IN GENERAL.—Notwithstanding section 403(b)(7) of the Social Security Act, a territory (as defined in section 1108(c)(1) of such Act (42 U.S.C.1308(c)(1)) shall be considered to be a State described in this paragraph for purposes of this section.

"(ii) DISREGARD OF PAYMENTS.—Section 1108(a) of the Social Security Act (42 U.S.C. 1308(a)) shall be applied without regard to any amounts paid to a territory (as so defined) in accordance with this section.

"(b) MONTHLY PAYMENTS.—Notwithstanding paragraph (3)(C)(i) of subsection (b) of section 403 of the Social Security Act (42 U.S.C. 603), and in addition to any other amounts paid to a State under that subsection, the total amount paid during a month to a State under this section shall not exceed the following:

"(1) DIRECT IMPACT STATES.—In the case of a State described in subsection (a)(2), such amount shall not exceed, ¼ of 20 percent of the State family assistance grant.

"(2) OTHER STATES.— In the case of a State described in subsection (a)(3), such amount shall not exceed the lesser of—

"(A) the total amount of Hurricane Katrina Emergency TANF Benefits (as defined in section 6(c)(1)) provided by the State to families described in subsection (a)(3); or

"(B) ¼ of 20 percent of the State family assistance grant.

"(c) NO STATE MATCH OR MAINTENANCE OF EFFORT REQUIRED.—Sections 403(b)(6) and 409(a)(10) of the Social Security Act (42 U.S.C. 603(b)(6), 609(a)(10)) shall not apply with respect to a payment made to a State by reason of this section.

"(d) INCREASE IN FUNDING TO THE EXTENT NECESSARY TO ENSURE THAT STATES WILL BE ABLE TO ACCESS THE CONTINGENCY FUND.—For the period described in subsection (a)(1), paragraph (2) of subsection (b) of section 403 of the Social Security Act (42 U.S.C. 603) shall be applied without regard to the limitation on the total amount specified in such paragraph and funds appropriated pursuant to such paragraph shall be available for payments authorized under this section and under such subsection (b).".

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the TANF Emergency Response and Recovery Act of 2005.

SEC. 6091. INCREASE IN AMOUNT OF ADDITIONAL TANF FUNDS AVAILABLE FOR HURRICANE-DAMAGED STATES.

(a) IN GENERAL.—Section 4 of the TANF Emergency Response and Recovery Act of 2005 is amended—

(1) in subsection (a)(2), by striking "20 percent" and inserting "40 percent"; and

(2) in subsection (b), in the matter preceding paragraph (1), by inserting "(at any time during or after the period described in section 3(a)(1))" after "may not be imposed".

(b) RETROACTIVE EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the TANF Emergency Response and Recovery Act of 2005.

SEC. 6092. RULES FOR RECEIPT OF HURRICANE KATRINA EMERGENCY TANF BENEFITS AND APPLICATION TO CHILD SUPPORT REQUIREMENTS.

(a) IN GENERAL.—Section 6 of the TANF Emergency Response and Recovery Act of 2005 is amended to read as follows:

"SEC. 6. RULES FOR RECEIPT OF HURRICANE KATRINA EMERGENCY TANF BENEFITS AND APPLICATION TO CHILD SUPPORT REQUIREMENTS.

"(a) IN GENERAL.—During the period described in section 3(a)(1), a State described in paragraph (2) or (3) of section 3(a) or an Indian tribe with a tribal family assistance plan approved under section 412 of the Social Security Act (42 U.S.C. 612) may provide Hurricane Katrina Emergency TANF Benefits under the State or tribal program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

"(b) CERTAIN RULES WAIVED.—

"(1) IN GENERAL.—Hurricane Katrina Emergency TANF Benefits shall not be considered assistance for purposes of sections 407, paragraphs (2), (3), or (7) of section 408(a), 411, or section 454(29) of the Social Security Act (42 U.S.C. 607, 608(a), 611, 654(29)).

"(2) LIMITED WAIVER OF RULES UNDER SECTION 454(4)(A)(I).—

"(A) IN GENERAL.—Subject to subparagraph (B), such benefits shall not be considered assistance for purposes of section 454(4)(A)(i) of such Act (42 U.S.C. 654(4)(A)(i)).

"(B) EXCEPTION FOR FAMILIES ALREADY RECEIVING CHILD SUPPORT SERVICES OR WHO APPLY FOR SUCH SERVICES.—Subparagraph (A) shall not apply with respect to such benefits that are provided to a family who—

"(i) at the time such benefits are provided, are receiving child support services under a State plan under section 454 of such Act (42 U.S.C. 654); or

"(ii) applies for child support services under such a State plan on behalf of a child who is receiving such benefits.

"(c) HURRICANE KATRINA EMERGENCY TANF BENEFITS.—

"(1) IN GENERAL.—In this section, the term 'Hurricane Katrina Emergency TANF Benefits' means any benefit or service that may be provided under a State or tribal program funded under part A of title IV of the Social Security Act to support families which the State or Indian tribe deems to be needy families based on their statement, circumstance, or inability to access resources and who—

"(A) are described in section 3(a)(3); or

"(B) subject to paragraph (2), reside in a State described in section 3(a)(2).

"(2) LIMITATION.—Any benefit or service provided under a State or tribal program funded under part A of title IV of the Social Security Act in a State described in section 3(a)(2) to a family who the State or Indian tribe deems to be a needy family in accordance with paragraph (1), shall only be considered to be a Hurricane Katrina Emergency TANF Benefit if the State or Indian tribe designates that the benefit or service is to be treated as a Hurricane Katrina Emergency TANF Benefit.

"(d) SIMPLIFIED DATA REPORTING.—

"(1) IN GENERAL.—Each State or Indian tribe which provides Hurricane Katrina Emergency TANF Benefits shall report to the Secretary of Health and Human Services on a monthly basis the following information:

"(A) The total amount of expenditures attributable to providing Hurricane Katrina Emergency TANF Benefits.

"(B) The total number of families receiving such benefits.

"(C) To the extent the State determines it is able to do so, the total amount of such benefits provided that are—

"(i) cash;

"(ii) child care; or

"(iii) other benefits and services.

"(2) REPORTS TO CONGRESS.—The Secretary of Health and Human Services shall submit, on a monthly basis, a compilation of the reports submitted in accordance with paragraph (1) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.".

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the TANF Emergency Response and Recovery Act of 2005.

Subchapter C—Miscellaneous Provisions

SEC. 6093. DISCLOSURE BASED ON VALID AUTHORIZATION.

(a) IN GENERAL.—Section 223(d)(5) of the Social Security Act (42 U.S.C. 423(d)(5)) is amended by adding at the end the following:

"(C) Notwithstanding any other provision of law, if the Commissioner of Social Security provides to a custodian of records a copy, facsimile, or electronic version of an authorization obtained from the individual to disclose records to the Commissioner, then such custodian shall not be held liable under any applicable Federal or State law for disclosing any record or other information in response to such request, on the basis that the authorization relied upon was a copy, facsimile, or electronic version of the authorization.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to disclosures of records or other information made on or after the date of enactment of this Act.

SEC. 6094. EMERGENCY PROCUREMENT AUTHORITY IN SUPPORT OF HURRICANE KATRINA RESCUE AND RELIEF EFFORTS.

(a) SMALL BUSINESS RESERVATION OFFSET.—Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) is amended by adding at the end the following:

"(4) For any contracts involving the use of the special emergency procurement authority under section 32A(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 428a(c)), the dollar ceiling of the small business reservation established in paragraph (1) shall be adjusted to match the applicable amount of the simplified acquisition threshold.".

(b) RETENTION OF SMALL BUSINESS SUBCONTRACTING.—Section 8(d)(4)(D) of the Small Business Act (15 U.S.C. 637(d)(4)(D)) is amended—

(1) by striking "(D) No contract" and inserting the following:

"(D) SMALL BUSINESS PARTICIPATION.—

"(i) IN GENERAL.—No contract"; and

(2) by adding at the end the following:

"(ii) EMERGENCY PROCUREMENTS.—

"(I) IN GENERAL.—For any contract which otherwise meets the requirements of this subsection, and which involves the use of special emergency procurement authority under section 32A(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 428a(c)), the subcontracting plan required under this subsection shall be negotiated as soon as is practicable, but not later than 30 days after the date on which the contract is awarded.

"(II) PAYMENT.—Not greater than 50 percent of the amounts due under any contract described in subclause (I) may be paid, unless a subcontracting plan compliant with this subsection is negotiated by the contractor.".

(c) LIMITATIONS ON INCREASED MICRO-PURCHASE THRESHOLD.—Notwithstanding any other provision of law, the authority granted under section 101 of the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-62), including the modifications under subsection (d), shall—

(1) be restricted for use solely within the geographic areas designated by the President as disaster areas due to Hurricane Katrina;

(2) not be exercised in a manner inconsistent with any Federal law providing for local preference in disaster relief and recovery contracting; and

(3) terminate 120 days after the date of enactment of this Act.

(d) MODIFIED THRESHOLD.—Notwithstanding section 101(2) of the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-62), the amount specified in subsections (c), (d), and (f) of the section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) for purchases necessary for support of Hurricane Katrina rescue and relief operations shall be $50,000, or such an amount in excess of $50,000, but not to exceed $250,000, as may be approved by the head of the executive agency concerned (or any delegate of the head of such executive agency, who shall be an officer or employee of such executive agency who is a warranted contracting officer for making Federal acquisitions).

(e) OMB GUIDANCE ON USE OF GOVERNMENT CREDIT CARDS FOR MICRO-PURCHASES.—

(1) GUIDANCE REQUIRED.—Not later than 14 calendar days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue clear and concise guidance regarding the use of Government credit cards by Federal agencies to make micro-purchases under subsections (c), (d), and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428), as modified by this section.

(2) ELEMENTS.—The guidance under paragraph (1) shall include—

(A) a list of Government officials with the authority to approve purchases under subsection (d) in amounts in excess of $50,000, designated by agency, title, and pay grade;

(B) the number of credit cards, by agency, that may be utilized for purchases under subsection (d) in amounts in excess of $50,000;

(C) procedures for the immediate review of any purchase under subsection (d) in an amount in excess of $50,000 that was not approved by an official specified in that paragraph as required by that paragraph;

(D) procedures for the audit of all purchases made on Government credit cards after the expiration of subsection (d) under subsection (c); and

(E) procedures to ensure that such purchases are made with small business concerns and local small business concerns, to the maximum extent practicable under the circumstances.

(3) REPORTS ON PURCHASES.—Not later than 180 days after the date of the enactment of this Act, the head of each executive agency making any purchase under subsection (d) in an amount in excess of $50,000 shall submit to the appropriate Congressional committees a report on each such purchase made by such agency, including—

(A) a description of the property or services so purchased;

(B) a statement of the purpose of such purchase;

(C) a statement of the amount of such purchase;

(D) a statement of the name, title, and pay grade of the officer or employee of such agency making such purchase; and

(E) whether such purchases were made with small business concerns.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate Congressional committees" means—

(A) the Committees on Appropriations, Small Business and Entrepreneurship, Finance, and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Appropriations, Small Business, and Government Reform of the House of Representatives.

SEC. 6095. TRANSFER OF FUNDS.

Notwithstanding any other provision of law, of the amounts made available to the Department of Homeland Security under the heading "Disaster Relief" under the heading "Emergency Preparedness and Response" of Public Law 109-62 (119 Stat. 1991), $6.2 billion shall be made available to the Secretary to carry out this chapter and remain available until expended. The Secretary shall use such sums as are necessary to carry out this chapter.

Mrs. LINCOLN. Madam President, this amendment truly reflects the values that we hold as an American family. When one of us is sick or ill, the rest of us are there to help. The amendment simply provides immediate access to Medicaid for displaced individuals from the gulf coast disaster. It provides full Federal support to the affected States only in the Medicaid Program so that we don't leave them hanging without the means to be able to take care of their own people. We provide disaster relief funds through an uncompensated care pool for our providers who have, without being asked, provided the care for those individuals who needed it so desperately. I urge my colleagues to support this. We have tried time and time again to do what is right. We have the opportunity here. We have offered it many times. I encourage my colleagues, please do the right thing.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, this amendment is opposed by the Finance Committee. The Finance Committee has aggressively funded this account with $1.94 billion in this bill, which will cover 1.9 million victims of the hurricane. Therefore, these additional funds, if this amendment were to pass, would basically put the Finance Committee section of the bill out of compliance with the Deficit Reduction Act. Therefore, we oppose it.

I make a point of order that the pending amendment is not germane to the measure now before the Senate. I raise that as a point of order under section 305 of the Budget Act.

Mrs. LINCOLN. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 51, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Cornyn
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Vitter
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Voinovich
Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained, and the amendment falls.

Mr. GREGG. I move to reconsider and I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGE OF VOTE

Mr. CORNYN. Mr. President, I ask unanimous consent that my vote on the motion to waive with respect to the Lincoln amendment No. 2356, as modified, be recorded as a "yea." This does not change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 2355

Mr. GREGG. Madam President, we are now going to the Inhofe amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, there have been many sincere, well-meaning efforts to put fiscal discipline into this legislation. Some people have tried to stop projects only to find out it does not save any money: it just causes them to rearrange their projects.

This amendment actually does that. This is the only amendment that does. I will read it for my colleagues:

All non-defense, non-trust fund discretionary spending shall not exceed the previous fiscal year's level without a two-thirds vote.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Mississippi.

Mr. COCHRAN. Madam President, the pending amendment contains matter within the jurisdiction of the Committee on the Budget. I raise a point of order against the amendment under section 306 of the Budget Act.

The PRESIDING OFFICER. Is all time yielded back on the amendment?

Mr. INHOFE. No.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, the amendment of the Senator from Oklahoma would freeze spending on veterans, on homeland security, on education, on National Institutes of Health, not just for 1 year but permanently—permanently. Permanently is a long time. The only way you get around it is a supermajority vote of 67 votes in the Senate.

I urge colleagues to oppose the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. INHOFE. No. I believe I have 30 seconds remaining.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, what the Senator from North Dakota said is exactly right. That is exactly what this amendment does. And if you are really serious about doing something about the deficit, this is your chance to do it.

This morning we passed the Agriculture appropriations conference report which had a very small increase, but last week we passed the Labor-HHS appropriations bill with $107 billion more than the previous year. This has to stop, and that is why this is a very significant vote.

Mr. President, I say to my conservative friends, this is going to be scored very heavily by conservative organizations, such as the National Taxpayers Union. I urge a positive vote.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I renew my point of order. The pending amendment contains matter within the jurisdiction of the Committee on the Budget. I raise a point of order against the amendment under section 306 of the Budget Act.

Mr. INHOFE. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of the act for the consideration of the pending amendment. I urge a "yes" vote.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 67, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—32

Allard
Allen
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Frist
Graham
Grassley
Hagel
Hutchison
Inhofe
Isakson
Kyl
Martinez
McCain
McConnell
Santorum
Sessions
Shelby
Sununu
Thomas
Thune
Vitter

NAYS—67

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Cochran
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Gregg
Harkin
Hatch
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Voinovich
Warner
Wyden

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 32, the nays are 67. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. COCHRAN. Madam President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2357

Mr. NELSON of Florida. Madam President, my amendment would prevent a hike in Medicare premiums for our 42 million senior citizens. In the bill, doctors' fees are increased in their reimbursement. In my amendment, that is paid for with drug company money that would be staying the same under the existing law where the drug companies have to give discounts under the Medicaid law as they transition into Medicaid HMOs. This saves our seniors over $1 billion in increased premiums.

This amendment is supported and endorsed by the AARP. I want to welcome the bipartisan support of the Senate for this amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Iowa.

Mr. GRASSLEY. Madam President, I rise in opposition to the Nelson amendment. I think everybody knows that the taxpayers pay 75 percent of the Part B premium and 25 percent is paid by the individual. Whenever we increase doctors' reimbursement—and we do that in this bill by 5.3 percent so that doctors do not lose their money—then, obviously, the 25 percent is going to go up a little bit, just as the 75 percent goes up a little bit when reimbursement is increased.

The Senator from Florida takes offense at the fact that the premium is going to go up in the year 2007 by $1.69. It is the way the formula works. I think every Senator wants to vote to give the doctors fair reimbursement because without doctors senior citizens cannot be served. So we ought to let the formula work.

The offset is very egregious toward managed care as well. Also, do not forget that low-income people, people on Medicaid, do not pay the Part B and those who are not on Medicaid but below the poverty level have help through the QI program that we passed and the President signed recently to continue that program. So I hope my colleagues will defeat the amendment.

Mr. GREGG. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Burns
Byrd
Cantwell
Carper
Clinton
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Talent
Wyden

NAYS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The amendment (No. 2357) was rejected.

Ms. MIKULSKI. Mr. President, I rise today to join my colleagues in support of Senator NELSON's amendment to protect seniors against the outrageous increases in their Medicare costs.

Health care costs are skyrocketing and seniors are paying a greater share out of their pockets for health care each year. Medicare premium increases are outpacing inflation. Prescription drug costs are shooting through the roof.

Other out-of-pocket medical expenses are also increasing. Seniors are facing higher copays and deductibles. Last year's Medicare bill increased deductibles for doctors' visits by 10 percent. Deductibles for hospital and skilled nursing home visits are also rising.

Medicare beneficiaries spend a sizable portion of their income on health care. In 2004, beneficiaries spent about $3,725—nearly one-quarter—of their income on health care costs. Over the last 3 years, Medicare premiums have increased by 50 percent. Compare this to the only 10-percent increase in seniors' cost-of-living adjustments, COLA. Next year, Part B premiums will increase by another 12 percent.

But there is another problem this amendment addresses. The current Medicare physician payment formula, known as the sustainable growth rate, SGR, has serious flaws. The current formula has generated negative updates since 2001. Without congressional intervention, reimbursement rates for physicians in the Medicare Program will decrease by 4.3 percent next year.

I have long supported fixing this flawed formula. With the majority of my colleagues, I have written letters to CMS Commissioner Dr. Mark McClelan and the Director of the Office of Management and Budget, Mr. Joshua Bolten. I have supported legislation trying to address this issue. Without a permanent fix, this uncertainty causes considerable angst among the physician community every year. Although I believe Congress needs to enact a long-term solution, this amendment supports a 1 percent increase in the physician reimbursement rate for the next year.

But this increase in physician payments will also increase overall spending on Medicare Part B. This will in turn increase Medicare premiums, which are set at 25 percent of Part B expenses. While I strongly support the payment change, I believe it is equally important that Medicare beneficiaries not have their premiums unexpectedly increased.

This amendment ensures that Medicare beneficiaries will not have to pay unexpectedly higher premiums in 2007 because of the payment changes for 2006 in the Senate's budget reconciliation bill. This amendment prevents us from having to make a King Solomon-like decision. With this amendment, we do not have to consider "cutting the baby in half." We do not have to decide between this modest increase to physician reimbursement and a further hike to our senior citizens—especially for those who are forced to live on a fixed income.

In addition, the increase necessary to provide for physician reimbursement will not have to come from taxpayers. The offset for this amendment is an expansion of a drug rebate program currently in place since 1990. Drug manufacturers currently pay a rebate to participate in Medicaid. The Nelson amendment would offset the cost of protecting Medicare beneficiaries from the Part B premium increase by providing Medicaid managed care plans access to these drug rebates.

I think it is a good idea to expand the drug rebate program from Medicare fee-for-service to all of Medicaid, including the managed care programs. When we first passed this law, 15 years ago, Medicaid managed care did not have such a strong presence. It now accounts for much of Medicaid services and should be part of this rebate program.

I believe honor thy mother and father is not just a good commandment to live by, it is good public policy to govern by.

That's why I feel so strongly about Medicare. Congress created Medicare to provide a safety net for seniors. In 1965, seniors' biggest fear was the cost of hospital care. One heart attack could have put a family into bankruptcy. That is what Medicare Part A is all about.

Then Congress added Medicare Part B to help seniors pay for doctor visits as an important step to keep seniors healthy and financially secure. Now, Part B premium increases are racing ahead of seniors' ability to pay. So seniors may lose the ability to pay for coverage for their doctor's visits.

This amendment is not an answer to skyrocketing health care costs, but a stopgap measure to give seniors a little breathing room. I am working hard on several bills to fix the Medicare bill that was passed last year. I am fighting to protect seniors' Social Security COLAs from increases in both Part B and Part D premiums.

I am fighting to close the coverage gap to provide a real drug benefit for seniors. I am fighting to allow the Government to negotiate with drug companies to lower the cost of prescription drugs to save money for the Government and for seniors. I am fighting to end the giveaways to insurance companies and use those savings to improve Medicare.

And I could go on.

I am fighting to protect physician reimbursement rates by supporting legislation and writing to government officials who have the authority to make changes to the flawed formula.

And I will continue to fight.

This amendment is a good step down in our constant attempt to reign in Medicare premium costs for seniors while protecting reimbursement rates for physicians.

Seniors cannot afford 17-percent increases in their Medicare premiums. Physicians cannot afford to have their reimbursement rates cut. I urge my colleagues to join me in expressing support for this amendment.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2358

Mr. GREGG. Mr. President, we are making progress, but it is slow. The next amendment is the amendment of Senator CANTWELL, which is obviously the big polar bear.

The PRESIDENT pro tempore. The Senator is recognized.

Ms. CANTWELL. My amendment strikes the language allowing for drilling in the Arctic National Wildlife Refuge. The underlying bill is a sweetheart deal for oil companies that have made a record $30 billion in profits last quarter. The bill gives oil companies a free ride with back-door language that allows them to circumvent environmental laws, legal standards and Federal agency oversight that every other business in America has to comply with.

This wildlife area has been protected since the Eisenhower days, and for good reason. There is an average of over 500 oil spills a year on the Alaska North Slope and over 4,000 spills in the last 10 years. Let's not pollute one of the great last refuges of America, and let's take the polluting language out of this bill. The Department of Energy says drilling in ANWR will do nothing in the near term and very little in the long term, reducing gas prices by only one penny. America wants a better energy plan than putting a sweetheart deal in the budget language.

I urge my colleagues to strike this language.

Mr. DODD. Mr President, I join with my colleagues in strong opposition to opening the Arctic National Wildlife Refuge, ANWR, to oil drilling. I believe including it in a reconciliation package is a backdoor attempt to achieve a shortsighted, environmentally irresponsible outcome. It is little more than a scheme to raise $2.5 billion that will ultimately be used to cover a portion of the cost of tax cuts for the wealthy. Further, it will have a great and lasting cost to the environment with few benefits in terms of affordable energy.

Let me lay out a few reasons why I oppose drilling in ANWR.

The area we are talking about is home to nearly 200 species of wildlife, including polar, grizzly, and black bears, rare musk oxen, and millions of migratory birds. Each year, thousands of caribou travel to the Coastal Plain of the Arctic Refuge to give birth to their calves. It has been protected for decades, during Republican and Democratic administrations. It is not as if we have said no to oil and gas exploration in the entire North Slope. It is only the remaining 5 percent—the Coastal Plain of the Arctic Refuge—that we want placed off limits. If we open this pristine land now, we can never turn the clock back. Setting the process in motion will entail a web of oil platforms, pipelines, production facilities, power facilities, support structures, and roads across the entire area. The administration contention that development would be confined to a 2,000-acre footprint is simply false because the recoverable oil is spread out in small deposits across the entire Coastal Plain.

I firmly believe we need to ensure our country's economic security, but drilling in ANWR will do nothing to reduce our energy price and supply problems in the near term and very little to reduce our dependence on foreign supplies of oil. With transportation accounting for nearly 70 percent of oil use in this country, the Bush administration and many of my colleagues on the other side of the aisle have refused to tackle the issue of automobile fuel efficiency. According to the American Council for an Energy-Efficient Economy, if the Corporate Average Fuel Economy, CAFE, standards are raised by just 5 percent annually until 2012, and by just 3 percent thereafter, more than 1.5 million barrels of oil per day could be saved by 2010, and 67 billion barrels of oil over the next 40 years—more than 10 times what could be recovered in ANWR. In 1998, the U.S. Geological Survey estimated that there is no more than 5.2 billion barrels of economically recoverable oil in ANWR, a number that is equivalent to what the United States consumes in about 6 months.

Any recoverable oil that might be below the Refuge would not begin flowing for at least 10 years and would never meet more than a small percentage of our oil needs at any given time.

So, therefore, it would have no impact on my constituents and your constituents for at least a decade. Further, the Energy Information Administration, EIA, has said that because the price of oil is set by the world market, ANWR would have a negligible impact on gasoline prices.

The United States dependence on foreign oil is growing, with current imports at 58 percent. We currently have about 3 percent of the world's oil reserves but consume more than a quarter of the world's oil supply. We simply cannot drill our way out of our problems. Last year, EIA stated that at peak production, oil from ANWR would account for just a fraction of our consumption—no more than 4 percent. Further, there is no guarantee that any oil produced domestically from ANWR would make it to the rest of the country. There is no assurance that it will not all be exported to foreign countries. It is simply too big a risk to take when there are other, less intrusive ways to truly alleviate our dependence on oil—fuel efficiency, renewable and alternative sources of energy, and, dare I say it, conservation, something the Bush administration would have you now believe it wholly endorses.

ANWR drilling proponents are always quick to contend that 735,000 jobs would be created by opening this area to oil extraction. Those estimates are based on figures from 15 years ago that the forecasters have since acknowledged were based on flawed assumptions. In October 2005, the Congressional Research Service reported that full development of the Arctic Refuge would result in 60,000 jobs. Even the three oil companies that stand to reap the most profits by expanding their presence in Alaska—ExxonMobil, BP, and Conoco-Phillips—have been relatively silent this year about their interest in ANWR.

Little oil industry interest, less job creation than anticipated, minimal recoverable oil deposits, no impact on current energy prices and negligible impact on future prices, no reduction in foreign oil dependence, and a web of infrastructure across the Coastal Plain—does that justify pillaging the Arctic Refuge? I think it is irresponsible to do so.

Therefore, I urge my colleagues to support the Cantwell amendment and work with us to enact policies that provide economic relief for residential and business consumers and set our country on a path to energy security.

Ms. MIKULSKI. Mr. President, I rise to oppose drilling in the Arctic National Wildlife Refuge. Opening the refuge is not the answer to solving our country's energy needs. We cannot drill our way out of our energy problems.

We need to focus on real solutions not gimmicks—solutions that decrease our dependence of foreign oil, protect the environment and help consumers at a time when the costs to fill up their gas tanks and heat their homes are at all time highs.

If we open the Arctic Refuge for oil and gas drilling, it would provide only about a 6-month supply of oil and would not even be available for 10 or more years. That means that drilling in the wildlife refuge would not affect our current oil and gasoline prices nor will it reduce our country's dependence on foreign oil. Even in 10 or so years when we might get the oil, drilling in the Arctic National Wildlife Refuge will help little if at all.

Rather than trying to get a couple of months of oil supply in 10 years, we need to address the most pressing issues facing our country now: our growing dependence on foreign oil, sky-high oil and gas prices, and global warming. This is what I have been fighting for—real solutions to real problems that would help today's consumers and tomorrow's energy needs.

That is why I fought to include an amendment to the Commerce, Justice, Science Appropriations bill that would provide a million dollars to the Federal Trade Commission to immediately investigate claims of price gouging. While oil companies and refineries report record profits, American consumers shouldn't have to scrimp to buy gasoline to go to work, or church or to buy groceries. I also cosponsored a bill that would place a federal ban on price gouging for oil, gasoline and other petroleum products during times of energy emergencies. To drive this point home, I sent a letter to the chairwoman of the FTC, expressing my concern over the consolidation of oil refineries, resulting in the lack of competition.

I also recently sent a letter to President Bush urging him to convene a White House summit of oil and gas company CEOs to insist that they lower their sky-high gas and home heating oil prices. These are some of the President's closets political supporters and friends They are also the same men and women who the President called on to write the administration's energy policy in 2001. If the President can call them in to help themselves, he should call them back to help ordinary Americans. Another letter called on the oil and gas company CEOs to temporarily halt unnecessary exports of any home heating oil products that they are currently sending abroad. We cannot expect Americans to pay over $1,000 to heat their homes this winter when U.S. companies are exporting billions of gallons of refined heating oil and propane.

We need to find solutions for tomorrow's energy needs as well as those facing Americans today. I introduced a bill that would provide tax incentives for energy efficient hybrid and fuel cell vehicles, which was included in the Energy bill. I also voted for a proviso in the Senate energy bill that would have required utilities to generate 10 percent of their energy from renewable sources. In addition, I supported a provision in the bill that requires the Federal Government to get at least 7.5 percent of our energy from renewable sources by 2013. I also supported an amendment that would require the U.S. to reduce foreign oil imports by 40 percent in 20 years.

Just last week, oil companies reported record third quarter profits, some more than 85 percent higher than last year. As Americans struggle to fill their gas tanks and pay high home heating bills, the oil and gas companies are filling their pockets with historic profits. And now, here we are, in the Senate, giving them the opportunity to drill in federally protected land.

This is not a time to reward oil and gas companies with the promise of more profits. We need to give these companies the opportunity to be patriots—not profiteers. They need to join us by holding down prices, investing in renewable energy, serving the needs of Americans and conserving as much as possible. Together, America can do better.

The PRESIDENT pro tempore. The time of the Senator has expired.

Who yields time in opposition? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me say to the Senate it is finally time. It is finally time that we decide to do something about our oil dependency. It is time that we do something for the American people about the rising, escalating price of gasoline at the pump.

As I see it, this is a rare opportunity to produce substantial quantities of crude oil from our own homeland, from one of our States. Not only will it produce oil, it will produce the equivalent of what the State of Texas has in reserves. To say it has very little is to say the full State of Texas has very little reserves.

It will produce jobs, up to 736,000. You see them on this list. America cries out for good jobs. We wonder why we don't have them. Then we ignore our own source of supply which would create them.

Any time I have left I yield to the Senator from Alaska.

The PRESIDENT pro tempore. The Senator has 5 seconds.

Ms. MURKOWSKI. Mr. President, this is the Senate's opportunity and the country's opportunity to address our national security, our energy security, and our environmental security. Defeat this amendment.

Mr. GREGG. Mr. President, I ask for the yeas and nays

The PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Ms. MURKOWSKI.) Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 288 Leg.]

YEAS—48

Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Snowe
Stabenow
Wyden

NAYS—51

Akaka
Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The amendment (No. 2358) was rejected.

Mr. STEVENS. Madam President, I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2362

Mr. STEVENS. Madam President, parliamentary inquiry: The next amendment is the Wyden amendment on export of oil. I make a parliamentary inquiry if that amendment is subject to the Byrd rule.

The PRESIDING OFFICER. In the opinion of the Chair, it is not.

Mr. STEVENS. Madam President, as long as this amendment is not changed and comes back to this floor in the conference report, it will not be subject to the Byrd rule.

The PRESIDING OFFICER. The language as stated is not subject to a point of order.

Who yields time?

Mr. WYDEN. Madam President, I call up the Wyden-Collins amendment.

The PRESIDING OFFICER. The amendment is pending.

Mr. WYDEN. Madam President, you cannot look the public in the eye after all the speeches about how the oil is needed here at home and pass legislation that is an invitation to export Alaskan oil to countries such as China. The history is, if you do not ban these exports, this oil is going to go to Asia. That was confirmed not long ago by oil company executives who came before the Senate Commerce Committee. Without this amendment, there is no assurance that even one drop of Alaskan oil will get to hurting Americans. I hope the Senate agrees to this amendment to, at the very least, put a Band-Aid on a flawed policy.

I yield to my cosponsor, the Senator from Missouri.

Mr. TALENT. Madam President, I congratulate my friend from Oregon for his fine work.

Briefly, as a very strong supporter of exploring for oil in the Arctic, one of the big reasons we are doing it is to enhance our national security and our own domestic oil supply, which is why I support the amendment I am cosponsoring.

Mr. WYDEN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Mr. STEVENS. Is there time in opposition?

The PRESIDING OFFICER (Mr. GRAHAM). There is 1 minute in opposition.

Mr. STEVENS. In principle, I am opposed, but as long as it does not violate the Byrd rule, I will not vote against it.

I yield back the time.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 2362.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN, I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 16, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—83

Akaka
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Burns
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—16

Alexander
Allard
Allen
Bennett
Brownback
Bunning
Burr
Cornyn
Craig
Gregg
Inhofe
Kyl
Landrieu
McCain
Sessions
Sununu

NOT VOTING—1

Corzine

The amendment (No. 2362) was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we now go to Senator GRASSLEY's amendment.

Mr. CONRAD. Mr. President, will the Senator withhold for one moment?

Mr. GRASSLEY. Yes.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, colleagues, we now have a list of the number of amendments that have been filed and that are pending and that Senators have noticed to us they intend to insist to have a vote on. That is 25 in number. That would take 8 hours. We have to stop at 6 o'clock. There is no way we would complete business today if every one of our colleagues insists on a vote on their amendment.

So I am asking on our side—I am asking, please—if you have an amendment filed that you really don't need a vote on or that you could possibly work out, let's work very hard in the next few hours to try to work it out. I would implore colleagues to not force a vote on every amendment they have filed.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I would like to second the request of the Senator from North Dakota. I think it is a very appropriate statement.

AMENDMENT NO. 2359

The PRESIDING OFFICER. Who yields time on the amendment?

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, how much time do I have?

The PRESIDING OFFICER. One minute.

Mr. GRASSLEY. Mr. President, this is a bipartisan amendment, the Grassley-Dorgan amendment, with a lot of cosponsors. We have a problem in the existing bill that will hurt family farmers. It cuts farm payments across the board for 100 percent of the farmers. It cuts conservation programs, so it harms the environment to a greater extent. What we do is solve a problem and help every family farmer in the process.

Ten percent of the farmers in the United States get 72 percent of the benefit out of the farm program. That is unfair. The farm programs have always been targeted toward medium- and small-sized farmers. So we put in a hard cap of $250,000. Mr. President, $250,000 is all one farm entity can get from the farm program. We redistribute that money so we do not have that 2.5-percent cut. We restore some money for conservation and things of that nature.

So I hope you will support our amendment. The last time it was up, we got 66 votes for it.

Mr. KYL. Mr. President, reducing overall Federal spending on farm programs is important if we are to succeed in reducing the Federal budget deficit. The current budget-reconciliation package includes $39 billion in savings, including $3 billion from agriculture programs. To achieve these savings, the Senate Agriculture Committee cuts farm spending by implementing an across-the-board 2.5 percent reduction in payments for all farm commodities. I wholeheartedly support these cuts in farm spending.

However, I cannot support waiving the Budget Act to consider the Grassley Dorgan amendment to impose more restrictive payment limits on farm commodities. This amendment is being offered as a substitute to the cost savings achieved by the fair, across-the-board reductions currently in the package. Substituting the Grassley-Dorgan payment limits is eerily reminiscent of the flawed formula in the highway bill: Instead of all States bearing the burden equally, the farm cuts would be achieved on the backs of Arizona farmers and other farmers of capital intensive crops in the West and South.

The advocates of the Grassley-Dorgan amendment claim that reducing payment limits preserves the family farm. What they meant to say is that it preserves family farms in North Dakota, Iowa, and other Midwestern States that grow certain commodities: namely grains and oilseeds such as corn, wheat, and soybeans. Family farmers in Arizona farm cotton. It is a highly capital intensive crop, in fact, one of the two most expensive program crops to grow. To illustrate, cotton program payments represent 39 percent of western farmers' cash costs of production. Corn and wheat program payments represent 49 percent and 50 percent of Midwestern farmers' cash costs, respectively.

Thus, in order to achieve economies of scale and remain competitive, Arizona farms must be large. According the Economic Research Service, over 30 percent of cotton production occurs on farms operating on an average of 3,500 acres. Are we to believe that none of these large farms are owned by Arizona families? I know for a fact that they are.

The average farming operation in Arizona consists of about 7,000 acres. Using a farm in near Buckeye, AZ as an example, this family farm is run by four brothers. Several children are managers of the operation, including performing marketing and financial services. About a third of the farm grows cotton, about a third grows feed grains, and the remaining third alfalfa. The annual budget is $5 million, and the brothers draw an annual salary of about $50,000 each when the farm generates sufficient income. This farm would be hit hard by the payment limitations in the Grassley-Dorgan amendment. Its operators would be forced to cut the amount of acres on which they grow cotton. In years when prices decline at harvest, their cash flow would be restricted and their ability to qualify for financing would be severely hampered.

The Grassley-Dorgan amendment, in equating large with bad, ultimately favors growers of corn, wheat, and soybeans at the expense of farmers of cotton, rice, and peanuts. To further illustrate what I am talking about, let us apply the limitations in the amendment: a farm that produces cotton or rice would, at today's world prices and average yields, hit the limit on payments at about 400 to 600 acres. This acreage is generally deemed to be too small to sustain the investment in the specialized equipment necessary for cotton and rice production. In contrast, a corn farmer with an expected yield of 190 bushels per acre, would not hit the limit on payments until just over 3,100 acres. Clearly, very few corn farmers will ever feel the effects of the Grassley-Dorgan amendment.

It has been further estimated that the more restrictive eligibility rules that are part of the amendment, combined with the limits on direct payments, would reduce direct payments to Arizona growers by $24.6 million. This represents a reduction of 62 percent, the highest of any State. Iowa would see a loss of just 4 percent and North Dakota, 10 percent.

I am not going to argue that the farm law is off limits for the purpose of finding savings for the American taxpayer. However, I encourage my colleagues to look closely at the ways we achieve that savings. It is simply not fair to use a faulty perception of what constitutes a family farm to favor one farming region of the country at the expense of another. Yet, that is exactly what the Grassley-Dorgan amendment would do. Thus, I cannot support a motion to waive the Budget Act with respect to this amendment and must vote against it.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 1 minute.

Mr. CHAMBLISS. Mr. President, in 2002, this body, along with the House and along with the President, made a commitment to farmers and ranchers all across America with the signing and implementation of the 2002 farm bill. This was an issue back then, in 2002, in the farm bill. It will be an issue in the farm bill in 2007.

Today, when our farmers are hit with high fuel prices, with low commodity prices, and with disasters all across the country in different sections, this is not the time to say to our farmers, who feed all of America, we are going to change the program in midstream. This issue will be dealt with in the farm bill in 2007.

Mr. President, I raise a point of order under section 305 of the Budget Act that the pending amendment is not germane to the measure now before the Senate.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, pursuant to section 904(c) of the Congressional Budget Act of 1974, I move to waive section 305 of the Budget Act for the consideration of amendment No. 2359, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 53, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—46

Allard
Bayh
Bingaman
Brownback
Byrd
Cantwell
Chafee
Clinton
Collins
Conrad
Dayton
DeWine
Dorgan
Durbin
Ensign
Enzi
Feingold
Grassley
Hagel
Harkin
Hatch
Johnson
Kennedy
Kerry
Lautenberg
Levin
Lugar
Mikulski
Murray
Nelson (NE)
Obama
Reed
Reid
Salazar
Santorum
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Sununu
Thomas
Thune
Voinovich
Wyden

NAYS—53

Akaka
Alexander
Allen
Baucus
Bennett
Biden
Bond
Boxer
Bunning
Burns
Burr
Carper
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
Dodd

Dole
Domenici
Feinstein
Frist
Graham
Gregg
Hutchison
Inhofe
Inouye
Isakson
Jeffords

Kohl
Kyl
Landrieu
Leahy
Lieberman
Lincoln
Lott
Martinez
McCain
McConnell
Murkowski

Nelson (FL)
Pryor
Roberts
Rockefeller
Sessions
Shelby
Stevens
Talent
Vitter
Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 2365

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, this amendment deals with the fact that under current law, 31 of our States are seeing significant cuts in Federal support for Medicaid because of a reduction in the percentage the Federal Government will pay, the FMAP, as we always refer to it, the Federal matching rate. Alaska is held harmless in the underlying bill. They will not suffer a cut. My amendment would say that for the other 30 States, the cut should not be more than five-tenths of 1 percent next year. The amendment is more than offset. In fact, the offset is supported strongly by Secretary Leavitt's Medicaid Commission. It is supported strongly by the National Governors Association. It would save the States over $3 billion if this offset is agreed to as part of this amendment.

I urge my colleagues to support the amendment. This map shows the States in red that would get a more fair share of Medicaid funds, if the amendment passes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask Members to vote no on this amendment. There is an odd situation here. We have had a formula in the legislation for 40 years. That formula regularly has some States getting more reimbursement, some States getting less. Next year your State might go up. The next year it might go down. That is the way it has been working. All of a sudden, some States are receiving a reduction, and they want to keep it where it is. I have never had a situation where, when the formula worked to the benefit of the State, their reimbursement went up, that you come in here and ask for us to reduce the reimbursement. No, you accept the formula. If you want to change the formula, Senator BAUCUS and I have a good plan to change the formula. It would smooth out the peaks and valleys. That is what we ought to be doing instead of piecemeal doing it this way. I ask Members to vote against the amendment.

AMENDMENT NO. 2365, AS MODIFIED

Mr. BINGAMAN. Mr. President, I call up the modified version of the amendment, and I ask unanimous consent that that be the pending amendment.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment, as modified, is as follows:

On page 188, after line 24, add the following:

SEC. 6037. LIMITATION ON SEVERE REDUCTION IN THE MEDICAID FMAP FOR FISCAL YEAR 2006.

(a) LIMITATION ON REDUCTION.—In no case shall the FMAP for a State for fiscal year 2006 be less than the greater of the following:

(1) 2005 FMAP DECREASED BY THE APPLICABLE PERCENTAGE POINTS.—The FMAP determined for the State for fiscal year 2005, decreased by—

(A) 0.1 percentage points in the case of Delaware and Michigan;

(B) 0.3 percentage points in the case of Kentucky; and

(C) 0.5 percentage points in the case of any other State.

(2) COMPUTATION WITHOUT RETROACTIVE APPLICATION OF REBENCHMARKED PER CAPITA INCOME.—The FMAP that would have been determined for the State for fiscal year 2006 if the per capita incomes for 2001 and 2002 that was used to determine the FMAP for the State for fiscal year 2005 were used.

(b) SCOPE OF APPLICATION.—The FMAP applicable to a State for fiscal year 2006 after the application of subsection (a) shall apply only for purposes of titles XIX and XXI of the Social Security Act (including for purposes of making disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4) and payments under such titles that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b))) and shall not apply with respect to payments under title IV of such Act (42 U.S.C. 601 et seq.).

(c) DEFINITIONS.—In this section:

(1) FMAP.—The term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(2) STATE.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(d) REPEAL.—Effective as of October 1, 2006, this section is repealed and shall not apply to any fiscal year after fiscal year 2006.

SEC. 6038. EXTENSION OF PRESCRIPTION DRUG REBATES TO ENROLLEES IN MEDICAID MANAGED CARE ORGANIZATIONS.

(a) IN GENERAL.—Section 1927(j)(1) (42 U.S.C. 1396r–8(j)(1)) is amended by striking "dispensed" and all that follows through the period and inserting "are not subject to the requirements of this section if such drugs are—

"(A) dispensed by health maintenance organizations that contract under section 1903(m); and

"(B) subject to discounts under section 340B of the Public Health Service Act (42 U.S.C. 256b).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) on or after such date.

SEC. 6039. EXTENSION OF THE MEDICARE PART A AND B PAYMENT HOLIDAY.

Section 6112(b)(1) of this Act is amended by striking "September 22, 2006" and inserting "September 21, 2006".

Mr. GREGG. Mr. President, I ask unanimous consent that the Byrd amendment, which was to be the next amendment, be moved to be after the Landrieu amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. MARTINEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—54

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coburn
Collins
Conrad
Cornyn
Dayton
Dodd
Domenici

Dorgan
Durbin
Feingold
Feinstein
Harkin
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman

Lincoln
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NAYS—45

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Cochran
Coleman
Craig
Crapo
DeMint

DeWine
Dole
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Isakson
Kyl
Lott
Lugar
Martinez

McCain
McConnell
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The amendment (No. 2365), as modified, was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2360

The PRESIDING OFFICER. There is 2 minutes equally divided on the Lott amendment No. 2360.

Mr. GREGG. Mr. President, the next amendment is the Lott amendment, the Amtrak amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I call up amendment No. 2360.

The PRESIDING OFFICER. The amendment is pending.

Mr. LOTT. Mr. President, I will take a couple minutes to discuss the amendment. First of all, my cosponsor on this amendment is Senator LAUTENBERG.

This is an amendment that adds provisions of S. 1516, the Passenger Rail Investment and Improvement Act of 2005. It was reported out of the Commerce Committee in July and has been ready to be considered by the Senate, but repeated efforts to have it brought up in the regular order were not cleared.

We are running out of time. The administration has made it clear that without reform, they are not going to be supportive of future funds through the appropriations process for Amtrak. This is genuine reform with a lot of input from management and labor, the administration, and both sides of the aisle.

I believe this is the last chance for the Senate to act on this important legislation, making it possible for us to have it included in some legislation, before we finish this year, to reform Amtrak.

Mr. GREGG. Mr. President, I yield 1 minute to the Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I appreciate the work the Senator from Mississippi and the Senator from New Jersey have done on this bill.

It is absolutely true that this does represent some significant additional reforms for Amtrak. In discussions with Senator LOTT from Mississippi and others, I do believe there is an opportunity to do a lot more. Unfortunately, the House has not really undertaken any reform effort at all, and that is certainly one of the concerns that I have, that this not be a dead-end process, that we do more in this bill to deal with long distance routes that lose $200 or $300 per passenger on every single car that rides on those long distance routes and labor constraints that the management of Amtrak has said they want to have modified and adjusted so they can operate more effectively and more efficiently. These items are not in this legislation, although it does represent a step forward.

I look forward to continuing to work to improve the legislation, but I certainly cannot support its adoption on this reconciliation bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LOTT. Mr. President, I note that Senator BURNS has also been active in this process.

I ask unanimous consent that other Senators' names be allowed to be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 6, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—93

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Thune
Vitter
Warner
Wyden

NAYS—6

DeMint
Ensign
Gregg
Sessions
Sununu
Voinovich

NOT VOTING—1

Corzine

The amendment (No. 2360) was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2370

The PRESIDING OFFICER. There is 2 minutes now equally divided prior to a vote on the McCain amendment.

Who yields time?

The Senator from Arizona.

Mr. McCAIN. Mr. President, this amendment does one very simple thing. It would move the DTV transition date forward by 1 year, making the completion date April 7, 2008. My colleagues will be asked to believe the earlier date is not doable. Do not believe it. We have the ability. We have the technology. It can be accomplished. It is supported by every first responder organization in America, every single one. The National Governors Association: We support the amendment, based upon certain clearing of channels. People's lives are at stake. The only people who are against this amendment are the National Association of Broadcasters. We will see if they win again.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Mr. STEVENS. Mr. President, this amendment would close off the analog broadcasting too close to the auction of spectrum. We currently have an April 2009 date. The auction date is January of 2009. It is just too close together. The leases cannot be processed. There is no way those auction proceeds can be available until licenses are issued. This amendment would end analog broadcasts before the funds are available for the converter box fund or the translator conversion fund authorized by S. 1932. We need help in this transition. The amendment makes spectrum available to public safety groups before they can put it to use because we are informed public safety groups must have at least 3 years to prepare for the use of spectrum.

We are going to get them the spectrum. They will not be able to use it until we have the money to bring about the transition. I believe our whole committee should oppose this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The yeas and nays were previously ordered on the amendment.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 69, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—30

Bayh
Biden
Boxer
Carper
Clinton
Coburn
Collins
DeWine
Dodd
Ensign
Feingold
Feinstein
Graham
Harkin
Jeffords
Kennedy
Kerry
Kyl
Lautenberg
Levin
Lieberman
McCain
Mikulski
Nelson (FL)
Rockefeller
Salazar
Schumer
Stabenow
Sununu
Warner

NAYS—69

Akaka
Alexander
Allard
Allen
Baucus
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Chafee
Chambliss
Cochran
Coleman
Conrad
Cornyn
Craig

Crapo
Dayton
DeMint
Dole
Domenici
Dorgan
Durbin
Enzi
Frist
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kohl
Landrieu
Leahy
Lincoln
Lott
Lugar
Martinez
McConnell
Murkowski
Murray
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Santorum
Sarbanes
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Talent
Thomas
Thune
Vitter
Voinovich
Wyden

NOT VOTING—1

Corzine

The amendment (No. 2370) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I want to point out for the edification of our colleagues that we still have a lot of amendments to go. The estimate is in the high teens or potentially low twenties. At the pace we are going, we are not going to get them all done today, and we are going to be here on Friday.

I ask, Mr. President, if we can be advised as to how long the last three votes have taken. If we could hear from the clerks, approximately how long? We do not have to be precise.

How long have the votes taken?

The PRESIDING OFFICER. An hour 6 minutes for three votes.

Mr. GREGG. At this pace, we are here Friday.

I hope Members will think about their amendments, if they have some they are still talking about, and give serious consideration to allowing a voice vote or allowing it to be worked out.

AMENDMENT NO. 2368, WITHDRAWN

I ask unanimous consent that the Corzine amendment, No. 2368, be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2372

Mr. GREGG. Mr. President, we are now on to Senator MURRAY's amendment.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator CORZINE be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, in a few short weeks some of our most vulnerable Americans, our sickest and poorest, so-called dual eligibles, are going to be shifted from Medicaid to Medicare. We have a train wreck coming. Medicare is going to randomly assign these people to a plan which they may not know about and which might not cover their lifesaving drugs. Doctors, hospitals, and pharmacists are scrambling. These prescription drug policies themselves have not defined the drugs they are going to cover. My amendment simply gives a 6-month transition for those people so they do not get lost in this switch. I support Medicare coverage for these dual eligibles, but I cannot—and I don't think we should—support turning these people away at the drugstore.

This amendment does not delay the implementation of the Medicare drug benefit. It simply assures thousands of our most vulnerable Americans that they will not be lost in the transition from Medicaid to Medicare coverage.

I thank Senator ROCKEFELLER and my cosponsors, and I urge adoption of this amendment.

Mr. GREGG. Mr. President, CMS has a plan in place, and 6 months ago CMS introduced a strategy for transitioning dual eligibles from Medicaid to Medicare which lays out in great detail the steps CMS will take to ensure the continuity of coverage of this valuable group of beneficiaries. Therefore, the leadership of the Finance Committee strongly opposes this amendment.

I make a point of order that the pending amendment is not germane to the measure now before the Senate, and I raise a point of order under section 305 of the Budget Act.

Mrs. MURRAY. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant Journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 56, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—56

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER (Mr. ALEXANDER). On this question, the yeas are 43, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

Mr. GREGG. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2366 WITHDRAWN

The PRESIDING OFFICER. The pending question is the Landrieu amendment numbered 2366.

Mr. GREGG. I yield to the Senator from Louisiana for the purpose of sending a modification to the desk.

Mr. VITTER. Mr. President, with Senator LANDRIEU's consent, I request the Landrieu amendment be withdrawn, and we call up the Stevens-Vitter-Landrieu-Domenici amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2412

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for Mr. STEVENS, for himself, Mr. VITTER, Ms. LANDRIEU, and Mr. DOMENICI, proposes an amendment numbered 2412.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the distribution of excess proceeds from the auction authorized by section 309(j)(15)(C)(v) of the Communications Act of 1934)

On page 95, strike lines 13 through 21, and insert the following:

(f) USE OF EXCESS PROCEEDS.—Any proceeds of the auction authorized by section 309(j)(15)(C)(v) of the Communications Act of 1934, as added by section 3003 of this Act, that exceed the sum of the payments made from the Fund under subsection (c), the transfer from the Fund under subsection (d), and any amount made available under section 3006 (referred to in this subsection as "excess proceeds"), shall be distributed as follows:

(1) The first $1,000,000,000 of excess proceeds shall be transferred to and deposited in the general fund of the Treasury as miscellaneous receipts.

(2) After the transfer under paragraph (1), the next $500,000,000 of excess proceeds shall be transferred to the interoperability fund described in subsection (c)(3).

(3) After the transfers under paragraphs (1) and (2), the next $1,200,000,000 of exceess proceeds shall be transfered to the assistance program described in subsection (c)(5).

(4) After the transfers under paragraphs (1) through (3), any remaining excess proceeds shall be transferred to and deposited in the general fund of the Treasury as miscellaneous receipts.

The PRESIDING OFFICER. There is 2 minutes of debate evenly divided.

Mr. VITTER. Mr. President, I present this on behalf of Mr. STEVENS, the main author, as well as myself, Ms. LANDRIEU, Mr. DOMENICI, Mr. BINGAMAN, Mr. LOTT, Mr. INOUYE, Mr. CRAIG, and others. This will not change our budget numbers or our goal of deficit reduction in any way. In fact, it could enhance it.

This amendment says if and when—and only if and when—the spectrum auction produces more than is forecast, the first $1 billion over that amount would go to deficit reduction, the next $500 million would go to interoperability, the next $1.2 billion, in that order, goes to a coastal program under Commerce jurisdiction, and the remainder, if at all, would go to deficit reduction. This could, in fact, enhance deficit reduction.

Of course, it is very important to coastal States, including Louisiana, to beef up the coastline and to protect us in the future from major storms like Hurricane Katrina.

I yield the remaining time to Senator LANDRIEU.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleague from Louisiana and particularly thank the leadership of Senator STEVENS and Senator DOMENICI and so many who have joined the effort. It has been a great effort. We thank our colleagues.

Mr. GREGG. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2412) was agreed to.

Mr. CONRAD. Mr. President, just to update our colleagues, we now have 19 amendments still pending. On our current course, that is going to take at least 6½ hours. That would take us to 8:30. I ask colleagues, please, if you can withhold on your amendment, do so. If you have a chance to work out the amendment, please work hard and diligently to work it out. I urge colleagues, we have a drop-dead time at 6 o'clock tonight. We cannot go beyond that with business. We have less than 4 hours to go through 19 amendments. The only way this is going to happen is if colleagues will give up on some of their amendments. Otherwise, we are here tomorrow. Once we are here tomorrow, we all know what happens: we will be here a long time tomorrow.

AMENDMENT NO. 2367

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, the reconciliation bill would increase immigrant work visas by 350,000 per year, about one-third of the current level. It is a massive and destabilizing increase that does not belong on the reconciliation bill.

My amendment would strike the increase in immigrant work visas and impose a $1,500 immigrant application fee on multinational corporations. With my amendment, the Judiciary Committee would exceed its reconciliation savings targets and do so without increasing immigrant work visas. We authorized over half a million H-1B visas in 2000. Last year, we authorized another $100,000 over 5 years. Do we really need another 150,000 visas on top of that? When is enough enough?

My amendment has the support of the unions. It has the support of immigrant enforcement groups. It has the support of Republican and Democrat Senators. I urge agreement of the amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am opposed to this amendment because the fees for L visas would raise funds but would do nothing to fill very important jobs in the United States. The existing plan submitted by the Judiciary Committee imposes a fee, but it extends the H-1B visa and recaptures the visas which were not used in the last 5 years. There are very careful safeguards so that U.S. jobs are not lost.

I understand the position of the distinguished Senator from West Virginia, the position of the unions, but I believe their concerns are misplaced and that there is a real need for these positions of highly skilled professionals, Ph.D.s, advanced degrees. Therefore, with due respect to my colleague from West Virginia, I ask for a "no" vote.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment.

Mr. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 14, nays 85, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—14

Akaka
Byrd
Dayton
Dodd
Dorgan
Durbin
Feingold
Inhofe
Jeffords
Landrieu
Rockefeller
Sessions
Stabenow
Vitter

NAYS—85

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kennedy
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Voinovich
Warner
Wyden

NOT VOTING—1

Corzine

The amendment (No. 2367) was rejected.

Mr. GREGG. I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, the next item is the Harkin amendment, a sense of the Senate. I ask unanimous consent that we have 2 minutes equally divided on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. For the information of the Senate, we are now off of the original list, having completed that. So we are into a period where, between myself and the Senator from North Dakota, we have organized a series of amendments to come forward. These will continue to be 10-minute votes, and they are going to be hard 10 minutes. That means that at the end of 10 minutes, I am going to ask the vote to be closed. Secondly, I ask unanimous consent that for all amendments which are brought forward from here on, there be 2 minutes equally divided between the proponent and the opponent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, let us repeat the message loud and clear: These next three votes are going to be strict 10-minute votes. At the end of 10 minutes, the manager and I are going to call the vote. That is the only possible, conceivable way we can get done today.

Mr. GREGG. Of course, we may actually get a voice vote in here, hopefully.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 2363

(Purpose: To affirm that the Federal funding levels for the rate of reimbursement of child support administrative expenses should not be reduced below the levels provided under current law, that States should continue to be permitted to use Federal child support incentive payments for child support program expenditures that are eligible for Federal matching payments, and to express the sense of the Senate that it does not support additional fees for successful child support collection)

Mr. HARKIN. Mr. President, my amendment is a sense-of-the-Senate resolution that the Senate go on record opposing the House's $9 billion cut to child support enforcement programs. It is not reasonable to cut a program that last year served 17,300,000 children. This is money that goes out to States for child support enforcement to go after deadbeat dads to get them to pay the money for child support. As a matter of fact, this is one of the best things that has happened out of welfare reform. For every $1 we spend, we are getting back $4.38, not to the Government but to the families and the kids who need it. This is just a sense-of-the-Senate resolution that says we do not agree with the House 40-percent cut in this program and we won't hold up to it when it goes to the conference. It is a sense-of-the-Senate resolution.

The bill approved by Ways and Means would slash funding for child support enforcement efforts by 40 percent over the next 10 years. The Congressional Budget Office estimates that, as a result of these cuts, more than $24 billion in delinquent payments will go uncollected. And the biggest negative impacts will be felt by children living in poverty and children in low-income households.

And let's be clear: Why is the House doing this? Why is it cutting this essential program that benefits some of the most vulnerable, disadvantaged, neglected children in our society? They are doing this in order to make room for another $70 billion in tax cuts—tax cuts overwhelmingly benefiting our wealthiest citizens.

Indeed, that is what this entire reconciliation process is all about. For 25 years, the budget reconciliation process was used to reduce the deficit. But, today, the majority party has a different idea. They are using reconciliation to increase the deficit. They are cutting child support enforcement, food assistance for the poor, foster care benefits, Medicaid, and other programs for the most disadvantaged Americans. At the same time they are ramming through another $70 billion in tax cuts for the most privileged.

There is no other word for it: This is simply immoral. Last year, more than 17 million children received financial support through the Child Enforcement System, including nearly two-thirds of all children in single-parent households with incomes below twice the poverty line.

Child support helped to lift more than 1 million Americans out of poverty in 2002. As a result of cuts passed by the House, many of those people—mostly children—would be plunged back into poverty. Not only is this cruel, it is also counterproductive. It is penny wise and pound foolish, because those families that are shoved into poverty by the House's action will end up on food stamps, Medicaid, Temporary Assistance for Needy Families, and other forms of public assistance.

This chart shows the State-by-State impact of the cut in child support collection. In my State of Iowa, alone, children would lose some $239 million over the next 10 years. This is a proven program, an effective program. It reduces poverty. It gets resources to children who desperately need them. It is cost effective. Research has shown that the decline in families relying on TANF in recent years is directly linked to improvements in the Child Support Enforcement Program. For all these reasons, this program has enjoyed broad bipartisan support.

In the past, President Bush himself has praised this program, calling it one of our highest performing social services programs. And he is right because for every Government dollar spent, $4.38 is recovered for families in child support payments. With good reason. Reforms over the last decade have made this program even more effective. Since 1996, there has been an 82-percent increase in collections, from $12 billion to $22 billion.

Child Support Enforcement is essential to helping families to achieve self-sufficiency. For families in poverty who receive child support, those payments account for an average of 30 percent of their income. Next to a mother's earnings, child support is the largest income source for poor families receiving assistance. Child support payments are used to pay for food, child care, shelter, and the most basic essentials of life.

If we were smart, if we were compassionate, if we were looking at ways to get maximum bang for the buck, we would be increasing funding for this essential program. But the action of the other body, slashing Child Support Enforcement by 40 percent to make way for more tax cuts, is just unconscionable. It is bad public policy, bad values, and bad priorities.

A strong bipartisan vote for this resolution will send a strong message to the House conferees that this cut is unacceptable to the Senate and that this body will not accept a slash-and-burn attack on a program that lifts more than 1 million people out of poverty every year. I urge my colleagues to support this resolution.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. KOHL, Mr. OBAMA, and Mr. BAYH, proposes an amendment numbered 2363.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) On October 26, 2005, the Committee on Ways and Means of the United States House of Representatives approved a budget reconciliation package that would significantly reduce the Federal Government's funding used to pay for the child support program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) and would restrict the ability of States to use Federal child support incentive payments for child support program expenditures that are eligible for Federal matching payments.

(2) The child support program enforces the responsibility of non-custodial parents to support their children. The program is jointly funded by Federal, State and local governments.

(3) The Office of Management and Budget gave the child support program a 90 percent rating under the Program Assessment Rating Tool (PART), making it the highest performing social services program.

(4) The President's 2006 budget cites the child support program as "one of the highest rated block/formula grants of all reviewed programs government-wide. This high rating is due to its strong mission, effective management, and demonstration of measurable progress toward meeting annual and long term performance measures."

(5) In 2004, the child support program spent $5,300,000,000 to collect $21,900,000,000 in support payments. Public investment in the child support program provides more than a four-fold return, collecting $4.38 in child support for every Federal and State dollar that the program spends.

(6) In 2004, 17,300,000 children, or 60 percent of all children living apart from a parent, received child support services through the program. The percentage is higher for poor children—84 percent of poor children living apart from their parent receive child support services through the program. Families assisted by the child support program generally have low or moderate incomes.

(7) Children who receive child support from their parents do better in school than those that do not receive support payments. Older children with child support payments are more likely to finish high school and attend college.

(8) The child support program directly decreases the costs of other public assistance programs by increasing family self-sufficiency. The more effective the child support program in a State, the higher the savings in public assistance costs.

(9) Child support helps lift more than 1,000,000 Americans out of poverty each year.

(10) Families that are former recipients of assistance under the temporary assistance for needy families program (TANF) have seen the greatest increase in child support

payments. Collections for these families increased 94 percent between 1999 and 2004, even though the number of former TANF families did not increase during this period.

(11) Families that receive child support are more likely to find and hold jobs, and less likely to be poor than comparable families without child support.

(12) The child support program saved costs in the TANF, Medicaid, Food Stamps, Supplemental Security Income, and subsidized housing programs.

(13) The Congressional Budget Office estimates that the funding cuts proposed by the Committee on Ways and Means of the House of Representatives would reduce child support collections by nearly $7,900,000,000 in the next 5 years and $24,100,000,000 in the next 10 years.

(14) That National Governor's Association has stated that such cuts are unduly burdensome and will force States to reevaluate several services that make the child support program so effective.

(15) The Federal Government has a moral responsibility to ensure that parents who do not live with their children meet their financial support obligations for those children.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate will not accept any reduction in funding for the child support program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.), or any restrictions on the ability of States to use Federal child support incentive payments for child support program expenditures that are eligible for Federal matching payments, during this Congress.

Mr. OBAMA. Mr. President, I rise today to speak in favor of the Harkin amendment, which expresses the sense of the Senate that this body will not accept the cuts to the child support program that have been proposed by the Committee on Ways and Means in the House of Representatives. I am proud to be a cosponsor of this amendment.

The child support program is an effective and efficient way to enforce the responsibility of noncustodial parents to support their children. For every public dollar that is spent on collection, more than $4 is collected to support children. That is a good return on our investment in families. Moreover, these families are then less likely to require public assistance and more likely to avoid or escape poverty. This is a program that works.

The evidence is compelling. For example, in 2004, enforcement efforts helped collect almost $22 billion in child support. Our aggressive State and Federal efforts have translated into $1 billion in collected child support payments in Illinois alone this year. That means 386,000 Illinois families will be better equipped to provide for their children.

Preliminary budget estimates suggest the cuts proposed by the Ways and Means Committee will translate into $7.9 billion in lost collections within 5 years, increasing to a loss of over $24 billion within 10 years. This proposal is not even pennywise, and it is certainly pound foolish. Today, the State of Illinois reports a 32 percent child support collection rate. Let's not take a step backwards in the progress that has been made by stripping the States of necessary Federal support. Moreover, the welfare of too many is at stake. Child support is the second largest income source for qualifying low-income families. We cannot balance our budget on the backs of families who rely on child support to remain out of poverty.

This Congress claims that strengthening the family is a priority. Senator HARKIN's amendment is a firm expression that we are serious about this worthwhile investment.

I urge my colleagues to support this amendment.

Mr. GREGG. Mr. President, the Senator from Iowa has been kind enough to represent that he will accept a voice vote on this. I move that we proceed to a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2363.

The amendment (No. 2363) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, the next item of business will be Senator BYRD's amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Senator from Iowa set a very good example. We encourage other Senators to follow that example.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

AMENDMENT NO. 2414

(Purpose: To provide for the suspension of the debate limitation on reconciliation legislation that causes a deficit or increases the deficit)

Mr. BYRD. Mr. President, my amendment will suspend the time limitations on debate for reconciliation bills that increase the deficit. The Congress will never succeed in balancing the budget, cutting the deficit, as long as the reconciliation process can be used to shield controversial tax-and-spending decisions from debate and amendment. If Senators want to ensure offsets for deficit-increasing measures, then we must protect our rights to debate and amend within the budget process. The more tax cuts that can be forced through now without offsets, the tougher the budget decisions and the worse the pain in the coming months and years. The budget cuts that seem tough now will grow enormous, and they will be unbearable, if tax cuts continue without offsets. I urge adoption of the amendment.

I ask unanimous consent that Senator HARKIN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. HARKIN, proposes an amendment numbered 2414.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SUSPENSION OF DEBATE LIMITATION ON RECONCILIATION LEGISLATION THAT CAUSES A DEFICIT OR INCREASES THE DEFICIT.

(a) IN GENERAL.—For purposes of consideration in the Senate of any reconciliation bill or resolution, or amendments thereto or debatable motions and appeals in connection therewith, under section 310(e) of the Congressional Budget Act of 1974, section 305(b)(1), (2), and (5), section 305(c), and the limitation on debate in section 310(e)(2) of that Act, shall not apply to any reconciliation bill or resolution, amendment thereto, or motion thereon that includes reductions in revenue or increases in spending that would cause an on-budget deficit to occur or increase the deficit for any fiscal year covered by such bill or resolution.

(b) GERMANENESS REQUIRED.—Notwithstanding subsection (a), no amendment that is not germane to the provisions of such reconciliation bill or resolution shall be received.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the practical effect of this amendment would be to essentially vitiate the reconciliation process. It would mean we would end up with an event that could be filibustered. The whole purpose of reconciliation is to have a time limit and to get to a vote. Therefore, this amendment would undermine completely the concept of reconciliation which, as is hopefully going to be proven by this bill and others, is a very constructive way to get legislation through this institution and move forward with the business of the people.

Therefore, I make a point of order that the pending amendment contains matter within the jurisdiction of the Committee on the Budget, and I raise a point of order against the amendment under section 306 of the Budget Act.

Mr. BYRD. Mr. President, I move to waive the act in connection with this amendment.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. GREGG. Mr. President. I ask unanimous consent that votes on this and all further amendments be 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant Journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 55, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—55

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment falls.

Mr. GREGG. I move to reconsider and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2391

Mr. GREGG. The next amendment is Senator LAUTENBERG's.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I have offered an amendment to ensure that people understand what they are signing up for when the new Medicare drug benefit comes to life and that is beginning in 2006. There is such a mix of things that the recipient beneficiaries, I am sure, will be very confused as to what the cost is going to be on the gap of coverage, whether they have to pay it all out of their pockets. I want to make sure they understand what it is they are applying for and the pitfalls or the advantages thereof.

This is very simple. We ask them to sign a note when they apply for the plan so that they are saying they are fully aware of the consequences of their signature. This should be passed, Mr. President, because it helps the senior citizens understand what it is they are getting into.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I am sure this amendment is well-intentioned, as are all amendments from the Senator from New Jersey, but essentially it creates an unnecessary level of paperwork for the enrollee in the plan, and in addition, as a practical matter, it enters into a portion of the Medicare trust fund which we have not addressed in this reconciliation bill, which is the Part D section of the trust fund, that being the new drug program the theory being that program should be allowed to get rolling before it gets amended.

There are a number of regulations coming out from CMS relative to making sure the beneficiaries are adequately protected under their plan, and I believe they pick up the issues that are raised by the Senator from New Jersey.

That being said, I make a point of order that the pending amendment is not germane to the measure now before the Senate, and I raise that point of order under section 305 of the Budget Act.

Mr. LAUTENBERG. Mr. President, pursuant to the relevant sections of the Congressional Budget Act of 1974, I move to waive those sections for consideration of the pending amendment.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. GREGG. Mr. President, I would simply announce that this is a 10-minute vote and it will be 10.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 56, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—56

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. GREGG. I ask unanimous consent that 10 minutes be given to the Senators from Hawaii, to be divided as they deem appropriate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

(The remarks of Mr. INOUYE, Mr. AKAKA and Mr. BYRD are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. What is the will of the Senate? The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask the Chair of the committee if it would be appropriate now to go to the Cantwell amendment?

Mr. GREGG. Absolutely.

Mr. CONRAD. Mr. President, I direct my colleagues' attention to the Cantwell amendment and indicate that we are now trying to make an analysis of where we are with respect to the funding of the bill, where we are with respect to the requirements the Senate is under under reconciliation, to make certain that all of this fits together. That is the reason for the delay at this moment, to make certain that the numbers work correctly.

With that, we will go to the Cantwell amendment.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 2400

Ms. CANTWELL. Mr. President, I rise to offer a perfecting amendment.

In order to raise the $2.4 billion claimed in the underlying bill, it assumes a 50-50 split of oil leasing revenues between the State of Alaska and the Federal Treasury.

But my colleagues may be surprised to learn that whether or not this 50-50 legislative language is upheld in court is a matter of some uncertainty. The State of Alaska has long maintained it is due 90 percent of these revenues, so instead of the Federal Government getting $2.4 billion, it would only get $480 million.

If you don't believe me, the State of Alaska just passed a resolution this spring, saying it would insist on the 90–10 split. I ask my colleagues to be faithful in telling the taxpayers the real story. Let's support maintaining the 50-50 and not moving forward until we are certain that is $2.4 billion of revenue for the Federal Government.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, this bill already contains the first portion of this amendment: Notwithstanding any other provision of law, the existing law applies to this area of Alaska.

This is a vindictive amendment. It says if my State decides to pursue a legal right that all production in ANWR would stop. There would be no further production. I don't understand this amendment because we have been a State since 1958. We have not filed that suit. That resolution passed the State legislature almost every year, and it is an act of the State legislature, but the Federal law governs this area and it says a 50–50 split, which applies to all States.

I yield to the Senator from New Mexico what time we have left.

Mr. DOMENICI. Mr. President, we had a very critical vote. You all listened to it. This is nothing but an amendment to try to come in the back door and kill ANWR. It is absolutely wrong. We ought not even be considering it. The very same people who wanted to kill it for 30 years are making this last-ditch effort. The amendment should not even be on the floor, and we ought to kill it. If it doesn't take 10 minutes we ought to do it in 8 minutes.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Ms. CANTWELL] proposes an amendment numbered 2400.

The amendment follows:

On page 101, strike lines 12 through 19 and insert the following:

(d) RECEIPTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty receipts derived from oil and gas leasing and operations authorized under this section—

(A) 50 percent shall be paid to the State of Alaska; and

(B) the balance shall be deposited into the Treasury as miscellaneous receipts.

(2) JUDICIAL REVIEW.—

(A) IN GENERAL.—Any civil action brought by the State of Alaska to compel an increase in the percentage of revenues to be paid under paragraph (1) shall be filed not later than 90 days after the date of enactment of this Act.

(B) LIMITATION.—

(i) IN GENERAL.—If a civil action is filed by the State of Alaska under subparagraph (A), until such time as a final nonappealable order is issued with respect to the civil action and notwithstanding any other provision of law—

(I) production of oil and gas from the Arctic National Wildlife Refuge is prohibited;

(II) no action shall be taken to establish or implement the competitive oil and gas leasing program authorized under this title; and

(III) no leasing or other development leading to the production of oil or gas from the Arctic National Wildlife Refuge shall be undertaken.

(ii) FINAL ORDER.—If the court issues a final nonappealable order with respect to a civil action filed under subparagraph (A) that increases the percentage of revenues to be paid to the State of Alaska—

(I) production of oil and gas from the Arctic National Wildlife Refuge is prohibited: and

(II) no leasing or other development leading to the production of oil or gas from the Arctic National Wildlife Refuge shall be undertaken.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Ms. CANTWELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—48

Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—51

Akaka
Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The amendment (No. 2400) was rejected.

Mr. McCONNELL. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2350, 2378, 2418, 2411, 2413, EN BLOC

Mr. GREGG. Mr. President, I ask unanimous consent the following amendments, which are acceptable to both sides, upon being sent to the desk, be agreed to, en bloc, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, en bloc, were agreed to, as follows:

AMENDMENT NO. 2350

(Purpose: To amend the definition of independent student to include students who are homeless children and youths and unaccompanied youths for purposes of the need analysis under the Higher Education Act of 1965)

On page 647, between lines 11 and 12, insert the following:

(3) in subsection (d)—

(A) in paragraph (2), by striking "is an orphan or ward of the court" and inserting "is an orphan, in foster care, or ward of the court or was in foster care";

(B) in paragraph (6), by striking "or" after the semicolon;

(C) by redesignating paragraph (7) as paragraph (8); and

(D) by inserting after paragraph (6) the following:

"(7) has been verified as both a homeless child or youth and an unaccompanied youth, as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a), during the school year in which the application for financial assistance is submitted, by—

"(A) a local educational agency liaison for homeless children and youths, as designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii));

"(B) a director of a homeless shelter, transitional shelter, or independent living program; or

"(C) a financial aid administrator; or".

AMENDMENT NO. 2378

(Purpose: To fund justice programs)

At the end of title VIII, insert the following:

SEC. . JUSTICE PROGRAMS.

(a) IN GENERAL.—The Secretary of the Treasury—

(1) for fiscal year 2006, out of the funds in the Treasury not otherwise appropriated, shall pay to the Attorney General, by December 31, 2005, the amounts listed in subsection (b) that are to be provided for fiscal year 2006; and

(2) for each subsequent fiscal year provided in subsection (b) out of funds in the Treasury not otherwise appropriated shall pay to the

Attorney General the amounts provided by November 1 of each such fiscal year.

(b) AMOUNTS PROVIDED.—The amounts referred to in subsection (a), which shall be in addition to funds appropriated for each fiscal year, are—

(1) $8,000,000 for fiscal year 2006, $17,000,000 for fiscal year 2007, $15,000,000 for fiscal year 2008, $10,000,000 for fiscal year 2009, and $10,000,000 for fiscal year 2010, to fund the Bulletproof Vest Partnership Program as authorized under section 4 of Public Law 108-372.

(2) $3,700,000 for fiscal year 2006, $6,300,000 for fiscal year 2007, $5,000,000 for fiscal year 2008, $5,000,000 for fiscal year 2009, and $5,000,000 for fiscal year 2010, to fund DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers as authorized by section 303 of Public Law 108–405.

(3) $8,000,000 for fiscal year 2006, $12,000,000 for fiscal year 2007, $10,000,000 for fiscal year 2008, $10,000,000 for fiscal year 2009, and $10,000,000 for fiscal year 2010, to fund DNA Research and Development as authorized by section 305 of Public Law 108–405.

(4) $500,000 for fiscal year 2006, $500,000 for fiscal year 2007, $500,000 for fiscal year 2008, $500,000 for fiscal year 2009, and $500,000 for fiscal year 2010, to fund the National Forensic Science Commission as authorized by section 306 of Public Law 108–405.

(5) $1,000,000 for fiscal year 2006, $1,000,000 for fiscal year 2007, $1,000,000 for fiscal year 2008, $1,000,000 for fiscal year 2009, and $1,000,000 for fiscal year 2010, to fund DNA Identification of Missing Persons as authorized by section 308 of Public Law 108–405.

(6) $8,000,000 for fiscal year 2006, $27,000,000 for fiscal year 2007, $26,000,000 for fiscal year 2008, $25,000,000 for fiscal year 2009, and $25,000,000 for fiscal year 2010, to fund Capital Litigation Improvement Grants as authorized by sections 421, 422, and 426 of Public Law 108-405.

(7) $2,500,000 for fiscal year 2006, $3,000,000 for fiscal year 2007, $2,500,000 for fiscal year 2008, $2,500,000 for fiscal year 2009, and $2,500,000 for fiscal year 2010, to fund the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program as authorized by sections 412 and 413 of Public Law 108-405.

(8) $1,000,000 for fiscal year 2006, $1,000,000 for fiscal year 2007, $1,000,000 for fiscal year 2008, $1,000,000 for fiscal year 2009, and $1,000,000 for fiscal year 2010, to fund Increased Resources for Enforcement of Crime Victims Rights, Crime Victims Notification Grants as authorized by section 1404D of the Victims of Crime Act of 1984 (42 U.S.C. 10603d).

(c) OBLIGATION OF FUNDS.—The Attorney General shall—

(1) receive funds under this section for fiscal years 2006 through 2010; and

(2) accept such funds in the amounts provided which shall be obligated for the purposes stated in this section by March 1 of each fiscal year.

SEC.___. COPYRIGHT PROGRAM.

(a) IN GENERAL.—The Secretary of the Treasury—

(1) for fiscal year 2006, out of the funds in the Treasury not otherwise appropriated, shall pay to the Librarian of the Congress, by December 31, 2005, the amounts listed in subsection (b) that are to be provided for fiscal year 2006; and

(2) for each subsequent fiscal year provided in subsection (b) out of funds in the Treasury not otherwise appropriated shall pay to the Librarian of the Congress the amounts provided by November 1 of each such fiscal year.

(b) AMOUNTS PROVIDED.—The amounts referred to in subsection (a), which shall be in addition to funds appropriated for each fiscal year, are: $1,300,000 for fiscal year 2006, $1,300,000 for fiscal year 2007, $1,300,000 for fiscal year 2008, $1,300,000 for fiscal year 2009, and $1,300,000 for fiscal year 2010, to fund the Copyright Royalty Judges Program as authorized under section 803(e)(1)(B) of title 17, United States Code.

(c) OBLIGATION OF FUNDS. The Librarian of the Congress shall—

(1) receive funds under this section for fiscal years 2006 through 2010; and

(2) accept such funds in the amounts provided which shall be obligated for the purposes stated in this section by March 1 of each fiscal year.

AMENDMENT NO. 2418

(Purpose: To amend chapter 21 of title 38, United States Code, to enhance adaptive housing assistance for disabled veterans and to reduce the amount appropriated for the Medicaid Integrity Program by $1,000,000 for each of fiscal years 2007 through 2010)

On page 90, between lines 19 and 20, insert the following:

Subtitle D—Adaptive Housing Assistance

SEC. 2031. SHORT TITLE.

This subtitle may be cited as the "Specially Adapted Housing Grants Improvements Act of 2005".

SEC. 2032. ADAPTIVE HOUSING ASSISTANCE FOR DISABLED VETERANS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

(a) ASSISTANCE AUTHORIZED.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2102 the following new section:

"§ 2102A. Assistance for veterans residing temporarily in housing owned by a family member

"(a) ASSISTANCE AUTHORIZED.—If a disabled veteran described in subsection (a)(2) or (b)(2) of section 2101 of this title resides, but does not intend to permanently reside, in a residence owned by a member of such veteran's family, the Secretary may assist the veteran in acquiring such adaptations to such residence as are determined by the Secretary to be reasonably necessary because of the veteran's disability.

"(b) LIMITATION ON AMOUNT OF ASSISTANCE.—Subject to section 2102(d) of this title, the assistance authorized under subsection (a) may not exceed—

"(1) $10,000, in the case of a veteran described in section 2101(a)(2) of this title; or

"(2) $2,000, in the case of a veteran described in section 2101(b)(2) of this title.

"(c) LIMITATION ON NUMBER OF RESIDENCES SUBJECT TO ASSISTANCE.—A veteran eligible for assistance authorized under subsection (a) may only be provided such assistance with respect to 1 residence.

"(d) REGULATIONS.—Assistance under this section shall be provided in accordance with such regulations as the Secretary may prescribe.

"(e) TERMINATION OF AUTHORITY.—The authority to provide assistance under subsection (a) shall expire at the end of the 5-year period beginning on the date of enactment of the Specially Adapted Housing Grants Improvements Act of 2005.".

(b) LIMITATIONS ON ADAPTIVE HOUSING ASSISTANCE.—Section 2102 of such title is amended—

(1) in subsection (a), by striking "The assistance authorized by section 2101(a)" and all that follows through "any one case—" and inserting "Subject to subsection (d), the assistance authorized under section 2101(a) of this title shall be afforded under 1 of the following plans, at the election of the veteran—";

(2) by amending subsection (b) to read as follows:

"(b) Subject to subsection (d), and except as provided in section 2104(b) of this title, the assistance authorized by section 2101(b) of this title may not exceed the actual cost, or in the case of a veteran acquiring a residence already adapted with special features, the fair market value, of the adaptations determined by the Secretary under such section 2101(b) to be reasonably necessary."; and

(3) by adding at the end the following new subsection:

"(d)(1) The aggregate amount of assistance available to a veteran under sections 2101(a) and 2102A of this title shall be limited to $50,000.

"(2) The aggregate amount of assistance available to a veteran under sections 2101(b) and 2102A of this title shall be limited to the lesser of—

"(A) the sum of the cost or fair market value described in section 2102(b) of this title and the actual cost of acquiring the adaptations described in subsection (a); and

"(B) $10,000.

"(3) No veteran may receive more than 3 grants of assistance under this chapter.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter of such title is amended by inserting after the item relating to section 2102 the following:

"2102A. Assistance for veterans residing temporarily in housing owned by family member.".

SEC. 2033. GAO REPORTS.

(a) INTERIM REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress an interim report on the implementation of section 2102A of title 38, United States Code (as added by section 2(a)), by the Department of Veterans Affairs.

(b) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a final report on the implementation of such section 2102A by the Department of Veterans Affairs.

On page 166, strike lines 12 through 15 and insert the following:

"(A) for fiscal year 2006, $50,000,000;

"(B) for each of fiscal years 2007 and 2008, $49,000,000;

"(C) for each of fiscal years 2009 and 2010, $74,000,000; and

"(D) for fiscal year 2011 and each fiscal year thereafter, $75,000,000.

AMENDMENT NO. 2411

(Purpose: To authorize the continued provision of certain adult day health care services or medical adult day care services under a State Medicaid plan)

On page 188, after line 24, add the following:

SEC. 6037. AUTHORITY TO CONTINUE PROVIDING CERTAIN ADULT DAY HEALTH CARE SERVICES OR MEDICAL ADULT DAY CARE SERVICES.

The Secretary shall not—

(1) withhold, suspend, disallow, or otherwise deny Federal financial participation under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) for adult day health care services or medical adult day care services, as defined under a State medicaid plan approved on or before 1982, if such services

are provided consistent with such definition and the requirements of such plan; or

(2) withdraw Federal approval of any such State plan or part thereof regarding the provision of such services.

AMENDMENT NO. 2413

(Purpose: To provide additional ProGAP assistance to certain students)

On page 369, between lines 11 and 12, insert the following:

"(D) the Secretary—

"(i) shall determine if an increase in the amount of a grant under this section is needed to help encourage students to pursue courses of study that are important to the current and future national, homeland, and economic security needs of the United States; and

"(ii) after making the determination described in clause (i), may increase the maximum and minimum award level established under subparagraph (A) by not more than 25 percent, for students eligible for a grant under this section who are pursuing a degree with a major in mathematics, science, technology, engineering, or a foreign language that is critical to the national security of the United States; and

"(E) not later than September 30 of each fiscal year, the Secretary shall notify Congress, in writing, of the Secretary's determination with respect to subparagraph (D)(i) and of any increase in award levels under subparagraph (D)(ii).

AMENDMENT NO. 2378

Mr. LEAHY. Mr. President, I am thrilled that the Senate has agreed to accept by unanimous consent to the Budget Reconciliation Act, S. 1932, a bipartisan amendment offered by Senator SPECTER and myself to allocate the extra $278,000,000 in revenue provided from the Judiciary Committee markup on reconciliation to supplement funding for the Bulletproof Vest Partnership, programs authorized by the Justice For All Act, and the Copyright Royalty Judges Program.

I thank my good friend and colleague, Senator SPECTER, for his leadership on and commitment to seeing that these important programs are funded as much as we can during these tough fiscal times. As Chairman and Ranking Member of the Judiciary Committee, Senator SPECTER and I have joined forces before to champion funding for these programs. I am privileged to partner with him again in that pursuit.

The Judiciary Committee markup on its reconciliation title provided $278,000,000 more in revenue than was mandated by the budget resolution instructions. We now seek to include additional provisions within the jurisdiction of our committee into the Senate reconciliation package. Our bipartisan amendment funds a number of Judiciary programs that enjoyed broad bipartisan support when Congress authorized them. These mandatory spending changes would simply spend some of the additional revenue that we raised through increases in immigration fees during our markup.

Our proposal would provide $60,000,000 over the next 5 years for such initiatives as the Bulletproof Vest Partnership Program, which helps law enforcement agencies purchase or replace body armor for their rank-and-file officers. Recently, concerns over body armor safety surfaced when a Pennsylvania police officer was shot and critically wounded through his new vest outfitted with a material called Zylon. The Justice Department has since announced that Zylon fails to provide the intended level of ballistic resistance. Unfortunately, an estimated 200,000 vests outfitted with that material have been purchased—many with Bulletproof Vest Partnership funds—and now must be replaced. Law enforcement agencies nationwide are struggling to find the funds necessary to replace defective vests with ones that will actually stop bullets and save lives. Our amendment will help them replace those faulty vests.

Our amendment also provides over $216,000,000 for programs authorized by the Justice For All Act of 2004, a landmark law that enhances protections for victims of Federal crimes, increases Federal resources available to State and local governments to combat crimes with DNA technology, and provides safeguards to prevent wrongful convictions and executions. The bipartisan amendment that Senator SPECTER and I propose will, among other things, allow for training of criminal justice and medical personnel in the use of DNA evidence, including evidence for post-conviction DNA testing. It will promote the use of DNA technology to identify missing persons. With these funds, State and local authorities will be better able to implement and enforce crime victims' rights laws, including Federal victim and witness assistance programs. State and locals can apply for grants to develop and implement victim notification systems so that they can share information on criminal proceedings in a timely and efficient manner. The amendment will also help improve the quality of legal representation provided to both indigent defendants and the public in State capital cases.

Last, but certainly not least, our amendment provides $6,500,000 over 5 years for the Copyright Royalty Judges Program at the Library of Congress. The Copyright Royalty Distribution Reform Act of 2004 created a new program in the Library to replace most of the current statutory responsibilities of the Copyright Arbitration Royalty Panels program. The Copyright Royalty Judges Program will determine distributions of royalties that are disputed and will set or adjust royalty rates, terms and conditions, with the exception of satellite carriers' compulsory licenses. Our amendment would help pay the salaries and related expenses of the three royalty judges and three administrative staff required by law to support this program.

The Specter-Leahy amendment will give to programs that help protect police officers and victims of violent crime, allow State and local governments to combat crimes with DNA technology, and provide safeguards to prevent wrongful convictions and executions. Chairman SPECTER and I are proud that the Judiciary Committee was able to agree to a reconciliation package that will provide $278 million more in revenue than was mandated by the Budget Resolution instructions. I thank our colleagues for supporting our amendment and agreeing to use that additional money to fund some of these important priorities that continue to lack adequate Federal resources.

AMENDMENT NO. 2413

Mr. WARNER. Mr. President, I rise today in support of an amendment to S. 1932, the deficit reduction bill. I am pleased to be joined in this bipartisan effort with Senators LIEBERMAN, ROBERTS, DURBIN, and ALLEN. I am grateful to each of them for working closely with me in crafting this amendment. In addition, I would like to thank Chairman ENZI and Senator KENNEDY for working closely with me in support of this amendment.

Under the deficit reduction bill, certain educational programs are authorized or reauthorized that provide Federal dollars to help low-income students with the costs associated with higher education. These programs include: (1) Pell grants—in fiscal year 2005 $12.787 billion was spent on Pell grants by the Federal Government; (2) ProGAP grants—a new mandatory spending program consisting of approximately $1.45 billion a year that is designed to provide supplemental grants to low-income Pell grant recipients, regardless of their majors; and (3) SMART grants—a new mandatory spending program consisting of $450 million a year that is designed to provide supplemental grants to low-income Pell grant recipients in their third and fourth year of college who are pursuing majors in math, science, engineering, and foreign languages.

These initiatives are commendable. I support them. Each program will significantly increase dollars targeted to low-income individuals who wish to pursue higher education to help them with the costs associated with their schooling.

But while I support these programs, I also fervently believe that when the Congress expends taxpayer money, it ought to do so in a manner that meets our Nation's needs.

The fact of the matter is that should this bill become law, the Federal Government will spend, next year alone, approximately $14.5 billion on grants to help low-income students attend higher education. I repeat $14.5 billion.

Of this $14.5 billion, though, without this amendment, only $450 million each year will be specifically targeted towards encouraging students to enter courses of study that are critical to our national security. That amounts to only about 3 percent of the total amount spent. I repeat, 3 percent. That is astonishing to me.

It is astonishing to me because a key component of America's national, homeland, and economic security in the post 9/11 world of global terrorism is having home-grown, highly-trained scientific minds to compete in today's one-world market. Yet alarmingly, America faces a huge shortage of these technical minds.

Strikingly, America faced a similar situation nearly 50 years ago. On October 4, 1957, the Soviet Union successfully launched the first manmade satellite—Sputnik—into space. The launch shocked America, as many of us had assumed that we were preeminent in the scientific fields. While prior to that unforgettable day America enjoyed an air of post World War II invincibility, afterwards our Nation recognized that there was a cost to its complacency. We had fallen behind.

In the months and years to follow, we would respond with massive investments in science, technology and engineering.

In 1958, Congress passed the National Defense Education Act to inspire and induce individuals to advance in the fields of science and math. In addition, President Eisenhower signed into law legislation that established the National Aeronautics and Space Administration, NASA. And a few years later, in 1961, President Kennedy set the Nation's goal of landing a man on the Moon within the decade.

These investments paid off. In the years following the Sputnik launch, America not only closed the scientific and technological gap with the Soviet Union, we surpassed them. Our renewed commitment to science and technology not only enabled us to safely land a man on the Moon in 1969, it spurred research and development which helped ensure that our modern military has always had the best equipment and technology in the world. These post-Sputnik investments also laid the foundation for the creation of some of the most significant technologies of modern life, including personal computers, and the Internet.

Why is any of this important to us today? Because as the old saying goes: he or she who fails to remember history is bound to repeat it.

The truth of the matter is that today America's education system is coming up short in training the highly technical American minds that we now need and will continue to need far into the future.

The fact is that over the last two decades the number of young Americans pursuing bachelor degrees in science and engineering has been declining. In fact, the proportion of college-age students earning degrees in math, science, and engineering is now substantially higher in 16 countries in Asia and Europe than it is in the United States. If these current trends continue, then, according to the National Science Board, less than 10 percent of all scientists and engineers in the world will be working in America by 2010.

This shortage in America of highly trained, technical minds is already having very real consequences for us as a country. For example, the U.S. production of patents, probably the most direct link between research and economic benefit, has declined steadily relative to the rest of the world for decades, and now stands at only 52 percent of the total.

In the past, this country has been able to compensate for its shortfall in homegrown, highly trained, technical and scientific talent by importing the necessary brain power from foreign countries. However, with increased global competition, this is becoming harder and harder. More and more of our imported brain power is returning home to their native countries. And regrettably, as they return home, many American high-tech jobs are being outsourced with them.

Simply put, in today's one world market, while we in America are sleeping at night, the other half of the world is thinking and contriving of every possible way to compete against us economically. Moreover, while we are sleeping at night, there are persons in this world who are awake, working hard in support of efforts aimed at taking our security and our freedoms away from us.

Fortunately, we can do something here today to help us become better prepared. Certainly, the SMART grant program is an important step in the right direction. But while the SMART grant program is one small step for man, it is not a giant leap for America. More has to be done. Remember, even with the SMART grant program, next year only 3 percent of the $14.5 billion targeted towards low-income students will be focused on meeting our security needs.

That is why I am offering this amendment today. The Warner, Lieberman, Roberts, Durbin, and Allen amendment is simple. It simply allows the Secretary of Education to provide to low-income Pell grant recipients who pursue majors at the college and university level in critical national and homeland security fields of math, science, engineering, and foreign languages, an additional sum of money on top of their normal ProGAP grants. The amendment gives incentives and inducements to students who accept the challenge of pursuing the more rigorous and demanding curriculum of these studies that are critical to our Nation.

The amendment achieves its goal without adding a single new dollar to the underlying bill.

The Warner, Lieberman, Roberts, Durbin, and Allen amendment does not change the Pell grant program or the SMART grant program in any way. It merely changes the formula of payments to students who will receive ProGAP grants. This change is desperately needed to put our nation on the road to meeting the ever increasing competition from India, China, and other nations where more and more of their students are pursuing studies in the scientific area.

The amendment builds upon the SMART grant program by enabling the Secretary to provide even greater incentives to encourage individuals to pursue studies critical fields. The amendment accomplishes this goal by allowing the Secretary of Education to award larger ProGAP grants to students majoring in programs of math, science, engineering and foreign languages that are key to our national and homeland security.

While I believe studying the liberal arts is an important component to having an enlightened citizenry, we simply must do more to address this glaring shortage in other critical fields.

America can ill afford a 21st century Sputnik. This amendment will make sure that additional monies get focused on training the highly skilled minds that are needed in the 21st century to protect our national, economic, and homeland security.

I urge my colleagues to support this amendment.

Mr. GREGG. The game plan is to go to the Santorum or Baucus amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2383

Mr. CONRAD. The next amendment in order is the Baucus amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I call up amendment 2383 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 2383.

Mr. BAUCUS. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To exclude discounts provided to mail order and nursing facility pharmacies from the determination of average manufacturer price and to extend the discounts offered under fee-for-service Medicaid for prescription drugs to managed care organizations)

On page 110, after line 24, add the following:

(4) EXCLUSION OF DISCOUNTS PROVIDED TO MAIL ORDER AND NURSING FACILITY PHARMACIES FROM THE DETERMINATION OF AVERAGE MANUFACTURER PRICE.—

(A) IN GENERAL.—Section 1927(k)(1)(B)(ii)(IV) (42 U.S.C. 1396r–8(k)(1)(B)(ii)(IV)), as added by paragraph (1)(C), is amended to read as follows:

"(IV) Chargebacks, rebates provided to a pharmacy (excluding a mail order pharmacy, a pharmacy at a nursing facility or home, and a pharmacy benefit manager), or any other direct or indirect discounts.".

(B) EFFECTIVE DATE.—Paragraph (3) shall apply to the amendment made by subparagraph (A).

(5) EXTENSION OF PRESCRIPTION DRUG DISCOUNTS TO ENROLLEES OF MEDICAID MANAGED CARE ORGANIZATIONS.—

(A) IN GENERAL.—Section 1903(m)(2)(A) (42 U.S.C. 1396b(m)(2)(A)) is amended—

(i) in clause (xi), by striking "and" at the end;

(ii) in clause (xii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(xiii) such contract provides that payment for covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity shall be subject to the same rebate agreement entered into under section 1927 as the State is subject to and that the State shall have the option of collecting rebates for the dispensing of such drugs by the entity directly from manufacturers or allowing the entity to collect such rebates from manufacturers in exchange for a reduction in the prepaid payments made to the entity for the enrollment of such individuals.".

(B) CONFORMING AMENDMENT.—Section 1927(j)(1) (42 U.S.C. 1396r–8(j)91)) is amended by inserting "other than for purposes of collection of rebates for the dispensing of such drugs in accordance with the provisions of a contract under section 1903(m) that meets the requirements of paragraph (2)(A)(xiii) of that section" before the period.

(C) EFFECTIVE DATE.—The amendments made by this paragraph take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) on or after such date.

Mr. BAUCUS. Mr. President, this amendment modifies the way retail pharmacies are paid for brand-name generic drugs under Medicaid. The underlying bill makes some important, positive changes but has the unintended consequence of forcing the independents—that is, the independent drugstores and the chains—in a disadvantaged position compared with mail-order drug companies and long-term care drug companies, the point being that the last category, because they are large-sized, have greater purchasing power to be able to acquire drugs on a discount basis, whereas the earlier category, the independent pharmacist and the chains themselves who do not have the same purchasing power, will be forced to pay higher prices compared to the larger. It is a complicated subject.

This is an amendment designed to even the playing field so the smaller guys get a break. It will not be to the disadvantage of the larger guys, because with their larger size, they will be able to get discounts that will more than offset the amendment provided for the smaller guys.

Mr. GREGG. I ask unanimous consent for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2383) was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2417

Mr. GREGG. I send to the desk an amendment by Senator LEVIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] for Mr. LEVIN, proposes an amendment numbered 2417.

Mr. GREGG. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish an International Border Community Interoperable Communications Demonstration Project)

On page 95, after line 21, insert the following:

SEC. 3005A. COMMUNICATION SYSTEM GRANTS.

(a) DEFINITIONS.—In this section—

(1) the term "demonstration project" means the demonstration project established under subsection (b)(1);

(2) the term "Department" means the Department of Homeland Security;

(3) the term "emergency response provider" has the meaning given that term in section 2(6) the Homeland Security Act of 2002 (6 U.S.C. 101(6)); and

(4) the term "Secretary" means the Secretary of Homeland Security.

(b) IN GENERAL.—

(1) ESTABLISHMENT.—There is established in the Department an "International Border Community Interoperable Communications Demonstration Project".

(2) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select not fewer than 2 communities to participate in a demonstration project.

(3) LOCATION OF COMMUNITIES.—Not fewer than 1 of the communities selected under paragraph (2) shall be located on the northern border of the United States and not fewer than 1 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

(c) PROJECT REQUIREMENTS.—The demonstration projects shall—

(1) address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers;

(2) foster interoperable communications—

(A) among Federal, State, local, and tribal government agencies in the United States involved in preventing or responding to terrorist attacks or other catastrophic events; and

(B) with similar agencies in Canada and Mexico;

(3) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(4) foster the standardization of interoperable communications equipment;

(5) identify solutions that will facilitate communications interoperability across national borders expeditiously;

(6) ensure that emergency response providers can communicate with each another and the public at disaster sites or in the event of a terrorist attack or other catastrophic event;

(7) provide training and equipment to enable emergency response providers to deal with threats and contingencies in a variety of environments; and

(8) identify and secure appropriate joint-use equipment to ensure communications access.

(d) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall distribute funds under this section to each community participating in a demonstration project through the State, or States, in which each community is located.

(2) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under paragraph (1), a State receiving funds under this section shall make the funds available to the local governments and emergency response providers participating in a demonstration project selected by the Secretary.

(e) FUNDING.—Amounts made available from the interoperability fund under section 3005(c)(3) shall be available to carry out this section without appropriation.

(f) REPORTING.—Not later than December 31, 2005, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration projects under this section.

Mr. GREGG. I ask unanimous consent it be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2417) was agreed to.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2348

Mr. CONRAD. Mr. President, the next amendment in order is the Schumer amendment.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I offer amendment 2348.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Mr. ROCKEFELLER, proposes an amendment numbered 2348.

Mr. SCHUMER. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the provisions increasing the Medicaid rebate for generic drugs)

On page 125, strike lines 3 through 14.

Mr. ROCKEFELLER. Mr. President, I will speak for a moment about the Schumer-Rockefeller generics amendment to the budget reconciliation bill.

The amendment that Senator SCHUMER and I are offering today would eliminate the provision in this bill that increases the generics Medicaid rebate from 11 percent to 17 percent. Increasing the rebate for generics would jeopardize consumer access to lower-cost prescription drugs and that's why this provision needs to be stricken from this bill.

The reconciliation bill before us has a number of flaws—it cuts Medicaid by $7.5 billion despite Hurricane Katrina and the high health care costs working families continue to face. It imposes even greater premiums on Medicare beneficiaries when Part B premiums have already gone up by more than $10 per month in each of the last 2 years. And, it fails to address many of the problems we know will occur when the Medicare drug benefit is implemented on January 1, 2006. But, that's not all.

This bill also includes a provision—which was added to the Finance Committee reconciliation bill the night before the markup—that would increase the rebate amount that generic manufacturers pay to State Medicaid programs from 11 percent to 17 percent. That's an increase of 55 percent.

At a time when access to generic drugs represents the greatest opportunity for prescription drug cost savings, this bill seeks to limit such access. Not only will this policy result in greater costs to Medicaid over the long term, but it could also threaten access to lower-cost drugs for all Americans.

In the recent past, when Missouri and New Jersey considered implementing generic drug rebate increases for the purpose of achieving savings, they actually found they would have incurred greater costs as a result of reduced access to affordable generic drugs.

New Jersey officials estimated that increasing rebates on generics used in their Pharmaceutical Assistance for the Aged and Disabled and Senior Gold programs would have increased state costs $18 million in the first year. Missouri's SeniorRx Program estimated that increasing generic rebates would have increased state costs by $8.5 million dollars in the first year alone.

According to a 1998 study by the Congressional Budget Office, generic drugs save consumers approximately $8–10 billion each year. Why would we undercut access to generics when low-cost prescription drugs should be a priority?

I question the merits of such a far-reaching policy that was added in the dead of night seemingly for the purpose of achieving greater budget savings. I understand the temptation to act in reconciliation to accomplish long-standing policy goals as well as to address requests from special interest groups.

We should resist such temptation when we have not done our homework—when we don't know the real rationale or effects of this policy or the interaction with other policies. We can do better.

We can be more thoughtful—and we have a responsibility to be very careful when we're dealing with pocketbook issues that affect working families, our states, as well as long-term costs to the Federal Government.

I thank the Chair and urge my colleagues to vote "yes" on the Schumer-Rockefeller generic drug amendment.

Mr. SCHUMER. Mr. President, this is a very simple amendment. In a sincere effort to cut costs, what has happened in this bill is, in effect, we have eliminated the ability of generic drugs to be sold using Medicaid. That will raise costs dramatically.

Over half the prescription drugs used in Medicaid are generic. They are only 16 percent of the cost, but because we have raised the fees so dramatically on what a generic drug company must pay a pharmacy to handle the drug, it is now going to be the same as a prescription drug. Even though the prescription drug costs a whole lot more and, therefore, it is a much lower base, pharmacies are not going to use the generic. In the long run, that will cost the Medicaid Program billions of dollars.

This is a huge mistake. It was not done by design. They raised all the fees and figured that will bring this amount of money in the next year.

Can anyone imagine we are saying, in Medicaid, where we need to save money, we are not going to use generic drugs? My amendment corrects that situation and is within the fiscal confines of the bill.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we do not need an amendment to improve this situation because this bill has in it already very significant incentives for generic utilization through the way we reimburse generics and the dispensing fee we require.

A very significant thing is to remember that brand drugs account for 67 percent of Medicaid prescriptions, but they also account for 81 percent of the Medicaid rebates. This is reasonable policy for us, then, to create parity between brand and generic rebates. This amendment would upset that parity.

The amendment before the Senate also simply strikes generic rebates; it does not pay for it. So I strongly oppose bringing the Committee on Finance out of compliance with our budget instructions. This amendment would do that. I ask Members to oppose the amendment.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 299 Leg.]

YEAS—49

Akaka
Allen
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Collins
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NAYS—50

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The amendment (No. 2348) was rejected.

Mr. McCONNELL. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that the Senator from Nebraska have 2 minutes to introduce an amendment and then withdraw it.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 2391

Mr. HAGEL. Mr. President, I call up amendment No. 2391 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. HAGEL], for himself and Mr. SUNUNU, proposes an amendment numbered 2391.

Mr. HAGEL. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require Fannie Mae and Freddie Mac to register under the Securities Act of 1933)

At the appropriate place, insert the following:

SEC. . REGISTRATION OF GSE SECURITIES.

(a) FANNIE MAE.—

(1) MORTGAGE-BACKED SECURITIES.—Section 304(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(d)) is amended by striking the fourth sentence and inserting the following: "Securities issued by the corporation under this subsection shall not be exempt securities for purposes of the Securities Act of 1933.".

(2) SUBORDINATE OBLIGATIONS.—Section 304(e) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(e)) is amended by striking the fourth sentence and inserting the following: "Obligations issued by the corporation under this subsection shall not be exempt securities for purposes of the Securities Act of 1933.".

(3) SECURITIES.—Section 311 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723c) is amended—

(A) in the section heading, by striking "ASSOCIATION";

(B) by inserting "(a) IN GENERAL.—" after "SEC. 311.";

(C) in the second sentence, by inserting "by the Association" after "issued"; and

(D) by adding at the end the following:

"(b) TREATMENT OF CORPORATION SECURITIES.—

"(1) IN GENERAL.—Any stock, obligations, securities, participations, or other instruments issued or guaranteed by the corporation pursuant to this title shall not be exempt securities for purposes of the Securities Act of 1933.

"(2) EXEMPTION FOR APPROVED SELLERS.—Notwithstanding any other provision of this title or the Securities Act of 1933, transactions involving the initial disposition by an approved seller of pooled certificates that are acquired by that seller from the corporation upon the initial issuance of the pooled certificates shall be deemed to be transactions by a person other than an issuer, underwriter, or dealer for purposes of the Securities Act of 1933.

"(3) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) APPROVED SELLER.—The term 'approved seller' means an institution approved by the corporation to sell mortgage loans to the corporation in exchange for pooled certificates.

"(B) POOLED CERTIFICATES.—The term 'pooled certificates' means single class mortgage-backed securities guaranteed by the corporation that have been issued by the corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities.

"(4) MORTGAGE RELATED SECURITIES.—A single class mortgage-backed security guaranteed by the corporation that has been issued by the corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities or directly by the corporation for cash shall be deemed to be a mortgage related security, as defined in section 3(a) of the Securities Exchange Act of 1934.".

(b) FREDDIE MAC.—Section 306(g) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455(g)) is amended to read as follows:

"(g) TREATMENT OF SECURITIES.—

"(1) IN GENERAL.—Any securities issued or guaranteed by the Corporation shall not be exempt securities for purposes of the Securities Act of 1933.

"(2) EXEMPTION FOR APPROVED SELLERS.—Notwithstanding any other provision of this title or the Securities Act of 1933, transactions involving the initial disposition by an approved seller of pooled certificates that are acquired by that seller from the Corporation upon the initial issuance of the pooled certificates shall be deemed to be transactions by a person other than an issuer, underwriter, or dealer for purposes of the Securities Act of 1933.

"(3) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) APPROVED SELLER.—The term 'approved seller' means an institution approved by the Corporation to sell mortgage loans to the Corporation in exchange for pooled certificates.

"(B) POOLED CERTIFICATES.—The term 'pooled certificates' means single class mortgage-backed securities guaranteed by the Corporation that have been issued by the Corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities.".

(c) NO EFFECT ON OTHER LAW.—Nothing in this section or the amendments made by this section shall be construed to affect any exemption from the provisions of the Trust Indenture Act of 1939 provided to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

(d) REGULATIONS.—The Securities and Exchange Commission may issue such regulations as may be necessary or appropriate to carry out this section and the amendments made by this section.

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective 1 year after the date of enactment of this Act.

Mr. HAGEL. Mr. President, the significance of Fannie Mae and Freddie Mac to our economy cannot be overstated. Together they guarantee almost 46 percent of all mortgage loans in the United States. They also back over $3.9 trillion in mortgage-backed securities and have amassed over $1.7 trillion in outstanding debt. This amendment would require Fannie and Freddie to register their debt in securities with the Securities and Exchange Commission, like any other company. Both are currently exempt from having to do so and, because of this, both are exempt from the accounting requirements of Sarbanes-Oxley. The Senate Banking Committee, under the leadership of Chairman SHELBY, passed a comprehensive, strong, GSE regulatory reform bill earlier this year. We need to take this bill up in this Congress.

AMENDMENT NO. 2391, WITHDRAWN

I ask unanimous consent that Senator SUNUNU be allowed to speak for 1 minute, after which I ask that amendment No. 2391 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I join the Senator from Nebraska in supporting this amendment. We absolutely need strong, credible, effective regulation of Fannie Mae and Freddie Mac. These are enormous, complex financial institutions. We want to ensure their safety and soundness. We want to ensure they stay focused on their chartered mission, which is to provide liquidity in our secondary mortgage market. It sends the wrong message if we treat them differently from other big investment services companies. It sends the wrong message if we don't have a credible regulator. We need to pass legislation that includes this kind of a provision, SEC registration for their stocks and bonds. It is common sense. We have passed legislation in the Banking Committee that is increasingly unlikely, given the opposition, lack of cooperation of the GSEs in working on this legislation. Their allied interest groups have weighed in against the legislation. I think it does a disservice to the capital markets and to the consumers if we fail to have a strong, credible regulator. I certainly support the amendment, but I will yield back to the Senator from Nebraska.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent that the only amendments remaining in order be two by Senator REED, one by Senator LIEBERMAN, one by Senator SANTORUM, and one by Senator SNOWE.

The PRESIDING OFFICER. In my personal capacity as a Senator from Texas, I object.

Mr. GREGG. The Chair objects.

Mr. CONRAD. The Chair objects.

Mr. GREGG. And one by Senator CORNYN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, reserving the right to object, the last one is a Cornyn amendment?

Mr. GREGG. It appears there may be.

Mr. CONRAD. I think we can accept it.

Mr. GREGG. We will now go to Senator SANTORUM.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2419

(Purpose: To amend title XVIII of the Social Security Act to make a technical correction regarding purchase agreements for power-driven wheelchairs under the Medicare program, to provide for coverage of ultrasound screening for abdominal aortic aneurysms under part B of such program, to improve patient access to, and utilization of, the colorectal cancer screening benefit under such program, and to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of such title)

Mr. SANTORUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for himself, Mr. BUNNING, Mr. THOMAS, Mr. VOINOVICH, Mr. LIEBERMAN, Mr. DODD, and Mr. ROCKEFELLER, proposes an amendment numbered 2419.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. SANTORUM. Mr. President, this is a four-part amendment. The first part would provide for a screening for aortic aneurysms, offered by Senator BUNNING and Senator DODD. The second part of the amendment would allow for the purchase of electronic mobility equipment for our seniors, something Senator VOINOVICH has been working on, as opposed to having a long-term lease. The third part is offered by Senator THOMAS, which has to do with rural mental health care under Medicare. And finally, the piece I have been offering is on colorectal screenings. We passed that benefit back in 1997. As a result of that payment of the benefit for screenings, we have only seen a 1-percent increase in screenings. This is an attempt to try to increase that by allowing for the payment of the predoctor visit as well as the part B deductible.

I ask unanimous consent to add Senator LANDRIEU as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent to be listed as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2419.

The amendment (No. 2419) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. We now go to Senator REED.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 2409

Mr. REED. Mr. President, I ask that amendment No. 2409 be called up for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Mr. BAUCUS, Mrs. MURRAY, Mr. KENNEDY, Mr. BINGAMAN, Mr. CORZINE, Mrs. CLINTON, and Mr. OBAMA, proposes an amendment numbered 2409.

The amendment is as follows:

(Purpose: To strike provisions relating to reforms of targeted case management)

Strike section 6031 of the bill.

Mr. REED. This amendment strikes section 6031 of the reconciliation act which pertains to case management services. States have the ability to identify groups such as children and adults with AIDS, children in foster care, other vulnerable groups, and find comprehensive services. These services include educational and social as well as medical services. The underlying reconciliation bill will force these services to be paid for by third parties, the State or others. That will decrease the use of these services and actually end up costing more to the States, and it will disrupt many of the very appropriate programs we have. In fact, many of these programs save money by dealing with these people.

I would point out that this legislation does not require an offset, nor does it require a supermajority vote since we are striking language in the underlying bill.

I reserve any time I have.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am shocked anybody from the other side of the aisle would raise any questions against the policy we have in our bill. This is not a Republican policy. This is not a Bush administration policy. This is a policy that was offered by the previous administration, the Clinton administration. The targeted case management provision of this bill merely codifies that policy that was offered by the Clinton administration. I have a letter I got from the U.S. Psychiatric Rehabilitation Association expressing thanks for the targeted case management provisions:

> Your measured steps and considerations of TCM will preserve the needed services to those who cannot attain housing, employment, or health care on their own. [We] appreciate your work in helping to ensure that mentally disabled Americans have the opportunity to access Medicaid services.

It seems to me this is something that ought to be of the heart and the brain of anybody on the other side of the aisle.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Rhode Island has 7 seconds.

Mr. REED. Mr. President, this bill will hurt programs that exist today that help children, people with AIDS, a host of people. I received this information not from the Clinton administration but from providers in my own community, Christian Brothers who deal with children, social workers who deal with adults.

Mr. GREGG. Mr. President, I ask unanimous consent that Senator SMITH be added to the list of amendments that will be considered.

Mr. CONRAD. Reserving the right to object, we don't yet know what the Smith amendment is. Can we get that first?

Mr. GREGG. I withdraw that.

Mr. REED. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 2409.

The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Oklahoma (Mr. COBURN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Coburn
Corzine

The amendment (No. 2409) was rejected.

Mr. GREGG. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2380, AS MODIFIED, 2420, AND 2386

Mr. GREGG. Mr. President, I now send three amendments to the desk and ask that they be considered and agreed to en bloc, and the motions to reconsider be laid on the table—one for Senator LIEBERMAN and two for Senator SUNUNU.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 2380, AS MODIFIED

On page 368, between line 5 and 6, insert the following:

SEC. 6116. QUALITY MEASUREMENT SYSTEMS AMENDMENTS.

Section 1860E–1, as added by section 6110(a)(2), is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B)—

(i) in clause (vi), by striking "and" at the end;

(ii) in clause (vii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(viii) measures that address conditions where there is the greatest disparity of health care provided and health outcomes between majority and minority groups."; and

(B) in subparagraph (E)—

(i) in clause (v), by striking "and" at the end;

(ii) by redesignating clause (vi) as clause (vii); and

(iii) by inserting after clause (v) the following new clause:

"(vi) allows quality measures that are reported to be stratified according to patient group characteristics; and";

(2) in subsection (c)(4)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) The report commissioned by Congress from the Institute of Medicine of the National Academy of Sciences, titled 'Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care'."; and

(3) in subsection (d)(2), by inserting "experts in minority health," after "government agencies,".

AMENDMENT NO. 2420

(Purpose: To convert the Digital Transition and Public Safety Fund program payment amounts into limitations, and for other purposes)

On page 94, line 7, after "(1)" insert "not to exceed".

On page 94, line 13, after "(2)" insert "not to exceed".

On page 94, line 19, after "(3)" insert "not to exceed".

On page 95, line 1, after "(4)" insert "not to exceed".

On page 95, line 4, after "(5)" insert "not to exceed".

On page 95, beginning in line 10, strike "The amounts payable" and insert "Any amounts that are to be paid".

On page 95, line 12, after the period insert "Any amount in the Fund that is not obligated under subsection (c) by that date shall be transferred to the general fund of the Treasury.".

AMENDMENT NO. 2386

(Purpose: To ensure that amounts are not obligated out of the Digital Transition and Public Safety Fund until the proceeds of the auction are actually deposited by the FCC)

On page 95, line 12, after the period insert "The Secretary may not obligate any amounts from the Fund until the proceeds of the auction authorized by section 309(j)(15)(C)(v) are actually deposited by the Commission pursuant to subsection (b).".

Mr. LIEBERMAN. Mr. President, a very important provision is being passed in this year's reconciliation bill establishing Medicare Value-Based Purchasing Programs. Value-based purchasing brings a pay-for-performance provision to Medicare. Senator GRASSLEY and Senator BAUCUS and the Finance Committee staff on both sides of the aisle have pushed forward an initiative that has been needed for a long time in American health care. I applaud them for their efforts.

A recent study published in the New England Journal of Medicine found that less than 55 percent of patients in America receive appropriate medical care. This means that if you go to the doctor and have pneumonia there is a good chance you may not receive the right antibiotic; or CPR might be performed on a patient with the incorrect number of breaths; or you may not receive the best surgery for your heart condition. Americans are not systematically receiving appropriate medical treatment. And receiving appropriate medical treatment should not be a matter of luck.

We know that it is too easy for Americans to get inappropriate medical care. But there are patient groups throughout our country that are in even more medical danger. Disparities in health care quality in minority groups are well documented. This would mean that a Hispanic or African-American male is less likely to receive the right medication for a heart condition than a White male. These findings are not related to income, insurance status, age, or what hospital a person goes to, among other factors. Special attention must be paid to minority patient groups in our current efforts to improve the quality of medical care in the U.S.

The 2003 Institute of Medicine report, Unequal Treatment, recommended that the "collection, reporting, and monitoring of patient care data by health plans and federal, and state payors should be encouraged" to move towards eliminating health disparities.

My amendment to section 6110 S. 1932 addresses this IOM recommendation to more specifically encourage the collection and reporting of health care quality data for both majority and minority groups as Medicare Value-Based Purchasing Programs are being developed and established.

My amendment encourages the Secretary of the Department of Health and Human Services to focus on diseases where there are disparities between majority and minority groups. Diseases such as infant mortality, diabetes, heart disease, breast cancer, cervical cancer, HIV/AIDS, childhood immunizations, and adult immunizations are all disproportionately problematic in minority patient groups. They must be considered in any systematic attempt to measure and improve health care quality.

My amendment also encourages the collection of specific data on patient characteristics that are key to measuring and collecting data on health care quality. Collecting information on gender, race/ethnicity, language spoken, and insurance status are encouraged. Without this information, we will not have any way of knowing whether or not disparities between majority and minority groups are decreasing.

In the existing provisions of section 6110, the Secretary of the Department of Health and Human Services will work with various expert groups in development and implementing quality measurement systems. However, experts in minority health are not currently included in the legislation. My amendment ensures that experts in minority health will be included in developing and implementing a health care quality measurement system.

Lastly, my amendment would reward hospitals, physicians, clinics, and home health care providers, among other groups that demonstrate improvement in quality of care for patient subgroups and minorities.

I thank Senators GRASSLEY and BAUCUS and the Finance Committee staff for working with us to try to focus necessary attention on the health care needs of all Americans. This would mark the first time our Federal Government made a commitment to improving the quality of health care that minority groups—our constituents—are receiving. I believe this groundbreaking legislation to bring pay-for-performance accountability to Medicare is an important step forward and I believe it will be much more powerful and have much greater impact if we tackle how to eliminate racial and ethnic disparities in health care.

Mr. GREGG. Mr. President, we now turn to Senator REED for his second amendment.

Mr. REED. Mr. President, I call up amendment No. 2396.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant journal clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 2396.

The amendment is as follows:

(Purpose: To strike subtitle C of title II relating to FHA asset disposition)

On page 86, strike line 22 and all that follows through page 90, line 19.

Mr. REED. Mr. President, my amendment would restore the ability of HUD to preserve and rehabilitate affordable housing.

The FHA upfront grant and below-market sales programs are designed to help local governments purchase FHA foreclosed multifamily properties in order to preserve and rehabilitate these units into affordable housing.

Currently, the money for this program comes from the FHA General Insurance Fund, not from appropriations. This gives HUD significant flexibility in providing these funds if the need arises.

The proposal before us today will restrict HUD from using the FHA General Insurance Fund to support both the below-market sales program and the upfront grant program. It is a program of about $50 million a year.

My amendment would strike the language prohibiting the use of these funds to allow them the flexibility to continue this program. Because it strikes language, no supermajority vote is necessary, and no offset is necessary.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise in opposition to the Reed amendment. In the Banking Committee, as part of the reconciliation process, we save, in this instance, $270 million. This proposal simply makes the FHA's use of rehab grants and below-market sales subject to appropriations.

If these programs are, in fact, beneficial—some of them are—appropriations can still be granted in the future, and using the appropriations process allows the Congress to better oversee the use of these dollars and to ensure that our resources are well spent.

I urge my colleagues to oppose this amendment. This $270 million is a lot of savings that we can put forth today.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CHAFEE). Is there a sufficient second?

There appears to be a sufficient second.

If all time is yielded back, the question is on agreeing to the amendment. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Specter
Stabenow
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The amendment (No. 2396) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. ENSIGN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. I ask unanimous consent that Senator SMITH be allowed to offer an amendment.

Mr. CONRAD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Could we also put in order my amendment?

Mr. GREGG. And at a later date, Senator CONRAD be put on the list of Senators who can offer an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon.

AMENDMENT NO. 2390

Mr. SMITH. I ask unanimous consent to call up amendment No. 2390. I also ask unanimous consent that Senator FEINGOLD be added as a cosponsor to my amendment. I am already pleased that Senator CLINTON is a cosponsor.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH], for himself, Mrs. CLINTON, and Mr. FEINGOLD, proposes an amendment numbered 2390.

Mr. SMITH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a demonstration project regarding medicaid coverage of low-income HIV-infected individuals)

On page 188, after line 24, add the following:

SEC. 6037. DEMONSTRATION PROJECT REGARDING MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

(a) REQUIREMENT TO CONDUCT DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Secretary shall establish a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State medicaid program to HIV-infected individuals described in subsection (b) in accordance with the provisions of this section.

(2) LIMITATION ON NUMBER OF APPROVED APPLICATIONS.—The Secretary shall only approve as many State applications to provide medical assistance in accordance with this section as will not exceed the limitation on aggregate payments under subsection (d)(2)(A).

(3) AUTHORITY TO WAIVE RESTRICTIONS ON PAYMENTS TO TERRITORIES.—The Secretary shall waive the limitations on payment under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) in the case of a State that is subject to such limitations and submits an approved application to provide medical assistance in accordance with this section.

(b) HIV-INFECTED INDIVIDUALS DESCRIBED.—For purposes of subsection (a), HIV-infected individuals described in this subsection are individuals who are not described in section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i))—

(1) who have HIV infection;

(2) whose income (as determined under the State Medicaid plan with respect to disabled individuals) does not exceed 200 percent of the poverty line (as defined in section 2110(c)(5) of the Social Security Act (42 U.S.C. 1397jj(c)(5)); and

(3) whose resources (as determined under the State Medicaid plan with respect to disabled individuals) do not exceed the maximum amount of resources a disabled individual described in section 1902(a)(10)(A)(i) of such Act may have and obtain medical assistance under such plan.

(c) LENGTH OF PERIOD FOR PROVISION OF MEDICAL ASSISTANCE.—A State shall not be approved to provide medical assistance to an HIV-infected individual in accordance with the demonstration project established under this section for a period of more than 5 consecutive years.

(d) LIMITATIONS ON FEDERAL FUNDING.—

(1) APPROPRIATION.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section, $450,000,000 for the period of fiscal years 2006 through 2010.

(B) BUDGET AUTHORITY.—Subparagraph (A) constitutes budget authority in advance of appropriations Act and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under that subparagraph.

(2) LIMITATION ON PAYMENTS.—In no case may—

(A) the aggregate amount of payments made by the Secretary to eligible States under this section exceed $450,000,000; or

(B) payments be provided by the Secretary under this section after September 30, 2010.

(3) Funds allocated to states.—The Secretary shall allocate funds to States with approved applications under this section based on their applications and the availability of funds.

(4) Payments to states.—The Secretary shall pay to each State, from its allocation under paragraph (3), an amount each quarter equal to the enhanced Federal medical assistance percentage described in section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)) of expenditures in the quarter for medical assistance provided to HIV-infected individuals who are eligible for such assistance under a State Medicaid program in accordance with the demonstration project established under this section.

(e) Evaluation and Report.—

(1) Evaluation.—The Secretary shall conduct an evaluation of the demonstration project established under this section. Such evaluation shall include an analysis of the cost-effectiveness of the project and the impact of the project on the Medicare, Medicaid, and Supplemental Security Income programs established under titles XVIII, XIX, and XVI, respectively, of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., 1381 et seq.).

(2) Report to congress.—Not later than December 31, 2010, the Secretary shall submit a report to Congress on the results of the evaluation of the demonstration project established under this section.

(f) Effective Date.—This section shall take effect on January 1, 2006.

SEC. 6038. ADDITIONAL INCREASE IN REBATE FOR SINGLE SOURCE AND INNOVATOR MULTIPLE SOURCE DRUGS.

Section 1927(c)(1)(B)(i)(VI) (42 U.S.C. 1396r–8(c)(1)(B)(i)(VI)), as added by section 6002(a)(3), is amended by striking "17" and inserting "17.8".

Mr. SMITH. The amendment I am offering authorizes $450 million for State demonstration projects to provide Medicaid coverage to low-income individuals living with HIV. It is similar to S. 311, Early Treatment for HIV Act. I introduced this earlier this year with strong support of 33 of my colleagues. As Medicaid generally covers only those disabled by full-blown AIDS, the amendment would vastly improve the treatment available to some of our most vulnerable citizens.

With more States having difficulty maintaining their AIDS drug assistance program, it is imperative that we provide alternative methods of delivering treatment to those individuals with HIV who are living in poverty. It is simply the right thing to do. I ask for my colleagues' support for this fiscally and morally defensible policy.

Mr. GREGG. I ask for a voice vote.

The PRESIDING OFFICER. Is all time yielded back?

Mr. GREGG. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2390) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2371

Ms. SNOWE. Mr. President, I call up amendment 2371 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from Maine [Ms. Snowe], for herself, Mr. Wyden, Mr. McCain, Ms. Stabenow, and Mrs. Clinton, proposes an amendment numbered 2371.

Ms. SNOWE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title XVIII of the Social Security Act to provide the authority for negotiating fair prices for medicare prescription drugs)

After section 6115, insert the following:

SEC. 6116. NEGOTIATING FAIR PRICES FOR MEDICARE PRESCRIPTION DRUGS.

(a) In General.—Section 1860D–11 (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and inserting the following:

"(i) Authority To Negotiate Prices With Manufacturers.—

"(1) In general.—Subject to paragraph (4), in order to ensure that beneficiaries enrolled under prescription drug plans and MA–PD plans pay the lowest possible price, the Secretary shall have authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs, consistent with the requirements and in furtherance of the goals of providing quality care and containing costs under this part.

"(2) Mandatory responsibilities.—The Secretary shall be required to—

"(A) negotiate contracts with manufacturers of covered part D drugs for each fallback prescription drug plan under subsection (g); and

"(B) participate in negotiation of contracts of any covered part D drug upon request of an approved prescription drug plan or MA–PD plan.

"(3) Rule of construction.—Nothing in paragraph (2) shall be construed to limit the authority of the Secretary under paragraph (1) to the mandatory responsibilities under paragraph (2).

"(4) No particular formulary or price structure.—In order to promote competition under this part and in carrying out this part, the Secretary may not require a particular formulary or institute a price structure for the reimbursement of covered part D drugs.".

(b) Effective Date.—The amendment made by this section shall take effect as if included in the enactment of section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

Ms. SNOWE. Mr. President, I ask unanimous consent that Senator Clinton be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I am offering this amendment on behalf of myself and Senator Wyden, who has offered considerable leadership on this issue over the years providing affordable medications to our seniors, along with Senator McCain and Senator Stabenow. So many of us in Congress have worked to make prescription drug coverage a part of the Medicare Program, but the fact remains that the costs are rising since the time we first created this program, from $523 billion to now up to $720 billion for the Part D Program.

As we see in this first chart, the brand-named prices are consistently outpacing inflation because they have no competition. As we can see with the generic drugs, where there is competition, the price is lower. We want to give the Secretary of Health and Human Services the ability to negotiate prices, particularly for those seniors who will not have access to more than two prescription drug plans or where the plans ask for negotiating authority.

This is not price setting. This is price saving. In fact, we have explicit language in the legislation that says this is not about price setting. It does not give the Secretary that authority. It allows him to save money for the Part D Program that is expected and projected to increase in cost by more than 8.5 percent as called for by the Congressional Budget Office. That is the CBO's very own numbers.

Finally, 80 percent of seniors in America have called for the Secretary to have this authority.

Mrs. FEINSTEIN. Mr. President, I rise today to voice my support for amendment No. 2371 offered by Senators Snowe and Wyden, which I am pleased to cosponsor. The amendment ensures that the Health and Human Services, HHS Secretary has an active role in managing the costs of the newly-created Medicare prescription drug program, part D, by striking language in the Medicare Modernization Act of 2003 that prohibits the HHS Secretary from using the bulk purchasing power of the Federal Government to obtain prescription drugs at the lowest possible cost to taxpayers.

On the eve of the vote on the final Medicare bill, my colleague Senator Wyden and I agreed that this prohibition language, also referred to as "the noninterference clause," was a major flaw in the overall bill. Although we both voted in favor of the bill because it afforded seniors and the disabled the first-ever opportunity to voluntarily sign up for a drug benefit in Medicare, we agreed to work to repeal this prohibition language in the bill. I have been pleased to join with Senators Snowe and Wyden on legislation the past two Congresses to do just that.

Since casting my vote on the final Medicare bill which, at the time, I believed was for a $400 billion bill, we have all learned that more accurate estimates of the cost of the overall bill were withheld from Congress and that the true cost of the bill will now exceed $720 billion over the next 10 years. Now, more than ever, Congress must do everything it can to ensure that the government and taxpayer dollars are getting the best deal out there on the cost of drugs covered by Medicare.

That is what this amendment will do. The amendment strikes the so-called "noninterference" clause, gives the HHS Secretary authority to negotiate prices with drug manufacturers, and requires that the HHS Secretary do so for covered part D drugs for each fallback prescription drug plan—plans where the Federal Government is assuming the risk—and upon the request of an approved prescription drug plan or a medicare advantage prescription drug plan.

What the amendment does not do is require the Secretary to set drug prices or formularies. I have heard the argument that this amendment will result in price controls. That argument has been made time and time again by drug companies who would rather profit from the Federal Government paying too much for drugs than allow the Federal Government to use its purchasing power to negotiate for the best deals on drug prices.

The reality is that this amendment specifically states that the Secretary may not require a particular formulary or institute a price structure for the reimbursement of covered part D drugs.

I have also heard the argument that the Secretary won't be able to negotiate better drug prices than private plans currently do. I come from a State with the largest purchasing power in the country for drugs in its Medicaid program and it is clear that the size of California's market has helped California's ability to negotiate more competitive drug prices in Medicaid.

But don't take my word for it. In 2004, CBO stated, "giving the Secretary an additional tool—the authority to negotiate prices with manufacturers of such drugs—would put greater pressure on those manufacturers and could produce some additional savings." With respect to sole source drugs, CBO went on to say, "there is potential for some savings if the Secretary were to have the authority to negotiate prices with manufacturers of single-source drugs that do not face competition from therapeutic alternatives."

Prescription drug prices for existing drugs—these are not new drugs, but old ones—have been rising at two to three times the inflation rates, according to the Government Accountability Office. So I ask the question: Why are we not doing everything in our power to ensure the Federal Government is getting the lowest prices for drugs?

The Snowe-Wyden amendment ensures fiscal responsibility in an entitlement program whose escalating costs pose a very serious problem for future generations. I am pleased to be a cosponsor of this amendment and urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. SNOWE. The former Secretary of HHS said: I would like to have had the opportunity to negotiate.

Let us give this power to the Secretary to save money for the program and to save money for seniors.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. GREGG. I yield to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the fact is that the Government does not negotiate prices, it sets prices. The second thing is that we set in place in the Medicare bill plans to negotiate prices, and we know now from experience, and I did not know it when this amendment was offered before, that these plans are negotiating prices that are much lower for beneficiaries and the taxpayers than we even anticipated when we passed the bill 2 years ago.

One thing that ought to be taken into consideration is the fact that there is no savings from this amendment. I would like to quote from The Washington Post, February 17: Governments are notoriously bad for setting prices, and the U.S. Government is notoriously bad at setting prices in the medical realm.

We need to defeat this amendment as we defeated it a few months ago.

Ms. SNOWE. I ask unanimous consent to add Senator KERRY and Senator DODD as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, the amendment is not germane to the measure before the Senate so I raise a point of order under section 305 of the Budget Act.

Ms. SNOWE. Mr. President, I move to waive that.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—51

Akaka
Bayh
Biden
Bingaman
Boxer
Brownback
Byrd
Cantwell
Carper
Chafee
Clinton
Coburn
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NAYS—48

Alexander
Allard
Allen
Baucus
Bennett
Bond
Bunning
Burns
Burr
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the ayes are 51, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. GREGG. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to reconsider was laid on the table.

Mr. GREGG. I would now like to turn to the amendment of Senator CORNYN.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 2408

Mr. CORNYN. I call up amendment No. 2408 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 2408.

Mr. CORNYN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate the converter box subsidy program)

On page 94, strike line 7 through 12.

Mr. CORNYN. Mr. President, in 1928, Herbert Hoover ran for President based on the slogan "a chicken in every pot and a car in every garage."

Under the provisions of this bill, the American taxpayer is being asked to subsidize television—digital television to be specific—to the tune of $3 billion.

I congratulate the leadership and particularly Chairman GREGG for the good work he has done trying to save the beleaguered American taxpayer quite a bit of money and to reduce the Federal deficit. What we are being asked to do here, what the taxpayers are being asked to suffer is a transfer of money from their pocket basically to the living rooms of the television-watching public so we can transition from analog to digital TV. But to make things even more ironic, what this $3 billion is supposed to do is to provide converters so they can take the digital signal and transition it back to the analog and reverse the action of this Congress. It makes no sense. We can do better than this.

I urge my colleagues to support the amendment.

Mr. GREGG. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment.

The amendment (No. 2408) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. At this point, I believe the Senator from North Dakota has an amendment to offer.

AMENDMENT NO. 2422

Mr. CONRAD. Mr. President, I call up amendment 2422.

The PRESIDING OFFICER. The clerk will report.

The Journal clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself and Mr. SALAZAR, proposes an amendment numbered 2422.

Mr. CONRAD. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure Medicaid enrollees have access to small, independent pharmacies located in rural and frontier areas)

On page 121, after line 25, add the following:

"(5) RULES APPLICABLE TO CRITICAL ACCESS RETAIL PHARMACIES.—

"(A) REIMBURSEMENT LIMITS.—Notwithstanding paragraph (2)(A), in the case of a critical access retail pharmacy (as defined in subparagraph (C)), the upper payment limit—

"(i) for the ingredient cost of a single source drug, is the lesser of—

"(I) 108 percent of the average manufacturer price for the drug; or

"(II) the wholesale acquisition cost for the drug; and

"(ii) for the ingredient cost of a multiple source drug, is the lesser of—

"(II) 140 percent of the weighted average manufacturer price for the drug; or

"(II) the wholesale acquisition cost for the drug.

"(B) APPLICATION OF OTHER PROVISIONS.—The preceding provisions of this subsection shall apply with respect to reimbursement to a critical access retail pharmacy in the same manner as such provisions apply to reimbursement to other retail pharmacies except that, in establishing the dispensing fee for a critical access pharmacy the Secretary, in addition to the factors required under paragraph (4), shall include consideration of the costs associated with operating a critical access retail pharmacy.

"(C) CRITICAL ACCESS RETAIL PHARMACY DEFINED.—For purposes of subparagraph (A), the term 'critical access retail pharmacy' means an retail pharmacy that is not within a 20-mile radius of another retail pharmacy.".

(2) INCREASE IN BASIC REBATE FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.—Section 1927(c)(1)(B)(i)(VI) (42 U.S.C. 1396r-8(c)(1)(B)(i)(VI), as added by section 6002(a)(3), is amended by striking "17" and inserting "18.1".

Mr. CONRAD. Mr. President, in the interest of time, very briefly, this is to help rural remote pharmacies with modestly enhanced reimbursement. I very much thank my colleagues on both sides of the aisle who have agreed to support this amendment. I especially thank the chairman of the Finance Committee for his support.

Mr. GREGG. I urge the amendment be agreed to.

The PRESIDING OFFICER. Is all time yielded back?

Mr. GREGG. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2422) was agreed to.

AMENDMENT NO. 2392

Mr. GREGG. Mr. President, I wish to reiterate my statement which was inadvertently omitted from yesterday's RECORD with regard to amendment No. 2392 that we will support an effort to pass legislation to make the technical change deleted from our bill in a more appropriate vehicle.

PHARMACY DISPENSING FEES

Mr. REED. Mr. President, I engage my colleague, the Chairman of the Senate Finance Committee, in a colloquy about his intent regarding Medicaid pharmacy dispensing fees in the Medicaid pharmacy reimbursement reform section of the Budget Reconciliation Act.

As I understand the intent of these provisions, States are required to pay dispensing fees to pharmacies for Medicaid prescriptions, but there are no specific minimum fees set forth in the bill. States are given some guidance regarding the factors to use when setting the fees, but there are no requirements to do anything more than take those factors into "consideration" when setting fees.

I am concerned that the States will not be able to accurately account for these factors when setting these dispensing fees. As a consequence, pharmacies will be paid significantly less for the drug product that they provide to Medicaid recipients. This could make it difficult for Medicaid recipients to continue to obtain their prescription medications from their neighborhood pharmacy, and many pharmacies may have to close or reduce hours. The total payment to pharmacies for the drug product and dispensing fee must be adequate to pay pharmacies to buy the drug, dispense the medication, and have a reasonable return. It is my understanding that States would have to pay double or triple the dispensing fees currently being paid to he pharmacies just to break even.

I am also concerned that States do not have any guidance or direction in the bill on how to set their dispensing fees for generic drugs in relation to brand name drugs. While the bill does say that States should set dispensing fees for non innovator multiple source drugs higher than innovator multiple source drugs that are therapeutically equivalent and bioequivalent, I urge that the language require that fees for generic drugs in general be set higher than fees for brand name drugs. This will encourage the dispensing of generic drugs which can be one-fifth the cost of a brand name drug.

Mr. GRASSLEY. I thank the Senator for his concerns and want to clarify for him the intent of the bill regarding dispensing fees and respond to some of his concerns. I agree that States will need to review and increase the fees that they pay pharmacies for dispensing Medicaid prescriptions. We want to be sure that Medicaid recipients can continue to have access to prescription medications from their local pharmacies. Coming from a rural State, I know that many of my constituents rely on pharmacies for health care services and the pharmacist may be the only health care professional for many miles.

The overall assumptions made in the bill is that States will increase their dispensing fees to account for the fact that States would probably be paying pharmacists a lower amount for the drug product that more accurately reflects the cost of the drug product that is being dispensed. The amount of the dispensing fee increase will depend on many factors in each State.

We expect that each State will regularly undertake surveys of current pharmacy dispensing costs to determine their dispensing fees, and that such costs would include those that are listed in the bill. States would set their dispensing fees based on those surveys. We also expect that States will pay pharmacies a reasonable return for dispensing Medicaid prescriptions.

Our expectation is that States will do all they can to encourage the dispensing of generic drugs in Medicaid. It is my expectation that States will set significantly higher fees for generics than for brands, such as one and a half or twice the brand name fee. If an innovator multiple source drug is less than or equal to the cost of a generic, then the State should pay the generic dispensing fee for that drug.

Mr. REED. I thank the Chairman for his clarification regarding dispensing fees. I look forward to working with you as this process moves forward to ensure that any reforms in the Medicaid pharmacy payment system will provide adequate reimbursement to pharmacies for dispensing Medicaid prescriptions since beneficiary access to lifesaving medications depends on pharmacies to dispense them.

MEDICAID WAIVERS

Mr. ROCKEFELLER. Last month, the Centers for Medicare and Medicaid Services—CMS, approved a comprehensive Section 1115 waiver for the State of Florida, the latest in a string of waivers that allows States to dramatically reshape the financing and entitlement guarantees established by law in the Medicaid program. These far-reaching Medicaid waivers are generally negotiated in secret without input from the very beneficiaries who would be affected by such drastic changes to the program. That is why I have filed an amendment to this budget reconciliation bill that will require CMS to post public notification on their website within 5 business days whenever a State submits a waiver concept paper for feedback or a formal waiver proposal for discussion and review.

Mr. GRASSLEY. Senator ROCKEFELLER, I share your concerns about the Section 1115 waivers recently negotiated by CMS and several States, including Florida and Vermont. I am also concerned about pending waivers being negotiated in South Carolina, Kentucky, Georgia and West Virginia. Medicaid is a joint Federal-State partnership in all respects, including its financing, and both Congress and beneficiaries should be aware of the extent to which CMS is negotiating waivers with States that modify the Federal-State financing relationship or the Federal guarantee of health benefits. CMS has taken several steps to improve the waiver information available on its website since early 2002. However, as you pointed out at the Finance Committee hearing last week, CMS does not post notification on their website when they have received formal or informal communication from a State regarding a waiver and the "State Waiver Programs and Demonstrations" portion of the website is not updated by CMS on a regular basis.

Mr. BAUCUS. Senator GRASSLEY, I think it is more than just a question of transparency. It is also a question of legality. In many cases, the content of the waivers that CMS is negotiating fundamentally alters the Federal guarantee of Medicaid benefits. This is not the intended purpose of Medicaid demonstration authority. Section 1115 waiver authority allows the Secretary of the Department of Health and Human Services to waive certain provisions of the Medicaid program if the changes are determined to "promote the objectives" of Medicaid. I am concerned that the current waivers being approved by CMS go well beyond CMS' authority and that Congress should be more vigilant in its oversight.

Mr. GRASSLEY. Senator BAUCUS, I certainly appreciate your views on this issue. You and I have worked hard over the last couple of years to improve Medicaid waiver transparency, and I think we have made some progress. But, I understand your desire to do more. I want to continue working with you to ensure that the Senate Finance Committee fulfills its oversight obligation in this area. I also think that the Medicaid waiver amendment that Senator ROCKEFELLER is offering has merit, and I would like to continue working with him to improve the waiver information available on CMS' website.

Mr. ROCKEFELLER. Chairman GRASSLEY, I thank you for your willingness to work with me. This is a matter of good government. The Government Accountability Office has published several reports which indicate that the Department of Health and Human Services has failed to follow its own policy on providing opportunities for the public to learn about and comment on pending waiver requests. Congress has a responsibility to assert its oversight authority on Section 1115 waivers because Medicaid is too important a program to allow it to be waived away through secret negotiations and without input from those who will be affected or their advocates.

MEDICAID PHARMACY, REIMBURSEMENT FOR PRESCRIPTIONS

Mr. VOINOVICH. Mr. Chairman, I applaud your leadership on the Medicare and Medicaid portion of this reconciliation package and am committed to working with you to achieve reductions in mandatory spending programs under your jurisdiction as instructed in the congressional budget resolution. I believe that it is necessary to maintain fiscal constraint and recognize the difficult task involved in achieving that end while ensuring that the country's health care safety net remains available for our citizens who truly need it the most.

As we move forward in advancing that goal, I understand that there are several changes included in the reconciliation package being considered today that address Medicaid pharmacy reimbursement for prescription drugs dispensed in the pharmacy setting. I know you and your staff worked very hard to craft the Medicaid provisions contained in this legislation and that we both share the common goal of ensuring that Medicaid beneficiaries continue to have access to cost-effective prescription drugs reimbursed at an appropriate rate.

In that light, I understand that it is not your intent to inadvertently disrupt the highly efficient drug distribution system responsible for assuring access to needed drugs across the Nation's pharmacies. I think we both believe that the drug distribution system can best be preserved if prompt-pay discounts paid to distributors are excluded from the new Medicaid pharmacy reimbursement methodology. Was this the Chairman's intention?

Mr. GRASSLEY. I do recognize the valuable role drug distributors play in the delivery of prescription medication and our Nation's health care and did intend to exclude prompt pay discounts from the methodology.

I say to my colleague from Ohio that I will work with him to ensure that my intention to exclude the discounts is preserved through the conference and enacted into law.

Mr. VOINOVICH. I thank the chairman and look forward to working with him in this effort. I know he agrees with me that Congress should not establish a Medicaid pharmaceutical reimbursement system that might discourage manufacturers from paying distributors prompt-pay discounts if wholesalers pay their bill prior to their contractual obligation—a practice that has occurred for the past 30 years.

We both understand that the drug distribution system has consistently ensured that every pharmacy in the Nation has access to prescription drugs in a timely manner. This system is highly complex but provides an extremely efficient delivery model that reduces health care costs to the overall health care system.

Within the system, pharmaceutical distributors are able to reduce the cost by minimizing the overall number of transactions required to distribute prescription drugs, over-the-counter products, and medical supplies. Nationally, wholesalers serve more than 130,000 customers. The typical distributor purchases products from an average of 850 vendors. These distributors take ownership of the products and responsibility for warehousing and distributing individual orders to retail pharmacies and other sites of care on a daily basis. This efficient model ensures that pharmacies have pharmaceutical products available for their patients.

I look forward to working with Chairman GRASSLEY to maintain this current drug distribution system and to ensure that when the legislation before us is enacted into law, it clearly excludes prompt-pay discounts from the pharmacy reimbursement methodology that will be used to pay pharmacies for drugs dispensed to Medicaid beneficiaries.

MEDICARE BAD DEBT, COLLECTION

Mrs. LINCOLN. I will discuss today with my distinguished colleague from Idaho, Senator CRAPO, to discuss the change in Medicare bad debt policy as proposed in this budget reconciliation bill. I feel there is a need to differentiate between debt owed by individuals and debt owed by States. The sponsors of this policy argue that it will encourage skilled nursing facilities to be more efficient in the collection of bad debt. However, how can the facility be more efficient if the state simply refuses to pay the Medicare copayments through its Medicaid program? In 2003, nursing homes in my home state of Arkansas never received the $589,263 in coinsurance owed to them from the Medicaid program. This body should examine the root of this problem before implementing the bad debt policy in this bill. It is my hope that the conference committee considers this when examining this policy.

Mr. CRAPO. Senator LINCOLN makes a good point. While I support the Finance Committee's goal of encouraging accountability and incentivizing the collection of Medicare bad debt by skilled nursing facilities, I do see the need to differentiate between debt owed by individuals and debt owed by States. I believe this conference should consider this point as well.

Ms. MIKULSKI. Mr. President, I would like to take this opportunity to say how deeply concerned I am over the wrong priorities in the spending reconciliation bill that is before us today.

The United States faces a Federal deficit of $331 billion for fiscal year 2005 alone, according to the Congressional Budget Office. This is a complete turnaround from when President Bush took office just under five years ago. He inherited record budget surpluses and turned them into record deficits. Unfortunately, that has not stopped Republicans from pushing relentlessly for the wrong priorities and irresponsible policies.

As a result, we now have encountered years of record deficits that have contributed to $3 trillion added to our country's debt. Moreover, under President Bush's watch, American debt to foreigners has doubled. Japan holds $680 billion of our debt, China holds $240 billion, and the Carribean Banking Centers hold over $100 billion. Increasingly, our fate is in the hands of their central banks and investors.

We must take action so that we don't put this burden on our Nation's future generations. The budget reconciliation process was designed for such a situation: to give Congress the tools necessary for deficit reduction. Reconciliation could have offered us the opportunity to work across the aisle to take responsible steps toward reducing the deficit.

Instead, my colleagues on the other side of the aisle are pushing for the wrong priorities. Take for example their opposition to Senator CONRAD's commonsense amendment on fiscal responsibility. His amendment, called paygo, would have reinstated a rule meant to stop Congress from worsening the deficit. It was my hope that it would have once again served as a check against irresponsible spending or new rounds of tax cuts at a time when the Nation cannot afford them.

My colleagues across the aisle say that tough choices are needed to get our fiscal house in order. I agree—we should balance the federal budget just as every American must balance theirs, unless a natural disaster or other national crisis demands it. Anytime Congress wants to raise spending—or lower revenue—Congress should pause and be required to stand up to vote and defend its action. That is what this amendment would have required, but Republicans voted against fiscal responsibility.

Today, we are debating the spending reconciliation bill for fiscal year 2006, but it is only half of the equation. This bill makes $39 billion in cuts to critical spending programs. Many of these cuts will directly hurt low- and middle-income Americans. The bill takes away Americans' access to health care and affordable housing and jeopardizes their pensions. The bill attacks important conservation efforts by cutting funding and opening up the Arctic National Wildlife Refuge to drilling. But the bill stays silent on lowering energy prices for working families who can no longer afford to pay their monthly gas bills. Simply put, it leaves too many Americans out in the cold.

In several weeks, the Senate will be taking up a tax reconciliation bill. That bill will cut taxes by $70 billion, with an average giveaway of $35,500 for those making more than $1 million each year. Those with incomes between $50,000 and $200,000 would get just over $100 on average. The difference is striking, but not so much as the fact that this will all be done under the Senate's procedure of reconciliation—which was designed to lower the deficit, not raise it. These tax cuts will undermine the cuts that the bill is making today to critical spending programs and will add an additional $31 billion to the deficit. This is irresponsible. It's just another example of how the President and his allies in Congress have the wrong priorities, and not the best interest of America, at heart.

What is most frustrating is the knowledge that the final budget will likely be even worse than what we pass in the Senate. The House of Representatives plans to cut $50 billion in critical services, including student loans, food stamps, child support enforcement, foster care, and health care. Again, these cuts will not go to lowering the deficit. Instead, they will finance another round of tax cuts at a time when we also have staggering energy costs, a war in Iraq, many unfunded education needs, an exploding population of seniors, and an unprecedented relief and rebuilding effort stemming from Katrina.

I believe we must work together to realign priorities so they reflect those of the American people. Working together, we can do better. I strongly urge my colleagues to vote against this misguided bill.

Mr. REED. Mr. President, I strongly oppose the so-called Deficit Reduction Omnibus Reconciliation Act of 2005. This reconciliation bill and the administration's budget are fiscally irresponsible and reflect misguided priorities. As a matter of fact, the reconciliation bill at the end of the day will further increase the deficit by more than $35 billion over the next 5 years.

In 2 weeks, both the Senate Finance and the House Ways and Means Committees are expected to report a second reconciliation bill that will cut taxes by $70 billion. This $70 billion reduction in tax revenue will more than eliminate the effect of the cuts to critical programs in the reconciliation bill that we are considering this week. With the enactment of two reconciliation bills, there is a real effort by this administration and the majority to perform a bait and switch on the American people.

Significant portions of the reduction that are achieved in this reconciliation bill are achieved by cuts in programs on which low- and moderate-income Americans rely. The Senate reconciliation package includes a total of $39.1 billion in spending cuts over 5 years, of which $10 billion will come from Medicaid and Medicare. The House reconciliation package could have cuts as high as $50 billion over the same period, with $9.5 billion coming out of Medicaid.

In contrast, the benefits of the second reconciliation bill that this body will soon undertake will go overwhelmingly to high-income individuals. The tax reconciliation bill is expected to extend many provisions from the 2003 tax cut that expire in 2008 to 2010 that lower the rate on dividend income and capital gains. Just extending these provisions through 2010 is likely to cost nearly $23 billion.

The bill before us today includes a series of spending reductions that target pharmaceutical pricing and reimbursement, curtail the definition of 'targeted case management' under Medicaid, and eliminate the 'HMO slush fund' under the Medicare Modernization Act of 2003 and the Federal Housing Administration's affordable housing preservation programs. A provision to update reimbursements for doctors will have a direct impact on seniors in the form of higher Medicare part B premiums.

Republicans have tried to disguise these cuts by restoring funding for the State Health Insurance Program SCHIP for States such as Rhode Island, allowing parents of severely disabled children to 'buy-into' Medicaid. and by increasing student financial aid.

Meanwhile, the House reconciliation bill is truly an even worse deal for low-income and vulnerable Americans, as it would impose new copayments on Medicaid beneficiaries and allow States to scale back coverage. It also would tighten rules designed to limit the ability of elderly people to shed assets in order to qualify for nursing home care. And, for the first time, people with home equity of $500,000 would be ineligible for nursing home care under Medicaid.

The House bill also includes $844 million in cuts to food stamps, overturns a critical court ruling, Rosales v. Thompson, which allows for Federal support of abused and neglected children in foster care who reside with family members, weakens States' ability to establish and enforce child support orders, and raises interest rates and fees that students pay on their college loans.

The House package takes almost $20 billion out of child support and student loans alone, compounding the effect on struggling working families.

I commend Chairman GRASSLEY and the rest of the Finance Committee for their diligence in attempting to craft a reconciliation measure that would not directly impact Medicaid beneficiaries. By contrast, the House, targeted beneficiaries through increased Medicaid cost sharing among other program changes.

In an effort to further minimize the impact of the reconciliation bill on these populations, I offered two amendments. The first amendment would restore Targeted Case Management services, TCM, to assist eligible high-need Medicaid beneficiary groups, such as children in foster care, children and adults with HIV/AIDS, children with developmental disabilities and mental retardation, individuals with substance abuse disorders and mental illness, and at-risk tribal populations, access to needed medical, social, educational, and other services. States have flexibility whether to offer TCM services and which population to cover, and, nearly every state now offers TCM services. We should not jeopardize an essential bridge to services for these populations.

By focusing cuts on Medicaid and other essential Federal programs, the reconciliation package will most harshly impact those who cannot advocate for themselves—abused and neglected children in foster care, at-risk youth, single parents, the disabled, persons with mental illness, and vulnerable elderly.

I understand that the intent of the TCM provision was to codify a HHS policy from January 2001. Again, I applaud the Chairman for attempting to clarify this provision, however, I am deeply concerned that the provision, when implemented, will severely restrict the providers' ability to serve our most vulnerable Medicaid beneficiaries.

The second amendment would strike the Banking Committee's portion of the reconciliation bill that eliminates the ability of HUD to use the FHA General Insurance Fund to provide grants to help preserve FHA-foreclosed multifamily properties as affordable housing. Given the current affordable housing crises in our country, the grants are more important than ever and should be maintained. I am disappointed that these and other amendments that would have addressed many of the deficiencies of the bill failed.

One such amendment was Senator CANTWELL's amendment to protect the Artic National Wildlife Refuge from drilling. Earlier this year, the Senate Budget Committee included in the fiscal year 2006 budget resolution provisions that paved the way to arctic drilling. Senator CANTWELL offered an amendment to strike language authorizing artic drilling from the reconciliation bill, which would undo this exploitation of the budget process and permit an open debate of the issue. Unfortunately, her amendment failed. The bill not only opens up the Artic to oil and gas development, but does so in a way that does not accord this pristine wilderness protection under existing mineral leasing laws and regulations, existing environmental protections, and existing rules of administrative procedure and judicial review. In short, it affords the Arctic Refuge less protection than current law affords other refuge or public land that is open to oil and gas development. Drilling in the Artic will not help us address our nation's energy problems. It is yet another giveaway to big oil companies.

The reconciliation bill also includes a provision that would extend agricultural commodity payments until 2011. Extending existing subsidy programs will continue policies that are bad for the environment. While the bill extends the life of subsidy programs and three conservation programs until 2011, it does not extend the life of four other conservation programs past 2007. These programs, which restore wetlands, grasslands, and other wildlife habitat and protect farmland and ranchland are critical to meeting some of the Nation's most significant environmental challenges.

In the wake of Hurricanes Katrina and Rita, escalating home energy prices, and stagnant wage growth, taking money from important federal programs in order to pave the way for billions of dollars in tax cuts shows how out of touch the majority and administration are with hardworking Americans.

The bill before us is lamentable, and I only hope that those who support it today will reassess their positions in the weeks ahead as we consider other reconciliation bills that will further add to our deficit and continue a path towards misguided priorities.

Mr. DURBIN. Mr. President, my Amendment No. 2415 would inject a dose of accountability and responsibility into America's efforts to rebuild the gulf coast and Iraq.

It will bar from all reconstruction efforts, both at home and in Iraq, all firms found—over the last 5 years—to have overcharged or improperly billed the government by more than $10 million on one or more occasions.

It will also bar from all reconstruction efforts—both at home and in Iraq—all firms that have overcharged or defrauded the Government of more than $10 million over the last 5 years.

It will also bar from all reconstruction efforts—both at home and in Iraq—all firms that have been suspended or debarred from competing for federal contracts.

It includes a national security waiver for those instances where dealing with such firms may serve the national interest.

These are serious penalties, but in both Iraq and on the gulf coast we face serious challenges, and we should not do anything less than our very best to face those challenges.

We cannot move forward on the gulf coast without looking at the administration's weak oversight of funds in Iraq. The amendment I offer today seeks to do that by assuring the American people that the Government will spend gulf coast reconstruction funds wisely.

The bill we are debating is ultimately about saving taxpayer dollars. Why not start by weeding out companies that have overcharged the taxpayer in the past?

We enjoy the privilege of living in a vastly diverse country of vastly talented citizens. In the country with the world's biggest economy, we don't need to rely on just a few privileged firms to do America's work.

We don't need over-billers, underperformers, or those who have defrauded the American taxpayer to do America's work. We need to entrust America's work, and American taxpayer dollars, to firms that embrace hard work, accountability, and a sense of responsibility about the public trust into which they enter when they serve as a Government contractor.

America has countless firms that fit that bill. They come from across the gulf coast region and from across the country. This amendment simply helps assure that they will have a clear opportunity to shoulder the burden of rebuilding, by clearing away those firms that have abused the public trust.

Last Friday, the President announced that he would ask this Congress to reallocate $17.1 billion in hurricane emergency funding, taking it away from the Federal Emergency Management Agency's Disaster Relief Fund, and dedicating it to rebuilding and repairing of the gulf coast. The President wants the authority to replace critical infrastructure, facilities, and equipment damaged during this year's hurricanes. These are important projects addressing important needs, and I fully support them. We must move forward, but we have to do it right.

These are big projects, including the rebuilding of key stretches of Interstate 10, a main artery connecting Texas cities such as San Antonio to New Orleans and New Orleans to points east. The proposed projects include two Veterans Administration hospitals, major military bases, and other highways and bridges damaged by the storms.

This work will help shape the gulf coast region for a generation or more. We cannot afford to get it wrong.

Sadly, this administration has gotten it wrong before. On Sunday, the Special Inspector General for Iraqi Reconstruction, Stuart Bowen, released his latest report on reconstruction in Iraq. Bowen's report makes for sobering reading.

It tells a cautionary tale as we look forward to rebuilding our gulf coast communities. It paints a grim picture of conditions in Iraq and it tells a story of administration hubris, lack of foresight, poor planning, poor execution, and the squandering of millions and perhaps billions of U.S. taxpayer dollars.

The Special Inspector General has warned us all that America's ambitious reconstruction effort in Iraq, an effort managed by this administration, is, "likely to fall far short of its goals."

We cannot let the same fate befall our communities here at home. We need to ensure—here at home—the accountability that the administration's efforts in Iraq have sorely lacked. In both situations, the situation demands that we act with speed. In neither case, though, should we ignore our oversight responsibilities.

Special Inspector General Bowen's work assessing the administration's Iraq reconstruction efforts reveals the challenges we now face at home.

Since November 2003, Congress has appropriated $21 billion for Iraq reconstruction and relief. The President came to us that fall, seeking support for his ambitious plans to build Iraq anew, and in a bipartisan fashion, we gave him everything he asked for.

Billions of dollars later, Iraq is still struggling to rebuild.

As Michael O'Hanlon and Nina Kamp of the Brookings Institution described Iraq last month in the New York Times:

> On balance, the indicators are troubling. Electricity production remains stuck at prewar levels even as demand soars, and the power is off in Baghdad more often than it is on. Unemployment is stubbornly high. Infant mortality rates are still among the Middle East's highest. And Iraq is the most violent country in the region, not only in terms of war casualties but of criminal murders as well.

How did we come to this pass?

Secretary Rumsfeld and his tight circle of Defense Department advisors—awash in unreality—failed to plan for occupation and reconstruction. Their plans for rebuilding postwar Iraq were, according to the Inspector General, "insufficient in both scope and implementation."

The Coalition Provisional Authority managed Iraqi oil revenues placed in the Development Fund for Iraq. The Special Inspector General has found that it did so erratically and irresponsibly, often with no accountability, and no records.

The Special Inspector General found that in the town of Hillah, for example, the CPA left 7 million dollars worth of projects uncompleted. What's more, the money allocated for these projects is missing.

Indeed, the Special Inspector General has found that the CPA burned through nearly $100 million in Development Fund for Iraq money without keeping adequate records, and in too many instances, the money just vanished.

That is simply inexcusable, and there may be no way now to trace and recover those funds. But where we can track fraud and overbilling to specific companies, why should we keep giving more money to the offenders? If they won't protect the public trust, why should we trust them with new money?

Where is the accountability? Do we want any of the firms involved in the most egregious of these abuses handed new sums of money to rebuild New Orleans and the gulf coast?

Many of our Republican colleagues are demanding that we provide offsets for every penny we dedicate to Katrina reconstruction. In too many instances, they seek to place the burden for rebuilding the gulf coast squarely on the poor. Yet they failed to demand offsets, or even simple accountability, when the administration came to Congress looking for reconstruction funds for Iraq.

By adopting this amendment, we would promote honesty, transparency, and accountability in hurricane reconstruction and we would bar the door to contractors that have abused the public trust. We need to learn from the gross failings we have seen in Iraq, learn and do better.

Now we face a crisis at home. The President has waited 2 months to create his Gulf Coast Recovery and Rebuilding Council, which he announced yesterday, and 2 months to name Donald Powell to serve as Coordinator of Federal Support for the Gulf Coast's Recovery and Rebuilding. Let us hope history is not repeating itself.

Does the administration have a plan to hold accountable those who have misused Iraq reconstruction funds, and to ensure that the same companies, or similar firms, are not handed more taxpayer dollars in massive contracting projects?

All the major multinational firms working in Iraq have "cost plus" contracts. Under such contracts, the Government reimburses companies for all their costs, plus a percentage of those costs as a fee.

I don't think that is the best way to protect the taxpayer, but that is what this administration has done. If we are going to give corporations cost-plus contracts, is it too much to ask that they take care to charge us only for legitimate costs and not to take advantage of our trust, the public trust, to sneak in millions of dollars in illegitimate expenses? Why should we give this important work to companies that will pad their expense sheets and hope that we don't catch their overbillings?

Writing big, no-bid deals was quick and easy, but it wasn't good for America, and it wasn't good for our reconstruction efforts in Iraq. The administration has shown itself unable or unwilling to manage these contracts.

America can do better than this. At home on the gulf coast, it absolutely must do so. It is time to cut off companies that gorge themselves at the public trough.

General John Abizaid, the Commander of U.S. Central Command, said recently that the key to military success in Iraq, "is whether we can learn from our mistakes."

The same holds true for our reconstruction efforts, both at home and abroad. Yet poor financial controls and questionable performance by contractors continues to squander an important part of the treasure we sink into this effort. We already have seen how FEMA and the Administration dropped the ball in planning for disaster, and in responding to the crisis.

We must not fail. The reconstruction challenge now before us is here at home.

Mr. PRYOR. Mr. President, the average American might not follow the intricacies of our budget reconciliation process. However, they do know when the government has misplaced its priorities, shirked its responsibilities and shortchanged the families who need help the most.

Given our record budget deficits, I am prepared to make tough decisions to cut government spending, but what this bill represents is a misguided effort to balance the budget on the backs of hard-working families.

I question the rationale of some of my colleagues in this body who propose providing tax breaks for multimillionaires and special interests, while cutting resources that are critical to the families of Arkansas. For example, I am particularly disappointed that this package slashes: health care by $27 million for seniors and the poor; agriculture supports for farmers by $3 billion.

Mr. President, I want to tell you about Maya Romney of Arkansas. A Down's syndrome patient, Maya is able to receive critical therapies through Easter Seals, allowing her to interact in a classroom setting and live more independently. Quite simply, Maya's therapy services could be in jeopardy because Easter Seals is funded primarily through Medicaid. And while this saddens me greatly, it should also sadden everyone in this body because we all have Mayas in our State or others who depend on Medicaid.

This program, that some of my colleagues look to cut, provides vital resources for persons with disabilities and seniors. In my State, almost 50 percent of our Medicaid recipients are children. Additionally, 958 beneficiaries in Arkansas right now are Hurricane Katrina evacuees.

I know that in the long-term we can find ways to save money and improve the efficiency of Medicaid—in fact the Senate has supported measures to do just that. But, it is unacceptable to impose arbitrary cuts for a program that does so much to support families. By taking away these services we are endangering the health of too many Americans.

As an Arkansan, I am particularly disappointed in proposed cuts to agriculture. I know that the chairman of the Agriculture Committee has worked hard to make sure these cuts are distributed fairly, and he has done the best he can. I commend him for that.

But now is not the time to be cutting our support of agriculture in this country. Our farmers have gone through too much in the past year—rising energy costs, drought, and storm damage. They need us now more than ever.

But instead of reaching out to help the community that feeds America, some of my colleagues have proposed slashing $3 billion from agricultural programs, and imposing further payment limits that will dramatically hurt family farms.

Rural America is fed up. It seems as though every time this administration has needed to find revenue, whether to pay for the war in Iraq, cut the deficit, or provide relief from Hurricane Katrina, agriculture has been first on the chopping block.

Our farmers know they must do their fair share, but they are currently doing much more than that.

For the government's part, we should be investing in rural America not taking from it. There is enormous potential in rural communities and we should harness that potential to help drive our economy.

Now as I said earlier, the budget process requires us to take responsibility in balancing our books. But in the dense pages of the reconciliation package, we have lost sight of fiscal responsibility and are blithely ignoring several issues that will affect our budget for years to come.

After the Senate considers these budget cuts we will then vote on a set of tax breaks totaling $70 billion. It is no secret that the only reason we are looking at these budget cuts is to make room for tax cuts—most of which could be argued will not make it in to the pockets of people that need it the most.

And oddly enough, some of the tax cuts that we will be voting on, such as the capital gains and dividends cuts do not even expire for another 2 years.

But even more baffling is the fact that neither this budget bill or the tax cut bill we will consider in the coming weeks takes into account the billions of dollars we have spent and will continue to spend in Iraq. Neither bill takes into account the billions of dollars we have spent and will spend in the gulf coast.

I have voted for tax cuts in the past, and I will vote for them in the future but if we were truly being honest brokers this body would have the courage to look at all of our fiscal issues in a single package. Instead, we seem content to legislate in a vacuum where we refuse to recognize the reality of our fiscal situation.

We separate tax cuts bill from the budget bill, and the budget bill from emergency spending bill because deep down we know that we are wrong. We know that if we were to look at this fiscal puzzle as a whole, there would be no way to justify our actions. We would have to finally admit that we are being fiscally irresponsible.

Overall, this measure shows America that their government is willing to turn their backs on the families who need our help the most in order to provide favors for special interest groups. I cast my vote in opposition to this bill: it does not reflect my priorities, and it certainly does not reflect America's priorities.

Mr. President, I would like to express my serious concerns about efforts today, and possibly during the conference committee, that could dramatically cut Medicaid funding through this bill. Medicaid provides vital services for millions of Americans, especially persons with disabilities, children, and seniors. As we all know, access to health care is critically important for improving the quality of life and promoting greater independence for these individuals.

In my State alone, 17 percent of Arkansans depend on the Medicaid Program. An additional 1,000 Hurricane Katrina evacuees currently residing in Arkansas are receiving their health care through the State's Medicaid Program. It is essential that State Medicaid Programs and patients get the support they need, particularly at a time when States are facing budgetary crises and struggling to deal with skyrocketing costs associated with providing health care.

I understand that tough financial decisions have to be made in order keep this country's fiscal house in order, but I do not believe it is fair that we require our seniors, our children, and the disabled to shoulder this burden. It is simply unacceptable to impose arbitrary cuts for a program that does so much to support families in need. I believe we can find appropriate savings in Medicaid without jeopardizing the health care of so many Americans, and this body has supported measures to do that in the past. For example, I supported a bill to charge the Institutes of Medicine with evaluating Medicaid to find appropriate cost savings and improve efficiency within the program. But the proposals many Members of the House of Representatives are promoting in their version of this legislation completely fail to consider the implications for the health and well-being of Medicaid recipients. Rather, these cuts would have more to do with paying for tax cuts targeted to benefit the wealthiest Americans.

I believe Senator GRASSLEY and some members of the Finance Committee tried hard to soften the blow of the cuts required by the budget resolution, but I recognize that a much worse bill will likely emerge from the conference committee with the House of Representatives, and we will likely regret starting down this slope toward drastic cuts to an essential part of our Nation's health care system.

I have heard from many organizations and constituents who have expressed their concerns. Dana Plunkett and Angela Romney have both sent letter expressing their concerns for their children. Both of these mothers' children participate in the Easter Seals program which relies heavily on Medicaid. Dana's son Larry is able to live in an independent living facility because of Medicaid. Angela's daughter Maya who has Down's syndrome has been able to receive vital therapies to allow her to interact in a classroom setting and live more independently.

I am aware of the challenges many families, health care providers, States, and private payers for health care face under our burdened health care system. I appeal to my colleagues on both sides of the aisle to find a solution to adequately fund Medicaid and avoid gutting the program during conference negotiations.

Mr. BURNS. Mr. President, this week, the Senate is undertaking a significant effort to reduce Federal spending and return fiscal responsibility to the Congress. Not since 1997 has Congress attempted a budget reconciliation bill. But the fiscal situation facing the American people today demands a serious commitment from the Federal Government to reduce deficit spending. This reconciliation package is an important part of that process.

I recommend the chairman of the Budget Committee for his efforts on reconciliation. He has been an outstanding advocate for fiscal restraint, while trying to respond fairly to the competing demands for increased spending. While I do have some concerns about certain cuts included in this bill, on the whole I think it is a balanced package that accomplishes meaningful restraints on Government spending.

One of the positives of this bill is the provisions relating to energy production in the Arctic National Wildlife Refuge. It is time to open ANWR for oil production to increase our domestic supply of petroleum. We need to look no further than the gas pump to see what happens when U.S. oil production lulls. High gas prices hurt Montanans and dependence on foreign oil hurts our national security.

The Energy Information Administration states that the coastal plain region harboring the 1.5 million-acre 1002 Area is "the largest unexplored, potential productive onshore basin in the United States." Studies by the U.S. Geological Survey, USGS, estimate that drilling in ANWR could yield up to 16 billion barrels of oil—an amount roughly equal to 30 years of oil imports from Saudi Arabia.

Most people don't understand that the 1002 Area is only 1.5 million acres within the 19 million acre Arctic National Wildlife Refuge. This budget allows for development of only 2000 of those 19 million acres in ANWR. That means 99.99 percent of ANWR will be untouched. If this tragedy-filled hurricane season has taught us anything, we should realize that by concentrating our production and refinery capability in the Gulf of Mexico, we are risking supply disruption.

We need to do more offshore, and more onshore across this country. Last week, I held a hearing on onshore oil and gas development. The backlog we face in processing permits for reasonable onshore production contributes to the energy crisis we are facing now. All segments of the economy are directly impacted by the costs of fuel to produce and move our output. From keeping warm in our homes to moving food to the market, the American taxpayer faces a tighter budget as a result of skyrocketing energy costs. We simply must consider all options when it comes to increasing production, and ANWR are an important part of that.

The United States has some of the strictest environmental laws in the entire world. We can safely and carefully produce oil within our own shores, or we can ignore our responsibility to domestically produce this resource. Royalty revenues from oil production in ANWR is expected to produce $2.5 billion for the Federal Government over the next 5 years alone, plus provide valuable jobs, and reduce our dependence on foreign oil.

It is time for this body to do the right thing and increase our domestic production of energy, and ANWR is a good place to start. So I applaud the work of the chairman of the Energy Committee for including ANWR in this budget.

I am also pleased with the provisions to address digital television transition. Setting a firm date of April 7, 2009, allows the FCC to make critical spectrum available for the emergency workers who protect our communities. Our first responders need access to this spectrum to ensure communications in times of national emergencies.

In a rural State like Montana, this spectrum can also be used to expand broadband access, linking rural communities not just for emergency needs, but for education, telehealth, and economic development.

The revenues generated by this spectrum auction generate billions toward paying down the national debt, but also give us the flexibility to address some other priorities, including essential air service. I was pleased to be able to include language in this bill that will provide an additional $75 million for essential air.

Thirty-seven States rely on essential air, but skyrocketing fuel prices are placing that service in jeopardy. The provision I included will increase EAS funding over the next 5 years, and ensure that communities relying on essential air will continue to have transportation options.

Also important to Montana is ensuring that Federal incentives for higher education remain intact. Though significant cost savings have been achieved in the reconciliation package adopted by the Senate's Health, Education, Labor and Pensions Committee, many positive changes have been made to benefit the students who most need assistance.

The higher education reforms save $9.8 billion over 5 years, while still preserving critical benefits for students across the country. For first- and second-year college students, the loan limits will be increased to $3,500 for the first year and $4,500 for the second year. This is especially important in a State like Montana, which ranks third-from-last in retention of first-year college students who continue on to their second year.

Not only are we increasing the overall aid available, but are also emphasizing the various types of education needed from the current workforce. This bill provides for additional funding for grants for Pell-eligible students who major in math, science, technology, engineering, and some foreign languages. All too often, employers comment that they have skilled jobs available, but are unable to find the kind of specialization they need from students, and by providing incentives for students to study in these underutilized areas, they are able to obtain an affordable education and fill a much-needed place in the workforce.

I am especially proud of the provision in this bill which provides for deferment on loan payment for borrowers serving in active duty or in the National Guard. This provision sends a strong message of support to our men and women in uniform, and I am pleased to support its inclusion.

While there is plenty to praise in this reconciliation package, I have very strong concerns about the proposals to cut $4 billion out of agriculture programs. When this Senate debated the spending cuts and reconciliation instructions earlier this year, this body agreed to $3 billion in agriculture cuts.

While I would prefer no cuts to farm bill programs, I understand that everyone must do his or her part to reduce Government spending. The House of Representatives wanted to cut more out of farm programs, as did the President. I think the Senate settled on a fair amount, and I applaud the chairman of the Budget Committee for retaining that level in conference.

But we are not talking about $3 billion in cuts, the $3 billion that we all agreed to. Instead, farm programs are taking a massively disproportionate cut. Commodity and conservation programs are being reduced by nearly $4 billion. The extra money is not being returned to the Government to pay down the debt. It is going to a select group of interests, to subsidize small dairies. These budget cuts pit one producer against another. My Montana wheat growers are being asked to pay for dairy subsidies. That is simply unreasonable.

In these times of high energy and fertilizer costs, we are asking farmers to bear much more than their fair share of program cuts. I urge my colleagues to reconsider this proposal. Cuts to agriculture spending need to be fair and shared across the board. Giving one sector of one industry a billion dollars for 2 years, at the expense of farmers all over the country sends a terrible message to the hardworking families that feed this Nation.

Lastly, I want to turn to the issue of cuts to Medicare and Medicaid. While I believe the proposals to reform and strengthen Medicare and Medicaid included in this reconciliation package are generally good, there are some issues I want to highlight.

I remain concerned about our community and independent pharmacists. In Montana, they are small business men and women, and, all too often, they are the only place in small towns where folks can get the medication they need. I remain concerned about how this package may affect them and will do what I can to make sure they are not adversely affected by provisions in this bill.

However, this bill also provides funding to states that face shortfalls in the State Children's Health Insurance Program, SCHIP, and expands outreach and enrollment activities to cover more children. The SCHIP program has been incredibly important in Montana, in ensuring children have the health care they need to lead healthy, fruitful lives. I am glad to see that this bill also establishes a new grant program to finance innovative outreach and enrollment efforts designed to increase enrollment and promote an understanding of the value of health insurance coverage. I expect this outreach to be helpful in Montana, where reaching those in need is often difficult because of the vastness of our state.

This bill will also extend the Medicare Dependent Hospital program, which provides financial protections to rural hospitals with less than 100 beds that have a greater than 60 percent share of Medicare patients. Many of Montana's hospitals fall into this category, as our Medicare population, especially in the most rural areas continues to grow rapidly.

Medicaid options are expanded through the Family Opportunity Act, so that parents of severely disabled children can go to work, without risking Medicaid benefits. New incentives are provided to purchase long-term care, and new resources are provided to help states combat fraud and abuse that steal money away from low-income families that need it the most. These are good reforms, and they will greatly benefit Montanans.

Undertaking spending cuts on any scale is a difficult task. But Congress must do its duty to rein in the growth of the Federal Government, provide incentives to economic growth, and ensure that the safety nets we have in place are truly benefiting those who need assistance most. Although there are certainly things I would change about this package, I urge my colleagues to support it. The American public must know that Congress is willing to make difficult choices to reduce runaway Government spending and use tax dollars wisely. This budget is a good start, and I look forward to supporting its passage.

Mr. ROCKEFELLER. Mr. President, I oppose the legislation the Senate is considering today. This bill does not reflect American values. Although proponents of the bill try to claim that this is a deficit reduction bill, it is transparently not so. This bill is only the first half of their budget policy. The second half, which we will see in a couple of weeks, provides tax cuts almost double the size of these spending cuts. In the end, the policy advanced by this reconciliation process is to increase the deficit by more than $30 billion in order to provide additional tax cuts while shortchanging valuable programs.

I am extremely concerned about how this legislation will affect the people in my State of West Virginia. I believe that the effect will be very painful indeed. This bill cuts $10 billion from Medicaid, on which our most vulnerable members of society depend for basic health care. I have fought very hard to improve the provisions of this bill related to Medicare and Medicaid, but I am sorry to say that in the end, this bill will deal a terrible blow to those programs. And the effects will certainly be felt by our neediest and sickest citizens.

In a letter to the Congress, the National Council of Churches said of this budget bill, "It violates all the fundamental Christian values of loving thy neighbor, caring for the poor, and showing mercy." In fact, they said that this proposed budget would be a "moral disaster of monumental proportion." I think it is a very sad day when the Senate of the United States would vote for such legislation, especially in the context of a fiscal policy that is focused on giving additional tax cuts.

In a broader sense, I am very concerned about what this bill says about the state of Congress' budget process. I am afraid that the budget reconciliation process that was originally intended to help Congress enact difficult policies to reduce deficits is being utterly abused by the majority to enact policies that not only cannot garner broad support but also do nothing to improve our nation's fiscal situation. The unique role of the Senate is undermined when the reconciliation process is used to enact policies that are not related to deficit reduction, most egregiously in this bill drilling for oil in the Arctic National Wildlife Refuge.

Today, Federal Reserve Chairman Greenspan testified to the Joint Economic Committee that unless reversed the nation's "budget trends will cause severe economic disruptions." I agree with Mr. Greenspan, and I stand ready to work with my colleagues toward the goal of deficit reduction. However, the reconciliation process underway in Congress today, in fact, will exacerbate our runaway deficits.

I vehemently oppose this bill. I ask my colleagues to join me in defeating it so that we can make real progress toward improving our Nation's budget situation in a way that is consistent with our American values, in a way that is truly compassionate toward the least fortunate of our fellow citizens.

Mr. President, I also wanted to make a brief statement about the fundamental importance of providing help and support to the families devastated by Hurricane Katrina. This is an unprecedented disaster. Many families lost every thing they own and they have been displaced for months, and that sadly will continue to be the case for quite some time.

For weeks, I joined Senators GRASSLEY, BAUCUS and others to fight for legislation to expand health care coverage for these needy families. Today, I voted for Senator LINCOLN's amendment to expand Medicaid coverage to help the evacuees of this disaster. I am disappointed that this amendment failed by a vote of 52 to 47. These families need and deserve health care. It is tragic that the Senate refused to help vulnerable Americans.

On the education front, the reconciliation package included by voice vote an Enzi-Kennedy amendment to provide support to the schools that have already accepted evacuee students. The children and all the schools that accepted such students, without knowing how or when they would get funding deserve our support.

I voted against the Ensign-Santorum amendment that sought to change the Enzi-Kennedy bill into a direct voucher program. It would have removed the carefully negotiated provisions designed to maintain the basic civil rights protections in the underlying education package. This legislation, in my view, merely provides a one time emergency financial grant to the schools and communities that opened their doors and classrooms to evacuee students following such an historic disaster.

Mr. COBURN. Mr. President, I thank the leadership for giving me an opportunity to express some concerns with the version of "value-based purchasing" for physicians in the Medicare program, as presented in the Senate reconciliation legislation. While I commend the committee's efforts in finding budget off-sets to stop the Medicare payment cuts facing physicians next year I believe the committee, and Congress as a whole, has accepted the idea of "value-based purchasing" with little discussion, vetting and evidence that it will actually do what people say it will do.

We have a big problem in the Medicare system. Our physicians, the bread and butter of the Medicare program who provide millions of services each year to Medicare beneficiaries, are facing unprecedented cuts in their reimbursement at a time when their own costs are skyrocketing. We have known about this problem for years, have taken action to prevent previously scheduled cuts and once again we must take action this year to prevent more cuts. I commend the Senate Finance Committee's efforts for at least preventing these cuts for a year and recommending that physicians receive a modest one percent increase instead of a 4.4 percent cut. I know the physician community is grateful for this effort in a time of budget deficits, hurricanes and other problems.

I am concerned about another provision included in the bill—specifically, value-based purchasing, a.k.a. "pay-for-performance." My concern is that this concept is not ready to be codified and be taken to prime-time. In the last decade, we have already declared two Medicare physician payment systems—the current sustainable growth rate formula and the volume performance standard—dysfunctional and unworkable. I do not see the value of diving so quickly into adding a new, untested and unproven system on top of an already declared disaster—the sustainable growth rate or "SGR."

As a physician, I can attest that most doctors are dedicated to improving the quality of care they provide their patients. The concept of continuing medical education and continuous quality improvement is engrained in our medical culture. For years, physicians have been involved in peer review, the development of clinical guidelines and best practices, and outcome measurement. The concept of value-based purchasing is to turn these practices into a payment system that pays higher performers more and pays less to those who cannot make the grade. In theory, this has great promise and I believe it will improve the quality of care provided to all Medicare beneficiaries while increasing efficiency in the system.

However, I am concerned that the language included in S. 1932, the "Deficit Reduction Omnibus Reconciliation Act of 2005" will not achieve these goals. While it does give physicians a 1 percent update for 2006, it does not address the impending cuts scheduled for January 1, 2007. The proposed legislation does not fix the SGR, it instead places cuts on top of cuts, and infuses a system that mandates greater volume on top of one that penalizes physicians for volume increases. Value-based purchasing and the SGR are not compatible and cannot work together. In exchange for a one percent increase in 2006, physicians could receive cuts of up to 7.5 percent in 2007, 2008, 2009, 2010 and 2011. If you think your physician constituents are frustrated now, wait until they understand this.

Under the suggested program, some physicians may have the opportunity to earn back that additional two percent cut if they meet specific "quality" and/or "efficiency" measures. Many of these measures have not yet been developed, have not yet been vetted by consensus building groups like the National Quality Forum and may or may not be evidenced-based. Before there is value-based purchasing, there must be agreed upon, comprehensive quality and efficiency measures for each medical specialty developed by the specialties themselves. In this proposed legislation, bureaucrats in Baltimore would primarily develop the measures that physicians across the country—with limited input from the physician and specialist community. I can tell you as a doctor that I am not interested in having some bureaucrat in Baltimore tell me how to deliver a baby in Muskogee, OK, and my patients are not either. Physicians must be the ones to develop these measures if they are going to be held accountable and if it is really going to improve quality and not just be another layer of paperwork and bureaucratic administration.

I believe pay-for-performance is critical to improving quality in our healthcare system. But we must get it right. Our physicians are facing year after year of cuts and beneficiaries are facing a loss of access to the physicians they know and trust. I believe the correct course is to deliberately and methodically build up toward a new physician payment system that accurately accounts for the cost in providing care to beneficiaries while encouraging and rewarding high quality and improvement.

Mr. DODD. Mr. President, I rise today to express my opposition to the spending reconciliation bill, which has been misleadingly titled the "Deficit Reduction Omnibus Reconciliation Act of 2005." As some of my colleagues have mentioned, the spending bill before us today is only one-third of the budget reconciliation picture—the other two pieces are a tax cut bill and a bill to increase the debt limit. Taken together, this package of reconciliation legislation would increase the budget deficit and impose greater costs on some of the most vulnerable members of our society. It would also allow for drilling in the Arctic National Wildlife Refuge, which would be environmentally damaging and do nothing to reduce our dependence on foreign oil. The bill fails to reflect the priorities of the people of our nation and it fails to seriously address the major challenges we face as a Nation.

We are living today in an increasingly global society, one that presents tremendous opportunities. But with those opportunities come challenges. Today, countries like China and India are becoming increasingly desirable for venture capitalists interested in investment, for students interested in higher education, and for companies interested in labor that is not only inexpensive but well-educated and well-trained, too. With economic development and expansion have come greater competitive pressures.

Our labor market is under strain—real wages are stagnating, health care is becoming increasingly unaffordable, and pension benefits are being eroded and cut. The science and math scores of our high school seniors are at the bottom of the pack of industrialized nations. And we are the only nation in the developed world where literacy levels of older adults are higher than those of young adults.

Our Nation faces a choice. Are the administration and Congress going to respond to new challenges in a sensible and progressive way or will they continue to ignore the facts and adhere to policies that have brought Americans higher deficits, higher unemployment, and lower incomes? Will they continue to hold to the primitive philosophy that lower taxes on the most affluent, higher taxes on everyone else, and less investment in education, research, and business growth will somehow magically restore us to our place of economic preeminence in the world?

This view is naive and betrays a fundamental misunderstanding of our history. Our economic success has not been achieved despite investments we made in our people, but because of them. The not-so-benign neglect that characterizes much of our current national economic policy is not a strategy for success. It's an excuse for complacency, and ultimately a recipe for mediocrity.

Regrettably, this reconciliation package continues failed policies that will only continue to erode our Nation's place in the world.

First and foremost, the budget reconciliation package takes the worst fiscal record of any president in history and makes it worse. It takes procedural rules specifically designed to reduce the deficit and uses them to increase the deficit by $30 to 35 billion over the next 5 years. Part one of this reconciliation legislation may be cutting spending by $35 billion, but part two will provide tax breaks costing even more—$70 billon.

This fiscal irresponsibility is not an isolated case. Under President Bush, the Federal budget has gone from a surplus of $236 billion in 2000 to a deficit of $319 billion in 2005. The national debt has risen by nearly two and a half trillion dollars since 2000, totaling roughly $8 trillion as of this morning. That amounts to $27,041.81 for every man, woman, and child in the United States. Every minute in 2005, Republican budget policies have added $1,048,952 to the national debt.

As we have borrowed more, we have been forced to rely increasingly heavily on foreign lenders—particularly the central banks of countries like China and Japan—to fund our profligate ways. Foreign holdings of U.S. Treasury debt have more than doubled under the Bush administration from $1.01 trillion in January 2001 to $2.06 trillion in August 2005. Japan now holds $684 billion of that debt and China now holds $248 billion. We are playing a dangerous game here by relying so heavily on borrowing from abroad.

Some in this administration have reportedly argued that deficits don't matter. I strongly disagree. By blowing a massive hole in our budget, this administration and the Republican majority in Congress have seriously jeopardized our ability to meet the needs of our nation's other critical priorities.

The cost of the Bush administration's deficits is reflected right here in this spending reconciliation bill. In order to pay for just a small piece of the Bush tax cuts for the most affluent, this legislation would impose harmful cuts that would fall disproportionately on working Americans and the most vulnerable in our society.

For example, this bill cuts funding for Medicare and Medicaid, which provide health care to poor children, working men and women, the disabled, and the elderly. It cuts funding to rehabilitate FHA-insured multi-family housing. It dramatically increases the premiums paid by pension plans to the Pension Benefit Guarantee Corporation, the Federal pension insurer, making it more expensive for companies to offer defined benefit pension plans for their employees.

While many of the health care cuts in the Senate's reconciliation bill are less severe than what is contained in parallel House reconciliation proposal, I remain concerned that even under the Senate plan Medicare beneficiaries will have to pay more for critically needed services and access to Medicaid services could be limited for some beneficiaries.

As bad as the cuts are in the bill before this body, the companion legislation in the House of Representatives is much, much worse. It contains food stamp cuts for roughly 300,000 people, most of them in working families. It contains Medicaid cuts that would reduce health care benefits and increase health care costs for roughly 6 million children, as well as many low-income parents, the elderly, and people with disabilities. And it contains cuts in child support enforcement, child care assistance, and Federal foster care assistance.

So let us not be under any illusions: any conference agreement with the other body is likely to be even more harmful to the well-being of Americans.

The reason for these cuts is to pay for a small portion of President Bush's tax breaks for those who need them least. More than 70 percent of the benefits of the Bush 2001 and 2003 tax break packages have gone to the 20 percent of taxpayers with the highest incomes, according to the nonpartisan Tax Policy Center of the Urban Institute and the Brookings Institution. More than 25 percent of the tax-cut benefits have gone to the top one percent. I believe these priorities are seriously out of step with the values of this Nation.

In addition to cutting assistance for the poor to pay for tax cuts for the wealthy, this legislation would open the Arctic National Wildlife Refuge to drilling. Not only would such drilling be incredibly damaging to the region's fragile ecosystem, it would do nothing to reduce our Nation's dependence on foreign oil. Reasonable estimates project that drilling in the Refuge would provide only enough oil to satisfy U.S. demand for 6 months. Moreover, this supply would not even come on-line for 10 years. The belief that our country can drill our way out of dependence on foreign energy sources is misguided.

As a nation, we face significant challenges in both the short and long term. Americans are concerned about finding and keeping good jobs, paying for soaring energy prices, and whether they will have good health care when they need it. They are concerned about hurricane disaster relief and rebuilding assistance, and preparedness for the threat of an avian flu crisis. They are concerned about the war in Iraq and protecting the homeland from terrorist attacks. They are concerned about our education system and our competitiveness in the global economy.

The budget resolution—and the reconciliation legislation that carries out its instructions—is a statement of priorities. Unfortunately, the bill before this body today fails to seriously address the concerns of American families and businesses.

We can do better than this legislation. We can do better than harmful cuts for the poor and for children and for seniors. We can do better than using these cuts to pay for tax breaks for the most well-off in our society—who are, by the way, hardly clamoring for the kind of tax largesse that this Administration and its allies in the Congress insist on heaping upon them.

We should be investing in our society—in our education system and our knowledge base. We should be investing in science and technology and research and development. This legislation is not about investing in America. It is about fiscal irresponsibility in the name of tax breaks for those who need them least. Therefore, Mr. President, I cannot support this bill.

While I am unhappy with this reconciliation package overall, I am pleased that this bill does contain lifesaving legislation that I have introduced the past two Congresses that will provide Medicare coverage for screening for a dangerous condition known as abdominal aortic aneurysm—or AAA—a silent killer that claims the lives of 15,000 Americans each year. AAAs occur when there is a weakening of the walls of the aorta, the body's largest blood vessel. This artery begins to bulge, most often very slowly and without symptoms, and can lead to rupture and severe internal bleeding. AAA is a devastating condition that is often fatal without detection, with less than 15 percent of those afflicted with a ruptured aorta surviving. Estimates indicate that 2.7 million Americans suffer from AAA. Further, research indicates that when detected before rupturing, AAAs are treatable and curable in 95 percent of the cases. And while most AAAs are never diagnosed, nearly all can be detected through an inexpensive and painless screening.

I want to thank my colleague Senator JIM BUNNING for joining me in supporting this important and lifesaving legislation. When we first introduced this legislation in the last Congress, we were joined by patients who had suffered a ruptured aorta as result of an AAA and their families. At this event these patients shared with us their harrowing and personal stories of battling this deadly condition. It is because of struggles like theirs that we are here today at the outset of an effort to prevent abdominal aortic aneurysms from advancing to the point of rupture by providing coverage for a simple yet lifesaving screening. Simply put this legislation is about saving lives and I am pleased that it is contained in the bill passed today.

Finally, I would also like to say a brief word about the amendment being offered by Senator BYRD that deals with the issue of H–1B and L–1 visas. His amendment would strike the text in the underlying bill dealing with immigrant worker visas and replace it with a $1,500 fee for employers who file a petition to hire a foreign worker under the L–1 visa program.

Immigration reform is a critical issue that this body must address. It is a matter of national security, of overall economic well being, and of protecting American workers. Simply put, the underlying bill is not the appropriate place to address such critical and complicated immigration issues as the H–1B visa. So I thank Senator BYRD for offering his amendment. I strongly support it and I hope that my colleagues will as well when it comes to a vote.

Mr. FEINGOLD. Mr. President, today's vote is the first part of a three-step budget reconciliation package that actually leaves this Nation's budget worse off than it is now, not by tens of millions of dollars, which itself would have been a disservice to the American public, but by tens of billions of dollars.

Using reconciliation to push through legislation that will worsen our budget deficit and add billions more to the mountain of debt our children and grandchildren will have to pay is a perversion of a process designed to expedite measures to reduce the deficit.

Reconciliation was intended to help facilitate the enactment of measures to reduce the deficit. It is ironic, to say the least, that it should be used to enact measures that only aggravate our budget deficits and increase our massive debt.

No one who has served in this body for the past 10 years, and especially the past 4½ years, should pretend to be shocked, however. This is only the latest abuse of a reconciliation process that in recent years has been the principal tool used to enact some of the most reckless fiscal policies in recent history.

But for even the most cynical, there are new lows in this bill, most notably the use of reconciliation to jam through a controversial policy measure to permit drilling for oil in the Arctic National Wildlife Refuge. At the very least, the Senate should be allowed to conduct a full and open debate on this misguided decision to undermine the crown jewel of our National Wildlife Refuge System. To say that the inclusion of this provision in the reconciliation package is based on dubious revenue assumptions would be kind. By perverting the budget process to push through oil and drilling in the Arctic Refuge, the majority has successfully squandered away the legacy of environmental stewardship initiated by President Eisenhower in 1960.

Also of concern are the significant changes to the Medicare and Medicaid programs, cutting programs that offer critical health care services to people who most need it. The Senate package does adopt some positive changes, such as cutting the Medicare Advantage slush fund, preventing Medicare cuts to physician payments, and protecting inpatient rehabilitation hospitals. Unfortunately, the President has made it clear that he does not support many of the provisions that will protect beneficiaries, but instead would rather give money to insurance and pharmaceutical companies.

The administration has stated that it prefers provisions offered in the House budget package. The House plan for Medicaid cuts includes cutting programs for children, pregnant mothers, the disabled, and the elderly, while including stipulations to shift costs onto already poor and vulnerable populations. This bill will result in considerable changes to these programs that could negatively affect multiple generations of American families, and I am deeply concerned about the possibility of a final conference report that adopts the House approach on these issues.

In one of the few bright spots in this package, the Agriculture Committee overwhelmingly and in a bipartisan manner proposed an extension of the Milk Income Loss Contract, MILC, program as part of its reconciliation package. This committee action and the lack of an attempt to remove the extension on the floor show the strong support for this vital dairy safety net. I renew my call to the administration to fulfill the President's campaign promise and actively work with members of the House to reaffirm the Senate's strong support for MILC.

I close by cautioning my colleagues in the majority party that the precedents set by previous reconciliation bills and being set in this one lay the groundwork for the leveraging through of policies they may find troubling the day Democrats become the majority party in the Senate. And that day will come.

My friends across the aisle may be thinking, "We have nothing to lose. When Democrats take control, there will be enough of them who will object to the kinds of abuses of the reconciliation process in which we engaged."

Well, if that is their thinking, they may be right. But I suggest that it is an unreliable strategy. The best protection against possible Democratic abuse of reconciliation in the future is to ensure that the rules are enforced as they were intended at all times, not just when they serve your immediate policy objectives.

Using reconciliation to enact controversial energy and health policies is an abuse of that process. Using reconciliation to enact legislation that will worsen budget deficits and increase the debt is an abuse of that process.

And, please, let's not waste the Senate's time with arguments that somehow this particular bill before us isn't an abuse because this bill, by itself, does not worsen the deficit. No matter how many pieces you slice it into, the reconciliation package will leave us with bigger deficits, not smaller ones.

When Congress and the White House become serious about cleaning up the fiscal mess they created, and when they are willing to spread the burden of that clean up across all programs—defense and nondefense discretionary programs, entitlements, and the spending done through the Tax Code—I am ready to help. But so long as we see reconciliation measures that are contemptuous of the principles on which reconciliation was based, I must oppose them.

Mrs. BOXER. Mr. President, I strongly oppose the reconciliation bill before the Senate.

The bill would cut vital programs for the middle class, elderly, and poor in order to pave the way for yet another tax cut for the richest individuals in the county.

Hurricane Katrina focused the Nation's attention on America's poor and displaced. In the wake of the storm, the people demanded that Congress act to help Americans in need and were justifiably angry at the administration's slow and inadequate response. Americans recognize that their government should aid those in distress in order to make this a better country for everyone.

That is why I cannot believe only 2 months after Katrina, we have a bill that would cut Medicare and Medicaid by $27 billion, increase Medicare premiums for seniors, cut the availability of affordable housing, and cut support for our farmers by $3 billion.

Even worse, the House of Representatives is looking to make even deeper cuts to Medicare and Medicaid and to cut the food stamp program, child support enforcement, the foster care program, and student loan programs.

These cuts will harm millions of Americans.

And why are the Republicans doing this? Not to reduce the deficit, which is spinning out of control, but to provide tax cuts for millionaires that will at the end of the day actually increase the deficit.

The tax portion of the reconciliation package will provide $70 billion in tax breaks—$30 billion more than the proposed spending cuts. In a perversion of the budget reconciliation process, the Republicans will be adding to, not decreasing, the Nation's $8 trillion debt.

The majority of those $70 billion in tax breaks will go to the wealthy. People making over $1 million a year will get an average tax cut of $35,491. In comparison, those making between $50,000 to $200,000 a year will get a break of $122. And those making less than $50,000 a year will get an average tax cut of $6.

That means that people who are most hurt by the spending cuts—the middle class, seniors, and the poor—will get almost no benefit the tax cuts.

The reconciliation package also is a windfall for big oil. It would allow them to drill in one of American's most pristine areas—Alaska's Arctic National Wildlife Refuge. Fragile wilderness will be opened, threatened, and ultimately ruined for the sake of 6 months' worth of oil.

What makes America the greatest Nation in the world is our sense of community and compassion. Americans look out for each other, and our government should do the same.

The budget reconciliation package reflects none of the core American values of compassion and equity. Instead, it harms those who are most vulnerable in order to benefit the rich and a handful of special interests.

For these reasons, I cannot support the budget reconciliation spending bill and will vote against it.

Mr. BUNNING. Mr. President, Earlier today, an amendment I have worked closely with Senator DODD from Connecticut on was passed as part of the budget reconciliation package. The amendment is based on legislation we introduced which would provide a new, one-time screening benefit for abdominal aortic aneurysms, AAAs, under Medicare for certain, eligible beneficiaries.

I am pleased this amendment was accepted, and I appreciate the hard work from Senator DODD in helping get this amendment passed. I hope that we can continue working to ensure that this provision is included in the final reconciliation package.

AAAs occur when there is a weakening of the walls of the aorta, the body's largest blood vessel. The artery begins to bulge and can lead to a rupture and often severe internal bleeding. In cases where an artery ruptures, the survival rate is less than 15 percent, and approximately 15,000 people die from ruptured abdominal aortic aneurysms each year.

When detected before rupturing, AAAs are treatable and curable in 95 percent of cases. Nearly all AAAs can be detected through an inexpensive ultrasound screening. Once detected, a physician can monitor small aortic aneurysms and begin treating the risk factors, such as high blood pressure and smoking. Large or rapidly growing aneurysms are often treated using either an open surgical procedure or a less invasive stent graft, both of which serve to repair the artery.

It is estimated that between 5 to 7 percent of adults of the age of 60 have AAAs.

Our amendment targets AAA screenings to Medicare beneficiaries with a family history and those who exhibit risk factors recommended for screening by the U.S. Preventative Services Task Force, specifically men who smoke. The amendment also limits screening to those eligible beneficiaries who participate in the Welcome to Medicare Physical.

This amendment could save thousands of lives each year, and I am pleased we were able to include it in this package.

Mr. KOHL. Mr. President, I am in reluctant but adamant opposition to the reconciliation bill before us. I say reluctant, because I am glad to see the Senate using the reconciliation procedure for the purposes for which it was intended: making difficult choices to reduce spending. And reluctant because some of the policy changes incorporated in this bill are necessary and worthy of the Senate's support.

One such provision relates to extension of the Milk Income Lost Contract, MILC, program. MILC, which expired at the end of the last fiscal year, provides counter-cyclical support for the nation's dairy sector. It is targeted. It is fair. It is essential. Moreover, it enjoys the President's support. It makes sense as part of the balanced Agriculture package in this bill.

But my opposition to the entire package is adamant because this bill is just one piece of a fiscally and morally bankrupt budget. Though this bill asks for sacrifices from seniors, students, farmers and working families, the budget of which it is part will add over $30 billion to the deficit over the next 5 years. Though this bill makes real cuts in Medicaid, Medicare, aid to farmers and funding for conservation programs across the country, the budget of which it is part will add $3 trillion to the national debt by 2010.

If this bill was what many on the floor have argued—a carefully crafted compromise to cut $39 billion from our growing federal deficit, I would have to think hard before opposing it. But the budget calls for today's bill to be followed with $70 billion tax cut, the bulk of which will go to those with more than $1 million in annual income.

I am willing to make the hard choices to bring our budget deficit down. I am not willing to support taking needed services away from those that need them the most—and use those cuts as a fig leaf to hide tax breaks for those who need them the least.

Our budget is the most basic expression of what we stand for as a government. Is this budget really what we want to vote to say? That we are the sort of country that threatens our own economic stability by piling deficit upon deficit? That we show our fiscal toughness by chopping aid to those in need? That we show our compassion only to those whose biggest problem is finding a really good tax shelter for their growing capital gains?

Make no mistake, this bill is the first piece of the budget that says just that, and for that reason alone, it deserves our solid opposition. But beyond that, there are individual provisions in this bill to which I take exception. One is the use of this bill's extraordinary fast track procedures to accomplish what big Oil's proponents have not been able to get through the Senate in the past: opening the Arctic National Wildlife Refuge to oil drilling.

I have long supported protecting this valuable and fragile natural wonder, and I think it is unfortunate that we are drilling in this wilderness for a relatively small payback. Those on the other side of this issue who use the current high price of oil to justify the violation of this pristine area are short sighted. According to the Department of Energy's own analysis the oil from the refuge will only lower the price of a barrel of oil by one penny. In addition, this oil will not come on line for almost a decade. Instead of threatening our natural heritage, I believe we should be looking instead at encouraging conservation efforts, and taking a careful look at high oil company profits. We do need to act to lower our dependency on foreign oil, but we cannot drill our way out of dependency.

I'm also particularly disappointed that the bill we are considering today contains harmful program cuts that would fall disproportionately on the most vulnerable in our society. This legislation cuts funding for health care provided through the Medicaid program, which provides health insurance to poor children, pregnant women, and elderly. My Republican colleagues argue that we must cut waste and fraud in Medicaid and I am not opposed to that. However, I do not agree with the arbitrary way they have gone about cutting funding from this critical safety net program—without which millions of Americans would be uninsured—and using that money to pay for tax cuts for people with high incomes. I'm also concerned about the increased burden this bill places on seniors through additional cuts in the Medicare program and an increase in Medicare Part B premiums. I hope my colleagues will support several of the amendments offered today to help minimize the impact these cuts could have on our Nation's elderly.

I urge my colleagues to reject this bill—and the irresponsible and cruel budget of which it is part.

Mrs. FEINSTEIN. Mr. President, I rise today truly alarmed about the administration's fiscal irresponsibility. In the past 5 years, the President's policies have turned record surpluses into record deficits. Just a few weeks ago, the Department of Treasury announced that this year's budget deficit is the third largest in history at $319 billion.

But, that is not where the bad story ends.

By sleight of hand, the administration continues to use other resources to finance debt, including foreign lenders and Social Security. The real deficit is a staggering $551 billion, 4.5 percent of GDP.

Administration officials are nonchalant about the fiscal disarray.

I am deeply worried. We all should be.

On October 18, the national debt passed the $8 trillion mark. Even more disturbing, the national debt is being financed by Chinese, Japanese, and other overseas lenders. To put this into perspective, in absolute dollars, the country is borrowing more than ever in its history, close to $2 trillion from foreign nations. We owe over $680 billion to Japan, $390 billion to the European Union, $240 billion to China, and $57 billion to OPEC nations, to name a few.

It is beyond me how this administration can turn a blind eye to these numbers, or how Congress can approve legislation that exacerbates these fiscal problems.

Instead of facing up to the fiscal truth, President Bush ignores the mountain of debt that will burden generations to come.

First, this President shortened the budget timeline from 10 years to 5 years. Relying on this kind of gimmickry covers up for the President's destructive fiscal decisions, especially as they relate to tax cuts for the rich.

Second, this Republican Congress voted against a system to keep the budget in balance. I am referring to the pay-go rule endorsed by Federal Chairman Alan Greenspan and former Secretary of Treasury Robert Rubin. Pay-go would have required an offset for any decrease in revenue. The method would have ensured a balanced approach to tax cuts. Unfortunately, Republican congressional leaders opted for shunting aside integrity in budgeting. They back pay-go in name, but not in practice.

By any standard, the decisions to ignore a 10 year budget timeline and disregard balancing methods have caused massive red ink and send the country precisely in the wrong direction.

In fact, Federal Reserve Chairman Alan Greenspan put it this way:

> The federal budget deficit is on an unsustainable path, in which large deficits result in rising interest rates and ever-growing interest payments that augment deficits in future years . . . Unless this trend is reversed, at some point these deficits will cause the economy to stagnate or worse.

I fear this reconciliation package, coupled with the administration's tax cuts, will lead us to even worse times.

Reconciliation is simply asking too much of middle income families who are facing cost increases for basic needs.

For instance, energy costs to heat one's home have increased 20 percent from last year. Education costs for public universities have increased 7.1 percent. Interest rates that impact college loan payments have doubled over the last 10 months. And, gas prices have increased 19 percent over the last 4 months.

Instead of assisting families with these increased costs, raising the standard of living for the poor, or improving the opportunities to attain a college education, this package adds to financial pressures.

For health care alone, premiums have climbed higher than $10,000 for families, and this bill will do nothing to reduce out-of-pocket health care spending.

More perniciously, what the bill does do is cut $10 billion in health care spending for the poorest Americans.

While the bill provides a 1-year temporary relief to physicians, a 1 percent increase in Medicare reimbursements is not enough. This is a Band-Aid fix, at best. When expenses to practice are increasing at a rate of 3 to 5 percent annually, a 1-year 1 percent increase in reimbursements is insufficient. In my State, where the cost of living is beyond the reach of many Californians, doctors are simply choosing not to see any new Medicare patients or are retiring early due to low reimbursement levels.

To make matters worse, the temporary relief for physicians in the bill is borne on the back of Medicare beneficiaries in the form of higher Part B premiums. This provision will directly increase the amount Medicare beneficiaries pay each month in premiums by $2.90 in 2007. That is a 33-percent increase in monthly premiums. While it is vital that Congress prevent future cuts in Medicare reimbursement to physicians, the provision in this bill amounts to a $1.4 billion tax on seniors. That is unacceptable.

Further, it is no secret that increased debt puts pressure on inflation. In just this past year, the Federal Reserve enacted 11 consecutive interest rate increases.

This means the American people will have to make higher mortgage payments, pay higher interest, and for those who own debt, it will take even longer to pay off their credit cards.

For some, this bill will put a college education out of reach. Middle-income families, who have no choice but to borrow money for college, will struggle even more to pay tuition bills.

Due to increasing costs of basic needs, there are 1 million more Americans living in poverty this year than there were last year. Not only does this budget reconciliation do nothing to reduce that number, it puts many more Americans at risk of poverty due to higher health care costs and reduced access to social services and education.

As for the environment, this reconciliation blatantly undermines the natural wonders of our country. Shamefully, it opens the Arctic National Wildlife Refuge for drilling to already profit-soaked oil companies.

And, if that is not enough, this administration's fiscal policy forces our children to pay it all back—not only to the Social Security Trust Fund, but to foreign nations.

At any point, foreign countries can stop investing in the dollar, and any small movement could have a significant and immediate impact on the fiscal stability of our Nation's currency.

Does this Congress believe it is good foreign policy to put our economic interests and security in the hands of China, Japan, and the European Union?

Let me be clear, this budget reconciliation is asking Americans to: pay more in interest payments, pay more in health care premiums without improving benefits, borrow more from foreign lenders, further damage our habitat and environment, and leave an even larger bill for future generations to pay.

We should be talking about helping American families, not punishing them with new financial burdens. And, for what good reason? None whatsoever.

The Bush administration's Pavlovian response to everything that ills the economy is: tax cuts—not to middle- and low-income families, who need it most, but, instead, to the wealthiest Americans.

The wealthiest Americans have received tax cuts that are 140 times the size of the average tax cut for middle-income families. That means millionaires have received an average tax break of $100,000 a year while middle-income families have received a mere $742.

Let me be frank, the President's tax cuts do not help working Americans. In fact, the after-inflation wages of the average American earners have dropped for the first time in a decade.

Meanwhile, the President's tax cuts account for 57 percent of the deficit increase. In fact, President Bush's tax cuts are more expensive than all spending increases combined, including new spending for homeland security, the war in Iraq, operations in Afghanistan, expanded antiterrorism efforts, and all domestic spending increases. It is a fiscal record of excess and recklessness.

And without batting an eye, this President goes right along, reiterating his intention of making tax cuts permanent—at a cost of $11 trillion over 75 years—making it clear that even in the wake of hurricanes, rising gas prices, increasing interest rates, and higher health care costs, this administration will continue to push for lining the pockets of the wealthy.

I believe we can do better. I believe we can bring fiscal responsibility back to the budget process and help middle-income families. We have done it in the past. We can do it now.

In 1982, Ronald Reagan agreed to undo a significant share of tax cuts to combat substantial budget deficits.

Ten years later, President George H.W. Bush changed his position on taxes and signed a bipartisan deficit-reduction package.

More recently, in the late 1990s, after inheriting a national deficit totaling 4.7 percent of GDP, the Clinton administration turned deficits into our first budget surpluses since 1969.

Today, with the national deficit including trust fund accounts reaching 4.5 percent of GDP, it is time to do the same.

In the words of Former Secretary of Treasury Robert Rubin:

> We are at a critical juncture with respect to the longer-term future of our economy, and the outcome at this juncture will be enormously affected—for good or for ill—by the policy action we take in response to the great issues we face.

It is time to have the courage to act responsibly. This so called deficit reduction package is not what it claims to be. Yes, it will cut spending by more than $30 billion, but in a few weeks these savings will be spent on tax breaks for the rich. In the end, this reconciliation package titled "Deficit Reduction" will actually increase the deficit by $36 billion. This fiscal strategy edges us closer to fiscal insanity and leaves our children and their children impoverished and riddled with debt. The first step to doing better is voting no on this reconciliation bill.

Mr. JOHNSON. Mr. President, in order to meet its reconciliation instructions, the Banking Committee recommended that S. 1562, the Safe and Fair Deposit Insurance Act of 2005 be included in the banking title of the budget reconciliation bill.

Earlier this year, I joined with Senators ENZI, HAGEL, and ALLARD in introducing this important legislation which has garnered strong bipartisan support and was overwhelmingly approved by the Banking Committee last month. Additionally, it has the strong support of the administration, Treasury Department, the Federal Deposit Insurance Corporation, and the financial services industry.

Deposit insurance is one of the cornerstones of our country's financial system. It protects depositors against risks they cannot control, ensures stability, and allows deposits to remain in our local communities. This important legislation will ensure that deposit insurance maintains its strength even during times of economic weakness.

Borne out of the need to promote financial stability during the Great Depression, deposit insurance has served depositors well by providing stability to banks and to the economy, and it is especially critical to our Nation's smaller financial institutions and community banks.

While there have been differing opinions as to how deposit insurance should be reformed, there is general agreement that the system needs to be reformed and modernized. The banking industry is rapidly evolving and is becoming increasingly complex and sophisticated. Yet the last time any change was made to our system of deposit insurance was over 20 years ago. Reform is long overdue. The time has come for the system that was put in place to promote the stability of the banking system be appropriately reformed to keep pace with the evolution of that system.

Depositors must have confidence that their hard-earned money is protected, including the funds that cover their daily living expenses to the funds they are saving for retirement and a rainy day. To that end, this legislation introduces some very key reforms.

First, it merges the bank insurance fund with the savings association insurance fund to create the deposit insurance fund. By doing so, we create a stronger and more diversified fund, and eliminate the possibility for disparities in premiums between banks and thrifts.

Second, insurance premiums will be risk-based to ensure that banks pay based on the risk they pose to the system, and the FDIC will be able to price insurance premiums accordingly. The current system does not allow for premium assessments to be based on risk, and therefore, safer banks are subsidizing riskier banks. This inflexibility will be eliminated and the assessment burden will be distributed more evenly and fairly over time. When deposit insurance is priced for risk, whether the coverage limit is higher or lower is less relevant. Banks will have to pay higher premiums for riskier behavior, reducing any moral hazard. It is important to note, however, that in developing a new risk based premium system, the FDIC should not negatively impact the cost of homeownership or community credit by charging higher premiums to institutions simply because they fund mortgages and other types of lending through advances from Federal Home Loan Banks. Congress reaffirmed this relationship between community lenders and Home Loan Banks most recently in the Gramm-Leach-Bliley Act, and deposit insurance reform is not intended to impose any financial cost on the relationship through direct or indirect premiums.

Third, the FDIC will have the discretion to periodically index coverage levels for both general and retirement accounts to keep pace with inflation. This is a compromise made in order to secure the Bush administration's support. Frankly, I feel some form of automatic indexation would be far preferable, and I am disappointed that indexation is left as a discretionary matter. The real value of deposit insurance coverage is now less than half of what it was in 1980 when it was set at $100,000. By increasing the level of coverage for retirement accounts, we are adjusting for the real value of coverage. Insuring retirement accounts up to $250,000 will keep the coverage level up with inflation and will promote financial stability for individual retirees. Retirement accounts are the only accounts under this bill that will get a higher coverage level. I believe in the current environment, with the uncertainty surrounding social security and pension benefits, that it is critical that we provide appropriate coverage for the hard-working Americans who have saved for their retirement and long-term care needs. This legislation strikes the appropriate balance in that regard.

Finally, I would be remiss if I did not recognize the banking community in South Dakota for the invaluable and critical role they have played in this process over the past 5 years. I truly appreciate the input and recommendations that I have received from the industry overall. I would also like to thank Chairman SHELBY, and Ranking Member SARBANES for their leadership, Senators ENZI, HAGEL and ALLARD for the many hours of hard work, and FDIC Chairman Don Powell for his commitment to deposit insurance reform.

Mr. SALAZAR. Mr. President, I voice my opposition to the reconciliation bill before the Senate today. America can and should do better. This bill, which masquerades as a vehicle to help shrink the deficit, is actually a part of a broader, fiscally irresponsible package of policy and legislation that will actually increase the size of the deficit by over $30 billion in the next 5 years, even as this bill cuts programs that are important to the most vulnerable Americans. In other words, this series of proposals moves America in exactly the wrong direction.

This bill moves in the wrong direction when it comes to agriculture. Agriculture program spending amounts to about 1 percent of the spending in the Federal budget, however, at a time when fuel prices are at a record high and many rural areas in Colorado across the country continue to feel the effects of weather-related natural disasters, agriculture programs have been forced to take $3 billion worth of cuts. These cuts will come out of the programs that farmers, ranchers and rural communities count on most, including commodity program payments and conservation programs like the Conservation Reserve Program, CRP. During my time in the Senate I have spoken many times about my concern that too often Washington leaves our rural communities to wither on the vine. I believe that this budget reconciliation package only contributes to their decline.

This bill moves in the wrong direction when it comes to health care and education. The bill cuts college student aid by over $7 billion, creating less opportunity for young Americans when we should be in the business of creating more. It makes deep Medicaid and Medicare cuts, hurting the poor, elderly, and disabled who struggle with healthcare costs. Because of this bill, seniors will see a 33 percent increase in premiums for Medicare Part B. Because of this bill, independent, community pharmacies, particularly in rural areas, will see a change in reimbursement formulas that could force them to close their doors, further eroding access to health care in this country.

This bill moves in the wrong direction when it comes to the environment and to energy policy. It would open the pristine Arctic National Wildlife Refuge to oil drilling. Ultimately, this fight is not about barrels of oil, it's about the deeper moral decisions we make as a nation about how best to address our energy needs. Drilling for oil in the Arctic National Wildlife Refuge won't do a thing for gas prices this winter. It won't do a thing for gas prices in 10 years or even 15 years. In fact, it won't do a thing for energy prices ever, because even if this provision passes and becomes law, the total amount of "technically recoverable oil," according to the administration's own estimates, would reduce gas prices by only a penny—and then, not before 10 to 15 years from now.

This reconciliation bill does not reflect the right budget priorities. This bill tightens the squeeze already being felt by so many hardworking Americans trying to make ends meet as oil and gas prices soar and winter approaches. Adding insult to injury, these irresponsible cuts will not even help the country with the bottom line, because they are being combined with tax breaks for the wealthiest Americans that exceed, by tens of billions of dollars, the value of the cuts themselves. The average benefit of these tax breaks for those with incomes more than $1 million would be $35,491. But for those with incomes under $50,000, the average benefit comes to $6. America can do better.

Mr. LEVIN. Mr. President, earlier this year I voted against the budget resolution that passed the Congress because it reflected the wrong priorities. That budget resolution short changed vital public needs such as education and health care for all Americans in order to further cut taxes mainly for the wealthiest Americans. The bill before us today is the first part of a three-part budget reconciliation process set up to help carry out that misguided budget. Budget reconciliation is a special process that gives privileged short cuts under the rules of the Senate. For many of the same reasons that I opposed the original budget resolution, I must also oppose this reconciliation bill. Instead of improving our fiscal situation, the reconciliation package worsens the problem.

This first of the three reconciliation bills is focused on spending cuts. It cuts funding for Medicaid, Medicare, low-income housing grants and other important programs. These cuts, along with the revenue that could be generated as a result of a shortsighted decision to drill in the Arctic National Wildlife Refuge, ANWR, in Alaska, are projected to reduce the deficit by $39.1 billion over the next 5 years.

However, at the same time, both Houses of Congress are working on separate versions of the second part of the reconciliation package—the tax bill. That bill would extend $70 billion worth of tax cuts benefiting largely the wealthiest Americans. It simply does not make sense to say we need to cut $39.1 billion out of vital programs to reduce the deficit while at the same time increasing the deficit with $70 billion in tax cuts. These bills continue an irresponsible and inequitable tax policy that recklessly adds to our deficit.

The third part of this three-part reconciliation process will be a bill to allow the national debt to increase by another $781 billion. The need for that third bill shows how dreadful our budget situation has become. The U.S. national debt has already climbed above $8 trillion. In the fiscal year that just ended, we spent over $350 billion just to pay the interest on that debt. That is 14 percent of the Federal Government's spending last year. That is money that doesn't go toward important infrastructure improvements, homeland security or other priorities like health care, education or environmental protection. We simply cannot afford to continue building up this massive debt.

Not only is it financially irresponsible to add to this already heavy debt, but it adds risk to our national security. Forty-four percent of our national debt is held by foreign investors. If these investors ever decide, for economic or political reasons, to stop financing our debt, our markets could be severely impacted. This can provide other countries with greater leverage during trade or other negotiations with us.

In addition to the fiscal irresponsibility in this reconciliation package, it is unconscionable that this body would once again decide to cut services for the poor and the disabled and the elderly and disadvantaged children and then to turn around next week and provide the mostly the wealthiest Americans with $70 billion of tax cuts. I will say at the outset, this bill contains some good provisions. This bill halts an unwise looming 4.4 percent decrease for physicians treating Medicare patients and instead provides a 1 percent increase. This bill was amended and now contains a provision that will prevent a reduction in Federal money for Michigan Medicaid. This bill also has several provisions to help victims of Hurricane Katrina.

However, a large portion of the spending cuts in this reconciliation bill impacts the millions of Medicare and Medicaid beneficiaries as well as providers. This is not the first time Congress has attempted to balance the budget on the backs of people who rely on Medicare and Medicaid. In 1997, Congress cuts payments to providers and services to beneficiaries and the cuts were overreaching. It is my fear the same result will come from our actions today. This bill before us cuts reimbursement for several types of Medicare providers including nursing facilities, hospitals and managed care. This bill also places caps on payments for Medicare and Medicaid services. People who rely on Medicare and Medicaid are going to be hurt by this bill. I hope that my colleagues take a long look at by how much the bad outweighs the good in this bill.

In addition, I also regret that the majority decided to include in this budget reconciliation the opening of the Arctic National Wildlife Refuge, ANWR, to oil and gas development.

I have consistently opposed opening ANWR to oil and gas development because I believe it is the wrong approach to addressing our Nation's need for long-term energy security. The actual reserves in the area that will be available for leasing under this provision are too small to have a significant impact on our Nation's energy independence and will not produce any oil for more than a decade. I do not believe that this limited potential for oil and gas development in ANWR warrants endangering what is one of the last remaining pristine wilderness areas in the United States.

But, also, the process for consideration of ANWR on the budget reconciliation bill has been flawed from the start. Including this important issue in the budget reconciliation bill has short-circuited the normal legislative process and has eliminated the opportunity for Congress to give the issue the consideration it deserves. In fact, this issue was not even considered when the Senate debated the Energy Policy Act of 2005 for 2 weeks this past summer. Opening ANWR to oil and gas development was not considered on the Energy bill because the votes were not there to pass it except by including it in the budget reconciliation bills that we are considering now.

On a positive note, I am pleased that I was able to include language in this bill that recognizes the needs of border States when awarding emergency and interoperable communications grants.

First responders in border States like Michigan, New Mexico, and Minnesota face unique challenges and must be able to communicate with a number of Federal, State, and local entities including FEMA, Customs and Border Protection, and the National Guard in addition to police, firefighters and emergency medical services personnel from other jurisdictions who may assist in the event of a large scale disaster or terrorist attack. What is often overlooked is that first responders near border crossings must also be able to maintain seamless communication with their Canadian or Mexican counterparts across the border. My amendment would assist our first responders by creating demonstration projects at our northern and southern borders. The amendment provides that the Secretary of Homeland Security shall establish at least two International Border Community Interoperable Communications Demonstration Projects—with at least one of these demonstration projects on each of the northern and southern borders. These interoperable communications demonstrations will address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers at our borders.

In closing, I sincerely hope that future budgets coming from this body will be more responsible than this one. Furthermore, as imprudent as this bill is, I hope it won't be made worse in conference after merging with the even more misguided House bill. Major bipartisan efforts will be needed to make true progress on the long-term fiscal problems we face. I will continue to fight for fair and fiscally responsible policies that help generate jobs and economic security from which all Americans can benefit.

Mr. HATCH. Mr. President, this past March, I stood here to express my reluctant support for the fiscal year 2006 concurrent budget resolution. My support was reluctant for one reason only. I believed the budget did not go far enough in slowing the growth of Federal spending.

My colleagues will remember that passing that budget resolution was not an easy thing. Both the original Senate version and the conference report passed by very narrow margins. Not one Democrat voted in favor of the budget resolution, so it was left up to those of us on this side of the aisle to pass that resolution.

The major reason why the budget was so difficult to pass was the inherent problem in getting a majority to agree on legislation that cuts the growth in spending for entitlement programs. Entitlement programs are those that grow automatically without any action from Congress. While they are many of the most important programs in the Government, they are also the most expensive. Some Senators wanted more cuts in spending growth than did others, and it was hard to get a consensus, especially when there was absolutely no support from the other side.

Nevertheless, we did manage to pass the budget resolution, which was the first step in the process we are trying to complete here tonight with the budget reconciliation bill. This bill "reconciles" the spending in the budget with the programmatic changes necessary to achieve the budget numbers. And while the projected spending growth in this budget over the next few years is still alarming, the cuts in that growth included in this bill are very much a good first step in the right direction.

What Senator GREGG, the chairman of the Budget Committee, emphasized in his opening remarks is very significant. This is the first time since 1997 that Congress has attempted to restrain the growth of entitlement spending programs. I think we can conclude that although the magnitude of the change is not as large as many of us would like to see, the directional change is very important.

According to the Congressional Budget Office, this reconciliation bill would reduce federal outlays by more than $39 billion over the next 5 years and by almost $109 billion over the next 10 years. I realize that many of my colleagues on the other side of the aisle are scoffing at the idea these numbers are not large enough in terms of reducing the deficit. Why, then, are we not seeing any spending reduction proposals from them? It is because it is much easier to throw rocks at our attempts to rein in spending growth than it is to make the hard choices themselves.

Rather than having an honest debate about how best to deal with out-of-control budgets, most of what we are hearing from our friends on the other side is the same old tiresome accusation that we are reducing spending for lower-income Americans so that we can cut taxes, once again, for those Americans who are wealthy and do not need a tax reduction. This, of course, is a gross distortion of the truth.

As Chairman GREGG has pointed out, the spending growth reductions in this bill are not directed at low-income individuals. We worked very hard to make sure that was the case, especially in the Finance Committee which has jurisdiction over such important safety-net programs as Medicaid.

Indeed, the bill includes a significant amount of new spending. The amount of this new spending, some of which I recognize is necessary, is one of the problems I have with the bill. In addition, a great deal of the deficit reduction in this bill is achieved by raising fees or selling a portion of the broadcast spectrum. That being said, I will detail some of my specific objections about this in a little while.

As to criticisms about so-called tax cuts, there are not any in this bill. The tax reconciliation bill comes later, after this bill has passed. And the tax provisions that will be in that bill are generally in the nature of preventing tax increases on the middle class, not tax cuts for the wealthy. Moreover, most of those provisions enjoy broad support on both sides of the aisle.

Do I believe this reconciliation bill is perfect? Far from it.

Do I think we could have and should have done more in trimming the spending growth of entitlement programs? Absolutely.

As I mentioned before, the significance of this bill is not in the amount of deficit reduction it delivers, but in the change in direction that it represents. I hope we can pass it and then use it as a building block for more deficit reduction next year.

We have only a few short years to make much larger changes in our entitlement spending programs. All of us know that they are on an upward trajectory that is simply not sustainable. Passing this reconciliation bill now begins to turn the tide. It sets the stage for more responsible spending. With a smart mix of pro-growth policies that will help ensure continued economic growth and future spending restraint, we can begin to lower the deficit and put our budget in a condition to withstand the storms ahead.

Now, I would like to take the time to get into some of the details of the changes included in the bill by the three committees on which I serve.

As a senior member of the Senate Finance Committee, I worked hard with Chairman GRASSLEY to ensure that our Committee met the goal of finding $10 billion in savings. Unfortunately, the Finance package also spends a significant amount of money when I believe that our national focus needs to be on saving money. Some of it is necessary. Some not.

And, I am very troubled by how we are paying for this spending. Close to $5 billion comes from eliminating the MedicareAdvantage Regional Plan Stabilization Fund, something I strongly oppose. The stabilization fund is a critical component to facilitating regional Preferred Provider Organizations, PPOs, in the Medicare Advantage program, thus providing these plans to beneficiaries throughout the country, particularly in rural areas.

The MMA has made Medicare Advantage plans more widely available with greater beneficiary savings than ever before, including in rural areas and many other areas that previously were not served by Medicare Advantage plans.

Since the MMA was enacted in 2003, there has been a large increase in the availability of Medicare Advantage health plans that provide additional benefits and corresponding reductions in total health care costs. For example, in rural areas where there has historically been minimal managed care available, there are now three regional PPOs offering an integrated package of medical and prescription drug benefits with extra coverage at lower prices, one of these regional PPOs even offers a zero drug deductible.

The stabilization fund will help make it possible to provide secure access to these new, lower-cost coverage options in underserved areas. While more Medicare beneficiaries than ever will have regional Medicare Advantage options in 2006, further progress is needed for people with Medicare in 13 States, specifically: my home state of Utah; Alaska; Colorado; Connecticut; Idaho; Maine; Massachusetts; New Hampshire; New Mexico; Oregon; Rhode Island; Vermont; and Washington.

When developing the MMA, the Congress recognized that some states might not be served by regional Medicare Advantage plans in the initial years of the program and strategically created the benefit stabilization fund, which sunsets in 2013, to encourage plans to operate in all areas of the Nation. Utah is one of those States and that is why I strongly supported the creation of the stabilization fund during the MMA negotiations.

The stabilization fund helps to make sure that, in future years, plans will choose to serve the people with Medicare who do not have Medicare Advantage options in 2006. And, conversely, repealing the fund, or cutting its revenues, means reduced benefits and higher costs for these seniors in future years.

Many Medicare Advantage plans are already serving Medicare beneficiaries with some very generous benefit offerings for 2006, with the expectation that there would be stability in the program. For the health plans that are interested in potentially providing this regional PPO coverage, it is essential for them to know that they will get some help with starting up if they need it in areas that had been underserved before, and that the Medicare program will keep their payments predictable.

If Congress and the Centers for Medicare and Medicaid Services, CMS, start cutting promised funding and/or changing program rules even before the first benefit is administered, we send a very negative signal to plans, and that may mean worse coverage options and higher costs for Medicare beneficiaries in the future.

Cuts to or reductions in the stabilization fund, and therefore, payments to regional plans amount to adding costs for beneficiaries in the form of higher premiums, reduced benefits, or both. Without this fund, it will be difficult to convince plans to offer coverage to beneficiaries who currently do not have access to regional PPOs.

Maintaining the current stabilization fund will encourage more regional PPOs to enter the Medicare Advantage program and make sure that significantly more people, including my fellow Utahns, have access to Medicare Advantage plans next year.

I do not understand why we would be eliminating this fund, especially before the Medicare drug plan program is even operational. It just does not make good policy sense and that is why I oppose the elimination.

This is especially vexing given that there are a number of other sources for revenue. I will be fighting for more extensive restrictions on asset transfers and the inclusion of provisions which would prohibit intergovernmental transfers. Including these provisions would have severely curtailed activities where individuals and some State governments have intentionally defrauded the Medicaid program.

I have heard the arguments about why we should not have included them in the proposal, but I do not buy those arguments. More aggressive legislating in these areas would preclude some of the other reductions necessitated in this bill, such as those for the stabilization fund.

The provisions on payment for prescription drugs under the Medicaid program are another deep concern of mine. These have only been made worse by adoption of amendments in the Chamber. Let me say that while I agree that changes are warranted, I am very worried about the approach included in the bill. I am not sure that the new definitions created for Average Manufacturer's Price, AMP, Weighted Average Manufacturer's Price, WAMP, and the new formula which were created for the Federal Upper Payment Limit, FUPL, will address the criticisms of the current policy. In fact, these new definitions could make the situation worse. I am also troubled that the genesis of these changes was not a desire for good policy, but rather an interest in seeking funding from a "deep pocket." That trend was only exacerbated during Senate consideration of the Finance title, as we added two rebate-related amendments with spending implications that totaled several billions of dollars more.

It is clear to me that, as consideration of the conference report begins, we must continue discussions with the various stakeholders who have a vested interest in making this policy work, in particular, the pharmacists and the pharmaceutical companies.

The budget resolution contained a reconciliation instruction directing the Senate Health, Education, Labor, and Pensions, HELP Committee, on which I serve, to reduce spending by $13.7 billion in 5 years. We on the HELP Committee worked very hard to achieve this goal, which required difficult spending vs. savings decisions.

Within the past months, as we wrote reauthorizing language for the Workforce Investment Act, WIA, Head Start, the Perkins Act, career and technical education, and the Higher Education Act, HEA, we kept in mind the need to meet the reduction in spending goals. Each of these reauthorization bills was unanimously approved in committee.

While I recognize the tough choices we needed to make, I am pleased overall with the reconciliation bill as it relates to education provisions, accounting for a total savings of $9.8 billion. Spending increases in the bill include increases in Pell grants, along with ProGAP, a new grant assistance to Pell eligible students.

Another new program, SMART grants, would provide assistance to students studying math, science, technology, engineering, or a foreign language. Subsidized borrowing levels were increased, along with a permanent extension of the Taxpayer-Teacher Protection Act. Additional loan deferments were made for members of the Armed Services or the reserves. These programs would give Utah students, particularly those of low or moderate income, greater access to college educations and will boast our local and national economy as we seek to meet the demands of the 21st century workforce.

Significant savings were found in student loans, mostly from lending institutions, including a requirement for guaranty agencies to deposit one percent of their collections in the Federal Reserve fund, a reduction in lender insurance and repeal of the provision that guarantees 100 percent of loans for certain lenders. An additional fee is charged for lenders originating consolidation loans, and permanent restrictions are made on transfer or refunding of certain tax-exempt bonds that receive a 9.5 percent rate of return.

I have concerns about last-minute changes to include major spending increases, even though they appear to have been reconciled by savings. However, my colleagues should know that I am paying particular attention to fixing the interest rate for undergraduate and graduate non-consolidation borrowing at 6.8 percent, preferring a choice of a variable rate similar to the House provision. I am also concerned about the way certain bills are structured that are currently before the Senate that deal with the inclusion of Katrina public and private school payments.

The HELP Committee also included provisions increasing significantly the amounts of premiums employers that sponsor defined benefit pension plans must pay to the Pension Benefit Guarantee Corporation, PBGC. These increases were larger than they needed to be, and represent placeholders until we can pass the pension reform bill that was produced by the Finance and HELP Committees. I hope we will soon be able to consider and pass that legislation, partly for the reason of reducing these premium increases to more reasonable amounts.

The Judiciary Committee greatly exceeded its reconciliation targets, and I applaud that accomplishment even though I do not support the means by which it was achieved. Federal spending is out of control and, as my colleagues know, this has been a concern of mine for a long time. I am gratified to see that so many others now share my concerns and, more importantly, that we are finally doing something about irresponsible spending despite the efforts of a few members on the other side of the aisle to scuttle this reconciliation bill.

I am pleased that the Judiciary Committee did not report a proposed tax on the explosives industry. It was just plain wrong, and it would have hurt a lot of people in Utah. Naturally, I fought tooth and nail to make sure it was off the table and I, along with others, succeeded in stopping it.

This brings us to the current Judiciary title. I do not think we should have used a reconciliation measure to alter immigration policy, particularly in light of the current debate on comprehensive immigration reform. For this, and other reasons, I offered an amendment that would have imposed a 5 percent increase in all immigration related fees instead of simply allowing more people into the country as a way of reducing our Nation's deficit. Unfortunately, my amendment was defeated in committee.

That being said, I recognize that it is not easy to come up with savings. It means tough choices. But it is our job to make the tough calls and the Judiciary Committee did just that.

I strongly support moving this package through the Senate. However, I want my colleagues to understand my concerns and that I intend to continue working with them on improving the package. I know this was an extremely difficult task, and I appreciate all the hard work of many of my colleagues, and particularly the chairmen of the committees on which I serve.

Mr. GRASSLEY. Mr. President, the Senate will vote shortly on final passage of S. 1932. We have had a good debate on this bill. I commend the chairman of the Budget Committee for his effective and fair management of the consideration of this bill this week.

The Senate Finance Committee title was carefully crafted to address a wide range of member priorities. The Senate Finance Committee title is a compromise—one that was meticulously negotiated over many months. It represents clear-headed, commonsense reforms.

But here is something that should make a lot of people wonder what is going on around here. I noted with interest a recent Washington Post article which notes:

> The Senate package is gaining kudos from some unlikely sources. Liberal budget and antipoverty groups say the Senate budget-cutting legislation largely avoids cuts that will hit low-income beneficiaries . . .

And here is another one. The Associated Press reports:

> As a result, the Senate's Medicare and Medicaid cuts largely won't touch beneficiaries of the programs, instead tapping drug companies, pharmacies and insurance subsidies for much of the savings.

I am therefore somewhat confused why more of my friends and colleagues from the Democratic side are not going to support final passage of this bill. I think I know partly what the answer is—is it because the House version of this bill is much more far-reaching than the Senate proposal? Is it because the same groups that praise the Senate bill oppose the process moving forward on that basis?

I would make the point that I think the Senate's position in going to conference with the House would be strengthened if S. 1932 passed with strong bipartisan support. I do not understand why the liberal budget groups are not urging Democrats to unite in support of the Senate bill.

I believe that the American people want us to join together to get things done. They want us to get our fiscal house in order, but they also want us to enact compassionate policies that help honest-to-goodness working families. The Senate bill meets both of those priorities. Here is the bottom line, and I want all my friends on the other side of the aisle to hear this. Here is what a vote against the Senate bill we have before us today means. Opposition to the Senate bill's balanced approach to Medicaid reform and program improvements is opposition to achieving savings, preserving services, and protecting beneficiaries.

A "no" vote is a vote against cutting wasteful spending in Medicaid and other changes that provide additional resources to State Medicaid programs.

A "no" vote is a vote against having the State and Federal Government pay less for drugs.

A "no" vote is a vote against tightening up asset transfers, thereby paying less for nursing home care through Medicaid.

A "no" vote is a vote against increasing State and Federal payments from drug companies.

A "no" vote is a vote against a $2 billion windfall to the States.

Opposition to the Senate bill's balanced approach to Medicaid reform and program improvements is opposition to the bipartisan Family Opportunity Act.

So that means that a "no" vote is a vote against the Family Opportunity Act's expansion of Medicaid eligibility for severely disabled children. Opposition to this provision means forcing many working families to refuse better jobs or promotions—keeping them poor in order to qualify for Medicaid or, worse, relinquish custody of their disabled child to the State so that their child can continue to get the services they need.

A "no" vote is also a vote against the Family Opportunity Act's protection for families whose newborn is diagnosed with a severe disability from being liable for thousands of dollars of medical costs.

A "no" vote is a vote against "Money Follows the Person," which provides grants to States to increase the use of home and community based services, rather than institutional services. "Money Follows the Person" also eliminates barriers so that individuals can receive support for long-term services in the settings of their choice.

Opposition to the Senate bill's balanced approach to Medicaid reform and program improvements is opposition to a down payment on Hurricane Katrina disaster relief.

So that means that a "no" vote is a vote against providing $1.8 billion to protect Medicaid benefits in Alabama, Louisiana, and Mississippi for people affected by Hurricane Katrina.

Opposition to the Senate bill's balanced approach to Medicaid reform and program improvements is opposition to protecting health coverage for thousands of children and improving the State Children's Health Insurance Program.

A "no" vote is a vote against preventing funding shortfalls in the Children's Health Insurance Program in 23 States.

A "no" vote is a vote against providing new options for private coverage of long-term care through Long-term Care Partnerships.

A "no" vote also means opposition to closing loopholes that permit the unscrupulous "gaming" of Medicaid eligibility rules to intentionally shelter assets to qualify for taxpayer-financed long-term care coverage in Medicaid.

Those who vote against this bill are also opposing the Senate bill's balanced approach to Medicaid reform and program improvements is opposition to protecting access for rural beneficiaries.

So that means that a "no" vote is a vote against protecting small rural hospitals and sole community hospitals by extending the hold-harmless provisions that protect them from losses resulting from implementation of the hospital outpatient prospective payment system.

A "no" vote is also opposition to extending the Medicare Dependent Hospital Program, which provides financial protections to rural hospitals with less than 100 beds that have a greater than 60 percent share of Medicare patients.

A "no" vote also means opposition to expanding coverage of additional preventive benefits under Federal Qualified Health Centers.

Why would my Democratic colleagues oppose such commonsense, practical policies that save the States money, expand access for low income and disabled children, help rural hospitals and make progress to rebalancing the institutional bias in the Medicaid program?

I am saddened that it appears my colleagues cannot put partisan politics aside and get behind a bill that saves money for States, protects and expands access, and preserves benefits. I urge my colleagues to support the Senate bill. Let's show the American people that we can put politics aside and stand together and get things done for the good of the country.

Mr. GREGG. Mr. President, pursuant to section 313(c) of the Congressional Budget Act of 1974, I ask unanimous consent to have printed in the RECORD a list of material in S. 1932 considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of section 313. The inclusion or exclusion of material on the following list does not constitute a determination of extraneousness by the Presiding Officer of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXTRANEOUS PROVISIONS—SENATE BILL

(Prepared by Senate Budget Committee Majority Staff)

Title I—Agriculture, Nutrition and Forestry

Provision	Violation/comments
N/A	N/A.

Title II—Banking, Housing, and Urban Affairs

Provision	Violation/comments
Sec. 2014(b)(3)(F)	313(b)(1)(A)—Report to Congress.
Sec. 2018(a)	313(b)(1)(A)—Studies of potential changes to the federal deposit insurance system—just a study
Sec. 2018(b)	313(b)(1)(A)—Studies of potential changes to the federal deposit insurance system—just a study.
Sec. 2025	313(b)(1)(A)—Authorization of Appropriations—no money involved.

Title III—Commerce, Science, and Transportation

Provision	Violation/comments
3005(c)(2)	313(b)(1)(E)—Low-power TV and translator outlays occur after 2010, increasing the deficit.
3005(c)(3)	313(b)(1)(E)—Interoperability grant outlays occur after 2010, increasing the deficit.
3005(c)(4)	313(b)(1)(E)—E911 outlays occur after 2010, increasing the deficit.
3005(c)(5)	313(b)(1)(E)—Coastal assistance outlays occur after 2010, increasing the deficit.
3005(d)	313(b)(1)(A)—Transferring offsetting receipts that federal government has already received does not produce a change in outlays.
3005(f)	313(b)(1)(A)—Does not produce a change in outlays as additional receipts could not be spent and would be deposited in Treasury anyway.

TITLE IV—ENERGY AND NATURAL RESOURCES

Provision	Violation/comments
N/A	N/A.

TITLE V—ENVIRONMENT AND PUBLIC WORKS

Provision	Violation/comments
N/A	N/A.

TITLE VI—FINANCE

Provision	Violation/comments
6012(a)(5)(F)	313(b)(1)(A)—Requirements on insurance sellers produce no change in outlays or revenues.
6012(b)(4)	313(b)(1)(A)—State reporting requirement produces no change in outlays or revenues.
6012(c)	313(b)(1)(A)—Annual report to Congress produces no change in outlays or revenues.
6022	313(b)(1)(A)—CBO score of zero
6026(a), Sec. 1937(a)	313(b)(1)(A)—Medicaid CFO produces no change in outlays or revenues.
6026(a), Sec. 1937(b)	313(b)(1)(A)—Oversight Board produces no change in outlays or revenues.
6026(a), Sec. 1937(e)	313(b)(1)(A)—Annual report produces no change in outlays or revenues.
6036(e)	313(b)(1)(A)—Reports produce no change in outlays or revenues.
6043(c)(2)	313(b)(1)(A)—Budget neutrality language produces no change in outlays or revenues.
6103(c)	313(b)(I)(A)—Study and Report by HHS Inspector General produces no change in outlays or revenues.
6103(d)	313(b)(1)(A)—Rehabilitation Advisory Council produces no change in outlays or revenues.
6110(a), 1860E 1(e)	313(b)(1)(A)—Arrangement with an Entity to Provide Advice and Recommendations produces no change in outlays or revenues.
6110(b)(3)(E)	313(b)(1)(A)—Report produces no change in outlays or revenues.
6110(c)(1)(C)	313(b)(1)(A)—Sense of the Senate produces no change in outlays or revenues.
6110(g)(1)	313(b)(i)(A)—Requirement for skilled nursing facilities to report functional capacity of Medicare residents upon admission and discharge produces no change in outlays or revenues.
6113(d)	313(b)(1)(A)—Evaluation of PACE providers serving rural service areas produces no change in outlays or revenues.
6026(a), Sec. 1936(d)	313(b)(1)(A)—5 year plan produces no additional change in outlays or revenues.
6026(a), Sec. 1936(3)(3)	313(b)(1)(A)—Annual report requirement produces no change in outlays or revenues.

Title VII—Health, Education, Labor and Pensions

Provision	Violation/comments
Sec. 7101(f)	313(b)(1)(A)—Pro-GAP Sunset language/does not produce a change in outlays.
Sec. 7101(b)	313(b)(1)(A)—Pro-GAP Sense of the Senate/does not produce a change in outlays.
Sec. 7102(a), (b) and (d)	313(b)(1)(A)—SMART Grant findings/purpose/name, do not produce a change in outlays.
Sec. 7102(i)	313(b)(1)(A)—SMART Grant matching assistance/does not produce a change in outlays.
Sec. 7109	313(b)(1)(A)—Single Holder Rule/does not produce a change in outlays.
Sec. 7122(b)	313(b)(1)(A)—Evaluation of Simplified Needs Test/does not produce a change in outlays.
Sec. 7153(h), (i), (j), and Sec. 7155	313(b)(1)(A)—Authorizes waivers of provisions of discretionary and programs, and addresses certain reporting requirements/do not produce a change in outlays.
Sec. 7201(d)(3)	313(b)(1)(A)—Pensions: (d)(3) special rule regarding future legislation/does not produce a change in outlays.
Sec. 7301, Sec. 7302 and Sec. 7311	313(b)(1)(A)—HEA general provisions and definitions/do not produce a change in outlays.
Sec. 7314	313(b)(1)(A)—Protection of Student Speech and Assoc Rights/does not produce a change in outlays.
Sec. 7315	313(b)(1)(A)—Nat'l Advisory Comm. on Inst Quality/does not produce a change in outlays.
Sec. 7316	313(b)(1)(A)—Drug and Alcohol Abuse Prevention/does not produce a change in outlays.
Sec. 7317	313(b)(1)(A)—Prior Rights and Obligations—updates discretionary authorizations/does not produce a change in outlays.
Sec. 7318	313(b)(1)(A)—Cost of Higher ED Consumer Info/does not produce a change in outlays.
Sec. 7319	313(b)(1)(A)—Performance Based Org for Delivery of Fed Student Assist/does not produce a change in outlays.
Sec. 7320	313(b)(1)(A)—Procurement Flexibility/does not produce a change in outlays.
Sec. 7331	313(b)(1)(A)—Teacher Quality Enhancement /does not produce a change in outlays.
Sec. 7341–7350 Sec.	313(b)(1)(A)—Institutional Aid/does not produce a change in outlays.
Sec. 7351	313(b)(1)(A)—Technical Corrections/does not produce a change in outlays.
Sec. 7361 2(A)	313(b)(1)(A)—Pell—max authorized grant. Nothing in Pro-GAP is driven off of "max" Pell Grant/does not produce a change in outlays.
Sec. 7362	313(b)(1)(A)—TRIO Programs/does not produce a change in outlays.
Sec. 7363	313(b)(1)(A)—GEAR-UP/does not produce a change in outlays.
Sec. 7364	313(b)(1)(A)—Repeal of Academic Achievement Scholarships/does not produce a change in outlays.
Sec. 7365	313(b)(1)(A)—SEOG/does not produce a change in outlays.
Sec. 7366	313(b)(1)(A)—LEAP/does not produce a change in outlays.
Sec. 7367	313(b)(1)(A)—Migrant ED/does not produce a change in outlays.
Sec. 7368	313(b)(1)(A)—Robert C. Byrd Honors/does not produce a change in outlays.
Sec. 7369	313(b)(1)(A)—Child Care Access Means Parents in School/does not produce a change in outlays.
Sec. 7370	313(b)(1)(A)—Repeal of Learning Anytime Anywhere Partnerships/does not produce a change in outlays.
Sec. 7386	313(b)(1)(A)—Reports to Credit Bureaus & Institutions/does not produce a change in outlays.
Sec. 7387	313(b)(1)(A)—Common Forms and Formats/does not produce a change in outlays.
Sec. 7388	313(b)(1)(A)—Information to Borrower and Privacy/does not produce a change in outlays.
Sec. 7389	313(b)(1)(A)—Consumer Education Information/does not produce a change in outlays.
Sec. 7391	313(b)(1)(A)—Federal Work Study/does not produce a change in outlays.
Sec. 7393	313(b)(1)(A)—Grants for Work Study Programs/does not produce a change in outlays.

Provision	Violation/comments
Sec. 7394	313(b)(1)(A)—Job Location and Development Programs/does not produce a change in outlays.
Sec. 7395	313(b)(1)(A)—Work Colleges—discretionary program/does not produce a change in outlays.
Sec. 7412	313(b)(1)(A)—Terms of Loans—technical change/does not produce a change in outlays.
Sec. 7422	313(b)(1)(A)—Discretion of Financial Aid Administrators/does not produce a change in outlays.
Sec. 7432	313(b)(1)(A)—Compliance Calendar/does not produce a change in outlays.
Sec. 7437	313(b)(1)(A)—Institutional and Financial Info/Assist to Students/does not produce a change in outlays.
Sec. 7438	313(b)(1)(A)—Nat'l Student Loan Data System/does not produce a change in outlays.
Sec. 7439	313(b)(1)(A)—Early Awareness of Financial Aid Eligibility/does not produce a change in outlays.
Sec. 7442	313(b)(1)(A)—Reg. Relief and Improvement/does not produce a change in outlays.
Sec. 7443	313(b)(1)(A)—Transfer of Allotments/does not produce a change in outlays.
Sec. 7445	313(b)(1)(A)—Purpose of Admin Payments/does not produce a change in outlays.
Sec. 7446	313(b)(1)(A)—Advisory Committee on Student Financial Assist/does not produce a change in outlays.
Sec. 7447	313(b)(1)(A)—Regional meetings/does not produce a change in outlays.
Sec. 7448	313(b)(1)(A)—Year 2000/does not produce a change in outlays.
Sec. 7451	313(b)(1)(A)—Recognition of Accrediting Agency or Assoc/does not produce a change in outlays.
Sec. 7452	313(b)(1)(A)—Administrative Capacity Standard/does not produce a change in outlays.
Sec. 7453	313(b)(1)(A)—Program Review and Data/does not produce a change in outlays.
Sec. 7501	313(b)(1)(A)—Developing Institutions Definitions/does not produce a change in outlays.
Sec. 7502	313(b)(1)(A)—Auth Activities/does not produce a change in outlays.
Sec. 7503	313(b)(1)(A)—Duration of Grant/does not produce a change in outlays.
Sec. 7504	313(b)(1)(A)—Hispanic American Post baccalaureate/does not produce a change in outlays.
Sec. 7505	313(b)(1)(A)—Applications/does not produce a change in outlays.
Sec. 7506	313(b)(1)(A)—Cooperative Arrangements/does not produce a change in outlays.
Sec. 7507	313(b)(1)(A)—Authorization of Appropriations/does not produce a change in outlays.
Sec. 7601	313(b)(1)(A)—International Education Programs/does not produce a change in outlays.
Sec. 7602	313(b)(1)(A)—Graduate and Undergraduate Language and Area Centers and Programs/does not produce a change in outlays.
Sec. 7603	313(b)(1)(A)—Undergrad International Studies and Foreign Languages/does not produce a change in outlays.
Sec. 7604	313(b)(1)(A)—Research Studies/does not produce a change in outlays.
Sec. 7605	313(b)(1)(A)—Tech Innovation and Cooperation for Foreign Info Access/does not produce a change in outlays.
Sec. 7606	313(b)(1)(A)—Selection of Certain Grant Recipients/does not produce a change in outlays.
Sec. 7607	313(b)(1)(A)—American Overseas Research Centers/does not produce a change in outlays.
Sec. 7608	313(b)(1)(A)—Auth of Appropriations/does not produce a change in outlays.
Sec. 7609	313(b)(1)(A)—Centers for Intl Business Education/does not produce a change in outlays.
Sec. 7610	313(b)(1)(A)—Education and Training Programs/does not produce a change in outlays.
Sec. 7611	313(b)(1)(A)—Auth of Appropriations/does not produce a change in outlays.
Sec. 7612	313(b)(1)(A)—Minority Foreign Service ProfDev Program/does not produce a change in outlays.
Sec. 7613	313(b)(1)(A)—Institutional Development/does not produce a change in outlays.
Sec. 7614	313(b)(1)(A)—Study Abroad Program/does not produce a change in outlays.
Sec. 7615	313(b)(1)(A)—Advanced Degree in Intl Relations/does not produce a change in outlays.
Sec. 7616	313(b)(1)(A)—Internships/does not produce a change in outlays.
Sec. 7617	313(b)(1)(A)—Financial Assistance/does not produce a change in outlays.
Sec. 7618	313(b)(1)(A)—Report/does not produce a change in outlays.
Sec. 7619	313(b)(1)(A)—Gifts and Donations/does not produce a change in outlays.
Sec. 7620	313(b)(1)(A)—Auth. of Appropriations for Inst of Intl Public Policy/does not produce a change in outlays.
Sec. 7621	313(b)(1)(A)—Definitions/does not produce a change in outlays.
Sec. 7622	313(b)(1)(A)—Assessment and Enforcement/does not produce a change in outlays.
Sec. 7701-Sec. 7716	313(b)(1)(A)—Graduate and Postsecondary Improvement Programs/does not produce a change in outlays.
Sec. 7801	313(b)(1)(A)—Misc. Discretionary Programs/does not produce a change in outlays.
Sec. 7901	313(b)(1)(A)—Amendments to Other Laws/does not produce a change in outlays.
Sec. 7902	313(b)(1)(A)—Agreement with Gallaudet University/does not produce a change in outlays.
Sec. 7903	313(b)(1)(A)—Agreement with Nat'l Tech Inst for the Deaf/does not produce a change in outlays.
Sec. 7904	313(b)(1)(A)—Cultural Experiences Grants/does not produce a change in outlays.
Sec. 7905	313(b)(1)(A)—Audit/does not produce a change in outlays.

Mr. GREGG. Mr. President, at this time, we have come to the end of the amendment process. I now ask, before we go to final passage, we have 5 minutes equally divided between myself and Senator CONRAD, and then we will go to final passage.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, first of all, I thank the staffs, the very professional staffs on both sides. I especially thank the chairman of the Budget Committee for his professionalism and his diligence in working on this bill. He has been such a pleasure to work with. His word is gold.

I appreciate very much his staff, as well—Scott Gudes, Gail Millar, Jim Hearn, Cheri Reidy, and the rest of the majority staff.

I want to also thank my staff—Mary Naylor, John Righter, my counsel Lisa Konwinski, Jim Esquea, Sarah Kuehl, Mike Jones, Cliff Isenberg, Jim Miller, Kobye Noel, Shelley Amdur, Steve Baily, Rock Cheung, Dana Halvorson, Tyler Haskell, Jim Klumpner, Jamie Morin, Stu Nagurka, Anne Page, Steve Posner, and David Vandivier.

Mr. President, you can't judge a book by its cover. The language being used here is that this is a package of deficit reduction. But this is the first chapter. The first chapter reduces spending by $39 billion. But the next chapter will reduce taxes by $70 billion. The third chapter will increase the debt by $781 billion. You have to read the whole book to know the conclusion. The conclusion of their book is more deficits and more debt.

No one should believe this vote is about deficit reduction while insisting on another $70 billion of tax cuts as part of this package. In the second chapter of the book, the deficit actually goes up. The majority's proposal to increase the debt limit by $781 billion, which is the third chapter of their book. With passage of this, the debt of this country will have increased by $3 trillion during just this President's administration.

This package represents a continuation of the failed fiscal policies of this administration.

We can do better as a nation, and we can do much better—and we must.

This budget, if approved, will increase the debt of this country over the next 5 years by another $3 trillion.

These policies are driving us deeper and deeper into debt to foreign nations.

In just the 4 years or 5 years of this administration, we have seen the debt of the country multiplied by $3 trillion.

I urge my colleagues to say no. Let us not continue any further down this course of deficits and debt.

Mr. GREGG. Mr. President, let me begin by thanking all my colleagues for their very constructive efforts today. The fact that we were able to complete the voting process today was a reflection of the willingness of people in this Chamber, especially the staff who acted in an extraordinarily professional way.

Also, of course, I want to thank Senator CONRAD and his staff, Mary Naylor and her team.

Senator CONRAD has been an incredibly positive, constructive, and professional individual to work with on this bill. This bill would not have been completed—even though he may not agree with the bill, which he doesn't, obviously, and he has argued his position—he has been more than fair in allowing us to proceed through the bill. And it is a reflection of his extraordinary professionalism.

I thank everyone on the staff, except his chart maker.

(Laughter)

I also especially want to thank my staff—led by the inimitable Scott Gudes—Gail Miller, Jim Hearn, Cheri Reidy, and the rest of the staff—Dave Fisher and Denzel McGuire. We have had two staff members who have had children just recently, Bill Lucia and Matt Howe. Matt's child was born just as the debate started. I am sure he called him "deficit reduction." We are all very excited about that. We very much appreciate the extraordinary job the staff has done here.

I think it is important for our membership to remember that this is the first time in 8 years that this Congress has stepped forward to try to reduce spending by addressing the entitlement and mandatory accounts of our Government. This is a major step forward in the activity of fiscal responsibility.

The other side of the aisle has tried to join this bill with other bills. The simple fact is, the only vote you will cast—the only vote that will be cast in the next few minutes—will be the only vote you are going to have to significantly reduce the deficit. It will be a veto to reduce the deficit by approximately $35 billion.

If you oppose the next bill that comes down the pike—the tax relief bill—that is your choice. But that is not what you are voting on here. What you are voting on here is the opportunity to reduce the deficit, and it is the only opportunity you are going to have, and it is the first time, as I mentioned, in 8 years that we will be proceeding down this road. It is a step toward fiscal responsibility, and it is a reflection of the Republican Congress's commitment to pursue a path of fiscal responsibility.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, it has been a long day. The next vote on final passage will be our last vote of the day. This will be our 22nd rollcall vote of the day.

I thank the chairman and the ranking member for a tremendous job. About 4 or 5 days ago, we said it was going to be done by 6 o'clock. We were going to complete this bill. Indeed, they have accomplished just that.

We will be in session tomorrow, but there will be no rollcall votes. We will go to the DOD authorization bill. Again, there will be no rollcall votes tomorrow. We will be on the DOD authorization bill on Friday and Monday.

We will have rollcall votes Monday night. We will not be voting before 5:30 on Monday.

With that, congratulations. I yield the floor.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed (RI)
Reid (NV)
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NOT VOTING—1

Corzine

The bill (S. 1932), as amended, was passed.

Mr. GREGG. I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each; further, that Senator BUNNING be recognized now for 10 minutes, to be followed by Senator WYDEN for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

INTEGRITY IN PROFESSIONAL SPORTS ACT

Mr. BUNNING. Mr. President, today I and some of my colleagues, in a bipartisan effort, introduced the Integrity in Professional Sports Act. I especially thank my colleague from Arizona, Senator JOHN MCCAIN, for working with me on this important legislation. I thank the chairman of the Commerce Committee, Senator STEVENS, and Senators GRASSLEY and ROCKEFELLER, for cosponsoring our bill.

This is certainly not a bill any of us wanted to introduce. We wish Congress did not have to get involved in the issue of drug abuse in professional sports. Unfortunately, this might be the only way to get professional sports to finally clean up its act.

As a former major league baseball player and member of its Hall of Fame, protecting the integrity of our national pastime is a matter near and dear to my heart. I know it is near and dear to the hearts of so many across America. We have heard a lot of talk over the last year about the leagues working to implement new, tougher drug-testing standards. So far, that is all it has been, a lot of talk. Major League Baseball and its baseball union told us over a month ago they hoped to have a new agreement in place by the end of the World Series. The World Series is over and there is still no agreement. The time for talking is over. The leagues have had their chance and have failed to lead. Now we are going to do it for them.

We are, in a way, obligated to act since they cannot. We must not only ensure that our Federal drug laws are not being circumvented, but we also need to restore some integrity to the games that tens of millions of Americans enjoy so much. We must act for the sake of our children who see these players as heroes and want to emulate them. Like it or not, professional athletes are role models. They need to set a better example to kids who see them smashing home runs or sacking the quarterback and want to be like them. Unfortunately, too many professional athletes are injecting themselves and popping pills with false hopes and dangerous health effects. Now these acts are being emulated by kids even in high school because of the pressure they feel to perform at such a young age. We have a duty to help bring this to an end.

As Members of Congress, we can play an important role in educating the public on the terrible health effects from steroids. Illegal performance-enhancing drugs are a serious problem in professional sports and they need to stop now. I hope my colleagues will continue to join us in this bipartisan cause. I look forward to working with both sides of the aisle on moving this bill forward swiftly.

I yield to my colleague from Arizona, Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I am very proud to join Senator BUNNING, who many know is a Major League Baseball Hall of Famer. Not many know he was a founding member of Major League Baseball's Players Union. He brings to this issue impeccable credentials and an enormous amount of passion. I am pleased to be supportive of his leadership in this effort.

It is my hope this legislation would not be necessary. Senator BUNNING and I both come to this legislation with great reluctance. But as Senator BUNNING pointed out, the Major League Baseball players said they would, by the World Series, come up with an agreement. That has not happened.

The legislation is an effort to set minimum standards that have proven effective in Olympic sports and would also introduce independence—and this is crucial—into the drug testing programs of professional leagues.

Without an independent entity, such as the U.S. Anti-doping Agency that establishes and manages a testing and adjudication program, the fox will continue to guard the henhouse. That is exactly the problem that the U.S. Olympic movement faced several years ago, and they brought integrity back to American Olympic sports by putting the responsibility for testing in the hands of an independent entity.

There are some who argue that Senator BUNNING and I have no business legislating an issue which is basically a labor-management issue. We agree. We agree. We do not want to have to legislate. We do not want to have to force both entities to do something they otherwise should have done, but we have no choice. As the Senator from Kentucky has so eloquently pointed out, our obligation is not to the people who are making millions of dollars this year. Our obligation is not even to those who are members of professional sports. Our obligations are to the families of the young people who believe the only way they can make it in the major leagues is to inject these substances into their bodies.

Anybody who followed the hearing on the House side, where there was testimony from parents of young men who had committed suicide as a result of the use of these substances, knows this issue has now transcended a labor-management issue. Senator BUNNING and I come to this floor more in sorrow than in anger that we have had to take this extraordinary step. But we will take it; we will take it for the benefit of young Americans who believe the only way they can make it in the major leagues is by using these substances and to give hope to others who refuse to do it and want to make it on their own merits.

Mr. President, I again thank the Senator from Kentucky, who has been a role model to so many millions of young Americans for so many years, for his involvement in this effort.

Mr. President, I yield the remainder of my time.

Mr. BUNNING. I thank the Senator.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, might I speak for a moment?

Mr. President, I wish to say, before Senator McCAIN and Senator BUNNING leave the floor, I think my colleagues know I must recuse myself from all matters on baseball because my wife represents Major League Baseball. But as a personal matter, I wish to thank Senator McCAIN and Senator BUNNING for their moral leadership. It is a scourge not only for professional sports but for amateur sports because, increasingly, those who are competing on an amateur level believe they have to use steroids to compete. That is a tragedy.

We are seeing usage of steroids at 20 to 40 percent in high school athletes because they read the stories, and they see what others are doing who have been at the very highest levels.

So I wish to give my profound thanks to Senator McCAIN and Senator BUNNING.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

MEDICARE PRESCRIPTION DRUG COSTS

Mr. WYDEN. Mr. President, it has been a long day in the Senate, especially for our capable and dedicated staff. I wish to take a couple of minutes to say thank you to the Senators who, a bit ago, supported the Snowe-Wyden legislation to hold down the cost of prescription medicine.

Tonight a majority of the Senate voted to make the Federal Government a smart shopper when it comes to prescription drugs. For the first time, the Senate voted to remove an error of commission: the authorization of a provision in the prescription drug law that bars the Federal Government from negotiating to hold down the cost of prescription drugs.

For the life of me, at a time when the Federal budget is hemorrhaging, when the Government must pay for the costs of Katrina, I do not see how you can argue against the Snowe-Wyden amendment that was offered tonight. It prohibits price controls—that is certainly critical—so we can encourage innovation and research in the pharmaceutical area, but what the Snowe-Wyden amendment does is ensure that the Federal Government is going to do what everybody does in the marketplace—and that is use its bargaining power to hold down the costs. That is what the Federal Emergency Management Agency does when it buys cots, what every Federal agency does to make sure taxpayers and our citizens have their concerns addressed responsibly.

Now, tonight, Senator SNOWE and I had to get a supermajority to prevail. I want it understood that no matter how many procedural hurdles are put in front of us, no matter how many roadblocks are put up, we are going to keep coming back on this issue again and again and again until the needs of seniors and our taxpayers are met.

The older people of this country are insisting that an offensive piece of special interest legislation, one that defies common sense, get changed. The AARP made the case when they backed our bipartisan bill. They pointed out that drugs seniors use, such as Lipitor, are going up more than twice the rate of inflation. Seniors want that changed. They will not abide it. Taxpayers will not abide it. And Senator SNOWE and I are going to stay at it until Medicare is liberated and can act as a smart shopper.

Fifty-one Senators—a majority of this body—said tonight it is time to get serious about holding down the cost of medicine in the United States. Fifty-one votes is not the supermajority we needed, but Senator SNOWE and I are going to stay at it until we get justice done for our older people.

Finally, I want to say a special thanks to our bipartisan group of sponsors and particularly thank Senator STABENOW, Senator McCAIN, and Senator FEINSTEIN. They are all Senators who got this from the get-go. They understood this was a question of making sure that, at a time when the Federal Government begins the biggest expansion of entitlement health care in years, we take steps to protect the interests of taxpayers and the interests of older people who, right now, are beginning to sign up for the program and will, in fact, start participating formally next year.

We believed it was important tonight to offer this amendment. We wish we had more time to discuss it this evening. I went into it at some length yesterday, but I am pleased we made real progress. For the first time, a majority of the Senate says that this provision that keeps the Federal Government from being a smart shopper simply does not add up. It does not make sense. It defies logic. It is contrary to what everybody else does in the marketplace across the country. I wish we could have gotten the 60 votes needed to prevail tonight, but for the first time we got a majority, and we are going to come back again and again and again. We are going to do it because the older people of this country deserve a fair shake. They are going to insist we keep coming back.

I close my comments tonight by thanking the Presiding Officer, as well, for his support in this effort.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAMES GRAY, NATIONAL WRITING PROJECT FOUNDER

Mr. COCHRAN. Mr. President, I was saddened to learn today that James Gray passed away after a long illness on November 1, 2005. Mr. Gray was 78 years old and lived in Danville, CA. I knew him as the founder of the National Writing Project, which today is credited with perfecting the training model of teachers teaching teachers how to teach writing.

For more than 30 years, teachers of all grades and nearly the entire spectrum of subject areas have benefitted from the vision and dedication of Jim Gray to finding better ways of raising a new generation of writers. Thousands of teachers have participated every year in workshops. classes and retreats to perfect their skills, and as a result, an exponential tens of thousands of students continue taking new steps to becoming skillful writers.

It was his work that gave me the good fortune of meeting him, and my becoming a close friend to the Writing Project as the sponsor of legislation to make it a Federal program under the U.S. Department of Education.

Across the country, many teachers and students mourn him, but I hope they take his serious creativity in teaching and live his legacy of the National Writing Project. I extend to his family, and to all who knew him, my message of gratitude for his life's work and my deep sympathy.

I ask unanimous consent that a copy of the obituary of James Gray released today by the National Writing Project be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

NATIONAL WRITING PROJECT FOUNDER JAMES GRAY DEAD AT 78

James Gray, founder of the National Writing Project, died November 1 in Danville, California, after a long illness.

Gray, a former high school teacher and then a senior lecturer at the University of California, Berkeley's Graduate School of Education, founded the innovative Bay Area Writing Project in 1974. Acting on his belief that successful classroom teachers were an untapped resource for providing their peers with professional development, Gray brought together 25 talented Bay Area teachers and charged them with sharing their expertise about the teaching of writing.

The Bay Area Writing Project became the first site that offered a professional development model for teachers of writing. Now known as the National Writing Project (NWP), the program has grown to 189 university-based sites located in fifty states, Washington, DC, Puerto Rico, and the U.S. Virgin Islands.

Gray served as Executive Director of the NWP until his retirement in 1994 and remained on the NWP Board of Directors until his death.

Gray's simple but highly successful model has been responsible for transforming classroom practices and improving student writing performance at schools in rural, urban, and suburban communities across the U.S.

"Jim's belief in teachers and their knowledge, commitment, and creativity never wavered," said NWP Executive Director Richard Sterling. "We are all the beneficiaries of his vision and his tireless work on behalf of the National Writing Project."

For more information about Jim Gray and the National Writing Project, visit the NWP website at www.writingproject.org.

LAUNCHING OF JEWISH SOCIAL ACTION MONTH

Mr. LIEBERMAN. Mr. President, I rise today to announce the launching of the first Jewish Social Action Month—a month where Jews around the world will be encouraged to engage in good works and service to their communities.

I am joined in this effort by my colleague in the House. Congressman STEVE ISRAEL of New York, as well as members of the Israeli Knesset.

Throughout the month—and every year in the second month of the Hebrew calendar, Heshvan, from here on out—Jews from across the globe will be encouraged to perform acts of loving kindness to their neighbors, regardless of faith.

The concept of Social Action can be interpreted broadly and there are endless possibilities for action.

The Israeli Friends of the Earth, for example, will be launching initiatives to clear up the debris which ruins our countryside.

In Boston, Jewish students are working to help students in inner city schools develop their reading and writing skills.

In New York, Jewish groups are delivering Thanksgiving meals to the elderly who are housebound.

These are just three quick examples of the kinds of service we hope people will be inspired to undertake in November and continue year round—inspiring people of all faiths to join in service to their neighbors as well.

The idea for Jewish Social Action Month came from two young men—Josef Abramowitz of Boston and Aryeah Green of Israel—during a retreat in the Israeli desert.

They wanted a way to motivate people of all ages to realize the words of The Scriptures that tells us to help those who have the least among us. For instance, in Deuteronomy we are told to love a poor stranger and give him food and clothing because we too were strangers in Egypt and God fed and clothed us.

The President of Israel, Moshe Katsav, has been an enthusiastic supporter of Jewish Social Action Month and is lending the prestige of his office in Israel to urge that people heed this call to community service.

I want to thank all of those individuals, groups, synagogue and temple leadership and membership who are joining this effort.

Mr. President, I ask unanimous consent to have printed in the RECORD a number of statements and articles relating to Jewish Social Action Month.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECLARATION REGARDING CHODESH CHESED VETZEDEK, THE SOCIAL ACTION MONTH

It has been taught to you O man what is good and what the Lord requires of you, only to do justice and loving kindness and to walk humbly with your G-d (Micah VI:8).

At the foundation of our faith lies the importance of acts of loving kindness. Through its narratives and the laws of the Torah, God calls on us to make our world a holier, more just and caring place.

At Rosh Hashanah and Yom Kippur we think about our responsibilities to God, and everyone around us including the needy of the world who depend on our support. We promise to do more for them in the coming year. Just a few days later, we celebrate Succot. This festival recalls Biblical times when the Jewish people lived in temporary shelters as they journeyed through the desert. It also reminds us that in our own times there are people across the world in need of food, shelter, warmth and love.

As Succot ends, we enter the month of Cheshvan, the month that has no festivals, a time dedicated to putting into practice our pledges to be better people and to better the lives of those around us.

The Government of Israel, through its Ministry for Israeli Society and the World Jewish Community has invited communities in Israel and across the globe to proclaim this Cheshvan a month of Chesed and Tzedek (loving kindness and social justice). Everywhere, Jewish organisations will be launching Chesed and Social action programmes.

We are delighted to add our voices to this call which echoes the voice of our tradition. We invite our communities to seek ways to help and support those in need wherever they are, so that through our acts of loving kindness, we may indeed "mend the world according to the Kingship of God".

May our efforts bring peace and blessing upon our communities, the whole House of Israel and the whole world.

Rabbi Menachem HaCohen—Chief Rabbi of Romania, Rabbi Warren Goldstein—Chief Rabbi of South Africa, and Sir Jonathan Sacks—Chief Rabbi of the United Kingdom.

OFFICE OF THE PRIME MINISTER,
MINISTRY FOR ISRAELI SOCIETY &
THE WORLD JEWISH COMMUNITY,
Jerusalem, November 3, 2005.

I am delighted to send my greetings to this distinguished gathering at the Congress in Washington to launch the first ever Jewish Social Action Month. I would like to thank everyone who has come today and in particular my dear friend Senator Joe Lieberman and Congressman Steve Israel who are hosting this event. My thanks also Yossi Abramovitch, Rebecca Lieberman and all the members of Kol Dor who have worked so hard to make it such a success.

At the heart of the Jewish religion lies the importance of caring for others. According to the rabbis, God made all of humanity in his image in order to show that all people of all faiths, colors and creeds are important to the Almighty. We are taught in the Jerusalem Talmud that there is no limit to the amount of loving kindness we should do or to the Divine reward we receive for these actions.

It is therefore gives me great pride as Deputy Minister for Israeli Society and the

World Jewish Community in the Government of Israel together with the Kol Dor Organization to launch the very first ever Jewish Social Action month whereby Jews from all over the world and from every background will take part in different activities to mend the world and make it a better place for us all.

I wish everyone here much success in their activities and I thank you all once again for your support for this important project.

Rabbi Michael Melchior,
Deputy Minister responsible for Israeli Society and the World Jewish Community.

Testimony of Yosef I. Abramowitz in Support of Declaring the Hebrew Month of Heshvan Global Jewish Social Action Month

Chairwoman Collette Avital, other Members of Knesset, Kol Dor conference chair Yael Andoran, fellow Kol Dor Members, friends and others who care about the future of the Jewish people and Jewish mission.

It is a great privilege to introduce a global Jewish idea to this important body, an idea that can: help unite Jews around the world; strengthen the global integrity of the Jewish people; highlight positive Jewish values; and, of course, catalyze the performance of hopefully countless acts of hesed and tzedek, of social action and social justice.

We at Kol Dor recognize that there are multiple points of entry into Jewish peoplehood, especially for the under-affiliated of the next generation who are not joining through traditionally prescribed ways. The prophetic call to repair the world, which resonates clearly in Israel's Declaration of Independence, clearly speaks to young Jews around the world, across the religious and political spectrum. We seek to harness this idealism, unfortunately often cast in a universal rather than particularly Jewish frame. We seek to join a strong social justice stream found in Jewish teachings—as Rav Gideon Sylvester just demonstrated—with the growing tide of alienated young Jews, and create a powerful current of Peoplehood with Purpose.

The idea is quite simple: The Jewish people, who have contributed so much to the moral advancement of civilization, will focus our energies and attention on the month of Heshvan and transforming it internationally into Jewish Social Action Month. Following the Yamim Noraim, when world Jewry is mobilized to celebrate the High Holy Days, Jews will be invited to express our people's universal hopes for humanity and civilization by actions—local, national, international—that express our values of aryevut, and tzedek.

The idea is to open-source this idea in all Jewish communities, from Hodu and Kush, from Metula to Eilat, from San Francisco to San Paulo, from Sydney to London, and everywhere in between.

As Jews, we know the power of symbols. In an era of Jewish history when we live with so many internal divisions, our communities want to rally around positive ideas and actions that unite Jews worldwide.

We seek neither to dictate nor control, but to provide leadership. We seek to link powerful ideas with personal example, doogma Isheet, and to seed the great imagination and intellectual power of Jews worldwide, as they seek ways to make a difference in the world.

We, Kol Dor members from sixteen countries, respectfully offer this committee and the Knesset the opportunity to provide not just leadership to Medinat Yisrael, but to Am Yisrael.

Thank you for your positive consideration of declaring Heshvan Global Jewish Social Action Month.

Rabbi Michael Melchior Op Ed Piece for the JTA for the Jewish Social Action Month

As the member of the Government of Israel with responsibility for the world Jewish community, I have the privilege of meeting Jews of all types, from all over the world. There are huge cultural, historical and theological variations amongst Jews and these lend color and variety to our people. But the differences also create problems. The deep rifts that occurred in Israel over the issue of disengagement and the battles between different groups demonstrated once again the profound divisions amongst us. The Jewish people stand in danger of splitting into different factions with different narratives. Amidst so much diversity, what can unite us?

Wherever I travel in the Jewish world, I am struck by the way that Jewish people of all types are determined to make a Kiddush Hashem (sanctification of God's name) and to avoid a Hillul Hashem (desecration of God's name). The concept of the Kiddush Hashem originates in the Biblical command "I shall be sanctified amongst the people of Israel". One interpretation of this verse is that Jews should display total dedication to their faith and even be willing to lay down their lives for it. This belief motivated millions of Jewish martyrs throughout our history to give up their lives rather than abandon their Judaism. Today, it is rare for Jews to be faced with such a stark choice between their faith and their lives, but Kiddush Hashem offers another powerful challenge which has particular resonance in our times. Each one of us has to ensure that the word "Jewish" is always associated with the highest levels of ethics and kindness, so that our behavior always brings credit to our heritage and to our God.

On a daily basis, we witness the disgrace that is attached to religion when it is linked with the horrors of priests engaging in child abuse and the fanaticism of "religious" suicide bombers. Tragically, throughout our long history, our own faith has also spawned instances of the desecration of God's name. The rabbis recognized these and declared that it was our failure to show care, compassion, decency and loving kindness to one another that caused so many of our sorrows including the destruction of the Temple. In our own times, the most famous desecration of God's name was the massacre of Arabs at prayer in the mosque in Hebron and the murder of the Israeli Prime Minister Yitzhak Rabin. It was these outrages that drove me to put to aside my work as a Chief Rabbi of Norway and to enter Israeli politics. I felt that it was crucial for the government of Israel to work on a grand scale to restore the image of Judaism from one of intolerance and fanaticism to one of ethics, tolerance and compassion. It was my duty as a rabbi to play my part in that campaign. This is a crucial message of Judaism. Holiness is not the exclusive possession of those who engage in detailed ritual observance nor is it the preserve of those who devote their energies to the pursuit of spirituality; true holiness is found in the small actions that make a profound difference to the lives of the people around us and the world they live in.

This is why I am so delighted that in partnership with the Koldor organization, my office is launching the Jewish Social Action Month this Cheshvan (November). It falls one month after Rosh Hashanah and Yom Kippur so it is a time to draw on all of the resolutions that we made over the High Holidays. It's also a month with no festivals in it which enables us to dedicate time to Social Action activities.

Throughout the month Jews from across the globe will be performing acts of loving kindness to their neighbors both Jewish and Gentile. The concept of social action can be interpreted broadly and there are endless possibilities for action. The Israeli Friends of the Earth, for example, will be launching initiatives to clear up the debris which ruins our countryside, the Israeli Police Force will be engaging in projects to show care and concern in the community, one youth movement will be organizing a sports event for the underprivileged, another arranging a national blood donation drive. It is beautiful to see how in Israel, and spreading across South America, North America, Russia, and Europe, Jews ranging from Chief Rabbis to the most secular of our people will be engaged in the Social Action Month.

I very much hope that you will feel moved to join in the project; to make a Kiddush Hashem and turn our world into a better place. I look forward to hearing about your activities and reading about them on the website of the Prime minister of Israel.

Check the Calendar—Cheshvan Is Now Jewish Social Action Month

(By Tzvi Kahn)

New York, June 30.—Aryeh Green and Yosef Abramowitz were sipping tea in a Bedouin tent last year in Sde Boker, a kibbutz in Israel's Negev desert, when they had an idea.

Participants at a conference of Kol Dor, an organization that seeks to revitalize Jewish activism and unity across the globe, the two were discussing how the group could promote Jewish identity and peoplehood.

"Most Jewish institutions and endeavors are out of touch with the next generation of Jews because of a lack of relevance," Abramowitz, CEO of Jewish Family and Life, which publishes several Jewish Web sites and magazines, told JTA. "But we do know that the idealism and the desire to contribute to the world" are predominant.

It occurred to them that a month in the Jewish calendar formally dedicated to social action would be an ideal means of mobilizing and inspiring the Jewish community.

Their initiative received a major boost this week when the Knesset's Committee on Immigration, Absorption and Diaspora Affairs proclaimed the Jewish month of Cheshvan, which falls in November this year, as Social Action Month.

According to Green, who serves as an adviser to former Israeli Cabinet minister Natan Sharansky, "We agreed that if we wanted Kol Dor to succeed, we would have to focus on practical, tangible contributions."

"What makes this initiative interesting and unique is that it harnesses the power of different social action and Jewish organizations to get involved," Green said. The goal is not to spearhead specific projects, but to "pull together the existing frameworks of social action."

The effort has garnered the support of various Jewish groups, including the Jewish Agency for Israel and Hillel: The Foundation for Jewish Campus Life, the Israel Defense Forces' education branch and the World Union of Jewish Students.

Abramowitz said Labor Party legislator Colette Avital, who chairs the Knesset's immigration committee, has sent a letter to various Jewish organizations expressing support.

Jewish schools in Israel and the Diaspora will be a particular focus of the initiative. According to Abramowitz, Social Action Month will receive special attention in the BabagaNewz, a monthly magazine on Jewish values that JFL publishes for elementary school students. The magazine serves 1,400 Jewish schools and has a circulation of more than 40,000.

The JFL journal Sh'ma and magazine JVibe also intend to publish features on the subject, he said.

Abramowitz said Cheshvan was selected for the project because it immediately follows the High Holidays, which usually spur higher levels of Jewish observance.

The Knesset decision also represents a victory for Kol Dor, whose philosophy formed the ideological foundation for Social Action Month.

"The paradigm that we are advocating in Jewish life is that peoplehood is a central mobilizing force," Abramowitz said, citing the success of the movement to rescue Soviet Jewry as one example.

The group seeks to use the Jewish concept of tikkun olam, or repairing the world, as a unifying theme.

REMEMBERING MRS. ROSA PARKS

Mr. ALEXANDER. This week we have honored the memory of Rosa Parks, a woman whose quiet stand for her individual rights reverberated across this country.

We often discuss how far we have to go as a country in terms of race relations. Thinking of Rosa Parks reminds me how far we have come. In 1955 when she refused to give up her seat on the bus in Montgomery, African Americans in the South could not eat in the same restaurants, go to the same colleges, sleep in the same motels, be cared for in the same hospitals or compete on the same sports teams as other Americans.

Rosa Parks' actions that day in Montgomery helped spark a movement that changed our country forever for the better. Condoleezza Rice, one of the bright minds leading our country today, rightly noted at the memorial service in Alabama, ". . . that without Mrs. Parks, I would not be standing here today as Secretary of State."

Rosa Parks and those who took up the call inspired me, too. As editor of the student paper at Vanderbilt University, I wrote editorials urging desegregation of that school in 1962.

We made great progress in those days, as we continue to do today. Our Nation has always been a work in progress, ever since our Founders signed the Declaration of Independence declaring that "all men are created equal." We're still working to achieve that noble goal of recognizing our equality. But thanks to Americans like Rosa Parks, we've come a long way.

Rosa Parks' courage has earned for her a noble place in the history of our Nation's struggle for equal opportunity. We will miss her.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On October 1, 2003, just east of West Hollywood, a gay man was attacked in his home with a bat by a pair of assailants. The two assailants took the victims house key after he ran home and left his keys in the door as he hurried inside. The victim, who identified his attackers as Evar Rivera and Selvan Campos in court, said he received 14 stitches for his injuries. According to police, anti-gay slurs were yelled during the bat attack, and police later classified the attack as a hate crime.

I believe that our Government's first duty is to defend its citizens, in all circumstances, from threats to them at home. The Local Law Enforcement Enhancement Act is a major step forward in achieving that goal. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NASA GLENN RESEARCH AWARDS

Mr. DEWINE. Mr. President, I rise today to honor the dedicated team of scientists, engineers, and innovators of NASA's Glenn Research Center in Cleveland for their hard work and perseverance. I have recognized in previous years the award-winning work of researchers and engineers at NASA Glenn and am proud to do so again today.

The Glenn Research Center has come up with a wide range of products that not only contribute to further progress in our space exploration mission, but also provide for remarkable enhancements in the quality of life of citizens throughout the United States. Through NASA's commercialization initiatives, these products have enabled the creation of new jobs in the country, thereby encouraging additional economic growth nationwide.

This year, four products introduced by NASA Glenn have been distinguished among the "Top 100 Most Technologically Significant Products of the Year." They have been recognized by the editors of Research & Design Magazine and awarded four of the "R&D 100" awards—awards known by many as the "Oscars of Invention." Their remarkable achievements clearly illustrate the high level of professionalism that distinguishes the Glenn Research Center, its employees, and the numerous organizations and individuals who work in partnership with the Center.

It is with great pride that I recognize each of the award participants and congratulate them for their outstanding work. In developing an award-winning family of rod-coil block copolymers, Dr. Mary Ann Meador and Dr. James Kinder of Glenn's Materials Division have improved ionic conductivity in lithium polymer batteries. These new polymers will enable cost-saving advances in battery technologies, resulting in improvements to products ranging from mobile phones to fuel cells. Through this important innovation, it will be possible to offer lower manufacturing costs, while increasing battery safety to meet future aerospace application requirements.

The NASA Glenn Sensors and Electronics Branch team has been recognized for its development of a new sensor-based fire detection system that effectively recognizes the presence of fire while screening out false alarms. Dr. Gary Hunter led the development effort in collaboration with colleagues from Case Western Reserve University, the Ohio State University, Makel Engineering, and the Federal Aviation Administration. This revolutionary device will improve fire alarms in cargo and baggage compartments of commercial aircraft and is also specifically adapted to fit the requirements of the International Space Station.

The Center also has received recognition for its work on a material known as the Glenn Refractory Adhesive for Bonding and Exterior Repair, GRABER. This material, which was considered for use in the Space Shuttle Return to Flight program, was developed and tested by Dr. Mrityunjay "Jay" Singh, now a four-time "R&D 100" award winner, and Tarah Shpargel of NASA Glenn's Ceramics Branch. This dynamic material will allow in-space repair of both large and small cracks in the space shuttle thermal protection system—a capability that is absolutely essential for the safety and success of future Space Shuttle missions following the tragic loss of the *Columbia*. In addition to its applications in space, GRABER has a number of potential industrial applications due to its low cost and excellent adhesive properties.

Finally, NASA Glenn's Numerical Evaluation of Stochastic Structures Under Stress, NESSUS, software program has been recognized as an award winner this year. The NESSUS program combines state-of-the-art algorithms with general-purpose numerical analysis methods to predict responses in hi-tech systems, such as aerospace and automotive structures, biomechanics, and gas turbine engines. Dr. Shantaram Pai, of Glenn's Structural Mechanics and Dynamics Branch, was responsible for developing the probabilistic heat transfer module integrated in the system and managing the integration of nine other NASA-developed modules into NESSUS, enabling analysis of a diverse range of problems.

I extend my most genuine congratulations to everyone who participated in each of NASA Glenn's award-winning projects.

SUPERFUND LITIGATION

Mr. BROWNBACK. Mr. President, I rise today to speak on the issue of clarifying Congress's intent regarding agricultural operations in respect to Superfund litigation. I, along with my colleague from Idaho, Senator CRAIG, offered an amendment during the agriculture appropriations conference committee that would have done that very thing. The amendment passed the Senate, by a 9 to 8 vote, yet was stripped from the final conference report. Needless to say, I am disappointed with this result. So much so, in fact, I decided not to sign the conference report.

When the Comprehensive Environmental Response, Compensation, and Liability Act, or CERCLA, was passed in 1980 and the Emergency Planning and Community Right-To-Know Act, or EPCLA, was passed in 1986, agriculture was never part of the deal. These acts were intended to provide for clean up of toxic waste dumps and spills such as Love Canal and Times Beach. To this end, Congress created the Superfund to tax building blocks, such as petrochemicals, inorganic raw materials and petroleum oil, used to make all hazardous products and waste. Animal agriculture waste, or manure, is clearly not among these materials. In fact, if you would have tried to attach agriculture to either of these two acts, they would not have passed. It was not Congress's intent to apply Superfund rules to manure which contains naturally occurring organic compounds—such as orthophosphate, ammonia and hydrogen sulfide—which occur naturally in the environment in the same form as they appear in manure.

Recently, municipal and State governments have filed suit against livestock and poultry operations claiming Superfund liability in Texas and Oklahoma.

On April 24, 2004, the City of Waco, TX, filed suit in Federal court against eight dairies in the North Bosque River Watershed and later amended the suit to include six additional dairies, seeking $45 million in damages under Superfund. The suit alleges that orthophosphate is discharged from the dairies and has affected the water quality of Lake Waco which is located approximately 100 miles downstream from the dairies.

On June 13, 2005, the attorney general of the State of Oklahoma filed suit in Federal court against 14 major integrated poultry production firms claiming joint and several liability for damaged water quality in the Illinois River Watershed caused by poultry litter runoff from agricultural lands to which it has been applied as fertilizer. The suit seeks to recover past, present, and future response costs under Superfund, as well as natural resource damages that is expected to add up to several hundreds of millions of dollars. If these two cases are successful, other municipalities and States could bring similar lawsuits and every animal feeding operation and farm could be held liable under Superfund.

This is another example of our judicial system overstepping its boundaries. Our judicial system is usurping the will of Congress and creating laws Congress never meant to create.

Animal agriculture operations have been appropriately regulated and required to have permits for years under the Clean Water Act, the Clean Air Act, and various State laws to protect the environment, but never under Superfund. My amendment would have left these laws in place. My amendment would have only protected agricultural producers from another example of an activist judicial system. Agriculture is already an over regulated industry and adding the possibility of Superfund litigation will be too much to bear for farmers and ranchers.

Further, Superfund was created with a specific goal and mission in mind. The EPA is burdened to meet these goals as it is. To now add the millions of acres of agriculture as possible Superfund sites would be too heavy a burden for the EPA to carry. Including agriculture within Superfund takes away from Superfund's initial, worthy mission.

As I stated earlier, I am disappointed that the Superfund amendment was stripped from this report after having passed the Senate. I fully intend to bring this item up next year and I am currently looking for ways to move this legislation. This needs to happen for our farmers and ranchers.

PROTECTING OUR HOMELAND SECURITY

Mr. LEVIN. Mr. President, despite the potential threat from terrorists armed with easily accessible powerful firearms, Congress still has taken no action to require Federal registration of .50 caliber sniper rifles. We must do more to protect our families and communities.

The .50 caliber sniper rifle is a favorite weapon of militaries around the world and is also among the most powerful weapons legally available to private individuals in the United States. Published reports indicate that .50 caliber sniper rifles are capable of accurately hitting a target more than 1,500 yards away with a bullet measuring a half inch in diameter. In addition, these thumb-size bullets come in armor-piercing, incendiary, and explosive varieties that can easily punch through aircraft fuselages, fuel tanks, and engines. Currently, these highly destructive sniper rifles, which have no sporting purpose, are subject to only minimal Federal regulation and are treated the same as other long rifles, including shotguns, hunting rifles, and smaller target rifles.

In August, the House of Delegates of the American Bar Association adopted a resolution in support of "Federal, State, and territorial laws that would restrict the sale, distribution, transfer, and possession of .50 caliber sniper weapons except to the U.S. military, and the National Guard and law enforcement agencies." The ABA report that accompanied the resolution states:

> Despite its destructive potential, the .50 caliber weapon is sold like any other rifle. Under current law, one needs only be 18 years of age, have a driver's license and pass a minimal background check in order to buy the gun.
>
> The U.S. Congress has acted to restrict various weapons including specific firearms and ammunition. Rockets, mortars and ammunition over .50 caliber size cannot be sold or legally possessed by civilians. Machine guns, sawed-off shotguns, imported junk handguns, silencers, guns made of plastic or otherwise undetectable by metal screening devices and some armor-piercing ammunition are currently banned or restricted under federal law.

I am a cosponsor of the Fifty-Caliber Sniper Weapon Regulation Act introduced by Senator FEINSTEIN. This bill would reclassify .50 caliber rifles under the National Firearms Act, NFA, treating them the same as other high-powered or especially lethal firearms like several of those mentioned in the ABA's report. Among other things, reclassification of .50 caliber sniper rifles under the NFA would subject them to new registration requirements. Future transfers or sales of .50 caliber sniper rifles would have to be conducted through a licensed dealer with an accompanying background check. In addition, the rifle being sold would have to be registered with Federal authorities.

We must take proactive steps to help prevent terrorists armed with military style firearms purchased in the U.S. from carrying out attacks on innocent Americans. I urge the Senate to take up and pass commonsense gun safety legislation, like the Fifty-Caliber Sniper Weapon Regulation Act, to assist our law enforcement officials in protecting our homeland security.

ADDITIONAL STATEMENTS

TRIBUTE TO ARTHUR GIBB, SR.

• Mr. JEFFORDS. Mr. President, this week my home State lost a devoted public servant, an environmental pioneer, a good friend, and a great Vermonter: Art Gibb.

I first met Art when we served together in the Vermont Legislature where Art was known for his unassuming and gracious temperament. Art also established a reputation as an insightful legislator with an unusual ability to forge consensus. These skills impressed me and, for over 30 years, I frequently sought Art's wisdom and advice when I found myself confronted with difficult decisions both in Washington and Montpelier.

Though Art was remarkably accomplished as a member of the Vermont Legislature, he will undoubtedly be remembered for his work on the Governor's Commission on Environmental Control through which he helped save Vermont's beauty and natural resources from reckless overdevelopment. Gov. Deane Davis appointed Art to lead the commission, which became known as the "Gibb Commission," in 1969 as developers began exploiting lenient building regulations in an effort to turn a quick profit at the expense of public health and the environment. The Gibb Commission traveled the State, held public hearings, and worked tirelessly to draft recommendations to address this pressing concern. The result of the Gibb Commission's work was the bold and pioneering Act 250, legislation that has protected Vermont's waterways, forests, and natural landscape ever since.

Art's leadership of the Gibb Commission and his work during his two decades in the legislature earned him well-deserved accolades. Still, Art never operated with any fanfare. Despite his newsworthy accomplishments, Art was never interested in seeing his name in the headlines. His temperament and fair and nonpartisan nature won Art the respect and admiration of colleagues on both sides of the aisle. Today, Art's portrait hangs in the State House, a rare honor and a fitting tribute for a man who left such an important mark on Vermont, both as a person and a policymaker.

When Art retired from the Vermont Senate in 1986 I noted, on the floor of the U.S. House of Representatives, "I am more than certain, however, that all of us in Vermont will continue to benefit from his,—Art's—wit, his intelligence, his commitment, and his grace for many, many years to come." This statement proved to be true, as Art remained an active member of the community and even served 12 years on the State Environmental Board after his retirement. Today, as we remember Art, I take comfort in the certainty that generations of Vermonters will continue to benefit for years to come from Art's devotion to the preservation and conservation of our great State.

I extend my deepest condolences to Art's surviving children Barbara, Dwight, Lowrie, Arthur, Jr. and Henry, as well as Art's ten grandchildren and seven great grandchildren. All Vermonters mourn with you knowing that without Art, Vermont would not be the beautiful and healthy place it is today.•

HONORING DR. BONNIE J. DUNBAR

• Mrs. MURRAY. Mr. President, today I would like to recognize the extraordinary achievements of a gifted Washingtonian named Dr. Bonnie J. Dunbar. Dr. Dunbar is widely acknowledged as one of the world's most experienced female astronauts as well as a pioneer in biomedical engineering. In tribute to her accomplishments, Dr. Dunbar has been selected to receive the distinguished Women in Engineering Achievement Award for 2005.

Born and raised on a ranch in Sunnyside, WA, Dr. Dunbar took an early interest in space. As a child, she studied the exploits of astronauts like Alan Shepherd and spent her nights studying the sky for signs of passing satellites. By the third grade, she had already declared that she would one day be an astronaut. Encouraged by her parents to follow her dreams, Bonnie Dunbar attended the University of Washington where she received her bachelor and master degrees in engineering, an important precursor to her career at NASA. However, her journey to space was not without its hurdles.

Like a true pioneer, Dr. Dunbar worked to break down barriers. At a time when women were generally discouraged from pursuing science based careers, Dr. Dunbar both succeeded and prospered in her field, paving the way for countless women who shared her interest in science. After receiving her doctorate in Mechanical and Biomedical Engineering from the University of Houston, Dr. Dunbar went on to hold a number of esteemed research and engineering positions in the private sector. During this time, Dr. Dunbar assisted in the development and manufacture of Space Shuttle Thermal Protection Systems integral to NASA flight operations.

In 1978, when NASA opened its astronaut program to women for the first time, Dr. Dunbar was one of the first candidates to enroll. Although she was not chosen in the final selection, NASA recognized her talents and hired her as a payload officer and flight controller. This would mark the beginning of a distinguished 27-year career at NASA. In 1981, Dr. Dunbar earned her astronaut wings and was assigned to the 1985 Challenger Spacelab mission. Following this successful mission, she was selected to participate in four more missions in space. All told, Dr. Dunbar logged more than 1,208 hours or 50 days in space.

Dr. Dunbar's exceptional performance during these missions garnered more than six NASA Space Flight Medals, including the Superior Accomplishment Award in 1997, and the NASA Exceptional Achievement Award in 1996.

Doctor Bonnie Dunbar's meteoric rise from a small ranching community in the State of Washington to a veteran of five successful missions to space is both extraordinary and inspiring. Her courageous trailblazing took the world's fascination for space to new plateaus and encouraged women to follow their dreams. She truly is a remarkable pioneer and a worthy recipient of the distinguished Women in Engineering Achievement Award for 2005.•

CELEBRATING THE 60TH ANNIVERSARY OF HULMAN-GEORGE FAMILY OWNERSHIP OF THE INDIANAPOLIS MOTOR SPEEDWAY

• Mr. LUGAR. Mr. President, I am pleased to rise today to recognize the important leadership of the Hulman-George family throughout their 60 years of stewardship of the Indianapolis Motor Speedway. I am honored to have this opportunity to congratulate them on reaching this signal milestone on November 14, 2005.

The Hulman-George family members have been remarkable champions of Indianapolis and the State of Indiana through their hosting of what many consider to be the greatest spectacle in racing, the Indianapolis 500. In recent years, they have also hosted the Brickyard 400 and the United States Grand Prix, remarkable events that bring people from around the world to Indianapolis to experience true Hoosier hospitality.

I have especially enjoyed a close relationship with the Hulman-George family, which began when I was Mayor of Indianapolis. My wife, Char, and I would take our four boys to the track for activities throughout the month of May.

On May 16, 1981, I first had the opportunity to participate in another great tradition at the Speedway when we gathered to celebrate the annual Armed Forces Induction Ceremony. This event came about because recruitment was low and members of our community were looking for a creative way to celebrate the decision of Hoosier men and women to serve our country in the Armed Forces. To address this dilemma, the Hulman-George family offered the Indianapolis Motor Speedway as a backdrop for an enlistment ceremony. Anyone who enlisted during the month of May would be a part of the Tony Hulman Squadron and would fly away from the infield to basic training. While the ceremony has evolved over the ensuing years, it remains special to me because it offers an excellent opportunity to celebrate the patriotism of so many talented and dedicated young Hoosiers.

As race fans gather in Indianapolis to cheer their favorite drivers on to victory, I am hopeful that they will take a moment to reflect upon the years of dedicated leadership that the Hulman-George family has provided in the Indianapolis community, leadership that has helped to make Indianapolis the motorsports capitol of world.

Like so many of my fellow Hoosiers, I am grateful that the Hulman-George family continues to call Indiana its home.●

DANNY J. BAKEWELL, SR.

● Mrs. BOXER. Mr. President, I am very pleased to take a few moments to recognize the many important accomplishments of Danny J. Bakewell, Sr., as he prepares to step down as CEO of the Brotherhood Crusade.

Danny J. Bakewell, Sr. has spent the past 35 years building the Brotherhood Crusade into a nationally-recognized charitable organization in southern California. In that time, he has raised over $60 million to support a host of programs. Nurturing nonprofit groups and local small businesses is first and foremost among the Brotherhood Crusade's priorities. The venerable institution funds programs that provide services for adults seeking job training and job placement, young people looking to realize their academic potential, and families seeking to improve their physical health.

The funding that Brotherhood Crusade provides is the lifeblood for many organizations, making it possible for them to be the catalyst in bringing change to communities and change to individuals.

Danny's commitment to equality for all, fair representation in the media, and strengthening communities has been steadfast, as evidenced by his activist work. He was active in the struggle to bring a peaceable end to apartheid in South Africa. Danny galvanized a coalition of community leaders to change the way entertainment companies represented slavery on prime time television. Along with his family, Danny launched a foundation to uplift the lives of children during their treatments associated with leukemia and other life-threatening diseases.

Danny Bakewell's success in the private sector have been important to under-served communities throughout Los Angeles county as well. He is the publisher of the Los Angeles Sentinel, the largest and oldest African-American owned newspaper west of the Mississippi River. Danny was the catalyst behind two development projects—the Compton Towne Center and Compton Renaissance Plaza—which have helped to bring economic vitality into an area that had been written off by many. In addition to creating much needed jobs for community residents and additional tax revenues for the city, these projects are giving residents a deeper sense of pride in their neighborhood.

I invite my colleagues to join me and the thousands of people touched by his work in commending Danny J. Bakewell, Sr. for his great leadership of the Brotherhood Crusade and tireless advocacy throughout his lifetime.●

PAYING TRIBUTE TO THE DETROIT WINDSOR TUNNEL ON ITS 75TH ANNIVERSARY

● Ms. STABENOW. Mr. President, I rise today to recognize the 75th anniversary of the Detroit Windsor Tunnel. Over the past 75 years, the tunnel has been an indispensable link between the United States and Canada.

In the years before the construction of the tunnel, cars and trucks crossed the Detroit River on ferries. During the winter, the river froze and made the ferry ride between Detroit and Windsor dangerous. On November 3, 1930, President Herbert Hoover ushered in a new era in U.S.-Canadian relations when he officially opened the Detroit Windsor Tunnel.

Not only has the tunnel been a vital commercial and cultural link between the United States and Canada, at the time of its construction it was an unparalleled engineering feat. The tunnel is approximately 1 mile long and reaches depths of 75 feet below the river. It is the only underwater international vehicular border crossing in the world. At full capacity, 2,400 vehicles can pass between Detroit and Windsor each hour through the tunnel.

During the tunnel's construction, there were as many as 600 workers simultaneously building the structure. One group of workers called the "muckers" dug a 32-foot hole in tight quarters through sand and clay deep below the Detroit River. As a tribute to the workers who built the Detroit Windsor Tunnel a year ahead of schedule, the first person to drive the distance of the tunnel and back was Joseph Zuccatto, a construction worker who earned 35 cents an hour.

The Detroit Windsor Tunnel is one of the cornerstones of the close economic relationship between the United States and Canada. The United States and Canada trade $1.2 billion worth of goods and services each day that supports 5.2 million jobs. Trade between the United States and Canada is valued over $400 billion per year. Michigan's trade with Canada represents 19 percent of the United States land-based trade and supports 174,000 Michigan jobs.

The Detroit Windsor Tunnel is a crucial link between the U.S. and Canadian economies. The tunnel is one of the 15 busiest border crossings nationally, with more than 9 million vehicles passing through the tunnel each year. Additionally, at least 850 trucks and 5,000 commuters pass through the tunnel for business, entertainment, and shopping each day.

In recent years, all U.S. ports of entry have balanced increased border security requirements with the needs of tourists and business travelers to quickly enter and leave the United States. The Detroit Windsor Tunnel has enthusiastically responded to these challenges and worked with local, State and Federal officials to meet these urgent needs.

Mr. President, I commend the Detroit Windsor Tunnel on its 75th anniversary, for its service to the people of the United States and Canada, and for its continuous innovation to serve those who rely on it.●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:20 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2967. An act to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1960. A bill to protect the health and safety of all athletes, to promote the integrity of professional sports by establishing minimum standards for the testing of steroids and other performance-enhancing substances and methods by professional sports leagues, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4507. A communication from the Assistant to the Secretary of Defense, Nuclear and Chemical and Biological Defense Programs, transmitting, pursuant to law, a report from the Counterproliferation Program Review Committee entitled "Report on Activities and Programs for Countering Proliferation and NBC Terrorism" (revised to include administrative corrections); to the Committee on Armed Services.

EC-4508. A communication from the Director, Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to the total cost for the planning, design, construction and installation of equipment for the renovation of Wedges 2 through 5 of the Pentagon; to the Committee on Armed Services.

EC-4509. A communication from the Acting Deputy Secretary of Defense, transmitting, pursuant to law, the Seventeenth Report of the Federal Voting Assistance Program; to the Committee on Armed Services.

EC-4510. A communication from the Director, Office of Personnel Management and the Secretary of Defense, transmitting, pursuant to law, a report jointly submitted by the Office of Personnel Management and the Department of Defense relative to final regulations for the National Security Personnel System (NSPS); to the Committee on Armed Services.

EC–4511. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Payment and Billing Instructions" (DFARS Case 2003–D009) received on October 31, 2005; to the Committee on Armed Services.

EC–4512. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a change in previously submitted reported information relative to the vacancy in the position of Assistant Secretary of Defense (Public Affairs), received on October 31, 2005; to the Committee on Armed Services.

EC–4513. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a change in previously submitted reported information relative to the vacancy in the position of Deputy Secretary of Defense, received on October 31, 2005; to the Committee on Armed Services.

EC–4514. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination and the designation of an acting officer for the position of Assistant Secretary of Defense (Public Affairs), received on October 31, 2005; to the Committee on Armed Services.

EC–4515. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense (International Security Policy), received on October 31, 2005; to the Committee on Armed Services.

EC–4516. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of Defense (Policy), received on October 31, 2005; to the Committee on Armed Services.

EC–4517. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service in the acting role for the position of Director, Operational Test and Evaluation, received on October 31, 2005; to the Committee on Armed Services.

EC–4518. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Director, Defense Research and Engineering, received on October 31, 2005; to the Committee on Armed Services.

EC–4519. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the confirmation of a nominee for the position of Assistant Secretary of Defense (Legislative Affairs), received on October 31, 2005; to the Committee on Armed Services.

EC–4520. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Inspector General, received on October 31, 2005; to the Committee on Armed Services.

EC–4521. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Under Secretary of Defense (Personnel and Readiness), received on October 31, 2005; to the Committee on Armed Services.

EC–4522. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Deputy Under Secretary of Defense (Logistics and Materiel Readiness), received on October 31, 2005; to the Committee on Armed Services.

EC–4523. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a recess appointment for the position of Under Secretary of Defense (Policy), received on October 31, 2005; to the Committee on Armed Services.

EC–4524. A communication from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, the report of the discontinuation of service in the acting role and the confirmation of a nominee for the position of Assistant Secretary of the Army (Installations and Environment), received on October 31, 2005; to the Committee on Armed Services.

EC–4525. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Director, Defense Research and Engineering, received on October 31, 2005; to the Committee on Armed Services.

EC–4526. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Director, Defense Research and Engineering, received on October 31, 2005; to the Committee on Armed Services.

EC–4527. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service in the acting role and confirmation of a nominee for the position of Deputy Under Secretary of Defense (Logistics and Materiel Readiness), received on October 31, 2005; to the Committee on Armed Services.

EC–4528. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service in the acting role for the position of Assistant Secretary of Defense (Legislative Affairs), received on October 31, 2005; to the Committee on Armed Services.

EC–4529. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a discontinuation of service in the acting role and a recess appointment in the position of Assistant Secretary of Defense (International Security Policy), received on October 31, 2005; to the Committee on Armed Services.

EC–4530. A communication from the Assistant Director, Executive and Political Personnel, Department of the Navy, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of the Navy (Research, Development and Acquisition), received on October 31, 2005; to the Committee on Armed Services.

EC–4531. A communication from the Assistant Director, Executive and Political Personnel, Department of the Navy, transmitting, pursuant to law, the report of a nomination for the position of Secretary of the Navy, received on October 31, 2005; to the Committee on Armed Services.

EC–4532. A communication from the Assistant Director, Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of a nomination for the position of Secretary of the Air Force, received on October 31, 2005; to the Committee on Armed Services.

EC–4533. A communication from the Assistant Director, Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of the Air Force, received on October 31, 2005; to the Committee on Armed Services.

EC–4534. A communication from the Assistant Director, Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of the confirmation of a nominee for the position of Under Secretary of the Air Force, received on October 31, 2005; to the Committee on Armed Services.

EC–4535. A communication from the Assistant Director, Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer in the position of Assistant Secretary of the Air Force (Installations, Environment, and Logistics), received on October 31, 2005; to the Committee on Armed Services.

EC–4536. A communication from the Assistant Director, Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of the discontinuation of service in the acting role for the position of Secretary of the Air Force, received on October 31, 2005; to the Committee on Armed Services.

EC–4537. A communication from the Assistant Director, Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of the designation of an acting officer in the position of Secretary of the Air Force, received on October 31, 2005; to the Committee on Armed Services.

EC–4538. A communication from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, the report of the discontinuation of service in the acting role for the position of Assistant Secretary of the Army (Manpower and Reserve Affairs), received on October 31, 2005; to the Committee on Armed Services.

EC–4539. A communication from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, the report of the discontinuation of service in the acting role for the position of Under Secretary of the Army, received on October 31, 2005; to the Committee on Armed Services.

EC–4540. A communication from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, the report of a nomination and designation of an acting officer for the position of Assistant Secretary of the

Army (Installations and Environment), received on October 31, 2005; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1095. A bill to amend chapter 113 of title 18, United States Code, to clarify the prohibition on the trafficking in goods or services, and for other purposes.

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment:

S. 1699. A bill to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*Orlando J. Cabrera, of Florida, to be an Assistant Secretaryof Housing and Urban Development.

*Katherine Baicker, of New Hampshire, to be a Member of the Council of Economic Advisers.

*Matthew Slaughter, of New Hampshire, to be a Member of the Council of Economic Advisers.

*Rodney E. Hood, of North Carolina, to be a Member of the National Credit Union Administration Board for a term expiring April 10, 2009.

*Gigi Hyland, of Virginia, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2011.

By Mr. SPECTER for the Committee on the Judiciary.

Wan J. Kim, of Maryland, to be an Assistant Attorney General.

Sue Ellen Wooldridge, of Virginia, to be an Assistant Attorney General.

Steven G. Bradbury, of Maryland, to be an Assistant Attorney General.

Thomas O. Barnett, of Virginia, to be an Assistant Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWNBACK (for himself and Mr. INHOFE):

S. 1956. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a new three-tiered approval system for drugs, biological products, and devices that is responsive to the needs of seriously ill patients, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HAGEL (for himself and Mr. NELSON of Nebraska):

S. 1957. A bill to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Mrs. MURRAY, Mr. CRAPO, Mr. SCHUMER, Mr. LEAHY, Mr. CRAIG, Mr. LEVIN, Mr. DEWINE, Mr. DAYTON, Mr. BAUCUS, and Mrs. CLINTON):

S. 1958. A bill to authorize the Attorney General to establish and carry out a program, known as the Northern Border Prosecution Initiative, to provide funds to northern border States to reimburse county and municipal governments for costs associated with certain criminal activities, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. OBAMA, Mr. LEVIN, Ms. STABENOW, Mr. KENNEDY, Mr. CORZINE, and Mr. SMITH):

S. 1959. A bill to direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall; to the Committee on Rules and Administration.

By Mr. BUNNING (for himself, Mr. MCCAIN, Mr. STEVENS, Mr. ROCKEFELLER, and Mr. GRASSLEY):

S. 1960. A bill to protect the health and safety of all athletes; to promote the integrity of professional sports by establishing minimum standards for the testing of steroids and other performance-enhancing substances and methods by professional sports leagues, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself and Mr. BENNETT):

S. Res. 298. A resolution designating Thursday, November 17, 2005, as "Feed America Thursday"; to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself, Mr. DEMINT, Mrs. CLINTON, Mr. NELSON of Nebraska, Mr. BROWNBACK, Mr. CRAIG, Mr. KERRY, Mr. COLEMAN, and Mr. SALAZAR):

S. Res. 299. A resolution to express support for the goals of National Adoption Month by promoting national awareness of adoption, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children; considered and agreed to.

By Mr. INOUYE (for himself, Mr. AKAKA, Mr. BYRD, Mr. FRIST, Mr. REID, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 300. A resolution relative to the death of Henry Ku'ualoha Giugni, former Sergeant-at-Arms of the United States Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 331

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 1496

At the request of Mr. CRAPO, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1516

At the request of Mr. LOTT, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Arkansas (Mr. PRYOR), the Senator from Delaware (Mr. BIDEN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1516, a bill to reauthorize Amtrak, and for other purposes.

S. 1699

At the request of Mr. SPECTER, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1699, a bill to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

S. 1767

At the request of Ms. SNOWE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1767, a bill to require the Federal Communications Commission to reevaluate the band plans for the upper 700 megaHertz band and the unauctioned portions of the lower 700 megaHertz band and reconfigure them to include spectrum to be licensed for small geographic areas.

S. 1791

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1848

At the request of Mr. SALAZAR, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1848, a bill to promote remediation of inactive and abandoned mines, and for other purposes.

S. 1947

At the request of Mr. SUNUNU, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1947, a bill to amend chapter 21 of title 38, United States Code, to enhance adaptive housing assistance for disabled veterans.

S. RES. 219

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 219, a resolution designating March 8, 2006, as "Endangered Species Day," and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

AMENDMENT NO. 762

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 762 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2346

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 2346 intended to be proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2350

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 2350 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2353

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 2353 intended to be proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2356

At the request of Mrs. LINCOLN, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. CORZINE) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 2356 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2357

At the request of Mr. NELSON of Florida, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 2357 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2360

At the request of Mr. LOTT, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. JEFFORDS), the Senator from Illinois (Mr. DURBIN) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 2360 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2363

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 2363 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2371

At the request of Ms. SNOWE, the names of the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 2371 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2372

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 2372 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2373

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of amendment No. 2373 intended to be proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

At the request of Mr. CARPER, his name was added as a cosponsor of amendment No. 2373 intended to be proposed to S. 1932, supra.

AMENDMENT NO. 2380

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 2380 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2390

At the request of Mr. SMITH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2390 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 2390 proposed to S. 1932, supra.

AMENDMENT NO. 2400

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of amendment No. 2400 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWNBACK (for himself and Mr. INHOFE):

S. 1956. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a new three-tiered approval system for drugs, biological products, and devices that is responsive to the needs of seriously ill patients, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Access, Compassion, Care, and Ethics for Seriously Ill Patients Act” or the “ACCESS Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The necessity of placebo controlled studies has been questioned on both scientific and ethical grounds for seriously ill patients.

(2) The current standards of the Food and Drug Administration for approval of drugs, biological products, and devices deny the benefits of medical progress to seriously ill patients who face morbidity or death from their disease.

(3) Promising therapies intended to treat serious or life threatening conditions or diseases and which address unmet medical needs have received unjustified delays and denials of approval.

(4) Seriously ill patients have a right to access available investigational drugs, biological products, and devices.

(5) The current Food and Drug Administration and National Cancer Institute case-by-case exception for compassionate access must be required to permit all seriously ill patients access to available experimental therapies as a treatment option.

(6) The current emphasis on statistical analysis of clinical information needs to be balanced by a greater reliance on clinical evaluation of this information.

(7) Food and Drug Administration advisory committees should have greater representation of medical clinicians who represent the interests of seriously ill patients in early access to promising investigational therapies.

(8) The use of available investigational products for treatment is the responsibility of the physician and the patient.

(9) The use of combinations of available investigational and approved products for treatment is the responsibility of the physician and the patient.

(10) The development and approval of drugs, biological products, and devices intended to address serious or life-threatening conditions or diseases is often delayed by the inability of sponsors to obtain prompt meetings with the Food and Drug Administration and to obtain prompt resolution of scientific and regulatory issues related to the investigation and review of new technologies.

SEC. 3. TIERED APPROVAL SYSTEM FOR DRUGS, BIOLOGICAL PRODUCTS, AND DEVICES.

Section 506 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356) is amended to read as follows:

“SEC. 506. TIERED APPROVAL SYSTEM.

“(a) IN GENERAL.—Notwithstanding any other provision of law, the sponsor of an investigational drug, biological product, or device may submit an application to the Secretary for Tier I or Tier II approval in accordance with this section.

“(b) TIER I APPROVAL.—

“(1) IN GENERAL.—

“(A) APPLICATION CONTENT.—A sponsor of an investigational drug, biological product, or device applying for Tier I approval of the product shall submit to the Secretary an application as described under section 505(b)(1) or 505(b)(2), section 351(a) of the Public Health Service Act, or section 510(k) or 515(c)(1), as applicable, which shall contain—

“(i) data and information from completed Phase I clinical investigations and any other nonclinical or clinical investigations;

“(ii) preliminary evidence that the product may be effective against a serious or life-threatening condition or disease, which evidence may be based on uncontrolled data such as case histories, information about the pharmacological mechanism of action, data from animal and computer models, comparison with historical data, or other preliminary information, and may be based on a small number of patients; and

“(iii) an assurance that the sponsor will continue clinical investigation to obtain Tier III approval.

“(B) LIMITATION.—Tier I approval shall be primarily based upon clinical evaluation, not statistical analysis.

“(2) DETERMINATION BY SECRETARY.—

“(A) IN GENERAL.—Not later than 30 days after the receipt of an application for Tier I approval, the Secretary shall either—

“(i) approve the application; or

“(ii) refer the application to the Accelerated Approval Advisory Committee.

“(B) RECOMMENDATION.—Within 90 days after receipt of an application for approval, the Accelerated Approval Advisory Committee shall issue a recommendation to the Secretary on whether the Secretary should approve the application.

“(C) FINAL DECISION.—Within 30 days after receipt of the recommendation from the Accelerated Approval Advisory Committee, the Secretary shall either approve the application or shall issue an order setting forth a detailed explanation of the reasons why the application was not approved and the specific data that the sponsor must provide so that the application may be approved.

“(3) APPEAL.—If the Secretary does not approve an application for which the Accelerated Approval Advisory Committee recommended approval, the sponsor of the application shall have the right to appeal the decision to the Commissioner of Food and Drugs. The Commissioner shall provide the sponsor with a hearing within 30 days following the nonapproval of the application and shall issue an order within 30 days following the hearing either concurring in the nonapproval or approving the application. The Commissioner shall not delegate the responsibility described in this paragraph to any other person.

“(4) CRITERIA.—In making a determination under paragraph (2), the Secretary shall consider whether the totality of the information available to the Secretary regarding the safety and effectiveness of an investigational drug, biological product, or device, as compared to the risk of morbidity or death from a condition or disease, indicates that a patient (who may be representative of a small patient subpopulation) may obtain more benefit than risk if treated with the drug, biological product, or device. If the potential risk to a patient of the condition or disease outweighs the potential risk of the product, and the product may possibly provide benefit to the patient, the Secretary shall approve the application.

“(5) PRODUCT LABELING.—The labeling approved by the Secretary for the drug, biological product, or device—

“(A) shall state that the product is intended for use by a patient whose physician has documented in writing that the patient has—

“(i) exhausted all treatment options approved by Secretary for the condition or disease for which the patient is a reasonable candidate; and

“(ii) unsuccessfully sought treatment, or obtained treatment that was not effective, with an investigational drug, biological product, or device for which such individual is a reasonable candidate (which may include consideration of the lack of a source of supply or geographic factors); and

“(B) shall state that every patient to whom the product is administered shall, as a mandatory condition of receiving the product, provide—

“(i) written informed consent, as described under part 50 of title 21, Code of Federal Regulations;

“(ii) a written waiver of the right to sue the manufacturer or sponsor of the drug, biological product, or device, or the physicians who prescribed the product or the institution where it was administered, for an adverse event caused by the product, which shall be binding in every State and Federal court; and

“(iii) consent for the manufacturer of the product to obtain data and information about the patient and the patient's use of the product that may be used to support an application for Tier II or Tier III approval.

“(6) LIMITATION ON CONDITIONS.—Tier I approval may be subject to the requirement that the sponsor conduct appropriate post-approval studies.

“(c) TIER II APPROVAL.—

“(1) IN GENERAL.—A sponsor of an investigational drug, biological product, or device applying for Tier II approval shall submit to the Secretary an application as described under section 505(b)(1) or 505(b)(2), section 351(a) of the Public Health Service Act, or section 510(k) or 515(c)(1), as applicable, which shall contain—

“(A) data and information that the drug, biological product, or device has an effect on a clinical endpoint or on a surrogate endpoint or biomarker that is reasonably likely to predict clinical benefit to a patient (who may be representative of a small patient subpopulation) suffering from a serious or life-threatening condition or disease; and

“(B) an assurance that the sponsor will continue clinical investigation to obtain Tier III approval.

“(2) DETERMINATION BY SECRETARY.—

“(A) IN GENERAL.—Not later than 30 days after the receipt of an application for Tier II approval, the Secretary shall either—

“(i) approve the application; or

“(ii) refer the application to the Accelerated Approval Advisory Committee.

“(B) RECOMMENDATION.—Within 90 days after receipt of an application for approval, the Accelerated Approval Advisory Committee shall issue a recommendation to the Secretary on whether the Secretary should approve the application.

“(C) FINAL DECISION.—Within 30 days after receipt of the recommendation from the Accelerated Approval Advisory Committee, the Secretary shall either approve the application or issue an order setting forth a detailed explanation of the reasons why the application was not approved and the specific data that the sponsor must provide so that the application may be approved.

“(3) APPEAL.—If the Secretary does not approve an application for which the Accelerated Approval Advisory Committee recommended approval, the sponsor of the application shall have the right to appeal the decision to the Commissioner of Food and Drugs. The Commissioner shall provide the sponsor with a hearing within 30 days following the nonapproval of the application and shall issue an order within 30 days following the hearing either concurring in the nonapproval or approving the application. The Commissioner shall not delegate the responsibility described in this paragraph to any other person.

‘‘(4) LIMITATION ON CONDITIONS.—

‘‘(A) POST-APPROVAL STUDIES.—Tier II approval may be subject to the requirement that the sponsor conduct appropriate post-approval studies to validate the surrogate endpoint or biomarker or otherwise confirm the effect on the clinical endpoint.

‘‘(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to permit the Secretary to condition Tier II approval on compliance with any other standards, including any standard necessary to meet Tier III approval.

‘‘(d) TIER III APPROVAL.—For purposes of this Act, the term ‘Tier III approval’ means—

‘‘(1) with respect to a new drug or new biological product, approval of such drug or product under section 505(b)(1) or 505(b)(2) or section 351 of the Public Health Service Act, as the case may be; and

‘‘(2) with respect to a new device, clearance of such device under section 510(k) or approval of such device under section 515(c)(1).

‘‘(e) PROMOTIONAL MATERIALS.—Approval of a product under either Tier I or II may be subject to the requirements that—

‘‘(1) the sponsor submit copies of all advertising and promotional materials related to the product during the preapproval review period and, following approval and for such period thereafter as the Secretary determines to be appropriate, and at least 30 days prior to the dissemination of the materials;

‘‘(2) all advertising and promotional materials prominently disclose the limited approval for the product and data available supporting the safety and effectiveness of the product; and

‘‘(3) the sponsor shall not disseminate advertising or promotional material prior to obtaining written notification from the Secretary that the advertising or promotional material complies with this subchapter.

‘‘(f) EXPEDITED WITHDRAWAL OF APPROVAL.—The Secretary may withdraw Tier I or Tier II approval using expedited procedures (as prescribed by the Secretary in regulations which shall include an opportunity for a hearing) if—

‘‘(1) the sponsor fails to conduct post-approval studies with due diligence, considering all of the circumstances involved;

‘‘(2) a post-approval study fails to verify clinical benefit of the product for even a small patient subpopulation;

‘‘(3) other evidence demonstrates that the product is not safe or effective under the conditions of use for even a small patient subpopulation; or

‘‘(4) the sponsor disseminates false or misleading promotional materials with respect to the product and fails to correct the material promptly after written notice from the Secretary.

‘‘(g) ACCELERATED APPROVAL ADVISORY COMMITTEE.—

‘‘(1) IN GENERAL.—In order to facilitate the development and expedite the review of drugs, biological products, and devices intended to treat serious or life threatening conditions, the Secretary shall establish the Accelerated Approval Advisory Committee.

‘‘(2) DELEGATION.—The Secretary may delegate authority for the Accelerated Approval Advisory Committee to the Commissioner of Food and Drugs. The Accelerated Approval Advisory Committee shall be staffed and administered in the Office of the Commissioner.

‘‘(3) COMPOSITION.—

‘‘(A) IN GENERAL.—The Committee shall be composed of 11 voting members, including 1 chairperson and 5 permanent members each of whom shall serve a term of 3 years and may be reappointed for a second 3-year term, and 5 nonpermanent members who shall be appointed to the Committee for a specific meeting, or part of a meeting, in order to provide adequate expertise in the subject being reviewed. The Committee shall include as voting members no less than 2 representatives of patient interests, of which 1 shall be a permanent member of the Committee. The Committee shall include as nonvoting members a representative of interests of the drug, biological product, and device industry.

‘‘(B) APPOINTMENTS.—The Secretary shall appoint to the Committee persons who are qualified by training and experience to evaluate the safety and effectiveness of the types of products to be referred to the Committee and who, to the extent feasible, possess skill in the use of, or experience in the development, manufacture, or utilization of, such products. The Secretary shall make appointments to the Committee so that the Committee shall consist of members with adequately diversified expertise and practical experience in such fields as clinical medicine, biological and physical sciences, and other related professions. Scientific, industry, and consumer organizations and members of the public shall be afforded an opportunity to nominate individuals for appointment to the Committee. No individual who is in the regular full-time employ of the United States and engaged in the administration of this chapter may be a member of the Committee.

‘‘(4) COMPENSATION.—Committee members, while attending meetings or conferences of the Committee or otherwise engaged in its business, shall be entitled to receive compensation at rates to be fixed by the Secretary, but not at rates exceeding the daily equivalent of the rate in effect for grade GS–18 of the General Schedule, for each day so engaged, including traveltime, and while so serving away from their homes or regular places of business each member may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, for persons in the Government service employed intermittently.

‘‘(5) ASSISTANCE.—The Secretary shall furnish the Committee with adequate clerical and other necessary assistance.

‘‘(6) ANNUAL TRAINING.—The Secretary shall employ nongovernmental experts to provide annual training to the Committee on the statutory and regulatory standards for product approval.

‘‘(7) TIMELINE.—The Committee shall be scheduled to meet at such times as may be appropriate for the Secretary to meet applicable statutory deadlines.

‘‘(8) MEETINGS.—

‘‘(A) OPPORTUNITIES FOR INTERESTED PERSONS.—Any person whose product is specifically the subject of review by the Committee shall have—

‘‘(i) the same access to data and information submitted to the Committee as the Secretary;

‘‘(ii) the opportunity to submit, for review by the Committee, data or information, which shall be submitted to the Secretary for prompt transmittal to the Committee; and

‘‘(iii) the same opportunity as the Secretary to participate in meetings of the Committee.

‘‘(B) ADEQUATE TIME; FREE AND OPEN PARTICIPATION.—Any meetings of the Committee shall provide adequate time for initial presentations and for response to any differing views by persons whose products are specifically the subject of the Committee review, and shall encourage free and open participation by all interested persons.

‘‘(C) SUMMARIES.—At all meetings of the Committee, the Secretary shall provide a summary to the Committee of all Tier I and Tier II applications that the Committee did not consider that were approved by the Secretary since the last meeting of the Committee.

‘‘(h) COMMENCEMENT OF REVIEW.—If the Secretary determines, after preliminary evaluation of the data and information submitted by the sponsor, that the product may be effective, the Secretary shall evaluate for filing, and may commence review of portions of, an application for Tier I or Tier II approval before the sponsor submits a complete application. The Secretary shall commence such review only if the applicant provides a schedule for submission of information necessary to make the application complete.

‘‘(i) INAPPLICABILITY OF PROVISIONS.—The following provisions shall not apply to Tier I or Tier II applications and approvals:

‘‘(1) Chapter VII, subchapter C, parts 2 and 3 relating to fees for drugs, biological products, and devices.

‘‘(2) The provisions of the Drug Price Competition and Patent Term Restoration Act of 1984 that authorize approval of abbreviated new drug applications and applications submitted under section 505(b)(2). Market exclusivity and patent term restoration of Tier I and Tier II approved drugs, biological products, and devices shall be determined solely at the time of Tier III approval without regard to prior Tier I or Tier II approval. Prior to Tier III approval, the Secretary shall not approve any application submitted under section 505(b)(2) or section 505(j) that references a drug approved under subsections (b) or (c) of this section.’’.

SEC. 4. ETHICS IN HUMAN TESTING.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end of section 505(i) the following:

‘‘(5) Notwithstanding any other provision of law, the Secretary shall prohibit placebo-only or no-treatment-only concurrent controls in any clinical investigation conducted under this chapter or, in the use of the last-observation-carried-forward convention, in any clinical investigation conducted under this chapter or section 351 of the Public Health Service Act with respect to any life-threatening condition or disease where reasonably effective approved alternative therapies exist for the specific indication.’’.

SEC. 5. EXPANDED ACCESS TO INVESTIGATIONAL DRUGS AND DEVICES.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end of section 561 the following:

‘‘(f) EXPANDED ACCESS PROGRAM.—The Food and Drug Administration shall establish a new program to expand access to investigational treatments for individuals with serious or life threatening conditions and diseases. In carrying out this expanded access program, the Secretary shall publish and broadly disseminate written guidance that—

‘‘(1) describes such expanded access programs for investigational drugs, biological products, and devices intended to treat serious or life-threatening conditions or diseases;

"(2) encourages and facilitates submission of Tier I and Tier II applications and approvals; and

"(3) facilitates the provision of investigational drugs and devices to seriously ill individuals without unreasonable delay by recognizing that the use of available investigational products for treatment is the responsibility of the physician and the patient.

"(g) IMPLEMENTATION OF EXPANDED ACCESS PROGRAMS.—

"(1) TRAINING OF PERSONNEL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall implement training programs at the Food and Drug Administration with respect to the expanded access programs established under this section.

"(2) POLICIES, REGULATIONS, AND GUIDANCE.—The Secretary shall establish policies, regulations, and guidance designed to most directly benefit seriously ill patients.

"(h) DEVELOPMENT OF SURROGATE ENDPOINTS AND BIOMARKERS.—The Secretary shall—

"(1) establish a program to encourage the development of surrogate endpoints and biomarkers that are reasonably likely to predict clinical benefit for serious or life-threatening conditions for which there exist significant unmet medical needs;

"(2) request the Institute of Medicine to undertake a study to identify validated surrogate endpoints and biomarkers, and recommend research to validate surrogate endpoints and biomarkers, that may support approvals for products intended for the treatment of serious or life-threatening conditions or diseases; and

"(3) make widely available to the public a list of drugs, biological products, and devices that are being investigated for serious or life-threatening conditions or diseases and that have not yet received Tier I or Tier II approval for marketing.".

(b) CONFORMING AMENDMENT.—Section 561(c) of the Federal Food, Drug, and Cosmetic Act is amended by striking the heading and inserting "EXPANDED ACCESS TO INVESTIGATIONAL DRUGS AND DEVICES FOR SERIOUSLY ILL PATIENTS".

SEC. 6. MODERNIZATION OF THE FOOD AND DRUG ADMINISTRATION.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

"SEC. 565. POLICIES RELATED TO STUDY EVALUATION INFORMATION.

"(a) IN GENERAL.—

"(1) NONSTATISTICAL MEASURES.—The Secretary shall give equal weight to clinical judgment and statistical analysis in the evaluation of the safety and effectiveness of drugs, biological products, and devices, and shall not disapprove a product application solely on the basis of a statistical analysis or the rigid use of the 95 percent confidence level convention. This policy shall apply—

"(A) in evaluating clinical study designs and endpoints; and

"(B) in making decisions with respect to product applications.

"(2) TYPES OF NONSTATISTICAL MEASURES.—The policy established under paragraph (1), for the purposes described in such paragraph—

"(A) shall include but not be limited to such nonstatistical information as—

"(i) clinical evaluation information, such as case history reports;

"(ii) scientific and clinical studies designed to measure or define mechanisms of action or molecular targeting;

"(iii) data from animal and computer models; and

"(iv) comparison with historical data; and

"(B) shall incorporate the use of—

"(i) evaluations of the adverse effect of delaying the availability of an investigational drug to even a small subpopulation of seriously ill patients; and

"(ii) scientific, observational, or clinical studies designed and conducted to collect well-documented information.

"(b) MEETINGS.—A meeting to address any pending scientific, medical, regulatory, or other issue relating to the development, investigation, review, or other aspect of a drug, biological product, or device shall ordinarily be held within 15 days of the receipt of a written request for the meeting by the sponsor of the product, which may be extended to 30 days for good cause. Such meetings shall ordinarily be conducted in person, but may be conducted by telephone or other form of communication if both parties agree. In order to reduce the burden of meetings, only those Food and Drug Administration employees who are intended to actively participate in the discussion shall attend a meeting. Minutes of a meeting shall be promptly prepared and exchanged by both parties immediately following the meeting and shall accurately summarize what occurred at the meeting

"(c) RULE OF CONSTRUCTION.—The provisions of chapter V and section 351 of the Public Health Service Act shall be construed to incorporate the policy established in this section.".

SEC. 7. MEMBERSHIP OF ONCOLOGY DRUGS ADVISORY COMMITTEE.

Membership of the Oncology Drugs Advisory Committee of the Food and Drug Administration shall consist of no less than 2 patient representatives who are voting members of the committee.

By Mr. KERRY (for himself, Mr. OBAMA, Mr. LEVIN, Ms. STABENOW, Mr. KENNEDY, Mr. CORZINE, and Mr. SMITH):

S. 1959. A bill to direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall; to the Committee on Rules and Administration.

Mr. KERRY. Mr. President, our Nation is mourning the recent loss of an icon in this country's civil rights movement and a true national hero, Ms. Rosa Parks. Today, along with Senators OBAMA, LEVIN, STABENOW, KENNEDY, CORZINE and SMITH, I am introducing legislation to honor the memory of Rosa Parks by placing her statue in the United States Capitol. This will help future generations understand her efforts to increase equality in the United States.

When I met Rosa Parks, I was overwhelmed by this graceful, small woman's quiet strength and humility—her conviction in taking on the army of power that was deployed before her—her courage to dig in, knowing full well the power of the courthouse, the power of the sheriff's badge, the power of the vigilante, the power of the establishment—knowing that on dark country roads or after a knock on the door in the middle of the night, people still disappeared and died almost anonymous deaths. So many were killed just trying to be citizens in the land of the free.

Rosa Parks reminded many and taught even more how to speak the truth to power. In an era when these words are thrown around too easily, she lived the words 'courage' and 'patriot'—she loved the dream of our country more than herself, and she was willing to risk it all to live the dream.

In the struggle for civil rights, some were called to stand up to Bull Connor's fire hoses and police dogs—some to stand up to Klan terrorism—and some to stand up to state sponsored acts of violence. But some were called simply to sit down—at lunch counters in Greensboro and Nashville and Atlanta—or on a bus in Montgomery.

Ms. Parks' dedication to civil rights has had an impact on the lives of all Americans. Her act of courage on December 1, 1955 inspired a movement that eventually brought about laws to end segregation, ensure voting rights, end discrimination in housing, and create a greater equality throughout this Nation. Thanks to Rosa Parks, a path was forged for future generations to encourage freedom and social justice. Her legacy of courage and commitment plays an important role each time our Nation acts for equality and justice, and most of all, in the hope for a better America.

If just one woman was able to do all this, then how much greater the responsibility is for those of us with privilege and power who pay tribute to her today. The life of Rosa Parks demands deeds, not epitaphs. Our final words cannot be spoken or written while her cause is still unfinished. No simple words can match what she did in that sacred moment on a municipal bus in Montgomery, Alabama. What matters now is what we do after the candles are quenched, the speeches have been exhausted, and the next bus comes by.

I am grateful for the opportunity to join my colleagues in this body, as well as those in the House of Representatives, to honor the legacy of this graceful, humble, and courageous woman who embodies the American spirit. If this legislation is adopted, when our children and our grandchildren visit the United States Capitol, they will have the opportunity to learn more about the women who risked so much for their freedom. Ms. Parks belongs among the other great leaders that have shaped this country and made the world a better place.

Sometimes the days seem heavy and the odds seem high, but that moment on a bus in Montgomery always comes. Someone gets on that bus, refuses to equivocate or yield and changes history. Today, that someone must be us, for Rosa Parks and for our country.

The bus still comes by again and again and each time we have to decide whether to go quietly to the back, or by simple acts of courage and conviction, change the direction of our own country's journey. A statue of Rosa Parks in the Capitol can help future Senators and Congressmen find the courage necessary to make sure our Nation takes the right course in the future.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1959

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PLACEMENT OF STATUE OF ROSA PARKS IN NATIONAL STATUARY HALL.

(a) OBTAINING STATUE.—The Architect of the Capitol shall enter into an agreement to obtain a statue of Rosa Parks, under such terms and conditions as the Architect considers appropriate and consistent with applicable law.

(b) PLACEMENT.—Not later than 2 years after the date of enactment of this Act, the Architect shall place the statue obtained under subsection (a) in the United States Capitol in a suitable permanent location in National Statuary Hall.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act, and any amounts so appropriated shall remain available until expended.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 298—DESIGNATING THURSDAY, NOVEMBER 17, 2005, AS "FEED AMERICA THURSDAY"

Mr. HATCH (for himself and Mr. BENNETT) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 298

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which our Nation was founded;

Whereas 33,000,000 Americans, including 13,000,000 children, continue to live in households that do not have an adequate supply of food;

Whereas almost 3,000,000 of those children experience hunger; and

Whereas selfless sacrifice breeds a genuine spirit of Thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate—

(1) designates Thursday, November 17, 2005, as "Feed America Thursday"; and

(2) requests that the President issue a proclamation calling on the people of the United States to sacrifice 2 meals on Thursday, November 17, 2005, and to donate the money that they would have spent on food to a religious or charitable organization of their choice for the purpose of feeding the hungry.

Mr. HATCH. Mr. President, I rise today to offer S. Res. 298, designating Thursday, November 17, 2005, as Feed America Thursday. I appreciate my friend, Senator ROBERT BENNETT, joining with me in this resolution.

On Thanksgiving Day, we remember with deep gratitude the many bounties of life, including an appreciation for families and friends and the great country in which we live. Part of what makes this country great is the spirit of selfless giving and generosity of its citizens. The great outpouring of support and assistance for the victims of Hurricane Katrina is a most recent example.

In this season of Thanksgiving, it is important to also remember that over 33 million Americans, including 13 million children, continue to live in households that do not have an adequate supply of food. These fellow citizens in need of food must not be forgotten.

On behalf of the Utah congressional delegation, Congressman CHRIS CANNON has submitted a companion resolution in the House of Representatives. We urge our distinguished colleagues to join us in designating Thursday, November 17, 2005, as Feed America Thursday, to encourage our fellow citizens to sacrifice two meals on that day and donate the money they would have spent on food to a religious or charitable organization of their choice for the purpose of feeding the hungry.

SENATE RESOLUTION 299—TO EXPRESS SUPPORT FOR THE GOALS OF NATIONAL ADOPTION MONTH BY PROMOTING NATIONAL AWARENESS OF ADOPTION, CELEBRATING CHILDREN AND FAMILIES INVOLVED IN ADOPTION, AND ENCOURAGING AMERICANS TO SECURE SAFETY, PERMANENCY, AND WELL-BEING FOR ALL CHILDREN

Ms. LANDRIEU (for herself, Mr. DEMINT, Mrs. CLINTON, Mr. NELSON of Nebraska, Mr. BROWNBACK, Mr. CRAIG, Mr. KERRY, Mr. COLEMAN, and Mr. SALAZAR) submitted the following resolution; which was considered and agreed to:

S. RES. 299

Whereas there are approximately 532,000 children in the foster care system in the United States, approximately 129,000 of whom are waiting to be adopted;

Whereas the average length of time a child in foster care remains in foster care is almost 3 years;

Whereas for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected is endless;

Whereas every year 25,000 children "age out" of foster care by reaching adulthood without being placed in a permanent home;

Whereas, since 1987, the number of annual adoptions has ranged from 118,000 to 127,000;

Whereas approximately 2,100,000 children in the United States live with adoptive parents;

Whereas approximately 6 of every 10 Americans have been touched personally by adoption in that they, a family member, or a close friend was adopted, has adopted a child, or has placed a child for adoption;

Whereas every day loving and nurturing families are formed when committed and dedicated individuals make an important difference in the life of a child through adoption; and

Whereas on November 4, 2004, the President proclaimed November 2004 as National Adoption Month: Now, therefore, be it

Resolved, That the Senate recognizes November 2005 as National Adoption Month.

SENATE RESOLUTION 300—RELATIVE TO THE DEATH OF HENRY KU'UALOHA GIUGNI, FORMER SERGEANT-AT-ARMS OF THE UNITED STATES SENATE

Mr. INOUYE (for himself, Mr. AKAKA, Mr. BYRD, Mr. FRIST, Mr. REID, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 300

Whereas Henry Ku'ualoha Giugni was born on January 11, 1925, in Honolulu, Hawai'i;

Whereas Henry Giugni served with distinction in the United States Army, after enlisting at the age of 16 after the attacks on Pearl Harbor, and served in combat at the Battle of Guadalcanal during World War II;

Whereas Henry Giugni began his service in the Senate in 1963 as Senior Executive Assistant and Chief of Staff to Senator Daniel K. Inouye;

Whereas Henry Giugni served as Sergeant-at-Arms from 1987 until 1990;

Whereas Henry Giugni was the first person of color and first Polynesian to be appointed to be the Sergeant-at-Arms;

Whereas Henry Giugni promoted minorities and women by appointing the first minority, an African American, to lead the Sergeant-at-Arms' Service Department, and was the first to assign women to the Capitol Police plainclothes unit;

Whereas Henry Giugni's special interest in people with disabilities resulted in a major expansion of the Special Services Office, which now conducts tours of the U.S. Capitol for the blind, deaf, and wheelchair-bound, and publishes Senate maps and documents in Braille;

Whereas in 2003, Henry Giugni received an Honorary Doctorate of Humane Letters from the University of Hawaii at Hilo in recognition of his extraordinary contributions to Hawaii and the nation;

Whereas Henry Giugni carried Hawai'i's flag while marching with Dr. Martin Luther King for civil rights in Selma, Alabama;

Whereas Henry Giugni presided over the inauguration of President George H.W. Bush, and escorted numerous foreign dignitaries, including Nelson Mandela, Margaret Thatcher, and Vaclav Havel when they visited the United States Capitol; and

Whereas on November 3, 2005, Henry Giugni passed away at the age of 80: Now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Henry Giugni.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of Henry Giugni.

AMENDMENTS SUBMITTED & PROPOSED

SA 2402. Ms. SNOWE (for herself, Ms. Collins, Mr. Rockefeller, and Mr. Durbin) submitted an amendment intended to be proposed by her to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table.

SA 2403. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2404. Mr. ENSIGN (for himself, Mr. Santorum, and Mr. Kyl) proposed an amendment to amendment SA 2352 proposed by Mr. ENZI (for himself, Mr. Kennedy, Mr. Alexander, Mr. Dodd, Ms. Landrieu, Mr. Cochran, Mr. Lott, and Mrs. Hutchison) to the bill S. 1932, supra.

SA 2405. Mrs. CLINTON (for herself, Ms. Mikulski, Mr. Harkin, Mr. Lautenberg, Mr. Jeffords, Mr. Reed, Mr. Salazar, Mr. Obama, Mrs. Boxer, Ms. Stabenow, Mr. Corzine, Mr. Schumer, Mr. Durbin, Mrs. Feinstein, Mr. Feingold, Mr. Carper, Mr. Johnson, and Mr. Leahy) submitted an amendment intended to be proposed by her to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2406. Mr. DURBIN (for himself, Mr. Dorgan, Mr. Lautenberg, and Mr. Johnson) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2407. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2408. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1932, supra.

SA 2409. Mr. REED (for himself, Mr. Baucus, Mrs. Murray, Mr. Kennedy, Mr. Bingaman, Mr. Corzine, Mrs. Clinton, and Mr. Obama) submitted an amendment intended to be proposed by him to the bill S. 1932, supra.

SA 2410. Mr. BAUCUS (for himself, Mr. Obama, Ms. Mikulski, Mrs. Murray, Ms. Stabenow, Mr. Feingold, Mr. Reed, and Mr. Schumer) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2411. Mrs. FEINSTEIN (for herself, Mrs. Hutchison, Mrs. Boxer, Mrs. Murray, Mr. Lautenberg, Mr. Schumer, Mr. Corzine, Ms. Cantwell, and Ms. Mikulski) proposed an amendment to the bill S. 1932, supra.

SA 2412. Mr. VITTER (for Mr. Stevens (for himself, Mr. Vitter, Ms. Landrieu, Mr. Domenici, Mr. Craig, Mr. Lott, Mr. Inouye, and Mr. Bingaman)) proposed an amendment to the bill S. 1932, supra.

SA 2413. Mr. WARNER (for himself, Mr. Lieberman, Mr. Roberts, Mr. Durbin, Mr. Allen, and Mr. Obama) proposed an amendment to the bill S. 1932, supra.

SA 2414. Mr. BYRD (for himself and Mr. Harkin) proposed an amendment to the bill S. 1932, supra.

SA 2415. Mr. DURBIN (for himself, Mr. Dorgan, Mr. Lautenberg, Mr. Johnson, and Mr. Lieberman) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2416. Mr. SUNUNU (for himself and Mr. Santorum) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2417. Mr. GREGG (for Mr. Levin) proposed an amendment to the bill S. 1932, supra.

SA 2418. Mr. GREGG (for Mr. Sununu (for himself, Mr. Durbin, Mr. Craig, Mr. Pryor, Mr. Isakson, Mr. Nelson of Nebraska, Mr. Thune, Mr. Kerry, and Mr. Chambliss)) proposed an amendment to the bill S. 1932, supra.

SA 2419. Mr. SANTORUM (for himself, Mr. Bunning, Mr. Thomas, Mr. Voinovich, Mr. Lieberman, Mr. Dodd, Mr. Rockefeller, Ms. Landrieu, and Mr. Conrad) proposed an amendment to the bill S. 1932, supra.

SA 2420. Mr. GREGG (for Mr. Sununu) proposed an amendment to the bill S. 1932, supra.

SA 2421. Mr. BURNS (for himself and Mr. Brownback) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2422. Mr. CONRAD (for himself and Mr. Salazar) proposed an amendment to the bill S. 1932, supra.

TEXT OF AMENDMENTS

SA 2402. Ms. SNOWE (for herself, Ms. Collins, Mr. Rockefeller, and Mr. Durbin) submitted an amendment intended to be proposed by her to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table: as follows:

On page 368, between lines 5 and 6, insert the following:

SEC. 6116. CLARIFICATION OF CONGRESSIONAL INTENT REGARDING THE COUNTING OF RESIDENTS IN A NONHOSPITAL SETTING.

(a) D-GME.—Section 1886(h)(4)(E) (42 U.S.C. 1395ww(h)(4)(E)) is amended by adding at the end the following new sentences: "For purposes of the preceding sentence, the term 'all, or substantially all, of the costs for the training program' means the stipends and benefits provided to the resident and other amounts, if any, as determined by the hospital and the entity operating the nonhospital setting. The hospital is not required to pay the entity any amounts other than those determined by the hospital and the entity in order for the hospital to be considered to have incurred all, or substantially all, of the costs for the training program in that setting.".

(b) IME.—Section 1886(d)(5)(B)(iv) (42 U.S.C. 1395ww(d)(5)(B)(iv)) is amended by adding at the end the following new sentences: "For purposes of the preceding sentence, the term 'all, or substantially all, of the costs for the training program' means the stipends and benefits provided to the resident and other amounts, if any, as determined by the hospital and the entity operating the nonhospital setting. The hospital is not required to pay the entity any amounts other than those determined by the hospital and the entity in order for the hospital to be considered to have incurred all, or substantially all, of the costs for the training program in that setting.".

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2005.

SA 2403. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 130, after line 25, insert the following:

SEC. 6005. IMPROVED REGULATION OF DRUGS SOLD UNDER A NEW DRUG APPLICATION APPROVED UNDER SECTION 505C OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

Section 1927 (42 U.S.C. 1396r–8) is amended—

(1) in subsection (c)(1)(C), by adding at the end the following:

"(iv) Notwithstanding any other provision of this section, in the case of a manufacturer that approves, allows, or otherwise permits any other drug of the manufacturer to be sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act that has, as of January 1, 2006, been marketed for at least 6 months and where the product of the average manufacturer price of the manufacturer's authorized drugs and the total units of such authorized drugs, if any, during the second quarter of 2005 for which a rebate was paid under any State plan approved under this title (and which was reported as required under subsection (b)(2)(A)), does not exceed $10,000,000, the term 'best price' shall not include any price for such authorized drug available for the innovator multiple source drug of such manufacturer."; and

(2) in subsection (k)(1)(C), as amended by section 6003(b)(2)(A), by adding at the end the following:

"(G) Notwithstanding subparagraph (C) or any other provision of this section, in the case of a manufacturer that approves, allows, or otherwise permits any other drug of the manufacturer to be sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act that has, as of January 1, 2006, been marketed for at least 6 months and where the product of the average manufacturer price of the manufacturer's authorized drugs and the total units of such authorized drugs, if any, during the second quarter of 2005 for which a rebate was paid under any State plan approved under this title (and which was reported as required under subsection (b)(2)(A)), does not exceed $10,000,000, the term 'average manufacturer price' shall not include any price paid for such authorized drug by wholesalers for drugs distributed to the retail pharmacy class of trade for the innovator multiple source drugs of such manufacturer.".

SA 2404. Mr. ENSIGN (for himself, Mr. SANTORUM, and Mr. KYL) proposed an amendment to amendment SA 2352 proposed by Mr. ENZI (for himself, Mr. KENNEDY, Mr. ALEXANDER, Mr. DODD, Ms. LANDRIEU, Mr. COCHRAN, Mr. LOTT, and Mrs. HUTCHISON) to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

Strike all after the first word of the amendment and insert the following:

D—Hurricane Katrina Education Relief

SEC. 7951. SHORT TITLE.

This subtitle may be cited as the "Hurricane Katrina Education Relief Act".

SEC. 7952. FINDINGS.

Congress finds the following:

(1) Hurricane Katrina has had a devastating and unprecedented impact on students who attended schools in the disaster areas.

(2) Due to the devastating effects of Hurricane Katrina, a significant number of students have enrolled in schools outside of the area in which they resided on August 22, 2005, including a significant number of students who enrolled in nonpublic schools because their parents chose to enroll them in such schools.

(3) 372,000 students were displaced by Hurricane Katrina. Approximately 700 schools have been damaged or destroyed. Nine States each have more than 1,000 of such displaced students enrolled in their schools. In Texas alone, over 45,000 displaced students have enrolled in schools.

(4) In response to these extraordinary conditions, this subtitle creates a one-time only emergency grant for the 2005–2006 school year tailored to the needs and particular circumstances of students displaced by Hurricane Katrina.

SEC. 7953. WAIVERS AND OTHER ACTIONS.

(a) IN GENERAL.—If the Secretary of Education determines that it is necessary, in order to provide assistance as efficiently and expeditiously as possible to students, local educational agencies, institutions of higher education, States, or other individuals or entities affected directly or indirectly by Hurricane Katrina, the Secretary may waive or modify, on a case-by-case basis, any requirement of Federal law or regulation that the Secretary administers or enforces (other than a law or regulation of Government-wide applicability or regarding civil rights or safety). The waivers or modifications that the Secretary of Education may issue include extending program reporting deadlines or allowing States, local educational agencies, and institutions of higher education to use funds more broadly to help displaced students.

(b) EFFECTIVE PERIOD.—No waiver or modification issued pursuant to subsection (a) shall be in effect after September 30, 2006.

(c) REPORT ON WAIVERS.—

(1) INITIAL REPORT.—Not later than 1 month after the date of enactment of this Act, the Secretary of Education shall prepare and submit a report on the States and local educational agencies requesting a waiver of any provision under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) due to the impact of Hurricane Katrina to the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate.

(2) FOLLOW-UP REPORT.—Not later than 3 months after September 30, 2006, the Secretary of Education shall prepare and submit a report describing the waivers that were granted under this subtitle, and the impact of such waivers, to the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate.

SEC. 7954. IMMEDIATE AID TO RESTART SCHOOL OPERATIONS.

(a) PURPOSE.—It is the purpose of this section—

(1) to provide immediate and direct assistance to institutions of higher education and local educational agencies in Louisiana, Mississippi, and Alabama that serve an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina;

(2) to assist administrators and personnel of such institutions and agencies who are working to restart operations;

(3) to facilitate the reopening of, and the re-enrollment of students in, institutions of higher education and elementary schools and secondary schools served by local educational agencies; and

(4) to assist institutions of higher education, elementary schools, and secondary schools in restoring operations disrupted by Hurricane Katrina.

(b) GRANTS AUTHORIZED.—From amounts appropriated to carry out this section, the Secretary of Education is authorized to make competitive grants—

(1) to institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), in Louisiana, Mississippi, and Alabama, that serve an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina; and

(2) to State educational agencies (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801 et seq.)) in Louisiana, Mississippi, and Alabama to enable those agencies to award subgrants, pursuant to subsection (d), to local educational agencies serving an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(c) AMOUNT OF GRANTS.—In determining the amount of a grant under this section, the Secretary of Education shall take into consideration—

(1) the number of schools and institutions of higher education in the State affected by Hurricane Katrina;

(2) the number of students in the State affected by Hurricane Katrina;

(3) the severity of the damage inflicted upon the affected schools and affected institutions; and

(4) the estimated length of time to restore operations at the affected schools and affected institutions.

(d) SUBGRANTS.—

(1) APPLICATIONS.—Each local educational agency desiring a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require to ensure expedited and timely payment to the local educational agency.

(2) ELIGIBILITY AND CONSIDERATION.—In determining whether to award a subgrant under this section, or the amount of the subgrant, the State educational agency shall consider the following:

(A) The number of school-aged children served by the local educational agency in the academic year preceding the academic year for which the grant is awarded.

(B) The severity of the impact of Hurricane Katrina on the local educational agency and the extent of the needs in each local educational agency in the State that is in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(e) USES OF FUNDS.—

(1) IN GENERAL.—An institution of higher education receiving a grant, or a local educational agency receiving a subgrant, under this section shall use the subgrant funds for—

(A) recovery of student and personnel data, and other electronic information;

(B) replacement of information systems, including hardware and software;

(C) financial operations;

(D) reasonable transportation costs for students;

(E) rental of mobile educational units and leasing of neutral sites or spaces;

(F) initial replacement of instructional materials and equipment, including textbooks;

(G) redeveloping instructional plans, including curriculum development;

(H) initiating and maintaining education and support services; or

(I) such other activities related to the purpose of this section that are approved by the Secretary of Education.

(2) USE WITH OTHER AVAILABLE FUNDS.—An institution of higher education receiving a grant, or a local educational agency receiving a subgrant, under this section may use such funds in coordination with other Federal, State, or local funds available for the activities described in paragraph (1).

(3) PROHIBITIONS.—Grant funds or subgrant funds received under this section shall not be used for either of the following:

(A) Construction or major renovation of schools or institutions of higher education.

(B) Payments to administrators, faculty, or teachers who are not actively engaged in—

(i) restarting or re-opening schools or institutions of higher education; or

(ii) restoring operations of schools or institutions of higher education.

(f) Supplement Not Supplant.—

(1) In general.—Except as provided in paragraph (2), funds made available under this section shall be used to supplement, not supplant, any funds made available through the Federal Emergency Management Agency or through a State.

(2) Exception.—Paragraph (1) shall not prohibit the provision of Federal assistance under this section to an eligible educational agency or institution of higher education that is or may be entitled to receive, from another source, benefits for the same purposes as under this section if such agency or institution—

(A) has not received such other benefits by the time of application for Federal assistance under this section; and

(B) agrees to repay all duplicative Federal assistance received to carry out the purposes of this section.

(g) Authorization of Appropriations.—There is authorized to be appropriated, and there is appropriated, out of any money in the Treasury not otherwise appropriated, $450,000,000 to carry out this section.

SEC. 7955. HOLD HARMLESS FOR AGENCIES SERVING MAJOR DISASTER AREAS.

(a) Local Educational Agencies and Title I of ESEA Funds.—In the case of a local educational agency that serves an area in which the President has declared that a major disaster exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina, the amount made available for such local educational agency under each of sections 1124, 1124A, 1125, and 1125A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333, 6334, 6335, and 6337) for fiscal year 2006 shall be not less than the amount made available for such local educational agency under each of such sections for fiscal year 2005.

(b) State Educational Agencies and IDEA Funds.—In the case of a State educational agency that serves an area in which the President has declared that a major disaster exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina, the amount made available for such State educational agency under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) for fiscal year 2006 shall be not less than the amount made available for such State educational agency under such Act for fiscal year 2005.

SEC. 7956. TEACHER AND PARAPROFESSIONAL RECIPROCITY; DELAY.

(a) Teacher and Paraprofessional Reciprocity.—

(1) Teachers.—

(A) Affected teacher.—In this subsection, the term "affected teacher" means a teacher who is displaced due to Hurricane Katrina and relocates to a State that is different from the State in which such teacher resided on August 22, 2005.

(B) In general.—A local educational agency may consider an affected teacher hired by that agency who is not highly qualified in the State in which the agency is located to be highly qualified, for purposes of section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) and section 612(a)(14) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)), through the last day of the 2005-2006 school year if such teacher was highly qualified, consistent with section 9101(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(23)) and section 602(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(10)), on or before August 22, 2005, in the State in which such teacher resided on August 22, 2005.

(2) Paraprofessionals.—

(A) Affected paraprofessional.—In this subsection, the term "affected paraprofessional" means a paraprofessional who is displaced due to Hurricane Katrina and relocates to a State that is different from the State in which such paraprofessional resided on August 22, 2005.

(B) In general.—A local educational agency may consider an affected paraprofessional hired by such agency who does not satisfy the requirements of section 1119(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(c)) in the State in which such agency is located to satisfy such requirements, for purposes of such section, through the last day of the 2005-2006 school year if such paraprofessional satisfied such requirements on or before August 22, 2005, in the State in which such paraprofessional resided on August 22, 2005.

(b) Delay.—The Secretary of Education may delay, for a period not to exceed 1 year, applicability of the requirements of paragraphs (2) and (3) of section 1119(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)(2) and (3)) and section 612(a)(14)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)(C)) with respect to the States of Alabama, Louisiana, and Mississippi (and local educational agencies within the jurisdiction of such States), if any such State or local educational agency demonstrates that a failure to comply with such requirements is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of local educational agencies within the State.

SEC. 7957. ASSISTANCE FOR HOMELESS YOUTH.

(a) In General.—The Secretary of Education shall provide assistance to local educational agencies serving homeless children and youths displaced by Hurricane Katrina, consistent with section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433), including identification, enrollment assistance, assessment and school placement assistance, transportation, coordination of school services, supplies, referrals for health, mental health, and other needs.

(b) Exception and Distribution of Funds.—

(1) Exception.—For purposes of providing assistance under subsection (a), subsections (c), (d)(2), and (e)(1) of section 722 and subsections (b) and (c) of section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(c), (d)(2), and (e)(1), 11433(b) and (c)) shall not apply.

(2) Disbursement.—The Secretary of Education shall disburse funds under subsection (a) to State educational agencies based on demonstrated need, as determined by the Secretary, and those State educational agencies shall distribute funds available under subsection (c) to local educational agencies based on demonstrated need, for the purposes of carrying out section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433).

(3) Authorization of appropriations.—There is authorized to be appropriated, and there is appropriated, out of any money in the Treasury not otherwise appropriated, to carry out this section $10,000,000.

SEC. 7958. GENERAL PROVISION.

Nothing in sections 7951 through 7957 of this subtitle shall be construed to permit discrimination on the basis of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.)), national origin, or disability in any program funded under sections 7951 through 7957 of this subtitle.

SEC. 7959. TEMPORARY EMERGENCY IMPACT AID FOR DISPLACED STUDENTS.

(a) Temporary Emergency Impact Aid Authorized.—

(1) Aid to state educational agencies.—From amounts appropriated under subsection (o), the Secretary of Education shall provide emergency impact aid to State educational agencies to enable the State educational agencies—

(A) to make emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools to enable those eligible local educational agencies and schools to provide for the instruction of displaced students served by the agencies and schools; and

(B) to make immediate impact aid payments to individual accounts established on behalf of displaced students who are attending eligible nonpublic schools located within the State.

(2) Aid to local educational agencies and BIA-funded schools.—A State educational agency shall make emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools in accordance with subsection (d).

(3) State educational agencies in certain states.—In the case of the States of Louisiana and Mississippi, the State educational agency shall carry out the activities of eligible local educational agencies that are unable to carry out this section, including eligible local educational agencies in those States for which the State exercises the authorities normally exercised by the local educational agencies.

(b) Definitions.—In this section:

(1) Child with a disability.—The term "child with a disability" has the meaning given the term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(2) Displaced student.—The term "displaced student" means a student who enrolls in a school (other than the school that the student was enrolled in, or was eligible to be enrolled in, on August 22, 2005), and who resided, on August 22, 2005, in an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(3) Eligible local educational agencies.—The term "eligible local educational agency" means a local educational agency that serves an elementary school or secondary school (including a charter school) in which there is enrolled a displaced student.

(4) Eligible nonpublic school.—The term "eligible nonpublic school" means a nonpublic school that—

(A) operates in accordance with State law or is accredited or licensed;

(B) was in existence on August 22, 2005; and

(C) serves a displaced student.

(5) Eligible BIA-funded school.—In this section, the term "eligible BIA-funded

school" means a school funded by the Bureau of Indian Affairs in which there is enrolled a displaced student.

(c) APPLICATION.—

(1) STATE EDUCATIONAL AGENCY.—A State educational agency that desires to receive emergency impact aid under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary of Education may reasonably require, which shall include—

(A) information on the displaced student child count of the State provided by eligible local educational agencies in the State and eligible BIA-funded schools in the State under paragraph (2);

(B) information on the child count of the State of displaced students enrolled in eligible nonpublic schools;

(C) a description of how parents and guardians will be notified of their options for enrolling their children in public or nonpublic schools in the State;

(D) a description of the process by which parents and guardians may apply for payment through individual accounts, including the information such parents and guardians will be required to provide such State educational agency;

(E) a description of the procedure to be used by such State educational agency to provide payments to parents and guardians through individual accounts;

(F) a description of the process to be used by such State educational agency to obtain attestations of attendance of displaced students from eligible nonpublic schools, in order for such agency to provide payments to parents and guardians through individual accounts; and

(G) a description of how such State educational agency will prioritize funding for displaced students attending eligible nonpublic schools, if necessary, including any criteria such as household income.

(2) LOCAL EDUCATIONAL AGENCIES AND BIA-FUNDED SCHOOLS.—An eligible local educational agency or eligible BIA-funded school that desires an emergency impact aid payment under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require, including documentation submitted for each quarter of the 2005-2006 school year that indicates the following:

(A) In the case of an eligible local educational agency, the number of displaced students enrolled in the elementary schools and secondary schools (including charter schools), including the number of displaced students who are identified as children with disabilities and are served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), served by such agency.

(B) In the case of an eligible BIA-funded school, the number of displaced students, including the number of displaced students who are identified as children with disabilities and are served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), enrolled in such school.

(3) DETERMINATION OF NUMBER OF DISPLACED STUDENTS.—In determining the number of displaced students for a quarter under paragraph (2), an eligible local educational agency or eligible BIA-funded school shall include in such number the number of displaced students served during such quarter prior to the date of enactment of this Act.

(d) AMOUNT OF EMERGENCY IMPACT AID.—

(1) AID TO STATE EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—The amount of emergency impact aid received by a State educational agency for the 2005-2006 school year shall equal the sum of—

(i) the number of displaced students (who are not identified as children with disabilities and are not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)), as determined by the eligible local educational agencies and eligible BIA-funded schools in the State under subsection (c)(2), and the number of such displaced students enrolled in eligible nonpublic schools in the State whose parents or guardians request payments pursuant to this section, times $6,000; and

(ii) the number of displaced students who are identified as children with disabilities and are served under part B of the Individuals with Disabilities Education Act, as determined by the eligible local educational agencies and eligible BIA-funded schools in the State under subsection (c)(2), and the number of such displaced students enrolled in eligible nonpublic schools in the State whose parents or guardians request payments pursuant to this section, times $7,500.

(B) INSUFFICIENT FUNDS.—If the amount available under this section to provide emergency impact aid under this subsection is insufficient to pay the full amount that a State educational agency is eligible to receive under this section, the Secretary of Education shall ratably reduce the amount of such emergency impact aid.

(2) AID TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES AND ELIGIBLE BIA-FUNDED SCHOOLS; PAYMENTS TO INDIVIDUAL ACCOUNTS.—

(A) IN GENERAL.—A State educational agency that receives emergency impact aid under this subtitle shall provide payments under this section to eligible local educational agencies and eligible BIA-funded schools (as provided under subparagraph (B)), and to the individual accounts on behalf of displaced students enrolled in eligible nonpublic schools (as provided under subparagraph (C)) whose parents or guardians have requested such funds in accordance with subsection (e)(2), for the 2005–2006 school year by such dates as determined by the Secretary of Education. The Secretary of Education shall establish a timeline for reporting on the number of displaced students for each quarter in order to make the appropriate disbursements in a timely manner.

(B) PAYMENTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES AND ELIGIBLE BIA-FUNDED SCHOOLS.—

(i) IN GENERAL.—Payments to eligible local educational agencies and eligible BIA-funded schools shall be based on the number of displaced students reported for each quarter under subsection (c)(2) and in the amount determined under clause (ii).

(ii) PAYMENT AMOUNT.—Each payment under clause (i) shall equal 25 percent of the sum of—

(I) the number of displaced students (who are not identified as children with disabilities and are not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)) reported by the eligible local educational agency or eligible BIA-funded school for each quarter (as determined under subsection (c)(2)) times $6,000; and

(II) the number of displaced students who are identified as children with disabilities and are served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) reported by the eligible local educational agency or eligible BIA-funded school for each quarter (as determined under subsection (c)(2)) times $7,500.

(iii) INSUFFICIENT FUNDS.—If the amount available under this section to make payments under this subsection is insufficient to pay the full amount that an eligible local educational agency or eligible BIA-funded school is eligible to receive for any quarter under this section, the State educational agency shall ratably reduce the amount of the payments.

(C) PAYMENTS TO INDIVIDUAL ACCOUNTS.—

(i) IN GENERAL.—A State educational agency shall make payments to an individual account on behalf of a displaced student for each quarter for which the displaced student is enrolled in an eligible nonpublic school in the amount determined under clause (ii).

(ii) PAYMENT AMOUNT.—Each payment under clause (i) shall equal 25 percent of the lesser of—

(I) $6,000; or

(II) the total amount of tuition, fees, and transportation costs, if any, of the displaced student for the 2005-2006 school year.

(iii) MAXIMUM AMOUNT.—In providing payments to an individual account for the 2005–2006 school year on behalf of a displaced student, a State educational agency may provide not more than 4 quarterly payments to such account.

(e) USE OF FUNDS.—

(1) DISPLACED STUDENTS IN PUBLIC SCHOOLS.—An eligible local educational agency or eligible BIA-funded school receiving emergency impact aid payments under this section shall use the payments to provide instructional opportunities for displaced students who enroll in elementary schools and secondary schools (including charter schools) served by such agency or in such a school, and for other expenses incurred as a result of the agency or school serving displaced students, which uses may include–

(A) paying the compensation of personnel, including teacher aides, in schools enrolling displaced students;

(B) identifying and acquiring curricular material, including the costs of providing additional classroom supplies, and mobile educational units and leasing sites or spaces;

(C) basic instructional services for such students, including tutoring, mentoring, academic counseling, supplemental educational services, or after-school programs;

(D) reasonable transportation costs for students;

(E) health services (including counseling); and

(F) alternative education services.

(2) DISPLACED STUDENTS IN NONPUBLIC SCHOOLS.—

(A) IN GENERAL.—A State educational agency that receives emergency impact aid under this section shall, at the request of the parent or guardian of a displaced student who enrolls in an eligible nonpublic school in the State, use such emergency impact aid to provide payment on a quarterly basis, in accordance with subsection (d)(2)(C), to an individual account on behalf of such displaced student. Payment shall be by individual check made payable to the displaced student's parent or guardian and mailed by the State educational agency to the eligible nonpublic school of the parent or guardian's direction and the parent or guardian shall restrictively endorse the check to such eligible nonpublic school.

(B) USE OF FUNDS.—An eligible nonpublic school that receives a check pursuant to subparagraph (A) may use the funds for—

(i) paying the compensation of personnel, including teacher aides;

(ii) identifying and acquiring curricular material, including the costs of providing additional classroom supplies, and mobile educational units and leasing sites or spaces;

(iii) basic instructional services for the displaced students, including tutoring, mentoring, academic counseling, or after-school programs;

(iv) reasonable transportation costs for the displaced students;

(v) health services (including counseling);

(vi) education and support services; and

(vii) alternative education services.

(3) PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES.—

(A) IN GENERAL.—In the case of a displaced student who is identified as a child with a disability and is served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), any payment made on behalf of such student to an eligible local educational agency or any payment available in an account for such student, shall be used to pay the cost of providing the student with special education and related services consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) SPECIAL RULE.—Notwithstanding any other provision of this section, a State educational agency may provide payment to an eligible local educational agency that provides services to a displaced student attending an eligible nonpublic school under section 612(a)(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(10)) in an amount that is not more than $1,500 per displaced student served.

(C) SPECIAL EDUCATION; RELATED SERVICES.—In this paragraph, the terms "special education" and "related services" have the meaning given such terms in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(f) RETURN OF AID.—

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY OR ELIGIBLE BIA-FUNDED SCHOOL.—An eligible local educational agency or eligible BIA-funded school that receives an emergency impact aid payment under this section shall return to the State educational agency any payment provided to the eligible local educational agency or school under this section that the eligible local educational agency or school has not obligated by the end of the 2005-2006 school year in accordance with this section.

(2) STATE EDUCATIONAL AGENCY.—A State educational agency that receives emergency impact aid under this section, shall return to the Secretary of Education—

(A) any aid provided to the agency under this section that the agency has not obligated by the end of the 2005-2006 school year in accordance with this section; and

(B) any payment funds returned to the State educational agency under paragraph (1).

(g) LIMITATION ON USE OF AID AND PAYMENTS.—Aid and payments provided under this section shall be used only for expenses incurred during the 2005-2006 school year.

(h) ADMINISTRATIVE EXPENSES.—A State educational agency that receives emergency impact aid under this section may use not more than 1 percent of such aid for administrative expenses.

(i) SPECIAL FUNDING RULE.—In calculating funding under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) for an eligible local educational agency that receives an emergency impact aid payment under this section, the Secretary of Education shall not count displaced students served by such agency for whom an emergency impact aid payment is received under this section, nor shall such students be counted for the purpose of calculating the total number of children in average daily attendance at the schools served by such agency as provided in section 8003(b)(3)(B)(i) of such Act (20 U.S.C. 7703(b)(3)(B)(i)).

(j) TERMINATION OF AUTHORITY.—The authority provided by this section shall terminate on August 1, 2006.

(k) BY-PASS.—If a State educational agency is unable or unwilling to carry out this section, the Secretary of Education may make such arrangements with the State as the Secretary determines appropriate to carry out this section on behalf of displaced students attending an eligible nonpublic school in the State. For a State in which State law prohibits the State from using Federal funds to directly provide services on behalf of students attending nonpublic schools and provides that another entity shall provide such services, the Secretary of Education shall make such arrangements with that entity.

(l) NONDISCRIMINATION.—

(1) IN GENERAL.—A State educational agency may provide payment under this section to the parent or guardian of a displaced student who enrolls in an eligible nonpublic school in the State only if the eligible nonpublic school selected by the student provides assurances that it does not discriminate against participating displaced students on the basis of race, color, national origin, religion, or sex.

(2) APPLICABILITY AND SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the prohibition of sex discrimination in paragraph (1) shall not apply to a nonpublic school that is operated by, controlled by, or connected to a religious organization to the extent that the application of paragraph (1) is inconsistent with the religious tenets or beliefs of the school.

(B) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—Notwithstanding paragraph (1) or any other provision of law, a parent or guardian may choose, and a nonpublic school may offer, a single-sex school, class, or activity.

(3) GENERAL PROVISION.—Nothing in this section may be construed to alter or modify the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(4) RULE OF CONSTRUCTION.—Payments made to an individual account (or any other form of support provided to students under this section) under this section shall be considered assistance to the student and shall not be considered assistance to the school that enrolls the student. The amount of any payment (or other form of support provided on behalf of a displaced student) under this section shall not be treated as income of a parent or guardian of the student for purposes of Federal tax laws or for determining eligibility for any other Federal program.

(5) RELIGIOUSLY AFFILIATED SCHOOLS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, an eligible nonpublic school participating in any program under this subtitle that is operated by, supervised by, controlled by, or connected to, a religious organization may exercise its rights in matters of employment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), including the exemptions provided under such title.

(B) MAINTENANCE OF PURPOSE.—Notwithstanding any other provision of law, funds made available under this section to displaced students that are received by an eligible nonpublic school, as a result of the student's parent or guardian's choice, shall not, consistent with the first amendment of the United States Constitution, necessitate any change in the eligible nonpublic school's teaching mission, require any eligible nonpublic school to remove religious art, icons, scriptures, or other symbols, or preclude any eligible nonpublic school from retaining religious terms in its name, selecting its board members on a religious basis, or including religious references in its mission statements and other chartering or governing documents.

(C) RULE OF CONSTRUCTION.—For purposes of this section, the provisions of section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) shall apply to this section as if section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) were part of this section.

(m) TREATMENT OF STATE AID.—A State shall not take into consideration emergency impact aid payments received under this section by a local educational agency in the State in determining the eligibility of such local educational agency for State aid, or the amount of State aid, with respect to free public education of children.

(n) RETURN OF UNEXPENDED FUNDS.—The Secretary of Education shall return to the Treasury any funds appropriated under this section that are unexpended or unobligated by September 30, 2006.

(o) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, and there is appropriated, out of any money in the Treasury not otherwise appropriated, $1,200,000,000 to carry out this section.

SEC. 7960. LIMITATION ON USE OF FUNDS.

Aid, payments, assistance, or other funding provided under this subtitle shall be used only for expenses incurred during the 2005-2006 school year.

SEC. 7961. SUNSET PROVISION.

Except as otherwise provided in this subtitle, the provisions of this subtitle shall be effective for the period beginning on the date of enactment of this Act and ending on August 30, 2006.

SA 2405. Mrs. CLINTON (for herself, Ms. MIKULSKI, Mr. HARKIN, Mr. LAUTENBERG, Mr. JEFFORDS, Mr. REED, Mr. SALAZAR, Mr. OBAMA, Mrs. BOXER, Ms. STABENOW, Mr. CORZINE, Mr. SCHUMER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. CARPER, Mr. JOHNSON, and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. con. Res. 95); which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —KATRINA COMMISSION

SEC. ___01. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the Katrina Commission (in this title referred to as the "Commission").

SEC. ___02. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party, in consultation with the leader

of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

(5) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens who represent a diverse range of citizens and enjoy national recognition and significant depth of experience in such professions as governmental service, emergency preparedness, mitigation planning, cataclysmic planning and response, intergovernmental management, resource planning, recovery operations and planning, Federal coordination, military coordination, and other extensive natural disaster and emergency response experience.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before October 1, 2005.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 03. DUTIES.

The duties of the Commission are to—

(1) examine and report upon the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States of America especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath;

(2) ascertain, evaluate, and report on the information developed by all relevant governmental agencies regarding the facts and circumstances related to Hurricane Katrina prior to striking the United States and in the days and weeks following;

(3) build upon concurrent and prior investigations of other entities, and avoid unnecessary duplication concerning information related to existing vulnerabilities;

(4) make a full and complete accounting of the circumstances surrounding the approach of Hurricane Katrina to the Gulf States, and the extent of the United States government's preparedness for, and response to, the hurricane;

(5) planning necessary for future cataclysmic events requiring a significant marshaling of Federal resources, mitigation, response, and recovery to avoid significant loss of life;

(6) an analysis as to whether any decisions differed with respect to response and recovery for different communities, neighborhoods, parishes, and locations and what problems occurred as a result of a lack of a common plan, communication structure, and centralized command structure; and

(7) investigate and report to the President and Congress on its findings, conclusions, and recommendations for immediate corrective measures that can be taken to prevent problems with Federal response that occurred in the preparation for, and in the aftermath of, Hurricane Katrina so that future cataclysmic events are responded to adequately.

SEC. 04. FUNCTIONS OF COMMISSION.

(a) IN GENERAL.—The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates relevant facts and circumstances relating to the catastrophic impacts that Hurricane Katrina exacted upon the Gulf Region of the United States especially in New Orleans and surrounding parishes, and impacted areas of Mississippi and Alabama; and

(B) shall include relevant facts and circumstances relating to—

(i) Federal emergency response planning and execution at the Federal Emergency Management Agency, the Department of Homeland Security, the White House, and all other Federal entities with responsibility for assisting during, and responding to, natural disasters;

(ii) military and law enforcement response planning and execution;

(iii) Federal mitigation plans, programs, and policies including prior assessments of existing vulnerabilities and exercises designed to test those vulnerabilities;

(iv) Federal, State, and local communication interoperability successes and failures;

(v) past, present, and future Federal budgetary provisions for preparedness, mitigation, response, and recovery;

(vi) the Federal Emergency Management Agency's response capabilities as an independent agency and as part of the Department of Homeland Security;

(vii) the role of congressional oversight and resource allocation;

(viii) other areas of the public and private sectors determined relevant by the Commission for its inquiry; and

(ix) long-term needs for people impacted by Hurricane Katrina and other forms of Federal assistance necessary for large-scale recovery;

(2) identify, review, and evaluate the lessons learned from Hurricane Katrina including coordination, management policies, and procedures of the Federal Government, State and local governments, and nongovernmental entities, relative to detection, planning, mitigation, asset prepositioning, and responding to cataclysmic natural disasters such as Hurricane Katrina; and

(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

SEC. ___05. POWERS OF COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this Act—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) General Services Administration.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) Other Departments and Agencies.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) Gifts.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 06. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) In General.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) Public Meetings and Release of Public Versions of Reports.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under section 10.

(c) Public Hearings.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 07. STAFF OF COMMISSION.

(a) In General.—

(1) Appointment and Compensation.—The chairman, in consultation with the vice chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) Personnel as Federal Employees.—

(A) In General.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) Members of Commission.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) Detailees.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) Consultant Services.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. ___08. COMPENSATION AND TRAVEL EXPENSES.

(a) Compensation.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) Travel Expenses.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 09. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. 10. REPORTS OF COMMISSION; TERMINATION.

(a) Interim Reports.—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) Final Report.—Not later than 6 months after the date of the enactment of this title, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) Termination.—

(1) In General.—The Commission, and all the authorities of this Act, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) Administrative Activities Before Termination.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

SEC. 11. FUNDING.

(a) Emergency Appropriation of Funds.—There are authorized to be appropriated $3,000,000 for purposes of the activities of the Commission under this title and such funding is designated as emergency spending under section 402 of H. Con. Res. 95 (109th Congress).

(b) Duration of Availability.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

SA 2406. Mr. DURBIN (for himself, Mr. Dorgan, Mr. Lautenberg, and Mr. Johnson) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ACCOUNTABILITY IN FEDERAL CONTRACTING.

(a) In General.—Except as provided in subsection (b), none of the funds appropriated or otherwise made available by the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-61), by the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-62), or through the Iraq Relief and Reconstruction Fund may be obligated or expended in connection with a contract with a contractor that, during the previous 5 years—

(1) has been found by an executive agency, the Special Inspector General for Iraq Reconstruction, or any Inspector General having oversight authority with respect to Hurricane Katrina and Hurricane Rita reconstruction contracts to have overcharged or improperly billed the Federal Government by a total of at least $10,000,000 through one or more overcharges;

(2) has been found by an executive agency, the Special Inspector General for Iraq Reconstruction, or any Inspector General having oversight authority with respect to Hurricane Katrina and Hurricane Rita reconstruction contracts to have committed one or more fraudulent acts resulting in total costs or losses to the Federal Government of at least $10,000,000; or

(3) has had rendered against it a judgment or conviction for an offense constituting a cause for suspension or debarment under the Federal suspension and debarment regulations.

(b) National Security Waiver.—The President may waive the restrictions under subsection (a) on a case-by-case basis if the President determines that such waiver is in the national security interest of the United States and submits to the appropriate congressional authorities a report describing the reasons for such determination.

(c) Definitions.—In this section:

(1) Appropriate Congressional Authorities.—The term "appropriate congressional authorities" means—

(A) the Majority Leader and the Minority Leader of the Senate;

(B) the Speaker of the House of Representatives and the Minority Leader of the House of Representatives; and

(C) the Committees on Appropriations of the Senate and the House of Representatives.

(2) Executive Agencies.—The term "executive agency" has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SA 2407. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 95, after line 21, insert the following:

SEC. 3005A. COMMUNICATION SYSTEM GRANTS.

(a) Definitions.—In this section—

(1) the term "demonstration project" means the demonstration project established under subsection (b)(1);

(2) the term "Department" means the Department of Homeland Security;

(3) the term "emergency response provider" has the meaning given that term in section 2(6) the Homeland Security Act of 2002 (6 U.S.C. 101(6)); and

(4) the term "Secretary" means the Secretary of Homeland Security.

(b) IN GENERAL.—

(1) ESTABLISHMENT.—There is established in the Department an "International Border Community Interoperable Communications Demonstration Project".

(2) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select not fewer than 2 communities to participate in a demonstration project.

(3) LOCATION OF COMMUNITIES.—Not fewer than 1 of the communities selected under paragraph (2) shall be located on the northern border of the United States and not fewer than 1 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

(c) PROJECT REQUIREMENTS.—The demonstration projects shall—

(1) address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers;

(2) foster interoperable communications—

(A) among Federal, State, local, and tribal government agencies in the United States involved in preventing or responding to terrorist attacks or other catastrophic events; and

(B) with similar agencies in Canada and Mexico;

(3) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(4) foster the standardization of interoperable communications equipment;

(5) identify solutions that will facilitate communications interoperability across national borders expeditiously;

(6) ensure that emergency response providers can communicate with each another and the public at disaster sites or in the event of a terrorist attack or other catastrophic event;

(7) provide training and equipment to enable emergency response providers to deal with threats and contingencies in a variety of environments; and

(8) identify and secure appropriate joint-use equipment to ensure communications access.

(d) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall distribute funds under this section to each community participating in a demonstration project through the State, or States, in which each community is located.

(2) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under paragraph (1), a State receiving funds under this section shall make the funds available to the local governments and emergency response providers participating in a demonstration project selected by the Secretary.

(e) FUNDING.—Amounts made available from the interoperability fund under section 3005(c)(3) shall be available to carry out this section without appropriation.

(f) REPORTING.—Not later than December 31, 2005, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration projects under this section.

SA 2408. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 94, strike line 7 through 12.

SA 2409. Mr. REED (for himself, Mr. BAUCUS, Mrs. MURRAY, Mr. KENNEDY, Mr. BINGAMAN, Mr. CORZINE, Mrs. CLINTON, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

Strike section 6031 of the bill.

SA 2410. Mr. BAUCUS (for himself, Mr. OBAMA, Ms. MIKULSKI, Mrs. MURRAY, Ms. STABENOW, Mr. FEINGOLD, Mr. REED, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 256, between lines 5 and 6, insert the following:

Subchapter D—Sense of the Senate

SEC. 6065. TO EXPRESS THE SENSE OF THE SENATE REGARDING MEDICAID RECONCILIATION LEGISLATION TO BE REPORTED BY A CONFERENCE COMMITTEE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Medicaid program provides essential health care and long-term care services to more than 50,000,000 low-income children, pregnant women, parents, individuals with disabilities, and senior citizens. It is a Federal guarantee that ensures that the most vulnerable will have access to needed medical services.

(2) The Medicaid program provides critical access to long-term care and other services for the elderly and individuals living with disabilities, and is the single largest provider of long-term care services. The Medicaid program also pays for personal care and other supportive services that are typically not provided by private health insurance or under the Medicare program, but are necessary to enable individuals with spinal cord injuries, developmental disabilities, neurological degenerative diseases, serious and persistent mental illnesses, HIV/AIDS, and other chronic conditions to remain in the community, to work, and to maintain independence.

(3) The Medicaid program supplements the Medicare program for more than 6,000,000 low-income elderly or disabled Medicare beneficiaries, assisting those beneficiaries with their Medicare premiums and co-insurance, wrap-around benefits, and the costs of nursing home care that the Medicare program does not cover. The Medicaid program spent nearly $40,000,000,000 in 2002 on services not covered under the Medicare program.

(4) The Medicaid program provides health insurance for more than ¼ of America's children and is the largest purchaser of maternity care, paying for more than ⅓ of all the births in the United States each year. The Medicaid program also provides vital access to care for children with disabilities, covering more than 70 percent of the poor children with disabilities in the United States.

(5) Medicaid's benefits for children are comprehensive, including mandatory coverage for Early and Periodic Screening Diagnosis and Treatment benefits covering all medically necessary care. Medicaid ensures that children have the benefits, health services and health care support they need to be fully immunized and that children can secure eyeglasses, dental care, and hearing aids when necessary, and that children have access to comprehensive, regularly scheduled, and as-needed health examinations, as well as preventive interventions, to correct physical and mental conditions that threaten to delay proper growth and development.

(6) More than 16,000,000 American women depend on the Medicaid program for their health care. Women comprise the majority of seniors (71 percent) on Medicaid. Half of nonelderly women with permanent mental or physical disabilities have health care coverage under the Medicaid program. The Medicaid program also provides critical access to treatment for low-income women diagnosed with breast or cervical cancer.

(7) The Medicaid program is the Nation's largest source of payment for mental health services, HIV/AIDS care, and care for children with special needs. Much of this care is either not covered by private insurance or is limited in scope or duration. The Medicaid program is also a critical source of funding for health care for children in foster care and for health care services provided in schools.

(8) Funds under the Medicaid program help to ensure access to care for all Americans. The Medicaid program is the single largest source of revenue for the Nation's safety net hospitals, health centers, and nursing homes, and is critical to the ability of these providers to adequately serve all Americans.

(9) The Medicaid program serves a major role in ensuring that the number of Americans without health insurance, approximately 45,000,000 in 2003, is not substantially higher. The system of Federal matching for State Medicaid expenditures ensures that Federal funds will grow as State spending increases in response to unmet needs, enabling the Medicaid program to help buffer the drop in private coverage during recessions. More than 4,800,000 Americans lost employer-sponsored health care coverage between 2000 and 2003, during which time the Medicaid program enrolled an additional 8,400,000 Americans.

(10) Many individuals living below the Federal poverty level are ineligible for Medicaid because of stringent income eligibility rules. For parents, eligibility levels are often very far below the Federal poverty level. On average, a working parent in a family of three would have to make less than $224 per week and a non-working parent in a family of three would have to make less than $150 per week to qualify. Single individuals with disabilities would be ineligible if they have more than $147 per week in income.

(11) Eligibility levels for pregnant women and children are generally at or just above the Federal poverty level, but a family with income just over minimum wage can be disqualified for Medicaid. At the minimum eligibility levels for pregnant women, earning as little as $8.80 per hour at a full-time job could disqualify a pregnant woman from Medicaid eligibility. A working parent in a family of three earning less than $8.40 per hour at a full-time job could make their

child 6 years-old or older ineligible for Medicaid.

(12) Title III of the budget reconciliation bill of the House of Representatives, as reported out by the Committee on Energy and Commerce, would adversely affect these low-income beneficiaries, many of whom are children or have special health care needs, by increasing beneficiary cost-sharing, limiting access to benefits, and restricting eligibility for long-term care services that the Medicaid program covers. These new limits make up ⅔ of the House of Representative's projected Medicaid spending reductions, accounting for $30,100,000,000 of the total $45,300,000,000 in Medicaid reductions over 10 years.

(13) Making beneficiaries pay more for more limited benefits under Medicaid may put a significant financial burden on these very low-income individuals. Research also demonstrates that increasing beneficiary cost-sharing can make prescription drugs and other essential health services unaffordable for beneficiaries, can cause the health of children and adults to deteriorate, and can lead to higher emergency room and hospital costs.

(14) By contrast, while this title includes substantial cuts to the Medicaid program, it does not include direct limits on beneficiary access to Medicaid services. Even so, enactment of this title would result in a net Medicaid cut of $14,200,000,000 over 10 years, less than ⅓ of the projected Medicaid reductions contained in the House of Representative's budget reconciliation bill.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the conferees for any budget reconciliation bill of the 109th Congress shall not report a reconciliation bill that would—

(1) with respect to low-income children, pregnant women, disabled individuals, elderly individuals, individuals with chronic illnesses like HIV/AIDS, cancer, and diabetes, individuals with mental illnesses, and other Medicaid beneficiaries—

(A) impair access to Medicaid services;

(B) undermine eligibility for such Medicaid beneficiaries;

(C) make Medicaid services unavailable by making them unaffordable to such Medicaid beneficiaries; or

(D) cut health care services for such Medicaid beneficiaries; or

(2) undermine the Federal guarantee of health insurance coverage that the Medicaid program provides, which would threaten not only the health care safety net of the United States, but the entire health care system of the United States.

SA 2411. Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mrs. BOXER, Mrs. MURRAY, Mr. LAUTENBERG, Mr. SCHUMER, Mr. CORZINE, Ms. CANTWELL, and Ms. MIKULSKI) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 188, after line 24, add the following:

SEC. 6037. AUTHORITY TO CONTINUE PROVIDING CERTAIN ADULT DAY HEALTH CARE SERVICES OR MEDICAL ADULT DAY CARE SERVICES.

The Secretary shall not—

(1) withhold, suspend, disallow, or otherwise deny Federal financial participation under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) for adult day health care services or medical adult day care services, as defined under a State medicaid plan approved on or before 1982, if such services are provided consistent with such definition and the requirements of such plan; or

(2) withdraw Federal approval of any such State plan or part thereof regarding the provision of such services.

SA 2412. Mr. VITTER (for Mr. STEVENS (for himself, Mr. VITTER, Ms. LANDRIEU, Mr. DOMENICI, Mr. CRAIG, Mr. LOTT, Mr. INOUYE, and Mr. BINGAMAN)) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 95, strike lines 13 through 21, and insert the following:

(f) USE OF EXCESS PROCEEDS.—Any proceeds of the auction authorized by section 309(j)(15)(C)(v) of the Communications Act of 1934, as added by section 3003 of this Act, that exceed the sum of the payments made from the Fund under subsection (c), the transfer from the Fund under subsection (d), and any amount made available under section 3006 (referred to in this subsection as "excess proceeds"), shall be distributed as follows:

(1) The first $1,000,000,000 of excess proceeds shall be transferred to and deposited in the general fund of the Treasury as miscellaneous receipts.

(2) After the transfer under paragraph (1), the next $500,000,000 of excess proceeds shall be transferred to the interoperability fund described in subsection (c)(3).

(3) After the transfers under paragraphs (1) and (2), the next $1,200,000,000 of exceess proceeds shall be transfered to the assistance program described in subsection (c)(5).

(4) After the transfers under paragraphs (1) through (3), any remaining excess proceeds shall be transferred to and deposited in the general fund of the Treasury as miscellaneous receipts.

SA 2413. Mr. WARNER (for himself, Mr. LIEBERMAN, Mr. ROBERTS, Mr. DURBIN, Mr. ALLEN, and Mr. OBAMA) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 369, between lines 11 and 12, insert the following:

"(D) the Secretary—

"(i) shall determine if an increase in the amount of a grant under this section is needed to help encourage students to pursue courses of study that are important to the current and future national, homeland, and economic security needs of the United States; and

"(ii) after making the determination described in clause (i), may increase the maximum and minimum award level established under subparagraph (A) by not more than 25 percent, for students eligible for a grant under this section who are pursuing a degree with a major in mathematics, science, technology, engineering, or a foreign language that is critical to the national security of the United States; and

"(E) not later than September 30 of each fiscal year, the Secretary shall notify Congress, in writing, of the Secretary's determination with respect to subparagraph (D)(i) and of any increase in award levels under subparagraph (D)(ii).

SA 2414. Mr. BYRD (for himself and Mr. HARKIN) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

At the appropriate place, insert the following:

SEC. ___. SUSPENSION OF DEBATE LIMITATION ON RECONCILIATION LEGISLATION THAT CAUSES A DEFICIT OR INCREASES THE DEFICIT.

(a) IN GENERAL.—For purposes of consideration in the Senate of any reconciliation bill or resolution, or amendments thereto or debatable motions and appeals in connection therewith, under section 310(e) of the Congressional Budget Act of 1974, section 305(b)(1), (2), and (5), section 305(c), and the limitation on debate in section 310(e)(2) of that Act, shall not apply to any reconciliation bill or resolution, amendment thereto, or motion thereon that includes reductions in revenue or increases in spending that would cause an on-budget deficit to occur or increase the deficit for any fiscal year covered by such bill or resolution.

(b) GERMANENESS REQUIRED.—Notwithstanding subsection (a), no amendment that is not germane to the provisions of such reconciliation bill or resolution shall be received.

SA 2415. Mr. DURBIN (for himself, Mr. DORGAN, Mr. LAUTENBERG, Mr. JOHNSON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ACCOUNTABILITY IN FEDERAL CONTRACTING.

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds appropriated or otherwise made available by the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-61), by the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-62), or through the Iraq Relief and Reconstruction Fund may be obligated or expended in connection with a contract entered into after the date of the enactment of this Act with a contractor that, during the previous 5 years—

(1) has been found by an executive agency, the Special Inspector General for Iraq Reconstruction, or any Inspector General having oversight authority with respect to Hurricane Katrina and Hurricane Rita reconstruction contracts to have overcharged or improperly billed the Federal Government by a total of at least $10,000,000 through one or more overcharges;

(2) has been found by an executive agency, the Special Inspector General for Iraq Reconstruction, or any Inspector General having oversight authority with respect to Hurricane Katrina and Hurricane Rita reconstruction contracts to have committed one or

more fraudulent acts resulting in total costs or losses to the Federal Government of at least $10,000,000; or

(3) has been suspended or debarred under the Federal suspension and debarment regulations.

(b) NATIONAL SECURITY WAIVER.—The President may waive the restrictions under subsection (a) on a case-by-case basis if the President determines that such waiver is in the national security interest of the United States and submits to the appropriate congressional authorities a report describing the reasons for such determination.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL AUTHORITIES.—The term "appropriate congressional authorities" means—

(A) the Majority Leader and the Minority Leader of the Senate;

(B) the Speaker of the House of Representatives and the Minority Leader of the House of Representatives; and

(C) the Committees on Appropriations of the Senate and the House of Representatives.

(2) EXECUTIVE AGENCIES.—The term "executive agency" has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SA 2416. Mr. SUNUNU (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 130, after line 25, add the following:

SEC. 6005. ELECTRONIC PRESCRIPTION INCENTIVES FOR MEDICAID MANAGED CARE ORGANIZATIONS.

(a) IN GENERAL.—Section 1903(m)(2)(A) (42 U.S.C. 1396b(m)(2)(A)) is amended—

(1) in clause (xi), by striking "and" at the end;

(2) in clause (xii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(xiii) notwithstanding clause (x), such contract provides that—

"(I) for each electronic prescription written by a physician during the period beginning on January 1, 2006, and ending on December 31, 2009, the entity shall make a payment of an amount equal to—

"(aa) $1.00, minus

"(bb) an amount equal to the percentage of total claims that consist of electronic prescription drug claims under this title by medicaid managed care organizations (as determined under section 6005(b) of the Deficit Reduction Omnibus Reconciliation Act of 2005, expressed in cents);

"(II) for each non-electronic prescription written by a physician during the period described in subclause (I), the entity shall reduce the dispensing fee otherwise applicable by an amount equal to—

"(aa) $1.00, minus

"(bb) an amount equal to the percentage of total claims under this title by medicaid managed care organizations that consist of non-electronic claims (as so determined and expressed in cents).".

(b) DATA FOR DETERMINING ELECTRONIC CLAIMS.—

(1) IN GENERAL.—For purposes of section 1903(m)(2)(A)(xiii) of the Social Security Act (as added by subsection (a)), subject to the update required under paragraph (2), in determining the percentage of total claims that consist of electronic prescription drug claims by medicaid managed care organizations under title XIX of the Social Security Act and the percentage of total claims that consist of non-electronic prescription drug claims, the Secretary shall use an estimate of the number of electronic claims and non-electronic claims that will be submitted as of January 1, 2006.

(2) UPDATE.—For each 6 month period beginning after January 1, 2006, the Secretary shall update the estimate of the number of electronic prescription drug claims and non-electronic prescription drug claims used to determine the percentage of total claims that consist of such electronic claims and the percentage of total claims that consist of such non-electronic claims.

(3) MOST RECENT DATA.—To the extent feasible, the Secretary shall use the most recent data available, including real-time data on drug claims submitted under title XIX pf the Social Security Act with respect to medicaid managed care organizations, to determine the percentage of total claims that consist of electronic claims and the percentage of total claims that consist of non-electronic claims.

(c) STUDY AND REPORT.—The Comptroller General of the United States shall conduct a study regarding the feasibility of applying electronic prescription incentives similar to the incentives required under section 1903(m)(2)(A)(xiii) of the Social Security Act (as added by subsection (a)) to fee-for-service Medicaid. Not later than January 1, 2007, the Comptroller General shall submit a report to Congress on the results of the study conducted under this subsection.

SA 2417. Mr. GREGG (for Mr. LEVIN) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 95, after line 21, insert the following:

SEC. 3005A. COMMUNICATION SYSTEM GRANTS.

(a) DEFINITIONS.—In this section—

(1) the term "demonstration project" means the demonstration project established under subsection (b)(1);

(2) the term "Department" means the Department of Homeland Security;

(3) the term "emergency response provider" has the meaning given that term in section 2(6) the Homeland Security Act of 2002 (6 U.S.C. 101(6)); and

(4) the term "Secretary" means the Secretary of Homeland Security.

(b) IN GENERAL.—

(1) ESTABLISHMENT.—There is established in the Department an "International Border Community Interoperable Communications Demonstration Project".

(2) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select not fewer than 2 communities to participate in a demonstration project.

(3) LOCATION OF COMMUNITIES.—Not fewer than 1 of the communities selected under paragraph (2) shall be located on the northern border of the United States and not fewer than 1 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

(c) PROJECT REQUIREMENTS.—The demonstration projects shall—

(1) address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers;

(2) foster interoperable communications—

(A) among Federal, State, local, and tribal government agencies in the United States involved in preventing or responding to terrorist attacks or other catastrophic events; and

(B) with similar agencies in Canada and Mexico;

(3) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(4) foster the standardization of interoperable communications equipment;

(5) identify solutions that will facilitate communications interoperability across national borders expeditiously;

(6) ensure that emergency response providers can communicate with each another and the public at disaster sites or in the event of a terrorist attack or other catastrophic event;

(7) provide training and equipment to enable emergency response providers to deal with threats and contingencies in a variety of environments; and

(8) identify and secure appropriate joint-use equipment to ensure communications access.

(d) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall distribute funds under this section to each community participating in a demonstration project through the State, or States, in which each community is located.

(2) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under paragraph (1), a State receiving funds under this section shall make the funds available to the local governments and emergency response providers participating in a demonstration project selected by the Secretary.

(e) FUNDING.—Amounts made available from the interoperability fund under section 3005(c)(3) shall be available to carry out this section without appropriation.

(f) REPORTING.—Not later than December 31, 2005, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration projects under this section.

SA 2418. Mr. GREGG (for Mr. SUNUNU (for himself, Mr. DURBIN, Mr. CRAIG, Mr. PRYOR, Mr. ISAKSON, Mr. NELSON of Nebraska, Mr. THUNE, Mr. KERRY, and Mr. CHAMBLISS)) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 90, between lines 19 and 20, insert the following:

Subtitle D—Adaptive Housing Assistance

SEC. 2031. SHORT TITLE.

This subtitle may be cited as the "Specially Adapted Housing Grants Improvements Act of 2005".

SEC. 2032. ADAPTIVE HOUSING ASSISTANCE FOR DISABLED VETERANS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

(a) ASSISTANCE AUTHORIZED.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2102 the following new section:

"§ 2102A. Assistance for veterans residing temporarily in housing owned by a family member

"(a) ASSISTANCE AUTHORIZED.—If a disabled veteran described in subsection (a)(2) or (b)(2) of section 2101 of this title resides, but does not intend to permanently reside, in a residence owned by a member of such veteran's family, the Secretary may assist the veteran in acquiring such adaptations to such residence as are determined by the Secretary to be reasonably necessary because of the veteran's disability.

"(b) LIMITATION ON AMOUNT OF ASSISTANCE.—Subject to section 2102(d) of this title, the assistance authorized under subsection (a) may not exceed—

"(1) $10,000, in the case of a veteran described in section 2101(a)(2) of this title; or

"(2) $2,000, in the case of a veteran described in section 2101(b)(2) of this title.

"(c) LIMITATION ON NUMBER OF RESIDENCES SUBJECT TO ASSISTANCE.—A veteran eligible for assistance authorized under subsection (a) may only be provided such assistance with respect to 1 residence.

"(d) REGULATIONS.—Assistance under this section shall be provided in accordance with such regulations as the Secretary may prescribe.

"(e) TERMINATION OF AUTHORITY.—The authority to provide assistance under subsection (a) shall expire at the end of the 5-year period beginning on the date of enactment of the Specially Adapted Housing Grants Improvements Act of 2005.".

(b) LIMITATIONS ON ADAPTIVE HOUSING ASSISTANCE.—Section 2102 of such title is amended—

(1) in subsection (a), by striking "The assistance authorized by section 2101(a)" and all that follows through "any one case—" and inserting "Subject to subsection (d), the assistance authorized under section 2101(a) of this title shall be afforded under 1 of the following plans, at the election of the veteran—";

(2) by amending subsection (b) to read as follows:

"(b) Subject to subsection (d), and except as provided in section 2104(b) of this title, the assistance authorized by section 2101(b) of this title may not exceed the actual cost, or in the case of a veteran acquiring a residence already adapted with special features, the fair market value, of the adaptations determined by the Secretary under such section 2101(b) to be reasonably necessary."; and

(3) by adding at the end the following new subsection:

"(d)(1) The aggregate amount of assistance available to a veteran under sections 2101(a) and 2102A of this title shall be limited to $50,000.

"(2) The aggregate amount of assistance available to a veteran under sections 2101(b) and 2102A of this title shall be limited to the lesser of—

"(A) the sum of the cost or fair market value described in section 2102(b) of this title and the actual cost of acquiring the adaptations described in subsection (a); and

"(B) $10,000.

"(3) No veteran may receive more than 3 grants of assistance under this chapter.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter of such title is amended by inserting after the item relating to section 2102 the following:

"2102A. Assistance for veterans residing temporarily in housing owned by family member.".

SEC. 2033. GAO REPORTS.

(a) INTERIM REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress an interim report on the implementation of section 2102A of title 38, United States Code (as added by section 2(a)), by the Department of Veterans Affairs.

(b) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a final report on the implementation of such section 2102A by the Department of Veterans Affairs.

On page 166, strike lines 12 through 15 and insert the following:

"(A) for fiscal year 2006, $50,000,000;

"(B) for each of fiscal years 2007 and 2008, $49,000,000;

"(C) for each of fiscal years 2009 and 2010, $74,000,000; and

"(D) for fiscal year 2011 and each fiscal year thereafter, $75,000,000.

SA 2419. Mr. SANTORUM (for himself, Mr. BUNNING, Mr. THOMAS, Mr. VOINOVICH, Mr. LIEBERMAN, Mr. DODD, Mr. ROCKEFELLER, Ms. LANDRIEU, and Mr. CONRAD) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 368, between lines 5 and 6, insert the following:

SEC. 6116. TECHNICAL CORRECTION REGARDING PURCHASE AGREEMENTS FOR POWER-DRIVEN WHEELCHAIRS.

(a) IN GENERAL.—Section 1834(a)(7)(A) (42 U.S.C. 1395m(a)(7)(A)), as amended by section 6109 of this Act, is amended—

(1) in clause (i)(I), by striking "Payment" and inserting "Except as provided in clause (iii), payment"; and

(2) by adding at the end the following new clause:

"(iii) PURCHASE AGREEMENT OPTION FOR POWER-DRIVEN WHEELCHAIRS.—

"(I) IN GENERAL.—In the case of a power-driven wheelchair, at the time the supplier furnishes the item, the supplier shall offer the individual the option to purchase the item, and payment for such item shall be made on a lump-sum basis if the individual exercises such option.

"(II) MAINTENANCE AND SERVICING.—In the case of a power-driven wheelchair for which a purchase agreement has been entered into under subclause (I), maintenance and servicing payments shall, if the Secretary determines such payments are reasonable and necessary, be made (for parts and labor not covered by the supplier's or manufacturer's warranty, as determined by the Secretary to be appropriate), and such payments shall be in an amount determined to be appropriate by the Secretary.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to items furnished on or after October 1, 2006.

SEC. 6117. MEDICARE COVERAGE OF ULTRASOUND SCREENING FOR ABDOMINAL AORTIC ANEURYSMS; NATIONAL EDUCATIONAL AND INFORMATION CAMPAIGN.

(a) IN GENERAL.—Section 1861 (42 U.S.C. 1395x) is amended—

(1) in subsection (s)(2)—

(A) by striking "and" at the end of subparagraph (Y);

(B) by adding "and" at the end of subparagraph (Z); and

(C) by adding at the end the following new subparagraph:

"(AA) ultrasound screening for abdominal aortic aneurysm (as defined in subsection (bbb)) for an individual—

"(i) who receives a referral for such an ultrasound screening as a result of an initial preventive physical examination (as defined in section 1861(ww)(1));

"(ii) who has not been previously furnished such an ultrasound screening under this title; and

"(iii) who—

"(I) has a family history of abdominal aortic aneurysm; or

"(II) manifests risk factors included in a beneficiary category (not including categories related to age) recommended for screening by the United States Preventive Services Task Force regarding abdominal aortic aneurysms;"; and

(2) by adding at the end the following new subsection:

"Ultrasound Screening for Abdominal Aortic Aneurysm

"(bbb) The term 'ultrasound screening for abdominal aortic aneurysm' means—

"(1) a procedure using sound waves (or such other procedures using alternative technologies, of commensurate accuracy and cost, that the Secretary may specify) provided for the early detection of abdominal aortic aneurysm; and

"(2) includes a physician's interpretation of the results of the procedure.".

(b) INCLUSION OF ULTRASOUND SCREENING FOR ABDOMINAL AORTIC ANEURYSM IN SCREENING SERVICES FOR WHICH EDUCATION, COUNSELING, AND REFERRAL IS PROVIDED FOR UNDER BENEFITS FOR INITIAL PREVENTIVE PHYSICAL EXAMINATION.—Section 1861(ww)(2) (42 U.S.C. 1395x(ww)(2)) is amended by adding at the end the following new subparagraph:

"(L) Ultrasound screening for abdominal aortic aneurysm as defined in section 1861(bbb).".

(c) PAYMENT FOR ULTRASOUND SCREENING FOR ABDOMINAL AORTIC ANEURYSM.—Section 1848(j)(3) (42 U.S.C. 1395w-4(j)(3)) is amended by inserting "(2)(AA)," after "(2)(W),".

(d) FREQUENCY AND QUALITY STANDARDS.—Section 1862(a)(1) (42 U.S.C. 1395y(a)(1)) is amended—

(1) by striking "and" at the end of subparagraph (L);

(2) by striking the semicolon at the end of subparagraph (M) and inserting ", and"; and

(3) by adding at the end the following new subparagraph:

"(N) in the case of ultrasound screening for abdominal aortic aneurysm—

"(i) which is performed more frequently than is provided for under section 1861(s)(2)(AA); or

"(ii) which is performed by an individual or diagnostic laboratory that does not meet quality assurance standards that the Secretary, in consultation with national medical, vascular technologist and sonographer societies, shall establish, including with respect to individuals performing ultrasound screening for abdominal aortic aneurysm (other than physicians) and diagnostic laboratories, that the individual or laboratory is certified by the appropriate State licensing or certification agency or, in the case of a service performed in a State that does not license or certify such individuals or laboratories, by a national certification or accreditation organization recognized by the Secretary;".

(e) NON-APPLICATION OF PART B DEDUCTIBLE.—Section 1833(b) (42 U.S.C. 1395l(b)) is amended in the first sentence—

(1) by striking "and (6)" and inserting "(6)"; and

(2) by inserting ", and (7) such deductible shall not apply with respect to ultrasound screening for abdominal aortic aneurysm (as defined in section 1861(bbb))" before the period at the end.

(f) NATIONAL EDUCATIONAL AND INFORMATION CAMPAIGN.—

(1) IN GENERAL.—After consultation with national medical, vascular technologist, and sonographer societies, the Secretary of Health and Human Services shall carry out a national education and information campaign to promote awareness among health care practitioners and the general public with respect to the importance of early detection and treatment of abdominal aortic aneurysms.

(2) USE OF FUNDS.—The Secretary may use amounts appropriated pursuant to this subsection to make grants to national medical, vascular technologist, and sonographer societies (in accordance with procedures and criteria specified by the Secretary) to enable them to educate practitioners and providers about matters relating to such aneurysms.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2006 and each fiscal year thereafter such sums as may be necessary to carry out this subsection.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to ultrasound screenings for abdominal aortic aneurysm performed on or after January 1, 2007.

SEC. 6118. IMPROVING PATIENT ACCESS TO, AND UTILIZATION OF, COLORECTAL CANCER SCREENING UNDER MEDICARE.

(a) INCREASE IN PART B REIMBURSEMENT FOR COLORECTAL CANCER SCREENING AND DIAGNOSTIC TESTS.—

(1) IN GENERAL.—Section 1834(d) (42 U.S.C. 1395m(d)) is amended by adding at the end the following new paragraph:

"(4) ENHANCED PART B PAYMENT FOR COLORECTAL CANCER SCREENING AND DIAGNOSTIC TESTS.—

"(A) NONFACILITY RATES.—Notwithstanding paragraphs (2)(A) and (3)(A), the Secretary shall establish national minimum payment amounts for CPT codes 45378, 45380, and 45385, and HCPCS codes G0105 and GO121 for items and services furnished on or after January 1, 2007, which reflect a 5-percent increase above the relative value units in effect as the nonfacility rates for such codes on December 31, 2006, with such revised payment level to apply to items and services performed in a nonfacility setting.

"(B) FACILITY RATES.—Notwithstanding paragraphs (2)(A) and (3)(A), the Secretary shall establish national minimum payment amounts for CPT codes 45378, 45380, and 45385, and HCPCS codes G0105 and GO121 for items and services furnished on or after January 1, 2007, which reflect a 5-percent increase above the relative value units in effect as the facility rates for such codes on December 31, 2006, with such revised payment level to apply to items and services performed in a facility setting.

"(C) ANNUAL ADJUSTMENTS.—In the case of items and services furnished on or after January 1, 2007, the payment rates described in subparagraphs (A) and (B) shall, subject to the minimum payment amounts established in such subparagraphs, be adjusted annually as provided in section 1848.".

(2) NO EFFECT ON HOPD PAYMENTS.—The Secretary shall not take into account the provisions of section 1834(d)(4) of the Social Security Act, as added by subsection (a), in determining the amount of payment for any covered OPD service under the prospective payment system for hospitals outpatient department services under section 1833(t) of such Act (42 U.S.C. 1395l(t)).

(b) MEDICARE COVERAGE OF OFFICE VISIT OR CONSULTATION PRIOR TO A SCREENING COLONOSCOPY OR IN CONJUNCTION WITH A BENEFICIARY'S DECISION TO OBTAIN SUCH A SCREENING.—

(1) COVERAGE.—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)), as amended by section 6117, is amended—

(A) in subparagraph (Z), by striking "and" at the end;

(B) in subparagraph (AA), by inserting "and" at the end; and

(C) by adding at the end the following new subparagraph:

"(BB) an outpatient office visit or consultation for the purpose of beneficiary education, assuring selection of the proper screening test, and securing information relating to the procedure and sedation of the beneficiary, prior to a colorectal cancer screening test consisting of a screening colonoscopy or in conjunction with the beneficiary's decision to obtain such a screening, regardless of whether such screening is medically indicated with respect to the beneficiary;".

(2) PAYMENT.—

(A) IN GENERAL.—Section 1833(a)(1) (42 U.S.C. 1395l(a)(1)) is amended—

(i) by striking "and" before "(V)"; and

(ii) by inserting before the semicolon at the end the following: ", and (W) with respect to an outpatient office visit or consultation under section 1861(s)(2)(BB), the amounts paid shall be 80 percent of the lesser of the actual charge or the amount established under section 1848".

(B) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) (42 U.S.C. 1395w-4(j)(3)), as amended by section 6117, is amended by inserting "(2)(BB)," after "(2)(AA),".

(C) REQUIREMENT FOR ESTABLISHMENT OF PAYMENT AMOUNT UNDER PHYSICIAN FEE SCHEDULE.—Section 1834(d) (42 U.S.C. 1395m(d)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(5) PAYMENT FOR OUTPATIENT OFFICE VISIT OR CONSULTATION PRIOR TO SCREENING COLONOSCOPY.—With respect to an outpatient office visit or consultation under section 1861(s)(2)(BB), payment under section 1848 shall be consistent with the payment amounts for CPT codes 99203 and 99243.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to items and services provided on or after January 1, 2007.

(c) WAIVER OF DEDUCTIBLE FOR COLORECTAL CANCER SCREENING TESTS.—

(1) IN GENERAL.—Section 1833(b) (42 U.S.C. 1395l(b)), as amended by section 6117, is amended in the first sentence—

(A) by striking "and" before "(7)"; and

(B) by inserting before the period at the end the following: ", and (8) such deductible shall not apply with respect to colorectal cancer screening tests (as described in section 1861(pp)(1))".

(2) CONFORMING AMENDMENTS.—Paragraphs (2)(C)(ii) and (3)(C)(ii) of section 1834(d) (42 U.S.C. 1395m(d)) are each amended—

(A) by striking "DEDUCTIBLE AND" in the heading; and

(B) in subclause (I), by striking "deductible or" each place it appears.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to items and services furnished on or after January 1, 2007.

SEC. 6119. COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES UNDER PART B OF THE MEDICARE PROGRAM.

(a) COVERAGE OF SERVICES.—

(1) IN GENERAL.—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)), as amended by section 6118(b), is amended—

(A) in subparagraph (AA), by striking "and" after the semicolon at the end;

(B) in subparagraph (BB), by inserting "and" after the semicolon at the end; and

(C) by adding at the end the following new subparagraph:

"(CC) marriage and family therapist services (as defined in subsection (ccc)(1)) and mental health counselor services (as defined in subsection (ccc)(3));".

(2) DEFINITIONS.—Section 1861 (42 U.S.C. 1395x), as amended by section 6117, is amended by adding at the end the following new subsection:

"Marriage and Family Therapist Services; Marriage and Family Therapist; Mental Health Counselor Services; Mental Health Counselor

"(ccc)(1) The term 'marriage and family therapist services' means services performed by a marriage and family therapist (as defined in paragraph (2)) for the diagnosis and treatment of mental illnesses, which the marriage and family therapist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as an incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

"(2) The term 'marriage and family therapist' means an individual who—

"(A) possesses a master's or doctoral degree which qualifies for licensure or certification as a marriage and family therapist pursuant to State law;

"(B) after obtaining such degree has performed at least 2 years of clinical supervised experience in marriage and family therapy; and

"(C) in the case of an individual performing services in a State that provides for licensure or certification of marriage and family therapists, is licensed or certified as a marriage and family therapist in such State.

"(3) The term 'mental health counselor services' means services performed by a mental health counselor (as defined in paragraph (4)) for the diagnosis and treatment of mental illnesses which the mental health counselor is legally authorized to perform under State law (or the State regulatory mechanism provided by the State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

"(4) The term 'mental health counselor' means an individual who—

"(A) possesses a master's or doctor's degree in mental health counseling or a related field;

"(B) after obtaining such a degree has performed at least 2 years of supervised mental health counselor practice; and

"(C) in the case of an individual performing services in a State that provides for licensure or certification of mental health counselors or professional counselors, is licensed or certified as a mental health counselor or professional counselor in such State.".

(3) PROVISION FOR PAYMENT UNDER PART B.—Section 1832(a)(2)(B) (42 U.S.C. 1395k(a)(2)(B)) is amended by adding at the end the following new clause:

"(v) marriage and family therapist services and mental health counselor services;".

(4) AMOUNT OF PAYMENT.—Section 1833(a)(1) (42 U.S.C. 1395*l*(a)(1)), as amended by section 6118, is amended—

(A) by striking "and (W)" and inserting "(W)"; and

(B) by inserting before the semicolon at the end the following: ", and (X) with respect to marriage and family therapist services and mental health counselor services under section 1861(s)(2)(CC), the amounts paid shall be 80 percent of the lesser of the actual charge for the services or 75 percent of the amount determined for payment of a psychologist under subparagraph (L)".

(5) EXCLUSION OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES FROM SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM.—Section 1888(e)(2)(A)(ii) (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting "marriage and family therapist services (as defined in section 1861(ccc)(1)), mental health counselor services (as defined in section 1861(ccc)(3))," after "qualified psychologist services,".

(6) INCLUSION OF MARRIAGE AND FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS AS PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Section 1842(b)(18)(C) (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clauses:

"(vii) A marriage and family therapist (as defined in section 1861(ccc)(2)).

"(viii) A mental health counselor (as defined in section 1861(ccc)(4)).".

(b) COVERAGE OF CERTAIN MENTAL HEALTH SERVICES PROVIDED IN CERTAIN SETTINGS.—

(1) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1861(aa)(1)(B) (42 U.S.C. 1395x(aa)(1)(B)) is amended by striking "or by a clinical social worker (as defined in subsection (hh)(1))," and inserting ", by a clinical social worker (as defined in subsection (hh)(1)), by a marriage and family therapist (as defined in subsection (ccc)(2)), or by a mental health counselor (as defined in subsection (ccc)(4)),".

(2) HOSPICE PROGRAMS.—Section 1861(dd)(2)(B)(i)(III) (42 U.S.C. 1395x(dd)(2)(B)(i)(III)) is amended by inserting "or one marriage and family therapist (as defined in subsection (bbb)(2))" after "social worker".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to services furnished on or after January 1, 2007.

SA 2420. Mr. GREGG (for Mr. SUNUNU) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 94, line 7, after "(1)" insert "not to exceed".

On page 94, line 13, after "(2)" insert "not to exceed".

On page 94, line 19, after "(3)" insert "not to exceed".

On page 95, line 1, after "(4)" insert "not to exceed".

On page 95, line 4, after "(5)" insert "not to exceed".

On page 95, beginning in line 10, strike "The amounts payable" and insert "Any amounts that are to be paid".

On page 95, line 12, after the period insert "Any amount in the Fund that is not obligated under subsection (c) by that date shall be transferred to the general fund of the Treasury.".

SA 2421. Mr. BURNS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 122, strike line 23 and all that follows through page 124, line 10, and insert the following:

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect with respect to a State on the date on which a positive certification is made by the Secretary under paragraph (4)(B)(ii).

(4) PHARMACY REIMBURSEMENT STUDY.—

(A) STUDY AND REPORT.—

(i) STUDY.—The Secretary shall conduct a pharmacy reimbursement study comparing weighted AMP (as determined under section 1927(k)(1)(C) of the Social Security Act, as added by subsection (a)) to actual retail pharmacy acquisition costs and the cost of dispensing a prescription. The study shall include an analysis of the range in variation that can occur related to acquisition and dispensing costs with respect to chain and independent rural and urban pharmacies.

(ii) REPORT.—Not later than October 1, 2006, the Secretary shall submit a report to Congress on the results of the study conducted under this subparagraph that includes recommendations on dispensing fee levels that would adequately reimburse pharmacies and encourage the use of cost-effective generic drugs when appropriate.

(B) CERTIFICATION.—

(i) DETERMINATION.—Upon review of the findings of the study conducted under subparagraph (A), the Secretary shall make a determination as to whether the amendments made by this subsection would have a negative impact on access to healthcare.

(ii) POSITIVE CERTIFICATION.—If the Secretary makes a determination under clause (i) that the amendments made by this subsection will not have such negative impact, the Secretary shall submit a positive certification to that effect.

(c) INTERIM UPPER PAYMENT LIMIT.—

(1) IN GENERAL.—With respect to a State program under title XIX of the Social Security Act, during the period that begins on January 1, 2006, and ends on the date on which a positive certification is made by the Secretary under subsection (b)(4)(B)(ii), the Secretary shall—

(A) apply the Federal upper payment limit established under section 447.332(b) of title 42, Code of Federal Regulations to the State by substituting "125 percent" for "150 percent"; and

(B) in the case of covered outpatient drugs under title XIX of such Act that are marketed as of July 1, 2005, and are subject to Federal upper payment limits that apply under section 447.332 of title 42, Code of Federal Regulations, use average wholesale prices, direct prices, and wholesale acquisition costs for such drugs that do not exceed such prices and costs as of such date to determine the Federal upper payment limits that apply under section 447.332 of title 42, Code of Federal Regulations to such drugs during such period.

(2) APPLICATION TO NEW DRUGS.—Paragraph (1)(A) shall apply to a covered outpatient drug under title XIX of the Social Security Act that is first marketed after July 1, 2005, but before the date on which a positive certification is made by the Secretary under subsection (b)(4)(B)(ii), and is subject to the Federal upper payment limit established under section 447.332(b) of title 42, Code of Federal Regulations.

SA 2422. Mr. CONRAD (for himself and Mr. SALAZAR) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 121, after line 25, add the following:

"(5) RULES APPLICABLE TO CRITICAL ACCESS RETAIL PHARMACIES.—

"(A) REIMBURSEMENT LIMITS.—Notwithstanding paragraph (2)(A), in the case of a critical access retail pharmacy (as defined in subparagraph (C)), the upper payment limit—

"(i) for the ingredient cost of a single source drug, is the lesser of—

"(I) 108 percent of the average manufacturer price for the drug; or

"(II) the wholesale acquisition cost for the drug; and

"(ii) for the ingredient cost of a multiple source drug, is the lesser of—

"(II) 140 percent of the weighted average manufacturer price for the drug; or

"(II) the wholesale acquisition cost for the drug.

"(B) APPLICATION OF OTHER PROVISIONS.—The preceding provisions of this subsection shall apply with respect to reimbursement to a critical access retail pharmacy in the same manner as such provisions apply to reimbursement to other retail pharmacies except that, in establishing the dispensing fee for a critical access pharmacy the Secretary, in addition to the factors required under paragraph (4), shall include consideration of the costs associated with operating a critical access retail pharmacy.

"(C) CRITICAL ACCESS RETAIL PHARMACY DEFINED.—For purposes of subparagraph (A), the term 'critical access retail pharmacy' means an retail pharmacy that is not within a 20-mile radius of another retail pharmacy.".

(2) INCREASE IN BASIC REBATE FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.—Section 1927(c)(1)(B)(i)(VI) (42 U.S.C. 1396r–8(c)(1)(B)(i)(VI), as added by section 6002(a)(3), is amended by striking "17" and inserting "18.1".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 3, 2005, at a time to be determined, to conduct a vote on the nomination of Mr. Matthew Slaughter, of

New Hampshire, to be a member of the Council of Economic Advisers; Ms. Katherine Baicker, of New Hampshire, to be a member of the Council of Economic Advisers; Mr. Orlando J. Cabrera, of Florida, to be an Assistant Secretary of Housing and Urban Development; Ms. Gigi Hyland, of Virginia, to be a member of the National Credit Union Administration Board; and Mr. Rodney E. Hood, of North Carolina, to be a member of the National Credit Union Administration Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, November 3, 2005 at 12:15 p.m. in Senate Dirksen Office Building Room 226.

Agenda

I. Nominations: Wan Kim, to be an Assistant Attorney General, Civil Rights Division; Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel; Sue Ellen Wooldridge, to be an Assistant Attorney General, Environment and Natural Resources Division; Thomas O. Barnett, to be an Assistant Attorney General, Antitrust Division; James O'Gara, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy; Emilio Gonzalez, to be Director of the Bureau of Citizenship and Immigration Services, Department of Homeland Security; Julie L. Myers, to be an Assistant Secretary of Homeland Security.

II. Bills: S. 1088, Streamline Procedures Act of 2005; Kyl, Cornyn, Grassley, Hatch; S. 1789, Personal Data Privacy and Security Act of 2005; Specter, Leahy, Feinstein, Feingold; S. 751, Notification of Risk to Personal Data Act, Feinstein, Kyl; S. 1699, Stop Counterfeiting in Manufactured Goods Act, Specter, Leahy, Hatch, DeWine, Cornyn, Brownback, Feingold, Durbin, Kyl; S. 1095, Protecting American Goods and Services Act of 2005, Cornyn, Leahy; H.R. 683, Trademark Dilution Revision Act of 2005, Smith—TX; S. 1787, Relief to Victims of Hurricane Katrina and Other Natural Disaster Act of 2005, Vitter, Grassley, Cornyn, DeWine; S. 1647, Hurricane Katrina Bankruptcy Relief and Community Protection Act of 2005, Feingold, Leahy, Durbin, Kennedy, Feinstein.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Molly Barrett of my staff be given the privilege of the floor throughout the day and the votes that occur today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 1960

Mr. FRIST. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1960) to protect the health and safety of all athletes, to promote the integrity of professional sports by establishing minimum standards for the testing of steroids and other performance-enhancing substances and methods by professional sports leagues, and for other purposes.

Mr. FRIST. I ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read a second time on the next legislative day.

NATIONAL ADOPTION MONTH

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 299 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 299) to express the support for the goals of National Adoption Month by promoting national awareness of adoption, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 299) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 299

Whereas there are approximately 532,000 children in the foster care system in the United States, approximately 129,000 of whom are waiting to be adopted;

Whereas the average length of time a child in foster care remains in foster care is almost 3 years;

Whereas for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected is endless;

Whereas every year 25,000 children "age out" of foster care by reaching adulthood without being placed in a permanent home;

Whereas, since 1987, the number of annual adoptions has ranged from 118,000 to 127,000;

Whereas approximately 2,100,000 children in the United States live with adoptive parents;

Whereas approximately 6 of every 10 Americans have been touched personally by adoption in that they, a family member, or a close friend was adopted, has adopted a child, or has placed a child for adoption;

Whereas every day loving and nurturing families are formed when committed and dedicated individuals make an important difference in the life of a child through adoption; and

Whereas on November 4, 2004, the President proclaimed November 2004 as National Adoption Month: Now, therefore, be it

Resolved, That the Senate recognizes November 2005 as National Adoption Month.

HENRY KU'UALOHA GIUGNI, FORMER SERGEANT-AT-ARMS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 300 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 300) relative to the death of Henry Ku'ualoha Giugni, former Sergeant-at-Arms of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. INOUYE. Mr. President, I am deeply saddened to inform my colleagues that at 3:30 this morning, my friend and colleague, Henry Giugni, passed away at Shady Grove Adventist Hospital in Rockville, MD. His passing is a great loss for the people of Hawaii, the United States, and the Senate, an institution he loved dearly, and in which he served as its 30th Sergeant at Arms for 4 years, beginning on January 6, 1987.

I had the privilege of knowing Henry for nearly 50 years, beginning in 1956 when he joined my re-election campaign to the Hawaii Territorial House of Representatives. We quickly forged an unbreakable bond.

With his tireless work, dedication, and loyalty, he proved invaluable as the top aide on my staff when I served as a Hawaii legislator, U.S. Representative, and U.S. Senator.

His keen political instincts also made him invaluable on campaigns, and beginning with my first congressional race in 1959, when I successfully ran to be the State of Hawaii's first U.S. Representative, he coordinated my campaign activities on all of Hawaii's islands.

And, I am proud to say, I once anointed Henry as "the supreme commander of Hawaiian politics" in recognition of his political acumen and skill as a political strategist. It was an unofficial title that Henry relished.

Henry also enjoyed being called "Dr. Giugni." Circumstances prevented him from receiving his undergraduate degree, but 2 years ago, the University of Hawaii at Hilo conferred upon him an honorary doctorate of humane letters for his exemplary service to the State of Hawaii and the Nation, and for serving as a role model for Native Hawaiians. It was an honor he truly deserved.

From January 6, 1987, to December 31, 1990, Henry served as the Senate's Sergeant at Arms, ably managing a budget of nearly $120 million, overseeing a staff of more than 2,000, and supervising support services, which included law enforcement and telecommunications.

More importantly, as the first person of color and the first person of Polynesian ancestry to serve in this position, he left an indelible mark during his tenure by promoting minorities and women. He appointed the first minority, an African-American man, to lead the Sergeant at Arms' Service Department, and he was the first to assign women to the Capitol Police plainclothes unit.

His special interest in people with disabilities resulted in a major expansion of the Special Services Office, which now conducts tours of the U.S. Capitol for the blind, deaf, and wheelchair-bound, and publishes Senate maps and documents in Braille.

In 1991, Henry joined Cassidy & Associates, one of Washington's leading public policy consulting firms. With his intimate knowledge of Hawaii and Washington, and with a vast network of contacts that spanned the entire country and crossed party lines, Henry was able to continue his support for policies that he believed best served the Nation.

Even as a high-powered vice chairman of Cassidy & Associates, Henry continued to describe himself as "just a poor Hawaiian boy." Henry's soul was very much Hawaiian, but he was never poor in experience, generosity of the heart, or patriotism.

After the attack on Pearl Harbor, he enlisted in the Army at the age of 16, and saw combat at Guadalcanal. He was part of the Hawaii delegation that greeted then-Vice President Lyndon Baines Johnson in the islands just before the start of the Cuban missile crisis. As a staunch support of civil rights, he carried the Hawaii flag and marched with Dr. Martin Luther King in Selma, AL.

He volunteered to drive Senator EDWARD KENNEDY following the assassination of his brother, President John F. Kennedy. Henry was also a member of one of the first official delegations that traveled to the People's Republic of China following President Nixon's historic visit.

As Senate Sergeant at Arms, he presided over the inauguration of President George H.W. Bush, and escorted numerous foreign dignitaries, including Nelson Mandela, Margaret Thatcher, and Vaclav Havel, when they visited the U.S. Capitol.

Indeed, for a "poor Hawaiian boy" who was born in Hawaii in 1925 to Alfred Giugni and Kealoha Hookano, Henry has done much on the national stage since his days when he studied at Hanahauoli School, Iolani School, and the University of Hawaii at Manoa, and when he worked as a Honolulu firefighter, police officer, and liquor inspector.

However, while he was an acquaintance of Presidents and kings, his heart was always with the native people of Hawaii, who are still struggling for their moment in the sun.

I ask my colleagues to join me and all who have known and loved Henry in expressing our heartfelt condolences to his wife, Muriel Roselani; his four daughters, H. Kealoha Giugni, Deborah Roselani McMillan, Heather Haunani Giugni, and Gina Pilialoha Giugni-Halbach; 11 grandchildren; and 12 great-grandchildren.

I look forward to submitting a resolution expressing our condolences to the Giugni family.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, it is with deep sadness that I learned of the death of Henry K. Giugni, who passed away this morning. He was a former Sergeant at Arms.

In January 1987, it was my pleasure, as the Senate majority leader, to nominate Mr. Giugni to be the Sergeant at Arms of the Senate. When the Senate elected him to the position, Mr. Giugni became not only the thirtieth Sergeant at Arms of the Senate, he became the first Polynesian-American to serve in this capacity.

Mr. Giugni brought a wealth of experience to this most important Senate position. Born in Hawaii in 1925, he enlisted in the U.S. Army during World War II. After the war, he joined the Honolulu Police Force. From 1963 to 1987, he had served as the administrative assistant in the office of my dear friend and colleague, my hero—Senator DANIEL K. INOUYE.

As the second ranking officer in the United States Senate, Mr. Giugni performed the duties of the office of Sergeant at Arms of the Senate proudly and with distinction. In his 4 years as head of the largest office in the Senate, Mr. Giugni supervised a number of major changes and improvements. This included the purchase and installation of millions of dollars of new computer and telecommunications equipment for Senators and their offices.

Mr. Giugni took special pride in having helped to make the U.S. Capitol accessible to the disabled by expanding the Special Services Office. Under his direction, the office implemented tours and other programs for the disabled, and published a braille version of Senate documents.

Sergeant at Arms Giugni worked with the House Sergeant at Arms to improve the operation of the Capitol Police Force. And, his office instituted cost-effective measures of hiring civilian guards to perform duties which he did not believe required uniformed officers.

Mr. Giugni left his work at the Senate in 1990 to become vice president of corporate development for Washington, DC, firm, Cassidy Associates. His presence in the Senate, and his devotion to it, were quickly and sorely missed. But I was pleased and proud of having nominated him to this most important position, and I was even more pleased and proud of the work he had performed while there.

I close my remarks with a poem that I have always cherished. It is a poem that evokes the triumph of a life well lived over the sorrow of death. It is a poem that addresses the life and career of my good friend, Henry K. Giugni.

Let fate do her worst, there are relics of joy,
Bright dreams of the past, which she cannot destroy:
that come, in the nighttime of sorrow and care,
And bring back the features that joy used to wear.
Long, long be my heart with such memories filled,
Like the vase in which roses have once been distilled,
You may break, you may shatter the vase, if you will,
But the scent of the roses will hang around it still.

Mr. AKAKA. Mr. President, I would like to take a moment to say a few words of a dear friend, Henry Giugni, who passed away this morning. Henry enjoyed an illustrious career both on and off Capitol Hill. He began his career in Washington as Senator INOUYE's Chief of Staff and continued until he was appointed Sergeant at Arms of the United States Senate. In both positions, he enjoyed the confidence and respect of all and he served them well. He was a well-recognized presence on the Hill, particularly in the Senate. After leaving the Hill, Henry joined one of the largest consulting firms in Washington where he was serving his clients effectively.

I will remember Henry as one of the first friends who welcomed me and my family to Washington when I was elected to Congress nearly 30 years ago. His kindness continued over many years and we knew him to be a loving husband and father. Millie and I always appreciated his visits whether for business or a social call.

It was only a few weeks ago that Millie and I chatted with him and we were extremely saddened to hear of his passing. Millie and I express our warmest aloha to his wife Lani and their family. Henry was our dear and cherished friend and we will miss him greatly. God bless Henry and his family. May he rest in peace.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 300) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas Henry Ku'ualoha Giugni was born on January 11, 1925, in Honolulu, Hawai'i;

Whereas Henry Giugni served with distinction in the United States Army, after enlisting at the age of 16 after the attacks on Pearl Harbor, and served in combat at the Battle of Guadalcanal during World War II;

Whereas Henry Giugni began his service in the Senate in 1963 as Senior Executive Assistant and Chief of Staff to Senator Daniel K. Inouye;

Whereas Henry Giugni served as Sergeant-at-Arms from 1987 until 1990;

Whereas Henry Giugni was the first person of color and first Polynesian to be appointed to be the Sergeant-at-Arms;

Whereas Henry Giugni promoted minorities and women by appointing the first minority, an African American, to lead the Sergeant-at-Arms' Service Department, and was the first to assign women to the Capitol Police plainclothes unit;

Whereas Henry Giugni's special interest in people with disabilities resulted in a major expansion of the Special Services Office, which now conducts tours of the U.S. Capitol for the blind, deaf, and wheelchair-bound, and publishes Senate maps and documents in Braille;

Whereas in 2003, Henry Giugni received an Honorary Doctorate of Humane Letters for the University of Hawaii at Hilo in recognition of his extraordinary contributions to Hawaii and the nation;

Whereas Henry Giugni carried Hawai'i's flag while marching with Dr. Martin Luther King for civil rights in Selma, Alabama;

Whereas Henry Giugni presided over the inauguration of President George H.W. Bush, and escorted numerous foreign dignitaries, including Nelson Mandela, Margaret Thatcher, and Vaclav Havel when they visited the United States Capitol; and

Whereas on November 3, 2005, Henry Giugni passed away at the age of 80; Now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Henry Giugni.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of Henry Giugni.

ORDERS FOR FRIDAY, NOVEMBER 4, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, November 4. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to the consideration of S. 1042, the Defense authorization bill, as under the previous order. I further ask unanimous consent that during Friday and Monday's sessions, amendments may be debated and then set aside with the time reserved for use at a later time.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, we are going to be in session tomorrow to resume consideration of the Defense authorization bill. Chairman WARNER and Senator LEVIN expect to have amendments offered on Friday, but we will not have votes on those amendments on Friday. We will return to the bill on Monday and, as announced earlier, we will begin voting Monday evening at approximately 5:30.

Again, I appreciate everyone's patience over the last 9 hours. Vote-aramas are not a pretty part of the budget process, but under the direction of our able, our outstanding chairman and ranking member, it was made a lot less painful than it could have been. They give tremendous success to the American people—35, or just right at $35 billion in savings, and that goes directly to the bottom line when it comes to deficit reduction. As we travel around the country, people will say: Get serious, Congress, on fiscal discipline, on spending.

Well, this is the first time in 8 years that this body has gone after mandatory spending in a responsible way to the tune of $35 billion.

I also wish to thank my colleague, the assistant Republican leader, MITCH MCCONNELL, who did a tremendous job. We had, I guess, 22 rollcall votes today, and he did a terrific job in terms of whipping those votes on our side of the aisle, a truly remarkable accomplishment.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment as a further mark of respect to the late Henry K. Giugni.

There being no objection, the Senate, at 6:40 p.m., adjourned until Friday, November 4, 2005, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, November 3, 2005*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 3, 2005.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Lonnie Mitchell, Sr., Pastor, Bethel African Methodist Episcopal Church, Spokane, Washington, offered the following prayer:

God of mercy, God of grace, pour out Your spirit upon those chosen to conduct the business of this great Nation in this legislative body.

We come to You, Lord, with deep reverence and confidence in Your power to sustain equality and justice for all through those who swore to uphold the Constitution of the United States of America.

We commend to Your care and guidance each member of the executive, legislative, and judicial branches of our government. Order their steps in Your word of truth that You may accomplish Your will.

Lord, we pray for those who have lost their lives from war or natural disaster. We pray for poverty-stricken lives all over this world. We pray for all families affected by life's calamities.

Lord, let freedom reign in the hearts and minds of our national leaders to bring about the ideology of the Founding Fathers: One Nation Under God.

Respectful of all faiths, I humbly ask this in the name of Jesus. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. WESTMORELAND) come forward and lead the House in the Pledge of Allegiance.

Mr. WESTMORELAND led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REV. LONNIE MITCHELL, SR.

(Mr. REICHERT asked and was given permission to address the House for 1 minute.)

Mr. REICHERT. Madam Speaker, I rise today on behalf of Congresswoman CATHY MCMORRIS in honor of Pastor Lonnie Mitchell, Sr. He has shepherded the people of Bethel AME Church in Spokane, Washington, for 14 years, overseeing numerous efforts to love and serve the people of Spokane. His church stands as a beacon in one of Spokane's neediest neighborhoods, truly striving to be a cathedral of love where everybody is somebody in Spokane and Jesus is the center of the attraction.

Under the direction of Pastor Mitchell, Bethel AME is changing the face of its surrounding community through many ministries, including the Richard Allen Youth Academy, the Richard Allen Apartments, Allen Enterprises, the GED education programs, the Neighborhood Networks Program, the Equal Justice Program, and others.

Pastor Mitchell and the Bethel AME family have recently stepped out again on a new mission to help the people of Spokane through the Emmanuel Family Life Center. This project will continue to help families and individuals receive the help they need to succeed and live freely.

In addition to being dedicated to his church family, Lonnie Mitchell is also a man devoted to his wife, Elisha, and his three children, L.J., ChaeAnna, and Camille.

Madam Speaker, I rise today to honor a man who is leading a church to reach out to those who need it most. I know Congresswoman MCMORRIS is honored to have Pastor Mitchell in her home district and to know that he will always be laboring to help and love others in their community.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain additional 1-minute speeches, up to 10 per side.

JOURNALIST NEAL PIERCE

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Last night, friends and colleagues gathered to honor 30 years of outstanding journalistic accomplishments of Neal Pierce, a founder of the National Journal, editor of the Congressional Quarterly, a prolific writer on public affairs, a syndicated columnist, and author of a dozen books.

His most important contribution has been his keen observations about State and local governments, especially about America's regions, our metropolitan areas that have been the location of the growth and cultural and economic progress that has made such an impact on America.

He has not merely chronicled these developments. His insightful analysis has helped make communities better. That is the ultimate role of the journalist and is deeply appreciated by his many friends, admirers, and readers, to say nothing of millions of Americans who have benefited from his analysis. We thank you, Neal.

STEPHEN F. AUSTIN, FATHER OF TEXAS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, on this day 212 years ago, the Father of Texas, Stephen F. Austin, was born. Austin, only 27 years of age, organized, financed, and led the first legal colony of Americans to settle a portion of Mexico called Tejas, or Texas as we call it.

In 1822, 300 families entered Texas, this fantastic frontier on the plains of civilization. Although the settlers were loyal to Mexico, a new Mexican Government soon began abolishing the civil rights of the colonists, so Austin went to Mexico to voice concerns over the abuses, but he was imprisoned for over 2 years.

After finally being released, Austin and other Texans decided to go their own way. Texas declared independence from Mexico. Thousands of well-trained Mexican troops poured into Texas to stop the rebellion. The outnumbered Texas volunteers and settlers fought and died at the brutal battles of Goliad and the Alamo, but ultimate victory occurred at the battle of San Jacinto in 1836. Austin and others, like Crockett, Travis, Bowie, and Houston, finally won the day for freedom.

Texas was free, a new nation, a new republic. The rest, they say, is Texas history.

MISPLACED PRIORITIES

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Madam Speaker, on Wednesday of last week, the Education and the Workforce Committee, of which I am a member, passed the single largest cut to student aid in history.

By taking $15 billion out of the Federal aid programs, the Republican leadership proved again that its agenda is replete with misplaced priorities. When we had the choice to lift up a generation of young Americans by helping them achieve the dream of a college education, we chose instead to give more comfort to the already very comfortable. Our differences are profound. It appears that so are our values and what we perceive to be America's priorities.

Future generations of Americans are entitled to a basic education, but they will not be able to afford it after we reconcile how to pay for the hurricane damage, the wars in Iraq and Afghanistan, and even two more tax cuts that have not yet begun to take effect and will not even benefit 97 percent of American families.

Madam Speaker, we cannot afford to hold sacred the tax cuts for the wealthiest Americans at the expense of the values, priorities, or needs of the middle class. Americans deserve better.

NEED FOR BUDGET RECONCILIATION

(Mr. McHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McHENRY. Madam Speaker, I rise today to support our House Republican leadership and their pledge to control government spending through deficit reduction. We must restore fiscal discipline to the Federal Government, ensuring our children and grandchildren live in a society based on opportunity, not dependence on a bloated Federal bureaucracy swimming in greater debt.

It comes as no surprise to hear Democrats cry: raise taxes; spend more. I feel like Bill Murray in "Ground Hog Day," that great movie. Regardless of the day, regardless of the problem, Democrats have no new ideas, just crying: more taxes; more spending.

Higher taxes are a problem, not a solution, and always lead to larger, more intrusive governments, and larger budgets. As elected officials, Madam Speaker, we must make prudent decisions to reduce the deficit. I urge my colleagues to support deficit reduction and work constructively to control government spending.

REPUBLICAN BUDGET PRIORITIES

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Well, the government is in a fiscal crisis. We are borrowing $1.2 billion a day to run the government under the Bush administration and the Republican leadership. They have raised the national debt to $8 trillion in 5 short years, but now they are newly born as fiscal conservatives, and they want to cut $50 billion.

From where? Student loans, the school lunch and breakfast programs, those kids are eating too much, foster care and child support enforcement to help the deadbeat dads. They will, unfortunately, more than overspend their cuts to those struggling people and those good programs. They want $70 billion of tax cuts, $20 billion more added to the sea of red ink that is drowning America in tax cuts for, guess who, the wealthy because trickle-down is the highest form of achievement in Washington, D.C. these days. They want to bleed struggling Americans to float the yachts of the wealthy on a sea of red ink one more time while lying about what they are doing.

THE AMAZING AMERICAN ECONOMY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, if you were to listen to many folks in this Chamber, you would think there was absolutely no good news to be heard anywhere. With the challenges this Nation has faced over the past couple of months, the economy ought to be in awful shape. Right?

Madam Speaker, there is news that you just will not see on the major television stations or read in the newspapers, the one success of our economy, the amazing American economy. The gross domestic product, the most clear measure of our economic activity, rose by 3.8 percent in the third quarter. That is an increase of 3.8 percent. That is in spite of Katrina and Rita and all the damage that they brought to our shores. The past 10 quarters have been phenomenal. That is 2½ years. Growth during that time has been greater than 3 percent in every quarter and more often more than 4 percent. That is good news.

And the deficit? Well, that has improved as well, decreasing nearly $100 billion in the last fiscal year alone. That is good news.

Madam Speaker, Republicans have a plan to reform the government in order to achieve savings for the American people. I urge my colleagues to embrace the good news in our plan.

REGARDING IRANIAN PRESIDENT'S DISTURBING REMARKS

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute.)

Mr. MEEKS of New York. Madam Speaker, the world is much smaller today than it was; and when we particularly focus in on the Middle East, we need peace. However, I am deeply disturbed by the remarks of the new Iranian President, Mahmoud Ahmadinejad, when he was addressing 4,000 students, using the language of Ayatollah Khomeini, where he says and threatens: "Anybody who recognizes Israel will burn in the fire of the Islamic nation's fury."

Who is this guy? We cannot allow this kind of language to stand in this day and age. We must make sure that we condemn this kind of language and those kinds of acts. Here is a guy with a questionable background. Some of our hostages say that he is the individual who was there when they were held in Iran. The international community must come together and make sure that there are no nuclear reactors there. We must make sure that it is clear that we are going to stand by our friends and allies in Israel in this regards and that we are going to be the ones that are going to force peace to be in the Middle East and we are not going to have this kind of rhetoric language continuing. We cannot allow this man with this questionable background to continue to go unchecked.

PRIVATE PROPERTY RIGHTS

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute.)

Mr. WESTMORELAND. Madam Speaker, Republicans are moving forward to protect one of the most foundational rights we cherish, the right to own private property. One of our great former Presidents, John Adams, said: "Property is surely a right of mankind as real as liberty." The first Chief Justice of the United States Supreme Court said: "No power on Earth has a right to take our property from us without our consent."

We have seen our Supreme Court rule that property can be taken from one private owner and given to another. Republicans in Congress are taking action to fix this problem with legislation we will consider today on the House floor. Government should not and must not have the authority to take property away from private landowners for the sole sake of giving it to another private landowner.

Madam Speaker, I applaud the efforts of the majority in bringing forward this important legislation and look forward to supporting it on the floor this afternoon.

ADVANCE DIRECTIVES

(Mr. GINGREY asked and was given permission to address the House for 1 minute.)

Mr. GINGREY. Madam Speaker, I rise today in support of the 27th annual National Hospice and Palliative Care Month. This month health organizations all around the country will be educating individuals on what it means to have an advance directive, or living will. So today I am joining with these organizations to encourage everyone to take a moment and discuss with their loved ones what their wishes would be in a health care situation where they were unable to communicate them.

Madam Speaker, the term "advance directive" describes two types of legal documents that can enable you to plan for and communicate your end-of-life issues in the event you are unable to convey them yourself.

First, Madam Speaker, is a living will. It allows you to document your wishes concerning medical treatments at the end of life. The second is a medical power of attorney, or health care proxy, which allows you to appoint a person you trust as your health care agent. This person would be authorized to make medical decisions on your behalf.

Madam Speaker, living wills and medical powers of attorney are valuable tools to help communicate wishes about future medical care. Thoughtfully prepared advance directives can ease the burden on those who must make health care decisions for us.

In conclusion, I want to encourage all Americans to set aside time to have what may very well be one of the most important conversations that a family can have.

□ 1015

US VERSUS THEM

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Madam Speaker, an esteemed colleague recently said, it is much better to be us than to be them. He is probably right. It is better to be us than a middle-class family burdened with high energy costs, rising health care inflation and $8 trillion in national debt. It is probably better to be a Republican Member of Congress than a college student whose loans are about to be cut, or a child who has lost their health care because of a Republican Congress.

After years of reckless spending, the Republican Congress has left the Nation $3 trillion further in the hole.

But rather than going after corporate welfare, like the $16.5 billion handouts to oil and gas companies, this Congress is about to cut $50 billion from investments in middle-class families. They are eliminating nearly 40,000 children's nutritional programs. And while the average year of tuition at a State university is now $15,000 a year, the Republican Congress is cutting student loan programs by $14 billion. They are slashing $12 billion from Medicaid, affecting nearly 20,000 children currently covered by the program.

For what? So the Republican Congress can cut taxes for the wealthiest 1 percent. There is no question, it is better to be a Republican Member of Congress than a middle-class family.

Madam Speaker, the American people deserve better. We can do better. We need a new set of priorities, a change in the status quo.

SUPPORT FOR THE WAR IN IRAQ

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, night after night we watch the left come to the floor and beat the drums of retreat on the war on terrorism. They want us out of Iraq, they want us out of the Middle East, and they want us to end our aggressive war on terrorism.

I have to admit in my heart I would like to see the troops home, but my intellect tells me we cannot afford to leave our children a world in which Middle Eastern terrorists have free reign.

I want our troops to know that they have a grateful Nation behind them, regardless of what they may hear from some in this body. I want our Tennessee National Guardsmen, our Fort Campbell families and, as we approach Veterans' Day, all of our Nation's patriotic veterans to know we appreciate their service and their commitment.

As of October 4, 2005, a total of 206,500 Iraqi security forces have been trained and equipped. That is progress, and the American people can be confident that progress is being made.

So do not believe the ranting of the left when they tell you all is lost, that hope is pointless and that we are losing. We are not.

EXPRESSING CONCERN ABOUT WAR IN IRAQ

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McGOVERN. Madam Speaker, I rise today to once again express my deep concern about this war in Iraq, which is a violent, endless quagmire. Those of us who dissent on this war support our troops. We honor our troops. We respect our troops. In fact, one of the things that we have tried to do is urge the other side of the aisle to provide budgets that actually support our troops when they come home.

It is shameful that our veterans' budgets get slashed each and every year. If Members of Congress are going to send young men and women over to Iraq to fight in this war, we had better make sure that when they come back they have the resources they need to get on with their lives.

We have lost 2,000 Americans in this war. There is no end in sight. There have been no weapons of mass destruction. There was no imminent threat. There was no nuclear threat. There was no tie to al Qaeda.

This war has nothing to do with the War on Terror. In fact, it has diverted important resources from the overall war on terror. We need to get our priorities straight. We need to focus on the war on terror. Let us end this war in Iraq.

HONORING PLAYERS, STAFF AND PARENTS OF COUNCIL ROCK-NEWTOWN LITTLE LEAGUE TEAM

(Mr. FITZPATRICK of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FITZPATRICK of Pennsylvania. Madam Speaker, it is my honor and privilege this week to host the players, staff and families of Bucks County, Pennsylvania's own Council Rock-Newtown Little League team to our Nation's Capital.

This past August, the CR-Newtown team defeated the Toms River American Little League team of Toms River, New Jersey, to qualify for a seat at the 59th Little League World Series. Their victory marked the first mid-Atlantic championship for Pennsylvania since 1960, and their 20 post-season victories that led the team through the series has made Bucks County as well as Pennsylvania proud of their achievement.

I know that the team will remember this summer's season for the rest of their lives. They put their all into their sport, suffering injury and playing the underdog. Every one of the players on the team has done a wonderful job, and I am proud to acknowledge their achievement today.

Madam Speaker, I ask my colleagues to join me in congratulating them on their historic season.

AN OPPORTUNITY FOR APEC AND AMERICA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, next week, President Bush will attend the Asia-Pacific Economic Cooperation Forum in Pusan, Korea, with representatives from 21 other member governments. His attendance at this forum will highlight the significance of the APEC region, which now accounts for nearly 40 percent of the world's population, over half of world trade, approximately 60 percent of the world's gross domestic product and creates millions of American jobs.

By discussing his efforts to maintain a robust trade, security and global health agenda, President Bush will strengthen our valuable partnership with APEC countries.

As co-chair of the Mongolia Caucus, I am particularly proud that President Bush will be the first American President ever to visit the 800-year-old nation of Mongolia, a true ally in the global war on terrorism. Mongolia has troops courageously serving in Iraq and Afghanistan. The President's visit will be a fitting way to express our sincere appreciation for Mongolia's partnership for freedom.

In conclusion, God bless our troops, and we will never forget September 11.

IN SUPPORT OF JUDGE SAMUEL ALITO

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, I rise today in support of President Bush's well-qualified Supreme Court nominee, Judge Samuel Alito.

Judge Alito has extensive experience in the American legal system. During nearly 30 years of public service, he has handled difficult and complex legal issues. He began his distinguished career with 15 years of service at the U.S. Department of Justice, where he served as an Assistant U.S. Attorney and Assistant to the Solicitor General.

Judge Alito has argued 12 Supreme Court cases and argued at least two dozen court of appeals cases. After being unanimously confirmed by the Senate, Judge Alito served on the Third Circuit Court of Appeals for 15 years. He is widely respected for his fairness and even temperament.

Judge Alito is committed to the rule of law and understands the proper role of a judge in our society. His record as a Federal judge demonstrates that he strictly interprets the law and does not legislate from the bench or create new policies based on personal opinion.

Madam Speaker, Judge Alito has shown a deep commitment to justice and equality, a mastery of the law and strong personal character. I urge the Senate to study his record, hold fair hearings, and give him an up or down vote as soon as possible.

THE WAR IN IRAQ IS JUST

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, it has been an extraordinary series of days: closed door sessions in the United States Senate, accusations and recriminations by a former President of the United States.

President Jimmy Carter said in the last 24 hours that intelligence was "manipulated" in the runup to the war in Iraq. And yet, as the Wall Street Journal reports today, Madam Speaker, four separate independent investigations found otherwise.

Let me say from my heart, I was here the night we voted to give the President the authority to go to war, and it was a combination: Saddam Hussein's rejection of over a dozen United Nations resolutions, an appalling record on human rights, and the complete agreement of every intelligence service in the western world that he possessed weapons of mass destruction, a confidence that was derived from the fact that he not only had possessed them before, but Saddam Hussein had used weapons of mass destruction against his own people, killing thousands in the early 1990s.

There was no manipulation. The war in Iraq was just, is just, and the freedom of the teeming millions who established a constitutional republic 1 week ago supports that conclusion.

PROVIDING FOR CONSIDERATION OF H.R. 4128, PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

Mr. GINGREY. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 527 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 527

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4128) to protect private property rights. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 90 minutes, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 527 is a structured rule. It provides 90 minutes of general debate, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking member of the Committee on Agriculture.

It waives all points of order against consideration of the bill. It provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary and now printed in the bill shall be considered as an original bill for the purpose of amendment, and shall be considered as read. It makes in order only those amendments that are printed in the Rules Committee report accompanying the resolution. It provides that the amendments printed in the report may be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered as read, debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. This resolution waives all points of order against the amendments printed in the report, and it provides one motion to recommit, with or without instructions.

Madam Speaker, I rise today in full support of House Resolution 527 and the underlying bill, H.R. 4128, the Private Property Rights Protection Act of

2005. I would like, first, to express my personal pleasure in seeing this important piece of legislation come before the House for consideration.

Since the Supreme Court's now infamous Kelo decision, homes and small businesses across the country have been placed in grave jeopardy and threatened by the government wrecking ball.

☐ 1030

Madam Speaker, I also want to take this opportunity to commend Representative SENSENBRENNER, the distinguished chairman of the Judiciary Committee and the author of this legislation; Ranking Member CONYERS; Representative GOODLATTE, the chairman of the Agriculture Committee; and Ranking Member PETERSON not just for the underlying bill, but also for the thorough and expeditious way in which the committees have moved to legislatively address this Kelo decision.

With a margin of only one vote, a very divided Supreme Court struck down over two centuries' worth of precedent and constitutional protections for property owners across this great Nation. In response to the deplorable Kelo decision, this body passed House Resolution 340 that I proudly sponsored along with 78 other Members from both sides of the aisle; and on June 30, 2005, we passed this resolution by a wide margin of 365 to 33.

Madam Speaker, the very last subparagraph of House Resolution 340 states: "Congress maintains the prerogative and reserves the right to address, through legislation, any abuses of eminent domain by State and local government in light of the ruling in Kelo, et al v. The City of New London, et al."

Well, Madam Speaker, the day of reform is at hand, and this Congress has an excellent opportunity to set the record straight and to reaffirm the traditional meaning of the fifth amendment that guarantees no private property shall be taken except for public use and with just compensation.

Accordingly, H.R. 4128 will prohibit State and local governments from taking property from one private party and giving it to another private party. If a court determines that a State or a local government violates this prohibition, that State or local government will become ineligible for Federal economic development funds for a period of 2 years.

Nevertheless, any government found in violation of this provision will have an opportunity to restore fully the private property owner in order to preserve Federal economic development dollars; and by "fully," I mean completely restore to its original state prior to the government taking of this property. Additionally, this bill expressly prohibits the Federal Government from exercising its power of eminent domain for economic purposes. So not just the State and local governments, but the Federal Government, as well, is prohibited.

Madam Speaker, while the title of this bill, the Private Property Rights Protection Act, fits this legislation to a tee, one could also accurately call it the Private Property Rights Enhancement Act, for this bill will ensure that private property owners can take States and local governments to court in order to enforce the provisions of this act. And this bill also allows a prevailing property owner to recoup legal and expert fees for litigation involving the enforcement of this bill.

H.R. 4128 answers the call of almost every American and a diverse, expansive array of interest groups who have railed against the Kelo decision and its judicial encroachment on our rights. Listen to these, Madam Speaker: the National Association For the Advancement of Colored People, the NAACP; the American Association of Retired Persons, AARP; the American Farm Bureau; and various religious groups that include the Becket Fund for Religious Liberty are just a few of the organizations who stood up in the face of Kelo to fight for the rights of the disadvantaged who might lose their home, business, or yes, even house of worship to some well-connected developer's sweetheart deal.

These organizations have stood up for the rights of rural America which grows our food and sustains our country. They have stood up for the rights of our houses of worship that should not have to fear because God does not pay enough in taxes. Madam Speaker, I am proud to say that today we in this House stand with them in defense of the private property rights of every American.

In closing, Madam Speaker, I want to again express my gratitude that this House has the opportunity to consider such a fundamentally important and fundamentally just piece of legislation. By a one-vote margin, the Kelo decision ripped from the Constitution the private property rights of the fifth amendment, and we are going to put them back. Madam Speaker, I look forward to the discussion of this rule, and I urge my colleagues to support it and the underlying bill.

Madam Speaker, I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, today I rise in support of the underlying legislation.

H.R. 4128, the Private Property Rights Protection Act, demonstrates that a bipartisan, collaborative effort can produce sound legislation. This bill is directly aligned with H. Res. 340, a resolution passed by this House on a vote of 365 to 33, which expressed Congress's disapproval of the Supreme Court's decision in the case of Kelo v. The City of New London.

In taking the next step, H.R. 4128 contains appropriate measures to ensure the protection of private property and addresses the potential for abuse under the power of eminent domain. By providing effective deterrents to abuse, H.R. 4128 protects the constitutional and legal rights of private property owners.

The majority in the Kelo decision found that the City of New London, Connecticut, could condemn and take property as part of its economic revitalization plan. Essentially, this decision grossly expanded the use of eminent domain as granted by the fifth amendment.

Madam Speaker, this decision legitimized an abuse of the fifth amendment, specifically, the takings clause. According to the Constitution, the government's taking authority over land that is restricted for public use. Expanding the government's ability to strong-arm private property, not necessarily for public use, sets a troubling precedent.

Thankfully, H.R. 4128 discourages States and localities from exploiting eminent domain. Overall, this legislation will prohibit State and local governments from receiving Federal economic development funding should they use eminent domain to seize land for private economic development purposes. Federal funding will be lost for 2 fiscal years if a court determines that eminent domain was used improperly.

Madam Speaker, Congress, through its spending powers, is authorized to impose policies on State and local governments through appropriations of Federal funds. In the case of eminent domain abuse, it is the duty of Congress to intercede to protect the property rights of all Americans.

Protecting the constitutional rights of our citizens should continue to be on the forefront of our concerns. Economic development is clearly crucial for every community in this country, but economic development can and must be achieved without compromising our constitutional rights.

I believe that the Kelo case was wrongly decided. Eminent domain must not grant State and local governments the power to take private property away from one and give it to another, all in the name of economic development. Economic development takings are not necessarily in the essence of public use and, therefore, do not constitute the use of eminent domain.

As Justice Sandra Day O'Connor wrote in her dissent in the case: "The specter of condemnation hangs over all property. Nothing is to prevent the States from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory."

Madam Speaker, as Members of Congress, we all took oaths to uphold and defend the Constitution. By supporting this bill, Members are fulfilling their constitutional obligations.

This bill, Madam Speaker, is not perfect; but it is needed and it is necessary. I am pleased that the Rules Committee made amendments by our colleagues, Congressman NADLER and Congressman WATT, in order. They and other Members have real concerns with this bill, and their perspectives deserve to be debated and deserve an up-or-down vote.

Madam Speaker, while I would prefer an open rule and I, quite frankly, cannot understand why we do not have an open rule here, the Rules Committee did make all the germane amendments in order, so we are not going to object to this rule.

I have no further speakers. I urge my colleagues on both sides of the aisle to support the underlying bill and to support the rule, and let us move on and get this thing done.

Madam Speaker, I yield back the balance of my time.

Mr. GINGREY. Madam Speaker, I will close the debate by again thanking both the Committees on the Judiciary and Agriculture for all the hard work in bringing this bill to the floor today. H.R. 4128 would restore the centuries-old protections guaranteed by the fifth amendment's takings clause. Property rights have been fundamental to the foundation of our society and have been one of the pillars that have supported our form of government and enabled our Constitution to endure the test of time. While it has only been 4 months since the Kelo decision, 4 months without these fifth amendment protections is 4 months too long; and one abuse of the eminent domain power is one abuse too many.

Therefore, Madam Speaker, following the passage in the House of Representatives today, I would encourage the other body to take up this legislation quickly and to pass it so that we can get it to the President's desk.

I also want to encourage all Members on both sides of the aisle to support this rule and the underlying bill. Let us get this done for the American people because it is simply the right thing to do.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GINGREY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. WALSH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the motion to instruct on H.R. 2528.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

MOTION TO GO TO CONFERENCE ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2006

Mr. WALSH. Madam Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WALSH).

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Madam Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. Obey moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill, H.R. 2528, be instructed to insist on the House level to support force protection activities in Iraq.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from New York (Mr. WALSH) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Madam Speaker, I yield myself 9 minutes.

Madam Speaker, let me say that this motion to instruct is, I think, fairly straightforward and simple, although the context in which it is offered is certainly not.

What this motion attempts to do is simply insist that the $50 million contained in the House bill, but not contained in the Senate bill, for the purpose of retrofitting existing facilities and constructing special overhead cover devices to protect soldiers in bases throughout Iraq, is maintained.

☐ 1045

That overhead cover system would provide protection from artillery, rocket-propelled grenades and missile attack up to and including 122 millimeter rockets. That is virtually exactly what this does.

But let me, in the context of offering this proposal, make a few observations. Even if this motion is adopted, and I would certainly expect that it would be, I think that we still must face the fact that our troops will not be adequately protected, nor will American citizens abroad be adequately protected so long as our Government is still taking actions which discredit this Nation and this Congress is continuing to neglect its oversight responsibilities with respect to those actions.

Let me give three examples. In 2003, it came to the Nation's attention that the Secretary of Defense had established an operation known as the Office of Special Programs, the primary purpose of which was to vet intelligence and advise Pentagon leadership and the White House on plans for invading Iraq. That office was staffed by a select group handpicked by then Under Secretary of Defense Douglas Feith and Deputy Secretary Wolfowitz.

It was charged with developing the rationale for invading Iraq, and it was created out of a frustration on the part of the Vice President and the Secretary of Defense and their allies within the administration, their frustration that the normal intelligence operations in our Government were not being "sufficiently forward leaning," as the Secretary of Defense put it, in finding weapons of mass destruction and in building a case for going to war in Iraq.

The problem is that that office was established to provide information outside of the normal channels, and it was even designed to go around the Department of Defense's own intelligence operation unit.

The problem with that Office of Special Programs is that it relied on so-called intelligence from like-minded true believers, primarily Ahmad Chalabi and his allies in Iraq.

At the time, we asked that the Surveys and Investigations staff of the Appropriations Committee look into this matter and determine what the facts were surrounding the creation of this operation. We obtained some support from the majority party but not sufficient support under the rules of the House in order to allow that surveys and investigation study to proceed, and so it never took place.

Second, earlier this year, the committee became aware of intelligence actions that the Department of Defense was taking, actions of an under-the-table nature, which a number of us felt were highly inappropriate and highly dangerous, classified activities which cannot be discussed in public.

We tried to offer language to assure that in the future such actions would not be undertaken without proper notification to the Congress and to this committee. The fact is that when I offered language to try to do that, I received a phone call from Andy Card, the President's Staff Chief, and in that phone call he told me that if I would withdraw that language he would assure me that this matter would be worked out to the satisfaction of both the executive and legislative branches.

In fact, while we have made some small progress in reaching an understanding on this matter, there are still two very important issues that have not been resolved, that the administration has not agreed to, and they are key issues, including whether or not this Congress will be informed of those activities in a timely fashion so that the information provided to the Congress is, in fact, meaningful.

We are still being stonewalled on that matter, and the Congress still, in my view, has not lived up to its oversight responsibilities on that matter.

Now, yesterday, we see in the Washington Post a story which says CIA holds terror suspects in secret prisons. It notes that close to $100 million evidently was spent to establish these secret compounds at which detainees were evidently subjected to torture-related activities, including water-boarding, and yet we are told that not a single member of the Appropriations Committee and not a single member of the staff have been told by the CIA that that had been going on.

This committee has an obligation to protect the power of the purse. In my view, until we take action on this matter, we stand vulnerable to the justifiable charge that Congress is ignoring its responsibilities to protect taxpayers' money and to protect the reputation of the United States internationally: And when we do that, we put at risk the very troops that we are trying to protect through this motion this morning.

Madam Speaker, I would hope that this language would be supported by the majority. But I would also hope that this Congress understands that even if it is, we are failing our fundamental responsibility to the American taxpayer if we do not exercise considerably more vigorously than we have up to date our responsibilities to see to it that matters related to Iraq are being handled in a manner which makes certain that the Congress knows what is going on, and gives the Congress an opportunity to try to make certain that what is going on is consistent with American values.

That certainly is not the case when we see these kinds of horrific headlines in the paper, and I would associate myself with the remarks contained in the editorial in the Washington Post this morning.

Mr. Speaker, I include in the RECORD at this point the editorial which makes clear that Congress has not in any way, shape or form lived up to its responsibilities, and, in my view, they have enabled the administration to continue to cover up its activities with respect to Iraq, its activities with respect to manipulating intelligence, its activities with respect to allowing agencies to engage in conduct not at all consistent with American values or American interests.

[From the Washington Post, Nov. 3, 2005]

REBELLION AGAINST ABUSE

Last month a prisoner at the Guantanamo Bay military base excused himself from a conversation with his lawyer and stepped into a cell, where he slashed his arm and hung himself. This desperate attempted suicide by a detainee held for four years without charge, trial or any clear prospect of release was not isolated. At least 131 Guantanamo inmates began a hunger strike on Aug. 8 to protest their indefinite confinement, and more than two dozen are being kept alive only by force-feeding. No wonder Defense Secretary Donald H. Rumsfeld has denied permission to U.N. human rights investigators to meet with detainees at Guantanamo: Their accounts would surely add to the discredit the United States has earned for its lawless treatment of foreign prisoners.

Guantanamo, however, is not the worst problem. As The Post's Dana Priest reported yesterday, the CIA maintains its own network of secret prisons, into which 100 or more terrorist suspects have "disappeared" as if they were victims of a Third World dictatorship. Some of the 30 most important prisoners are being held in secret facilities in Eastern European countries—which should shame democratic governments that only recently dismantled Soviet-era secret police apparatuses. Held in dark underground cells, the prisoners have no legal rights, no visitors from outside the CIA and no checks on their treatment, even by the International Red Cross. President Bush has authorized interrogators to subject these men to "cruel, inhuman and degrading" treatment that is illegal in the United States and that is banned by a treaty ratified by the Senate. The governments that allow the CIA prisons on their territory violate this international law, if not their own laws.

This shameful situation is the direct result of Mr. Bush's decision in February 2002 to set aside the Geneva Conventions as well as standing U.S. regulations for the handling of detainees. Under the Geneva Conventions, al Qaeda militants could have been denied prisoner-of-war status and held indefinitely; they could have been interrogated and tried, either in U.S. courts or under the military system of justice. At the same time they would have been protected by Geneva from torture and other cruel treatment. Had Mr. Bush followed that course, the abuse scandals at Guantanamo Bay and in Afghanistan and Iraq, and the severe damage they have caused to the United States, could have been averted. Key authors of the Sept. 11, 2001, attacks, such as Khalid Sheikh Mohammed and Ramzi Binalshibh, could have been put on trial, with their crimes exposed to the world.

Instead, not a single al Qaeda leader has been prosecuted in the past four years. The Pentagon's system of hearings on the status of Guantanamo detainees, introduced only after a unanimous ruling by the Supreme Court, has no way of resolving the long-term status of most detainees. The CIA has no long-term plan for its secret prisoners, whom one agency official described as "a horrible burden."

For some time a revolt against this disastrous policy has been gathering steam inside the administration and in the Senate; it is led by senators such as John McCain (R-Ariz.) and by the same military officers and State Department officials who opposed Mr. Bush's decision to disregard the Geneva accords. Their opponents are a small group of civilian political appointees circled around Mr. Rumsfeld and Vice President Cheney. According to a report in the New York Times, the military professionals want to restore Geneva's protections against cruel treatment to the Pentagon's official doctrine for handling detainees. Mr. McCain is seeking to ban "cruel, inhuman and degrading" treatment for all detainees held by the United States, including those in the CIA's secret prisons.

There is no more important issue before the country or Congress. Yet the advocates of decency and common sense seem to have meager support from the Democratic Party. Senate Democrats staged a legislative stunt on Tuesday intended to reopen—once again—the debate on prewar intelligence about Iraq. They have taken no such dramatic stand against the CIA's abuses of foreign prisoners; on a conference committee considering Mr. McCain's amendment, Democratic support has been faltering. While Democrats grandstand about a war debate that took place three years ago; the Bush administration's champions of torture are quietly working to preserve policies whose reversal ought to be an urgent priority.

Madam Speaker, I reserve the balance of my time.

Mr. WALSH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, addressing the substance of this motion, the House included $50 million in the military quality of life bill for overhead cover systems to support force protection in Iraq. This money provides additional construction funds for protecting soldiers from indirect fire attacks, such as mortars and rockets.

This funding, along with funding that was included in the supplemental bill passed earlier this year for the same purpose, provides the amount the Department of Defense says is needed for these activities.

Unfortunately, the other body did not see fit to include these funds. We still believe additional money is necessary, and we will go into conference supporting the House position.

Madam Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I rise to support my colleague from Wisconsin in his effort to shed some light on a large array of questions that are before us.

This cover-up theme of the cover-up Congress is so pervasive, and it is not just in this body, it seems to be in the other body. The other body in fact recently took some rather extreme parliamentary measures to force the issue, and some called it a gimmick. But it seemed to be the only way to break through this cover-up, to get answers to questions that we have in our oversight role in the U.S. Congress, to provide a balance of power, to be able to serve the American people as we need to do.

I, for example, have introduced resolutions requesting information about the disclosure of identities of covert agents; and eight times in eight votes here in the House of Representatives those resolutions have been turned down in various committees. Eight times in eight separate votes in various committees, these efforts to get the information that we need in order to exert the oversight, to protect the men and women that we have asked to do dangerous jobs around the world.

Of course, some things clearly have to be kept quiet for the sake of the safety and effectiveness of our troops overseas and so forth. But Congress has a very important oversight role under the Constitution; and in order to exert that role, we need information.

I applaud the gentleman for doing all that he does to try to break through this cover-up theme.

Mr. WALSH. Mr. Speaker, I continue to reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. WAXMAN), the ranking member on the Government Reform Committee.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, my colleagues, one of the most important jobs for Congress is not just to pass laws but to see how the laws are working. We need to do oversight and to have investigations. The Constitution envisioned we would do this when they had us as a separate branch, and this is a way to provide the checks and balances that our Government was supposed to have in order to avoid the concentration of power in any one branch of Government.

We have an executive branch that wants to act as secretly as possible. They do not want openness. They do not want transparency. They do not even want to hear alternative points of view.

I believe that the President of the United States surrounds himself with people who tell him exactly what he wants to hear, and the Republicans who run the Congress are abetting that. They are helping him avoid getting a full discussion of the issues when Congress does not pursue oversight and investigations.

Now there are many things that this Congress has failed to do. They have failed to look at the manipulation of intelligence by the President and others working for him in the prelude to the war. We have not had any hearings on that.

They have failed to look at the issues of how we are spending the taxpayers' money on some of these contracts in Iraq, for Katrina and others. They really are not doing the diligent job that needs to be done.

□ 1100

The Congress of the United States has even refused to look at and find out why we were not given information from the executive branch about the costs of the Medicaid prescription drug bill. A civil service actuary in the administration was prohibited from giving Congress that information. You would think that Democrats and Republicans would be outraged. Yet the Republicans who run the Congress refuse to hold hearings on this.

Oversight is very important, and it stands today in stark contrast to the way they are behaving with the way the Republicans handled oversight when President Clinton was in power. There was not an accusation too small for them to ignore. They ran and called hearings. They issued subpoenas. They brought people into a private room to take depositions. The Congress of the United States held more days, I believe it was over a week of public hearings, on whether President Clinton misused his Christmas card list for political purpose. Yet we cannot get them to hold a hearing on the manipulation of intelligence to get us into a war.

I think that when a Congress does not do its oversight, in effect what they are doing is covering things up. They are not letting the American people know what its government is doing. This is not the government of the Republican Party. This is not the government of President Clinton. It is a government that belongs to the people of the United States, and our democracy cannot work if there is no accountability and transparency.

We have never heard of anyone in this administration fired for doing a poor job. In fact, if they do a poor enough job, they get elevated. They even get a Medal of Freedom award. No one was fired, no one was held accountable for the failure to have accurate intelligence before we went into the war. No one has been fired for anything that is been done improperly by this administration. It is as if it did not happen.

I think the Republicans believe if you do not have oversight, no one knows about the problem; therefore, the problem never existed. Well, I think it is wrong. We have a responsibility and it is time that we speak out loudly and clearly to insist that the Congress of the United States live up to that responsibility.

Mr. Speaker, I support the motion of the gentleman.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, a moment ago I cited the Washington Post editorial which appeared in the paper today. I would like to read just a portion of that editorial. The editorial reads as follows:

"As The Post's Dana Priest reported yesterday, the CIA maintains its own network of secret prisons into which 100 or more terrorist suspects have 'disappeared' as if they were victims of a Third World dictatorship."

When I see references to the disappeared, my mind goes back to President Pinochet in Chile and the "Disappeared" under his regime. And I wonder whether or not many Americans and many Members of this Congress are comfortable with our White House being tossed into the same terminology, into the same basket as the outrageous conduct of the Chilean Government a number of years ago.

The editorial goes on to say that under the policies of the CIA with respect to these institutions "prisoners have no legal rights, no visitors from outside the CIA, and no checks on their treatment, even by the International Red Cross. . . . President Bush has authorized interrogators to subject these men to 'cruel, inhumane and degrading' treatment that is illegal in the United States and that is banned by a treaty ratified by the Senate. The governments that allow the CIA prisons on their territory violate this international law, if not their own laws."

It then goes on to point out that despite all of this, "not a single al Qaeda leader has been prosecuted in the last 4 years." It then goes on to say "the CIA has no long-term plans for its secret prisoners whom one agency official described as 'a horrible burden.'"

Then it notes that a congressional rebellion against this kind of activity is being led in the Senate by Senator MCCAIN and that his main opponents are "a small group of civilian political appointees circled around Mr. Rumsfeld and Vice President Cheney."

The editorial then goes on to say, "According to a report in the New York Times, the military professionals want to restore Geneva's protections against cruel treatment to the Pentagon official doctrine for handling detainees. Mr. McCain is seeking to ban cruel, inhumane and degrading treatment for all detainees held by the United States, including those in the CIA secret prisons."

So I would submit, Mr. Speaker, that in addition to passing this motion today, this House needs to stand as one; every single Member of this House ought to be willing to support the retention of the McCain amendment on the defense appropriations bill. And I would hope that we would see this House finally face up to its obligations on that score.

Mr. WALSH. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. SKELTON), the distinguished ranking member of the Armed Services Committee.

Mr. SKELTON. Mr. Speaker, I thank my friend for yielding. I rise in support of the motion.

Mr. Speaker, I left the Armed Services Committee hearing a moment ago and I heard Command Sergeant Major Citola in a very eloquent discussion of the troops in Iraq say that we are a Nation of laws. It was heartening to hear that. Then the report from The Washington Post to which the gentleman from Wisconsin refers is a dagger in that thought.

Our men and women in uniform are serving with tremendous distinction around the world in Iraq, Afghanistan, the Horn of Africa, Korea, Germany, and many other places; and they deserve the best protection and support we can give them.

We in Congress are tasked with ensuring these troops and our veterans have all they need. They deserve the very best. Part of our job comes in providing them with the best equipment, training, and benefits. Another part is providing oversight of the policies of the administration. One of the questions that I had earlier was when the Armed Services Committee did not adopt a subcommittee on oversight or investigations.

Hearken back to the days when the Chairman of the Joint Chiefs of Staff, David Jones, raised the issue that the Joint Chiefs of Staff is not working well and that there is a lack of jointness within our military. It was the committee on investigations under the gentleman from Alabama, Bill Nichols, that worked for some 4 years and came up with the landmark law that we now call Goldwater-Nichols. That was oversight.

By oversight, we must ensure that our military forces are employed appropriately; when there are problems, that they are investigated fairly and properly, as they were in Chairman Nichols' work.

I have supported calls for more vigorous investigations of the failure in prewar intelligence on weapons of mass destruction and for a likely post-war situation in Iraq. I have also supported a Truman-like commission to look at contracting problems in Iraq. Unfortunately, those efforts have not been undertaken; and they, sadly, fell on deaf ears.

In my own Armed Services Committee there have been many efforts that have been undertaken in a bipartisan manner. This is good. A noble example is our joint effort to ensure that more up-armored Humvees and other force protection equipment reached the field despite the failure to plan adequately for their needs. That is a very positive step we did. Yet even in our committee, we need to do better when it comes to oversight in key areas of our policy relating to Iraq and the war on terror. Notably, I feel there must be additional policy and additional oversight of our treatment of detainees in theaters around the world.

The question I have, Mr. Speaker, in regard to the article to which the gentleman from Wisconsin refers, was there any connection between what the allegations are by the CIA and the Department of Defense or anyone therein. That, I think, is a matter of oversight and one that we need to at least have a briefing or a hearing thereon.

Increased oversight will allow us both to understand the systematic causes of these cases of abuse, the right solutions to be enacted into law. That is our job. The Constitution charges the Congress with raising and maintaining the military; and you cannot raise and maintain unless you oversight, unless you understand the problems that we can cure by law. That is our job. And I think we could do a much, much better job.

Mr. WALSH. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, in keeping with the spirit of this motion to instruct, the purpose of which is to protect American troops, I want to simply say that no matter how hard we try, we are going to have a difficult time doing that unless we change some unpleasant facts on the ground in Iraq. When more than 80 percent of Iraqis tell pollsters that they want America to leave their country, when almost one-half of Iraqis respond to pollsters by saying that they believe that terrorist attacks on U.S. troop are justified, we have a serious problem.

In my view, we are not going to be able to turn that around until we make clear that our policies are consistent with our interests and our professed values. We need to get to the bottom of how we got into Iraq and how we are conducting this operation in Iraq now. We need to get to the bottom of that. We need to determine who is responsible for some of the stories that we have seen in the papers the past few days; and if we do not do that, we are going to continue to invite the kind of negative opinion around the world that is plaguing our ability to succeed in Iraq. I would hope that this House would recognize that responsibility.

Mr. WALSH. Mr. Speaker, as I stated at the outset, we believe that the House position to provide an additional $50 million in the Military Quality of Life Subcommittee appropriations bill to provide additional overhead cover system is essential. And we would go into the conference hoping that the Senate would see the wisdom of what the House has done and retain the House position.

Mr. Speaker, I yield back the balance of my time.

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Mr. OBEY. Mr. Speaker, I yield the balance of my time to the distinguished minority leader (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman for yielding and for his leadership on this issue.

I am pleased to join the gentleman from Missouri (Mr. SKELTON) in saluting our troops. Wherever they are serving, at home or abroad, we owe them a deep debt of gratitude for their courage, for their patriotism, for the sacrifices they are willing to make for our country. We are very, very proud of them, and when they come home, we want to honor their service by giving them what they need as veterans, and those needs will be large.

Mr. Speaker, I strongly support the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY). We must provide those we send in to fight in Iraq with everything they need to serve, to keep them safe and so that they can return as safe as possible.

It is tragic that more than 2½ years after the invasion of Iraq, that long a time, we are still encountering such appalling needs in the area of force protection. History will not treat kindly those who embarked on a war of choice without making sure that our troops were properly equipped. Not enough body armor, not enough jammers for protection against explosive devices, not enough armored vehicles, not enough overhead cover systems, the list goes on and on.

Once again, Congress must deal with the consequences of the Bush administration's bad planning. We have had to do it before in the appropriations bills, and we are doing it here today with the gentleman from Wisconsin's motion to instruct.

Congress has a responsibility to find out why so many things about Iraq have gone so terribly wrong. This Republican cover-up Congress has never lived up to the oversight responsibility to ask the questions.

One of the essential elements of the force protection, for example, is good intelligence. Our Nation spends billions of dollars each year on intelligence programs and activities, and when they do not produce timely and reliable intelligence, we make the American people less safe, and Congress has a duty to find out why.

The intelligence used as the justification for the administration's decision to go into war in Iraq was wrong. That Iraq possessed weapons of mass destruction, that was wrong. I said at the time that the intelligence did not support the threat that the administration was describing, but, nonetheless, the intelligence that they were using was wrong.

Given the enormous consequences of that decision, more than 2,000 American soldiers have been killed; more than 15,000 wounded, many of them permanently; more than a quarter of a trillion dollars spent: and enormous damage done to the reputation of the United States in the eyes of the world. The cost of lives and limbs and taxpayer dollars and reputation is enormous.

Congress has an obligation to identify and correct the problems that led to the production of false intelligence. Our troops are at risk until that is done; and yet, as we address other force protection issues, there is no sense of urgency to undertake a thorough review of what went wrong with the intelligence. Neither the issue of the quality of the intelligence nor the equally important issue of whether intelligence was politicized have been investigated by this Congress.

That is why shortly I will offer the House a chance to do more for force protection than provide the $50 million in this motion to instruct, as important as that money is.

Democrats have continually asked for investigation of pre-war intelligence, and those requests have been repeatedly denied. The same is true for requests to investigate the other matters related to the war in Iraq: The prison abuse scandals, the no-bid Halliburton reconstruction contracts, the misuse of classified information to discredit administration critics.

Each of these matters has national security implications that need to be examined, particularly on the issue of going to war and the conduct of war. Congress has an obligation to make sure that decisions were made properly and that these decisions are based on truth and trust.

Until the Congress examines fully issues like whether intelligence was politicized, we have failed in a fundamental way to protect our troops and maintain a level of trust with the American people.

I urge the House to support both the Obey motion to instruct and my subsequent resolution on Iraq.

The SPEAKER pro tempore (Mr. GINGREY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The motion was agreed to.

QUESTION OF PRIVILEGES OF THE HOUSE

Ms. PELOSI. Mr. Speaker, because the Republican-led Congress has not conducted any investigations of abuses by the Republican administration's decision to go to war in Iraq, and because the over 2,000 American soldiers have lost their lives and more than 15,000 have been wounded, therefore, pursuant to rule IX, I rise in regard to a question of privileges of the House, and I offer a privileged resolution.

The SPEAKER pro tempore. The Clerk will report the resolution. The Clerk read the resolution, as follows:

Privileged Resolution on Iraq

Whereas the war in Iraq has resulted in the loss of over 2,000 American lives and more than 15,000 wounded soldiers, and has cost the American people $190 billion dollars;

Whereas the basis for going to war was Iraq's alleged possession of weapons of mass destruction (WMD) and the President made a series of misleading statements regarding threats posed by Iraq, but no weapons of mass destruction have been found;

Whereas the Republican Leadership and Committee Chairmen have repeatedly denied requests by Democratic Members to complete an investigation of pre-war intelligence on Iraq and have ignored the question of whether that intelligence was manipulated for political purposes;

Whereas the Vice President's Chief of Staff Lewis Libby has been indicted on five counts of perjury, obstruction of justice, and making false statements in connection with the disclosure of the identity of a CIA operative, and that disclosure was part of a pattern of Administration efforts to discredit critics of the Iraq war;

Whereas four separate requests to hold hearings on the disclosure of the CIA operative were denied in the Government Reform Committee, and Resolutions of Inquiry were rejected in the Intelligence, Judiciary, Armed Services, and International Relations Committees;

Whereas the American people have spent $20.9 billion dollars to rebuild Iraq with much of the money squandered on no-bid contracts for Halliburton and other favored contractors;

Whereas Halliburton received a sole-source contract worth $7 billion to implement the restoration of Iraq's oil infrastructure, and a senior Army Corps of Engineers official wrote that the sole-source contract was "coordinated with the Vice President's office";

Whereas despite these revelations, on July 22, 2004 the Republican controlled Government Reform Committee voted to reject a subpoena by Democratic Members appropriately seeking information on communications of the Vice President's office on awarding contracts to Halliburton;

Whereas prisoner abuses at Abu Ghraib prison in Iraq, Guantanamo, and Afghanistan have seriously damaged the reputation of the United States, and increased the danger to U.S. personnel serving in Iraq and abroad;

Whereas the Republican Leadership and Committee Chairmen have denied requests for hearings, defeated resolutions of inquiry for information, and failed to aggressively pursue serious allegations, including how far up the chain of command the responsibility lies for the treatment of detainees;

Whereas the oversight of decisions and actions of other branches of government is an established and fundamental responsibility of Congress;

Whereas the Republican Leadership and the Chairmen of the committees of jurisdiction have failed to undertake meaningful, substantive investigations of any of the abuses pertaining to the Iraq war, including the manipulation of pre-war intelligence, the public release of a covert operative's name, the role of the Vice President in Iraqi reconstruction, and the Abu Ghraib prisoner abuse scandal: Therefore be it

Resolved, That the House calls upon the Republican Leadership and Chairmen of the committees of jurisdiction to comply with their oversight responsibilities, demands they conduct a thorough investigation of abuses relating to the Iraq War, and condemns their refusal to conduct oversight of an Executive Branch controlled by the same party, which is in contradiction to the established rules of standing committees and Congressional precedent.

The SPEAKER pro tempore. Does the minority leader wish to offer argument on the parliamentary question whether the resolution presents a question of the privileges of the House?

Ms. PELOSI. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman from California (Ms. PELOSI) is recognized.

Ms. PELOSI. Mr. Speaker, I do not hear an objection to my motion.

The SPEAKER pro tempore. The gentlewoman is recognized to offer argument on whether the resolution is privileged.

Ms. PELOSI. Mr. Speaker, I will reiterate some of what I said in the motion to instruct.

For the past 2½ years since our country has gone to war, we have paid a big price for a bad policy based on faulty intelligence which was wrong, based on a false premise without proper planning and putting our young people at risk. In that period of time, that 2½ years, over 2,000 Americans have lost their lives. Every single one of them is precious to us, but, as the toll mounts, the grief does as well. Over 15,000 of our young people have lost their limbs, 15,000 have been injured, many of them permanently, many with loss of limb and sight, at a cost of over $250 billion, a quarter of a trillion dollars, to the taxpayer and just endless cost to our reputation in the world.

I think it begs the question, are we safer in America because of this war? What is this war doing to the preparedness of our troops? I think that the answer to both of those is negative, and I think it calls for an examination of what the intelligence was to get us there in the first place. Was it manipulated? Why was there no plan for us to go into Iraq, a post-war plan for after the fall of Iraq, as well as an exit strategy?

The American people love freedom for ourselves and for people throughout the world, but we have to examine what the cost of this war is and why even the Republican Department of Defense has said——

Mr. YOUNG of Alaska. Mr. Speaker, regular order.

The SPEAKER pro tempore. The Chair must ask the distinguished minority leader to confine her comments to the rule IX question.

Ms. PELOSI. Mr. Speaker, I thought there was no objection and that we were just speaking on the resolution. Is that a mistake? My impression from what you said when you yielded to me was that there was no objection, and did I wish to speak on the motion.

The SPEAKER pro tempore. The minority leader was recognized on the question of whether or not her resolution presents a question of the privileges of the House.

Ms. PELOSI. Mr. Speaker, then I will just conclude by saying, can the Chair please explain why it is not in order to discuss on the floor of this House, of this great democratic institution, a situation where our young people are in harm's way, the death toll mounts, the injuries mount, the cost to the taxpayer mounts, the cost to our reputation mounts, and we have a cover-up Congress that will not investigate, will not ask any questions about the intelligence which was wrong, which got us into war in the first place and the lack of a plan providing for our troops, what they need to serve and to come home safely and soon? Why is that not in order on the floor of the House?

The SPEAKER pro tempore. The question is not whether such a debate is in order but whether the resolution is a question of privilege.

Under rule IX, questions of the privileges of the House are those "affecting the rights of the House collectively, its safety, its dignity [or] the integrity of its proceedings." A question of the privileges of the House may not be invoked to effect an interpretation of the rules of the House, or to prescribe an order of business for the House, or to establish a norm for the conduct of business by the House or its committees.

In some circumstances, the manner in which business is conducted might properly be arraigned by a question of the privileges of the House. But the Chair must maintain a distinction between, for example, an allegation of willful malfeasance by a Member, officer, employee, or committee of the House, on one hand, and an allegation that a Member, officer, employee, or committee of the House failed to follow a course of action that the proponent of the resolution or others consider advisable.

As Speaker pro tempore Cox noted in the decision of September 20, 1888 (which is recorded in Hinds' Precedents at volume 3, section 2601), there need be an allegation of, at least, impropriety.

□ 1130

The Chair must hold that the resolution offered by the distinguished minority leader does not affect the rights of the House collectively, its safety, its dignity, or the integrity of its proceedings within the meaning of rule IX. As such, the resolution does not constitute a question of privilege.

Mr. OBEY. Mr. Speaker, I must confess I am confused about where we are at this point. I thought I heard the Speaker——

The SPEAKER pro tempore (Mr. GINGREY). The gentleman is not recognized for debate.

Ms. PELOSI. Mr. Speaker, is it not appropriate for a Member to speak on a point of order? Is it not appropriate for the gentleman from Wisconsin to be able to speak on a point of order that was lodged by the other side?

The SPEAKER pro tempore. The Chair has ruled. The question of order has already been disposed of.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. OBEY. Mr. Speaker, I thought I just heard you indicate that for the motion to be in order one of the questions that might have to be present was the question of the dignity of the House. When we are told that $100 million of taxpayers' money has been slipped into an appropriation bill for an illegal purpose, is that not, in fact, a challenge to the dignity of the House?

The SPEAKER pro tempore. That is not an appropriate parliamentary inquiry at this stage.

Ms. PELOSI. Mr. Speaker, I think it brings shame to the House for this Congress to be engaged in a cover-up when it comes to reviewing what is happening in Iraq, and I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, shall the decision of the Chair stand as the judgment of the House.

MOTION TO TABLE OFFERED BY MR. WALSH

Mr. WALSH. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion that the appeal be laid on the table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. PELOSI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table will be followed by a 5-minute vote on adoption of House Resolution 527.

The vote was taken by electronic device, and there were—yeas 220, nays 191, not voting 22, as follows:

[Roll No. 562]

YEAS—220

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey

Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—22

Bishop (UT)
Boswell
Boyd
Brady (PA)
Brown-Waite, Ginny
Butterfield
Chabot
Cummings
Davis (FL)
Hall
Hastings (FL)
Istook
King (NY)
McMorris
Norwood
Pombo
Roybal-Allard
Schiff
Serrano
Tiahrt
Towns
Weldon (PA)

☐ 1158

Mr. HIGGINS, Ms. ESHOO, Mr. DAVIS of Tennessee, Ms. WASSERMAN SCHULTZ, Messrs. GORDON, GENE GREEN of Texas, ABERCROMBIE, PASTOR, and RUSH changed their vote from "yea" to "nay."

Messrs. MCHENRY, PENCE, SOUDER, and Mrs. BLACKBURN changed their vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4128, PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

The SPEAKER pro tempore (Mr. Fossella). The pending business is the vote on adoption of House Resolution 527 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 11, not voting 21, as follows:

[Roll No. 563]

YEAS—401

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—11

Grijalva
Holt
Jones (OH)
McDermott
Nadler
Olver
Pastor
Rothman
Sabo
Taylor (MS)
Wu

NOT VOTING—21

Bishop (UT)
Boswell
Boyd
Brady (PA)
Brown-Waite, Ginny
Butterfield
Chabot
Davis (FL)
Hall
Hastings (FL)
Istook
King (NY)
McCarthy
McCaul (TX)
McMorris
Norwood
Pombo
Roybal-Allard
Schiff
Tiahrt
Towns

☐ 1207

Mr. JACKSON of Illinois changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BUTTERFIELD. Mr. Speaker, on rollcall No. 562, had I been present I would have voted "nay." On rollcall No. 563, had I been present I would have voted "aye."

APPOINTMENT OF CONFEREES ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore (Mr. Fossella). Without objection, the Chair appoints the following conferees: Mr. Walsh, Mr. Aderholt, Mrs. Northup, Messrs. Simpson, Crenshaw, Young of Florida, Kirk, Rehberg, Carter, Lewis of California, Edwards, Farr, Boyd, Bishop of Georgia, Price of North Carolina, Cramer, and Obey.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBERSTAR moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, be instructed to insist on section 603 of the House bill.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, we will not take anywhere near the time allotted. I will take a few moments to explain the motion which the gentleman from Alaska, the chairman of our committee, and I have discussed previously.

The subject of this motion is summed up by a committee hearing held earlier this year on the tragedy that occurred November 26, 2004. The *Athos*, 750-foot single-hull tank vessel, hit a submerged object in Delaware Bay just south of Philadelphia, spilling 265,000 gallons of heavy crude oil.

In January of this year, our Subcommittee on Coast Guard and Maritime Transportation held a field hearing on this marine casualty in Philadelphia. The Coast Guard estimated that the costs of cleanup and natural resources damages resulting from the grounding of the *Athos* I could be in the range of $200 million. Under current law, the owners of the vessel would be liable for costs of only up to $45 million.

At that hearing, the Chairman, the gentleman from New Jersey (Mr. LoBIONDO), and our newly elected Member, the gentlewoman from Pennsylvania (Ms. SCHWARTZ), raised the concern that the limits of the vessel owner's liability for response, cleanup, and restoration to the damages caused by this spill were relatively modest, set when the Oil Pollution Act of 1990 was enacted over 15 years ago. The Chairman and I both remember, when we served on the Merchant Marine and Fisheries Committee, we were part of setting that oil pollution liability limit. We have not increased those limits since that time even though inflation has actually overtaken.

With the leadership of the chairman of the subcommittee and the gentlewoman from Philadelphia and to ensure that the limits do not again become out of date, Section 603 directs the President to adjust limits of liability. First, Section 603 adjusts the liability limits to account for the inflation of the past 15 years, since the Oil Pollution Act was enacted. Secondly, the provision requires that the President adjust these liability limits not less than every 3 years to reflect changes in the Consumer Price Index since the last adjustment.

I thank the chairman of the Subcommittee on Coast Guard and Maritime Transportation, the gentlewoman from Philadelphia (Ms. SCHWARTZ), and especially our chairman who has concurred, and we worked together in crafting this language to ensure that the Coast Guard reauthorization bill includes this provision and the other provisions of H.R. 1412, the Delaware River Protection Act of 2005. I think it is an important step forward for the environment, for the taxpayers, and for safety of the future.

Mr. OBERSTAR. Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the gentleman's motion to instruct.

H.R. 889, which was passed unanimously by this House, includes a provision that would increase liability limits by approximately 50 percent for double-hull tank vessels and would, for the first time, establish higher liability limits for single-hull tank vessels.

This legislation was developed through the regular committee process on a completely bipartisan basis.

Further, this bill is supported by the oil and shipping industries as a commonsense measure that both increases the industries' responsibilities and maintains the protections of the Oil Spill Liability Trust Fund to deal with any other major oil spills in the future.

Mr. Speaker, this motion to instruct is one I agree with and, therefore, I urge that we accept it.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, there is no comparable provision that I am aware of, and that is why I think it is important for the House to insist on this language, a position that I know the Chairman will stoutly defend, and we will have unanimous support on our side. We will have a bipartisan position.

Mr. LoBIONDO. Mr. Speaker, I rise in strong support of the gentleman from Minnesota's motion to instruct.

As the gentleman knows, this provision was originally included in H.R. 1412, the Delaware River Protection Act, which I introduced and which passed with unanimous support in the House. I thank Chairman YOUNG, and Ranking Member OBERSTAR for including the provisions of that bill as part of H.R. 889, the Coast Guard and Maritime Transportation Act of 2005.

I thank the co-sponsors of the original legislation for their assistance in crafting this provision: Mr. SAXTON, Mr. CASTLE, Mr. ANDREWS and Ms. SCHWARTZ, and I urge my colleagues to support the motion to instruct and the underlying bill as we move to conference with the Senate.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. OBERSTAR).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair will appoint conferees at a later time.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 14 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DOOLITTLE) at 2 p.m.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE SUPPLEMENTAL REPORT ON H.R. 4128, PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be allowed to file a supplemental report to accompany H.R. 4128, the Private Property Rights Protection Act of 2005, prior to its passage today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2744) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.".

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4128.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 527 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4128.

□ 1402

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4128) to protect private property rights, with Mr. KLINE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 90 minutes, with 60 minutes equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes and the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Minnesota (Mr. PETERSON) each will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 4128, the Private Property Rights Restoration Act, overwhelmingly bipartisan legislation I introduced along with Agriculture Committee Chairman GOODLATTE and Judiciary Ranking Member CONYERS.

On June 23, the Supreme Court in a 5 to 4 decision in the case of Kelo v. City of New London transformed established constitutional principles when it held that the fifth amendment's public use clause permitted government to seize the private property of one small homeowner and to give it to a large corporation for a private business use.

As the dissent in that case made clear, under the majority's opinion: "Any property may now be taken for the benefit of another private party. The government now has the license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result."

Reaction to the Kelo decision has united strong opposition from across the political, ideological, and socioeconomic spectrum. The NAACP and the AARP faulted Kelo's failing reasoning by stating: "The takings that result from the Court's decision will disproportionately affect and harm the economically disadvantaged and, in particular, racial and ethnic minorities and the elderly."

Representatives of religious organizations have also condemned the failed logic of the Kelo Court, stating: "Houses of worship and other religious institutions are, by their very nature, nonprofit and almost universally tax exempt. These fundamental characteristics of religious institutions render their property singularly vulnerable to being taken under the rationale approved by the Supreme Court."

Public reaction to the Kelo decision has also been swift and strong. The protection of private property rights is the number one issue that concerns Americans today, according to a Wall Street Journal/NBC News poll; and by an 11-to-1 margin, Americans say they oppose the taking of private property for private uses, even if it is for the public economic good.

According to an American Survey poll: "Public support for limiting the power of eminent domain is robust and cuts across demographic and partisan groups." Even Justice John Paul Stevens, who authored the Court's 5 to 4 decision, recently acknowledged that if he were a legislator, he would oppose the results of his own ruling by working to change current law. That is what we are doing here today, working to change current law.

A week after the Supreme Court's now notorious Kelo decision, I introduced H.R. 3135, the Private Property Rights Protection Act, to help restore Americans' property rights the Supreme Court took away. On October 25, I introduced an even stronger version of the bill which we are considering today, which has benefited greatly from the contributions of Ranking Member CONYERS, Ms. WATERS, Mr. GOODLATTE, and others, including Mr. CANNON and Mr. FLAKE.

H.R. 4128 helps restore the property rights of all Americans by establishing a penalty for States and localities that abuse their eminent domain power by denying those States and localities that commit such abuse all Federal economic development funds for a period of 2 years. Under this legislation, there is a clear connection between the Federal funds that would be denied and the abuse Congress is intending to prevent. If States and localities abuse their eminent domain power by using economic development as a rationale for a taking, they shall not receive Federal economic development funds that could contribute to similarly abusive land grabs.

I am very mindful of the long history of eminent domain abuses, particularly in low-income and often predominantly minority neighborhoods, and the need to stop it. I am also very mindful of the reasons we should allow the government to take land when the way in which the land is being used constitutes an immediate threat to public health and safety. I believe this bill accomplishes both goals.

The legislation contains an express private right of action to make certain that those suffering injuries from a violation of the bill will be allowed to access the State or Federal court to enforce its provisions and includes a fee-shifting provision, identical to those in other civil rights laws, that permits the recovery of attorney and other litigation fees to prevailing property owners. The legislation gives the States and localities the clear opportunity to cure any violation before they lose any Federal economic development funds by either returning or replacing the improperly taken property to the property owner.

H.R. 4128 also includes carefully crafted refinements of the definition of "economic development" that specifically allow the types of takings that, prior to the Kelo decision, had achieved a consensus as to their appropriateness. These include takings in which the public itself owns the property, where the property is used by a common carrier or public utility, and for related infrastructure like pipelines, and where the property is abandoned.

Finally, in order to facilitate State compliance with its terms, the bill will not become effective until the start of the first fiscal year following enactment of the legislation, nor would it apply to any project for which condemnation proceedings have begun prior to its enactment.

Mr. Chairman, I urge all of my colleagues to join me in supporting this vital bipartisan legislation that will protect the property rights of the most vulnerable in our society and limit the effect of the now notorious Kelo decision.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in support of the measure before us today, the Private Property Rights Act of 2005. I am pleased to join with my chairman, Mr. SENSENBRENNER; the gentlewoman from California (Ms. WATERS); and the gentleman from Virginia (Mr. SCOTT) in support of this measure.

This legislation was introduced in response to the Supreme Court's decision in Kelo in June of this year, which shocked most Americans because if State and local governments can transfer property from one private owner to another based on a judgment which will produce the most taxes and jobs, then, in essence, no one's property is safe. Increasingly, governments across the country are taking private property for public use in the name of "economic development." Under the guise of economic development, private property is being taken and transferred to another private owner, so long as the new owner will use the property in a way that the government deems more beneficial to the public.

In fact, in Detroit, Michigan, we have faced the same kinds of issues that arose in the Kelo case. The infamous Poletown decision in the Michigan Supreme Court in 1981 allowed the City of Detroit to bulldoze an entire neighborhood, complete with 1,000 or more residences, 600 or more businesses, and numerous churches in order to give the property to General Motors for an automobile plant. This case set a precedent, both in Michigan and across the country, for widespread abuse of the power of eminent domain. In Detroit, eminent domain was subsequently used to make way for casinos.

Fortunately, the Michigan Supreme Court reversed its decision. Citizens in most other States, though, have not been afforded the same protection and have witnessed an increase in takings for economic development that has been rationalized in Kelo. As a result, a Federal legislative response to Kelo is warranted; and today I am pleased to say that we take up a response with friends on both sides of the aisle.

This act before us now will afford our citizens greater protections against governments' forced takings for private development. First, the State and local government will not be able to any longer exploit eminent domain for private development without consequence. Second, a more traditional view of public use is advanced so that we protect property interests as well as meet contemporary challenges. Third, we set an example for States and cities as to how our citizens' property rights must be protected.

Our measure before us is clear and states in no uncertain terms that State and local governments will lose economic development funding if they take someone's home or business for private commercial development.

□ 1415

Homeowners can also bring suit against those States and cities that want to continue violating their property rights. We are making the financial gains that come with replacing residential areas with commercial districts less attractive.

This legislation advances a more traditional view of public use. By restricting the use of eminent domain powers for economic development, we reserve those powers for projects that have traditionally been considered public use.

We can justify a State or city's takings when the taking is for a road, a school, a public utility, but we cannot agree with a State or city's takings when it is done for private uses like condominiums and shopping malls.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me time.

Mr. Chairman, I support the Private Property Rights Protection Act.

Two hundred years ago, our Founders wrote into the Bill of Rights a guarantee of the right to private property. Such a right lies at the foundation of a democracy where citizens have the freedom to buy, sell, exchange or make a profit on all forms of property.

In recent years, it has become more and more common for the government to seize private property under the guise of eminent domain for public use.

Last year, the Supreme Court gave landowners more reason to worry. They decided that State and local governments can take property from a private landowner in order to give or sell it to another private owner. This 5 to 4 decision in Kelo v. City of New London threatens the legitimate rights of landowners. We must act to protect those rights.

In the months following the Kelo decision, several different bills aimed at preventing eminent domain abuses were introduced. The Private Property Rights Protection Act is a fair and sensible combination of all of those bills.

It prevents States or localities that seize private property in order to transfer it to other private owners from receiving economic development funding from the Federal Government for 2 years. But the bill is not automatically applied. It gives a State or locality the opportunity to correct any abuse of power by returning all property to the landowner or replacing any property that has been damaged. If the State or locality does so, they will still be allowed to obtain Federal funding.

Mr. Chairman, the right to private property ownership is one of the cornerstones on which this country was founded. H.R. 4128 will make sure that right continues to be protected.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to oppose the legislation, which is the congressional response to the Supreme Court decision Kelo v. City of New London. By enacting this legislation, we are undermining the States' rights and assuming the role of a city council. We should not change Federal law every time Members of Congress disagree with the judgment of a locality when it uses eminent domain for the purpose of economic development. We were elected to the United States Congress, not to local city councils.

Mr. Chairman, it is impossible for Congress to draw a bright line principle separating those cases in which economic development is appropriate for a particular area and when it is not. The Constitution does require that the taking be for public use. It is the role of a city council to weigh the needs of a particular community and consider when the government should use eminent domain.

Sometimes that might mean taking property for the purpose of economic development. Sometimes it may not. Sometimes we will agree with the judgment of the locality. Sometimes we will disagree.

I cannot think of a more fitting example of the quagmire this bill presents than the situation we have right here in Washington, D.C., where they are trying to build a baseball stadium. I find it ironic that, at the same time we are marking up the bill, Washington, D.C. is using eminent domain to build a baseball stadium.

The debate on this bill has already exposed the shortcomings of the legislation. For example, we found that if a stadium were built and owned by the city at taxpayer expense, it would clearly be allowed under the bill. On the other hand, if the owner offered to build a stadium at his own expense, that might not be allowed.

The bill requires public access to the stadium as "a matter of right." Does that mean that the skyboxes must be put to public auction, or can the owner pick and choose which businesses can acquire rights to skyboxes?

Anybody who surveys baseball or football stadiums around the country will find all kinds of public and private and joint public-private ownership combinations. Could some use eminent domain, while others be prohibited from using eminent domain based on the fact that they want to limit access to skyboxes or how the title of the stadium is held?

Mr. Chairman, the World Trade Center and Lincoln Center in New York, the Baltimore Inner Harbor, even President Bush's baseball stadium in Houston, Texas, were all made possible by eminent domain takings for the purpose of economic development. And although we might agree or disagree with the wisdom of these projects, most would agree that they should not have been illegal. These are political decisions that ought to be left to the localities within the confines of their State legislature's parameters.

If Congress cannot leave eminent domain to the States, then we should focus on the real issues involved in eminent domain. We should require, for example, that just compensation should include replacement cost, not just technical appraisal value. We should require that relocation expenses be paid to owners and tenants.

As written, the bill does nothing to ensure that displaced individuals receive reasonable compensation for the replacement value and relocation expenses. The bill does nothing to ensure compensation for loss of goodwill of a business, nothing to ensure that due consideration is given for the length of time a family or business has been at a particular location. Nothing in the bill deals with the fact that the poor and minorities are usually the victims of eminent domain abuses. Let us put some protections in the bill so that those who are relatively weak politically can be protected from unfair use of eminent domain.

Mr. Chairman, I would like to place in the RECORD at this point letters from the National League of Cities, the National Conference of State Legislatures and the National Association of Housing and Redevelopment Officials.

Mr. Chairman, I believe that the decision-making power of eminent domain should remain at the State and local level and that congressional attempts to define when eminent domain is reasonable and when it is not will cause more problems than they solve. Therefore, I urge my colleagues to oppose the bill.

NATIONAL LEAGUE OF CITIES,
Washington, DC, October 27, 2005.

Hon. JAMES SENSENBRENNER,
Chair, House Judiciary Committee, Rayburn House Office Building, Washington, DC.

Hon. JOHN CONYERS, Jr.,
Ranking Member, House Judiciary Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER AND RANKING MEMBER CONYERS: The National League of Cities (NLC) strongly opposes H.R. 4128, the Private Property Rights Protection Act of 2005. NLC is the country's largest and oldest organization serving municipal government, with nearly 1,600 direct member cities and 49 state municipal leagues, which collectively represent more than 18,000 United States communities.

NLC acknowledges the spirit underlying this bill and does not condone abuse of eminent domain power that violates state law. However, NLC believes this bill, or any anti-eminent domain bill pending in Congress, is unnecessary at this time because of the ongoing actions of state legislatures and the absence of direct evidence confirming that alleged abuses of eminent domain authority are of a national scope and scale that demand immediate federal action.

Despite fearful rhetoric in the press, the Supreme Court's decision in Kelo v. City of New London did not expand the use or powers of eminent domain. The Kelo decision confirmed that eminent domain, a power derived from state law, is not a one-size-fits-all power. The Court declared that this power is one best left to the states and their political subdivisions. The Kelo Court, affirming federalism, did not preclude "any state from placing further restrictions on its exercise of the Takings power." Approximately 30 states are already reviewing or planning to review their eminent domain laws during upcoming legislative sessions, with the majority focused on just compensation and comprehensive planning process modifications. Since June 2005, Alabama, Texas, and Delaware enacted laws that tighten the application of eminent domain power in each state.

NLC urges Congress to let state governments act on their own eminent domain laws and not move forward with federal legislation.

Many aspects of H.R. 4128, led by the proposed definition at Section 8 of "economic development," trouble NLC. Economic development is a process, not the concrete act of taking private property from A and giving it to B for a "commercial enterprise carried on for profit." If enacted, the bill could have the unintended consequence of preventing hurricane-damaged communities from rebuilding. In those communities, eminent domain may be necessary to assemble land and help with negotiations associated with comprehensive redevelopment plans. Implementing those comprehensive redevelopment plans would "increase tax revenue, tax base, employment, or general economic health," violating the bill's further definition of economic development.

Moreover, the bill at Section 2(b) grants final authority to the appointed—not elected—judiciary to determine what constitutes "economic development." Curiously, this was an important argument against the Kelo decision raised by property rights activists.

The practical effects from this bill, including its loose definition at Section 8 of "Federal economic development funds" and its creation of a private right of action at Section 4 that invites forum shopping, would not chill, but rather freeze the process of economic development across the country.

Eminent domain is a powerful tool for local governments—its prudent use, when exercised in the sunshine of public scrutiny, helps achieve a greater public good that benefits the entire community.

Again, NLC opposes H.R. 4128 for the reasons stated in this letter. Please weigh carefully the unintended consequences from a rush to pass federal legislation in response to unsubstantiated fears over the Supreme Court's decision in Kelo v. City of New London.

Sincerely,

DONALD J. BORUT,
Executive Director.

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
Washington, DC, October 25, 2005.

Subject: H.R. 3135.

Hon. JAMES SENSENBRENNER,
Chair, Judiciary Committee, House of Representatives, Washington, DC.

Hon. JOHN CONYERS,
Ranking Member, Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER AND RANKING MEMBER CONYERS: On behalf of the National Conference of State Legislatures (NCSL), I write in strong opposition to H.R. 3135 the "Private Property Rights Protection Act of 2005" which is scheduled to be marked up on October 26. This ill-advised bill would severely chill state and local revitalization efforts, preempt state and local land use laws, and curtail many valid and constitutional state and local projects that require the use of the eminent domain power by prohibiting any federal funding that goes to the states from being used for "any activity, including increasing tax revenue, other than making private property available in substantial part for use by the general public or by an entity that makes the property available for use by the general public, or as a public facility, or to remove harmful effects." This means that if a state or locality were to use the power of eminent domain for economic development purposes, even if such action was completely in accordance with its own statutes and land use development ordinances and regulations, the state could lose all applicable federal funding. This piece of legislation amounts to federal blackmail of states for using a completely constitutional and valid state power.

The power of eminent domain has always been, and should remain, a state power. The Kelo v. New London Supreme Court decision did not expand state authority to condemn private property for economic development. It merely reaffirmed existing law on the subject. There is substantial Supreme Court case law dating as early as 1954 which upholds the power of state and local governments to take and retransfer property, upon payment of just compensation, in order to promote economic development.

It is also important to be aware that in the aftermath of the Kelo decision, twelve states—Alabama, California, Delaware, Illinois, Michigan, Minnesota, New Jersey, New York, Ohio, Oregon, Pennsylvania, and Texas—have already introduced bills, and three of these states—Alabama, Delaware, and Texas—have already enacted legislation in special session to address the power of eminent domain in their state. We expect to see many more states address the issue of eminent domain in their next legislative session. All of our state materials on eminent domain can be found on NCSL's Web site: *www.ncsl.org/programs/natres/EMINDOMAIN.htm*

Again, I urge you to oppose H.R. 3135. If you have any questions, please contact Susan Pamas Frederick, Senior Committee Director at 202–624–3566, *susan.frederick@.ncsl.org*. Thank you.

Respectfully,

Representative Janice L. Pauls,
Kansas House of Representatives, Chair, NCSL Committee on Law & Criminal Justice.

NATIONAL ASSOCIATION OF HOUSING
AND REDEVELOPMENT OFFICIALS,
Washington, DC, November 3, 2005.

DEAR MEMBER OF CONGRESS: I am writing to convey the National Association of Housing and Redevelopment Officials' (NAHRO's) strong opposition to HR 4128, the "Private Property Rights Protection Act of 2005." NAHRO is the nation's oldest and largest association of housing and community development professionals and the leading advocate for adequate and affordable housing and strong, viable communities for all Americans—particularly those with low- and moderate-incomes.

The bill in its current form is unacceptable to our members. NAHRO acknowledges three amendments we understand will be considered. First, within the context of this bill, Congressman Michael Turner's proposed amendment to HR 4128 creates a broader and more reasonable scope of activities for which eminent domain takings would be appropriate. Second, Congressman Jerrold Nadler's amendment removes the bill's unreasonable and disproportionate penalty provisions, which would lead to unprecedented fiscal uncertainty for State and localities by forcing them to pursue community revitalization under the constant threat of losing all Federal economic development funding. Finally, Congressman Melvin Watt's amendment would remove most of the bill's objectionable content while still providing the Congress with an opportunity to express its sense that abuses of eminent domain are unacceptable and that eminent domain as a strategy for pursuing economic development deserves careful, ongoing scrutiny.

Although NAHRO believes that these amendments improve the legislation to varying degrees, I want to make clear that HR 4128, even if amended, would still undermine important community and economic development activities across the nation and should not be adopted.

NAHRO believes that eminent domain should properly remain an instrument of last resort. In those rare instances when eminent domain is needed, it must be used prudently. Nevertheless, eminent domain remains an important community and economic development tool that allows State and local governments to respond to community needs, and it must remain available to our nation's housing and community and economic development professionals as they work to revitalize American communities. It is therefore essential that the Congress not place new and overly burdensome restrictions on traditionally permissible, Constitutional uses of eminent domain employed by State and local agencies for the purpose of community and economic redevelopment.

The recent decision of the U.S. Supreme Court in Kelo v. City of New London broke less legal ground than many reports in the popular media would have led the reader to believe. The decision did uphold the ability of local governments to exercise the power of eminent domain to achieve economic development. However, the opinion of the Court did not provide carte blanche authorization for governments to take private property merely to hand it over to other private owners. To the contrary, the Court emphasized that the property at issue was taken pursuant to a carefully considered plan that would act as a catalyst for much needed job creation and further development. The Court also made it clear that its decision would establish only the constitutional permissibility of such takings under the Fifth Amendment.

Importantly, the Court in Kelo held that States and local governments are free to narrow the circumstances under which the power of eminent domain may be exercised. At least 31 States have recently taken steps to avail themselves of that right. NAHRO therefore believes this bill is unnecessary at this time. Indeed, instead of allowing States to exercise their rights in this area, HR 4128 in its current form would instead severely undermine state and local community revitalization efforts by placing every state and locality in permanent fiscal peril and bringing community and economic development to a grinding halt.

Again, while NAHRO acknowledges the efforts of some to improve the legislation, we believe the most responsible course of action would be to vote against HR 4128. Eminent domain policy remains a complex issue area and deserves careful ongoing scrutiny, not overly broad legislation that would leave a cloud of financial uncertainty hanging over nearly every local government in the nation. Congress should not, in an effort to preemptively redress speculative future consequences of the Kelo decision, trample the concept of federalism embodied in the Constitution and the traditional prerogatives of local governments that exist under that system.

Sincerely,

SAUL N. RAMIREZ, Jr.,
Executive Director.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlemen from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I first want to thank the chairman of the Judiciary Committee, the gentleman from Wisconsin, and also the ranking member, the gentleman from Michigan, for their leadership in this area.

This is a very important issue before Congress, and I am very pleased that Congress is acting. The idea that a person's home or business can be taken by the government and transferred to another private entity simply to allow the government to collect additional tax revenue seems anathema to the values that Americans cherish. But the Supreme Court has now thrown its weight behind this distinctly un-American ideal by ruling that economic development can be a public use under the fifth amendment's takings clause.

Few would question the Constitution provides a legitimate role for eminent domain when the purpose is a true public use and the property owner receives just compensation. That happens all of the time, and that is appropriate. Properly used, eminent domain should give communities an option of last resort to complete the development of roads and schools and utilities and other essential public infrastructure projects.

As a former Cincinnati city councilman and Hamilton County commissioner myself, I would be remiss if I did not mention my concern for some unintended consequences that congressional action could have on communities if we do not act carefully, and I think we have acted carefully in this bill, and I thank, again, the chairman and the ranking member for doing that.

We had testimony by the mayor of Indianapolis. I also want to commend the former mayor of Dayton, Congressman MIKE TURNER, who is the head of the Saving America's Cities Working Group, who has worked diligently to try to make this a better bill as well. Many people have worked on this.

I am very pleased that Congress is going to take this action to make sure that eminent domain is not used in an inappropriate purpose. If Kelo was left as it was ruled by the Supreme Court, it could be used in a way that could be dangerous, that could be to the detriment of communities all around this country.

So I am very pleased that we are acting on this today, and again want to commend the chairman and Congress for acting.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman yielding me the time and permitting me to speak on this legislation.

Mr. Chairman, I understand the frustration that we have heard on the floor, the reaction to the Kelo decision which I personally looked at those circumstances. I was troubled in terms of what was proposed in that city.

But I am concerned that we have the big picture in mind, because we have been dealing with eminent domain for decades. We do not have a national crisis here. What we had was a State and local government that did not do their job appropriately.

The Supreme Court, appropriately, indicated that this was not a constitutional issue. There are tools. There are remedies.

I am a former local official. I dealt for years, as public works commissioner for the City of Portland, with things that dealt with redevelopment. We rarely if ever used eminent domain. The fact that it was there made a difference to be able to do things the public wanted.

I hope that Members reflect on the dangers of having the Federal Government rush into something that is appropriately the province of State and local affairs. Think about what the approach you are advocating here would have had on cleaning up Times Square. This was an area that for years was a center of violence and vice. Eminent domain was used to transform Times Square with the crime rate plummeting and change the face of that area.

There are communities around the country where this has been done. Look at the Roxbury neighborhood in Boston or look out the door here of the Capitol at Pennsylvania Avenue, where eminent domain was used in the 1960s and 1970s to reformulate the face of it.

I understand the sensitivity. We do not want it abused. But, for heavens sake, we should be careful before we rush in with a Federal solution which may have unintended consequences.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Chairman, I so much appreciate the chairman and the proponents of this bill bringing it to the floor. What brings this about is one more reason why it is critical that we do not have Supreme Court justices who read the Constitution while they are having visual hallucinations.

That is what has been happening. There is no way to read this. "Nor shall private property be taken for public use without just compensation," that is in the fifth amendment without realizing that means public use. It does not mean taking property from someone who has lived there for generations or some farmer that has been farming the land, to give it over to some developer just because he is going to give a bigger kickback to the local government.

That goes back to the days of King George when he says, gee, you have been a good friend, you have paid taxes, but this guy over here has promised me a bigger kickback, so I am kicking you off your property. We had a revolution to try to stop that kind of thing.

Anyway, I just want to put this question to my friends across the aisle. I know I have heard them express their concerns about constituents and the poor and those who cannot help themselves, and we ought to be helping them. Do you really want to go back to your constituents, do you really want to tell voters that you support this ridiculous Supreme Court notion that a government can take their property, not property that is a threat to the community, not that it is blighted, but take their property against their will to give it over to someone richer who is going to pay more taxes, and that is the only reason?

That is not the American way. That is not what the supporters and proponents of this bill want to see happen. We are sending a loud message, that is not what the Constitution says, it is not what is intended, it is not what we fought a revolution to end; and we will not stand by and allow a ridiculous Supreme Court decision to overrule that.

□ 1430

Ms. WATERS. Mr. Chairman, I yield 2½ minutes to the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. Mr. Chairman, I rise today in strong support of H.R. 4128.

Mr. Chairman, the people of my home State of Tennessee know the stories of eminent domain all too well. They know the stories of when the Corps of Engineers and TVA condemned property of hard-working farmers to impound lakes. The folks I represent were willing to give up their land for the benefit of the valley.

They knew the public works projects would bring about much needed economic opportunity. They knew that the readily available cheap power would spawn new industries and provide good jobs for hard-working individuals. Although the promised benefits did become a reality, many of my ancestors, like my grandfather, felt the government takeover of land was wrong. Often I would hear stories of dissatisfaction about the loss of lands that have been in families since their families moved to the Appalachians.

I firmly believe that if the taken property had been given to another property owner, my ancestors would have felt like declaring war on the government. Fortunately, my grandfather and others were able to accept that the taking of their land was good for the public.

Mr. Chairman, there is no doubt in my mind that the Court's decision in Kelo is wrongheaded and wrong-hearted. One of the basic founding principles of this country is the right to own private property. Since our founding, governments have had the leverage needed to encourage capital and economic development for our communities, while still recognizing the intrinsic value of a family's private property.

Mr. Chairman, I know that without a constitutional amendment our actions today are about as far as this Congress can go to dehorn the impact of the Kelo decision. Although this bill addresses and puts in place compelling penalties to cities, counties, and States that violate private property rights, I really think it needs to go further.

It is my hope that some day we can bring about stricter penalties to local governments who choose to run roughshod over the property rights of private landowners. I know that is what my grandfather would have expected of me, and I hope that is what we can expect of this Congress as we work to solidify the intrinsic value of people who own private property.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the fifth amendment to the Constitution states that "no person shall be deprived of life, liberty or property without due process of law, nor shall private property be taken for public use without just compensation."

Thomas Jefferson said: "The true foundation of republican government is the equal right of every citizen in his person and property and in their management."

However, that was then. We have heard a lot of talk about the Founding Fathers; and they are not turning in their graves, Mr. Chairman, they are spinning.

Jefferson warned: "A government big enough to give you everything you want is a government big enough to take away everything you have."

It looks like we are at that stage.

A school does not generate tax revenue. A church does not generate any tax revenue, but that does not mean that a school ought to become a Starbucks and that a church ought to become the next Costco.

Thanks to the recent Supreme Court decision on eminent domain, the fifth amendment has been vastly expanded. In the past, public use meant projects for the common good, not for the bottom line. With this decision, no citizen's property is safe and the American dream of owning your own home is now at risk. Private ownership of property is a pillar of our freedom and our prosperity.

The Private Property Rights Act, H.R. 4128, will begin to right the wrong that was wrought on our Nation this past June. I urge all Members of this House to support this important legislation.

Ms. WATERS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in very strong support of H.R. 4128.

I was one of those individuals who was shocked at the Supreme Court decision. On June 23, 2005, Kelo v. The City of New London, the Supreme Court held in a 5 to 4 decision that the city's use of eminent domain to implement its area's redevelopment plan aimed at invigorating a depressed economy was a public use satisfying the U.S. Constitution, even though the property would be turned over from private homeowners and businesses to private developers.

Never in my wildest imagination did I think there would be a Supreme Court ruling that would take private property and give it to private individuals for private use.

This decision was born out of what took place with the giant pharmaceutical company Pfizer. Pfizer built a plant next to an area called Fort Trumbull, and the city determined that someone else could make better use of the land than the people who actually lived there: the Fort Trumbull residents. The city handed over its power of eminent domain, that is, the ability to take private property for public use, to the New London Development Corporation, a private body; and that private body then exercised eminent domain to take the entire neighborhood for private development.

The Supreme Court decision is wrong, and I cannot see how any Member of the House of Representatives could support the taking of private property for private use. Someone spoke of this as being a pillar of democracy. It is a strong American value that we hold dear, and I do not think that we should not do something, exercise our power in this House to deny the Supreme Court decision to be used by all of these cities and redevelopment agencies and other entities. I believe that we have to protect the American people.

As a matter of fact, one Member came and said, well, you know, this is an isolated case. It is not. I have over 125 cases throughout the United States where cities and other entities, community redevelopment agencies, in those cities where they can give the eminent domain rights to private developers, such as they did in this Kelo decision, are taking people's private property.

What is more, many of these entities are trying to take private property, take homes and businesses to give over to the big-box developers who need a lot of land to put down these big-box shops.

I do not believe we can stand by and not do something. There are those who would argue that the Federal Government should not be involved. If not us, who will protect people? We know that you are getting lobbied, Members are getting lobbied by Members of city councils, even by mayors; but many of them are lying with these developers. They have relationships; money is changing hands. They are in bed with the very developers who want to take the private property for private development.

Again, we cannot afford to let this happen. What we do here today will help to slow down this taking of private property for private use. As far as I am concerned, the bill could have even been stronger because we have got a few exceptions in the bill that I question.

I wanted a pure bill with no exceptions. My chairman who worked so hard on this bill made a case for some takings for certain kinds of very, very important public use of private lands. And even though I am supporting the bill, I could support an even stronger bill because I think there should be no exceptions, none, zilch, zero, no exceptions. I do not believe in taking private property to give to someone else for private use to make money off of.

You will hear this described in any number of ways, the taking of private property to get rid of blight. Whose blight? By whose definition? The taking of private property by economic development. What kind of economic development? Who is going to make the money? Who is going to suffer?

Your home is your castle. And for those people who save their money and invest in their homes, raise their children, that home should be their castle in toto. That home should never be in jeopardy because some city government, some redevelopment agency decides that they want to take it. I do not care what for. The gentleman from Virginia (Mr. SCOTT) came and talked about the taking for ballparks. I disagree with that.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, while I do not have any problems with the bill at this time, there is some concern that the bill may adversely affect the transportation projects, including those constructed under public and private partnerships.

There is also a concern that the bill may have unintentional effects on the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970.

I would like to thank the gentleman for including the language changes that we have suggested in the manager's amendment to help fix these problems. These changes are meant to clarify that this bill does not have any adverse impacts on issues under the jurisdiction of the Transportation and Infrastructure Committee.

Mr. Chairman, I ask that if we discover any additional problems with this legislation for transportation projects, you will agree to work with me in conference on a mutually agreeable solution.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. If unintended transportation consequences are discovered, I would be happy to work with the gentleman from Alaska (Mr. YOUNG) to fix them in conference.

Mr. YOUNG of Alaska. I agree with the gentleman's goals and look forward to working with the entire delegation to meet the goals of this conference. I thank the gentleman for doing this.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. POE).

Mr. POE. As a former judge, I want to thank the chairman for leading the fight to protect private property rights.

One reason we started this country was because back in the days of England, the king and the nobles owned all the land, and regular folks like us had to work the land, but we could never own the land. That is one reason this country got started, because of the desire to own private property.

John Locke, the great philosopher who was influential in much of the law that came into our Constitution, said that we are all born with the right of life, liberty, and property. And Thomas Jefferson incorporated that concept in the Declaration of Independence when he said that we are given by our creator life, liberty, and the pursuit of happiness. And then we put in our Constitution in the fifth amendment that basic right, that we all have life, liberty, and property and it will not be taken without due process of law.

That simple phrase that is in that fifth amendment, that private property shall not be taken for public use without due compensation, it is the American dream to own a part of America, own a part of the land. More Americans own land and houses than ever before in our history. Then the Supreme Court came around and misinterpreted this very simple rule in our Constitution, allowing private property to be taken by local governments so they can give it to somebody else all in the name of money. It is all about the money. It ought to be all about what is right.

This law will prevent government land-grabbing authorized by the Supreme Court. Their ruling was an error in judgment of constitutional proportions and hopefully the Supreme Court will find its way and reverse this absurd ruling.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank my good friend, the gentlewoman from California (Ms. WATERS).

I must rise to object to this bill. I think it is too broad. The period of time within which you can take legal action is too long, and in some specific cases it is too restrictive. It will be subject to the law of unintended consequences.

My views, I have to acknowledge, are formed by having been mayor of Alexandria, Virginia. We did at times use the power of eminent domain primarily to help lower-income people to restore blighted areas of the city. In those situations, the improvement of those rundown areas could not have happened without government intervention because the private sector simply was not willing to make the investment.

We were able to establish scattered site public housing throughout the city. We were able to achieve substantial economic improvements along the Alexandria waterfront which had been relegated to a place of neglect where only people of the lowest income lived. And now people of all incomes are able to take advantage of public use in these areas, and we have expanded the availability of affordable housing.

We could not have done it without this power. And, in fact, if our constituents did not like what we were doing, they had the ability to take us out of office through the normal democratic process. I understand that this is a power that can be abused, but that possibility does not warrant its elimination.

□ 1445

In fact, if you want it restricted, the proper place to do so is not at the Federal level. It is at the State and local level.

I have an amendment that will correct this bill so that it will not be subject to the law of unintended consequences. I intend to introduce that amendment shortly.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I rise today in support of H.R. 4128, a bill that seeks to undo the damage wrought by one of the worst Supreme Court decisions in my memory.

The court in Kelo decided that the fifth amendment of the Constitution can be hijacked by a rogue, private developer to take homes or private property from hardworking Americans to build new shopping malls and luxury resorts in their place to increase tax revenues.

Our Constitution, which every Member of this body has sworn to uphold and protect, has, in essence, been changed by five people who are charged only with interpreting the Constitution, not rewriting it.

I am not sure how many ways there are to interpret the clause: "nor shall private property be taken for public use without just compensation."

Mr. Chairman, it seems pretty clear to me that an office building owned by a private party that restricts its use to only those who pay rent is not a public use facility; or that a public use is a highway, not a high-rise; or that a public use is a park, not a private parking lot; or that a public use is a courthouse, not a condo.

A society that allows its big developers to take the private property of ordinary citizens in the name of economic development is not a free society.

The potential for greater profits and higher tax revenue is not what our Founding Fathers envisioned as public use.

Importantly, Mr. Chairman, one of those constitutional provisions is the protection of private property. The Founders of this great Nation knew that a government that can take a citizen's property on a whim is a government that can take away everything else as well.

H.R. 4128 offers a reasonable solution, and I urge my colleagues to support this bill.

Ms. WATERS. Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, private property has been among the most sacred rights of the American people since our founding as a Nation. Likewise, the government's duty to protect private property has remained among its most sacred responsibilities.

John Adams once wrote, "The moment the idea is admitted into society that property is not as sacred as the laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence."

Well, Mr. Chairman, the recent Supreme Court decision in Kelo v. New London has commenced the tyranny. It is laying siege to the idea that a man's home is his castle.

While it is true that the principle of eminent domain is established in our Constitution, it exists for an extremely limited purpose.

The dissenters in the Kelo case correctly note that the Court has abandoned a "long-held basic limitation on government power. Under the banner of economic development, all private property is now vulnerable to being taken and transferred to another private owner."

The Court essentially now gives local governments the power to seize property to simply generate tax revenue. Under their ruling, your local city council can now take your home and give it to Starbucks so they can sell vente mocha lattes. Mr. Chairman, are we still in America?

By passing the Private Property Rights Protection Act, Congress can help secure this most sacred right. H.R. 4128 will rightfully increase the penalties for States. We should stand for freedom and private property and support this act.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Chairman, I am proud to be a cosponsor of H.R. 4128, and I strongly urge my colleagues to support this bill on behalf of property owners across our Nation.

This legislation clearly prohibits economic development as a public use, period, with no room for misunderstanding. Eminent domain, for the purpose of economic development, is absolutely opposite our belief as Americans of our right to own private property.

Our role as Members of Congress is to protect the public. We have a responsibility to use legislative powers to clearly define private property rights.

I would like to thank the sponsors of the bill, the chairman and committees that have worked on it, and I urge my colleagues to vote in favor of H.R. 4128.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, the power of eminent domain should never be abused to take private property for the private benefit of another, and I agree with the concept of the bill, but it is very poorly drafted. It goes too far and not far enough.

It will permit many of the abuses and injustices of the past, while bankrupting State and local governments. It would allow highways to cut through communities and all the other public projects that have historically fallen most heavily on the poor and powerless.

It does nothing to protect displaced renters. They get no compensation, no day in court, but absentee slumlords, they get their day in court.

It allows a taking to give property to a private party "such as a common carrier, that makes the property available for use by the general public as of right."

Does that mean a stadium? It seems to me that is privately owned. It is "available for use by the general public as of right" at least as much as a railroad; you can buy a seat. Does that mean a shopping center? You do not even need a ticket. So this would not even prevent the use of public domain, apparently, for sport stadiums and shopping centers.

The World Trade Center, on the other hand, could not have been built under this law. It was publicly owned, but leased as office and retail space.

Affordable housing, like the Hope VI program would be prohibited.

Local governments under this bill would risk all their economic development funding for 2 years, even for unrelated projects. The financial cloud this would place over all cities would ensure that they could never issue a bond, for any purpose, and companies doing business with the city would face the threat of bankruptcy.

If we really want to help property owners, we should give them the right to stop the taking before it happens. This bill makes them wait until after the condemnation and offers them no damages. People do not want to bankrupt their communities. They want to keep their homes. This bill does not do that. I will offer an amendment that will at least change this part of the bill and solve that problem.

A bill to prevent takings for improper purposes makes sense. It does not make sense to say that if the government makes a mistake, instead of giving private injunctive relief in advance to prevent that mistake to help the property owner, you put a cloud on the future finance of the State or city as they can never issue bonds for any purpose.

Let us protect property owners but not destroy our communities. We should do this right.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for bringing this bill to the floor as chairman of the Judiciary Committee which I have the privilege of serving on.

I rise today in support of the Private Property Rights Protection Act.

This spring, the Supreme Court put a "For Sale by Government" sign in front of every American home, farm and business. It does not matter how many coats of paint you put on your house or how much landscaping you do, no amount of your investment and upkeep can match the tax base provided by corporate America. If the government thinks that it can get more tax revenue from your property when put to a different use, a bigger house, a new factory, you are out of luck and out of your home.

We were taught as children and read in the Constitution that eminent domain meant that government could take property only for public use, like roads and railroads, but the 15 Connecticut citizens who had their homes and businesses taken away from them in the Kelo case found out that public use now means whatever the powerful want to do with your home, as long as it might bring in more tax dollars.

Whatever happened to our rights to life, liberty and property, which were the very rights so important to the people who founded this country?

Mr. Chairman, the Supreme Court took that right away. The Framers had no intention of allowing Federal judges to impart their wisdom on this issue. That is why they put the eminent domain clause directly into the Constitution by the Bill of Rights.

The Constitution here in my pocket says, "nor shall private property be taken for public use without just compensation."

If we do not act today, the consequences of that Supreme Court decision will not be hard to foretell. The winners are those with great influence, wealth and power. What happens when the potential buyer of a property is a foreign-owned entity? Or if a Nevada church is bulldozed to make room for a brothel?

Americans will not stand for usurpation of their constitutional rights by the Court. Today, we have the opportunity to restore those rights that we fought so hard for. I urge my colleagues to support H.R. 4128.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I want to thank my colleague from California because not only is she supportive of this legislation but she has been speaking out consistently since the Kelo decision against that decision and the consequences.

Mr. Chairman, I have grown concerned with the increasing rate of eminent domain abuse cases across the country, so I appreciate that we will be able to vote on this bill today.

Many of us in Congress were shocked by the Supreme Court's 5-4 decision in Kelo, allowing the town of New London, Connecticut, to seize 15 homes so a developer could build offices, a hotel and convention center. This set a disturbing precedent and raised serious concerns about whether there are any limits to the government's power under the takings clause of the Constitution.

I believe the Private Property Rights Protection Act, this legislation, is a strong first step in the fight against eminent domain abuse. However, I think we can do better. I think we need to pass stronger legislation to ensure that we curb all abuses of eminent domain, not just those in areas where Federal funds are being used for a project.

That is why I have introduced my own legislation to curb the inappropriate use of eminent domain. The Protect Our Homes Act simply states that there should be no taking of homes for economic development unless there are rare and exceptional circumstances involving a public health or safety crisis. This legislation would render any State or local government that does otherwise ineligible for Federal financial assistance under any HUD program. It would also put in place appropriate safeguards to ensure that any eminent domain process is fair and transparent.

We have an obligation to protect our citizens as we revitalize our aging neighborhoods. We should not sit idly by and tolerate abuses of eminent domain in the name of economic revitalization. It is time to strengthen the Federal law to guarantee that homeowners throughout this great country are protected.

I am pleased to support the legislation before us which will send a strong message that taking private homes for generating revenue will not be tolerated. There is still much more for Congress to do to prevent eminent domain abuse, however, and I look forward to this bill passing and to working with my colleagues on both sides of the aisle.

It is very refreshing to see that this legislation has bipartisan support and that we are moving on this legislation today.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, the question before us today is not really whether we agree or disagree with the Supreme Court's interpretation of the term "public use," but, rather, who we stand with and what we stand for. Do we stand with large private developers or with ordinary private citizens? Do we stand for government assistance for the powerful economic interests, at the expense of ownership of small interests?

Let it be clear, this debate is about condemnation of property. Will we condemn our constituents by allowing their land to be taken without just cause? Will we condemn small business owners by allowing their stores to be removed simply because a big developer has a different idea for what the economy should look like? Or will we stand with our constituents and condemn the idea that their property can be sacrificed for the sake of a big corporate company's development plans?

The Declaration of Independence holds that all people are endowed with the right to life, liberty and the pursuit of happiness. The Supreme Court's Kelo decision would limit the right to the pursuit of happiness to large corporate developers at the expense of small businesses and private citizens.

We must take a stand today and reaffirm the unalienable rights of citizens and stand for our constituents and declare that everyone has the right to pursue happiness, and we cannot and will not take that right away.

I urge my colleagues to join me in standing with our constituents to support this bill.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentlewoman for the time.

I am very pleased to join my colleagues who are aware of the need to fix an issue that is broken. I join the chairman of this committee and thank the gentlewoman for her leadership, and I am glad to be an original cosponsor.

□ 1500

Mr. Chairman, the reason we are on the floor today is that the Supreme Court, some would say rightly so, relied upon State law in Connecticut that allowed for the taking of private property for economic development. In essence, a public entity sanctioned private developers in taking private property for an economic enhancement. I am here to say that the fifth amendment's due process and the protection of property rights, to the extent that we protect those who cannot speak for themselves, should allow this Congress to fix the problem.

I am also concerned that this very tool will be utilized to go into communities, poor communities, and have them succumb, if you will, to untoward and unwelcomed investment or development without their input and without the opportunity to build communities that would embrace all economic levels.

The Kelo decision needs to be fixed by this Congress, and I welcome this legislation so that we can fix it and provide due process to all.

Mr. Chairman, I rise in support of the base bill before the Committee of the Whole today, H.R. 4128, the Private Property Rights Protection Act of 2005. It pleases me to join the Gentlemen, Chairman SENSENBRENNER and Ranking Member CONYERS in supporting this legislation, H.R. 4128, just as I was enthusiastic about co-sponsoring the resolution introduced by the Gentleman on the Floor of the House on June 30, 2005 that denounces the holding of the Supreme Court of the United States in Kelo v. City of New London.

The Supreme Court, with its five-member majority, made a wrong decision and ratified the unconstitutional acts of a local government, the City of New London, Connecticut.

The bill before this body rejects the act of the Supreme Court majority in giving these elected officials carte blanche to abuse the rights of the property owners in that case. Our highest court should stop the violation of constitutional rights. Our job is to address whether or not government can decide that there is a public purpose for a taking of private property and thereby make it so. There should exist better protection for the individual with less economic power—the individual that has only his or her land as an asset. The Framers of the Constitution were careful in addressing that issue, careful in the sense they wanted to make sure that the ruling powers that be could not come in and say, "I am going to take your property." That was not what the Framers envisioned free America.

A recently published law journal note stated our dilemma quite well: "But still more unsettling to many than the notion that property might be taken for an obvious general public benefit is the suggestion that this power might be used to transfer private property for another private owner's profit, along with all the traditional rights that permit sale, use, rental, disposition, and other choices of fee simple ownership. Seemingly, if property can be forcibly passed from one private owner to another, 'public use' is a phrase with no meaning and no end."

"If property can be forcibly passed from one private owner to another, 'public use' is a phrase with no meaning and no end." This legislation allows us as legislators to draw a thicker line of demarcation between private property and property that is truly intended for public use. The threshold must be higher for the ownership rights of individuals to be usurped—when the underlying objective is merely to engorge the pockets of developers.

I would hope that my colleagues will support me in the amendment that the Rules Committee made in order Mr. Chairman, as No. 12. Kelo held "economic development" to be a "public use" under the Fifth Amendment's Taking Clause. The Takings Clause states that "nor shall private property be taken for public use without just compensation."

In the 1990's, a state agency declared that New London, CT was a "distressed municipality" after its unemployment numbers hit double the rate in the rest of Connecticut. The holding by the Supreme Court purported to defer to the city's judgment and that the development would be a "catalyst to the area's rejuvenation."

The land use situation in the areas most affected by Hurricane Katrina presents the situation that is most ripe for eminent domain takings under the guise of "economic development." My amendment seeks to add the legislative intent to H.R. 4128 that the law seeks to put the people first even in the face of post-disaster reconstruction.

I thank the Chairman of the Committee on the Judiciary for his support of this amendment. It is critical that we continue the spirit of bi-partisanship that was started with the resolution disapproving the Kelo decision, of which I was an original co-sponsor, the Private Property Rights Protection Act of 2005, H.R. 3135.

New Orleans will be the center of a reconstruction project that will have a price tag in excess of $200 billion. Eminent domain will play a major role in the local governments' ability to assemble properties to carry out their plans—whether the residents like it or not. NAACP representative Hillary Shelton stated that "the eminent domain process mostly targets racial and ethnic minorities because cities often want to redevelop areas with low property values and because minorities have less political clout and are less able to fight back." My amendment seeks to clarify that, in redefining the boundaries of the federal government's Taking power, unfair practices will not be tolerated and that the rights of property owners will be given the highest regard.

Mr. Chairman, I ask that the Committee colleagues support this amendment.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Speaker, as you can see, this is not a Democrat-Republican issue. The people who care about property rights, the people who respect homeownership, the people who believe that this is an important value are standing up for the citizens of this country. Folks who believe that somehow the government has a right to take private property for private use are standing on the side of the developers.

While I respect Members on both sides of the aisle, I have had some Members on this side of the aisle talk about what they have done for poor people, and you will hear people talk about what they do for minorities, that they are doing this to get rid of blight, to create better communities. Well, on this one, I would like to say to all of my would-be friends who are helping poor communities and minority communities, we do not need you on this one.

We need you to respect the right of those minorities and those poor people to hold on to whatever it is they own, whether it is a little, small business or whether it is a two-room shack or a one-room shack or whatever it is. It is theirs. They have a right to it. And no one, no mayor, no city council member, no one has the right to think they know better; that they can take that property for a private use.

I think it is unconscionable for anybody that is elected by the people to undermine the people by supporting the taking of private properties for private use. I would hope even those Members who have been past mayors, who have been past city council members who agreed with the developers, indeed listen to this debate here on the floor today and agree that if we want to do anything to support the right of citizens to own property, we will support this bill.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank the gentlewoman from California for being so gracious in yielding me this time.

Mr. Chairman, our Nation's eminent domain laws exist to help our communities, not to deprive Americans of their businesses and homes. For 11 years, Harry Pappas and his family battled to win back property taken from them in downtown Las Vegas, property which they rightfully owned and that was home to seven shops the family leased to other businesses for more than 40 years. This was a 40-year holding of one family in Las Vegas.

In 1994, the Las Vegas Redevelopment Agency notified Mrs. Pappas that they were condemning her property. At a hearing only 7 days later, it was decided that the agency would take immediate possession of the property, and the family business promptly demolished.

The Pappases' dreams were torn down with the building they lost that day, and their dignity was taken from them as they were forced to watch as a for-profit parking garage was built on their family property.

The Pappas family took their case all the way to the United States Supreme Court, hoping that the justices would recognize their fundamental rights under our Constitution. But they were turned away by the Supreme Court, and their case seeking justice was dismissed.

So now it is up to us, the United States Congress, to protect other families against the injustice that has been done to the Pappases as a result of the ever-growing expansion of eminent domain. Voting to limit the use of eminent domain for economic development will restore the rightful limits on this power that have been eroded by time. It is time to protect the Harry Pappases of the world.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I rise to engage in a colloquy with the chairman.

As the chairman knows, I have offered an amendment in the Rules Committee to address the problem of legal fees for property owners faced with the exercise of eminent domain by State and local governments. Homeowners in particular do not have the money to pay lawyers. Their main asset is tied up in a legal fight, so they cannot afford a challenge to the taking itself.

In addition, most eminent domain lawyers operate on contingency for a percentage of the eventual price of the property condemned, so it is hard to get anybody to challenge the taking, and you certainly cannot get it without paying.

The idea of the amendment is that owners are supposed to be no worse off after the condemnation than they were before. But if they have to pay their lawyer, whether by the hour or as a percentage of the sale price, they will always be worse off.

Would the chairman be willing to work with me on this issue in conference in a way to address the needs of private property owners without encouraging frivolous lawsuits?

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. The answer is absolutely.

Mr. FLAKE. I thank the chairman.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, very briefly, this bill attempts to do what the Federal Government can to reverse the impact of the Kelo decision, and the heart of this bill is to deny Federal economic development funds for 2 years to any States or locality that attempts to use its condemnation powers to take private land for essentially a nonpublic use purpose and to turn around and resell it to another private developer who will bring in more tax revenue.

We have heard time and time and time again on this floor during the last hour that this is wrong. But the Supreme Court has said that it is not wrong if a developer can convince a majority of one on a city council or local governing board to authorize the local attorney to go and commence condemnation actions. That is true if somebody has lived in a house for all their life and the city council puts them in the cross hairs; it is true for a church that has got a prime piece of property on the corner of a busy intersection that a developer wants to build a strip mall on; and it is true for someone who has run a small business in a prime area of town and has made a lot of money but does not pay a lot of property taxes because they have a small shop, and they can be put out of business even for a competition that wants to have a larger and, thus, more tax-yielding facility on that piece of property.

Everything I have said is wrong, and everything I have said can be done with the use of Federal economic development funds under the Kelo decision. What we need to do now is pass this bill to right this wrong.

And I would just remind the membership, Mr. Chairman, that the author of the majority opinion in Kelo, Justice John Paul Stevens, recently spoke to a local bar association in Nevada and said that if he was a legislator rather than a justice of the United States Supreme Court, he would have ruled the other way. So if Justice Stevens were sitting here as a representative in Congress today, he would be supporting this bill, too, and I think that is the reason why this bill should receive overwhelming support. We all should vote for it.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). All time for general debate by the Committee on the Judiciary has expired.

It is now in order for general debate by the Committee on Agriculture, 30 minutes equally divided.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this important piece of legislation. I want to thank Chairman SENSENBRENNER for his leadership on this issue. I also appreciate the hard work of Congressman HENRY BONILLA, who introduced the STOPP Act, legislation that passed out of the Agriculture Committee, and Ranking Member PETERSON on the Agriculture Committee, as well as Ranking Member CONYERS on the Judiciary Committee.

I especially want to thank my colleague from South Dakota (Ms. HERSETH) who was the first Democrat to take a leading role on this issue in introducing the STOPP Act, and it is in part due to her leadership that we will have a very strong bipartisan vote on this legislation today.

Private ownership of property is vital to our freedom and our prosperity, and it is one of the most fundamental principles embedded in our Constitution. The Founders realized the importance of property rights when they codified the takings clause of the fifth amendment to the Constitution, which requires that private property shall not be taken for public use without just compensation.

This clause created two conditions to the government taking private property: that the subsequent use of the property is for the public and that the government gives the property owners just compensation.

However, the Supreme Court's recent 5-4 decision in Kelo v. City of New London is a step in the opposite direction. This controversial ruling expands the ability of State and local governments to exercise eminent domain powers to seize properties under the guise of economic development when the public use is as incidental as generating tax revenues or creating jobs, even in situations where the government takes property from one private individual and gives it to another private entity.

By defining public use so expansively, the Court essentially erased any protection for private property as understood by the Founders of our Nation. In the wake of this decision, State and local governments can use eminent domain powers to take the property of any individual for nearly any reason. Cities may now bulldoze private citizens' homes, farms, and small businesses to make way for shopping malls or other developments.

For these reasons, I joined with Chairman SENSENBRENNER to introduce H.R. 4128, the Private Property Rights Protection Act. This important piece of legislation represents a merger between two pieces of legislation, H.R. 3135, introduced by Chairman SENSENBRENNER, and H.R. 3405, the STOPP Act, which I introduced along with the gentleman from Texas (Mr. BONILLA) and the gentlewoman from South Dakota (Ms. HERSETH) and which passed the House Committee on Agriculture by a strong bipartisan vote of 40 to 1.

I am pleased that H.R. 4128 incorporates many provisions from the STOPP Act. Specifically, this new legislation would prohibit all Federal economic development funds for a period of 2 years for any State or local government that uses economic development as a justification for taking property from one person and giving it to another private entity. In addition, this new legislation would allow State and local governments to cure violations by giving the property back to the original owner. Furthermore, this bill specifically grants adversely affected landowners the right to use appropriate legal remedies to enforce the provisions of the bill.

H.R. 4128 also includes a carefully crafted definition of economic development that protects traditional uses of eminent domain, such as taking land for public uses like roads, while prohibiting abuses of eminent domain powers.

No one should have to live in fear of the government snatching up their home, farm, or business; and the Private Property Rights Protection Act will help to create the incentives to ensure that these abuses do not occur in the future.

I urge my colleagues to support this important piece of legislation.

Mr. Chairman, I reserve the balance of my time.

Ms. HERSETH. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong support of the Private Property Rights Protection Act of 2005. I want to thank the Judiciary Chairman SENSENBRENNER and Ranking Member CONYERS, as well as Agriculture Committee Chairman GOODLATTE and Ranking Member PETERSON, for their hard work in moving this legislation to the floor today.

I would also like to acknowledge and thank the Agriculture Appropriations Subcommittee Chairman HENRY BONILLA for his strong leadership on this very important issue as well as the work of Chairman POMBO and Congresswoman WATERS who have been steadfast in their advocacy for private property rights in light of the threat posed by the Kelo decision.

This legislation is a priority for farmers and ranchers and landowners across my home State of South Dakota. I am extremely pleased that the Agriculture Committee acted swiftly on the legislation originally introduced by the gentleman from Texas (Mr. BONILLA) and myself, the Strengthening the Ownership of Private Property, or STOPP Act, and that Chairman GOODLATTE made reporting out the bill from the Agriculture Committee a priority.

I am equally pleased by the determined, thoughtful attention demonstrated by the Judiciary Committee and the collaborative approach taken as we put together the Private Property Rights Protection Act. It is important, commonsense legislation that deserves our attention.

As my colleagues know, the Supreme Court's decision in Kelo v. City of New London dealt a serious blow to the fundamental rights of property owners in the United States. The House overwhelmingly expressed its disapproval shortly after the decision by a vote of 365 to 33. This court ruling allows governments to take private property from one landowner and give it to another private individual so long as some economic development justification is given. In short, it means that governments can take your property and give it to someone else.

□ 1515

I have been impressed by the widespread support for the proposition that this decision requires prompt congressional action.

As I have said before, South Dakotans from all walks of life are outraged about the Supreme Court's Kelo decision. As I have repeatedly noted in previous discussions of the case and as noted by Chairman SENSENBRENNER earlier today, even Justice John Paul Stevens, the author of the Kelo decision, has expressed the feeling that the use of eminent domain by the City of New London was unwise as a matter of policy. And I agree.

I am pleased to have been part of the effort to craft a good bipartisan response that addresses these policy shortcomings by discouraging State and local governments from arbitrarily taking land from private landowners and giving that land to another private party. I felt compelled to take a lead in this process because of the people I represent and my roots on my family's farm in South Dakota. South Dakota is a rural State, and our population's livelihood is deeply tied to the land. This is true for virtually all of the State's citizens, whether they live in town or whether they live on the farm.

Because of this, the belief in private property rights runs strong and deep, and everyone I have talked to back home on this matter has delivered the same message: Landowners should not be vulnerable to the whims of a government that decides to take their land and often their livelihood just to give it to someone else who the government decides would deliver more in tax revenues. I am pleased to say that many of my colleagues agree with this, which is why in the short term since its introduction, this act and other initiatives have garnered broad bipartisan support, because the legislation makes sense.

As many of you know and as Chairman GOODLATTE was discussing, Chairman BONILLA and I, along with Chairman GOODLATTE, drafted H.R. 3405 to provide a strong response to the Kelo decision. At the time we introduced the STOPP Act, other legislation which took a similar approach by withholding some Federal funds when eminent domain is used to facilitate a private-to-private transfer of property for economic development purposes left open the possibility that a creative community or State could essentially shift funds within its budget to render the Federal response less effective.

In the words of Bob Stallman, president of the American Farm Bureau, in his testimony before the Agriculture Committee: "All of the Federal bills introduced thus far take this approach. The differences among them are the degree to which such funding is withheld. While we support all the approaches taken in these bills, H.R. 3405 seems to offer the most effective deterrent to abuses of eminent domain."

The Private Property Rights Protection Act of 2005 incorporates the core components of the STOPP Act, namely, the withholding of all Federal economic development assistance for 2 years if communities choose to use eminent domain to take private property from one landowner and give it to another private individual for the purposes of economic development.

I think this development is a testament to the hard work of individuals like Chairman BONILLA, Chairman GOODLATTE, Congresswoman WATERS, Chairman POMBO, and others to define, develop, refine, and promote a strong commonsense approach to the situation presented by the Kelo decision.,

As I have said, I am happy to have been a part of these important efforts, and I encourage my colleagues to join with me today in passing this important bill.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BONILLA), the chairman of the Agriculture Appropriations Subcommittee and the author of the STOPP Act, which was passed out of the Committee on Agriculture.

Mr. BONILLA. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, this is a rare moment in this town when we have a major issue that has widespread bipartisan support. I want to thank the gentlewoman from South Dakota, my original partner in this cause, who just spoke about this and gave a little history as to how we got this bill rolling several months ago; and also Chairman GOODLATTE under whose jurisdiction this bill originally fell, the STOPP Act that we filed, because so many of the programs that we are talking about here today that are funded come through the Agriculture Committee.

We would not have been able to come this far without this partnership with Ms. HERSETH and Chairman GOODLATTE; and I want to thank both of them, not just personally, but I know there are a lot of people out there that are very grateful for the support they have given this and have brought us to this day where we have a bill that, again, was reported out of the Agriculture Committee by a vote of 40 to 1 and then out of the Judiciary Committee with only three people voting against it. That is a profound statement across partisan lines in this Congress.

It also has widespread support among groups like the NAACP, the AARP, religious organizations, and the American Farm Bureau. I think people understood the impact this bill could have because it is very simple, Mr. Chairman. It says to communities that if they do not care about property rights, they are not going to get their money. No property rights, no money for 2 years. And that is going to make any local government or any State think long and hard before they take that first step toward trying to take someone's property for private gain.

This bill, of course, does not do anything to infringe on the community's rights and the constitutional history in this country of communities taking private property for public use, i.e., airports, roads, bridges, et cetera. It does not touch that at all. So I believe that is why we were able to come to this state. We have gone through the process, worked through regular order. We had our hearings. Attorneys scrubbed the bill. People asked questions, what if this happened, what if that happened. And we tried to address every issue that has come to us thus far.

Again, it is a great day when we have two committees coming together, two parties coming together. People from all over the country, whether they live in a rural area or whether they live in an urban area, have the same concern about property rights after the Kelo decision.

I look forward to a resounding victory today for the people of this country.

Ms. HERSETH. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, as a member of the House Judiciary Committee I had the opportunity to review quite carefully this bill. While I disagreed with the Supreme Court decision, I must confess that the bill before us today is not drafted as carefully and clearly as I would have hoped. There will, in all likelihood, be litigation if this bill becomes law because the exemptions are written in such a way that reasonable people may disagree as to their meaning.

I hope that I can help clarify the application of this bill in at least one area: The meaning of the bill as it relates to affordable housing.

What follows are the concurring views in the Committee Report accompanying this bill. It is my hope that by including them here today during our floor debate that in the future this clarification will be of value to public entities, litigants and the courts.

At markup, I intended to offer an amendment to this legislation creating an exception to the definition of "economic development" for the development of affordable housing for low-income residents. I ultimately decided not to offer this amendment, however, based on my recognition, and the apparent recognition of my colleagues, that this bill as introduced does not in any way limit the ability of States and local governments to exercise their eminent domain powers for the building of affordable housing for low-income residents. In fact, during markup, I pointed this out and received no objections from my colleagues.

The provision of low-income housing, whether by a for-profit or a non-profit entity, should not constitute "economic development" under the definition in this bill because such activity constitutes neither "commercial enterprise" nor an activity designed to "increase tax revenue, tax base, employment or general economic health." Rather, the development of affordable housing for low-income residents constitutes a traditional public purpose for which eminent domain powers have long been recognized. Given that this bill will not in any way limit the exercise of eminent domain powers for the development of affordable housing, I concur in the Committee's report.

Ms. HERSETH. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Chairman, I thank the gentlewoman from South Dakota for yielding me this time.

Mr. Chairman, in my district, the values of faith, family, and commitment to community are sacred. We also hold sacred the right to own property without fear of its being taken away by government.

Unfortunately, local governments are seizing property in the name of economic development and transferring ownership to other private individuals. American citizens are losing their homes in the interest of building strip malls or big-box stores. Even more disheartening is the fact that the U.S. Supreme Court has endorsed this behavior in what I feel is a misinterpretation of the takings clause of the fifth amendment to the Constitution.

I voted to prohibit this kind of action when I was a State representative in Colorado, and I have also voted my disapproval of the ruling in the case of Kelo v. New London.

I rise today in support of H.R. 4128, the Private Property Rights Protection Act. I am a cosponsor of this bill, and I supported passage of the STOPP Act, H.R. 3405, in the Agriculture Committee just last month.

This important legislation will help prevent local governments from abusing their power of eminent domain. While local governments may be well intentioned, the fact is that people are losing their homes because of misguided economic development principles.

I urge my colleagues to join me in supporting this measure; and I thank Chairman SENSENBRENNER, Ranking Member CONYERS, Chairman BONILLA, and Congresswoman HERSETH for their dedication to persevering and protecting property rights.

The right to own property is a fundamental right of this country, and I will do whatever I can to ensure that it is preserved.

Mr. GOODLATTE. Mr. Chairman, I yield 2½ minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I rise in support of H.R. 4128, the Private Property Rights Protection Act. The Supreme Court decision of Kelo v. City of New London is one of the most unpopular decisions ever rendered. I believe more than 90 percent of United States citizens oppose this ruling, and it may be that the other 10 percent do not fully understand it. So it has been certainly roundly denounced.

The Court states that "any property may now be taken for the benefit of another private property." So if one party has a project that will yield more tax revenue than is currently provided by a piece of property, that property may be taken. This gives local governments broad powers. This creates great concern in the Agriculture Committee, as has already been noticed. Farm and ranch land can be taken very easily because a golf course, a shopping mall, an amusement park can easily be classified as being more important as far as economic development than agricultural land. Nonprofits, such as churches, Salvation Army, Goodwill Industries, shelters, are very vulnerable. They generate little or no tax revenue. So almost any project can supersede them in this regard.

Small businesses are very vulnerable. I had a farmer athlete who played for me who had worked very hard to develop a small business in an old building, a restaurant, and a new hotel was coming into the area. The local city council was thinking about shutting him down, destroying the building, building a new hotel, which would be economic development. And this person was essentially very vulnerable. His whole life savings, his whole investment was going to be gone. So this bill would prevent that.

H.R. 4128 prevents States and local governments from receiving Federal economic development funds if they abuse their powers of eminent domain. These are important protections.

I would like to thank Chairman GOODLATTE, Chairman SENSENBRENNER, and others who have worked so hard on this bill; and certainly I urge adoption of it.

Ms. HERSETH. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I thank the gentlewoman from South Dakota for yielding me this time. It is a pleasure to work with her on this, and I appreciate the opportunity to speak on this important issue on the House floor today.

As we all know, on June 23, 2005, the Supreme Court handed down its decision in the case of Kelo v. The City of New London. In Kelo, the Court addressed the city's condemnation of private property to implement its redevelopment plan aimed at invigorating a depressed economy. By a 5–4 decision, the Court held that the condemnation satisfied the fifth amendment requirement that property condemnations be for a "public use," notwithstanding that the property, as part of the plan, might be turned over to private developers.

The Supreme Court decision was indeed a wake-up call, Mr. Chairman, for many communities; and I have heard loud and clear from my own constituents in Georgia that they are worried that their property rights are in jeopardy. Today we are going to remedy this wrongful application of the law of eminent domain and restore important property rights to private citizens. This is very important, Mr. Chairman, what we are doing today. And as a cosponsor of H.R. 4128, the Private Property Rights Protection Act, I believe that passage of this legislation will ensure that no Federal dollars will be used to unjustly take any property at the local and State levels. In addition, I will continue to support efforts to curtail the power of eminent domain in an effort to protect private property rights.

H.R. 4128 is important, and I support it because it prohibits State and local governments that receive Federal economic development funds from using eminent domain to seize land for economic development purposes, except for the construction of public facilities such as hospitals or military bases, and for use by a public utility, aqueduct, or a pipeline.

In conclusion, Mr. Chairman, the States and local governments that take lands for private development could not receive Federal economic development funds for those years. I am therefore very pleased that the House is voting on this important bill today.

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this is a rare moment of bipartisanship in Congress, and it bears some reflection as I rise in strong support of the Private Property Rights Protection Act. I think that agreement springs from our oath of office, which we take at the beginning of every Congress. It provides: "I do solemnly swear/affirm that I will support and defend the Constitution of the United States against all enemies foreign and domestic and that I will bear true faith and allegiance to same."

And I believe that is what Republicans and Democrats are doing today is bearing true faith to the Constitution, which in its fifth amendment provides that no person shall be deprived of life, liberty, or property without due process of law nor shall private property be taken for public use without just compensation.

The Private Property Rights Protection Act by virtue of its outstanding authorship, Chairman SENSENBRENNER, Chairman GOODLATTE, Chairman BONILLA, fulfills this oath of office in a profound way. In the wake of the June 2005 Kelo decision by the U.S. Supreme Court, which held that economic development could be a "public use" under the fifth amendment's takings clause, Congress and every Member of Congress, in my judgment, has a duty under that oath to support and uphold and defend the Constitution. Indeed, John Adams remarked: "The moment the idea is admitted into society that property is not as sacred as the law of God and that there is not a force of law and public justice to protect it, anarchy and tyranny commence."

As a Member of the House Agriculture Committee, I can say that the fear of development and the unbridled appetite of urban areas against rural areas makes this an especially important initiative of the Agriculture Committee and its distinguished chairman.

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In the discharge of our duty to support and defend the fifth amendment to the Constitution, I urge my colleagues very humbly, say no to Kelo, say yes to the Private Property Rights Protection Act.

Ms. HERSETH. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague for yielding me time.

Mr. Chairman, I am proud to be a cosponsor of H.R. 4128 and glad to rise in support of it.

The Private Property Rights Protection Act prohibits States and localities from using eminent domain powers for economic development purposes if the State or local governing jurisdiction received Federal economic development funds during the same year.

In the past, governments were only able to acquire property from private owners if the property was going to be used for real public use, highways, roads, schools, parks, or to eliminate that property from endangering the public. These transactions have typically not occurred when the government buys a property by the power of eminent domain from a private owner and then sells the property to a different private owner under the premise that the property would benefit the community with increased economic development.

We all support economic development, but if a community wants to do that, they need to go to that individual landowner and say, this what we want, we want to buy your property, and this is what we are going to do with it. We should not take it under the cloud of eminent domain.

The fifth amendment to the Constitution states that "private property shall not be taken for public use without just compensation." This did not seem to matter when the Kelo decision was made.

The Kelo ruling has essentially stripped the public of the constitutional right to own that property if someone thought they had a better use for it than they did. I think that is what bothers so many people on a bipartisan basis, rural, urban. The fact that a small business or home can be taken away from a private citizen simply to increase tax revenues is disturbing and shows a blatant disregard I think for the constitutional rights of our citizens.

In Texas, our State legislature has already taken steps to correct the decision, at least under State law, by passing legislation that would prohibit the local government or private entity from taking private property through eminent domain for private benefit or economic development purposes, and we should do the same, at least as much as we can do under our Federal laws.

So this bill does give us that opportunity to defend our fundamental constitutional rights of our constituents.

Mr. GOODLATTE. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX), another member of the House Agriculture Committee.

Ms. FOXX. Mr. Chairman, Chairman GOODLATTE and Chairman SENSENBRENNER are to be applauded for the excellent, prompt work they have done on this outstanding bill.

Fundamentally, this bill is truly one of the most important pieces of legislation that this Congress has or will consider. The Supreme Court's eminent domain decision contradicts the very ideals of liberty and property rights that have for 229 years defined the greatest government on earth.

Our forefathers put their lives on the line and took up arms to obtain the liberties and independence we enjoy. They left their wives and families to shed blood so their children would not be subject to British taxation, invasion of privacy and wrongful seizures of property.

The Framers of our Constitution clearly defined the rights to speak and worship freely, bear arms and hold personal property when they crafted the greatest form of government the world has ever known.

Property rights are a hallmark of what separates America from nations whose citizens live in fear of their own government. In fact, property rights and the opportunity for homeownership are principal reasons that citizens come from other nations desperately to America. However, as a result of the atrocious decision made by the Supreme Court, those exact rights became jeopardized.

As Members of Congress, we have a responsibility to uphold the Constitution and protect the rights of our constituents. We also have the responsibility to carefully monitor the actions of the judicial branch.

The bipartisan support this bill has both in Congress and in our districts loudly proclaims the widely held opposition to the Supreme Court's un-American eminent domain decision. I am proud to help ensure that such an appalling ruling will not be made again.

I hope and pray the newly appointed Supreme Court justices will never rule as irresponsibly as those five justices who supported the eminent domain decision did. We cannot let courts or local governments trample on property rights.

I urge all my colleagues to support this bill.

Ms. HERSETH. Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Ohio (Mrs. SCHMIDT), the newest Member of Congress, who is standing up on this important issue.

Mrs. SCHMIDT. Mr. Chairman, I rise today in strong support of H.R. 4128, of which I am a cosponsor, legislation to protect private property of all Americans. As my fellow Ohioan William Howard Taft, the only person to serve as President and Chief Justice of the Supreme Court, said, "Next to the right of liberty, the right of property is the most important individual right guaranteed by the Constitution."

When the Supreme Court decided in Kelo that the State and local governments can require homeowners to vacate their property to make way for commercial development, it failed property owners' rights and our Constitution.

This legislation is important to me because of residents in Norwood, Ohio. In Norwood, Ohio, these residents are suing right now saying that it misused the power of eminent domain by declaring a neighborhood was blighted and turning the property over to a private company for the development of a shopping center. The Ohio Supreme Court is taking this matter. We hope there is a better resolution than the one in Kelo.

I want to commend Chairman SENSENBRENNER and Chairman GOODLATTE for their good work and their courageous effort in this most needed legislation.

Ms. HERSETH. Mr. Chairman, let me just conclude by commenting in my remaining time on some of the testimony that we heard in Chairman POMBO's Committee on Resources, on which I also sit, about the compelling testimony of individuals, business owners, who have been victims of abuses of eminent domain for the purpose of a private-to-private transfer.

So not only have we heard these compelling stories from individuals, families who have been affected, both in cities and in the country, but we have also had good bipartisan work in drafting sessions, our legislative hearings, our markups, in the Agriculture Committee, in the Resources Committee, now the Judiciary Committee. The bill that is under consideration today, that has attempted to respond in the most effective way to a ruling, as I mentioned, that received strong disapproval from this body shortly after the Supreme Court's ruling and on which even the opinion's author and, as I understand, even another member of the court who recognized that this is something the legislatures should contend with. And that is precisely what we are doing today on the House floor.

Congress needs to take action. We need to take it immediately. Our hope is certainly that we can make this bill law in short order, because, as some of the testimony before the Resources Committee last week also indicated, certain municipalities and other local units of government moved quickly after the Supreme Court's decision in Kelo to exercise their eminent domain powers for purposes of economic development for a public purpose, public benefit, beyond the plain language of the United States Constitution that limits the eminent domain power to public use. This has been a broad trend for a number of years, culminating in the Supreme Court's decision in Kelo, that requires the action of this body.

I urge my colleagues to support final passage of this bill that is a well-crafted, careful, thoughtful attempt to address a serious problem for property owners across the country.

Mr. Chairman, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to start by thanking some people who do not always get thanked, and that is the diligent, hard-working staff of the Agriculture Committee on both sides of the aisle, the Judiciary Committee on both sides of the aisle and my congressional office staff. They worked very, very hard on what I think is a comprehensive and carefully crafted piece of legislation.

We are going to begin to entertain some amendments, and some of those amendments could have a devastating impact, a gutting effect on this legislation, and I urge my colleagues to follow that debate closely and help us defeat amendments that would open this back up to the same kind of court misinterpretation that has been a problem here.

Finally, let me say that the United States Constitution protects private property rights as a fundamental right, and we need to make sure that we respond to a Supreme Court decision that has cast private property rights in America into question by passing this important legislation today.

Mr. TIAHRT. Mr. Chairman, I am pleased the House of Representatives is again taking action to curb further abuse of eminent domain for economic development purposes. Ever since the infamous Kelo v. City of New London Supreme Court decision in June, Kansans have voiced their strong opposition to this ruling.

I agree fully with my constituents that governments should not be given the authority to transfer private land from one owner to another for economic development purposes. Securing the right of individuals to own and manage their own property is provided for in the U.S. Constitution. The Fifth Amendment states, "nor shall private property be taken for public use without just compensation."

Every constituent who talks with me about this issue strongly believes the Supreme Court went too far when it said that a government can transfer private land from one owner to another if the second owner will supposedly generate more tax revenue. The court's decision does not pass the common sense test.

The court's flawed reasoning is precisely what the original Supreme Court, warned against at its inception in 1789 when it called eminent domain a "despotic power." Unfortunately, we have been forced to respond to the 2005 Supreme Court's decision with legislation to deter future land grabs by greedy local governments.

The Private Property Rights Protection Act of 2005, H.R. 4128, would deny federal economic development assistance to any State or local government that chooses to use the power of eminent domain for economic development purposes.

I strongly support H.R. 4128 and congratulate Chairman SENSENBRENNER for his leadership on this important land-rights issue. I support the bill's passage and am hopeful the Senate will act quickly so we can get it to the President for his signature.

Americans have relied on constitutional protection against abusive land transfers from one person to another for more than two centuries. History reminds us that nations that disregard the rights associated with private property ownership disregard other fundamental rights of the citizenry.

We have recognized there are times when governments need to purchase private land to build a road or construct a school for use by the general public. Occasionally, this has to be done against a landowner's wishes. But our Founders believed only under extreme circumstances should property be taken from a land owner for the greater public good. The idea that a government would use its eminent domain power to take land from one private owner and transfer it to another land owner for economic development is an abuse of the public good definition.

H.R. 4128 will prohibit States and local governments from exercising eminent domain for economic development, or for property that is subsequently used for economic development, if the State is a recipient of Federal economic development funds that fiscal year. If a State or local government is in violation of this provision, it would be ineligible for Federal economic development assistance for 2 fiscal years following a final judgment.

Many farmers in my district have expressed particularly how harmful this court ruling could be to them if a local government wants to take their land for development. Many farms have been in the same family for generations. Under the Supreme Court's ruling, a government could forcefully take all or a portion of the family farm so more tax revenue could be generated by a developer. This scenario is a real possibility that demands the Congress take action to prevent such an unjust land grab.

The same situation could arise for a house of worship or other non-profit organization. Entities that do not generate tax revenue are particularly vulnerable to land grabs by governments interested in generating more tax dollars.

Small businesses are also in support of this bill because it protects their property from being handed over to a larger company, or even a competitor. Small shop owners that may be struggling to survive would be an easy target for a local government. It is important we pass legislation that helps protect small businesses. H.R. 4128 does just that by alleviating the threat a local body could pose to small businesses when it comes to supposed economic development.

I look forward to seeing this bill passed and signed into law. Support for this bill is support for home owners, small businesses, farmers, ranchers, houses of worship and anyone who believes in private property rights.

Ms. WOOLSEY. Mr. Chairman, today the House passed H.R. 4128, a bill that makes states and local governments ineligible for Federal economic development funds for 2 years if they exercise eminent domain in the name of economic development.

Protecting the rights of individual property owners is of the utmost importance. However, there are certain circumstances when the best interest of a town is served by the responsible use of eminent domain. As a former City Council Member, I know how effective this tool can be when it is used judiciously. In my State of California there are restrictions on local governments' use of eminent domain to ensure that situations like that of Kelo v. City of New London do not happen.

We have to trust local authorities to use this power responsibly and respectfully and only when it truly benefits the community at large and when property owners are fairly compensated. By restricting the use of eminent domain, we take away our local governments' ability to serve and improve their jurisdictions. As the leaders of our neighborhoods and towns, we must trust they know best how to use the resources and assets that are available.

Mr. Chairman, by restricting the use of eminent domain we have in fact impeded our local governments' ability to make necessary progress.

Mr. BLUMENAUER. Mr. Chairman, the Supreme Court Ruling in Kelo v New London sparked many fears among citizens that their property was at risk of being taken away by the government. These fears, however, are unwarranted and stem from a fundamental misunderstanding of eminent domain.

Eminent domain is a power granted local governments by the Fifth Amendment. The Supreme Court decision in no way precluded the rights of States to place further restrictions on eminent domain and to more narrowly define public use. The court leaves these rights to local officials and citizens for public debate. In my experience as a local elected official, eminent domain was the absolute last resort, but it was an important tool to have if was absolutely necessary.

In the discussion on the House floor today, my colleagues failed to recognize the many benefits we experience thanks to eminent domain. Twenty years ago, Times Square was a notoriously dangerous neighborhood in New York City. Eminent domain was used to take 13 acres of land, condemning 56 lots and moving 404 tenants. The public-private redevelopment included a highly successful mixture of for-profit and non-profit theaters, retail facilities, hotels, and office buildings. What was once a blighted, unsafe neighborhood is now a safe and vibrant city center.

Connecting the U.S. Capitol and the White House, Pennsylvania Avenue is one of this country's most important thoroughfares. Fifty years ago, however, it was a street bordered by many problematic land uses and buildings that significantly detracted from its role in the life of Washington, D.C. and America. In 1972, Congress created the Pennsylvania A venue Development Corporation, which in turn exercised the power of eminent domain to revitalize this important avenue of American life.

This bill is a hasty political response to a narrow Supreme Court decision. I am concerned that it is overly broad and will have many unintended consequences for our States and communities and hamper their ability to build safer, healthier and economically secure neighborhoods. I urge my colleagues to defeat this bill and allow local governments to reform eminent domain laws in manners consistent with their communities' needs.

Miss McMORRIS. Mr. Chairman, I rise today to offer my support of H.R. 4128 the Private Property Rights Protection Act of 2005.

I am pleased the House of Representatives recognizes the importance of protecting private property rights, and clarifying legitimate takings by the Federal Government and discouraging takings for private development.

Without a doubt, I am a strong defender of private property rights. Uncompensated regulatory takings of private property have become an immense problem across our Nation. As Federal, State, and local regulations have increased in number and scope, property owners have increasingly found themselves unable to use their property and unable to recover the losses that result.

In Kelo v. City of New London, decided June 23, 2005, the Supreme Court ruled 5–4 that the city's condemnation of private property, to implement its area redevelopment plan aimed at invigorating a depressed economy, was a "public use" satisfying the U.S. Constitution—even though the property might be turned over to private developers. The majority opinion was grounded on Supreme Court decisions holding that "public use" must be read broadly to mean "for a public purpose."

This decision does not take into sufficient account the distinction between projects where economic development is only an instrumental or secondary aspect of the project, and those where economic development is the primary interest. I am concerned by this decision.

Our founding fathers believed so much in the sanctity and importance of private property that they felt it needed to be protected in the Constitution. However, due to the recent ruling, government officials can confiscate private property if they simply argue the local community will receive an economic benefit to do so. In fact, the Institute for Justice estimates that over 10,000 homes nationwide are in danger of being destroyed by aggressive local governments. Now officials can seize the homes of private citizens to generate more tax income to fuel big government spending programs.

Justice O'Connor had it right when she stated, "under the banner of economic development, all private property is now vulnerable to being taken and transferred to another private owner, so long as it might be upgraded—given to an owner who will use it in a way that the legislature deems more beneficial to the public—in the process."

Property rights are civil rights. There can be no individual freedom without the power of an individual to control their own autonomy through the free use of their own property. The Supreme Court's decision poses an immediate threat to that essential freedom, and the most likely victims will be the most vulnerable in our society if Congress does not act.

Mr. RUPPERSBERGER. Mr. Chairman, I rise today in support of this bill, H.R. 4128.

What we witnessed as a result of the Supreme Court's ruling in Kelo vs. City of New London was unfortunate.

I know that all across the country local governments are looking for ways to revitalize their communities. I believe these efforts are important and necessary to help their neighborhoods and families thrive, however, I believe that the City of New London acted inappropriately.

The Supreme Court's ruling in the case went too far and made governments' eminent domain powers too broad.

I am extremely concerned with the apparent disregard by a majority of the Supreme Court regarding the purpose of the Takings Clause under the Fifth Amendment. The Kelo ruling would allow the taking of private property for the benefit of another private entity.

When I was County Executive I put forward a plan to use eminent domain for the purpose of public safety although there were private entities that would have benefited. My goal was to revitalize a deteriorating community and I felt that eminent domain was a tool I needed to address revitalization of an area with high levels of poverty and a high crime rate.

As a consequence of the public debate on that experience, I have come to better appreciate the severity of the government intervening to benefit one private entity to the detriment of another private entity. I believe that using eminent domain to take private property should only be used in situations where there is an overwhelming public benefit such as roads, schools, hospitals, and public safety needs. I understand this legislation as preventing the use of eminent domain for economic development and that any use of eminent domain for the purposes of public safety is still permitted.

By prohibiting the Federal Government from using strictly economic development as a justification for condemnation of private property; and by prohibiting States and local governments that receive Federal economic development funds from taking private property for strictly economic development purposes, the supporters of this legislation hope to prevent another New London.

This legislation would not prevent the Federal, State or local governments from exercising eminent domain for public facilities or other uses defined as public use.

It is vital that we protect the property rights of all Americans from arbitrary application of eminent domain by passing this legislation.

I urge my colleagues to support the bill.

Mr. MURPHY. Mr. Chairman, the Private Property Rights Protection Act would hopefully, once and for all, prohibit Federal, State and local use of eminent domain to take private property for economic development.

The Fourteenth Amendment's due process clause gives eminent domain authority to States and localities if seizing property for a "public use." However, in the Kelo decision, the Supreme Court ruled that New London, Connecticut's redevelopment plan was constitutional and, in fact, for a "public use"—largely ignoring the reality that the property, as part of the plan, would be turned over to private developers.

The Fourteenth Amendment also contains what's known as the equal protection clause, which states: "No State shall make or enforce any law which shall . . . deny to any person within its jurisdiction the equal protection of the laws." But the Kelo ruling deliberately declares that heretofor, certain persons and their property will in fact be protected UNequally. Or, in the case of Kelo, not at all.

In addition to prohibiting any level of government from using economic development as a reason for exercising its power of eminent domain, H.R. 4128 would also provide assurances that those who are victimized by eminent domain property seizures will get their day in court. Eminent domain victims suffering injuries from a violation of the protections in H.R. 4128 will be allowed access to State or Federal court to enforce its provisions.

Mr. Chairman, the home ownership rate is at the highest level in our Nation's history. Owning one's home and property is the cornerstone of the American Dream. The Kelo decision sets a precedent that can turn the American Dream into a nightmare for victims of eminent domain.

I salute Chairman SENSENBRENNER and Chairman SMITH of the Judiciary Committee and Chairman GOODLATTE of the Agriculture Committee for developing this strong, bipartisan legislative defense of private citizens. I am proud to cosponsor the legislation, and urge all Members to support this prudent bill.

Mr. STARK. Mr. Chairman, I rise in opposition to H.R. 4128, which bars local governments from using eminent domain for economic development.

The urban renewal of the last decade has benefited every part of the country and many cities in the 13th Congressional District. The very purpose of government is to make tough decisions that benefit the community, and I cannot support Congress taking away this essential government function.

This bill would also extend the Federal Government ever further into matters in which it doesn't belong—in this case—real estate planning and development. City councils are elected and empowered to make the difficult choice when private property should be utilized for the good of the community. Congress cannot and should not tie the hands of locally elected leaders to do what they believe is in the best interest of their communities. If those local officials make the wrong choices, voters will no doubt respond.

Mr. LEVIN. Mr. Chairman, the bill before the House today is a good example of a legislative cure that is worse than the underlying disease.

I want to say at the outset that there have been some very questionable uses of eminent domain. The fifth amendment to the Constitution clearly states that private property may not be taken except for public use, and then only after just compensation has been paid to the property owner. In many cases, the use of eminent domain is justified, but it is invariably controversial. I remember the controversy that attended the construction of the Walter Reuther Freeway in my home State during the 1960s and 1970s. Some communities were furious over the project, but there was no doubt in anyone's mind that the road served a clear public use.

Other uses of eminent domain are much more questionable. In Washington, as in so many other cities, a decision has been made to spend hundreds of millions of taxpayer dollars to build a new stadium for the benefit of Major League Baseball and the future owner of the Washington Nationals. Indeed, the District Government filed court papers the other day to seize $84 million worth of property from its current owners. Are stadium deals like this a legitimate public use? Evidently, they must be since the legislation before the House contains an exception that would seem to allow the use of eminent domain to build such facilities.

While lucrative stadium deals apparently enjoy protection under this bill, there is a blanket prohibition placed on the use of eminent domain for economic development purposes. States and localities that take land for private, for-profit projects or those designed to increase the tax base or employment stand to lose all their Federal economic development funding for 2 years. The penalty would extend to all economic development funds, even those going to meritorious projects that do not use eminent domain. The language of this legislation is so broadly written, and the penalties are so severe, that it will tie our cities and States in knots. Any use of eminent domain could conceivably trigger the overly broad penalties contained in this legislation. The potential liability facing cities and States that use eminent domain is open-ended and could extend for years or even decades into the future.

Land use planning is primarily a State and local function. Members of Congress frequently pay lip service to States' rights and local control, but this bill would overrule the limitations that many States have placed on eminent domain and land transfers to private entities for economic development purposes. In the case of my own State, in 2004, the Michigan Supreme Court limited the use of eminent domain by narrowly interpreting the State constitution's takings clause in County of Wayne v. Hathcock.

There is a lot of room for improvement in the use of eminent domain. Unfortunately, the legislation before the House is an unreasonable and unworkable solution.

Mr. ORTIZ. Mr. Chairman, I rise today is support of the Private Property Rights Protection Act of 2005. I was disturbed—as were so many Americans—both by the decision of a local Connecticut community to seize private property for area economic development and the Supreme Court's upholding their right to do so.

While I believe our Constitution allows for State and local governments to execute the power of eminent domain for those purposes that specifically serve the public good, condemning property solely to implement economic development plans is not serving the public good. Private property rights matter in this country, and violating those rights insults a very basic tenet of American fairness. For my constituents, owning a home is the culmination of many years of hard work and the realization of the American Dream. At no time should a local entity take those years of hard work solely to increase their tax revenue.

I am proud to support this bipartisan legislation.

Mr. MENENDEZ. Mr. Chairman, the Constitution and the fifth amendment allows the government to use "eminent domain" to condemn and take private property only if the owner receives "just compensation" and only if the property is taken for "public use." Common sense and Supreme Court decisions tell us that public uses are schools, roads, parks, railways, hospitals, and military bases. That is something that we all know and realize.

Unfortunately, earlier this year, in Kelo v. City of New London, the Supreme Court empowered the government to seize private property, including someone's own home, and transfer it to another private owner as long as the transfer would provide an economic benefit to the community.

The hope of one day owning a home is the backbone of the American Dream. The house is the single most important purchase most Americans will ever make. The average family invests more in their homes than they invest in the stock market, the money market, or their retirement savings plans. There's a good reason for that. Housing has been a safe, leveraged investment, and one of the best investments one can make.

That is why government must not have a green light to seize our homes just because it believes it would be more profitable as something else. While eminent domain has been used successfully throughout our history to advance important public projects, it should never be manipulated to solely support the interests of private developers.

Increasingly, local governments are exploiting eminent domain powers to take property for retail, office or residential development. In my State of New Jersey, some localities have abused eminent domain so that beachfront homes can be replaced by luxury townhouses and condominiums.

That is why I support H.R. 4128, the Private Property Rights Protection Act. This legislation would deny States and localities from receiving any Federal economic development funds if they abuse their eminent domain power. H.R. 4128 also bars the Federal Government from exercising eminent domain for economic development.

Mr. Chairman, over 200 years ago, James Madison said that "Government is instituted to protect property of every sort . . . This being the end of government, that alone is a just government which impartially secures to every man, whatever is his own."

That is why this bill is so needed. I urge my colleagues to support H.R. 4128 to not only protect homeowners, but to also ensure that homeownership remains the hallmark of American life.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today sharing the concerns of my colleagues about the dangerous expansion of the eminent domain power and the Supreme Court's decision in Kelo v. City of New London. I firmly believe there need to be safeguards against the excessive and unfair use of the government's eminent domain power. Governors and State legislators across the country, including those in my home State of Connecticut, are currently grappling with this important issue. As a former State legislator, I understand that these issues are best reviewed and addressed at the local level. The Federal approach is overly broad and although well intentioned, falls short of protecting the communities it purports to protect.

Let me make my position clear, private property is one of the most fundamental rights our founding fathers safeguarded in the Constitution. Property rights deserve the utmost protection from governmental intrusion. As a lifelong resident of Connecticut, I am saddened by the Supreme Court's decision in the Kelo case and like many in Connecticut and across the country, feel vulnerable to the potential abuse of eminent domain authority. However, I do not feel this bill brings justice to communities or comprehensively secures property rights from the misuse of the local and State government taking authority.

By attempting to narrow the scope of eminent domain through broad and vague terms, Congress is assuming to identify what does and does not constitute a local public need—a job historically left to our towns, cities and States. These local municipalities would risk losing much-needed economic development funds should they exercise eminent domain authority that goes outside the ambiguous Federal standard set in this bill. Unfortunately, the people most affected by this punitive measure are not the local and city governments making the decisions or the ones at the bargaining table, it is individuals and families living in communities throughout the city, in neighborhoods that depend on federally funded economic development projects for decent housing and livable communities. These are the ones who will truly be penalized by this bill.

Eminent domain is a careful balance of protecting private rights and local public needs. This bill is not yet there. Because of the work still ahead of us, I am voting against this legislation today in the hope that these issues will continue to be addressed during conference with the Senate and that it will work to clarify these remaining questions.

Mr. UDALL of Colorado. Mr. Chairman, I will vote for this legislation.

The bill responds to the decision of the U.S. Supreme Court in the case of Kelo et al. v. New London et al., a case that involved the question of the scope of a local government's authority to use the power of eminent domain, and in particular whether local governments may condemn private houses in order to use the land for uses that are primarily commercial.

Earlier this year, I voted for a resolution expressing disapproval of that decision. I did so because it is my strong view that, as the resolution stated, "State and local governments should only execute the power of eminent domain for those purposes that serve the public good . . . [and that for them to do otherwise] constitutes an abuse of government power and an usurpation of the individual property rights as defined in the fifth amendment."

In voting for that resolution, I also noted my endorsement of its statement that "Congress maintains the prerogative and reserves the right to address through legislation any abuses of eminent domain by State and local government."

That is the purpose of this legislation.

The bill prohibits Federal agencies from using the power of eminent domain for the kind of economic development project that was involved in the Kelo case. It also would deny Federal economic development assistance to any State or local entity that uses its eminent domain authority in that way.

Specifically, the bill would penalize any State or local government that takes private property and conveys or leases it to another private entity, either for a commercial purpose or to generate additional taxes, employment, or general economic health. A State or local government found to have violated this prohibition would be ineligible for certain Federal economic development funds for 2 years, but could become eligible by returning or replacing the property.

The bill also would give private property owners the right to bring legal actions seeking enforcement of these provisions and would waive States' immunity to such suits.

This is strong medicine, but I think the prescription is appropriate.

I found persuasive the views of Justice O'Conner who, dissenting in the Kelo case, warned that the decision could make more likely that eminent domain would be used in a reverse Robin Hood fashion—taking from the poor, giving to the rich—and that "The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms."

The bill is intended to make this less likely.

It does not do so by attempting to replace State and local authority with Federal law. I do not think the Constitution gives us that power, and it would not be right to do it even if we could.

Instead, it would require the States and local governments to decide whether they are prepared to sacrifice certain Federal assistance for 2 years as the price for exercising their authority in ways covered by the bill.

It is important to note that the bill would apply only to cases involving the taking of private property, without the consent of the owner, in order to conveyor or lease it to another private person or entity for commercial enterprise carried on for profit, or to increase tax revenue, tax base, employment, or general economic health.

Thus, the bill would not apply to the types of takings that have traditionally been considered appropriate public uses, and it also includes exceptions for the transfer of property to public ownership, to common carriers and public utilities, and for related things like pipelines. It includes exceptions for the taking of land that is being used in a way that constitutes an immediate threat to public health and safety and makes exceptions for incidental use of a public property by a private entity—such as a retail establishment on the ground floor in a public property; for the acquisition of abandoned property; and for clearing defective chains of title.

During the debate on the resolution about the Kelo decision, I noted that the States, through their legislatures or in some cases by direct popular vote, can put limits on the use of eminent domain by their local governments and that I thought this would be the best way to address potential abuses.

That is still my view, and I think the view of many Coloradans. Already, members of our State's legislature are acting to curb potential abuses in the use of the eminent domain power—an effort I support—and some have suggested that as a result there is no need for this bill.

I think there is some merit to that argument, and I have given careful consideration to the points made by some of its most thoughtful and respected proponents, such as Sam Mamet of the Colorado Municipal League, who are concerned about the potential that Congress could put unnecessary constraints on the ability of local governments to address the needs of our communities.

However, after careful consideration, I have concluded that Congress should act to provide an effective deterrent to abuse of eminent domain, while still allowing its use in appropriate circumstances. And I think this bill, while certainly not perfect, does strike a fair balance and deserves to be supported.

Mr. HEFLEY. Mr. Chairman, this bill attempts to right a great wrong.

The Supreme Court's June 23 ruling in the case of Kelo v. the City of New London struck at the heart of American liberties, effectively eliminating the pursuit of happiness or property as a basic unalienable right.

I think events since then have proven that the Court was wrong, at least in the eyes of the American people.

According the Institute for Justice, eminent domain reform legislation will be considered in 35 states over the next year.

Justice John Paul Stevens, who wrote an opinion in favor of the Kelo decision, recently said he was troubled by the policy implications of the ruling and that, if he were a legislator, he would work to change it.

And, in a final stroke of justice, New London City Council recently fired the New London Development Corporation that was at the heart of the Kelo case. Unfortunately, this action came after $73 million in public dollars were spent and after it had razed virtually the entire Fort Trumbull neighborhood.

Akhil Reed Amar, a Yale law professor and author of the book America's Constitution, recently observed that the Supreme Court's exalted status as the infallible interpreter of the Constitution is a fairly recent phenomenon and that the Court has been proven wrong before. He pointed to the Dred Scott decision as one example.

This is another.

And when the Supreme Court is wrong, it is the duty of this body, the Congress, to correct it.

This bill goes a long way toward doing that. I'd like to see it go further. Because while I am a supporter of States' rights, I do not know whether individual States have the right to abrogate basic freedoms.

But I'll settle for this. We all took an oath to defend the Constitution and that's what this bill tries to do. Therefore, I urge its support.

Mr. WELDON of Florida. Mr. Chairman, I rise today in strong support of H.R. 4128, legislation to address the U.S. Supreme Court's June 23, 2005, decision in Kelo v. City of New London. This ruling by the Court deeply concerns me, and that is why I rise in strong support of this bill.

It has long been established that the United States may invoke its power of eminent domain to take private property if it is for "public use." However, in its Kelo decision, the U.S. Supreme Court has broken dangerous, new ground by redefining public use. Under Kelo, no longer is the government limited in its acquisition of private property to the creation of roads, military bases, parks, and so forth. Instead, the takings clause has been reinterpreted to allow a government to seize private property from one individual and give it to another private individual, if the local government deems that such condemnation and transfer of property serves a public purpose.

The result of such a decision played out to its logical extreme was seen days after the ruling, when Logan Clements took initial steps to seize the Weare, NH, home of Supreme Court Justice David Souter. On that site, he hoped to build "The Lost Liberty Hotel," which would leave copies of Ayn Rand's Atlas Shrugged in each room, and have a museum exhibit on the loss of freedom in America.

While this may have been done more to make a point than with serious intent or concern for the economic development of Weare, NH, it does illustrate the dangers of the Kelo decision. There is nothing to prevent a local planning board from seizing homes, businesses, churches, or other property if, in the opinions of some, a more economically productive purpose for that land may be pursued. Private property rights are drastically eroded by Kelo and they must be restored.

Government should not be permitted to take property from one individual and give it to another. Thanks to the precedent of Kelo, the private property guarantee the Founders placed in the U.S. Constitution is no more. Legislation, like H.R. 4128, is needed to preserve the right to own private property, and I encourage my colleagues to vote for this bill.

Mr. SENSENBRENNER. Mr. Chairman, I submit the following jurisdictional letters of exchange for inclusion in the CONGRESSIONAL RECORD during floor consideration of H.R. 4128, the "Private Property Rights Protection Act."

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, November 2, 2005.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: I understand that you will shortly bring H.R. 4128, as amended, the Private Property Rights Protection Act of 2005, to the House floor. This legislation contains provisions that fall within the jurisdiction of the Committee on Energy and Commerce.

I recognize your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a referral. By agreeing to waive its consideration of the bill, however, the Energy and Commerce Committee does not waive its jurisdiction over H.R. 4128. In addition, the Energy and Commerce Committee reserves its right to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this or similar legislation. I ask for your commitment to support any request by the Energy and Commerce Committee for conferees on H.R. 4128 or similar legislation.

I request that you include this letter in the Congressional Record during consideration of H.R. 4128. Thank you for your attention to these matters.

Sincerely,

JOE BARTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 2, 2005.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BARTON: Thank you for your recent letter concerning the Committee on Energy and Commerce's jurisdictional interest in H.R. 4128, the "Private Property Rights Protection Act." This legislation was introduced on October 25, 2005, and referred solely to the Committee on the Judiciary. The Committee on the Judiciary conducted a mark up and ordered the bill reported on October 27, 2005. I appreciate your willingness to waive further consideration of H.R. 4128 to expedite consideration of the legislation, and acknowledge the Committee on Energy and Commerce's jurisdictional interest in the legislation.

I agree that by foregoing consideration of H.R. 4128, the Committee on Energy and Commerce does not waive any jurisdiction it may have had over subject matter contained in this legislation. In addition, I agree to support representation from the Committee on Energy and Commerce for provisions of H.R. 4128 determined to be within its jurisdiction in the event of a House-Senate conference on the legislation.

Finally, as requested, I will include a copy of your letter and this response in the Congressional Record during floor consideration of this legislation.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, October 28, 2005.

Hon. JAMES SENSENBRENNER,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Congratulations on your successful markup of H.R. 4128, the Private Property Rights Protection Act of 2005. As you are aware, I have been a vocal advocate for the protection of private property since coming to Congress 13 years ago. You should be commended for your leadership in marshaling this important private property rights legislation through your committee.

I have reviewed the legislation and discovered provisions that are within the jurisdiction of the Committee on Resources. Because of the importance of moving this legislation to the floor quickly, I will not seek a sequential referral of H.R. 4128 based on their inclusion in the bill. Of course, this waiver does not prejudice any future jurisdictional claims over these provisions or similar language. I also reserve the right to seek to have conferees named from the Committee on Resources on these provisions, should a conference on H.R. 4128 or a similar measure become necessary.

Once again, it has been a pleasure to work with you and your staff. I look forward to seeing H.R. 4128 enacted soon.

Sincerely,

RICHARD W. POMBO,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 2, 2005.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN POMBO: Thank you for your recent letter concerning the Committee on Resource's jurisdictional interest in H.R. 4128, the "Private Property Rights Protection Act." This legislation was introduced on October 25, 2005, and referred solely to the Committee on the Judiciary. The Committee on the Judiciary conducted a mark up and ordered the bill reported on October 27, 2005. I appreciate your willingness to waive further consideration of H.R. 4128 to expedite consideration of the legislation, and acknowledge the Committee on Resources' jurisdictional interest in the legislation.

I agree that by foregoing consideration of H.R. 4128, the Committee on Resources does not waive any jurisdiction it may have had over subject matter contained in this or similar legislation. In addition, I agree to support representation from the Committee on Resources for provisions of H.R. 4128 determined to be within its jurisdiction in the event of a House-Senate conference on the legislation.

Finally, as requested, I will include a copy of your letter and this response in the Congressional Record during floor consideration of this legislation.

Sincerely,

F. JAMES SENSENBRENNER, JR.,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, November 3, 2005.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, Rayburn Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Transportation and Infrastructure Committee in matters being considered in H.R. 4128, the Private Property Rights Protection Act of 2005.

Our Committee recognizes the importance of H.R. 4128 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over certain provisions of the bill, I will agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Transportation and Infrastructure Committee, and that a copy of this letter and of your response acknowledging our valid jurisdictional interest will be included in the Congressional Record when the bill is considered on the House Floor.

The Committee on Transportation and Infrastructure also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House Senate conference.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 3, 2005.

Hon. DON YOUNG,
Chairman, Committee on Transportation, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: Thank you for your recent letter concerning the Committee on Transportation's jurisdictional interest in H.R. 4128, the "Private Property Rights Protection Act." This legislation was introduced on October 25, 2005, and referred solely to the Committee on the Judiciary. The Committee on the Judiciary conducted a mark up and ordered the bill reported on October 27, 2005. I appreciate your willingness to waive further consideration of H.R. 4128 to expedite consideration of the legislation, and acknowledge the Committee on Transportation's jurisdictional interest in the legislation.

I agree that by foregoing consideration of H.R. 4128, the Committee on Transportation does not waive any jurisdiction it may have had over subject matter contained in this legislation. In addition, I agree to support representation from the Committee on

Transportation for provisions of H.R. 4128 determined to be within its jurisdiction in the event of a House-Senate conference on the legislation.

Finally, as requested, I will include a copy of your letter and this response in the CONGRESSIONAL RECORD during floor consideration of this legislation.

Sincerely,
F. JAMES SENSENBRENNER, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, November 1, 2005.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: On October 27, 2005, the Committee on the Judiciary ordered reported H.R. 4128, the Private Property Rights Protection Act. This bill protects private property rights by prohibiting eminent domain abuse by States or the Federal Government through limiting the use of "Federal economic development funds." This term is broadly defined in the bill to mean any Federal funds designed "to improve or increase the size of the economies of States or political subdivisions of States." This bill will be considered by the House shortly, and I want to confirm our mutual understanding with respect to consideration of this bill.

Under rule X of the Rules of the House of Representatives, the Committee on Financial Services has jurisdiction over legislation involving financial aid to commerce and industry as well as urban development. This jurisdiction has been exercised in a number of ways. The term Federal economic development funds as defined in this bill would apply to a number of programs developed by this Committee. For example, these programs would include Community Development Block Grants, Brownfields Economic Development Initiative, Economic Development Initiative, Renewal Communities, Empowerment Zones and Enterprise' Communities and the Section 3 Program of the Housing and Urban Development Act of 1968. The term would also apply to the Economic Development Administration, Delta Regional Authority and the Appalachian Regional Commission. Had time permitted, this Committee would have asked for, and likely would have received, a sequential referral of the bill. However, given the desire to expedite consideration of the bill, I will forego making that request. I do so with the understanding that this will not prejudice the Committee on Financial Services with respect to its prerogatives on this or similar legislation. I further request that you support appropriate representation from this Committee in the event of a House-Senate conference.

I will conclude by requesting that you place a copy of this letter and your response in the CONGRESSIONAL RECORD during consideration of the bill. Thank you for your assistance.

Yours truly,
MICHAEL G. OXLEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 2, 2005.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Resources, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OXLEY: Thank you for your recent letter concerning the Committee on Financial Service's jurisdictional interest in H.R. 4128, the "Private Property Rights Protection Act." This legislation was introduced on October 25, 2005, and referred solely to the Committee on the Judiciary. The Committee on the Judiciary conducted a mark up and ordered the bill reported on October 27, 2005. I appreciate your willingness to waive further consideration of H.R. 4128 to expedite consideration of the legislation, and acknowledge the Committee on Financial Service's jurisdictional interest in the legislation.

I agree that by foregoing consideration of H.R. 4128, the Committee on Financial Services does not waive any jurisdiction it may have had over subject matter contained in this or similar legislation. In addition, I agree to support representation from the Committee on Financial Services for provisions of H.R. 4128 determined to be within its jurisdiction in the event of a House-Senate conference on the legislation.

Finally, as requested, I will include a copy of your letter and this response in the CONGRESSIONAL RECORD during floor consideration of this legislation.

Sincerely,
F. JAMES SENSENBRENNER, Jr.,
Chairman.

Mr. CANNON. Mr. Chairman, I rise today in support of H.R. 4128, legislation that would prohibit State and local governments that exercise eminent domain for economic development purposes from receiving federal funds.

John Adams once said "Property must be secured or liberty cannot exist." I join my colleagues in taking action to secure private property rights.

The recent Supreme Court decision Kelo v City of New London eviscerated one of our most fundamental constitutional rights. This case dealt a serious blow to property rights and it is incumbent upon Congress, a co-equal branch of government, to remedy this erroneous decision.

Eminent domain, or the "despotic power," as Justice William Patterson called it in 1795, is the power to force citizens from their homes and small businesses. The Members of the Constitutional Convention were cognizant to the possibility of abuse and that's why the Fifth Amendment provides the simple restriction and remedy: "nor shall private property be taken for public use, without just compensation."

The expansion of eminent domain began with the urban renewal movement in the 1950's and it continues today. A recent study by the Institute for Justice found nearly 10,000 cases from 1998 to 2002 of local governments in over 40 States using or threatening to use eminent domain to transfer home and properties from one private owner to another.

Simply put, this abuse has to stop!

Three months prior to the Kelo decision, lawmakers in my home state of Utah passed Senate Bill 184, preventing the exercise of eminent domain authority by redevelopment agencies, which otherwise has the power to transfer land from one private entity to another.

This legislation effectively took the matter out of the courts by placing a higher value on the private property rights of individuals than a city's desire to increase tax revenues.

Just as this legislation served as a wake-up call to redevelopment agencies throughout Utah, I believe the Kelo decision woke America up to the fact that over time, our property rights have quietly been eroded like a stream of water slowly erodes its bank. Fortunately, this erosion has not gone unnoticed by westerners or those they've sent to Washington to represent them.

Private property rights have long been held close to the heart by families and landowners in the Western United States and for good reason. Their farms and ranches have been their livelihood and part of our national heritage since the frontier was closed and the West was settled.

Today many westerners not only have to fight for their economic survival but also have to worry whether their property will be around for them to pass on to future generations. The Federal Government owns more than 50 percent of all land in the West and the population continues to grow.

I am Chairman of the Congressional Western Caucus, and one of our core principles is "the necessity to protect private property." It is the Caucus' position that property rights are the foundation of a free society; that landowners should be compensated when their land is taken or when regulations deprive them of the use of their property.

In H.R. 4128, Chairman SENSENBRENNER and the Committee have produced a bill that represents an important step towards revitalizing basic property rights in this country.

I also believe there is more that can be done to help stem the long-term trend away from property right protections. I, along with my western colleagues, plan to introduce a broad, comprehensive piece of property rights legislation in the near future that will restore much of what has been lost. We believe this bill, in addition to H.R. 4128, will help breathe life into the property rights movement.

The property rights issue is not a class issue. It's not a partisan issue. It's an issue that concerns every property owner in the United States. As Justice Sandra Day O'Conner said in her dissent, "The specter of condemnation hangs over all property, nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory."

I urge my colleagues to join with me in supporting H.R. 4128 to prevent further abuse of government power.

Mr. KIND. Mr. Chairman, I rise in support of the Eminent Domain Property Act offered by my colleague from Wisconsin, Chairman SENSENBRENNER. This bipartisan-supported bill was introduced in response to the Supreme Court's 5–4 decision in Kelo vs. City of New London, which condoned the use of eminent domain to take private property and transfer it to another private entity for the stated purpose of economic development.

Mr. Chairman, the Kelo decision put homeowners, small business owners, and farmers all across the country at risk of losing their property to this expansion of the government's eminent domain powers.

The Fifth Amendment of the U.S. Constitution allows local government to use eminent domain powers to condemn private property. The only requirement is that owners are given "just compensation" and that the land in question goes to a "public use." Traditionally, the "public use" requirement in eminent domain cases allowed the local government to condemn property to build railroads, or bridges, or highways. But in a 1954 case, Berman v. Parker, the Supreme Court found that "public use" could include condemning blighted neighborhoods to build better ones as a means to raise more tax revenue. But, whereas the Berman case was predicated on the property being 'blighted,' the Kelo decision goes further down the slippery slope and rests solely on whether the condemnation would improve tax revenues.

I would assert, as Justice Scalia did in the Kelo case, that any conceivable commercial development that replaces a church, house, or farm will produce more tax revenue, and that once condemned land is passed off to private developers, it is no longer going to "public use." That is why I strongly believe Congress must act to limit States' eminent domain actions if the only requirement is that the proposed project improves the tax base.

The Eminent Domain Property Act of 2005 will prohibit the Federal Government from using eminent domain for private economic development and also prohibits States from using eminent domain for private economic development if the State receives any Federal economic development funding. A violation by any State will result with the State being ineligible for a Federal economic development for two years. By denying municipalities all Federal development funds when they abuse their eminent domain authority, H.R. 4128 provides a strong economic disincentive to prevent municipalities and local governments from taking private property for the purpose of private economic development.

Lastly, Mr. Chairman, my district in western Wisconsin is largely rural and dependent on the agricultural economy of its many small family farmers. As the sense of Congress portion of this legislation points out, the unfortunate truth is that agricultural lands are particularly vulnerable to the abuse of eminent domain power. Agricultural lands tend to have a lower fair market value than surrounding commercial and residential properties, making them a prime target for growing communities.

It is hard enough, for our struggling farmers who are facing softening commodity prices and weather related disasters, to also have to contend with losing their way of life so that others can have yet another shopping mall.

Mr. Chairman, I commend my colleague, Chairman SENSENBRENNER on crafting this bipartisan legislation and I urge it's adoption and support.

Mr. COSTELLO. Mr. Chairman, today I rise in strong support of H.R. 4128, the Private Property Rights Protection Act. The bill is in response to the recent Supreme Court decision, Kelo v. City of New London, which condoned the use of eminent domain to take private property and transfer it to another private entity for the stated purpose of economic development. This decision puts all property owners at risk. In rural communities and in urban communities, our livelihood is deeply tied to the land and our belief in private property rights runs strong and deep. Landowners should not be vulnerable to the whims of a government that decides to take their land away.

I am opposed to the ruling because it threatens to make all private property subject to the highest bidder. In response to the Supreme Court decision, I am pleased to lend my support to this legislation because it protects Americans' constitutional rights and punishes those who abuse those rights.

The bill does not change state law, nor does it affect the traditional use of eminent domain for the construction of roads, military bases, hospitals, or other truly public uses. Rather, H.R. 4128 provides an effective deterrent against states using their eminent domain authority for private economic development and I urge my colleagues to support its passage.

Mr. POMBO. Mr. Chairman, H.R. 4128, the "Private Property Rights Protection Act" is a timely response to the horrendous Kelo decision. I am supportive of this bill and call for its expedited passage. I want to thank Chairman SENSENBRENNER for his leadership on this issue and look forward to working with him and others to see this bill as it moves through the House and Senate.

Property rights are the heart of the individual freedom and the foundation for all other civil rights guaranteed to Americans by the Constitution. Without the freedom to acquire, possess and defend property, all other guaranteed rights are merely words on a page.

The Fifth Amendment holds that private property shall not be taken by the government for public use without compensation. These safeguards have been under assault for decades and until now, the typical victims were family farmers and ranchers in the West.

The Supreme Court's decision in the Kelo v. City of New London case to allow local governments to declare eminent domain in this case goes beyond compensation; it wholly perverts the intent of public use, and in so doing, may turn the American dream of home ownership into a nightmare. It has delivered the property rights assault from rural America right to the doorsteps of suburbia.

In New London, Connecticut, city planners essentially decided that evicting 15 homeowners from their homes was in the "greater good" as a "public use" for an office park and new condos. But the public, to be directly served in this case, was a private corporation. Whether they were newly wed couples in their first home or life-long residents who owned their homes outright, whether it is farmers and ranchers which have been on their land for generations or urban and suburban communities with the promise of fellowship, this appalling behavior cannot be tolerated any more. The Supreme Court's decision to allow local government to declare eminent domain turns the Fifth Amendment on its head. However, we cannot forget about rural America. Rural America has been fighting this fight for decades and deserves praise for their unshakable stance on protecting private property.

No longer will public use correctly be defined as a road, bridge, or hospital. Now it can be defined as an abstract good, such as increased tax revenue or economic development. Private property can now be taken at will by government and reallocated to another private entity if it runs afoul of a local bureaucrat's notion of public use and greater good. H.R. 4128 would greatly discourage this behavior and the total disregard for private property protections.

Fortunately, Congress maintains the power over the purse strings. We will act to minimize the effects of this ruling to the greatest extent possible. This bill will prevent States and localities from ever doing this again by withholding economic development funds. However, many States and local communities alike are recognizing the importance of private property rights and beginning to act to protect themselves from this decision. This will assist their efforts.

On the other hand, I do believe this legislation can be improved. Under this bill, if a State or locality takes property in violation of this legislation they will incur a 2 year prohibition of economic development funds. That is not long enough. We need to hold States and localities to a higher standard. By withholding Federal economic development funds for a longer period of time, if not permanently, States and localities will rethink the taking of private property, or remedy their previous egregious actions. They need to know there will be consequences. By withholding these funds for an extended period of time, if not indefinitely, they will understand the seriousness of our intentions.

We have a chance at real reform here and this legislation should be passed. Again, I would like to thank Chairman SENSENBRENNER for bringing this to the Floor as quickly as you did and I look forward to working with you in every step of the process to see this commendable legislation enacted. I have been fighting these injustices since before I was elected to this body and will continue to do so in the future.

Mr. BOEHNER. Mr. Chairman, I rise today in support of H.R. 4128, the Private Property Rights Protection Act of 2005.

I was alarmed by the United States Supreme Court's 5–4 decision to allow private property to be seized in the name of "economic development." On June 23, 2005, the Court ruled that the City of New London, Connecticut could seize a series of privately owned homes, offer the homeowners "just compensation" and re-sell those properties to private entrepreneurs as part of a city-approved plan aimed at raising the land value and increasing the city's tax base. The court justified the ruling by arguing that the city had the right to seize the private property under the "public use" clause of the United States Constitution's 5th Amendment. The 5th Amendment reads as follows:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

No one has ever denied the fact that in certain rare cases, a government (federal, state, or local) must exercise its Constitutionally limited power to seize land in order to complete a public project like a road, school, military base, or court house. That power is known as "eminent domain." America's Founding Fathers acknowledged it as an unfortunate, but sometimes necessary, evil and it has historically been pursued in America with great reservation. According to a majority of the Court however, seizing private property in the name of "public use" does not necessarily mean that the property seized must be used for the public. Instead, the land seized could merely be used in the name of a "public purpose." While the concurring justices never actually define what constitutes a "public purpose," they write that the elected politicians on the local, state, and federal level are more than capable of making such determinations on their own. In this particular case, the "public purpose" happened to be a pharmaceutical research facility, a waterfront hotel, and a series of new commercial and residential buildings.

As a result of the Court's 5–4 ruling, any government body (city council, state assembly, Congress) with a good enough lawyer or simply a one vote majority can now take any citizen's private property, offer "just compensation," and dispense with it as it sees fit. In other words, your property is now only your property so long as the government wants it to be.

John Adams once said, "The moment that the idea is admitted into society that property is not as sacred as the Laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence. Property must be sacred or liberty cannot exist." Allowing a man's property to be so easily taken at the whim of a legislative body represents a complete departure from the very core value upon which America was founded—your natural human right to your property. America's Founding Fathers considered property to be the one sacred right above all others. They knew that true freedom came not from a political declaration or a legislative promise but from the ability of each and every citizen to dispense with his property as he saw fit. Those who would take that right away often try to assure us that by surrendering the freedom to control the supposedly less important aspects of our lives, we shall somehow obtain freedom in the pursuit of higher values. I could not disagree more. The ability to control your own property, whether it be your home, your car, or even a simple trinket, is not simply some marginal aspect of life which can be separated from the rest. It is the means to express your values and strive for your dreams. It is the ability to offer shape to your highest ideals and reject those that conflict. In short, it is freedom.

Now the human right to property seems relegated to a mere afterthought. The Institute for Justice, which represented the New London residents in court, released a study showing some 10,000 cases between 1998 and 2002 where local governments in 41 states used or threatened to use eminent domain to take property from one private owner and give it to another. The New York State Supreme Court forced a man off of property his family had owned for more than a hundred years to make way for the new headquarters of The New York Times. Several cities in Ohio have already seized homes in the name of "economic development"—be it a shopping mall or a new factory. And now the highest court in the land has confirmed that this is all completely legal.

The Kelo decision merely confirmed a depressing trend where those who think "government knows best" gain and property rights and therefore liberty yield. I believe that government which governs best is that which governs least. I believe in property rights and the rule of the written law that is the Constitution.

I am proud to support the Private Property Rights Protection Act of 2005. But this bill is merely a first step. The only truly effective way to stop these abuses of power is for every American citizen to remain vigilant in observing that every government official that has sworn an allegiance to uphold the written law of the Constitution remains true to his word. That fight however, begins here, today. I urge my colleagues to take the first step toward once again defending every American's basic human right to his or her property by voting for this important bill.

Mr. POMBO. Mr. Chairman, as a fourth generation rancher, my life has been shaped by the traditions and values associated with proper stewardship of the land. Our Constitutional rights put property ownership of capital importance in the Fifth Amendment.

The right to own property is the backbone of our free-market system. With eminent domain becoming an expanding practice, a bipartisan approach bridging urban, suburban, and rural communities is necessary to uphold the rights of the individual.

The regulatory takings that have been plaguing America's family farmers and ranchers have now spread to suburban neighborhoods, as the decision in the Kelo v. City of New London made absolutely clear. Congress has an inherent responsibility to uphold the Constitution, and on the property rights of United States citizens, the Constitution is clear. The need for H.R. 4128 has never been greater.

Mr. HOLT. Mr. Chairman, I rise today in support of The Private Property Rights Protection Act, H.R. 4128. I have heard from a number of my constituents in New Jersey. They have come to my town hall meetings, sent me emails and called me on the phone, to express their concern about the potential for abuse of the power of eminent domain. I have heard their concerns and I share their concerns. That is why I support this legislation to make clear that local authorities may not use the power of eminent domain solely to increase the tax revenue for the town.

H.R. 4128 is a bipartisan bill that responds to the Supreme Court ruling in *Kelo* v. *City of New London*. Most troubling about the decision was that the Court upheld the right of New London to take private property and transfer it to another private individual for the purpose of increasing the tax revenue of the city. I am glad we are acting today to prevent this from becoming a regular practice.

The rights of property owners were so important to our nation's founders that they enshrined property rights in our Constitution. They knew that towns and municipalities would need to look after the greater public good and occasionally acquire property with just compensation to the owners in order to use that property for public good. The power of eminent domain has enabled us to make many advances over the years. It was used to create the national railroad system, the interstate highway system, and make telephone, electric, sewer, and water lines available to all our communities. Eminent domain, when used property, is a critical power of government that has benefited people in New Jersey and across America.

When used improperly, however, eminent domain is a fearsome power. Transfer of a person's property—particularly their home—to another private interest solely on the basis of tax revenue is an unwise and dangerous authority. With this bill, Congress is rightly acting to protect private property rights and ensure that property owners will not have their house taken from them by an over zealous town council seeking to increase its tax coffers.

Mr. Chairman, while eminent domain is used across America for beneficial and important reasons that support the public good, we need to ensure that towns do not overstep their powers. H.R. 4128 helps define the boundary lines.

Mr. CAPUANO. Mr. Chairman, I rise in opposition to H.R. 4128, The Private Property Right Protection Act of 2005. This bill is overbroad and unreasonably restricts States and municipalities from crafting practical legislation that addresses their specific needs.

H.R. 4128 is Congress' response to the Kelo v. City of New London decision. The Kelo decision allows local governments to take private property to build the tax base and promote economic development. H.R. 4128 prohibits government use of eminent domain where private property is taken for economic development purposes. It unduly restricts States and local governments from exercising their sovereign powers to eliminate abuses in eminent domain, while maintaining an ability to develop their community. As a former Mayor of Somerville, MA, I am very familiar with the issues surrounding municipalities exercising eminent domain for public use.

While I do not wish to see local government recklessly and irresponsibly take property from private owners, especially the low-income and disadvantaged, I cannot support a bill that preemptively acts before a municipality has an opportunity to develop its own policies. Some 30 States have either already drafted legislation concerning this issue or are working on legislation. It is unfair to invalidate State and local attempts to adjust, legislatively, to a Supreme Court decision just issued in June of this year.

The House should have spent more time developing legislation that was less intrusive on States' and local governments' sovereignty. For example, this bill could strip Federal economic development funding for two years from a State or local government that exercised eminent domain, even if the project taken did not receive Federal funds. All economic development funds, including those not involved with the condemned project, would be lost. Projects worthy of being built might be eliminated due to the lack of economic development funds. This can be disastrous for a local government's economic growth and sustainability. Local officials would be constantly concerned that exercising eminent domain could result in lawsuits and loss of funds.

I voted for an amendment that would have added some sense of fairness to the government's use of eminent domain, but it did not pass. The amendment, offered by Congressman MICHAEL TURNER of Ohio, would permit cities to continue using eminent domain to redevelop a Brownfield site. It also enumerated several instances where, for the public's health and safety, the government could use eminent domain when necessary to rid the community of a hazardous property.

I could support a bill that strikes a balance and is fair to State and local governments. This bill does not meet that threshold.

Mr. GOODLATTE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Property Rights Protection Act of 2005".

SEC. 2. PROHIBITION ON EMINENT DOMAIN ABUSE BY STATES.

(a) In General.—No State or political subdivision of a State shall exercise its power of eminent domain, or allow the exercise of such power by any person or entity to which such power has been delegated, over property to be used for economic development or over property that is subsequently used for economic development, if that State or political subdivision receives Federal economic development funds during any fiscal year in which it does so.

(b) Ineligibility for Federal Funds.—A violation of subsection (a) by a State or political subdivision shall render such State or political subdivision ineligible for any Federal economic development funds for a period of 2 fiscal years following a final judgment on the merits by a court of competent jurisdiction that such subsection has been violated, and any Federal agency charged with distributing those funds shall withhold them for such 2-year period, and any such funds distributed to such State or political subdivision shall be returned or reimbursed by such State or political subdivision to the appropriate Federal agency or authority of the Federal Government, or component thereof.

(c) Opportunity to Cure Violation.—A State or political subdivision shall not be ineligible for any Federal economic development funds under subsection (b) if such State or political subdivision returns all real property the taking of which was found by a court of competent jurisdiction to have constituted a violation of subsection (a) and replaces any other property destroyed and repairs any other property damaged as a result of such violation.

SEC. 3. PROHIBITION ON EMINENT DOMAIN ABUSE BY THE FEDERAL GOVERNMENT.

The Federal Government or any authority of the Federal Government shall not exercise its power of eminent domain to be used for economic development.

SEC. 4. PRIVATE RIGHT OF ACTION.

(a) Cause of Action.—Any owner of private property who suffers injury as a result of a violation of any provision of this Act may bring an action to enforce any provision of this Act in the appropriate Federal or State court, and a State shall not be immune under the eleventh amendment to the Constitution of the United States from any such action in a Federal or State court of competent jurisdiction. Any such property owner may also seek any appropriate relief through a preliminary injunction or a temporary restraining order.

(b) Limitation on Bringing Action.—An action brought under this Act may be brought if the property is used for economic development following the conclusion of any condemnation proceedings condemning the private property of such property owner, but shall not be brought later than seven years following the conclusion of any such proceedings and the subsequent use of such condemned property for economic development.

(c) Attorneys' Fee and Other Costs.—In any action or proceeding under this Act, the court shall allow a prevailing plaintiff a reasonable attorneys' fee as part of the costs, and include expert fees as part of the attorneys' fee.

SEC. 5. NOTIFICATION BY ATTORNEY GENERAL.

(a) Notification to States and Political Subdivisions.—

(1) Not later than 30 days after the enactment of this Act, the Attorney General shall provide to the chief executive officer of each State the text of this Act and a description of the rights of property owners under this Act.

(2) Not later than 120 days after the enactment of this Act, the Attorney General shall compile a list of the Federal laws under which Federal economic development funds are distributed. The Attorney General shall compile annual revisions of such list as necessary. Such list and any successive revisions of such list shall be communicated by the Attorney General to the chief executive officer of each State and also made available on the Internet website maintained by the United States Department of Justice for use by the public and by the authorities in each State and political subdivisions of each State empowered to take private property and convert it to public use subject to just compensation for the taking.

(b) Notification to Property Owners.—Not later than 30 days after the enactment of this Act, the Attorney General shall publish in the Federal Register and make available on the Internet website maintained by the United States Department of Justice a notice containing the text of this Act and a description of the rights of property owners under this Act.

SEC. 6. REPORT.

Not later than 1 year after the date of enactment of this Act, and every subsequent year thereafter, the Attorney General shall transmit a report identifying States or political subdivisions that have used eminent domain in violation of this Act to the Chairman and Ranking Member of the Committee on the Judiciary of the House of Representatives and to the Chairman and Ranking Member of the Committee on the Judiciary of the Senate. The report shall—

(1) identify all private rights of action brought as a result of a State's or political subdivision's violation of this Act;

(2) identify all States or political subdivisions that have lost Federal economic development funds as a result of a violation of this Act, as well as describe the type and amount of Federal economic development funds lost in each State or political subdivision and the Agency that is responsible for withholding such funds;

(3) discuss all instances in which a State or political subdivision has cured a violation as described in section 2(c) of this Act.

SEC. 7. SENSE OF CONGRESS REGARDING RURAL AMERICA.

(a) Findings.—The Congress finds the following:

(1) The founders realized the fundamental importance of property rights when they codified the Takings Clause of the Fifth Amendment to the Constitution, which requires that private property shall not be taken "for public use, without just compensation".

(2) Rural lands are unique in that they are not traditionally considered high tax revenue-generating properties for State and local governments. In addition, farmland and forest land owners need to have long-term certainty regarding their property rights in order to make the investment decisions to commit land to these uses.

(3) Ownership rights in rural land are fundamental building blocks for our Nation's agriculture industry, which continues to be one of the most important economic sectors of our economy.

(4) In the wake of the Supreme Court's decision in Kelo v. City of New London, abuse of eminent domain is a threat to the property rights of all private property owners, including rural land owners.

(b) Sense of Congress.—It is the sense of Congress that the use of eminent domain for the purpose of economic development is a threat to agricultural and other property in rural America and that the Congress should protect the property rights of Americans, including those who reside in rural areas. Property rights are central to liberty in this country and to our economy. The use of eminent domain to take farmland and other rural property for economic development threatens liberty, rural economies, and the economy of the United States. Americans should not have to fear the government's taking their homes, farms, or businesses to give to other persons. Governments should not abuse the power of eminent domain to force rural property owners from their land in order to develop rural land into industrial and commercial property. Congress has a duty to protect the property rights of rural Americans in the face of eminent domain abuse.

SEC. 8. DEFINITIONS.

In this Act the following definitions apply:

(1) Economic development.—The term "economic development" means taking private property, without the consent of the owner, and conveying or leasing such property from one private person or entity to another private person or entity for commercial enterprise carried on for profit, or to increase tax revenue, tax base, employment, or general economic health, except that such term shall not include—

(A) conveying private property to public ownership, such as for a road, hospital, or military base, or to an entity, such as a common carrier, that makes the property available for use by the general public as of right, such as a railroad, or public facility, or for use as a right of way, aqueduct, pipeline, or similar use;

(B) removing harmful uses of land provided such uses constitute an immediate threat to public health and safety;

(C) leasing property to a private person or entity that occupies an incidental part of public property or a public facility, such as a retail establishment on the ground floor of a public building;

(D) acquiring abandoned property;

(E) clearing defective chains of title; and

(F) taking private property for use by a public utility.

(2) Federal economic development funds.—The term "Federal economic development funds" means any Federal funds distributed to or through States or political subdivisions of States under Federal laws designed to improve or increase the size of the economies of States or political subdivisions of States.

(3) State.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

SEC. 9. SEVERABILITY AND EFFECTIVE DATE.

(a) Severability.—The provisions of this Act are severable. If any provision of this Act, or

any application thereof, is found unconstitutional, that finding shall not affect any provision or application of the Act not so adjudicated.

(b) EFFECTIVE DATE.—This Act shall take effect upon the first day of the first fiscal year that begins after the date of the enactment of this Act, but shall not apply to any project for which condemnation proceedings have been initiated prior to the date of enactment.

SEC. 10. SENSE OF CONGRESS.

It is the policy of the United States to encourage, support, and promote the private ownership of property and to ensure that the constitutional and other legal rights of private property owners are protected by the Federal Government.

SEC. 11. BROAD CONSTRUCTION.

This Act shall be construed in favor of a broad protection of private property rights, to the maximum extent permitted by the terms of this Act and the Constitution.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109-266. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to an amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109-266 offered by Mr. SENSENBRENNER:

Page 9, strike lines 1 through 7, and insert the following:

(A) conveying private property—

(i) to public ownership, such as for a road, hospital, airport, or military base;

(ii) to an entity, such as a common carrier, that makes the property available to the general public as of right, such as a railroad or public facility;

(iii) for use as a road or other right of way or means, open to the public for transportation, whether free or by toll;

(iv) for use as an aqueduct, flood control facility, pipeline, or similar use;

Page 8, line 7, after "States." insert the following: "The taking of farmland and rural property will have a direct impact on existing irrigation and reclamation projects. Furthermore, the use of eminent domain to take rural private property for private commercial uses will force increasing numbers of activities from private property onto this Nation's public lands, including its National forests, National parks and wildlife refuges. This increase can overburden the infrastructure of these lands, reducing the enjoyment of such lands for all citizens.".

Add at the end the following new section:

SEC. ___. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this Act may be construed to supersede, limit, or otherwise affect any provision of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from Wisconsin (Mr. SENSENBRENNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the manager's amendment simply makes clear that private roads and those that are open to the public, free or by toll, and flood control facilities are covered under the exceptions of the bill. It also includes a savings clause making clear that nothing in the legislation shall be construed to affect the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, which requires the Federal Government to pay the displacement costs of those adversely affected by the Federal Government's use of eminent domain.

The manager's amendment also incorporates into the bill's sense of congress section some language provided by the Resources Committee regarding the effect of the abuse of eminent domain on irrigation and reclamation projects and on public lands.

I urge my colleagues to support the improvements made by this manager's amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I am not opposed to the amendment, and I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The Acting CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Wisconsin.

This amendment does not change the bill in any substantive way. Rather, this amendment seeks to clarify some of the exceptions that provide for the use of eminent domain for those uses that have traditionally been considered for a public purpose.

This amendment also enhances the sense of congress provision and points out that the bill does nothing to restrict the Federal Government from fulfilling its obligation under current law when it exercises eminent domain.

Most importantly, this amendment serves to reflect the bipartisan interests of the various committees that have been at the forefront of this issue, Agriculture, Resources and Judiciary. I am pleased that we have been able to work together on what I feel is an appropriate response to the Kelo decision.

I just want to say to Chairman SENSENBRENNER, you know how strongly I feel about this issue. And while I offered some amendments in committee so that there would be absolutely no exceptions, I think that if we are able to pass this bill today we will have taken a giant step to stop what I think is a wrongheaded decision by the Supreme Court. So I am willing to certainly support the chairman's amendment, and if we have to continue to work on this issue to get to where I want to be with no exceptions, then I will look forward to working with the gentleman in the future on it.

Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109-266 offered by Mr. NADLER:

Page 2, line 8, strike "(a) IN GENERAL.—".

Page 2, strike line 16 and all that follows through line 17 on page 3.

Page 4, beginning in line 1, strike "to enforce any provision of this Act" and insert "to obtain appropriate injunctive or declaratory relief,".

Page 4, beginning in line 6, strike "Any" and all that follows through line 16.

Page 4, line 17, strike "(c)" and insert "(b)".

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from New York (Mr. NADLER) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is very straightforward and, in my opinion, will better protect the rights of property owners than the way the bill is designed.

Under the bill, if the government takes your property for a prohibited purpose, you could sue, and if you win your lawyers get paid and your town gets bankrupted. You get no damages, and if you think the town will bulldoze the new downtown and rebuild your house, you are fooling yourself.

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Instead, you should have the right, and my amendment grants you the right, to go to court and stop the government in the first place dead in its tracks. Americans do not want to bankrupt their towns; they want to keep their homes.

Keep in mind the economic threat the penalties of this bill would pose to every single State and local government in the country.

Any property owner under this bill could sue for 7 years after the conclusion of the condemnation proceeding, or at any time in the future if a public facility is later used for a private purpose.

This is an open-ended and catastrophic threat. No financial institution would underwrite a bond or extend any financing to a city or State because the risk is too great. No private company would take a public contract because the city could lose 2 years' funding in the future. If the current city administration does not want to use eminent domain for any improper purpose or, for that matter, any proper purpose, it will still have trouble floating bonds because maybe its successor 10 years from now will use eminent domain improperly, they will lose 2 years of all the Federal revenue, and they will not be able to repay the bonds. Therefore, the bond counsel now will instruct the people not to lend to the city. No bank would do business with a public contractor for the same reason.

This is absurd. We should protect our homes. The way to do that is to establish in this bill, as it does, a substantive right not to have eminent domain used against your home or property for the prohibited purposes, and then give you the right to enforce that by an injunction, with attorneys' fees paid in advance, that stops it. You do not need the ability of someone in the future to go to court and punish the city which does not even get the property owner help.

So my amendment would say no penalty for the State or city later, that is unnecessary, because we are granting you the right to get an injunction, a permanent injunction to stop the taking in the first place. That is the proper protection.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman this is a gutting amendment. It is a gutting amendment because it removes the constitutional hook that this Congress and the Federal Government have to prevent the abuses that have been sanctioned by Kelo, and that is the Federal funds that have been used for economic development.

The amendment strikes out all the penalty in the bill that would prevent the government officials from abusing eminent domain. No penalty, no tap on the wrist. We say you should not do it; but if you go ahead and do it, then you are not going to be penalized. Without these penalties in the bill, the government could take private property from one person and simply give it to a wealthy corporation. Because this amendment guts the entire bill, it ought to be opposed.

Under this legislation, there is a clear connection between the Federal funds that would be denied and the abuse that Congress is intending to prevent. The policy is that States and localities that abuse their eminent domain power by using economic development as a rationale for a taking should not be trusted with Federal economic development funds that could contribute to similarly abusive land grabs.

There is an entirely appropriate connection in the base bill between the Federal policy of protecting private property rights from eminent domain abuse and making sure that the Federal Government does not subsidize eminent domain abusers. The amendment should be defeated for these reasons.

Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is not a gutting amendment. The constitutional basis for granting the injunction against the taking is the fact that the State is accepting Federal funds. The bill, on lines 12 through 15 on page 2, says clearly: "if that State or political subdivision receives Federal economic development funds during any fiscal year in which it does so." That is the constitutional basis for saying, you cannot do certain kinds of takings as this bill prohibits and, if you do, you can establish penalties or injunctive relief.

All I am saying is, we are using the Federal jurisdictional hook that the chairman mentioned and instead of penalizing later, which does not help the homeowner who has lost his home, you say you can stop it now, get an injunction for stopping it now, because the State has agreed not to use its power in this way as a condition of taking Federal funds. There is well-established constitutional law that we can condition Federal funds on that.

That being the case, you can go into Federal or State court and get an injunction if you do my amendment. With the injunction, you do not have the taking, you do not have to worry about punishing anybody 10 years later, because there is no taking in the first place. It is a much better protection for the property owner. We prohibit the taking. The court says you cannot do it. There is no constitutional problem with that.

It does not gut the bill because it says you do not have to punish what cannot have occurred. It cannot have occurred because the bill would now say you may not do it; and if you may not do it, the court will prohibit you from doing it, because we are establishing the right to go into court in advance and get an injunction against it.

So total protection of the property owner against the improper taking. You do not have to worry about fouling up the State or city's ability to float bonds or the State or city finances later; you do not punish all the citizens of the city because the mayor is paying off some campaign contributor with a private taking, just prohibit the mayor from doing so in the first place and enforce that by letting the property owner get an injunction, period.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I respectfully offer this statement against the amendment offered by the gentleman from New York. Essentially, this amendment eliminates the teeth of this bill: the denial of Federal funds for 2 fiscal years to those States and cities that have violated this act. The denial of Federal economic development funds should serve as a real deterrent for those States and cities that want to exercise eminent domain for development, that is, the taking of private property for private use. Without this provision, this bill will not be taken seriously, and the eminent domain abuses that many in this country are complaining about will continue.

I just waved before my colleagues a list of over 125 cases of the taking of private land for private use, or attempts to do that; and I think the bill that we have before us today will stop this kind of abuse of eminent domain.

Mr. NADLER. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, the fact is, this does not gut the bill, as the gentlewoman from California said. It takes out the penalty, but you do not need the penalty because you establish the right of the court and the duty of the court to stop it in the first place. There will be no private taking for the prohibited use because you give the rights to the landowner to get an injunction against it in the first place. It is a much better protection than worrying about punishing the city later. You do not have to punish the city because you protect against it in advance, 100 percent.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, we do not know if the gentleman from New York's approach is constitutional. That has not been tried before, and it would be a case of first impression in the courts.

We know that the provision of denying Federal funds in the base bill is constitutional, because it was done by this Congress 20 years ago where we denied States transportation funds that did not raise the drinking age to 21. So the constitutional precedent was set 20 years ago in the transportation area. The base bill does that. The gentleman's amendment does not. That is why it ought to be rejected.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. SODREL

Mr. SODREL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109-266 offered by Mr. SODREL:

Page 4, line 6, after "jurisdiction." insert "In such action, the defendant has the burden to show by clear and convincing evidence that the taking is not for economic development."

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from Indiana (Mr. SODREL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SODREL. Mr. Chairman, I yield myself such time as I may consume.

I thank the chairman and ranking member for bringing this bill forward, a bill that I was proud to cosponsor.

H.R. 4128 is a good bill. It addresses a new-found power of government that frightens every homeowner and small businessman, the possibility of having their home or business involuntarily taken to be given to someone else to build some other business or development that government may prefer. Compounding that fear is the fear of having to go to court and pay to prove that the government violated the provisions of this bill, having to pay a lawyer and possibly hire experts to prove that the taking of their property is for economic development in violation of the act.

My amendment clarifies that the burden of proof is on the State or the agency seeking to take the property, and the evidence it has provided must go beyond merely saying so. This issue is important enough that a court reviewing the taking should not give deference to the government assertions that the ultimate use of the property is for other than economic development as outlined in the act. The burden of proof should rightly be placed on the government entity that initiated the action, not on the property owner. I urge the adoption of this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I will claim the time in opposition, even though I am not opposed.

The Acting CHAIRMAN. Without objection, the gentleman from Wisconsin will control the time in opposition.

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would help property owners by putting the burden of proof on the government to show that it is not abusing eminent domain by taking private property for a private use. It is a good amendment, and I support it.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I support this amendment also. I am tired of poor people and working people having to go and find lawyers and pay them. Who can afford $250 and $300 an hour? The average poor person certainly cannot. So you are right, let us put it on the entity that is trying to pull these tricks in the first place to take these properties away from these citizens.

So I support the amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SODREL).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109-266 offered by Mr. MORAN of Virginia:

Page 8, strike line 17 and all that follows through line 19 on page 9 and insert the following:

(1) ECONOMIC DEVELOPMENT.—The term "economic development" means taking private property, without the consent of the owner, and conveying or leasing such property from the taking authority to a private person or entity, or from such private person or entity to another private person or entity, where the grantee or lessee person or entity is to use the property for commercial enterprise carried on for profit, or where the conveying or leasing is for the primary purpose of increasing tax revenue, tax base, employment, or general economic health, except that such term shall not include—

(A) conveying private property for a public use, such as—

(i) for a road, hospital, or military base;

(ii) for use by the general public as of right, such as a railroad or public facility; or

(iii) for use as a right of way, aqueduct, pipeline, utility or similar use;

(B) removing harmful uses of land provided such uses constitute an immediate threat to public health and safety;

(C) leasing property to a private person or entity that occupies an incidental part of public property or a public facility, such as a retail establishment on the ground floor of a public building;

(D) acquiring abandoned property; and

(E) clearing defective chains of title.

Page 4, beginning in line 15, strike "and the subsequent use of such condemned property for economic development".

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from Virginia (Mr. MORAN) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Well, here we have those folks who are considered to be on the far left and those on the far right and those just left of center and those just right of center; everybody agrees that this bill should be passed. It reminds me of a comment or observation that Plato once made: "The minority are oftentimes wrong, but the majority always are."

Now, I can understand why we are reflexively doing this bill, but I cannot understand why we would make this bill so broad with such an interminably long period of time with which to take any grievance to the courts, that it will create unintended consequences which will cause very severe consequences and economic problems for localities all over our country.

We do not have one dictatorship at the local level of American government. Every single official at every single level of local government is elected, so all of them are responsible to the voters; and that is where this should be decided.

But I am going to suggest two changes that will be achieved by my amendment. They address the two major deficiencies of this bill: first, it is much too broad; and, secondly, the period of time within which a government can be sued is much too long.

The broad definition of "economic development" in section 8 includes a conveyance or lease of property that is "to increase tax revenue, tax base employment, or general economic health."

Unfortunately, practically every conveyance of condemned property can have at least an incidental or secondary purpose and effect of increasing taxes, creating jobs, or otherwise producing a positive economic impact, virtually everything that a local government may need to do even though that might not be the primary purpose of the taking.

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So the bill has the potential of prohibiting virtually every taking which occurs as part of public-private partnerships that are not for economic development purposes at all, for example, the conveyance or lease of condemned property as part of a public-private partnership to a private entity that could be used for a waste-to-energy facility.

The processing of solid waste would be prohibited under this. Delivering recreational services in a public area. a public park. Supplying affordable housing. I could give you any number of examples that would have been precluded under this. Providing a parking facility in a downtown that is desperately needed in many communities.

These projects may well produce tax revenues. new jobs. a healthier economy. but that is not the primary purpose of these projects. Their primary purpose is simply to deliver a service that the local community needs and to do so by partnering with a private for-profit entity. Yet the broad language of the bill would prohibit virtually all such public-private partnerships.

My amendment addresses this problem by making clear that the bill reaches the conveyance or lease of condemned property definition only when the primary purpose of the transaction is the increase of taxes. jobs or economic benefits. That is a change that is very much needed to this legislation.

Secondly. the time to file suit under the bill is much too long. Under the bill. a cause of action must be brought no later than 7 years following the conclusion of condemnation proceedings and the subsequent use of such condemned property for economic development. So where you have a property that was condemned, say, next year, in 2006. and the owner believes its economic development use begins in 2011, the owner has until 2018. 12 years after the property's condemnation, to challenge its validity. In many cases, the statute could extend the right to sue for generations to come.

There is no need or reason to provide such a lengthy statute of limitations. The validity of a condemnation action has to be put to rest in some reasonable time: and the Judiciary Committee has. in other contexts, agreed with that principle.

The 7 years should be measured from the conclusion of the condemnation proceeding. At this time. a property owner knows whether his or her property has been taken. knows the reasons for the taking, and can judge whether the taking is subject to the bill's prohibition. My amendment would reduce the statute of limitations to 7 years from the end of the condemnation proceeding. not 7 years after the property's economic development.

Mr. Chairman. this bill needs additional clarification. and I do think this amendment would provide it. I have substantial problems with this bill. So I am reluctant to fix it. but I know it is going to pass. If it passes, it should be a bill that does not cause the kind of unintended consequences this bill will impose on every locally elected government.

Third, the bill defines "economic development" as conveying or leasing condemned property from one private party to another private party—but not from the condemning government to a private party. However, in the "real world," many economic development projects involve the conveyance of condemned property from the condemning authority to a private person or entity—a project the bill does not reach. For instance, the bill would not reach the conveyance by a city or county of 10 acres of taken property to, say, the Marriott Corporation for the use as a convention center, even though the primary purpose of the conveyance is the production of increased tax revenue and jobs.

The amendment addresses this problem by including in the definition of "economic development" conveyances and leases from the condemning government to a private party. In addition, the bill makes some corresponding technical changes to the definition of economic development in light of the other changes I have just explained.

Mr. Chairman, to conclude, this bill is too broad, too unclear, and overreaching. I urge you to adopt this amendment.

Mr. SENSENBRENNER. Mr. Chairman. I yield myself such time as I may consume.

Mr. Chairman, unlike the characterization that my friend from Virginia has made in this bill, this is a bill that is supported by the mainstream of Members of Congress. And how many times in anybody's congressional career would you see Jim Sensenbrenner and Maxine Waters supporting the same bill? That means that we have a very, very big tent of people who are supporting it. because it is the right thing to do.

The amendment should be defeated because it would gut the bill. Because it completely goes back to the definition of public purpose that the Supreme Court allowed this terrible miscarriage of justice to occur in the Kelo case.

The Kelo decision held that the term public use could actually mean a private use such that the government can take perfectly fine property from one person just to give it to another wealthier person. And the amendment would put back into the bill an exception for any public use, I would submit, as defined by a majority vote of the city council. which in the wake of the Kelo decision means a private use as well.

This amendment would put property owners everywhere back to where they were before the Kelo decision. and that is way behind the eight ball, subject to the mercy of a majority vote of their city council. The whole point of this legislation is to counter the Supreme Court's reading of public use in a way that includes private use as well, and the amendment guts the bill by allowing exceptions for private uses as well as public uses. Because this amendment is a giant step backwards in the protection of property rights, it should be soundly defeated.

With respect to the comments the gentleman made on the statute of limitations. yes. it is a long statute of limitations. Because the city has the time and the money to wait out the property owner simply by putting it on the shelf until the time expires. And we should have a longer statute of limitation, rather than a shorter one. so that the city cannot be tempted by the siren song of using its power and using its money to run roughshod over the owner of a piece of private property.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I respectfully offer this statement against the amendment offered by the gentleman from Virginia (Mr. MORAN).

Mr. Chairman, this amendment seeks to prohibit a taking of private property only when the taking's primary purpose is economic development, maybe for the parking lots he described.

I am fearful that such an amendment would create a loophole for States and cities. allowing them to take property in a manner that is inconsistent with this Act, by arguing that the economic benefits of the taking were incidental rather than primary.

Also. this amendment seeks to confine property owners to a 7-year period in which they must bring a suit under this Act. This means that an owner who has had his or her property taken better hope that the State or the city puts the property to use in 7 years. If a State or city takes property for a public purpose. sits on it for 8 years and then puts it to use for economic development. the owner has no recourse.

Mr. Chairman. I do not think that you can argue that the statute of limitations is too long. These people. citizens buy their homes, and they expect to live in them for life. They do not expect someone to come along and say that we have decided that we are going to give it to someone else, a developer to develop for private purposes to make money on.

So I would ask my colleagues to reject this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I would say very quickly to the gentleman from Virginia. the majority that he mistrusts is about the business of protecting the minority that he values. because a private property owner facing eminent domain powers being used to take their property for private economic development purposes is very much alone. and he needs this kind of weight of authority behind him or her to protect their private property rights.

If the gentleman's amendment is adopted. it will reopen exactly the kind of confusing and controversial court decisions that we are about trying to address here today. The specificity in the bill is superior to the gentleman's amendment.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. TURNER

Mr. TURNER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109-266 offered by Mr. TURNER:

Page 9, beginning in line 8, strike "provided" and all that follows through line 10 and insert ", including a property or preponderance of properties which constitute a threat to public health and safety by reason of dilapidation, obsolescence, overcrowding, lack of ventilation, light, and sanitary facilities, excessive land coverage, deleterious land use, obsolete subdivisions, or because it constitutes a brownfield, as that term is defined in the Small Business Liability Relief and Brownfields Revitalization Act (42 U.S.C. 9601(39))".

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from Ohio (Mr. TURNER) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Supreme Court in Kelo v. City of New London went too far in allowing the taking of private property for private development. Congress must take action to protect property rights of individuals. However, we must be careful not to prohibit traditional pre-Kelo justifications for eminent domain.

Mr. Chairman, my amendment enumerates harmful effects which constitute a threat to public health and safety. These harmful effects are traditional justifications for cities, municipalities and other governmental entities to acquire property to protect public health and safety. In fact, the list of harmful effects in my amendment includes elements from several State laws.

The amendment is derived from the State definitions from Wisconsin, the home of Chairman SENSENBRENNER; Texas, the home of our President; Illinois, the home of our Speaker; Missouri, the home of Majority Leader BLUNT; and Virginia, the home of Chairman GOODLATTE.

I have also included an exception for brownfields in my amendment. Brownfields, which are contaminated properties, are a dangerous problem for cities and must be redeveloped to protect the current residents of these communities and also bring people back into our cities.

This amendment, in order to protect public health and safety, has been endorsed by the National Association of Home Builders, the International Council of Shopping Centers, the National Association of Industrial and Office Properties, the International Economic Development Council, the Building Owners and Management Association International, the Real Estate Roundtable, the American Institute of Architects, the American Planning Association, the National Association of Local Government Environmental Professionals, the United States Conference of Mayors, the International City County Management Association, and the National League of Cities.

This amendment, Mr. Chairman, is necessary. Without this amendment, our States will lose their pre-Kelo authority.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment must be defeated because it uses undefined terms that would gut this vital legislation designed to protect the property rights of all Americans from abuse of Government land grants.

The list of organizations that the gentleman from Ohio read off in support of his amendment shows why it ought to be defeated, if we want to stand up for the property rights of individual landowners.

The terms used in this amendment are broad in their scope; and, consequently, the amendment would subject just about any property owner in America to the threat of having their property taken by a government official willing to abuse the power of eminent domain to take property from one private citizen and give it to another wealthier developer.

The amendment would allow the taking profit for "excessive land coverage," "lack of ventilation," "lack of light," and "obsolescence," just to name a few. None of these terms are defined in the amendment, and each would be subject to tremendous abuse. No home in the country would be safe if a government official were allowed to use those concepts to take private property.

If a government bureaucrat thinks your porch is too big, they can take your whole house and all of your land under the amendment. If your barn has only one light bulb in it or no artificial light at all, then your barn and all of the farm land surrounding it could be confiscated by the government. Webster's Dictionary defines obsolete, which is one of the terms used in this amendment, as of a kind or style no longer current. Under the amendment, then, if the design of your house is out of fashion in the eyes of government officials, you could lose both your house and your property; and that is wrong.

The base bill already includes a reasonable exception that allows the government to take property when property is being used in a way that imposes an immediate threat to the public health and safety. And the base bill does absolutely nothing, absolutely nothing that prevents States and localities from enforcing public nuisance laws under its police powers and tearing down an unsafe building.

But the amendment goes much further in a way that threatens low-income and minority communities, and for that reason I join the NAACP in opposing this amendment. Listen to what actual practitioners in the field have to say about it. This is from the Institute for Justice, the public interest law firm that represented Suzette Kelo and the other New London homeowners who took their fight to keep their homes from being taken for private commercial development all the way to the Supreme Court.

The Institute for Justice states, "In our experience litigating eminent domain cases all over the country, we have seen each of the terms in the amendment applied in such a way as to allow the use of eminent domain on perfectly normal residential and business neighborhoods. Dilapidation can mean that a building has chipped mortar or needs a new handrail. Obsolescence can be a single-family home that lacks three bedrooms, two full bathrooms and a two-car attached garage. Both overcrowding and lack of ventilation, light and sanitary facilities were routinely used during urban renewal to remove poor and minority communities from their neighborhoods. Deleterious land use can mean a combination of residences and businesses in a single area, even though many planners think that such neighborhoods are ideal. Time and time again, the terms found in this amendment have served as vehicles for the abuse of eminent domain for private commercial development". From the Institute.

This gutting amendment should be defeated.

Mr. Chairman, I reserve the balance of my time.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, wow, light bulbs burnt out, paint peeling, those are scary things that the chairman has said would be used for eminent domain. But not in America. That is not what the eminent domain pre-Kelo has been in America.

The 49 States who have definitions of harmful effects that are in this amendment are from States that have litigated over this issue and that have taken into consideration the issue of property rights, the issue of the property rights of individuals that live next to abandoned factories, the people who have children that are in neighborhoods that have property that is near them that has an impact on the public health and safety. The ability for them to enjoy their property and to enjoy it where they are living next to public health and safety threats are what the amendment would rise to.

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It does not permit anybody to take any property because a light bulb is burned out. In fact, again it is based on 49 States and the exact language that is used by them in defining harmful effects. The chairman's own State's language includes, from Wisconsin, dilapidation, obsolescence, sanitation, light, air. These are not terms of burned-out light bulbs. These are issues where they rise to the level of a safety and health threat to the individuals of the communities, of the people whose properties are next to them. It is not Kelo.

We all believe that Kelo has gone too far and that an individual's property rights of his home should be protected. But similarly, the home that stands next to a property that is abandoned and is a health threat or the property that is next to a factory for which there are health and safety issues for a community needs to be addressed. Forty-nine States have passed legislation permitting eminent domain in public safety and health threats. Certainly we should acknowledge this and not take away from these communities the pre-Kelo rights of eminent domain.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Ohio (Mr. TURNER). This is the most dangerous of all the amendments that have been offered today.

We take up the Private Property Rights Protection Act today in an effort to provide all property owners with greater protections. The Turner amendment will essentially create a blight exception. By prohibiting the use of eminent domain for economic development in almost all instances except blight, we make blighted communities an easy target for States and cities.

This is why the NAACP supports this bill also. Too many of our communities, the minority, the elderly and the low-income have witnessed an abuse of eminent domain powers. Given this history of abuse, we would like all legislative responses to Kelo to be sensitive to that.

Historically and today, it has been too easy to characterize minority, elderly or low-income communities as blighted for eminent domain purposes and subject them to the will of the government. If legislative proposals contain language that could potentially excluding these communities from protection against eminent domain abuses, we have failed to be sensitive to the interests of this constituency.

These communities should be afforded the same rights and protections all homeowners, business owners, and other property owners will be afforded in a Federal policy response to Kelo.

The Acting CHAIRMAN (Mr. SIMPSON). The gentleman from Ohio has 1 minute remaining.

Mr. TURNER. Mr. Chairman, I yield 45 seconds to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I have mixed emotions about this bill, but I see it as an environmental bill. This is a great bill. This stops growth, particularly the section of the sense of Congress on the use of eminent domain funds to take farmland or other real property for economic development. It just says you cannot do that.

But what really bothers me in this bill is the fact that the terms of Federal economic development means any Federal funds distributed to or through States or political subdivision of the States under Federal laws designed to improve or increase the size of economies of the State or political subdivisions.

As I look at it, those laws mean all the BRAC money that comes to reuse of military bases. It means transportation monies. It means sewer and water monies. It essentially is a no-growth bill. For those on the environmental side this is good. For those who want to see some economic development, we need this amendment.

Mr. TURNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in communities all across this country, there are buildings that represent a public health and safety threat to a community. Many times people drive by those buildings and they say to their elected officials, someone ought to do something about that. It is not a Kelo decision of saying we ought to have something better. It is saying that there is something damaging to our community and damaging to our neighborhoods.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TURNER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. TURNER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. GARY G. MILLER OF CALIFORNIA

Mr. GARY G. MILLER of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 printed in House Report No. 109-266 offered by Mr. GARY G. MILLER of California:

Page 9, line 17, strike "and".

Page 9, line 19, strike the period and insert "; and".

Page 9, after line 19, insert the following:

(G) redeveloping of a brownfield site as defined in the Small Business Liability Relief and Brownfields Revitalization Act (42 U.S.C. 9601(39)).

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from California (Mr. GARY G. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARY G. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding.

The amendment would simply make an exception for the taking of property that is categorized as a brownfield under Federal law, meaning it is a site that contains or is perceived to contain hazardous contaminants. I support the adoption of the amendment and commend the gentleman from California for introducing it.

Mr. GARY G. MILLER of California. Reclaiming my time, I rise to offer a modest amendment to ensure the Federal Government continues to work with local communities to promote and encourage brownfield redevelopment in America.

The bill has a list of exemptions that recognizes eminent domain is sometimes used for legitimate purposes. These exemptions in H.R. 4128 are not sufficient to address brownfield sites. While the bill is an important step to protect private property rights, it could have the unintended consequence of inhibiting redevelopment of brownfield sites.

My amendment corrects the oversight by adding brownfield redevelopment as specifically defined in the Small Business Liability Relief and Brownfield Revitalization Act of 2001. Owners of brownfield sites are frequently unwilling to sell them for fear of cleanup and cost of contamination they find. Eminent domain can often help break through legal and procedural barriers to the sale of the land.

To address this, local governments can take advantage of the liability protection in CERCLA for acquiring potentially contaminated sites "through the exercise of eminent domain authority by purchaser or condemnation."

Without using eminent domain as provided for in CERCLA, a local government would be held strictly liable for all costs and cleanup of polluted land as the owner and operator of the site.

I want to stress strongly that brownfield sites are not residential properties. They are abandoned, idle, or underused industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

Let us make sure the cities have the tools they need to clean up brownfield sites. It is a reasonable amendment, and I ask for an "aye" vote.

I rise today to offer a modest amendment to ensure the Federal Government continues to work with local communities to promote and encourage Brownfields redevelopment in America.

PROTECTING PRIVATE PROPERTY RIGHTS IS IMPORTANT

There is no question that the right to own private property is one of the cornerstones of American freedom.

Governmental regulatory takings are becoming more and more prevalent in today's society and Congress must do everything possible to ensure that lands acquired by private means are protected. As more and more Americans are working to purchase property and become homeowners, the threat of governmental takings must not overshadow the pursuit of the American dream.

The recent United States Supreme Court decision set the precedent that local governments may be afforded wide latitude in seizing property for land-use decisions. I strongly disagree with the implications of this decision. Private property has been the foundation of our society, and I believe it is unwise for government to deprive citizens of this most basic tenet of the American dream.

I am pleased that we have a bill before us today to respond to the Supreme Court's ill-advised decision. While the bill is an important step to protect private property rights, it could have the unintended consequence of inhibiting the redevelopment of Brownfields sites.

BILL'S EXEMPTIONS DO NOT COVER BROWNFIELDS

The bill has a list of exemptions that recognize that eminent domain is sometimes used for legitimate purposes. However, Brownfields redevelopment is not part of this list.

The current exemptions in H.R. 4128 are not sufficient to address Brownfields sites. Brownfields are not always "abandoned" and may not "impose an immediate threat to health or safety." My amendment corrects this oversight by adding Brownfields redevelopment as specifically defined in the Small Business Liability Relief and Brownfields Revitalization Act.

BROWNFIELDS REDEVELOPMENT IS IMPORTANT

Experts estimate that the United States has more than 450,000 vacant or underused industrial sites as a result of environmental contamination caused by chemical compounds and other hazardous substances. These sites are known as Brownfields.

Brownfields represent more than just eyesores—they threaten our groundwater supply, cost our local communities jobs and revenue, and contribute to urban sprawl. Returning the nation's Brownfields sites to productive economic development could generate more than 550,000 additional jobs and up to $2.4 billion in new tax revenues for cities and towns.

We must not inhibit or stymie the ability of localities to responsibly exercise eminent domain authority for the redevelopment of Brownfield sites. The redevelopment of Brownfield sites has proven to revitalize distressed neighborhoods, while fostering economic growth, creating jobs, increasing local tax revenues, and reducing public service demands.

This amendment will ensure that the use of eminent domain to redevelop Brownfield sites will remain available.

BROWNFIELDS POSE OBSTACLES TO REDEVELOPMENT THAT SOMETIMES CAN ONLY BE OVERCOME BY EMINENT DOMAIN

Owners of Brownfield sites are frequently unwilling to sell them for fear of the cleanup costs of any contamination found. Eminent domain can often help break through legal and procedural barriers to the sale of the land.

To address this, local governments can take advantage of the liability protections in CERCLA for acquiring potentially contaminated sites "through the exercise of eminent domain authority by purchase or condemnation." Without using eminent domain as provided for in CERCLA, a local government would be held strictly liable for all costs of cleaning up polluted land as an "owner or operator" of the site. As a result, local governments would be less likely to redevelop a Brownfield site.

BY PROMOTING BROWNFIELDS REDEVELOPMENT, WE ARE NOT THROWING PEOPLE OUT OF THEIR HOMES

Brownfields are not Residential Properties. They are abandoned, idle, or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

CITIES WILL NOT BE ABLE TO ABUSE THE BROWNFIELDS EXCEPTION

The Brownfields Revitalization Act creates a specific scientific standard for determining whether a former industrial site is a potential Brownfield site.

The real problem is that when a property is a Brownfield, it is in legal limbo. It is the "possibility" of contamination alone that results in the lack of redevelopment. The land might not be contaminated, but if the owners have reason to believe it might be, it will likely sit, unused.

Without the city's ability to exercise eminent domain, many contaminated properties that can be redeveloped would instead continue to impose heavy environmental, financial, and social burdens on communities.

CONCLUSION

We must give cities the opportunity to minimize urban sprawl and preserve existing green space by allowing communities to work with local developers and builders to utilize previously developed properties.

This amendment preserves the ability of cities to take ownership of Brownfields and work with their development community to design projects that utilize existing infrastructure.

Most importantly, it is estimated that up to $2.4 billion in new tax revenues can be generated through Brownfields redevelopment. Let's make sure cities have the tools they need to clean up Brownfields sites.

I urge my colleagues to support this crucial amendment to demonstrate that we support Brownfields redevelopment.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Mr. Chairman, I claimed this time to raise some concerns about the amendment offered by the gentleman from California. I believe the gentleman from California and the gentlewoman from Texas have a sincere interest in furthering this Nation's development of brownfields, land that is difficult to expand because of environmental contamination. However, I believe that such development is already protected under the bill.

First, this bill will provide an exception for removing harmful uses of land provided such uses constitute an immediate threat to health and safety. If land truly constitutes a brownfield, then it meets this exception.

Second, brownfields are often acquired by clearing title on, for example, old industrial property where ownership exchanged numerous times without proper recording. The bill creates an exception for clearing defective claims of title; and, again, brownfields would be protected.

Brownfields are also protected under the abandoned property exception that is in the bill. Owners often abandon these properties to escape liability. I am confident that there are sufficient protections in this bill for brownfields in question if an additional exception needs to be created.

We do not want cities to now use the brownfields label as an excuse to take private property and turn it over to a private business or developer. Worse yet, we do not want brownfields to become the modern-day blight exception.

You can see that we have heard requests for any number of exceptions, and if we stayed on this floor for 24 hours or 48 hours, more Members, perhaps, could think of reasons why you should take private land for private use. I maintain that if you want to package land or you want to acquire land, you have to work within the marketplace to do it. You have to go out, you have to find the owners, you have to negotiate market rates, you "have" to convince people it is for good uses. You have to work. And you have to engage in order to acquire land. You cannot simply come up with every excuse that is convenient to mayors and city council members and to developers to take people's private land.

If it is private, if it is owned, whether it is residence or business or "vacant" land, whatever, it belongs to somebody, somebody paid for it. They have a right to it. The government does not have the right to take it. And so I would simply be opposed to yet another request for an exception to this very good bill that is put forth to protect the citizens of the States.

I commend the chairman and those of us on both sides of the aisle for stepping forward in the manner that we have in a timely fashion to say no.

I have often criticized my friends on the opposite side of the aisle for accusing courts and the Supreme Court of creating law, of creating legislation. They did it on this one. They absolutely did. The Constitution simply says that you must compensate for the taking of land for public use.

We are not opposed to eminent domain for public use. I question it from time to time, but that is not what this is all about. This is about the taking of private land for private use.

Mr. Chairman, I reserve the balance of my time.

Mr. GARY G. MILLER of California. Mr. Chairman, I yield 2¼ minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I proudly join the gentleman from California in supporting this amendment.

I appreciate the response that H.R. 4128 is attempting to convey. We just feel that there is a possibility that it might have some unintended consequences.

In 2002, President Bush signed the Small Business Liability Relief and Brownfields Revitalization Act, and that bill authorized $200 million annually for Federal assistance to States and local communities to assess brownfield sites and to conduct cleanup where the assessment indicates the cleanup was warranted.

The measure represented the centerpiece of the administration's environmental agenda. It was widely praised and received broad bipartisan support, and rightfully so. According to the Government Accountability Office, there are well over 500,000 brownfields in communities around the country; and brownfields represent the economic opportunity wherever they exist.

These abandoned and underused industrial sites pose heavy economic, financial, and social burdens on the community. These burdens include blight, deterioration of neighboring properties and property values, neighborhood health hazards from contamination, and increased need for fire and police protection to limit the nuisance effect of brownfields, and increased sprawl as individuals and families and businesses relocate to the suburbs, farmland, and open space.

Over the past decade, communities across the country have realized that responsible brownfield redevelopment can transform environmentally impaired property into productive property and positively impact distressed communities.

The city of Dallas that I represent was one of the first cities to be designated as a brownfield showcase community by the Environmental Protection Agency. Dallas has used assessment and remediation grant programs to redevelop 35 sites in the core of the city.

Although the city has not used eminent domain to date in its brownfield redevelopment projects, they have shared with me that they certainly can anticipate perhaps a situation where the city might want to do this to acquire. I fully and strongly support the amendment.

Ms. WATERS. Mr. Chairman, I reserve the balance of my time.

Mr. GARY G. MILLER of California. Mr. Chairman, I yield myself the balance of my time.

The gentlewoman from California said a few things that I think I have to address. She said she believed this is included within the bill. It is not. The other thing she said is that the cities should work within the marketplace to acquire these properties.

The problem you have with cities doing that is without eminent domain that is provided for in CERCLA, a local government would be held strictly liable for all costs of cleanup of the polluted land as the owner-operator of the site. That is a complete different liability that the city would accept through eminent domain.

By not having eminent domain through CERCLA, a city then would not want to have a piece of property that was a brownfield because they then are accepting the total liability of the owner. This is going to shut down development in local communities. The problem we have with the bill, there is no immediate threat to health because, as you know, brownfields are usually fenced in. They are sites that are not being used. The owners generally do not want to know if they are contaminated because then they have to accept liability.

It is a reasonable amendment. I thank the chairman for accepting it.

Mr. Chairman, I yield back the balance of my time.

□ 1630

Ms. WATERS. Mr. Chairman, I yield myself the balance of the time.

I respect the gentleman's request for yet another exception, but I oppose it. I think that the chairman and the framers of this legislation have been very responsible in the way that we have tried to advance a piece of legislation to protect the citizens of this Nation from a bad Supreme Court decision.

A lot of people may be inconvenienced by our bill, people who want to acquire property, people who want to take private property for a development, people who want to make money, people who will use any means necessary by which to gain property that they think will help to bring them additional profits. There are a lot of reasons why people will be inconvenienced by this bill.

The bottom line is we do not wish to continue to abuse and inconvenience, marginalize and deny property owners of this country. We feel that our number one responsibility is to the property owners. We are elected to represent our citizens in the best way possible. There is no better way to represent citizens than to say we stand with you in the ownership of the land that you have bought, that you have inherited, that you have invested in.

We know a lot of people may not like it. It may inconvenience some people. You may not be able to build that parking lot, you may not be able to develop that shopping center, but we stand with the people against those kind of inconveniences. We ask for a "no" on the gentleman's amendment.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from California (Mr. GARY G. MILLER).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 printed in House Report 109–266 offered by Mr. GINGREY:

Add at the end the following new section:

SEC. 12. RELIGIOUS AND NONPROFIT ORGANIZATIONS.

(a) PROHIBITION ON STATES.—No State or political subdivision of a State shall exercise its power of eminent domain, or allow the exercise of such power by any person or entity to which such power has been delegated, over property of a religious or other nonprofit organization by reason of the nonprofit or tax-exempt status of such organization, or any quality related thereto if that State or political subdivision receives Federal economic development funds during any fiscal year in which it does so.

(b) INELIGIBILITY FOR FEDERAL FUNDS.—A violation of subsection (a) by a State or political subdivision shall render such State or political subdivision ineligible for any Federal economic development funds for a period of 2 fiscal years following a final judgment on the merits by a court of competent jurisdiction that such subsection has been violated, and any Federal agency charged with distributing those funds shall withhold them for such 2-year period, and any such funds distributed to such State or political subdivision shall be returned or reimbursed by such State or political subdivision to the appropriate Federal agency or authority of the Federal Government, or component thereof.

(c) PROHIBITION ON FEDERAL GOVERNMENT.—The Federal Government or any authority of the Federal Government shall not exercise its power of eminent domain over property of a religious or other nonprofit organization by reason of the nonprofit or tax-exempt status of such organization, or any quality related thereto.

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of this amendment I have offered to H.R. 4128, the Private Property Rights Protection Act of 2005.

Mr. Chairman, from Matthew 22:17, we know that the Pharisees tried to trap Jesus regarding allegiance to the Roman government; and, of course, Jesus said, Render to Caesar the things that are Caesar's but render to God the things that are God's.

Mr. Chairman, for over 2,000 years God has owed no taxes to the government, but that all changed on June 23, 2005.

Mr. Chairman, my amendment would add an additional section to this bill to ensure that our houses of worship and other nonprofit organizations are not penalized because they are tax-exempt and, therefore, provide no revenue to the treasuries of State and local governments. Thus, they became low-hanging fruit, ripe for the taking.

In the wake of the Kelo decision that gutted the property protections of the fifth amendment, the properties of religious organizations and other nonprofits have indeed become potential prime targets for the government wrecking ball.

State and local governments should never target, or even contemplate targeting, our houses of worship or nonprofit organizations simply because another use of the property would almost certainly build up their tax base.

Mr. Chairman, I believe my amendment turns this unique vulnerability into an asset for our houses of worship and nonprofit organizations. Its chilling effect will force State and local governments to think twice before they contemplate buying gasoline for a steamroller to plow down our houses of worship.

Mr. Chairman, I want to encourage my colleagues on both sides of the aisle to support my amendment and the overall bill to strengthen private property rights for the sake of all Americans.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from Georgia for yielding.

What the Kelo decision has said is that the land that the house of God is built on belongs to Caesar and Caesar can go condemn the land that the house of God is built on to turn it to into a strip mall or hotel or whatever will bring in more tax base, and that is wrong.

The amendment that the gentleman from Georgia has offered simply states that the tax-exempt status of a religious or nonprofit organization cannot be used for a taking under the Kelo case. The amendment is a good one. It ought to be supported, and I am happy that he offered it.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding, and I am going to acquiesce with the chairman on the amendment, but I want to express some reservations.

It appears that it is the author's intention that nonprofit and religious organizations not be singled out by local governments due to their tax-exempt status alone. Is that correct?

Mr. GINGREY. That is correct.

Mr. GOODLATTE. Mr. Chairman, is it also the gentleman's intention that this provision would not trump the other provisions of the bill that provide additional protections to nonprofits by prohibiting takings from private entities for other economic development reasons to give to other private entities?

Mr. GINGREY. That is correct. The gentleman is correct.

Mr. GOODLATTE. Mr. Chairman, to the extent that the language in the bill could be confusing in the amendment, would the gentleman be willing to work with the chairman of the Judiciary Committee and myself and others to ensure in conference that his intentions are accurately reflected in the amendment language?

Mr. GINGREY. Mr. Chairman, certainly we would be glad to work with both chairmen in regard to that in the conference if there is any confusion regarding the amendment.

Mr. GOODLATTE. I appreciate the gentleman's willingness to work with us; and, on that basis, we will support the amendment.

Mr. GINGREY. Mr. Chairman, with the indulgence of the chairman of the Judiciary Committee, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT), who has asked for time on this amendment.

Mr. BARTLETT of Maryland. Mr. Chairman, I urge my colleagues to support the Gingrey amendment.

Before Kelo, a Christian church, after spending 5 years acquiring property, had the city intercede when it learned there would be a church built on the property. The city initiated eminent domain to give the land to Costco. The church prevailed, but that was before Kelo.

In Justice O'Connor's Kelo dissent, she warned that in expanding the definition of "public use," the majority had come close to embracing "the absurd argument that any church might be replaced with a retail store." She continued to state that this "is inherently harmful to society."

Because of Kelo in general and in this situation in particular, the fifth amendment takings clause has been stretched beyond the bounds that the Framers intended. By expanding the fifth amendment's definition of "public use," it could limit the scope of the "free exercise" of religion guaranteed in the first amendment.

Kelo shattered our private property rights. Today, by passing H.R. 4128, Congress will help pick up the pieces. Congress must act to prevent the demolition of our rights, our homes, our businesses and our houses of worship.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. CUELLAR

Mr. CUELLAR. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 printed in House Report 109-266 offered by Mr. CUELLAR:

Add at the end the following:

SEC. 13. REPORT BY FEDERAL AGENCIES ON REGULATIONS AND PROCEDURES RELATING TO EMINENT DOMAIN.

Not later than 180 days after the date of the enactment of this Act, the head of each Executive department and agency shall review all rules, regulations, and procedures and report to the Attorney General on the activities of that department or agency to bring its rules, regulations and procedures into compliance with this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I thank the gentleman from Wisconsin and the gentlewoman from California for this opportunity to present this amendment. I believe this amendment is acceptable to the chairman and the gentlewoman from California.

Chairman SENSENBRENNER and Congresswoman WATERS, thank you for this opportunity to present my amendment to H.R. 4128, the Private Property Rights Protection Act of 2005.

I will not spend much time describing my amendment, which is acceptable to the Chairman and Congresswoman WATERS, because the concept is simple. My amendment will require all Federal agencies and departments to submit a report to the Attorney General verifying that all rules, regulations, and procedures of that agency are in compliance with the provisions of H.R. 4128.

There is a saying in business: "what gets measured gets done." H.R. 4128 is an important and timely bill, and it will do a great deal to help protect private property rights in this country. My amendment will strengthen H.R. 4128, by making sure that the practices and procedures of Federal agencies are quickly and uniformly brought into compliance with the new law.

My amendment will require all Federal agencies and departments to review their practices with regard to eminent domain, and to submit a report to the Attorney General verifying that all rules, regulations, and procedures of that agency are in compliance with the provisions of H.R. 4128. This amendment will help to make the transition clearer, and will introduce an added dimension of accountability into the process.

As a believer in responsible government, I always have and will continue to hold our bureaucracy accountable for knowing the law and following it correctly. This simple reporting requirement will ensure that it is done in a timely fashion. H.R. 4128 is a good bill, and my amendment will help to ensure that it is enforced quickly, uniformly, and fairly.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CUELLAR. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am happy to accept the amendment because it requires the Federal Government agencies do whatever they need to do to come into compliance with the bill's prohibition on abuse of eminent domain. It is a good amendment, and I hope we accept it.

Mr. CUELLAR. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 printed in House Report 109-266 offered by Ms. JACKSON-LEE of Texas:

Add at the end the following:

SEC. ___. SENSE OF CONGRESS.

It is the sense of Congress that any and all precautions shall be taken by the government to avoid the unfair or unreasonable taking of property away from survivors of Hurricane Katrina who own, were bequeathed, or assigned such property, for economic development purposes or for the private use of others.

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I might consume.

Might I just for my colleagues read very briefly the language of this amendment, and I hope that we can join in a bipartisan manner in the spirit of this underlying legislation.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentlewoman for yielding.

I am happy to accept this amendment that amends the sense of Congress section of the bill that says that victims of Hurricane Katrina cannot have their property condemned simply because it was damaged by the hurricane. Unless the amendment is adopted, then victims of Hurricane Katrina end up getting penalized twice. That is twice too many times. We can take away one of those times by adopting the amendment, and I urge the House to support it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I cannot thank you enough, and I would ask your kind indulgence if I could reclaim my time to put these items in the RECORD, and I would like to yield a moment to the gentlewoman from California, but let me just say this.

The chairman is so very right. Let me make these points. It is legislation to, in fact, make a very pronounced statement that we are very much watching and seeking to protect the Hurricane Katrina survivors from unreasonable taking of property away from them for economic development or for private use.

Let me share this paragraph: New Orleans will be the center of a reconstruction project that will have a price tag in excess of $200 billion. Eminent domain will play a major role in the local government's ability to assemble properties to carry out their plans, whether residents like it or not.

The NAACP, which the chairman cited in another debate, stated that the eminent domain process mostly targets, in many instances, racial and ethnic minorities because cities often want to redevelop areas with low property values because minorities have less political clout and are less able to fight back. That is one aspect, but the rural community and the surrounding areas in New Orleans and Gulfport and other areas are equally victims, and so this amendment speaks to the wholeness of the region that will be under attack for economic development.

Might I close by these words: "South-of-Boston residents, especially those in coastal towns need to confront the nasty implications of the recent Supreme Court decision in a post-Katrina era. If a Category 5 hurricane wipes houses from Houghs Neck, Minot, Humarock, Marion, or Mattapoisett, might not the remaining citizens take kindly to an offer to replace the houses with a resort hotel?"

I want to remind my colleagues that the eminent domain theory came when the British soldiers wanted to place their soldiers in American homes or colonial homes, and so this has the underpinnings of a long history. This is an important step for us to take for the Katrina survivors, and I thank the chairman for supporting it.

Mr. Chairman, I have an amendment to H.R. 4128, the Private Property Rights Protection Act of 2005, that has been reported by the Committee on Rules, #12 as printed in the Congressional Record and captioned as Jackso.177. This legislation seeks to curtail the decision handed down by the U.S. Supreme Court in Kelo v. City of New London on June 23, 2005. Kelo held "economic development" to be a "public use" under the Fifth Amendment's Taking Clause. The Takings Clause states that "nor shall private property be taken for public use without just compensation."

In the 1990's, a state agency declared that New London, CT was a "distressed municipality" after its unemployment numbers hit double the rate in the rest of Connecticut. The holding by the Supreme Court purported to defer to the city's judgment and that the development would be a "catalyst to the area's rejuvenation."

To lay the foundation for the relevance of my amendment, I cite an article in the Tulsa World:

> The situation in New London is a time-extended version of the crisis in New Orleans . . . New Orleans saw its demise in the course of days, not decades. There was no choice but to create a package of initiatives that would bring the private sector in on the rebuilding effort. In some areas, eminent domain may be the only answer. The urgency of government planning, however, is offset by the fact that the first contracts have gone out to some of the usual suspects—namely, corporations with strong ties to the administration In Washington.

The land use situation in the areas most affected by Hurricane Katrina presents the situation that is most ripe for eminent domain takings under the guise of "economic development." My amendment seeks to add the legislative intent to H.R. 4128 that the law seeks to put the people first even in the face of post-disaster reconstruction.

I thank the Chairman of the Committee on the Judiciary for his support of this amendment. It is critical that we continue the spirit of bi-partisanship that was started with the resolution disapproving the Kelo decision, of which I was an original co-sponsor, the Private Property Rights Protection Act of 2005, H.R. 3135.

New Orleans will be the center of a reconstruction project that will have a price tag in excess of $200 billion. Eminent domain will play a major role in the local governments' ability to assemble properties to carry out their plans—whether the residents like it or not. NAACP representative Hillary Shelton stated that "the eminent domain process mostly targets racial and ethnic minorities because cities often want to redevelop areas with low property values and because minorities have less political clout and are less able to fight back." My amendment seeks to clarify that, in redefining the boundaries of the federal government's Taking power, unfair practices will not be tolerated and that the rights of property owners will be given the highest regard.

Mr. Chairman, I ask that my colleagues support this amendment.

Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I would first like to thank Chairman SENSENBRENNER for accepting the gentlewoman's amendment, and I would like to thank her for this very timely amendment.

While we began to work on this simply because of the Supreme Court decision and the danger that American citizens' homes and lands were placed in with this decision, the gentlewoman is absolutely right: We have to take another step to protect those victims of Katrina.

There has been a lot of discussion from homeowners and others who are observing what is going on and what could possibly happen, wondering if there are not schemes already going on that would deny these homeowners who have lost their homes the ability to hold on to that land, whether or not the speculators are cooking up schemes with those in local government even. So this amendment would protect the victims of Katrina, and they will be very grateful for this, and they will be very, very thankful that the gentlewoman provided the leadership in thinking about them as this legislation was winding its way through the government of the United States of America.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask my colleagues to support this amendment, and it lays further precedent for the victims of Hurricanes Rita and Wilma. I thank the chairman for accepting it, and I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. WATT

Mr. WATT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 printed in House Report 109-266 offered by Mr. WATT:

Page 2, strike line 3 and all that follows through line 25 on page 6.

Page 8, strike line 15 and all that follows through line 4 on page 11.

Page 7, strike line 1 and insert the following:

SECTION 1. SENSE OF CONGRESS.

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from North Carolina (Mr. WATT) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. WATT. Mr. Chairman, I yield myself 1 minute.

First of all, I am fully aware that it is a dangerous combination to be opposing both the chairman of the full Judiciary Committee and the gentlewoman from California (Ms. WATERS), but I simply think this bill is an overreaction.

This amendment would strike all the provisions of the bill except the sense of Congress which I believe adequately conveys the legitimate concerns with the decision of the Supreme Court in Kelo and does what we should appropriately do, express our concern about it and any possible abuse of it but not go so overboard as this bill does in my opinion.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 15 seconds.

The amendment guts the bill by striking out every provision of it except the sense of Congress and the report requirement. If we are for the bill, we ought to vote against the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, we can all agree that Federal powers should not be used to enrich the powerful and the wealthy, but the first response to Kelo should be from responsible local and State governments, not the United States Congress. One narrow Supreme Court decision should not be the basis for an overbroad Federal amendment that will have many unintended consequences.

Earlier I asked what would be the impact if this legislation had been passed for the revitalization of Times Square, where eminent domain transformed one of the most notorious places in America or the Dudley Street neighborhood initiative in the Roxbury Dorchester area in Boston or just outside our window where we have had Pennsylvania Avenue restored using eminent domain.

□ 1645

I would strongly suggest that the gentleman from North Carolina's approach is a more reasonable and prudent one. We do not have a crisis at this point. State and local governments should be dealing with this in an appropriate fashion. We should not have overbroad legislation that could have many unintended consequences.

Mr. WATT. Mr. Chairman, I yield myself such time as I may consume.

First of all, I want to thank the gentleman from Oregon for his thoughtful approach to this and express my desire to have all of the Members of the Congress have an equally thoughtful approach to it.

The Kelo decision was met with a tremendous uproar, with many echoing the view that all private property is now vulnerable to condemnation as long as the new use of the land will produce additional tax revenue. While I appreciate that concern and share the view that private property should not be taken solely for the purpose of increasing State coffers or local coffers with additional tax revenue, I do not believe that the Court's decision leads to that result.

What is even more important is I do not believe that this bill does much, if anything, to address that concern even if it did do that. Unless we get down to a definition of what removal of blight is, and this bill does nothing to do that, local communities are still going to be able to condemn property, as they should, for public purposes. There really is nothing inconsistent with that in the Kelo decision.

Flexibility by local communities in determining whether the public use requirement has been served by ensuring that condemned property creates a public benefit or advantage has long existed, and I believe should continue to exist, as the gentleman from Oregon (Mr. BLUMENAUER) has so eloquently stated. I feel like State and local officials have as much intellect and discretion and are as accountable, probably even more so, to their constituents than Members of Congress; and they should be answering to their constituents on these issues.

Again, while I believe that the power of eminent domain must be exercised judiciously, I think this bill goes too far in limiting the power of States and local governments. In addition, the punitive measures included in the bill will visit additional harms on the very distressed communities that are often the target of eminent domain proceedings.

I would just point out that apparently after this bill is passed, if it is passed, a local government, a State government could still condemn blighted property. The problem now is that it would just have to sit there vacant with nothing developed on it, otherwise they would be in violation of the provisions of this bill if there were any kind of private development, even a public-private partnership.

So I think we are going too far and we need to take a giant step back, take a deep breath, and pass the sense of Congress part of this resolution expressing our concern, but not the bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Judiciary Committee.

Mr. CONYERS. Mr. Chairman, I thank the chairman of the committee for yielding me this time.

This is an unusual note to end the debate on a very important subject like this, because the last amendment from my friend from North Carolina is to strike everything in the bill except the sense of Congress provisions expressing support for property rights. Well, that is a vote on the bill. Why do we not just have a vote on final passage and skip this? Because that is what this is.

And I would like to emphasize the fact that the people, the citizens, are in support of this amendment. I am proud that we have the civil rights organizations supporting me and not my friend from North Carolina. The NAACP is not known to take issues against the majority of ordinary people. That is what it was founded on. We support the NAACP in everything. Here is the thing. Here is the point. The NAACP says, support this bill, and my friend and I, who support the NAACP, tells me, let us have a vote before final passage that strikes every blooming thing from the bill.

Mr. WATT. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield briefly to my friend from North Carolina, contrary to my best instincts.

Mr. WATT. I just want to clarify for the gentleman that the NAACP has advised me that they are concerned about the abuse of eminent domain, as everybody else is, and the sense of Congress part of the resolution would continue to express that concern. They do not endorse the bill, however.

Mr. CONYERS. Mr. Chairman, reclaiming my time. I thank the gentleman, but this is an unusual division. Here I am supporting many of my friends on the other side of the aisle, but we have this unusual division here. What I am saying is that the concept of not using private takings for private use should not be allowed. We know that casinos benefit from these takings. We know that hotels and private developments benefit. And all I am saying, and I thought that everybody would mostly agree with this in the Congress, is that that is wrong. That is a misuse. That is an abuse.

So let us be careful. Let us control this. Let us not overdo it, but let us support the measure of 4128, which tries to finally answer what happened to us in Detroit. Our experience was that we had thousands of residences, businesses, and churches that were taken to develop an automobile plant. That is not what my idea of an eminent domain should be about. That is all we are saying here. It is not that complicated.

Now, I am not pitting somebody's intellectual abilities at the local level versus the national level or who is more dedicated. I am dealing with a Supreme Court case that has forced us into this action. This measure would not have been here if the Supreme Court had not given us one of the most shocking rulings that just came out this year. So I urge that not only my friend from North Carolina's amendment be rejected but that this bill be supported on final passage.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. WATT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. NADLER of New York.

Amendment No. 5 by Mr. MORAN of Virginia.

Amendment No. 6 by Mr. TURNER of Ohio.

Amendment No. 11 by Mr. WATT of North Carolina.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. NADLER

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 63, noes 355, not voting 15, as follows:

[Roll No. 564]

AYES—63

Abercrombie
Ackerman
Aderholt
Bishop (NY)
Blumenauer
Brown (OH)
Brown, Corrine
Capuano
Case
Cleaver
DeGette
Delahunt
Dicks
Dingell
Emanuel
Engel
Farr
Fattah
Hinchey
Holt
Hooley
Hoyer
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Larson (CT)
Levin
Lowey
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McKinney
Meeks (NY)
Miller (NC)
Miller, George
Moran (VA)
Nadler
Neal (MA)
Oberstar
Olver
Owens
Pastor
Payne
Pelosi
Rangel
Rothman
Ryan (OH)
Sabo
Sánchez, Linda T.
Schakowsky
Schwartz (PA)
Scott (VA)
Serrano
Slaughter
Solis
Thompson (CA)
Towns
Watt
Weiner
Woolsey

NOES—355

Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Eshoo
Etheridge
Evans
Everett
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Obey
Osborne
Otter
Oxley
Pallone
Pascrell
Paul
Pearce
Pence

Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Sanders
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Boswell
Boyd
Brown-Waite, Ginny
Buyer
Davis (FL)
Hastings (FL)
Lewis (GA)
McMorris
Norwood
Ortiz
Pombo
Roybal-Allard
Schiff
Sullivan
Tiahrt

☐ 1723

Messrs. GRIJALVA, AL GREEN of Texas, BONILLA, CARDOZA, SKELTON, WYNN, RYUN of Kansas, WAXMAN, BECERRA, Ms. LORETTA SANCHEZ of California, and Ms. VELÁZQUEZ changed their vote from "aye" to "no."

Ms. SCHWARTZ of Pennsylvania and Mr. ABERCROMBIE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ADERHOLT. Mr. Chairman, on rollcall No. 564. I inadvertently voted "aye." I would like the record to reflect that I meant to vote "no."

AMENDMENT NO. 5 OFFERED BY MR. MORAN OF VIRGINIA

The Acting CHAIRMAN (Mr. DAVIS of Kentucky). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. MORAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 49, noes 368, not voting 16, as follows:

[Roll No. 565]

AYES—49

Baird
Blumenauer
Brady (PA)
Capuano
Carson
Case
Cleaver
DeGette
Delahunt
Dingell
Emanuel
Engel
Fattah
Hinchey
Holt
Hooley
Jackson (IL)
Jefferson
Kanjorski
Kennedy (RI)
Larson (CT)
Levin
Lowey
Markey
McGovern
Miller (NC)
Moran (VA)
Murtha
Nadler
Neal (MA)
Olver
Payne
Pelosi
Price (NC)
Rangel
Rothman
Sabo
Schakowsky
Schwartz (PA)
Scott (VA)
Shays
Sherman
Slaughter
Smith (WA)
Watt
Waxman
Weiner
Woolsey
Wynn

NOES—368

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—16

Boswell
Boyd
Brown-Waite, Ginny
Buyer
Davis (FL)
Feeney
Hastings (FL)
Lewis (GA)
McMorris
Norwood
Ortiz
Pombo
Roybal-Allard
Schiff
Sullivan
Tiahrt

☐ 1734

Mr. BAIRD and Mr. ENGEL changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. TURNER

The Acting CHAIRMAN (Mr. DAVIS of Kentucky). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. TURNER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 56, noes 357, not voting 20, as follows:

[Roll No. 566]

AYES—56

Baker
Beauprez
Bishop (GA)
Blumenauer
Blunt
Boehlert
Capuano
Case
Chabot
Chocola
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
Ehlers
Eshoo
Farr
Fortenberry
Gerlach
Granger
Green, Gene
Hobson
Jackson (IL)
Kanjorski
Kelly
Kennedy (RI)
Langevin
Larson (CT)
LaTourette
McDermott
McGovern
Miller (MI)
Miller (NC)
Miller, George
Moran (VA)
Neal (MA)
Oxley
Pascrell
Pickering
Pryce (OH)
Regula
Rothman
Sanchez, Loretta
Schmidt
Souder
Sweeney
Tiberi
Tierney
Turner
Udall (CO)
Watson
Weller
Wicker
Woolsey
Wynn
Young (FL)

NOES—357

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Blackburn
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Lantos
Larsen (WA)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Pallone
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Towns
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)

NOT VOTING—20

Bishop (UT)
Boswell
Boyd
Brady (TX)
Brown-Waite, Ginny
Buyer
Davis (FL)
Dingell
Green, Al
Hastings (FL)
Hunter
Lewis (GA)
McMorris
Norwood
Ortiz
Pombo
Roybal-Allard
Schiff
Sullivan
Tiahrt

☐ 1742

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GREEN of Texas. Mr. Chairman, on rollcall No. 566, I was detained. Had I been present, I would have voted "no."

AMENDMENT NO. 11 OFFERED BY MR. WATT

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. WATT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 44, noes 371, not voting 18, as follows:

[Roll No. 567]

AYES—44

Ackerman
Blumenauer
Brady (PA)
Capuano
Carson
Case
Clay
Cleaver
DeGette
Delahunt
Dingell
Emanuel
Fattah
Hinchey
Jackson (IL)
Kanjorski
Larson (CT)
Levin
Lofgren, Zoe
Lowey
Markey
Matsui
McDermott
Miller (NC)
Miller, George
Moran (VA)
Nadler
Neal (MA)
Olver
Pastor
Payne
Pelosi
Rangel
Rothman
Sabo
Schakowsky
Schwartz (PA)
Scott (VA)
Slaughter
Stark
Visclosky
Watt
Waxman
Wynn

NOES—371

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carter
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)

Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey

Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanders
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus

Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—18

Boswell
Boyd
Brown-Waite, Ginny
Buyer
Davis (FL)
Harris

Hastings (FL)
Lewis (GA)
McMorris
Norwood
Ortiz
Pombo
Roybal-Allard

Sanchez, Loretta
Saxton
Schiff
Sullivan
Tiahrt

☐ 1750

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. DAVIS of Kentucky). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TERRY) having assumed the chair, Mr. DAVIS of Kentucky, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4128) to protect private property rights, pursuant to House Resolution 527, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 376, nays 38, not voting 19, as follows:

[Roll No. 568]

YEAS—376

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza

Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emerson
Engel
English (PA)
Eshoo

Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa

Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery

McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush

Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wu
Young (AK)
Young (FL)

NAYS—38

Ackerman
Blumenauer
Boehlert
Brady (PA)
Capuano
Case
Cleaver
DeGette
Dingell
Emanuel
Fattah
Hinchey
Jackson (IL)

Larson (CT)
Levin
Lowey
McDermott
Meeks (NY)
Miller (NC)
Miller, George
Moran (VA)
Nadler
Neal (MA)
Olver
Pastor
Pelosi

Rothman
Sabo
Schakowsky
Schwartz (PA)
Scott (VA)
Stark
Turner
Visclosky
Watt
Waxman
Woolsey
Wynn

NOT VOTING—19

Bachus
Boswell

Boucher
Boyd

Brown-Waite, Ginny

Buyer
Davis (FL)
Ehlers
Hastings (FL)
Lewis (GA)
McMorris
Norwood
Ortiz
Pombo
Roybal Allard
Schiff
Sullivan
Tiahrt
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1808

Ms. WOOLSEY changed her vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. POMBO. Mr. Speaker, I was unable to make votes today on the House floor because of an untimely and unexpected need requiring me to be back home with my family in California. I take my responsibility to vote very seriously.

Had I been present, I would have voted "yea" on H.R. 4128, the Private Property Rights Protection Act of 2005.

PERSONAL EXPLANATION

Mr. BACHUS. Mr. Speaker, I was unavoidably detained during rollcall 568. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, due to business in my district, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 564: "No."
Rollcall No. 565: "No."
Rollcall No. 566: "No."
Rollcall No. 567: "No."
Rollcall No. 568: "Yes."

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, on November 3, I was unavoidably detained and missed rollcall vote Nos. 562, 563, 564, 565, 566, 567 and 568.

Rollcall vote No. 562 was on the motion to table the appeal of the ruling of the Chair. Had I been present, I would have voted "yea."

Rollcall vote No. 563 was on agreeing to the resolution H. Res. 527. Had I been present, I would have voted "yea."

Rollcall vote No. 564 was on agreeing to the Nadler amendment. Had I been present, I would have voted "no."

Rollcall vote No. 565 was on agreeing to the Moran (VA) amendment. Had I been present, I would have voted "no."

Rollcall vote No. 566 was on agreeing to the Turner amendment. Had I been present, I would have voted "no."

Rollcall vote No. 567 was on agreeing to the Watt amendment. Had I been present, I would have voted "no."

Rollcall vote No. 568 was on final passage of H.R. 4128. Had I been present, I would have voted "yea."

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. YOUNG of Alaska, from the Committee on Transportation and Infrastructure, submitted a privileged report (Rept. No. 109–269) on the resolution (H. Res. 488) requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction related to Hurricane Katrina recovery, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 109–270) on the resolution (H. Res. 532) waiving points of order against the conference report to accompany the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, LOBIONDO, COBLE, HOEKSTRA, SIMMONS, MARIO DIAZ-BALART of Florida, BOUSTANY, OBERSTAR, FILNER, TAYLOR of Mississippi, HIGGINS, and Ms. SCHWARTZ of Pennsylvania.

From the Committee on Energy and Commerce, for consideration of section 408 of the House bill, and modifications committed to conference: Messrs. BARTON of Texas, GILLMOR, and DINGELL.

From the Committee on Homeland Security, for consideration of sections 101, 404, 413, and 424 of the House bill, and sections 202, 207, 215, and 302 of the Senate amendment, and modifications committed to conference: Messrs. DANIEL E. LUNGREN of California, REICHERT, and THOMPSON of Mississippi.

From the Committee on Resources, for consideration of sections 426, 427, and title V of the House bill, and modifications committed to conference: Messrs. POMBO, JONES of North Carolina, and PALLONE.

There was no objection.

BUDGET CUTS

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, the gentlewoman from California (Ms. WOOLSEY) encouraged that we take a minute to speak today about the draconian budget cuts that are coming out of the Budget Committee recommendation.

I am going to include in my statement that of the gentleman from Texas (Mr. EDWARDS) who did what I think was so very appropriate and timely. He tied in the fact that we have just honored the first woman in American history to lie in honor in the Rotunda, and yet we may be seriously dishonoring her memory by cutting school lunch programs, student aid, Medicaid, health care programs, and it seems to me that we ought to try to reconcile these.

STATEMENT BY CONGRESSMAN CHET EDWARDS ON THE DEFICIT REDUCTION ACT OF 2005 HOUSE BUDGET COMMITTEE NOVEMBER 3, 2005

Yesterday, we honored Rosa Parks as the first woman in American history to lie in state in the rotunda of our nation's Capitol. Yet, today, the House leadership and this Committee dishonors all that she stood for by cutting child support, by cutting 40,000 children off of school lunch programs and by robbing billions of dollars from student financial aid and health care programs for low-income families.

Rosa Parks didn't just fight for a seat on a bus. She fought for fairness for every American and to see that every child has a chance to reach his or her highest God-given potential. This bill is an attack upon those high principles.

The mean-spirited cuts in this bill will hurt decent, hard-working American families who are doing their best to help their children have a better life. And, why? So, that people making a million dollars a year in dividend income can keep every penny of their recently passed $220,000 annual tax break. Where is the fairness in that?

If this is compassionate conservatism, where is the compassion?

If this is a faith-based program, what major religion preaches the values of taking the most from those who have the least while asking nothing from those who have the most?

This budget makes a mockery of the American values of fairness and shared sacrifice during time of war.

Rosa Parks understood that actions speak far louder than words. We in Congress should truly honor her life and spirit by standing up against this bill.

☐ 1815

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4011

Mr. TOWNS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4011.

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Is there objection to the request of the gentleman from New York?

There was no objection.

IMPENDING REPUBLICAN BUDGET CUTS COMPOUND HARDSHIP FOR AMERICA'S IMPOVERISHED CHILDREN AND FAMILIES

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, the Republican's budget priorities are clear, and they are shameful. To provide $70 to $100 billion in new tax cuts for the powerful and the privileged, they are going after every single mother and their children in this country, every single mom and her kids.

Instead of these new tax cuts, we could provide an estimated 11.5 million Head Start slots for eligible children who cannot get into a Head Start program and health care for more than 52 million American children and families who receive marginal health care or none at all.

Another $500 million in Republican cuts will leave 250,000 children without quality child care.

They are even slashing funding for child support enforcement. $4.9 billion in Republican cuts will let deadbeat dads off the hook to the tune of $7.9 billion over the next 5 years and $24 billion over the next 10 years.

This is the Republican reconciliation. Watch out everybody but the rich.

NATIONAL PRIORITIES

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, the priorities set forth in a budget directly speak to what we value as a Nation. It is a statement about our sense of morality and about our priorities.

What values are represented in giving away our public lands and coastal areas to oil companies that are making record profits at consumers' expense?

What does $10 billion in Medicaid cuts to health services for poor children and long-term care patients, and increasing the cost of prescription drugs, what does that say about our values?

What about $844 million in food stamp cuts that eliminate nutrition and school lunch programs and breakfast benefits for hundreds of thousands of families and children?

How about $14 billion in cuts to student aid programs, including raising the cost of college for students and their families through increased interest rates and fees?

What about eliminating $470 million of Federal housing rehab grants to make rental units available to low-income families, which could include families displaced by Hurricane Katrina?

Let me tell my colleagues, these cuts are really going to pay for the $106 billion additional tax cuts for the wealthy this year and will still leave an enormous deficit. What does this say about our values? You cannot tell me that we cannot do better than this.

BLOOD IS ON THE HANDS OF THOSE WHO HAD THE KNIFE

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I have been told that if all you do is cut, cut, cut, cut, all that you really get is blood, blood, blood, blood.

I am afraid that the blood of the American people, the blood of the poor, the blood of the homeless, the blood of the hungry, the blood of the children, the blood that is cut out of Medicare, Medicaid, food stamps, all of that blood will be on the hands of those who had the knife.

RETAINING THE PROPOSED $70 BILLION BUDGET CUTS

(Ms. CORRINE BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise to address the House regarding the proposed $70 billion cuts.

Let me just say that this weekend I went to the Florida-Georgia game, and it was a real tough game, but at that game was the head of the Police Athletic League who had just read an article in the Times Union, which is one of the most conservative papers in the United States. It talked about the proposed cuts in the food stamp program, and he was appalled that we are going to cut programs for school lunch and senior citizens programs while we are trying to give tax breaks to the rich.

I mean, just picture this. The head of the Police Athletic League, conservative group, giving me the going over.

I told him, you know what, you are singing to the choir. I do not support these cuts. You need to talk to the people on the other side of the aisle, the people that you play golf with, the people that you run around with. Those are the ones that are planning on doing these cuts, and I recommend that you talk with them and let them know that you do not support those cuts.

BUDGET RECONCILIATION PROPOSAL

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think the American people should be told why so many of us are rising to the floor even before the budget reconciliation proposal comes to this floor. It is because, what is the choice or the choice that is being made by Republicans? Is it that they are willing to give a $70 billion tax cut, rather than spend dollars on education, rather than spend dollars on health care, rather than spend dollars on easing the pain of senior citizens?

The interesting aspect that I would like to bring to the attention of my colleagues is that there is a pending possibility of a veto because our colleagues in the Senate have been able to find some relief for the $10 billion Medicaid cut. Their proposal has to do with taking away the $10 billion cushion that has been established by the Medicare drug law. They want to take those dollars and have it to pay for the large cut of $10 or $11 billion that is coming out of this budget, out of Medicaid.

Is it not ridiculous to spend $70 billion on tax cuts, borrowing from Peter to pay Paul, and we are going to get a veto by the President of the United States if we try to save the $10 billion for those seniors who need the money in Medicaid?

Vote against the budget reconciliation when it comes to the floor.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from North Carolina (Mr. MCHENRY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

EVERYDAY HEROES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, Senator ORRIN HATCH of my State has penned words to a song entitled, "Everyday Heroes." The lyrics in part read:

"Some people have helping hands that go a second mile.

"They're willing to love and lift a brother for a while.

"Everyday Heroes live in every neighborhood.

"Everyday Heroes, helping in the way a neighbor should.

"Giving just a little time; sharing just a little love.

"God bless each one of those everyday heroes."

Mr. Speaker, I wish to introduce this body to an everyday hero whose efforts make the world a better place to live. If you think about that in that respect, it is actually quite spectacular. This hero is an outstanding educator at Box Elder High School in Brigham City, Utah; and I had the opportunity of teaching alongside him before I came to Congress. I know from personal experience the dedication he brings to his job, and I know how he helps kids every day.

At Box Elder High School is a charismatic head wrestling coach by the name of Mike Ripplinger. He was recently named the Class 4A Coach of the Year, shortly after leading his team to the fourth State title in 6 years, his fifth overall. That goes along with a record 18 region championships in the 20 years he has been a head coach. In a sport like wrestling, which is very competitive in Utah, that is indeed quite an accomplishment.

The measure of a coach, as our good Speaker well knows, is not based on his success and the wins and losses but the quality of the students with whom he works. More impressive than any championship title is the impact Mike has had on the wrestlers off the mat, as he has produced not only outstanding athletes but also gentlemen.

On the occasion of hosting the 20th Richardson Memorial Tournament in his tenure, Mike's athletes returned from years past to give him tribute. I wish to review a few of those and also add to those tributes myself.

One of these young wrestlers noted that when he was a junior he broke his sternum not once, but twice. It was very difficult for him to just sit on the sidelines and cheer on his teammates, realizing he could not contribute to the success of the team. Most kids would have just dropped out at that point. Coach Ripplinger, realizing the pain of lack of participation, gave an extra effort to include this kid as part of the team. Through his encouragement, this young student learned how to persevere and, as he later noted, he made many successes in preparation for life that year even though he had no activity on the mat.

Another former student said that the coach expected us to live with dignity, honor and respect for others.

Another admitted that, when they were disciplined, the toughest thing was feeling like we had disappointed the coach because we had all the respect for him as a person and as a leader. All teachers seek respect. Very few of us actually earn it the way Mike Ripplinger has.

Those lessons were as important to the student athletes as the trophies that they earned.

When Mike was hired, his principal said, I wanted a coach who could build a strong wrestling program but an individual who could also build young men. He said this is one of the best hires he ever made. "On a personal note," he also wrote, "my son Joseph, who has found success in his personal life as an orthopedic surgeon, found out what life was all about from you and your program." Even though a three-sport athlete, he had little wrestling skill. Through your program, he found out what it was like to rise above losing. He found the encouragement and desire to keep picking himself up and going on, and from people like you he found out how to succeed.

Sometimes in our environment today we actually do not want people to display any outward religious conviction, but through Mike's demonstration he showed his goodwill, his strong moral character and his relationship with his God.

At one point, when one of his students seriously injured an arm by sticking it through a glass window, one of his other students noted that he admired a coach who was not afraid to have a team prayer for the cut student.

Mike Ripplinger is to be commended for not being afraid to help his students become better people, as well as better wrestlers.

Students of Mike recognize that he has a rare ability to make each individual student feel like he or she is important, has value, has someone who cares. Every year, Mike helps students mature and learn. Every month, Mike gives himself to others. Every week, Mike creates a learning environment in which kids want to participate. Every day, Mike makes the world a better place. Mike Ripplinger is one of our everyday heroes.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to take my Special Order out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

IRAQ AND LIBBY'S SUCCESSFUL COVER-UP

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, Scooter Libby was arraigned this morning, and the Bush administration defenders continue to insist that the administration of the CIA leak was "much ado about nothing."

They say that the crime of perjury and obstruction of justice are mere technicalities, nothing to worry our heads over. Ha.

Let us leave aside the obvious hypocrisy. We all know that there was quite a hue and cry over perjury in this town 7 years ago when the President's party was on the outside of the White House looking in. Dare I say, the underlying issue at that time was just a little more frivolous than the matters of life, death and war that are at the heart of the current episode.

More importantly, of course, Scooter Libby's lies matter. Libby's lies are exactly what is keeping us from knowing the truth about the original crime, the outing of a covert CIA operative as part of a campaign to scare the Nation into a war based on the lie that Saddam Hussein was poised to use nuclear weapons on the United States.

Columnist E.J. Dionne makes the important and distressing point: the Scooter Libby cover-up was successful.

☐ 1830

You see, 1 year and 1 day ago, the President was reelected by a narrow margin. Why does that matter? Because Libby is stonewalling. His tall tale about having learned about Valerie Plame's status from gossiping reporters was all about gumming up the investigation just long enough so that the clock would run out on the last campaign season. It was all about ensuring that Americans went to the polls last year with very limited knowledge of this scandal.

As we analyze the legal maneuvers and intrigue, as we try to read between the lines of Scooter Libby's bizarre letters to Judy Miller, let us not lose sight of the big picture. Right now, there are some 140,000 loyal, patriotic, courageous Americans who have been separated from their families and are prepared to die, all because the neocon's cabal had it in for Saddam Hussein. Over 2,000 of their fellow soldiers have already made the ultimate sacrifice, and I have no doubt that those men and women would be alive today if not for the trumped-up intelligence and the campaign of deceit.

I had the privilege of talking with our soldiers when I was in Iraq a month ago, and you could not ask for a finer, more committed group of young people. I came away from those conversations full of pride but also profound sadness, because the men and women on the front lines have dutifully entrusted their lives to cynics and ideologues like Scooter Libby. They deserve so much better. They deserve civilian superiors who are at least as honorable as they are.

Even as we never forget the lies that got us into this war, I am even more concerned about how we are going to get out. There are ways to do this while still keeping Iraq secure, while helping build its democratic institutions and its economic infrastructure. I held a hearing earlier this fall where we discussed such ideas in detail.

We can appeal to the U.N. and to NATO to establish an interim security force in Iraq. We can launch a diplomatic offensive, helping establish an international peace commission that can coordinate peace talks between Iraq's various factions and oversee the post-war reconciliation process.

But the President does not want to be part of this conversation. All he has to offer is the same old rhetoric about staying the course and completing the mission. But how do you win a war against an enemy that grows more resilient with each passing day because your occupation appears to be occupiers of their land? One military commander put it best: He said that "for every insurgent I kill, I create three more."

Enough is enough, Mr. Speaker. The current Iraq policy is a bloody, destructive, dead end. We have paid way too high a price already. It is time to honor our troops. It is time to bring them home.

PENTAGON PROGRAM COSTING TAXPAYERS MILLIONS IN INFLATED PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, on October 23, the Knight-Rider newspaper had a headline that said, "Pentagon Program Costing Taxpayers Millions in Inflated Prices." I want to give a few examples, because, as we talk about budget resolution, budget cuts, or tax increases or whatever, if we just look at what is happening, and I am going to relay this to the House in just one moment, we ought to start looking at the inflated prices and what is going on at the Department of Defense. I am going to give examples.

The Pentagon is paying $20 apiece for ice cube trays that cost 85 cents. In other words, you can go to a retail store and you get a plastic ice tray and pay 85 to 90 cents, yet the Department of Defense is paying $20.

In addition, the Pentagon is now paying $81 apiece for coffee makers that were bought for years at just $29 from the manufacturer. So $81 now, and they were paying $29 for coffee makers.

A commercial 7-foot refrigerator that the general public can buy for a little more than $17,000, the Pentagon is paying nearly $33,000 for the same refrigerator, for a markup of 89 percent.

Mr. Speaker, I think about the tough decisions we are going to have to make here over the next few weeks, yet we are not even doing the oversight that should be done with the Department of Defense. Why, instead of using competitive bid contracting or buying directly from the manufacturers, is the Pentagon using middlemen who set their own prices and take the American taxpayers for millions of dollars?

Again, this is an investigative new report. The high prices are a result of a Defense Department purchasing program called "prime vendor," started by the Defense Logistics Agency, known as DLA. This program, which eliminates competition, is used to speed up deliveries.

Defenders of the prime vendor program highlight the program's speed. Deliveries are fast, they say. However, critics indicate the advantages offered by prime vendors are overstated. Since competition is reduced, these prime vendors charge enormous prices for their services. More so, there are other government agents who have been eliminated that claim their services were just as fast and cheaper.

There needs to be an investigation into the prime vendor program to ensure that taxpayers are not being taken advantage of. And I say that, Mr. Speaker, for this reason. I have written the Speaker of the House, the Chairman of the Armed Services Committee, the gentleman from California (Mr. HUNTER), and I also wrote the gentleman from Virginia (Mr. DAVIS) of the oversight committee. We need to look into this.

We need to do what is right for the taxpayers. I will tell you, Mr. Speaker, when we have so much in the way of a debt and deficit in this Nation, the easiest thing we can do is look at the Department of Defense, and if they are paying $20 for an 89 cent ice tray, if they are paying $81 for a coffee maker you can buy for $29, we have a real serious problem.

I think in a bipartisan way we, as a House of Representatives, need to get together and ask those committee chairmen and the Speaker of the House to please look into this on behalf of the taxpayers of America.

As I close, Mr. Speaker, always on the floor of this House I ask God to please bless our men and women in uniform, to please bless their families and hold in his loving arms the families who have given a child to die for freedom, and I ask God to please continue to bless America.

ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, middle-class families across this Nation are struggling to make ends meet. While housing and education prices are skyrocketing, wages have been held stagnant for the last 3 years. Now families can add energy to the list of out-of-control costs to their family budget.

Gas is around 3 bucks a gallon. Utilities are now predicting families could pay as much as 70 percent more to heat their homes this winter. Natural gas prices are so high the Energy Department is predicting the average family will pay $350 more this winter than last winter. Home heating oil, used by many in the Northeast and Midwest, is skyrocketing.

But while American families struggle with sky-high energy bills, oil and gas companies face a totally different problem: too much cash. For example, Exxon Mobil recently reported their profits increased by 75 percent. Their revenues: $100 billion. Shell Oil, earnings 68 percent up. Phillips, 89 percent up. B.P. Amoco, 34 percent rise in quarterly earnings.

American families are struggling with massive energy bills that cut into their living expenses, their college costs, and their health care costs, while energy companies are reaping huge, huge profits.

Henry Hubble, a senior vice president at Exxon Mobil said, "You have got to let the marketplace work." I agree with the executive from Exxon Mobil. Let the marketplace work.

But here is where we disagree. When they had an energy bill down on this floor, the oil companies got a $14 billion taxpayer-funded corporate welfare giveaway to do oil and gas drilling around this country. They got $14 billion for companies making record profits.

That is what we call corporate welfare. If they want the marketplace to work, give the taxpayers back their $14 billion. We should be not be subsidizing their business plans. Taxpayers are not in the business of helping companies making revenue runs at $100 billion a quarter where profits are up 89 percent.

The Congress, not Democrats but the Republicans in Congress, are cutting college loans by $14 billion, they are cutting nutritional programs for 40,000 kids, and they are cutting kids health care. Yet what have they held sacrosanct? $14 billion to Exxon Mobil. My view is what corporate America needs in the energy business is a little free market medicine.

We have seen nothing but corporate welfare around here in subsidizing the energy industry, and it is high time they get off the dole and started running their own business plan and stop asking the taxpayers to fund them. The only reason they do that around here is because, since 1980, the big oil companies have contributed $220 million to the Republican candidates for Congress, Senate, the Presidency, and their party. They have gotten a $14 billion return. You cannot get an investment return like that on Wall Street. It is 200 percent on their investment that they have gotten.

This Congress has given big oil $14 billion in tax subsidies. If that is not bad enough, there is a refinery bill where we ended up giving them another $2 billion that they did not even ask for. So with oil running at basically $3 a gallon at the gas pump, not only do consumers have to pay inflated prices to big oil at the gas pump, but on April 15 they get a bill because they have given them $14 billion in taxpayer-funded corporate welfare so they can do one thing: execute their business plans.

Well, I am suggesting they start doing a little more free enterprise in executing their business plans and stop relying on the taxpayers of America, who are struggling with sky-high energy prices, sky-high health care costs, and sky-high college tuition costs, just trying to struggle to make ends meet.

What Congress would actually cut home heating assistance to our most needy citizens yet give Exxon Mobil and the other big energy companies $16 million? A Republican Congress, but, of course, this should make sense to all of us who have seen what goes on around here.

When the Speaker's gavel comes down, that gavel is intended to open the people's House, not the auction house. What has happened around here lately when it comes to big oil companies is we auction off the American people and their future. When it comes to the pharmaceutical companies, who gave $132 million, they ended up with $135 billion in additional profit when we did the prescription drug bill. When we had a $5 billion problem to fix with Europe on the corporate trade tax issue, what did this Republican Congress do? Of course, $150 billion tax giveaway to corporate America to solve a $5 billion problem. Only using their type of math do you work like that.

Pharmaceutical companies. Big oil companies. Corporate special interests. Selling away America. The Speaker's gavel is intended to open the people's House, not the auction house, and the United States Congress had better start acting like the people's House, because lately we are giving Christie's a run for its money around here.

You cannot give out money fast enough to the energy companies, who are making massive profits, and on the other hand cut those who are most needy. You cannot have a policy in the country that says to oil companies, who are reaping huge profits, and that is their business, but we should not subsidize their business, we are going to give you more while cutting those who are struggling. These are not the values of this country, these are not the values of the Democratic party, and, thank God, they are not the values of the American people.

We need a change. We need new priorities that focus on America's future. We can do better, and it is high time we turn the people's House back to the American people.

THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. I know I get a big kick, Mr. Speaker, out of listening to my colleagues come down here and talk about the sky falling. After 9/11 we had an economic downturn and tourism suffered and all the ancillary industries suffered, airlines suffered and the economy started going down. We had scandals on Wall Street, and those scandals led to further economic problems. President Bush suggested to the Congress that the way to stimulate economic recovery and growth was the same thing that President John F. Kennedy did back in the 1960s, and that was to cut taxes. And so we cut taxes.

And because we cut taxes, there has been growth in the economy for the past several years. The unemployment rate has been down. The economy has been growing. Everything has been going well.

Now we have been hit with some other things that are very, very disconcerting. We had the Katrina hurricane, and we had another hurricane that hit Florida recently. These hurricanes are going to cost a lot of money. Some people think it will cost $60, $70, or $80 billion before it is over. It will not be the $250 billion that was talked about, but it will be around $50, $60, or $70 billion at least.

Now I would like to say to my Democrat colleagues, for whom I have great respect, to join with us in the next few days in passing a cost-savings bill, a cost-savings bill that will cut about $50 billion out of spending. That $50 billion can be used to offset some of the costs for the Katrina disaster and the other disasters we have experienced recently.

I know it is going to involve some hard decisions. I heard one of my Democrat colleagues just a few minutes ago come down and start talking about some of the programs that are going to have to be cut. And I admit there will be difficult choices to be made, but that is what we are all about around here, making difficult choices, difficult decisions. It is extremely important that we make the hard choices so we control spending and make sure we do the right things for economic growth in this country.

The way to do that is when we have this cost-savings bill come before the body in the next few days, my Democratic colleagues who are concerned about the deficit, who are concerned about spending, who are concerned about Katrina and the costs involved, join with us in this cost-savings bill to save about $50 or $60 billion in rescissions and across-the-board spending cuts. Because if you do that, we can keep this country on an even keel. So please join with us when this bill comes to the floor.

□ 1845

ORDER OF BUSINESS

Mrs. McCARTHY. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Is there objection to the request of the gentlewoman from New York?

There was no objection.

NATIONAL INSTANT BACKGROUND CHECK SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. McCARTHY) is recognized for 5 minutes.

Mrs. McCARTHY. Mr. Speaker, last week the Washington Times ran an editorial stating that people who advocate responsible gun laws are disappointed that there has not been an increase in killings since the assault weapons ban expired last year.

In fact, nothing could be further from the truth. That the crime rate has not increased dramatically with the end of the ban is not a surprise. Nobody thought the end of the assault weapons ban would create new criminals, but we feared it would give existing criminals better tools to do their jobs. The fact that sales of these weapons are not skyrocketing does not surprise me either. Law-abiding gun owners have no practical need for these weapons. Why would a responsible gun owner want an AK-47 or an Uzi? They cannot hunt with them. There would not be much animal left after one pull of the trigger.

Assault weapons are not even practical for self-defense. Innocent bystanders would be injured or killed by the spray of the bullets released.

But I want to reduce gun violence in this country, not to keep the status quo. The Washington Times might be satisfied with 30,000 Americans dying from gun-related deaths every year. I am not. The Washington Times might think it is acceptable that 5,200 American kids die because of gun violence each year. I think it is deplorable.

But I am a realist; and I know that this Congress, this Congress, will not reinstate the assault weapons ban. But we can make it more difficult for criminals and terrorists to get their weapons.

As we continue to weaken our guns laws, we increasingly rely on the National Instant Background Check System to ensure that guns do not fall into the wrong hands. However, the NICS database is dangerously incomplete. For example, half of all States have entered less than 60 percent of their convicted felons into the NICS system. Thirteen States have failed to enter the subjects of restraining orders stemming from domestic violence into the NICS system. And, of course, in all

50 States, people who are listed on terrorist watch lists certainly can go out and still buy a gun.

The same people whom we do not trust to board a plane can buy one of those AK-47s or Uzis the Washington Times editorial page raves about. This defies common sense.

I have introduced H.R. 1415, legislation that will require that States enter in all NICS information as quickly as possible. My bill will also provide grants to States to make sure that their databases are kept up to date.

This legislation poses no restrictions on law-abiding and responsible gun owners. It poses no infringement on second amendment rights. In fact, it passed the House during the 107th Congress via voice vote. Unfortunately, time ran out before the other body could take up the bill.

But the bill had the support of several Senators on the other side who are known strongly for their support of gun rights. Nobody believes criminals and terrorists should be allowed to legally buy guns in this country.

So before the Washington Times and others begin to celebrate maintaining the status quo for gun-related deaths, let us pass legislation to enforce the gun laws on the books.

Nobody wants to see crime reduced more than I do. H.R. 1415 can fix the loopholes in our background checks. Thirty thousand deaths a year is nothing to turn a blind eye to no matter what the Washington Times says.

We can do better, Mr. Speaker.

ORDER OF BUSINESS

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to voice my strong support for both the men and women of our Armed Forces and the American civilians serving in Iraq through the Department of State and other U.S. agencies. I thank them for their courage and the dedication that they have so bravely displayed in carrying out their noble mission of liberating and securing Iraq from tyranny and terrorism.

Mr. Speaker, I have witnessed such dedication in conversations with a former staffer of mine who returned from Iraq this past summer and from one of my former interns who served with the United States Army in Iraq. I have frequently discussed the situation in Iraq with my husband, Dexter, a decorated Vietnam veteran who was wounded in combat and was awarded a Purple Heart.

However, it has been my talks with my stepson Dougie, a first lieutenant in the U.S. Marine Corps who is currently serving in Iraq, which has helped me the most and has had the most profound effect on me and helped me to fully comprehend the importance of the mission that our men and women in the Armed Forces are embarked upon in Iraq. To him it is not an obligation. It is an honor and a privilege to have the opportunity to serve our country; to contribute to the freedom of the Iraqi people; to confront the terrorists; and perhaps most importantly, to fight tyranny, as the Greatest Generation did during World War II.

Our mission is just. It has far-reaching, longstanding, strategic, and political ramifications. It is helping to further U.S. security and foreign policy goals throughout the region. For these reasons and, most importantly, for my stepson Doug Lehtinen, and his fiancee, Lindsay Nelson, who is also a Marine officer currently serving in Iraq, and all of the members of the U.S. Armed Forces serving in Afghanistan and Iraq and elsewhere, we must continue to fully support our troops and their mission. Simply stated, we cannot afford to yield a victory to the terrorists in Iraq and throughout the region.

Iraq is one of the epicenters of the U.S. comprehensive strategy to fight terrorism worldwide, a strategy that includes killing and disrupting terrorists abroad; confronting theocratic and autocratic regimes that harbor terrorists and facilitate terrorist attacks; and promoting economic reform and democracy as a means to address those threats.

Our ability to project major Armed Forces to the very heart of the Middle East provides the United States, as well as our allies in the war against terrorism, the wherewithal to directly address the tactical and ideological challenges of Islamic extremism. Our presence in Iraq further strengthens our leverage against current and emerging democracies and increases the deterrent value of U.S. power.

Finally, through the promotion of incipient Iraqi democracy, we can continue our concerted efforts to counter the root causes of Islamic extremism and terrorism in that area.

However, our success in Iraq will not come without challenges. Creating new and effective political and security institutions in Iraq takes time. The task before us is not insurmountable; but if rushed, we do risk failure for lack of persistence. The continuing presence of U.S. and coalition forces must be determined by the achievement of concrete objectives. We cannot send a message to the terrorists that their war of attrition is succeeding and that we are weakening in our resolve to win.

The Iraqi people have not weakened their resolve, and they have clearly demonstrated their commitment to both the establishment and the solidification of a democratic political culture through their January 30 election, through the October 15 referendum on their Constitution, and their preparations for the December 15 elections.

Our men and women in uniform are not and have not weakened their resolve. Let us not weaken our resolve in the United States Congress. Let us not waver in our commitment to our mission, our very important and noble cause in Iraq.

GAS AND OIL COMPANY PROFITEERING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, every day now we see headlines in the newspaper much like this one here from the USA Today back on October 7, 2005, saying: "Staying Warm To Cost up to 90 Percent More This Year," as energy costs have just skyrocketed in this country. Our constituents are bracing for a harsh winter, a record high in home energy costs; and they just continue to skyrocket, while oil companies are announcing record-breaking third quarter profits.

Even though gas has come down a little bit, 2 weeks ago even in my district, the headline in the Marquette Mining Journal from October 19 said we are number one. We have the dubious title of having the highest gas prices in the upper peninsula of Michigan. And it is no wonder why we have record profits by the oil companies.

Our constituents are angry and are frustrated, and they deserve answers from their elected officials. We must not stand by and let oil and gas companies engage in price gouging and profiteering when families are going to be forced to pay so much more to heat their homes, to heat their places of business, as we see in article after article anywhere from a 50 to 90 percent increase in home heating costs in the upcoming months.

If we take a look at the documents recently provided by the current administration from the Energy Information Administration, the American family is going to have a 60 percent increase this year just to heat their homes this winter. We have almost a 50 percent increase, they figure, in natural gas. It will be a $350 increase this year. Home heating oil they figure is going to be a $378 increase over last year. Propane, $325 over last year. This is from, again, the Energy Information Administration. What we have seen are a lot of demands from our constituents to do something, but nothing is really being done.

In this Congress here a few weeks ago, we did try to pass an energy bill to try to address price gouging, market manipulation, and bring some transparency to how a gallon of gas or a barrel of oil is priced when we go to use it. Unfortunately, that bill, which passed the House here, was such a poor bill that the other body took one look at it and they said they were not even going to take it up.

So there was an alternative bill that never had a chance to have an up-or-down vote. It was called the FREE bill, free from energy manipulation by the oil companies. That was the Democratic bill. And what we did in our bill was this, and let me just show this chart here: Why are energy costs so high? This was from September, 2004, until September of 2005. To take the crude oil out of the ground or out of the gulf, wherever they get it, was an increase of 46 percent in the last 12 months, 46 percent. After the oil is taken out of the ground, it goes to the refiners. The refiners increased their costs and their prices 255 percent in the last 12 months. And then when it is distributed from the refinery to the gas stations, to the retailers, or to the oil companies to heat our homes this year, the cost is only 5 percent.

So the bill we had before us approximately 2 weeks ago put forth by the majority party, instead of targeting the people who have increased their prices 255 percent over the last 12 months, they targeted the poor distributors and the gas station owners and the gas station operators. They targeted the people who made 5 percent in the last year. They targeted the wrong people. Plus the Republican bill did not take in propane, did not take in natural gas. Thirdly, the only time the Republican bill would kick in was when there is a natural disaster.

In the Democratic bill, on the other hand, Mr. Speaker, we targeted all parts of the oil supply chain, from the crude producer, to the refiner, to the distributor. We said if they engage in excessive profits, like 255 percent over the last 12 months, we are going to go after those profits. That is price gouging, market manipulation, geographic price arrangements that they make from the refinery. And those excessive profits, and I think people would agree with me that 255 percent is excessive, would then be put into a fund to help the Low Income Heating Energy Assistance Program, LIHEAP as we call it.

So we take the extra money and put it in there to help people heat their homes. We finally, for once, give the FTC, the Federal Trade Commission, the authority to stop price gouging. We allow the State attorneys general to enforce Federal law, and we maintain environmental standards.

So this bill is back. We as a party, Democrats, are asking for a clean up-or-down vote on our bill. Let us put forth our bill, which is to stop the price gouging, market manipulation, the excessive regional pricing that goes on; and let us have a clean up-or-down vote on it.

In the meantime, the Democratic Party is also asking, and, in fact, the letter is being circulated today, that we bring in the oil executives and ask them to explain to us how do they justify a 255 percent increase. Even a 46 percent increase is a tremendous amount of increase in the last 12 months when inflation is running at about 3 to 4 percent. So these are the questions we have, and we would like a free, clean up-or-down vote.

As high gas prices persist, hard-working Americans are preparing for a cold winter during which they will likely face a doubling of home heating costs. These serious concerns underscore the need for this Congress to work together in a bipartisan manner. Let us investigate and crack down on the price gouging and other forms of market manipulation, and then maybe we will not see the headlines that we have seen in the last week about what the oil companies have made in the third quarter. The third quarter goes from, of course, July, August, September. In those 90 days, July, August, September, ExxonMobil's profit was $9.92 billion.

☐ 1900

That is the largest amount ever by a U.S. company, and 75 percent more in profits than they made last year.

Shell Oil Company, they generated $9 billion in the third quarter, an increase of 68 percent from last year. These are excessive profits.

Conoco Phillips generated $3.8 billion in the third quarter, an 89 percent increase from last year.

Again, we do not mind anyone making a profit. Inflation is running 3, 4, 5 percent. But 89 percent over one year?

British Petroleum generated $6.53 billion in the third quarter. These are profits. That is after paying for everything else. They cannot say it costs more. But these are profits, over and above.

And Chevron generated $3.6 billion.

The earnings of the world's five largest publicly traded oil companies this quarter have put them on track to earn $100 billion this year.

Mr. Speaker, I hope this Congress can work together and pass a real energy program to help all Americans.

SUPPORT FOR ALITO NOMINATION

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, these are historic and great days in America because President George W. Bush has nominated Judge Samuel Alito to the United States Supreme Court.

Mr. Speaker, this is a man of outstanding character and one who has more experience as a sitting judge than any nominee for the Supreme Court in the last 70 years. As always, extremists on the left are viciously attacking this highly qualified nominee because he shares a judicial philosophy with this duly elected President.

Mr. Speaker, what is at stake here with these judicial nominations is the Constitution itself, that miraculous document by which we guard our God-given rights in this country; and what is also at risk is keeping secure the American dream for future generations.

In this day, we sometimes forget that the American dream is actually about human dignity and freedom and self-governance. It is not about the left's moral relativism, which means that those without conscience have a license to do anything without consequence, regardless of its harm to others.

True freedom actually means having a system of self-government that protects the rights of innocent people to live and to be free and to pursue their dreams in their own way, as long as they do not desecrate the lives and rights of others. The choice that faces us in these pivotal times is whether or not we as a people are still capable of understanding and guarding the fundamental rights that undergird our freedom.

Mr. Speaker, I have great hope that we still are. Liberal activists on the courts have been undermining the Constitution and America's fundamental rights of liberty and life and property for decades.

Just yesterday, the liberal Ninth Circuit Court of Appeals ruled, "There is no fundamental right of parents to be the exclusive provider of information regarding sexual matters to their children. Parents have no due process or privacy right to override the determinations of public schools as to the information to which their children will be exposed while enrolled as students."

Mr. Speaker, for these liberal judges to say that parents have no right to determine what their children are taught about sex, or anything else, for that matter, is outrageous. America has rejected this sort of bankrupt, liberal extremism at the ballot, and now the left is desperately trying to hold on to the courts to force this extremist agenda down the throats of all Americans.

The liberal, secular left wants to take the words "under God" out of the Pledge of Allegiance. They want to completely dismantle marriage and family. They want to end voluntary prayer, any kind of traditional voluntary religious expression in public places.

They teach your children in school that it is "mainstream" in America to use abortion and even partial-birth abortion as a means of birth control. They are saying to the parents of America that if your underage daughter is impregnated by a man, he should be able to take her to have an abortion without your knowledge or permission, that it is none of your business.

Mr. Speaker, those attacking Judge Alito are so far to the left that they cannot even see the majority of us here in America, and it is so important that the people of this country understand what the left means when they say "mainstream" when they say that Judge Alito is out of the mainstream. They are talking about his rulings in cases where the overwhelming majority of Americans agree with him. That is the very definition of "mainstream."

Mr. Speaker, for the sake of this Republic, we must invite those leftists who insist on smearing Judge Alito's reputation to step into open debate where the bright light of truth can shine on their ideology and expose to the people of America exactly how far out of the mainstream they really are.

Mr. Speaker, it is time for this debate. It is long overdue. The future of the American people living in freedom depends on it.

CAMPAIGN TO MINIMIZE LIES THAT LED TO IRAQ WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, I rise to support the minority leader's attempt to get oversight. She stood here today and asked in a resolution, which was not voted on by the House, was not allowed to be discussed by the House, that the Republican leadership conduct oversight of an executive branch controlled by the same party which is in contradiction to the established rules of standing committees and the congressional precedent.

It is time for this House to begin an investigation of the executive branch. Why is that? Well, there is a massive propaganda campaign beginning today, if you look in the Wall Street Journal and some of the other newspapers, to minimize the lies that led us into war. They are now saying, "Well, everybody does it. Clinton did it. We did it. It doesn't make any difference how we got into war. It was the right thing to do. The fact that we got there is all that matters." That is what the defense is going to be.

It is very clear that the office of the Vice President of the United States has emerged as the source of this national policy. Never mind, I am not talking about the intelligence on striods that proved that Hussein had weapons of mass destruction. It is now clear by his own admission that the Chief of Staff of the Vice President of the United States was willing to out the CIA agent whose husband had been sent by the Vice President's office, had been sent out to find out and had come back with a report that debunked the whole Niger yellow cake forgeries.

Mr. Speaker, the Italian parliament is meeting even at this time on the issue of how those forgeries occurred. There is nobody interested around here. You would think it was nothing. But the Italian parliament is worried about how their secret service got involved in these forgeries.

But really more worrisome than the forgeries and all of what went on there is the continuing influence of the Vice President's office to set policy. I will include in the record an article in the November 2 Slate magazine called Superiority Complex that is talking about what has gone on in the Vice President's office. This is another issue, but connected.

Today we found out in the newspapers that we have secret prisons. We do not know where they are. Some people speculate they are in Poland, some say they are in Romania. We know we have Guantanamo. We have bases in other places. And we are unclear about how those people are to be treated.

It was so unclear that the draft regulation was drawn up in the Department of Defense. Some people in the Department of Defense did not agree with it, so they let the Vice President's office know, and the next thing we know, they sort of say, why do you not hold up on that, and it never happened. The draft regulation never came out. It was to set a clear standard of how detainees should be treated, how prisoners of war should be treated, or whatever.

The people who did that were Mr. Addington, who is now the Vice President's Chief of Staff, and Mr. Libby. They set about to veto the whole idea.

Why is the Vice President's office making these decisions? Where is the White House? Where is the Oval Office? Where is the President? Well, he is missing in action.

If you look in the last year and a half on that whole issue, the President said that these people would be treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva agreement.

He could not just say "the Geneva Convention holds. We will treat them according to that." He gave weaselwords here, so he really has been no use at all. Basically, what this White House has done is kept that whole issue open to debate.

Now, you ask yourself, why do we care about how we treat prisoners? Very simply, and the article says, "The military cares about the Geneva protections because of the correlation that American intelligence officers increasingly see between Muslim anger at the United States and human rights abuses in Guantanamo."

We are putting our own soldiers at risk by allowing this White House to keep this vague. We need some oversight.

Mr. Speaker, I include the Slate magazine article for the RECORD.

[From the New York Times, Nov. 2, 2005.]

SUPERIORITY COMPLEX

(By Tim Naftali)

Today's revelations in the New York Times about the Bush administration's internal debate over how to treat foreign detainees highlight the unprecedented role that Vice President Dick Cheney and his staff are playing in setting national security policy. In the Constitution, the vice president is the Nation's understudy. He is not supposed to be in the chain of command. Cheney knows this better than most: In 1989, when he was George H.W. Bush's secretary of defense, Cheney slapped down Vice President Dan Quayle for calling a meeting of the National Security Council about a coup attempt in the Philippines while the president was out of the country.

Yet now the Office of the Vice President is dictating the rules by which the U.S. military interrogates and detains terrorist suspects. This is being done subtly. All the Office of the Vice President has to do is informally convey its opposition to complying with international law in this area, and any such effort is thwarted.

This is what happened to an attempt by some officials in the Department of Defense, along with the lawyers of all the armed services, to write a new directive on the treatment of detainees. Since the Bush administration began sending foreigners captured abroad to Guantanamo Bay in winter 2001, its refusal to afford them all the protections guaranteed by the Geneva Conventions has been, to say the least, internationally contentious. Now the military and some Pentagon officials are increasingly aware that this refusal is making American troops vulnerable abroad by potentially provoking other countries to respond in kind. The current policy has also created confusion in the armed services among interrogators who were originally trained to follow Geneva and now don't know which standard to apply. The goal of the drafters of the new directive was to set clear standards that are consistent with international law and with the military's rules since 1949.

The draft directive drew upon the language from Common Article Three of the Geneva Conventions of 1949, implying that the United States recognized the role of international law in governing how it treated detainees. Not everyone in the Pentagon was happy with this. Stephen Cambone, the undersecretary of defense for intelligence policy, and William J. Haynes, DOD's general counsel, apparently let the vice president's office know what was happening. In September, David S. Addington, who was then Cheney's general counsel, and former Cheney aide I. Lewis Libby did their best to veto the initiative.

Cheney and Addington (and Libby) believe that there should be no limit on the president's right to authorize interrogations of terrorist suspects. The Office of the Vice

President is contemptuous of the British and our other European allies, who have been reluctant to turn over suspects to the United States because of what they see as Washington's lawless approach.

What does the Oval Office think about adopting a Geneva-friendly detainee policy? So far, there is no evidence that President George W. Bush has weighed in directly since February 2002 on applying Geneva's protections to the detainees. At that point, he said that al-Qaida and Taliban fighters would not have prisoner-of-war status but would nonetheless be treated "humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles" of the Geneva Conventions. The ambiguity of Bush's 2002 statement—was he saying that the Geneva Conventions did not trump military necessity?—has encouraged advocates of a Geneva-based policy to argue that he intended to set a floor rather than a ceiling for the treatment of detainees.

And what about Secretary of Defense Rumsfeld, who is in the military chain of command? The reporting is still vague thus far on his opinion about the standards for detainees. Matthew Waxman, Rumsfeld's deputy assistant secretary of defense, was a champion of incorporating Common Article Three into the new interrogation directive. But Rumsfeld himself reportedly said nothing, even after the vice president's office shot down the draft directive. Rumsfeld and Cheney go way back; Cheney worked for Rumsfeld in the Nixon administration. Whatever else Rumsfeld's silence means, by ceding this area to Cheney, the defense secretary signals to the armed services that he doesn't much care that their lawyers want to bring U.S. policy in line with the Geneva Conventions.

The military cares about Geneva's protections because of the correlation that American intelligence officers increasingly see between Muslim anger at the United States for human rights abuses in Guantanamo and elsewhere and the virulence of the insurgencies in Iraq and Afghanistan. In its secret brief in a case involving the ACLU's request for the disclosure of additional photographs of the abuses that took place at Abu Ghraib, the government acknowledged as much.

Ordinarily presidents assign their vice presidents some projects, usually with consultation, of course. Yet once Cheney focuses on a policy, he dominates it.

So long as his views prevail in how the Bush administration treats foreign detainees, the military's push to safeguard American troops by respecting Geneva will be stymied.

VOTING RIGHTS ACT EXTENSION NOT NEEDED IN GEORGIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, in 1965, Congress passed the Voting Rights Act to stop the systematic civil rights violations that were the status quo in my home State of Georgia and various other States. In those dark days, the Federal Government rightly stepped in to extend the guarantees of our Constitution to every American, regardless of race.

Georgians have worked together closely for the past 40 years to heal the wounds of the past, and we have progressed tremendously. Black Georgians today are equal partners, not only in access to the voting booth but also to elected positions of power.

In the parts of Georgia that experienced the most oppressive and violent abuses of civil rights, that is in counties and cities where African Americans are a majority, black Georgians are now the leaders of those local communities. African Americans hold a significant portion of the seats in the Georgia legislature, where many have held positions of great influence. Nine of our 34 Statewide elected posts are held by African Americans, a percentage that comes close to mirroring their proportion of the State's population.

Georgia Attorney General Thurbert Baker is an African American who has twice won Statewide election to that post. Our Statewide elected labor commissioner is black, as are three justices on our State Supreme Court. Four African Americans hold seats in our 13 member House delegation. Two of those black members defeated white candidates in majority white districts.

African Americans have exercised their electoral muscle for decades now in Georgia. Blacks in Georgia have higher levels of voter registration and participation than do whites. In fact, blacks in Georgia have higher registration rates than do most blacks outside the South.

Furthermore, black and white candidates for public office draw comparable support from white voters. In other words, black and white candidates of the same party win or lose at the polls with similar vote percentages. No longer will Georgians vote against a black candidate simply because he or she is black.

With these facts in mind, I call on Congress to let Section 5 of the Voting Rights Act expire. Section 5 was implemented as a temporary statute to correct a specific problem. In the late 1960s, the Supreme Court ruled that Section 5 was constitutional only because it was narrowly tailored and temporary. Mr. Speaker, I would suggest to my colleagues here in the House that 40 years is more than temporary.

Now Congress is considering extending Section 5 for another 25 years, to 2030, without giving any consideration to the changes that have occurred since 1965. If there is a need for Section 5 today in Georgia, it must be needed everywhere.

□ 1915

If it is good for Georgia, it will be good for your State too. But if you do not think your State election laws should be subjected to Federal oversight, then I challenge each and every one of you to at least, Mr. Speaker, look at the facts of today's Georgia before casting a vote that does not affect your constituents, but does affect mine.

Georgia has fulfilled the vision of the Voting Rights Act and should be treated the same as every other State.

PASSAGE OF THE PRIVATE PROPERTY RIGHTS PROTECTION ACT

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentlewoman from Florida (Ms. HARRIS) is recognized for 5 minutes.

Ms. HARRIS. Mr. Speaker, earlier today I was proud to cast a firm vote in support of the Private Property Rights Protection Act. While this measure will not reverse the Supreme Court's mind-boggling 5-4 decision in the Kelo v. New London case, it will ensure that American taxpayers will not have their hard-earned dollars used in its support.

No State or locality shall be permitted to employ the power of eminent domain to seize private property in the name of economic development. In addition, the bill will grant appropriate access to State and Federal courts for those who seek justice and remedy for any nonmeritorious seizure of their property.

There is no question that Americans do not wish to shirk their responsibility to take care of their community through support for measures which serve the public good. However, most do not view fulfillment of this obligation as necessitating a forfeiture of their fundamental rights. Few rights are as central to the foundation of our great Nation as is the right of control over one's private property.

As James Madison laid out in the Federalist Papers, private property rights lie at the foundation of our Constitution: "Government is instituted no less for the protection of property than of the persons of individuals."

Madison's declaration was echoed by Justice William Paterson in Vanhorne's Lessee v. Dorrance (1795) when he asserted: "The right of acquiring and possessing private property and having it protected is one of the most natural, inherent, and inalienable rights of man.

This does not require one to have expertise in constitutional law to conclude from these statements that the Framers did not intend for citizens to cede their "natural, inherent, and inalienable rights" in the name of expanding the local tax base or in the development of one of our favorite Starbucks or Wal-Marts.

As Justice Clarence Thomas noted in his dissent, the text of the fifth amendment permits the taking of property "only if in the public right to employ it."

In response to the public concern of the Kelo decision, the Ohio State legislature recently passed a measure prohibiting cities from seizing unblighted land for economic development in 2006. And Ohio is not alone. Excluding bills prefiled for the 2006 legislative session, the National Council of State Legislatures found that 12 States have already taken legislative steps to prohibit in some form or fashion the use of eminent domain in private property seizure.

Today, we join in the fight on behalf of all Americans who own or aspire to own their small piece of paradise and, more importantly, to own it without fear from unwarranted, unjustified, and unconstitutional seizure.

THE TRUTH ABOUT THE WAR IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Virginia (Mrs. DRAKE) is recognized for 60 minutes as the designee of the majority leader.

Mrs. DRAKE. Mr. Speaker, it is my honor to be here tonight, along with fellow colleagues and with the chairman of the House Armed Services Committee, Duncan Hunter, to talk to you about the war in Iraq.

During my recent visit to Iraq, it was clear to me that our brave military men and women know what they are doing, why they are doing it, the progress they are making, and the threat to our world and our way of life if they fail. They see the big picture: Iraq is a key piece in a region-wide and worldwide struggle.

What they wanted to know was what were the American people saying and thinking, and they wanted to know why their stories are not being told, and why their successes are not being told.

Mr. Speaker, recently there was a New York Times article that included this quote. It says: "I kind of predicted this. A third time just seems like I am pushing my chances." But in reality, Mr. Speaker, that was a much longer quote that I would like for you to see and I would like for you to hear. What that quote said was: "Obviously, if you're reading this, then I have died in Iraq. I kind of predicted this. That is why I am writing this in November. A third time just seemed like I am pushing my chances. I don't regret going. Everybody dies, but few get to do it for something as important as freedom. It may seem confusing why we are in Iraq. It's not to me. I am here helping these people so that they can live the way that we live, not have to worry about tyrants or vicious dictators, to do what they want to do with their lives. To me, that is why I died. Others have died for my freedom. Now this is my mark." Corporal Jeffrey B. Starr.

We would all like to thank Corporal Starr for his service, to tell him and his family that America mourns their very great loss, and to say that he is a true American hero.

We are here tonight to tell his story and to tell the story of the very brave men and women who are serving to keep us free. First, I would like to start by recognizing Congressman DAN BURTON from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, first of all, I would like to make a comment about what you just said about the New York Times article. When you see what was said at the beginning there, written in the New York Times, you immediately feel like, well, this young man was saying, you know, this is something we should not be doing, and I am just pushing my chances. But when you read the whole article, it is clear that he thought the life that he was giving for the freedom of those people was worth it.

Mr. Speaker, he said in the last part there: "To me, that is why I died. Others have died for my freedom. Now this is my mark."

I mean, I cannot believe that there are distortions like that in the media. It makes me just cringe when young men and women pay a price like that and write to their loved ones why they are doing it and why it was so important that they made that sacrifice and then have them be mischaracterized by a newspaper that has a preconceived idea of what ought to be done over there. It really, really bothers me.

Mr. Speaker, in addition to that, my colleague, DUNCAN HUNTER, who is the chairman of the Armed Services Committee, gave me this Congressional Medal of Honor awarded to Sergeant First Class Paul R. Smith of the United States Army. I was reading this and I was thinking about the sacrifices that these young men and women have made to protect people and to make sure that these people get the freedoms that we have enjoyed for so long. It says: "Sergeant First Class Smith braved hostile enemy fire to personally engage the enemy with hand grenades and anti-tank weapons and organized the evacuation of three wounded soldiers from an armored personnel carrier struck by rocket-propelled grenades and a 16-milimeter mortar rounds. Fearing the enemy would overrun their defenses, Sergeant First Class Smith moved under withering enemy fire to man a 50-caliber machine gun mounted on a damaged armored personnel carrier. In total disregard for his own life, he maintained his exposed position in order to engage the attacking enemy force. During this action, he was mortally wounded. His courageous actions helped defeat the enemy attack and resulted in as many as 50 enemy soldiers killed, while allowing the safe withdrawal of numerous wounded soldiers. Sergeant First Class Smith's extraordinary heroism and uncommon valor are in keeping with the highest traditions of the military service and reflect great credit upon himself, the Third Infantry Division, Rock of the Marne, and the United States Army."

Mr. Speaker, it really bothers me when I see people come down here and start in one way, giving an offhanded compliment to our soldiers and sailors and marines who are over there fighting and say, you know, we really respect them; and then with the other hand they say, oh, we ought to get out of there right now. We ought to withdraw tomorrow. We ought to get everybody out of there, because this is a lost cause.

It is just not a lost cause. They went over there to do their duty and to stop worldwide terrorism, and this is the focal point. It is really bad that we have people in this body on the other side of the aisle, in my opinion, that say, you know, they are doing a great job and we really support them and, at the same time, the sacrifices that have been made should be for naught, we ought to just bring them home.

We are in a world war against terrorism, a world war, and this is the major battleground right now. The reason we are not being attacked in large part here in the United States, in my opinion, is because these young men and women are making these sacrifices over there, in the middle of the storm, where terrorism has its genesis, where Iran and Syria and other countries are supporting terrorism. They do not want democracy to flourish over there, because they know their days will be numbered if democracy succeeds. Our young men and women who are fighting over there are making their days numbered, in my opinion.

I would like to just make one quote from Sir Winston Churchill, when I think about my colleagues on the other side of the aisle and they start talking about how we have to get out of there right now. Sir Winston Churchill, who was one of the greatest leaders of the 20th century, he said in a speech that he made entitle "We Shall Fight on the Beaches," which is very famous, he says: "Wars are not won by evacuations." You do not win by retreating.

The Iraqis now have almost 190,000 men in their armed services and their police forces over there. They are taking up more and more of the fight every single day. As soon as they become battle-ready and they can protect themselves, you are going to see us starting to bring our troops home. But we are not going to capitulate. Not under this President, we are not, and not under the majority that we have in this Congress.

Now, if the more liberal Members of this body want to cave in, if they want to assuage the enemy and pat them on the back, then that is what is going to be their legacy to this country and to this world; but I do not want to be a part of that, and I do not think my colleagues on this side of the aisle want to be a part of it either.

Let me just say one thing that is not being reported by the media that should be, and it should be reported thoroughly and fully. Things are getting better in Iraq. There are now 196,000 Internet subscribers. There used to be almost none. Now there are 44 commercial television stations. None existed under Saddam Hussein when he buried alive up to 100,000 people and killed over 400,000 people. There are more than 100 independent newspapers and magazines and 72 commercial radio stations. None existed before under Saddam Hussein. There are now 3,404 public schools, all kinds of projects, police and fire stations, health facilities, and new reconstruction projects going on. Things are moving in the right direction, but they are not being reported by the media in this country.

So, Mr. Speaker, I thank the gentlewoman for yielding to me. I would just like to end by saying that the war against terrorism is one that we cannot and must not lose, and our fighting men and women are paying the supreme price over there right now, defending not only the rights and freedoms of the people in Iraq and Afghanistan, but they are also protecting us as well. So I would just like to say God bless them and thank each and every one of them for what they are doing.

Mrs. DRAKE. Mr. Speaker, I would like to thank the gentleman for taking his time to join us tonight to talk about true American heroes and what they are doing. You will find it interesting that today in the Armed Services Committee, we had a panel of three men, Marines and Army both, who have served in Iraq. And when they were questioned about media coverage, they gave a couple of very interesting comments. One told us he never knew the war was going so poorly until he came home. Another one told us that the Iraqi press is doing a wonderful job of reporting what is going on over there, those independent newspapers and magazines that you have just referenced, now having 100 of them in Iraq. Servicemembers there feel that the press is only reporting when bullets are flying and not the progress that they are making.

So I thank the gentleman for being here, and I thank the gentleman for his comments.

Mrs. DRAKE. Mr. Speaker, I yield to the gentleman from Texas.

□ 1930

Mr. NEUGEBAUER. Mr Speaker, I thank the gentlewoman from Virginia (Mrs. DRAKE) for recognizing me.

Mr. Speaker, I have had the great honor on two occasions since I have been in Congress to go to Iraq and Afghanistan. I went early in November of 2003 and then again back in March of this year. What a difference those months have made. One of the things that I was awestruck by was the amount of progress that has been made in the country of Iraq since the beginning of the war when we overthrew Saddam Hussein.

One of the things that I am puzzled by is that, when I go back to the district and start talking about how things are going in Iraq, my fellow Texans say, "Randy, why do we not ever get to hear about that when we watch the news?"

You know, that is a really good question. One of the things that I think is important for the American people to realize is the amount of progress that we have made over there. In a very short period of time, we have liberated Iraq from a terrible dictator, a killer, a murderer, and that country is moving forward to install a democratic government. That is happening. They have met every deadline that they have established for themselves.

In December, they will have a very important democratic election to elect their new parliament.

One of the other things that is going on that is so important is that the Iraqi people are participating in a major portion of the defense of their country. That is an important part of our strategy.

Our strategy is two-fold, to help the Iraqi people to learn to be able to defend their country themselves and also to help them move in a way to establish this democratic government.

I think it is a great tribute to our men and women that, just the other day, 63 percent of the Iraqi people turned out to vote. I wish in some of our elections 63 percent of Americans turned out.

You have to understand the conditions that these people turned out. Sixty-three million people turned out to vote in conditions where it was not snowing or raining, but they were risking their lives; and over 78 percent of those people so far have supported this new constitution.

On a recent trip back from Iraq we stopped in Amman, Jordan, where about 120 or 130 Iraqi women had risked their lives and driven to Amman, Jordan, to participate in a conference to learn how to participate in this new democracy that they are about to inherent.

And one of the things was I was sitting at the table with some of those women at lunch, and we were discussing different things about their coming and risking their lives to come to that. And I asked them, I said some people back home asked if the Iraqi people appreciate what the Americans have done for them, and the allied forces.

This one lady, I will never forget, with tears streaming down her eyes, she said, "Mr. Congressman, you have to understand. We are mothers. We are wives. We are sisters. We are aunts. And we understand the huge price that mothers and sisters and wives and Americans have paid for our freedom. And we shall never forget."

And it is important that America not forget the tremendous contribution that our young men and women are making. As I go around, I always take an opportunity to thank the families, because, right along with our men and women that are in harm's way, those families serve right beside them. They are back home holding down the fort, making sure the kids get to school, making sure the car gets fixed and the house is in repair. We cannot forget them.

On Saturday, unfortunately, I had the opportunity to have to go to a funeral in Dimmit, Texas, for Jacob Dones, J.J. he is called by his friends. But you know what? It was an opportunity to go and be a part to celebrate the life of a young hero.

As I travel back and forth to Iraq, one of the things that I am awestruck about is the enthusiasm and the dedication and the commitment that our young men and women have to the job that they are doing over there; and I always ask them, is there a message that you want me to take back home? And they say, "Congressman, tell the folks back home what a great job we are doing and how important it is that we finish this job."

To get back to Lubbock, Texas, and back into District 19 each week, I travel and I stop at DFW airport. There are always young men and women going and coming from the battlefield, and I always take an opportunity to say thank you for your service.

And one of the things that they start, without me even asking them, they say, "Congressman, it is important that we finish this job." I wish you could see the children that are going to school, boys and girls that get to go to school now, and the fact that electricity is on in parts of the country that in the past it was not and that water systems are in place and that an economy is beginning to emerge in Iraq.

So, as I close and thank the gentlewoman for this opportunity, I want to say to our young men and women, thank you again. We pray for you. We are glad you are doing the job you are doing. We are proud of you. And to those families we say thank you, also.

So God bless them, and God bless America.

Mrs. DRAKE. Congressman, I would like to tell you two stories about the Iraqi people. On my trip, I was quite amazed, flying from Baghdad to Balad in a black Army helicopter, very low and very fast over agricultural fields; and the people working the fields were waving at the helicopter. When we got to Balad, I commented, only to be told they always wave at us.

The second story was in Arizona this summer I went out for a congressional meeting. Turned out my cab driver was from Iraq. He has been here 16 years. Still has family in Iraq. And he goes to

Iraq on a contract working with the Iraqi troops.

When he realized I was a Member of Congress, he stopped the cab, turned around and said, "I would like for you to thank the American people for me for what you have done." He said, "When I go over there, it is like I am on vacation. There is only a few places where there are problems." He said, "You people work so hard and so long, I do not think that you ever sleep, and you do it all for us."

Mr. NEUGEBAUER. It is very humbling, and as we sat and participated with those Iraqi women and talked about, you know, how they began to participate in this democracy and whether it is at the local level or at the state level or at the parliament, but the commitment and the courage that they had already shown.

I think, as you have heard this story before if you have been to the theater, about the fact that the insurgents are now targeting the Iraqi people because they realize what is going on over there, that the Iraqi people have a hunger for this new gift that we have given them. So they are targeting these recruiting stations where some people were killed maybe the day before, and the very next day there will be long lines of young Iraqi men and women coming forth to serve.

It is very encouraging. I want the American people to know that they can be very proud of their soldiers.

I want to thank Chairman HUNTER for arranging this Special Order Hour tonight as well as all of my colleagues who are taking the time tonight to honor our troops and show support for the brave Iraqi people.

Two and a half years ago, the United States military and its allies embarked on a difficult, yet noble mission: Rid the world of a murderous, lying, and unpredictable dictator and, by doing so, allow the people who had lived for so long under the shadow of totalitarianism to experience the light of freedom.

Our troops and the Iraqi people have risen to each challenge in front of them. Establishing a democracy takes persistence and dedication, and the Iraqi people continue to prove that they are capable of this tremendous task by meeting each deadline on the way to democracy.

Much progress has been made over the past 17 months on the political front. In June of 2004, the Coalition Forces handed over control of the country to Iraqis. A date of January 30, 2005, was set to hold democratic elections for a transitional government.

Despite the threats of terrorists attacking voters at the ballot box, millions of Iraqis turned out on January 30 for a historic democratic election.

This newly elected government was tasked with drafting a constitution and putting it up for a national referendum in October. Right on schedule, on October 15, millions of citizens from Iraq's eighteen provinces stood together to vote on a document that will guarantee and protect their rights and serve as a blueprint for their nation's future.

In this latest vote, 63 percent of Iraq's 15.5 million registered voters once again defied the threat of terrorist attacks and voted. The result: 78 percent of voters backed the constitution.

And the role of women in establishing this fledgling democracy should not be overlooked. In April, I took a trip to the Middle East, including Iraq. While on the trip I attended the Iraqi Women's Democracy Initiative Training Conference held in Jordan. At this conference, women came from all parts of Iraq. Many of the women tell me they were threatened because of their desire to come to the meeting. Several report that they were shot at. In total, about 130 women were in attendance.

These women were thankful. I told them that the folks back home want to know if the Iraqis appreciate what America has done. They do, and they also realize the price that many Americans have paid. They said that they are mothers and wives themselves, and they know that mothers in America have lost sons, and wives have lost husbands.

The military has seen its share of successes as well. These successes began with the swift removal of Saddam Hussein from power and his ensuing capture, and have continued through the creation of Iraqi security forces.

One by one, Iraqi Army battalions have stood up and joined the fight to defend their homeland. By the end of October, a total of 206,500 Iraqi Security Forces have been trained and equipped.

Parts of the country that a few months ago were hotbeds of insurgency are now controlled by Iraqi forces.

Our military is now fighting shoulder-to-shoulder with their Iraqi counterparts to track down terrorists every day. Top al-Qaeda leaders have been caught or killed. Stockpiles of weapons and ammunition are being uncovered

Tough times—both politically and militarily—may still lie ahead for this young democracy. The terrorists will undoubtedly attempt to thwart the will of free people. And Iraqis will need to return to the polls in December to elect a full-term parliament.

However, the Iraqi people have met their challenges and have overcome obstacles at each step along the way. I am confident that as long as Iraq and its allies continue to stand up against terrorism, I am optimistic that more successes lie ahead.

The mainstream media has a habit of only reporting the bad news coming out of Iraq. So it can be tough for some Americans to remain optimistic about our efforts in Iraq. This would not be the case if everyone had the chance to talk with many of the brave men and women who are serving in Iraq.

Since the War began in 2003, I have visited Iraq twice. On each trip, I have had the opportunity to talk with our troops on the ground.

Let there be no misunderstanding: our troops are proud of their accomplishments. We should be too.

Because of our troops and the bravery and fortitude of the Iraqi people, young Iraqi boys and girls are attending schools.

Electricity is being restored to all parts of the country, not just the regions favored by a dictator. Iraqis are beginning to protect Iraqis.

Men and women are participating in the democratic process.

And, most importantly, a ruthless dictator who terrorized his own people and his neighbors, and who had shown a willingness to obtain and use the worst weapons known to man, is no longer in power and will stand trial for his crimes.

Let me end with this message to our troops and their families: We are proud of you, we thank you, and the American people continue to stand behind you.

Mrs. DRAKE. Next I would like to recognize the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman for giving me an opportunity to share this time with her.

Mr. Speaker, I have been to Iraq twice, December of 2003, shortly after Saddam's capture, then again in February of this year. On each of those trips, they are bipartisan trips, many of the Members, of course, that have been to Iraq and Afghanistan and the theater of operations are members of the Armed Services Committee. But I think many other Members, of course, have been as well.

One of the best opportunities, Mr. Speaker, is to meet with troops, soldiers, men and women from your own State, indeed when possible from your own congressional district, and to have an opportunity to talk with them and, more importantly, that they have an opportunity to talk with us.

The one thing that I can tell you that I never heard was, Congressman, it is too hot over here. It is too dry over here. It is too dusty. It is too cold. I cannot sleep. I do not like the food. Congressman, can you not use your political influence somehow to get me out of here.

Of course, many of those soldiers, as we heard from the gentlewoman from Virginia (Mrs. DRAKE) about the corporal who was serving his third rotation in Iraq, had that premonition in harm's way, knowing that they possibly could be paying the ultimate sacrifice. None of them are asking us to get them home.

Last week, when the gentleman from California (Mr. HUNTER) had an hour, just as we are doing tonight, I had an opportunity then as well to say a few words. I made a feeble attempt to recite that famous poem, In Flanders Fields. I will not try to do that again tonight for my colleagues, because I think all of you know it maybe even better than I do.

But in the last stanza, though, it says, take up our quarrel with the foe, to you from failing falling hands we pass the torch. Be yours to hold it high, for if you break faith with us who die, we shall not sleep though poppies grow in Flanders Field.

What they are saying, and our colleagues tonight, Mr. Speaker, have said this repeatedly, we cannot break faith with these men and women, 2,000 plus who have lost their lives, maybe 8,000 or so who have been injured, some, yes, severely. The worst possible thing that we could do would be to pack up and come home, literally bring them home against their wishes.

They would have no choice in that matter, if we listened to our colleagues on the other side of the aisle. You know, you hear them, Mr. Speaker, talking about how much they support the troops and all of that. I do not doubt that. I am not going to stand up here and suggest that they are not patriots themselves and that they do not care for our troops and they do not want to arm them and make sure that they have the equipment they need. I do not doubt for a minute that they support that.

But they are using our soldiers, our brave men and women, these youngsters that we are talking about here tonight, as pawns really to continually criticize and undermine the Commander in Chief, the coach, the Vice President, the Secretary of Defense, the Secretary of State, indirectly the gentleman from California (Chairman HUNTER), because they want to undermine this team so that they, in the next election, are in charge.

Really, Mr. Speaker, I think we all need to realize that, that there is a lot of politics here; and it is a dirty rotten shame that our soldiers, our brave men and women, are being used as pawns in this political process. God forgive them.

We owe more to these troops than that. And I feel very strongly as a member on leave of absence from the Armed Services Committee to come at any opportunity I have got to take a few minutes and to stand up before my colleagues in this body and say, no, we will not forget you, you soldiers, you men and women who maybe in high school were not the football or track stars, cheerleaders, many of you decided to put off going to college and enjoying the football weekends so you could serve your country. Some of you may have been pushed around, kicked around by the schoolyard bully who does not know anything about a fair fight, but you had the courage to go and to serve this country as an all-volunteer military, whether you are active duty, Guard or Reserve; and I have seen them all in the theatre of operations at the tip of the spear. We owe them so much, and I am proud to stand up here as part of this team tonight.

I really compliment the gentlewoman from Virginia (Mrs. DRAKE) for leading this team and for the gentleman from California (Mr. HUNTER) and my other colleagues that we have heard from and others who are going to speak. I am proud to be a part of this.

Mrs. DRAKE. Congressman, thank you for coming and being with us. I am sure on your trip that it was just like on mine. I realized immediately these are people who have chosen to be here. It is an all-volunteer force. I am sure you also saw, as I did, that many of them volunteered to go to Iraq and to go back to Iraq; and it is just so impressive, the commitment that they have given to our Nation and the words of our men and women just like Corporal Starr.

Mr. Speaker, I yield to the gentlewoman from Tennessee.

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Mrs. BLACKBURN. I thank the gentlewoman from Virginia (Mrs. DRAKE) for doing such a wonderful job in hosting this. I thank our chairman, the gentleman from California (Mr. HUNTER), for the excellent job that he does in providing leadership for the House Committee on Armed Services. I think we also thank the family of Corporal Starr for their sacrifice, and we hope that they know we join them in their sorrow.

Mrs. DRAKE. And for their willingness to share that that quote was wrong and to share the real quote, something that personal.

Mrs. BLACKBURN. That is so very true, and I thank the gentlewoman for noting that, for setting the record straight.

As the gentlewoman was talking about some of her experiences, meeting a taxi driver who was from Iraq and how he stopped to say thank you, I was reading some things from my news clips.

Here is an article out of the Nashville Tennessean, today's paper, November 3, and an opinion column written by Jonathan Gurwitz who is a columnist for the San Antonio Express News. He is recounting a conversation and a visit with a Dr. Najmaldin Karim who is Kurdish and the headline is "Why this war? Ask someone who is Kurdish."

I was so touched by your examples that, Mr. Speaker, I wanted to share a quote in this. I think it is so relevant to the discussion that we are having tonight. And I am quoting this Dr. Karim: "The suggestion that Saddam Hussein's dictatorship was a 'stable' form of government is outrageous to Iraqis, not on the ideological fringe, especially the Kurds. The war in Iraq didn't begin in 2003. For the previous 35 years Kurds, Shiites and anyone else who threatened the oligarchy fought against the suppression of their very existence."

Mr. Speaker, you know, this morning I spoke on the floor about what we are doing right to win the war on terror and the progress that we are making in the battle in Iraq. And it seemed that the minute I started talking there was some conversation across the aisle. And one of my colleagues from the left got upset, and then sure enough a Democrat Member follows me to the well during 1-minutes to speak against the positive changes that are going on in Iraq.

You see, I think that the left in this country has to undermine this war and undermine the resolve of the American people in order to try to win elections next November. They have got to make you and me and every single one of us forget the bigger picture in this war on terror. They want us focused on the casualties and on the setbacks. And, yes, we take one step forward, we take two steps back. It is going to be a long war, but we are making progress.

They do not want us to ask what sort of damage will result from withdrawing from Iraq. They do not want us to ask whether we would be better off with a free Iraq. They simply want to point out all the negatives and demand withdrawal in order to declare America's defeat, and then they believe they will win elections.

Unfortunately, the national media, one would believe for all intents and purposes, is the public relations wing of the left on this subject. Day after day the major newspapers editorialize in both their articles and on the op-ed pages against our efforts in Iraq. They give extensive coverage to casualties and claim they do it to honor those lost. But they do not cover the things these men and women did to change this world.

They do not cover the moments of pure courage, pure courage and strength that these men and women and their colleagues committed and performed to fix a great wrong in this world. They only cover their deaths, and that is a tragedy, Mr. Speaker, because it was not in their deaths that they became heroes. It was in the day-to-day work on behalf of this country that they became heroes. They gave their lives for something they believed in. They were heroes long before the tragedy of their death. We remember those lost not because they died but because they lived and how they lived in putting others before themselves.

Mr. Speaker, I cannot say that I do not stop and wonder if these losses would be for naught; but when I am doubting and if I am unsure, I talk with some of those who have served in Afghanistan and in Iraq, and I talk to their families and I know beyond a shadow of a doubt that we can win this because they know that we can win it. And, Mr. Speaker, they are living it; they are seeing it firsthand every single day.

When I visit Fort Campbell in my district or spend time with our National Guard and Reserves, I see the spirit of America and I see the commitment and the drive to succeed. They settle any doubts. They restore my confidence. They should be our inspiration in this battle. So tonight, despite watching Democrats come to the floor and beat the drums of retreat in the war on terror, I want to recognize those men and women in uniform who we see in the progress, in the change in that region of the world.

Let me just read a list of some of the accomplishments so that America, those watching and those listening and our constituents, will understand the great deeds of these men and women, our heroes who are in uniform.

As of October 24, 2005, a total of 206,500 Iraqi security forces have been trained and equipped with the assistance of the U.S. military. On election day in October, as our colleague from Texas previously mentioned, 78 percent of voters backed the charter Constitution, 78 percent of those that went to the polls voted for freedom, voted for democracy. And as our colleague from Texas mentioned, 63 percent of Iraqis, 15½ million voters, cast their ballot. They took their life in their hands to cast that ballots. The Iraqi Constitution guarantees the rights of all its citizens and enshrines the rule of law. A new parliament will be voted on in December and will form a 4-year term to government to take office by December 31, 2005.

Who would have thought that that was possible? Iraqis appear to be spending more money, signs that consumer confidence is improving. As the gentlewoman from Virginia (Mrs. DRAKE) mentioned, things are turning green in Iraq. You see the fields that they have planted. My first visit there, I said Iraqi is a khaki-colored country. It was covered with dust.

Over 15,650 houses have recently been connected to the Baghdad water distribution system by USAID. In all, nearly 100 kilometers of mainline pipe have been installed in the Baghdad area.

Mr. Speaker, I could go on and on. We know America is once again engaged in a great struggle that will in no uncertain terms decide what kind of world our children are going to inherit. I want our men and women in Iraq to know we believe in them. We believe in what they are doing, and we know that this is going to improve the national security for generations to come. It is going to help preserve freedom.

Our military's cause in Iraq is a noble one, despite what some in this body would have you believe.

In closing, I would like to give you a quote, a part from Ronald Reagan's speech on the 40th anniversary of D-Day. He said this to the World War II veterans who were gathered with him at Normandy:

"You all knew that some things are worth dying for. One's country is worth dying for, and democracy is worth dying for, because it is the most deeply honorable form of government ever devised by man. All of you loved liberty. All of you were willing to fight tyranny, and you knew the people of our country were behind you."

Mr. Speaker, I hope my colleagues across the aisle will join us in letting every man and woman in uniform and every family know this country is behind them. I thank the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. As the gentlewoman was speaking, I thought I need to make sure that you know that just a few weeks ago in Washington, the Speaker of the Iraq National Assembly came and spoke to people who were able to attend that meeting, and it was exactly like the gentlewoman said. He kept saying to us, there is no other option. And that is exactly what you have said to us and you have said this is where we are; this is what we have done. We may go back a step, but we go forward two or three more. We honor those who have served and died, thereby remembering that there is no other option. We can only move forward.

You also said very clearly who would have ever thought there would be a Constitution in Iraq; who would have ever thought there would be a National Assembly in Iraq. It is a huge success story. I think it is a miracle. I thank the gentlewoman for being here and sharing this with us.

Next, I would like to call on our friend, the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I thank the gentlewoman for yielding to me, and I thank the gentleman from California (Mr. HUNTER) for putting together this opportunity to honor those who serve our Nation in the war on terror.

I am up here speaking for the people of the 31st Congressional District of Texas. How does the 31st Congressional District of Texas have credibility to speak on behalf of these efforts in Iraq and Afghanistan? I would like to tell you a little bit about our credibility.

The first American soldier killed in combat in the war on terror is from Georgetown Texas, which is 5 miles from my home; and every death in this war is absolutely critical to Americans. So counting numbers, every number counts. But the 2,000th death also took place, this famous 2,000th death that everybody in the press was just salivating to see happen, it seemed to me, he was also from the 31st district, Killeen, Texas. The people of the 31st district, from Stevensville, Texas to Round Rock, Texas, support our war, support our troops, and support our efforts in the war on terror.

The people of the 31st district know we were attacked in the most vicious attack that has ever been done on the homeland in the history of the United States in our country, and we have retaliated in force and effectively and done our job. And who has done that job? Our 31st district's III Corps went over there. Fourth Infantry Division went over there and captured Saddam Hussein. The First Cavalry Division went over and ran a perfect election and protected people as they went out and, as we have heard tonight, exercised their right to vote.

We have committed two full divisions to this war, and the Fourth ID is on its way back right now as we speak. I have been able to go over when both my divisions have been over there, and I promised General Thurmond and the that guys I talked to about 2 months ago, I am coming back just as quick as I can get over there right after the first of the year, because these are the finest human beings that have ever taken up arms on behalf of our country.

For those people to talk about cutting and running, Americans do not cut and run. You know, this House has a shame on it when they turned on our soldiers in Vietnam, and I take that position and I am not backing off of it. The liberal press shamed a great generation of people who did their duty then and we, cannot afford to allow that to happen again for political expediency so someone can possibly use the war to gain political advantage in the United States.

We are at war with evil people who intend to do harm to American citizens, wherever American citizens live or breathe or walk the street. We are unsafe with terrorism on the street, we are unsafe in our Nation and in every other nation on Earth because it is an evil cancer that can only be taken out by noble men and women who are willing to stand up on the wall and say we will fight for freedom, not only the freedom of Americans, but the freedom of the people that they are intimidating with their terrorism wherever they may appear. And I am telling you, we have got soldiers that have been willing to do that and have done the job well.

I remember when I was in Afghanistan, the story I love to tell about a 20-year-old sitting looking at a screen of a film of a drone that was broadcasting pictures from the desert. And while we were there, he went to his commander and said, Sir, there is a bunch of camels crossing out there in a part where there should not be any camels. And I thought, how does this kid know there are not supposed to be any camels in this part of the country? He said, I think there are people underneath those camels.

Three Blackhawk helicopters launched about 180 miles away. We were 180 miles from this location. And they caught nine Taliban crawling across the desert under the bellies of camels.

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My whole point of that story is: What kind of great, intelligent, smart kids are we sending over there and they are putting their lives in harm's way? This was a smart kid, a computer operator running a drone, able to know the knowledge of the country, to know where our enemy might be hiding. We have got the best of the absolute best over there, the same kind of people that you run into when you go to Iraq and you talk to these kids.

I talked to a 20-year-old African American kid. We were having supper. He was from my district, and we have got a lot of them from my district. And I said, "Son, have you had any hot spots that you have been in over here?" And he said, "Yeah. Yesterday we were in a convoy. They made the mistake of shooting at us." He said, "They will not make that mistake again, sir." He said, "When they stand and fight, they lose."

Our young men and women are doing a fabulous job, and there is shame on anyone in this country who turns on these noble people who are standing up for the freedom of the people in Iraq and Afghanistan and the freedom of the United States of America. They are heroes.

Today, I am very proud to say that one of the first people in my district to be wounded, seriously wounded, Allen Babbin, he has undergone close to 200 surgeries from a round that he took, winning the Bronze Star for pulling another wounded soldier off a bridge in the second day in Baghdad. Today, he flew back home; and he is on his way to full recovery because of the great work of the Army, Navy, and Air Force in getting him to the right kind of treatment.

Everybody is working the right way in this job, and we bring shame upon ourselves, and those who would criticize these young men and women and the job they are doing bring shame upon themselves, and I am sorry for it.

We in America must remember: If we do not fight tyranny wherever tyranny exists, we have learned this lesson over and over and over in American history, and if we do not support those who fight tyranny wherever tyranny exists, then tyranny will take over that map until tyranny controls the world. There will not just be no freedom in Iraq or no freedom in Afghanistan. There will not be any freedom anywhere. Not even in the cradle of American liberty will there be freedom.

What this is about, Mr. Speaker, is the ability of Americans and others in this world to live the kind of life that everybody wants to live, raise their kids, have a job, eat dinner at night without fearing somebody blowing them up, walk the streets. It is for all the world that we stand in the gap, not just for Americans, not just for Afghans, not just for Iraqis or others in the Middle East. It is for the world that these young men and women stand in the gap.

I am very proud on behalf of the people of the 31st Congressional District of Texas to tell you that we stand tall on behalf of our soldiers. We know they are the best of the best, and they will win the war on terror because it is the right thing to do.

Lastly, we pray God's blessing on each and every one of them and each and every family that is also courageously allowing their family member to do the job that has to be done to keep freedom alive and well in this country. So this is all about us. It is all about the best of the best. God bless every one of them.

Mrs. DRAKE. Congressman, thank you for that. That was very moving to hear about your district and their commitment to our great Nation.

I would like to explain this map to you, though. Because if you will look in the center of the map where it is green, including the Horn of Africa and up through the Middle East, that is the short-term goal of the terrorists. This is from their Web site. Is it not an amazing world we live in that terrorists have Web sites? That is their goal, that everything colored in in green be controlled by them short term.

If you will look in the far corner over there, that is their 100-year goal. If you will notice, everything colored in in green is our entire world. I think it is important for the public to know this is not Thelma Drake saying this. This is from their Web site and their goal, and this tells you what those very brave men and women that you have just spoke so eloquently about, they know this and they know the threat to our Nation.

I also wanted to share with you a quote from a letter that I brought with me tonight to talk about dated October 11, 2005, from al-Zawahiri to al-Zarqawi. The quote is, because you mentioned Vietnam and I think this is important for us to remember: Things may develop faster than we imagine. The aftermath of the collapse of American power in Vietnam and how they ran and left their agents is noteworthy.

So do not think they do not know and they are not watching.

Next, I would like to recognize Congressman Geoff Davis from Kentucky. I thank him for being here.

Mr. DAVIS of Kentucky. Mr. Speaker, I want to take a moment to share a perspective that I think is often lost in the freedoms we enjoy, the freedom to meet in this Chamber, the freedom to reflect upon the great decisions that have been made here through the generations. The decision to enter into a war, to provide freedom and the maintenance of our union, the decision to free peoples in Europe and ultimately preserve our security at home.

On December 7, 1941, President Roosevelt stood in this Chamber and declared that December 7 was a day of infamy. He shared that this unprovoked attack which moved the United States to war, eventually into Europe as well. In the Korean War, we stopped Communist aggression. In Vietnam, the American people responded. During Operation Desert Storm, the American people responded.

In this Chamber in September of 2001, President Bush responded to an attack that was not brought about, my friends, by some nebulous global war on terror. I think it is important that we understand this war is not about some nebulous terrorist concept. This is about Islamic extremism that chooses to impose itself on the world. These people who largely act as agents of states, these non-state actors do not follow the teachings that they purport. Yet if we look more deeply, we see that they are seeking to be true to their interpretation of that religion.

In every generation there is a call upon that generation to defend the freedoms that have been purchased at such a tremendously high price. To maintain the union of our country and to free those who were enslaved cost 600,000 soldiers. In World War II, 444,000 soldiers gave their lives to provide freedom; and now we are engaged in a great struggle, a generational struggle that has been imposed upon us.

I think that it is important that we understand that the freedom that our minority leader had today to say, frankly, entirely inappropriate things about our national leadership, the freedom that all of us have to disagree, the freedom that all of us have to offer alternatives, the freedom that all of us have to protest, the freedom that reporters who sometimes distort the truth and, in fact, in many cases do not even report the truth but fabricate it, all comes down to the men and women who have answered the call to duty.

It is always the same. It is always the minority in the country that does that. Those who believe that there is something bigger in this country than individual selfishness and covetousness of the moment, that there is something worth risking all to protect because of those who come behind us, because they understand they are part of something bigger than themselves, bonded to something of greatness.

I want to thank tonight those Marines of the Second Marine Expeditionary Force, the soldiers of the Third Infantry Division, the solders of the 101st Infantry Division, of the 173rd Airborne Brigade in Afghanistan, of the Tennessee and Louisiana National Guards who are rotating back into the United States, and all of those soldiers who are moving in and out, the Marines who are moving in and out, our airmen and sailors who support this effort, because you understand that you have accepted the call of the generations that is so important that many people do not realize.

The freedom we enjoy in this Chamber was brought to us by 10 percent of the population of this country who chose to rebel against tyranny and stand for a principle that was higher than dignity of the individual, the rights and freedom of the individual, and that was purchased not simply in a declaration, but to get to the Constitution that gave us the government we have today was purchased in a great price in blood.

I am convinced that if today's cynical media had to cover the Normandy invasion, the greatest invasion in history that defeated the greatest tyranny in history up to that point, had it been reported by today's media, today's cynical media, today's profit-driven media, Mr. Speaker, I believe we would have lost that war. Because the Nation would have called for a pullout because there was risk associated with that, because things did not seem to go well. Because when unforeseen circumstances that always come up in war, and anybody who has served in the military, let alone in this Chamber, unexpected things happen.

I find those who have not served who are the great experts on military history do not really understand what they are talking about. Rather than commending our soldiers who have adapted to a fluid situation and the great things that have been done to support them, they provide criticism of why could that not have been anticipated?

It is simple, my friends. We are fighting an adaptive and motivated and, frankly, evil enemy that has a religious doctrine that stands and flies in the face of everything on which this country was founded, on which the Constitution was based, that respects the rights of the individual, the dignity of a man, the dignity of a woman to pursue opportunities in the way in which they define. And when somebody wants to impose an attack upon this Nation, and one that was planned long before September 11, and attempts that were made long before September 11, we have no choice but to yield or to respond, and we have responded.

Comments that have been made by my colleagues on the other side that talk about casualties, I can speak with some authority on that issue, having buried some of my friends. I find it interesting that they want to talk about numbers, which dishonors those who serve. I did not see any of my colleagues who talk about these numbers standing with me as I buried a friend of a friend who was killed in Al Qayyim in June over at Arlington Cemetery. They were back here at PAC fund-raisers and going to receptions and making pointless statements in this Chamber about things they know nothing about.

More than that, I would suggest to you that these same people who want to talk about numbers and these liberal reporters who do not care about this Nation, who do not care about the price that was paid for the freedoms that they enjoy, where were you for the last 25 years? Where were you when 16,000 American soldiers died between 1983 and 1996 in service to this Nation? Where were you when 24,000 American men and women gave their lives between 1980 and 2004? Your comments, frankly, are despicable, dishonorable, uninformed, unhistorical, anti-intellectual and, frankly, un-American. But I respect your freedom to make those statements, because they were purchased with the blood of all of those who served.

I would suggest that in this body that the liberal reporters who watch and our enemies who watch and the soldiers who watch and those who want to speak against this from their positions of ignorance and political convenience, who use our soldiers: You learned your lessons during the Vietnam War. Now you use our soldiers in a dishonorable way as human shields to advance an idea that stands in contravention to the freedoms that have been purchased at such a high price.

I ask my colleagues on the other side of the aisle who have been here for many years and like to speak with false authority: Where were you when my friend Ken Maddock was killed from Task Force 160? Where were you when my classmate from West Point, Mike Scott, died? Where were you when Lee Border died or Brian Haller died in the 101st Airborne Division? I saw no requiems in this Chamber. I saw no requiems on television for them. It was not politically expedient.

But now you disagree with the policy when our Nation is threatened by extremists, and soldiers and Marines and airmen and sailors have responded to that call, and you sit here mouthing your empty words. Casualties are always a great tragedy.

I think the one thing that was most poignant to me as I visited my old Airborne Unit, I deployed to the Middle East with the task force of the 1/508th running aviation operations in support of them, and I went and visited that unit today in Paktika Province in Afghanistan.

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A CNN reporter came to one of the forward operating bases. There had been an attack on that base earlier in their deployment as they were clearing out the enemies of freedom, and not simply ending a military operation but bringing order and civil government and roads and sewers and the fact that the government can be good and the people can be helped and they can be part of something bigger than themselves, which is not a tyranny, an ideological tyranny. That reporter was looking for bad stories and refused to cover the reenlistment of every soldier in the 1/508 on that forward operating base who was up for reenlistment. That is a tragedy, and that is unfortunate.

To me, I think the lesson that we have to ask ourselves is how do we get around this, how do we avoid this problem. Well, the media is not going to be helpful to this country because I think they have lost their connection with the heartland of this Nation, with the people who have borne the burden of the price of freedom through the generations.

Every generation of my family has served in the Armed Forces, not in glorious ranks of generals and admirals, but in the enlisted ranks, carrying the rifles and manning the ships that provided the freedom for the people in this body to say the things that they have said. And I would say this, Mr. Speaker. I do not care about the media. What we need to do is allow these soldiers and these marines to go into every editorial board, into every Rotary Club and chamber in this Nation and let them tell their story. Let them tell their story in the communities and in the fiscal courts. Let them tell their stories in the courthouses and on the street corners, and I guarantee you that these people who purport to be experts on things they know nothing about will be discredited and things will be shown for what they are. Because you cannot refute a 100 percent reenlistment rate in units where these soldiers have borne this burden and they go back over and over again.

To you military people who are watching, I want to say thank you, as a fellow soldier. To you who cherish our freedoms, I thank you. For you in the press who enjoy this freedom but you abuse it, know that the price that is paid by those who frankly have greater moral character than you, who refuse to cover the truth of what they are doing, know that it is their sacrifice, not yours, that allows you to share what you share.

And finally, to those of our citizens in the heartland know that these men and women are doing a great service to prepare the way for us to adapt to the 21st century: that we will have a safe country and a community to pass these freedoms on to the next generation.

I will leave you with a story from the 1/508, commanded by Colonel Tim McGuire, as he was moving northward from Shirana forward operating base to Orgune. He shared that coming back from that mission a little boy ran from a village up to his convoy. He stopped. He did not speak Pashto, and the interpreter asked the little boy what the problem was. The little boy had waved, as many of the children I saw in Afghanistan did at the Americans all the time. He asked the little boy what he was concerned about, and he said that two bad men had come into the village and put something in the road. That little boy saved potentially American soldiers.

The enemy were dealt with and that village is open and free, but Colonel McGuire asked the question which encapsulates all of what this struggle between radical Islamic extremism and the values of freedom and dignity of the individual that we cherish expresses, and he said, Young man, why did you do that, knowing that there was risk associated with what that boy did. He looked at this airborne colonel in the 173rd Airborne Brigade, and he said to Tim, before you Americans came, I could not go to school.

That is the contrast that we have here: freedom, opportunity, hope, true faith, or extremism, persecution, tyranny and hatred. Thank you for you who serve.

Mrs. DRAKE. Mr. Speaker, next, I would like to recognize the chairman of the Armed Services Committee. Mr. Chairman, thank you for being here and listening to the true passion from our Members as they talk about true American heroes.

Mr. HUNTER. Mr. Speaker, I want to thank the gentlewoman. She has done a wonderful job of leading this Special Order, and I want to thank all the Members who participated. They did a great job, and I think our message to all of our troops, to everyone that wears the uniform of the United States is this: you have great value. You are our best citizens. Your cause is just. You will prevail, and we will stand behind you.

I thank the gentlewoman.

Mrs. DRAKE. Mr. Speaker, I truly believe that history will name this generation. And until they do, I have decided I am going to call them the Freedom Believers, because I think there is no greater gift that we give to our children and to our grandchildren than freedom. And so I thank them, and I thank the speaker for the opportunity to be here tonight.

Mr. BUYER. Mr. Speaker, first, I want to thank Chairman HUNTER for arranging for this opportunity to comment upon the remarkable honor and valor of our United States soldiers.

One thing that I reflect on is the high quality of leaders in our military that we are producing right now in Iraq. We have 1st lieutenants with two tours under their belts already. The seamlessness with which our Guard and Reserves fight alongside our active duty is another tremendous evolution benefiting this conflict and paving the way for future military successes. We are making a significant investment in world peace with the strong commitment of our men and women overseas. These brave soldiers fight in a land they've never been for people they've never met to extend the fundamental rights of liberty.

The Middle East is yet another test of this commitment to liberty. Liberty is defended by the vigilant who are willing to sacrifice to defend freedom and stabilize the country's civil institutions. In January of this year, 2005, over 8 million Iraqi citizens voted and reaffirmed only weeks ago with the ratification of their constitution. What a pleasure it was to observe the Iraqi people defying intimidation and threats to define the course of their country's destiny. This dignity, denied them for decades, was afforded to them by the efforts of those people we honor today.

As Veterans Day approaches let us not forget that the men and women serving today will join the ranks of those who have selflessly served this same mission to bring these freedoms to all people. We have ensured that men and women, active and reserve soldiers from each service, return to a grateful homeland eager to honor their service and sacrifice.

Mr. KNOLLENBERG. Mr. Speaker, I rise today to recognize our troops and to support our continuing efforts in Iraq.

It is important that we recognize and honor our troops who are serving in the Middle East. While progress is being made there are still obstacles in the path toward a free and independent Iraqi state. The effort in Iraq is moving along steadily, and our forces are working in conjunction with Iraqi forces toward success in many different areas. American troops are fighting to secure and rebuild cities and to extinguish the insurgency. Our men and women in uniform are doing an exemplary job, and it is essential for us to salute their efforts as they work to ensure stability in a historically unstable region.

Politically, Iraqis have embraced the charter constitution, and the Independent Electoral Commission of Iraq reports that 78 percent of voters were in support of its passage. This was a major step in their pursuit of a democratic government and citizens' rights through political reconstruction.

Additionally, American forces are reconstructing the services and infrastructure to move Iraq forward. Electricity, water, education, and sanitation services are being established. Water treatment plants are being built throughout the country, bringing clean water to tens of thousands of homes. Power plants are being restored and refurbished, improvements on transportation infrastructure are being made, and the completion of school renovation and construction projects will facilitate education for Iraqi children.

The war on terror is progressing as well. Our troops are successfully breaking up Al Qaeda by detaining known terrorists and seizing weapons caches. Between the 15th and 18th of October, a known Al Qaeda military leader was killed during Coalition raids and forces from the 172nd Infantry Brigade uncovered 10 weapons caches and detained 16 suspected terrorists in northern Iraq. Continued efforts like these are what it will take to eradicate the threat of terror.

Our soldiers are overseas creating these successes and they deserve our continued support. These brave men and women are risking their lives in order to protect our Nation, our ideals, and our safety. They are fighting for each and everyone of us, fighting for all that we hold dear not just in America, but also worldwide. I want to take this opportunity to thank our Armed Forces for all that they have done and to offer my unrelenting support for their hard work and sacrifice as they continue to work toward the establishment of a free Iraq.

Mr. DREIER. Mr. Speaker, our men and women in the military continue to make our nation very proud. We are forever grateful for their sacrifice as they protect our precious freedoms and encourage the rise of democracy in the heart of the Middle East. We honor their dedication and admire their resolve under such difficult circumstances.

Because of the valor of our troops, there is cause for great optimism in Iraq. On October 15th, nearly 10 million Iraqis traded bullets for ballots and voted on their draft constitution. The constitution was approved by an overwhelming 79 percent. This is a remarkable feat and an important milestone on Iraq's path toward democracy. The next step is a December 15th vote for the first government under the new constitution.

After the constitutional vote, the Washington Post quoted a 53-year-old Iraqi shoe salesman who said: "[Before], no one showed us the draft of a constitution. None of them. This is the first time. Since the days of the monarchy until now, this is the first government willing to put the constitution before its people."

Another Iraqi, who planned to mark his ballot with his own blood, said this about voting for the constitution: "It will bring all that is good for the people, such as stability, democracy and peace. With such a charter, we will show the world that we are a civilized nation, not a bunch of . . . bloodthirsty extremists."

The election day itself was a resounding success. Violence was minimal and did not affect voting at the more than 6,000 polling places. Nearly 200,000 Iraqi security forces took an active and lead role in ensuring the safety of their fellow citizens on the day of the vote. For Iraqis, this was truly a national effort to determine the future of their nation.

The increasingly Iraqi-dominated security operations are a huge boost in our efforts to defeat the terrorists. After a recent trip to Iraq, Retired Army Major General Robert Scales commented: "[The Iraqi forces] are better able to gather intelligence. They can spot insurgents by their body language and by how they act and the language they use."

The Iraqi security forces are gaining the trust and respect of the Iraqi people. In fact, the number of tips to security forces rose from 442 in February to over 3,000 in August. The increasing capability of the Iraqi security forces is essential to our strategy for victory.

Mr. Speaker, the trial of Saddam Hussein is yet another very positive development. This is a trial by Iraqis, for Iraqis—and for justice long denied to the victims who suffered under his murderous rule. The Iraqi Special Tribunal operates under Iraqi law and shows the solid foundation being built for law and order in Iraq.

There has also been significant progress resulting from U.S. and Iraqi reconstruction efforts. Unfortunately, these signs that point to a revived society, economy and culture have not received much attention. Consider this:

There were no independent newspapers or magazines in Saddam Hussein's Iraq—today there are more than 100; before the war, there were no cell phone subscribers—today there are over 3.5 million; over 3,400 schools have been renovated; local governments are conducting town hall meetings; the Baghdad real estate market is booming; and, the court system is coming to life—Iraqi judges have conducted 387 trials since 2003.

There remain terrorists committed to derailing democracy in Iraq. But Iraqis have already experienced the conditions that terrorists seek. They are conditions of hopelessness, violence, intolerance and repression. As we saw by the constitutional vote, nearly all Iraqis reject this dark existence.

Mr. Speaker, we know that more tough days lie ahead for the American military. Their mission is dangerous, but their cause is just. And because of their courage and sacrifice, they are making significant progress toward supporting a free and democratic Iraq. This is great news for the people of Iraq—and great news for our own national security.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to come before the House. As you know, we come to the floor nightly to talk about the issues that are facing Americans and also what Members of Congress are trying to do about them. Even in cases when we are not trying to do anything about it, we think we need to bring those issues up.

Mr. Speaker, we want to take the opportunity tonight to honor some great soldiers and warriors, the Tuskegee Airmen, for their contributions to our country.

Mr. Speaker, when I traveled to Iraq, I had an opportunity to see the Tuskegee Airmen Wing there in Iraq, still running strong, still flying sorties, and still defending this country in many ways. Even in some other theaters, they have done an outstanding job.

I am so glad to be here tonight with my good friend, the gentleman from Ohio (Mr. RYAN), who has some comments that he would like to make; and so I yield to him.

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman from Florida for this opportunity to be here with him tonight, as we do every night; and I want to take this opportunity for a couple of minutes here with my colleague, the gentleman from Ohio (Mr. STRICKLAND), who is also here to recognize the impact that the Tuskegee Airmen have had not only in Alabama, where they did the original training, but all over the country and the kind of impact and leadership that they have set out for all of us, quite frankly, to try to achieve.

November 11, Mr. Speaker, marks the 51st year we have honored veterans. Memorial Day recognizes those people who have unselfishly given their lives in service to this Nation. Veterans Day honors all those who defend democracy by serving in the Armed Forces.

The beautiful thing, Mr. Speaker, about the Tuskegee Airmen, when they were set up during World War II, these black military pilots were trained at a separate air field in Alabama, Tuskegee, Alabama, therefore named the Tuskegee Airmen. The establishment and the training of the airmen was an experiment to prove that blacks were incapable of operating expensive and complex combat aircraft.

The true spirit of those men came through, however; and instead of the expected failure, the Tuskegee training program produced 992 graduates, 450 of whom served in combat. They flew more than 15,500 missions, destroyed 260 enemy aircraft, sank one enemy destroyer, and demolished numerous enemy installations. During World War II, the airmen earned 150 Distinguished Flying Crosses, 744 Air Medals, eight Purple Hearts and 14 Bronze Stars.

This is what it is all about. And there is going to be an event on Veterans Day that my colleague from Ohio and I, and even our good friends from Florida, I am sure, will not be able to make, but we want to take this opportunity here on the House floor to honor those men who provided a tremendous example for our whole Nation.

Mr. STRICKLAND. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Ohio.

Mr. STRICKLAND. I thank my friend for yielding, and it is true that as the folks gather there in Youngstown, Ohio, we will not be able to be with them, but our thoughts will be with them as we honor veterans. And especially we will remember the Tuskegee Airmen.

The Tuskegee Airmen have the distinction of never having lost an American bomber under their escort. The Tuskegee Airmen overcame the enormous challenges of prejudice and racial discrimination that existed within our country, and they inspired revolutionary reform within the entire Armed Forces of our Nation.

The Tuskegee Airmen, with their courage and their dedication, paved the way for the full racial integration of our Armed Forces. The Tuskegee Airmen were not only heroes serving to protect American rights that did not extend to them as Americans, but they were also among the very first to challenge our Nation's segregationist policies. Because of them, because of the standard they set, because of the success they enjoyed through their hard work and commitment to this country, our Nation became a better country.

As we honor all veterans, we especially are thinking of these wonderful men who set such an example for all the rest of us. I yield back to my colleague.

Mr. RYAN of Ohio. Mr. Speaker, if my colleague from Florida will continue to yield, I just want to get this into the CONGRESSIONAL RECORD. The speaker on November 11 in Youngstown is going to be Luther H. Smith at the VFW Post 6488's annual Veterans Day program.

This gentleman epitomizes what it means to really be a hero. He received his military aviation training at the Tuskegee Army Air Field in 1942, and he then became a fighter pilot with the all-black 332d Fighter Group. He has said of the Tuskegee Airmen: "We didn't start out to be heroes, but now we are legends."

Mr. Smith is credited with destroying two German enemy aircraft in aerial combat and 10 German aircraft in ground missions. So we want to welcome Mr. Smith not only into the CONGRESSIONAL RECORD but to the VFW Post 6488 in Youngstown, thank him for his service, all Tuskegee Airmen in Youngstown, and all veterans on Veterans Day.

So I thank my colleague very much for allowing me to thank our veterans for their service to our country; and with that, I yield back to the gentleman from Florida.

Mr. MEEK of Florida. I just want to say to both of my colleagues from Ohio that it is so important that we recognize not only veterans, but we recognize celebrations that hold our veterans up. The Tuskegee Airmen had a very hard time in their day to even climb into an aircraft, let alone go into a theater of battle. But it is good for our country to be able to recognize past sacrifice and commitment. I know all veterans shoulder to shoulder today know that every American fights for the freedom of this country and countries that are in our coalition in the civilized world.

I can share with my colleagues that I have many Tuskegee Airmen living in my district in Florida. They come out with their red coats on, and it is so good to see them standing strong with their chests out. As you know, the NFL has built a very strong relationship with the Tuskegee Airmen. They appear at a number of the NFL, National Football League, half-time shows.

So we need to see our heroes and our sheroes while they are here, and not just look in a book and say, it was once, not only with the Tuskegee Airmen but veterans in general who come out.

Mr. Speaker, I want to thank both of my colleagues for bringing this to the floor tonight and putting it in the CONGRESSIONAL RECORD, because I think every time we have an opportunity to celebrate those who have allowed us to salute one flag, we need to take that opportunity at the highest levels.

Mr. Speaker, with that, I might mention that my colleague, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), has just joined us; and we now have another of our special guests with us, and I will leave it up to my colleague to recognize him.

Mr. RYAN of Ohio. Well, my two mentors in Congress. Really, just to see you two standing next to each other puts a little lump in the throat. The good gentleman from Massachusetts, who we have been getting e-mails about from folks that say they just love the accent from Boston.

Mr. DELAHUNT. Well, I cannot understand why anyone would ask about my accent, because I would submit that I am the only person in this Chamber tonight that does not have an accent.

Mr. RYAN of Ohio. I would also like to welcome our good friend and my colleague, the gentleman from Ohio (Mr. STRICKLAND), who has been a voice for the underprivileged for the past 10 years in Congress. Prior to that, he was a psychologist in prisons, a very dangerous job; and he had many other careers prior to coming to the United States Congress.

So we have a heavy bunch here, along with our good friend, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), who keeps us all together and brings a little class and elegance to the whole operation and some sense and some civility and a little bit of grace.

Ms. WASSERMAN SCHULTZ. Thanks.

Mr. MEEK of Florida. Well, without her, I do not know where we would be as relates to being able to deliver a clear and crisp message that people can understand. She is our translator. She translates from Washington talk to everyday talk so that even some Members can understand and the American people.

With that, since we are talking about those who are underprivileged, and those that are trying to, hopefully, be a part of our workforce in the future, there is an awful lot to talk about, a lot of ground to cover tonight, so we are going to try to cover it real quickly.

A lot of action here under the dome today. The Budget Committee met. We are talking about those that play fiscal conservatives on television and those that are actually looking out for the financial well-being of our country. I might just say that as the 30-Something Working Group looks at issues that are facing young people and parents that have children that they want to be able to go to college, Mr. Speaker, and receive a higher education, there are a number of things that we have to cover.

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Not only the budget. We have Hurricane Wilma. We have the Hurricane Katrina investigative panel. We have issues as they relate to Iraq and misspending there. And at the same time, we have a culture of corruption and cronyism and coverups going on here, right here in the capital city.

I just want to bring a quick point just to start us off tonight. Some folks run around and say, what is the Democratic position? Well, the Democratic position is making sure that the everyday American does not end up paying the bill for billionaires, billionaires, not everyday Americans, but billionaires, to run away with the U.S. Treasury and special interests to have free rein on the U.S. Treasury.

Now, I do not blame the billionaires for getting what they get. I do not blame the special interests in this town for getting what they want. I blame those that give them what they want when they want it. And it is up to us, as the representatives of the people, to make sure that that does not happen and that we work on behalf of the American people.

Representatives KIND, CAPPS, EDWARDS, MOORE, and SCHWARTZ moved in the Budget Committee today to direct the chairman, on behalf of the committee, to consider an amendment in the Deficit Reduction Act of 2005. The amendment eliminated all new student-paid fees to increase the cost to receive a student loan.

What they have done here, Mr. Speaker, and when I say "they," I mean the majority side, is they are saying there are not any offsets or cuts in this bill; but what they are doing is they are putting 27 percent additional fees on students that are receiving student loans. Now, that is 27 percent more that they have to pay. Some folks call it a tax. So one would think we are just talking about students. We are also talking about parents. When the students cannot pay for their education, who kicks in? Mom and Dad, family, Granddad, Grandmother. She is digging into the retirement fund to help pay to make sure that her grandson will be able to go to school. They continue to carry the message on down of adding these new taxes on to students and families on the State government.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, the interesting point that our friends always make is if we tax corporations, then they just pass it on to the consumers. So they raised fees, and it is getting passed on too to the students. As we go through this tonight, let us ask other Members, Mr. Speaker, to pay very close attention. I do not think it is a coincidence that the very programs that are getting cut, student loans, Medicaid, school lunches, these just happen to be by coincidence the programs in Washington, D.C. that do not have lobbyists. There is no one down here greasing the wheels, putting money into the Republican campaign coffers for student loans, for the fees to be decreased. There is no big lobby group out there for that.

And there is no big lobby group out there to make sure that poor people have the proper kind of health care that they need. So as we go through this tonight, it is important for all of us to remember that it is not a coincidence that our friends cut programs where there are not big lobby groups and big donors and then they keep the programs that have corporate welfare in them or that the lobbyists want. Then they are off to shakedown street, K Street, which is where all the lobbyists are. They go down to shakedown street, shake down the lobbyists. The lobbyists donate money to the Republican Party, and they keep the system going.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, that was a party-line vote. A 27-percent increase, which I call a tax increase, on students that want to go to school, 27 percent, a party-line vote. Democrats voted not to increase those fees on them. Republicans voted in the majority.

Mr. RYAN of Ohio. Sixteen Democrats voted to reduce the fees, eliminate all fees that would increase the cost of receiving the loan. Sixteen Democrats voted for that amendment. Twenty-two Republicans voted against that amendment.

Mr. MEEK of Florida. Mr. Speaker, here is another one just today from the Budget Committee. This is not something from yesterday. It will probably come out in the hometown paper tomorrow, but the Members here in this Congress, Mr. Speaker, will get what happened in the Budget Committee today because that is where they put the cookie on the bottom shelf. I mean, that is when it happens. The same thing, a motion to link the tax cuts to spending cuts.

This is what is going to happen, Mr. Speaker, and we might as well call it so that everyone knows exactly what is going to happen and illuminate what the majority is doing right now. We are going through all of this process with all of these cuts, a real big number as it relates to the cuts; and then a couple of weeks from now when folks are doing something else, the majority is going to come up with the tax cuts for billionaires. They may give everyday Americans a little tax cut, just a little one.

Meanwhile, back at the ranch, we have Katrina, which was a catastrophic storm that took out the gulf coast. We had Rita that also hit the gulf coast, and we have Wilma that we are going to talk about in a minute that also hit south Florida. And we have this thing we call a war in Iraq and Afghanistan that we need money for.

I am saying this to make this point and then we are going to go to the next level here: the President of the United States and this Congress, Mr. Speaker, have borrowed more from foreign governments than 42 Presidents combined. Since the Republic started, this President has outborrowed from foreign nations. In the 224 years, from 1776 to the year 2000, the U.S. Presidents borrowed a combined $1 trillion from foreign governments and financial institutions, according to the U.S. Department of the Treasury. In the past 4 years alone, President Bush and the majority of this Congress have been authorized and borrowed a staggering $1.05 trillion, just in 4 years.

Folks come to the floor and they are dazzled on the other side. Why are they talking about all of these things? And we come to this floor night after night and say, you know something. Something is really wrong going on here, and we need to bring this to the attention of the American people.

I have a little chart here that I just want to get out of the way right now. We will pull it up. Forty-two Presidents, Republican and Democrat, 42, not 10, not 20, not 25, not even 30, but 42 Presidents. One President, one President outborrowed 42 Presidents from foreign countries.

What has happened here, Mr. Speaker, is that the country is now depending on foreign governments to run our government. Some folks may ask why are we talking about the billionaire tax cuts? We are talking about those tax cuts because it is weakening a country, bottom line. That is all that is happening here.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I am champing at the bit here because he is absolutely right, and one of the things I want to emphasize, because I think in the last few nights we have not gotten this point across to the Speaker and to the folks who might be hearing this conversation this evening, the purpose of the 30-something Group, the main purpose, is for us to help get some understanding out to our generation about the issues that we are debating in this Congress and how it affects them. And the student aid cuts that the gentleman was talking about just a few minutes ago, more than any other issue almost, is the easiest for folks in our generation to understand how it impacts them.

What maybe is not so obvious is what Congressman MEEK was just talking about a minute ago. The Republican leadership, our friends on the other side of the aisle, will try, as they put forth this reconciliation act, AKA budget cuts, because reconciliation and other words that are used inside this Chamber and in this Capitol, that is Washington speak for budget cuts, the budget cuts that they are saying they are going to need to put forward to address the deficit and to address the out-of-control spending that they have engaged in are not for Katrina relief, are not being put forward so that we can pay for Katrina and for the aftermath of Katrina. They are so that they can preserve the $70 billion in tax cuts that they have put forward.

Let us boil this down to its simplest terms. They will represent and have been representing that they have to do these cuts because the impact from Katrina is so significant and we have got to do something. We have got to get a handle on the spending. Why does getting a handle on the spending have to be on the backs of the people who can least afford it and we are going to enrich the backs of the people who do not need help?

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman from Florida will continue to yield. I think it is quite interesting too that our good friend Jim Wallace, an evangelical preacher, and several others from religious organizations, are stepping up and trying to pressure the Republican Party, who have called themselves Christians and who have utilized the Christian right and the label of the Christian Coalition and yet in the very next breath they cut poverty programs, cut programs for average people. I find that horribly hypocritical.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I wanted to be even more specific, because he is absolutely right. The groups that are out there trying to help those in need are opposing these cuts. Every major religious institution has sent letters to our Speaker, to this Republican leadership, asking them not to do what they are trying to do, not to harm people who are most in need, particularly in exchange for preserving tax cuts for our wealthiest citizens.

Just in student aid alone, they are proposing a cut of more than $14 billion from the student aid program, which is the largest cut in history to Federal student loan programs. On top of that, it increases the cost for student borrowers who are already saddled with about $17,500 in debt. They will be forced to pay $5,800 more for their college loans. In my community that is really real money.

Mr. RYAN of Ohio. That is a lot of money.

Ms. WASSERMAN SCHULTZ. That is real money. I do not know a lot of people who can just reach into their pocket or go down to their local bank branch and yank out $5,800.

Ms. BERKLEY. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentlewoman from Nevada.

Ms. BERKLEY. Mr. Speaker, I am not part of the 30-something Group, but I was about 20 years ago.

Mr. RYAN of Ohio. You are now.

Ms. BERKLEY. I thank the gentleman. I have to tell my colleagues here that I have been watching them speak up about the things that I care very passionately about, and I thought it was about time that I came down here and lent my support and my voice because they should not be carrying the burden for the rest of us.

When they talk about student loans, I went through college and law school on student loans. My dad was a waiter when I was growing up, and there was not very much money, and no one had gone to college in my family until I went to college. And without those student loans, I guarantee I would not be standing here today. So I put myself in the place of thousands and thousands of Nevadans and millions of Americans that are depending on those student loans to make a difference in their lives. And getting that college education does not change only one's life. It changes the entire direction of one's family. It is an investment in our future.

And I wanted to share with my colleagues that a couple of days ago when Senator REID took to the floor of the United States Senate, as a fellow Nevadan, I do not think I have ever been as proud of him as I was a couple of days ago, and I have been pretty proud of that man for a number of years. But I think he gave us all a voice. And what he said was that we wanted to give this government back to the American people. The American people are entitled to know what went on in the decision-making process to take this country to war.

I sit on the Committee on International Relations, and I went to every classified briefing and every confidential briefing because I am the mother of two sons who are 20-somethings, and I knew that I would be sending other mothers' sons and daughters into a theater of war, and I wanted to make sure that I had my facts straight. And when they told me that there were weapons of mass destruction and they located the location, they showed us on the map where these weapons were located in Iraq, and when they talked about nuclear capacity within 6 months to a year and shared with us the strong al Qaeda ties to Iraq and assured us that there was an imminent threat, I supported the President based on those issues.

□ 2045

But I bring that up because that is so much a part of what we are seeing now. There is deception, there is deceit.

Remember when they said it would only take about 100,000, 150,000 troops to go in? There was one general that said we would need half a million troops. What did they do? They retired him.

When the Budget Director, Mr. Lindsey, said it would cost $200 billion, and we are there now, they said, no, no, no, it is not going to cost us anything. It is going to be the oil revenue coming out of Iraq that is going to pay for this war. We went ahead with that based on their justification and what they said.

I want to know and I want to have an investigation. Because when I voted, I voted on a certain set of circumstances, and the American people are entitled to know why their sons and daughters are dying in a foreign land.

Did we have to do this? If we did, where are we going? And I want to tie this in to the budget, because we are standing here today and knowing that next week we are going to be voting on a budget that is an embarrassment to me.

When I was growing up, I always wanted to serve and be a public servant and be in this great body. I never believed I would be taking student loans away from youngsters who are just like I was. I never dreamed I would be taking poor children and keeping them from getting the health care that this Nation should be providing for them so that they can grow up to be strong adults. I never dreamed that women that depended on child support for their children, that we would be taking away the money to find the deadbeat dads.

This, to me, is absolutely an affront to what it is to be an American. We have an obligation to our fellow citizens, and I am afraid and I am embarrassed that we are not living up to our obligations.

But we are in the minority. We cannot get anything done in this body. It is the leadership of this body in particular that has to do what is right by the American people.

As the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) said, why would we be giving more tax cuts to the wealthiest people in this country and taking it from the backs of people that cannot possibly afford to pay for these things? Why would we take student loans away from youngsters? Why would we take quality health care away from children? Why would we take the opportunity to get your deadbeat father to give you the money, to pay their child support, why would you take that away from people?

This is foolish and shortsighted, and it is desperate, and the reason we are desperate is because of that war and the mistakes that we made going in to it. This administration had better come clean. We owe it to the American people. This stonewalling truly has to end. It is an embarrassment, but it is bad for this county.

That is the main reason why I am standing here today, because I care enough about the American people. I care enough about my constituents. My constituents are going to be hurt very badly. Two hundred thousand of my fellow Nevadans are going to be without health care if they cut that Medicaid. I have got 18,000 students that are going to be cut away from that student loan program. Over the next 5 years, funding for that child support collection is going to be cut by $60 million. We should not be doing that.

I am here to share these statistics with you so you know how devastated the State of Nevada would be if this Republican reconciliation plan goes through.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman will yield further, if I can just say one thing, first of all, it is such a pleasure to see you and have you join us tonight. The gentlewoman from Nevada (Ms. BERKLEY) has been an amazing advocate for the people who are on this floor tonight championing their cause. Those of us in the 30-something generation have had an opportunity to stand on your shoulders for the years you have been in Congress and been in the legislature in the State of Nevada fighting for the people that have no voice. That is really why we are here. We are so glad and privileged to have you join us tonight to take up this fight.

Ms. BERKLEY. Mr. Speaker, if the gentleman will yield further, I think the gentlewoman is being overly gracious in her compliments. I appreciate it, and I want to return them by telling you how very proud I have been of the three of you standing here every night in the well of the House telling the American people the truth. That, unfortunately, has become a rare commodity in this House.

Mr. DELAHUNT. Mr. Speaker, if the gentleman will yield, I am just so impressed with my friend from Nevada, and I really do mean that so sincerely, to come here and to acknowledge that the vote that was taken 3 years ago was a mistake because the American people and Members of Congress were misled. It is that simple.

Ms. BERKLEY. If the gentleman will yield further, if I could chime in a minute, I think what hurts me and offends me the most is I took this information, I went back to the people I represent. I was on every television show, I was on every radio program, and I shared with them the information that I received, and I defended my position. Not only did I defend it, I was an advocate for it. If it was wrong and based on faulty information, I owe it to my constituents to let them know that.

Mr. DELAHUNT. Members should be aware of the fact that the Republican chairman of the Senate Intelligence Committee, PAT ROBERTS, it was reported, recently said that if the information had been available, he doubted that the resolution authorizing the invasion into Iraq would have passed the United States Senate. That, to me, really spoke volumes.

But if I could just for one moment get back to a point that was raised by the gentleman from Florida (Mr. MEEK) earlier, and if he could again just show that chart to our friends and colleagues.

Let us just read the title again. "President Bush does in 4 years what 42 presidents managed in 224 years," and that is borrow from foreign governments, borrow from foreign governments the moneys needed to finance the war and finance a tax cut that is primarily created to benefit 1 percent of the American people.

Now, the President speaks of an "ownership society." We have heard that term before. I think it was interpreted by most of the American people that they would have the American dream realized for themselves and their children. But what is happening is America is being mortgaged. America is being sold.

Mr. Speaker, I know that you are aware of this and many of our colleagues, that when debt issues from the Treasury Department, who is purchasing that debt? It is the Chinese Central Bank, the Japanese Central Bank, the Korean Central Bank, individuals and governments in the Middle East. We are being bought by foreign governments that do not share our values.

So not only are we becoming economically dependent on this debt that is being purchased by, in some cases, potential adversaries, but we are eroding our own national security. What if we have political differences with any of these nations?

We constantly hear from the Republicans a concern about Taiwan and what the Chinese are doing in the Formosa Straits. There is a lot of chest-thumping about we cannot let that happen. But if we get right down to it, we are beholden to the Chinese Central Bank. We are selling our country to foreign interests. That is why this is so shocking. Now it is something that I dare say most Americans do not understand, but it is the reality.

If the Chinese wish to leverage our political decisions, all they have to do is say, "We are not going to continue to finance your debt, the debt that you used to give tax cuts that benefited in a disproportionate way to the billionaires, the 1 percent of Americans."

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, the gentleman is hitting it right on the head. We talked about the carpenter hitting the nail right on the head the other night. I can tell you that, even now as we speak, in committee today a budget passed out of the committee on partisan lines with one Republican, one Republican, voting with the Democrats to stop this madness.

One day, if this continues, if this continues, let me just say, in all fairness to President Bush, he did not do it alone. The majority had to be along with him on this. The majority Senate had to endorse this, that it is okay for you to knock on the door of the Bank of China and say, and when I say China, I knew the gentleman from Ohio (Mr. RYAN) was going to get excited, but knock on the door and say we need more money. If this continues, one day one of these countries is going to rise up and say "we own you" on behalf of the majority.

Mr. RYAN of OHIO. If the gentleman will yield, the Republican Party has been in charge of this Chamber since 1994. They have had control of the Senate for a number of years. They have had the Presidency since 2000. They cannot govern. They are incapable of governing this country.

We have poverty rates up, we are cutting programs that are investments into the United States of America, and we have borrowed over $1 trillion in just 4 years from foreign countries, and the national debt is above $8 trillion. That is not governing. That is not providing a bright future for the country.

Talk about reducing the tax burden. The burden on average people is higher now, and these kids that we are also cutting their student loans and health care for are the same kids that are going to have to pay the interest on the money we are borrowing, which never seems to be recognized by our friends.

Ms. WASSERMAN SCHULTZ. If the gentleman will yield, $8 trillion is a really, really big number, a difficult number for a lot of people to get their minds around in terms of a concept. Tell us, how much money does that translate per man, woman and child in America?

Mr. RYAN of Ohio. That is $27,000 for each person. So if you are a baby born today, right now, my nephew, Nicholas, born 3 weeks ago, he owes $27,000 to pay for the debt.

Now as we look at the numbers, as the gentlewoman stated earlier, he is going to go to college and have to borrow money, $17,000, $18,000, now an additional $6,000. So this kid before he even gets out into the workforce to have a full-time job is going to owe $27,000 on the debt and $23,000 on student loans. That is $50,000. Run that out 22 years, plus the additional burden we are putting on this young fellow, and what kind of future are we leaving to this kid?

Mr. MEEK of Florida. He is not even walking yet.

Mr. RYAN of OHIO. He is still sleeping 23 hours a day.

Mr. MEEK of Florida. They cannot get out of the hospital, and they already owe the Federal Government, and we owe foreign countries all kinds of money.

Mr. RYAN of OHIO. Is that an ownership society?

Mr. DELAHUNT. He is going to own that interest rate, too, because that is interest rate is going up.

Mr. MEEK of Florida. Let me tell my good friend, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), it starts right here. We talk about third-party validators, and we believe in that in our working group we have here.

I hold in my hand here from the Republican Study Committee, which it seems like the majority is following the lead of this group, and they have said originally in this report that they wanted $35 billion in cuts. Let us talk about those cuts.

□ 2100

Let us talk about those cuts: $35 billion in cuts, and all of this is on the table and a majority of it is in this budget, Mr. Speaker, that was passed by the Republican majority out of committee today. Cuts to Medicare, cuts to Medicaid, student loan cuts, we talked about that; food stamps, school lunches. But not a mumbling word, not a mumbling word about taking back tax cuts from billionaires. Not a mumbling word.

Not one, Hey, you know something, we are at war. Maybe we need to ask these folks who have never given anything. As a matter of fact, I do not blame them. I go back to not blaming the billionaires. We never asked them, we never told them that they need to do something. Let us just keep it going.

This is the document. I want to make sure that the Members who did not see this document, they can go online to www.john.shadegg.house.gov/rsc/, that is www.john.shadegg.house.gov/rsc/. Do not take it from me. Go find it for yourself.

So how do we get to the point where we are?

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I think we should put a link on the 30-something Web site.

Mr. MEEK of Florida. Yes, why do we not do that? We are going to get staff to put this on the Web site, because this stuff just does not fall out of the sky. This does not just fall out of the sky. The President cannot do it by himself. Take it from me, he cannot. He has to have his Republican majority, he has to have a majority, obviously, over in the Senate to do it; and he cannot do it by himself.

So folks start talking about what is going on here. Why are these foreign countries owning our debt? Why are they owning our debt? Why are we taxing our students? This budget that was passed through the Budget Committee on a partisan vote, with the exception of one Republican, and I am going to write him a thank-you note tomorrow, the bottom line is $14 billion and a tax on students. Not just students, but parents who have to take up the cause because the kids can no longer try to pay for their own college or the majority of college. If parents have a college fund going now, they need to go back and talk to their financial adviser and put some more money into it, because if this Republican majority continues to go out of control, there will not be any assistance for your child. That is not just me presenting a budget. You can go online and see this for yourselves.

Mr. DELAHUNT. Mr. Speaker, could I just for a moment speak on behalf of those who have white hair and are looking towards receiving Medicare. The United States Senate is sending over a budget to this body, and there will be a so-called conference committee that will reconcile the differences; and in that Senate budget is, for the first time in my experience, and I have been here 9 years, a significant cut not in Medicaid, but in Medicare.

If my colleagues remember, there was a former Speaker of this body by the name of Newt Gingrich. He would come to this floor frequently at this hour of the night, have conversations that were noted by the American people, and he talked on one occasion about beginning to reduce Medicare and allowing it to wither on the vine.

Well, every American who shares the color of my hair ought to be aware of what has happened in the other branch, in the Senate, in terms of Medicare, because I do not want to say it is the beginning of the initiative or the concept of allowing Medicare to wither on the vine, but every American should be aware that there is a cut to that particular program that has saved the lives and extended the lives of millions of elderly Americans.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I am also going to speak up for those of our colleagues with white hair, because Mr. MEEK and I represent tens of thousands of folks with white hair.

When the President talked about an ownership society, I think he was talking, well, I must have misunderstood him because, apparently, he is more interested in making sure that the top 1 percent of the population owns everything and that they are the only ones in a position to own anything.

Because if you look at people's ability to afford housing, in almost every major city in America, it has become virtually out of reach. The average price of a house in just my county is $348,000, the average price of a house. Now, that is not an attainable price for an average middle-class person, never mind somebody who is on the lower end of the socioeconomic spectrum.

But let us talk about senior citizens. Let us talk about the folks who are living on fixed incomes. And then, let us turn to the people who are in our community, in south Florida, who just got hit by a category 3 storm who, right after the storm, were in a bad enough situation to begin with, because we got hit much worse than anyone expected. But then, 2 days ago, it started pouring rain on the houses that were already blown out by the wind and the rain.

Mr. MEEK of Florida. Mr. Speaker, if the gentlewoman will yield, I cannot help but see that picture behind you and see a lady there with silver hair. So if the majority has its way, not only did she get hit by a category 3 storm, Wilma, but she is going to be hit by a Republican majority Congress at the same time.

Ms. WASSERMAN SCHULTZ. Oh, yes. These people in this picture, this lovely couple who happen to be constituents of mine, they live in a condominium in my district where I just went door to door giving out self-heating meals. These are people who are frail. They were told that they had to leave because many hundreds of the apartments in this condominium complex alone are being condemned after the rain because there are gaping holes in the roof. And on top of that, with thousands of people now, thousands of people in Palm Beach, Broward, and Miami-Dade counties who were hit by Wilma and whose homes are being condemned, there are numbers in the thousands, and that is just after this week's rain, we expect more rain in the future; and they are not even done counting the number of buildings that have been affected.

This budget reconciliation, these budget cuts cut housing vouchers, cut affordable housing programs. Just in our State, we would take a 3,500 section 8 voucher cut. So we are talking about people who are hit by a natural disaster who are being forced out of their houses, and now they will have the manmade disaster of this budget cut, these budget cuts that will force even more people out of their houses.

But "we want to create an ownership society in America." The President of the United States was elected to help people own things and to accumulate things. All I can see anyone accumulating is people who already have a whole lot and could live their whole lives not accumulating one more thing.

When is it going to stop? When are we going to be able to be in a position here in this Chamber to move this country in a new direction and start helping people again?

Mr. DELAHUNT. Mr. Speaker, there is another crisis coming too, and that is the cost of home heating fuel in the Northeast and in the Midwest that is going to strike particularly the elderly. As we know, gas is about $3 a gallon, and the utilities are now predicting that families could pay as much as 70 percent more in terms of their heating bill. The Energy Department predicts that the cost of natural gas is going to go up by some $350 next season. At the same time that that is happening, we hear that Big Oil has done rather well.

For example, Exxon-Mobile recently reported that its profits in this past quarter, the third quarter, increased 75 percent.

Mr. RYAN of Ohio. Wow.

Mr. DELAHUNT. Not a bad quarter. In one quarter, Exxon-Mobile had a net profit of $10 billion. Simultaneously, today in the Budget Committee, there was a motion, a motion to increase the so-called LIHEAP program.

Mr. RYAN of Ohio. Mr. Speaker, can the gentleman explain who offered that motion, what party?

Mr. DELAHUNT. It was a Democratic motion. It would have increased the funding for that particular program, which allows low-income people, primarily elderly people, to benefit from a purchase of discounted energy, whether it be oil or gas, but primarily oil.

While Exxon-Mobile is making $10 million, in the Budget Committee today, Mr. Speaker, the Republican majority said, no, we are not going to increase that program. And, by the way, the chairman of the Energy and Commerce Committee said no to any rescission of the $16 billion that this Republican-controlled Congress passed in the form of subsidies for Big Oil this year. If you are investing in oil this year, it was reminiscent of the gold rush back in 1849. You really scored well. Now, is that what we are about as a people? Are we not violating a social compact, a covenant, where we all come together and get through the hard times?

Mr. RYAN of Ohio. Mr. Speaker, there is a certain amount of corruption within the system, is there not, when that happens? There is just a certain amount of corruption and incompetence in the system.

Now, I know our friends, they like to say, well, all the Democrats, all they want to do is spend, spend, spend. But they have borrowed and spent over $1 trillion just in the last 4 years from foreign countries, more than the past 42 Presidents.

Mr. MEEK of Florida. Record breaking.

Mr. RYAN of Ohio. Record-breaking spending, record-breaking deficits. The party of fiscal conservatism has become an absolute joke. It has become a caricature of itself.

Here is a conservative that we may disagree with on many, many issues, Cal Thomas of the Washington Times, a conservative newspaper, a conservative columnist, one of the most conservative in the country who tries to provide a little advice to the Republican majority: "Here is a suggestion on your budget cuts: Don't start with the poor, start with the rich."

Mr. DELAHUNT. The oil companies are a good place to begin.

Mr. RYAN of Ohio. A good first step, $16 billion in subsidies to them. They have not done anything with trying to reduce the cost of prescription drugs, allow for reimportation, allow the Secretary of Health and Human Services to negotiate down the drug prices of a $700 billion bill that we were told that night was $400 billion.

Mr. DELAHUNT. Can someone explain to me, anybody, why the oil companies, that had revenues in the last quarter of some $100 billion, each and every one of them saw huge increases in terms of their net profits, why they need subsidies?

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I will tell the gentleman why. Because according to the Republican leadership, they do not want an ownership society; they want an own-everything society. That is why. Because they fall into the category of groups and individuals that the Republican leadership in this country clearly believes should own everything.

Mr. RYAN of Ohio. Mr. Speaker, I think the Republican Party, after they give the $16 billion in subsidies, will head out to shakedown street, K Street, where all the lobbyists are, and they will say, hey, we just gave you $16 billion in public taxpayer money, and average people, middle-class people, people who need LIHEAP, who have high heating costs and everything else, they took that public money, they gave it to the oil companies, the oil companies are going to make tremendous profits and have made tremendous contributions to the Republican Party.

□ 2115

Mr. MEEK of Florida. I want to say quickly just today, news flash from the Budget Committee, happened over there in the Cannon Building, really nice building named after Speaker Cannon, who used to walk around here smoke cigars and all and is well known.

But I can tell you this. There is a heating program that is out there to help poor people. Since we are talking about these big companies that are making all of these big profits, it would have increased the funding to provide for the Low Income Home Energy Assistance Program from $1 billion to $3.093 billion. That would impose a temporary windfall profits tax on the oil companies to assure that the amendment is deficit neutral.

Now I am going to tell you something. You want to talk about this budget is keeping not only everyday Americans in the cold but is definitely keeping poor people in the cold.

But I cannot tell you, when you say, can you explain it to me, well, I cannot explain to you the reason why we have CIA agents being outed, not only one but a number of them.

I cannot explain to you the reason why we still have Michael Brown on the Federal taxpayer dollars, on the dole, at the same salary he was making pre-Hurricane Katrina, and why the Secretary of Homeland Security extended not only the 60-day contract they had with him but another 30 days, saying we have to learn something from him.

I cannot explain to you why the majority side puts together a report talking about cutting, and I am going to tell you, we gave the Web site out earlier. This is third-party validators, cuts to Medicare, cuts to Medicaid, cuts to student loans, cuts to food stamps, cuts to school lunches for poor kids. I cannot explain to you why.

I cannot explain to you why veterans have to wait so long for assistance. I cannot explain to you why that was the case.

I cannot explain to you why this administration, after this Congress acted, with many Members on this side pushing for military families to be reimbursed for equipment they had to buy for their loved ones while they were in theater to save their lives, to give them the Kevlar and the vests that they needed, I cannot explain to you why the Defense Department waited for the regs for that program for them to even get the money back, back in February. Senator DODD from Connecticut had to write the Defense Department, who is a Democrat, had to threaten them to write the regs, and they finally wrote it. I cannot explain to you why.

This is to reimburse military families for equipment they bought, husband, wives, what have you. I cannot explain to you why.

But one thing that I can tell you, that it is important that we illuminate these issues so not only the Members know that we know what they are doing on the majority side but the American people know.

Now I am going to say back for the one Republican that voted with Democrats on this budget, on the backs of the American working class, on the backs of retirees, on the backs of those that wake up every day and try to provide for their children, provide for their family, I am glad that he voted with us. Maybe, just maybe, this hour is working on the conscience of some.

Real quick, since we are going out of time, you want to give the site out? Then we can close out.

Mr. RYAN of Ohio. 30somethingdems@mail.house.gov.

Mr. MEEK of Florida. Mr. Speaker, with that, we would like to yield back the balance of our time and thank the Democratic leader for the time.

GENERAL LEAVE

Mr. KING of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the special order of the gentlewoman of Virginia (Mrs. DRAKE) given earlier this evening.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMERICA'S IMMIGRATION POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, before I pass this microphone over to my good friend and colleague, the gentleman from Arizona (Mr. HAYWORTH), I cannot help but express some of the frustration with sitting here and listening to this. I am really grateful that the American people do not have the same sentiment that I have heard tonight on the floor of Congress.

When I go to the coffee shop and to the break room in my district, I do not hear anything like this rhetoric that I have heard here tonight.

When I hear that we have cut food stamps, I was involved in that. We did not cut food stamps. What we did was we changed the regulations so you have to be on some other kind of benefit so there was less fraud. There is $1 billion of fraud going into the wrong people in food stamps just in the last year that I have a report. We only touched about 20 percent of the fraud, Mr. Speaker.

Fuel prices. Help us open up drilling on the outer continental shelf. Help us drill in ANWR. Let us develop the energy that we have in this country, and we will not be looking at $3 dollar fuel. We know who is to blame. It is the environmental extremists. And if Exxon Mobil made $10 billion in the last quarter, let us take a look and see where they invest it. If they invest it in that drilling, the American people will reap the benefits.

There are a whole series of things here tonight, Mr. Speaker, and that frustrates me greatly. But I wanted to talk a little bit about the immigration issue.

I would ask my friend, the gentleman from Arizona (Mr. HAYWORTH) if he would pick that issue up.

Mr. HAYWORTH. Mr. Speaker, I thank my friend from Iowa; and before I get to the topic at hand, I, too, would like to offer a few observations about the preceding presentation in the people's House.

Those who have heard me speak from time to time know that quite often I cite the observation of that great American author, Mark Twain, who said, history does not repeat itself, but it rhymes. In the preceding hour, here on the floor of the people's House, we may have heard from the, quote, 30-Something Coalition, but it was that same old something, those tired and shop-worn charges, those assertions that the American people can only regard, to put it diplomatically, as unrealistic.

We heard a Member from Florida talk about cuts in school lunch programs. We heard a Member from Massachusetts repeat what was a blatantly false charge about Medicare withering on the vine, when in fact the discussion had to do with the bureaucrats in a four letter organization felony as HICFA.

Indeed, there are fundamentally different ways to address the challenges we confront. My friends on the left honestly and sincerely believe that Government is the answer; and though their rhetoric is devoid of it, they seem to be concerned with budgets that affect the care and feeding and the propagation of Washington bureaucrats and the employees' unions they engender rather than solving real problems affecting real people.

It is somewhat mind-boggling to hear the same old charges; and it is interesting, the selective memory of those on the left. For it was one of their celebrated leaders, John F. Kennedy, who said a rising tide lifts all boats, who said that by reducing taxation across the board and allowing the American people to save, spend and invest their own money economic prosperity can result.

And that is not a partisan argument, nor was it the sole domain of Jack Kennedy. Indeed, whether it was Calvin Coolidge or Jack Kennedy or Ronald Reagan or, more recently, George W. Bush, working with this governing majority in Congress, letting the American people have and keep more of their own money to save, spend and invest, we in fact have had an economic rebirth through the difficulties of 9/11, through the challenges posed by the natural disasters.

The American economy continues to grow. Are there challenges? You bet. Are there challenges we confront in energy? Absolutely. But the key is, as I was happy to offer, tax credits for solar energy in our sweeping energy bill, as many of us have embraced and asked us to take a look at new technologies, neither do we abandon the notion of maximizing existing supplies, using rational conservation and moving forward.

Of course, it cannot begin to compare with outlandish charges. This gets to the crux of the challenge. We have an awesome responsibility. It is to help govern this country. Our friends on the left, be they 30-something, or 40-something or 50-something, or 60-something, choose not to join us in governing. They choose to carp and complain and issue malicious and libelous charges. They offer no plan. They offer complaints.

In stark contrast, our governing majority has a plan to bring budget reform that results in real savings. And yet, even as they decry what they call fiscal irresponsibility, they attack the reform process that results in real savings.

One note about the incorrect information on student loans. We actually increased money going to students. We tightened down the margins on the lenders. We do not hurt the students. But, of course, our friends on the left always equate compassion with the amount of money taken from the American people to go to Washington bureaucrats; and I believe, regardless of the age, regardless of the time, that is precisely the wrong formula. Just as they mistakenly address compassion by the number of people on welfare. No, true compassion is the number of people who leave the welfare rolls and go to work.

And for those who cite curious cases played up in the dominant media culture about CIA agents who send spouses on trips around the world to offer talking points in a partisan campaign and somehow defend that and seem to act as if there is no connection between the former, thank goodness, the former dictator of Iraq who now sits in a prison cell awaiting trial and other perpetrators of islamofascism, for those who would so readily forget the lessons of 9/11, we say to the American people, yes, the challenges are grave. We live in challenging times. But we dare not shrink from the challenge and make the curious divorcement of, oh, yes, we support our troops but not the conflict.

As one observer explained, that is like saying, gee, I support a football team. I just do not want them to win the game.

Were it so simple to compare war to a game, but we know something far more serious is at stake. We know over very national survival is at stake; and we believe that we should support our troops, yes, and work for an outcome that results in victory.

That brings us to the subject at hand tonight, our border security and our national security. And despite the prattlings of the preceding hour, in many ways our Commander in Chief has answered the call in the wake of 9/11.

But when it comes to the border issues, the fact is the record is troubling, and it results in constructive criticism. Just as many within our party offered constructive criticism about the selection of a Supreme Court judge, reasonable people can offer constructive criticism.

Item. Congress Daily, this morning, Thursday, November 3, Homeland Secretary unveils border security initiative. Homeland Security Secretary Chertoff Wednesday rolled out a multiyear plan to secure the Nation's border and reduce illegal immigration, dubbing the proposal as the, quote, enforcement complement to President Bush's temporary guest worker program.

□ 2130

Constructive criticism number one, in accompanying documents released yesterday in Houston, Texas, Secretary Chertoff said his Department had a 5-year plan to gain operational control of the borders.

Mr. Speaker, the American people and our Nation cannot wait 5 years for operational control of our borders. The attacks of 9/11 came almost a half decade ago. Are we then to wait 10 years in wartime to secure our borders? That is wrong. That is the wrong time table. Border security at once because border security is synonymous with national security.

The other troubling aspect of the dispatch in this morning's Congress Daily, the enforcement complement to President Bush's temporary guest worker program.

Mr. Speaker, I have introduced, and my colleagues who join me tonight on this floor have sponsored, the Enforcement First Initiative. The American people demand enforcement first. Call it putting the cart before the horse, but those who talk about a guest worker program have it exactly backwards. What we should do is enforce existing laws, close loopholes and then and only then engage in a debate about guest worker programs.

Indeed, this debate about border security, national security, illegal immigration, and the euphemism that accompanies it of undocumented workers, an Orwellian turn of phrase if there ever was one because many of these alleged undocumented have documents galore, and should we also point out that under the existing framework we have visa programs literally from A to Z under the existing legal framework, but again back to the situation at hand.

A fair question could be posed in this fashion: If people are not obeying existing laws, what makes us think they would obey any new laws? So Enforcement First offers a comprehensive approach saying that this government shall enforce existing law and that we shall work to eliminate loopholes that exist that result in the gaming of our system, that result in the drain on taxpayers and that deny this fundamental truth that even those who may profoundly disagree with us who preceded us here in the well certainly have to embrace and that is that this is a Nation of laws.

Therefore, if we are a Nation of laws and a Nation of immigrants, immigration should occur within a legal framework, not through the machinations of illegal schemes and scams that threaten our national security.

Why do I say that? Well, one need look only so far as the testimony in open session in the other body from our former colleague Porter Goss, now Director of the Central Intelligence Agency, joined by others, who offered the testimony that their major concern is that someone meaning to do harm to this Nation might utilize our porous border to do so, to come here illegally. Indeed, we have seen other reports that al Qaeda operatives and others who embrace Islamofascism have instructed their minions on a mission in this hemisphere to seek to gain entry to the United States through our porous southern border.

The Director of the Federal Bureau of Investigation in testimony before a House subcommittee chaired by our friend, the gentleman from Texas (Mr. CULBERSON), confirmed the gentleman from Texas's (Mr. CULBERSON) assertion that illegals who come from nation-states embracing Islamofascism have attempted to gain entry into our country by blending into the mass exodus north of illegals and utilizing Hispanic surnames.

Mr. Speaker, I offer these words not to sow the seeds of panic, but instead to offer a renewal of a sense of purpose in the wake of 9/11, mindful of the challenges a sovereign Nation of laws confronts. We must have heightened border security. It leads to greater national security. There must be internal enforcement. There must be a closing of loopholes, and that is the idea behind the notion of Enforcement First.

So, Mr. Speaker, I say respectfully and diplomatically to the Secretary of Homeland Security, enforcement is not a commitment to a guest worker program. Enforcement is the long overdue step to protect our Nation from external threats in a time of war. And then once we do that, we can effectively discuss a guest worker program.

My friend from Iowa who was very gracious to yield time. I will remain, but I want to yield back to him because other friends join us tonight during this hour.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Arizona (Mr. HAYWORTH) for his eloquent presentation on a lot of things that ail us that we heard about here tonight and also the border control and the immigration issue and the future of our country.

As I listen to that group that comes here nearly every night, and it was interesting to see the gray hair amongst the 30-somethings that we had, it is extraordinarily depressing to hear that viewpoint. I happened to at random bounce across some Web pages that must be the perpetrators of that kind of thought process because it just does not connect with the rational reality of what is going on here with our authorization bills, our appropriations bills, the responsibility that we have, the fiscal responsibility, the vision we have for America. And I do not think that you could read the facts and connect the lingo that is coming from the other side and measure the two together. But it is depressing and I think sometimes that if I felt like that I do not think I could get out of bed every morning and go to work in this place and drag everybody else down when we are trying to lift this country up.

Their vision seems to be, I will say, surrender and get out of Iraq, turn that over to Zarqawi, let that be a terrorist center for the world. Let them come in here and attack us whenever they want. Do not take any self-defense mechanism. Soak the rich. Starve the businesses. Get rid of the jobs. And the list goes on and on and on of the lamentations that we heard.

We are an optimistic party. Even though when they say the name of our party it comes off as profanity, it really is an optimistic party. We have always reached for the stars and brought this country forward. The tax cuts that we did turned this economy around from the depths of September 11's trough and, in fact, this year we have $274 billion in additional revenue beyond what was calculated by CBO and anticipated because of the tax cuts that we provided, and we need to make them permanent.

On the immigration issue, which is our subject here tonight, that is important to our national security issues, the issue of the citizenship and immigration services and the job that they are supposed to be doing and the great difficulty they have in carrying out that task, the internal problems that they have, we have the gentleman on my left from Virginia (Mr. GOODE), and I would be happy to yield to him.

Mr. GOODE. Mr. Speaker, I thank the gentleman from Iowa (Mr. KING), and I thank the gentleman from Arizona (Mr. HAYWORTH) for their comments here tonight. I certainly learned a lot from both gentlemen and appreciated what they had to say, particularly on the immigration issue.

I want to talk a little bit before talking about illegal immigration about something that occurred just the other day in the Rayburn Building. We had a meeting of the Immigration Reform Caucus, and both the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from Iowa (Mr. KING) are members of that and it is chaired by the gentleman from Colorado (Mr. TANCREDO), who has done yeoman's work on behalf of that group.

We were anticipating hearing from someone from the U.S. Citizen and Immigration Services. Now, as you know, the Department of Homeland Security is the secretarial agency, and underneath that agency is the U.S. Citizenship and Immigration Services. And they are charged with doing a number of different programs, one program of which is the FAST program. And that is involving temporary adjudicators that have been hired to make citizenship and permanent residency decisions. And I agree that the backlog is long and needs to be addressed. But I want to emphasize, I think it is better to take extra time, make sure the investigations are done, have law enforcement personnel there with the investigations to make sure no criminals or terrorists or others that would do us harm come through one of these programs.

Another program is the Focus program, and that involves segregating and reviewing hundreds of pending applications for immigration benefits where there are specific concerns about potential ties to terrorists or terrorist organizations. And this gets us to what occurred in the House office buildings just the other day.

I was coming to the Immigration Reform Caucus meeting anticipating hearing from a law enforcement officer at that meeting and voicing his opinions and letting us have the opportunity to ask questions about the agency and about how they handle these programs where they make decisions on permanency, residency, citizenship, and granting decisions for these persons who want to come to the United States of America. The handlers of that person would not let us ask questions.

I hope that situation can be rectified and that the Immigration Reform Caucus and other members on different committees will have the opportunity to ask the questions that we want to ask, because, while illegal immigration is probably the number one problem facing the United States of America, we need to be sure that legal immigration is handled in the appropriate way and that programs like FAST and programs like Focus have the appropriate oversight and that the right questions are asked.

I would like to take a few minutes now to focus on the illegal immigration problem. I want to thank, again, the gentleman from Iowa (Mr. KING) and the gentleman from Arizona (Mr. HAYWORTH) for being here tonight talking about this issue. They have been in the trenches for months and years, and this problem is not getting any better. It is only getting worse. But I am thankful because more Members of the House of Representatives are focusing on this problem. We have more Members than ever before introducing legislation addressing different aspects of the problem.

Today, the gentleman from California (Mr. HUNTER) introduced legislation that does many things. It is backed by groups such as the Federation of Americans for Immigration Reform: and having mentioned that group, I would also like to thank U.S. Border Control for their efforts in combating illegal immigration, Numbers USA for their efforts against illegal immigration. But our focus today was on a fence all along the southern border.

We have a fence now between California and Mexico south of the city of San Diego. That fence has provided a great barrier to drug smuggling, to terrorists coming into this country, and to stopping the illegal crossing.

□ 2145

We were able to see a picture of prefence days and then see a picture of post-fence days. The fence has improved the environment significantly in the San Diego area, and it has enhanced our border security.

What we need to do now is extend the fence from San Diego to Brownsville. There would be port of entries along the fence, but, by doing this, the security that the gentleman from Arizona (Mr. HAYWORTH) talks about that we need in this country would be significantly enhanced.

There were a number of other aspects of this legislation. Currently, we have a policy by the Department of Homeland Security and its immigration services of basically one of catch-and-release. That means if you catch someone in this country illegally, because of a lack of facilities to house all of them is a factor, I also think it is a philosophical not wanting to carry out what I believe the law should be in this country, differences among some of us and some of those carrying out that law, of just letting the illegals go. If this legislation passes, those illegally in the country will be committing a violation of law, and they can be caught and detained, not caught and released.

Another aspect of this legislation focuses on the diversity visa program, and that program has been in effect since the mid-years of the Clinton administration, which pushed for it. We had hoped that this program would end within a few years. It has rocked on, and this would end under this bill.

We would also end the 245(i) practice. And now what does 245(i) mean? That means if you come into the country illegally and you get the right letter from an employer or you get the right letter from a relative, that means you can stay here by paying $1,000. We need to end that practice. 245(i) encourages persons to come across the border illegally. They say we will not have to go through the process. We will not have to be checked out. We will not have to have our background checked. We will not have to present our records and be analyzed before we get into the United States. We will just walk across the border.

Or if they are already here, say we will not have to go back. We will get a 245(i). We will just pay a little extra money, and we will move to the head of the line, and that is unfair. That is unfair to those that wait in line, and it is unfair to the millions of Americans that pay taxes.

Another aspect of this legislation, which is an attempt to compile many different items of legislation into a single bill, some of them are part of legislation that the gentleman from Arizona (Mr. HAYWORTH) has sponsored, the gentleman from Iowa (Mr. KING), and I could list others, the gentleman from Colorado (Mr. TANCREDO), the gentleman from Georgia (Mr. DEAL), the gentleman from Georgia (Mr. NORWOOD), the gentleman from Texas (Mr. CULBERSON), the gentleman from Oklahoma (Mr. SULLIVAN), and I could go on and on. It captures and borrows from these bills, and I have to mention this because I want to salute the gentleman from Iowa (Mr. KING).

One of his measures says if you are an employer and you hire illegals, then you cannot deduct the cost and the taxes paid on those illegals from your Federal income tax return, and that is the way it should be. The legislation further emphasizes that there shall be no earned income tax credit for illegals. There will be no credit for Social Security for the time that you are illegally in this country.

Under the current situation, if there were to be an amnesty, and I vigorously oppose the amnesty because it only encourages more illegals to come across the border, if there is an amnesty, you will not be able to go back and recapture the time that you are in the country illegally.

It also focuses on the practice that some who come from across our southern border want to have children in this country. They want to create an American baby because, under our current law, anyone born in the United States of America is an automatic citizen, and that helps those illegally here stay in this country. Under our bill, coming across the border and having a baby of illegal aliens who did not go through the proper process will not grant that child automatic citizenship.

So this is indeed a comprehensive measure that will address illegal immigration, and it is my hope that we will be able to get legislation to the floor of the House of Representatives, hopefully before Christmas, if not, certainly by the first part of next year, so that we can take a stand and send to the American people the message that we are serious about stopping illegal immigration.

We do not want amnesty for illegals. We want to preserve and protect the United States of America. We want border security; and, as the Congressman from Arizona says, we want enforcement first.

If we do that and if we can get the other body and if we can get the executive branch down the road from the United States Capitol to come along and get on this train, America will be safer, will be more prosperous and will be more of a land of opportunity for the hard-working and tax-paying citizens of this country.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Virginia (Mr. GOODE) for his presentation and with clarity I appreciate.

I want to add that we are taking a look into the functionality and the failure to function in citizenship and immigration services. It is this Congress' responsibility to have oversight. It is this Congress' responsibility to investigate. If we believe there is impropriety in some place, lack of efficiency, we are to bring this all together. This is our responsibility to the taxpayers of America, and it is our constitutional duty.

Because there are a couple of minders there that will not allow an individual to speak, then that does not mean that we are going to back away from this. It just means we are going to resolve the situation eventually in the appropriate fashion, with patience and professionalism. That is the perspective that I think we need to take a look at with this.

I want to touch back on an immigration issue, but the moment that I do that, I want to transition over to the energy policy. So, in the interim, I would be happy to yield a few minutes to the gentleman from Arizona for his concluding thoughts with regard to immigration.

Mr. HAYWORTH. Mr. Speaker, I thank my friend from Iowa, and I look forward to hearing from our colleague from Pennsylvania who, again in stark contrast to those who preceded us in the well, takes a thoughtful look at the challenges we confront and offers some common-sense solutions, especially in the realm of natural gas and where we are headed as a Nation in terms of energy exploration for existing technologies and, quite frankly, bringing on-line new technologies to deal with energy.

But as I heard both my colleague from Virginia and my colleague from Iowa talk about the spectacle that occurred in the hallway of the Rayburn House Office Building yesterday, I just was astonished by the seeming triumph and insensitivity of the bureaucracy.

Two minders accompanying a law enforcement officer essentially to put him on notice that his role in his employment with the Federal Government could very well be threatened. We have visited totalitarian nations where there are minders who follow us, some very cleverly concealed, some as hotel personnel, but to see that spectacle in this grand republic and see it utilized really to try and supercede the legitimate questions of constitutional officers was very disappointing.

I would echo, Mr. Speaker, the words of my colleague from Iowa, there will be oversight. Count on it. The Congress will live up to its constitutional responsibilities. I will put those Washington bureaucrats on notice, those who believe they can get in the way of constitutional officers doing their jobs, that the people will demand answers through their constitutional representatives. But we understand the answer, in summation to our challenge for national security and border security, it is enforcement first. It is not amnesty. It is not the embrace of putting illegals in the front of the line and making a mockery of an orderly, lawful, immigration process.

Borders are necessary. There is graffiti written in Spanish on one of the borders adjoining my State which reads, Borders are scars upon the earth. Mr. Speaker, borders are not scars upon the earth. Borders are reasonable and necessary to maintain the sovereignty of nation states; and, as the poet wrote, good fences make good neighbors.

I salute the gentleman from Virginia joining with the chairman of the House Armed Services Committee with the True legislation today. I am pleased to be a cosponsor. I thank my friends from Virginia and from Iowa, others within the Immigration Reform Caucus. I thank them for the time, and I look forward with interest to hearing from our colleague from Pennsylvania with references to the challenges we confront here early in the 21st century for this Nation's energy needs.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Arizona and the gentleman from Virginia on this enlightening discussion we have had on immigration. I am quite pleased that an individual from Arizona would have the phrase, good fences make good neighbors. I thought that was an Iowa phrase.

I want to point out, too, that when you build a fence or a wall to contain people, if you do that to keep them from leaving a place like it might have been East Germany, then that is wrong from a philosophical standpoint. If you have a place that is such an attraction that you build that fence to keep them out, that is a moral thing to do. There is a big difference.

So, the fence in Israel, for example, between the West Bank and Israel proper, that is a fence to protect the people from the folks on the other side that want to come across with bombs. It is not immoral to build a fence to protect yourself from people that are assaulting.

In fact, the southern border in the last year over 1,159,000 illegals that were collared at the border, so to speak. We heard T.J. Bonner, a border patrol, say here a couple of days ago that approximately 4 million came across the southern border during that period of time and we collared 1,159,000. Of those 1,159,000, all but 1,640 of them promised to go back. We cannot verify that any of them went back, but we did actually adjudicate 1,640 of the 1,159,000 to go back to their home country.

So we have got a very small percentage here. The catch-and-release program is real. I got into a little buy-in when I made that statement that it was a seven times catch-and-release program before they were adjudicated for deportation. Some of the bureaucrats took issue with that and wanted to have a meeting. So they brought eight of their people into the room, and the first statement was I am wrong, we need to retract the statement. An hour and 45 minutes later, they admitted that, even though that was not the written policy, it was the practice, and in fact, it might be more than seven times catch-and-release. That is how bad it is.

I want to say just a couple of words about the new IDEA bill that the gentleman from Virginia (Mr. GOODE) mentioned that I have drafted and that we have significant cosponsors on.

It is clear for us, build a fence on the border, beef up the border patrol, but we need domestic enforcement. We know that the administration has not sanctioned a single employer for hiring illegals in the last year. That is an issue that needs to be enforced as well. But, on top of that, how do we dry up the jobs magnet? How do we get a policy in place and get some administration agency that actually is willing to enforce that policy?

So I looked around the country, and I thought who really are the junkyard dogs of bureaucracy? Who likes to go to work and who does their job? Who has a reputation that you know they are going to follow through? The times I have been audited I can tell you it is the IRS. So I said, well, let us see if we can find a way to get the IRS into this game and enforce this illegal immigration.

So that is where the idea comes from to remove Federal deductibility for wages and benefits that are paid to illegals. Let the IRS come and do a normal audit, and if the employer uses the InstaCheck program so they can verify over the Internet in an instant whether that employee is legal to be hired, go back on the Social Security Administration database and Department of Homeland Security database, come back with a positive hit, hire that person.

We put safe harbor in the bill. If you are a responsible employer, you use InstaCheck, the basic pilot program to verify the employability, then the IRS will not touch you on that hire. But if they run the numbers when they do the audit, use the InstaCheck, and it finds out that the Social Security numbers and the identification does not match anything, then the wages and benefits that you spend on that employee become not a deductible expense but taxable income.

□ 2200

So, for example, if you are a corporation and in a 34 percent tax bracket and you are paying $10 an hour to illegals, the IRS will come in and say, well, no, that $10 an hour is not a deduction. We are going to tax that at 34 percent, and we are going to add the interest and penalty on there. Now that becomes about a $6 an hour penalty on the $10 an hour person, so now the illegals cost you $16 an hour. In theory, a least, a legal employee that you could hire for $16 an hour becomes a rational decision.

As that happens, then the illegals that are here working at this discount rate because it is rational for employers to hire the illegals, they are cheaper for a lot of reasons, it becomes rational instead to say, no, sorry. I cannot put you to work because the IRS sometime in the next 6 years can come back and audit me and I will have to pay the bill. So I might as well pay it to somebody who is here legally for the right reason.

This changes this great migration of four million people pouring across our southern border, and it sends them back again. Because what are they going to do if they cannot get employment here? It is a jobs magnet.

New ideas. It is one piece of many things, as Mr. GOODE spoke about and Mr. HAYWORTH did. So I am part of all of this. I want to stand here with it. If we have any more ideas, I want to hear them all. We need them from the American people. The American people are the ones who will move this Congress, so they need to write letters and send the message, and this Congress will hear you.

So I thank the gentleman on the immigration issue tonight. I also had two subjects in mind that I feel is important to bring up, and energy is the other one.

As we listened to the minority party on the other side do their 60 minutes of nightly lamentations, we heard about the cost of gas, the cost of energy, and I did make a few remarks about how we can help that cause, But I would point out that I represent maybe the number one corn-producing congressional district in America. If you are going to raise anything, you have to have nitrogen fertilizer to do that. All crops take nitrogen. Corn takes a lot of nitrogen. About 90 percent of the cost of nitrogen fertilizer is the cost of natural gas.

Natural gas has gone up 400 to 500 percent over the last 3 years, and we see the cost of natural gas going in the area of $14.50 per million BTUs. We look around the world, and Mr. PETERSON will give us more details on this in a moment, and we see not far away, natural gas coming out of Venezuela of $1.60 compared to the U.S. at $14.50.

The other day they said they were going to go ahead and build the natural gas pipeline from Alaska down to the lower 48 States. It is 4,700-some miles from the north slope down to Kansas City, the heart of America. Up there, there is 38 trillion cubic feet of natural gas that we know of. There is probably more in ANWR that we will open up, and hopefully we will drill there for oil as well. So, 4,700 some miles from the north slope of Alaska to Kansas City. Build the pipeline down to the lower 48, and we can get 38 trillion cubic feet of natural gas.

Venezuela is making fertilizer and selling it to us now off of gas that costs about $1.60. Russia is doing the same thing off of natural gas that costs us 95 cents. We are losing our fertilizer industry in America. It does not take very much to control food production if you have control of the fertilizer itself.

But down there in that gulf area, for example, all that gas in Venezuela, Venezuela is 2,700 miles from Kansas City, for example. So that gas is closer. But closer than that yet is all of this natural gas that we have on the Outer Continental Shelf of America, with 200 miles, 406 trillion cubic feet of natural gas.

Now, tell me, would you go to Alaska for 38 trillion cubic feet of natural gas and build a 4,000-some mile pipeline to get it down to the lower 48? Would you go to Venezuela and ship that gas in as liquified natural gas and go through the exchange process and the plants at the terminals that it takes to handle that? Or would you just go down there nice and close, where we already have a system all set up, and plug right into that existing massive quantity of 406 trillion cubic feet of natural gas that we have on the Outer Continental Shelf?

To continue to be hostage to energy prices at $14.50 per million BTUs when the rest of the world is getting along on numbers like 95 cents or $1.60. China is up to about $4 something. But we are at a great disadvantage. And if we only open up this natural gas marginally, we will only lower the price marginally and we will still pay a great price economically, because we know that energy is the price of everything we have and everything we own.

Having said that, Mr. Speaker, I would be happy to yield to the gentleman from Pennsylvania (Mr. PETERSON), who is really the lead on this issue, and I am very happy and proud that he has taken this issue to this Congress.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from Iowa, the gentleman from Virginia, and the gentleman from Arizona for the good job they did bringing up the security issue of this country. The number one issue is immigration enforcement, protecting our borders, and handling that issue in a much better way than we have historically done in this country.

But the economic issue facing this country is the price of energy and the availability of energy. Natural gas is the clean fuel. It is almost the perfect fuel. It is what we heat our homes with. It is what we heat most of our schools, our hospitals, our YMCAs, our churches, our colleges, our universities. Most of our small businesses and mostly all commercial businesses run on that. Many, many industries use it in many, many ways. So 25 percent of the energy in this country is natural gas.

We have heard a lot of discussion about oil and gasoline prices. In fact, on the evening news the American public understands the issue pretty well because it is reported well. But natural gas is not reported well. It is not talked about and not understood much.

Gasoline prices were double, they were at their peak after Katrina. Natural gas prices were 700 percent what they were 5 years ago. Now that is just a huge increase. A gallon of milk would be $28. I think we would have panic in this country if a gallon of milk were at

$28, yet there is no panic in the country about natural gas, except from those who use a lot of it, but they are having a hard time getting government to listen at any level.

You just heard my friend from Iowa talking about the fertilizer industry and the tremendous amount of energy that is used for fertilizing natural gas. Petrochemical is one of the best-paying industries we have left in America. All the chemicals we buy at the hardware and grocery store, all the chemicals we use in the manufacturing process, one of the basic ingredients is natural gas. Plus, natural gas is used to heat those products and make them in the first place. Most petrochemicals, 40 to 50 percent of the cost of production is natural gas, thus putting them at a huge competitive disadvantage compared to the rest of the world.

Polymers and plastics. We all know how polymers and plastics are such a major part of our life. Almost everything we touch has polymers and plastics as a part of it. Even for you ladies, skin softeners and makeup, the basic ingredient for skin softeners is a product derived out of natural gas.

We heard about the plight of the farmers. The farmers have a real energy issue, because it hits them from when they plant, it hits them when they harvest, it hits them when they dry their grain, using natural gas usually. They just get hit again and again, and it has been very difficult for them to be profitable.

Why is natural gas such an issue? It is not a world price. When we pay $60 in this country for oil, the whole world does. When we pay $65, the whole world does. But when we pay $14.50, we are at 12-something today, we are an island to ourselves. The rest of the world is much cheaper. Europe is under half what we pay. Now, our big competitors, Japan, Taiwan, and China, they are a third of what we pay. When you add cheap labor to those countries and the ability to engineer, they are bright countries, very sophisticated countries, they have learned from us. When you give them another advantage of the energy they use to make products, and especially products that consume a lot of natural gas, you give them this huge advantage.

The rest of the world is under 2. As my colleague said, Russia is 95 cents, and I think North Africa is 80 cents. How can our employers and our companies compete when energy is a large part of their cost and they have to compete with other countries? They cannot. Our large employers are hanging on hoping government will do something about this crisis, and something major. Not tinker, but something major, and soon. Soon.

If we do not, I think Representative PEARCE said a few weeks ago here on the floor that we are going to solve this, that we are going to change this, and we can do it now and save a million or two jobs in this country, some of the best jobs we have left, or we can do it later and hope we can recover, and many of those jobs we will never get back.

How did this happen? Well, for decades, natural gas was two bucks. Oil was $10. Nothing could compete with that. Renewables could not really grow because those prices were so cheap that nothing could compete. That went on for decades.

Ten years ago, a major shift in policy also happened. Congress legislatively for a time permitted natural gas unlimitedly to be used to make electricity. We used to use make about 6 to 7 percent of our electricity with natural gas, and it was only allowed at peak power. That is early in the morning and into the evening, when we use more electricity than we normally do. You can turn a gas plant on and off, but you cannot do that with coal and nuclear, so gas was allowed to be used for peak power.

Well, they took the prohibition away about 10 years ago; and now 25 percent of the electricity in this country is made with natural gas.

Well, there were those who predicted that if we did not open up supply that would cause a shortage down the road. And when a few years went by, that is exactly what has happened, because we have it locked up.

How did it get locked up? Well, there was a moratorium many years ago, about 25 years ago, put on by President Bush. It was supposed to be a temporary moratorium where we would have an inventory and that inventory would take a few years. But then he did not win reelection. President Clinton came in, and he extended the moratorium through 2012, and our current President has not touched it.

Shortly thereafter, Congress placed a moratorium on the OCS. So now we have a Presidential moratorium and we have a legislative moratorium that has been preventing the production of natural gas on the Outer Continental Shelf for about 20 some years.

Now, what is the Continental Shelf? Well, the first three miles of our offshore is owned by the States and then from 3 to 200 miles is owned by the Federal Government. So 200 miles is what is called the Continental Shelf, and that is where many countries produce a huge amount of their energy because there is lots of it there.

Now many feel that that 400 trillion cubic feet that was mentioned is way underestimated. Because the work that was done was over 30 years ago, and the measuring devices we have today, the seismographic instruments, are so much more accurate. But government has prevented that from being done.

We actually had a bill that the State of Florida prevented from passing so we could not measure. In fact, the current energy bill had a measurement in there but did not have funding in it, so it was a paper measurement, which I do not know how you do that. We were not going to be able to spend any money. But they are protesting that measurements not be done today, the State of Florida.

Now Canada, a very environmentally sensitive country, the U.K., Belgium, Norway, Sweden, Denmark, New Zealand and Australia, they all produce both gas and oil. We are only talking about natural gas, but they produce both gas and oil on their Continental Shelf, and that is really where most of the world does it.

Now what is the advantage of that? I think my friend from Iowa said that very well. It is where the population is. As you go up and down our coastlines, and 85 percent of our coastline today is part of the moratorium. We only have 15 percent we produce in. That is where the population is. We do not have to build 5,000 mile high-pressure expensive lines. You just hook into the cities where the population base is and then hook into the system that is already serving them that comes in from Texas and Oklahoma and the gulf, and the system is hooked together. It is by far, by far the best place we can produce and produce quickly.

Now why are we doing that? Well, number one, it is the Florida delegation; and the government of Florida has had a huge influence in this body. They have actually prevented it, and they are currently opposing all measures to open up the Outer Continental Shelf.

We have the Peterson-Abercrombie plan, and I think my friend from Iowa is a sponsor of that, and what we want to do is to move the moratorium. We want to give the States control of the first 20 miles. You can only see production for about 12 miles. So, after 12 miles, even from a tall building, you cannot see it. So we will say, all right, States can control 20 miles, both gas and oil. From 20 miles out, gas will be open for production in all the Outer Continental Shelf. And Florida will be included. They should help out, too. And then oil would be left up to the States, and they could petition the Department of the Interior to remove the moratorium on oil if they so chose to.

That gives us a huge opportunity to produce the gas that is needed, in my view, to give our industries and give our citizens the ability to have affordable natural gas to heat our homes, to run our businesses and fuel the big industries that are going to leave this country.

There has never been a natural gas production well that has ever harmed a beach or that has ever been a problem even on land. A natural gas well is a six-inch hole in the ground. You put a steel casing in cement at the bottom and at the top, and you let gas out into a pipeline.

This is not a threat to any environment. It is not a threat to creatures. In fact, in the gulf, the best fishing is where we produce both oil and gas, and all the fishermen will tell you that.

I keep hearing about all this potential pollution. And then someone said the other day in a debate it would be 7 to 10 years before we could get production. It will take a few years, but it will not take 7 to 10 years. That was a very inaccurate statement.

□ 2215

Now, what is interesting about Florida, which is really the opposition here, they use 233 times more natural gas, they are huge users, than they produce; and they sit in the best, most fertile fields of the country. All around them are huge fields of natural gas and some of the best natural gas, and they are not only not wanting us to produce it, but they have actually prevented us from leasing tract 181, which was not under moratorium and that was scheduled to be released under the Clinton administration to be leased and has not been leased today due to much of the protesting of Florida. And that is unfair to the rest of this country.

I love my friends from Florida who are here. They are great people. But the Florida government leadership, the Florida State government leadership, in my view, has been very wrong on this issue and has not only prevented production off their shores but has really prevented production that was very vital to this country's economic future and prevented us from having the gas reserves we need so that prices could be normal. If natural gas prices were normal, we could be expanding the use of it.

I have a bus system in State College, Pennsylvania that is all natural gas. Today they are paying a premium to do that. In all the cities all of our buses, all of our school buses, our transit systems, all of our taxi cabs, our short-haul vehicles, our service trucks could all be on natural gas, and we would have cleaner air in the cities, and some of those cities could reach clean air attainment.

Natural gas can be the bridge to our future. It can be the bridge to renewables or a bigger part of our energy portfolio. There are so many ways natural gas can displace other fuels, especially oil and our need for oil. It can displace the need for more refineries if we fuel part of our transportation system with clean burning natural gas.

And one other fact on Florida. 75 percent of the electricity they use is generated by natural gas, and that is because just recently they tore down their coal plants and went to natural gas.

I want to share with the Members, though the Florida delegation and the Florida State government is vehemently against any change, here is what the Associated Industries of Florida said recently in a letter to MMS, the Mineral Management Service: "We appreciate that MMS is going to be reviewing all of the current OCS areas, including the areas that have until now been off limits due to the moratorium, which include the Atlantic, Pacific, and Eastern Gulf of Mexico regions. Research documents that these areas hold substantial undiscovered but technically recoverable energy resources that will be absolutely critical to America's national security and to the continued growth of our economy and to securing jobs for virtually every sector of our economy."

Now, the Associated Industries of Florida gets it. They go on to say: "If America doesn't look to expanding exploration and drilling in these OCSs, then America will unnecessarily pay a high price," like we are today, "and incur a heavy burden. The U.S. Energy Information Administration forecasts that by 2025 petroleum demand will increase by 39 percent and natural gas demand will increase by 34 percent.

Higher energy prices have exacted a toll on our economy already by slowing our growth from between .5 percent to 1 percent based on pre-hurricane prices. Farmers have paid $6 billion more for energy in the last 2 years. Natural gas costs for the chemical industry in America have increased by $10 billion since 2003. And of the 120 chemical plants being built around the world with price tags of $1 billion or more each, only one is being built in the United States.

"As a result, Associated Industries of Florida recommends to the MMS that expanded lease sales are important to our country, to our citizens, and to our way of life. To not utilize all of our available energy resources, when it can be accomplished in an environmentally sensitive way, would be a disservice to our country. We need to ensure that we have a bright future by adopting an expansive OCS leasing program."

Osram Sylvania, a big company that owns a lot of plants in this country, here is what they said: "In the past 5 years, we have seen natural gas prices escalate from $3 per MCF to well over $10 on the spot market. As compared to natural gas costs in 2000, our bills in 2005 will be $24 million higher."

Mr. Speaker, again, I thank the gentleman for yielding to me.

THE 30-SOMETHING GROUP: THE DEMOCRATIC BUDGET PROPOSAL

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, first I want to thank the Democratic leader (Ms. PELOSI) of California for the opportunity to spend some time talking about the issues of concern to Americans across this country, and as a member of the 30-something Democrats, and I know I will be joined by my colleagues in a few moments, we have appreciated hearing from the literally hundreds of Americans both in our generation and across the generational spectrum over the last weeks since we have been talking about those issues on the floor here.

My good friend from Pennsylvania, I cannot help but spend a few moments talking about some of the matters that he has just addressed, being that I am a Representative of the State of Florida; and I had an opportunity to engage in a very interesting and informative and timely dialogue with the gentleman from Pennsylvania (Mr. PETERSON) just yesterday.

Unfortunately, the industry organization that he just cited, which he also cited in our debate the other night, Associated Industries of Florida, that is not an organization, if the Members are familiar with Florida politics, that is at all representative of the average business organization in our State. Associated Industries of Florida is primarily made up of the most major corporations in Florida. Every major oil company is a member of Associated Industries. So it makes quite a bit of sense that the opinion of Associated Industries would reflect what Mr. PETERSON of Pennsylvania just described.

Mr. PETERSON of Pennsylvania advocates for more drilling off the coast of Florida, California, all around the coastline of our country. He particularly focuses on natural gas and professes that natural gas is a clean-burning gas and that there would be little to no risk to expanding that drilling. Well, when one is a representative from the State of Florida, and we have 77 million people who visited our State just last year alone and $56.5 billion in taxable sales is generated by tourism, most of which is the result of our beautiful beaches and our pristine coastline, one can clearly see why most Floridians would have a significant problem with the possibility of there being oil rigs off our beaches within the eyesight of tourists or our residents.

And Mr. PETERSON of Pennsylvania has continually represented that natural gas is a potential alternative energy source. Well, just off the Florida coastline, the Minerals Management Service, which is a government agency under the Department of the Interior, has documented that there is only about a 70-day supply of natural gas off the coastline of Florida in the gulf under current consumption rates in the United States. That to me does not appear to take us into the rest of the century in terms of dealing with our energy needs.

What we should be doing is uniting as Members of Congress representing this country and dealing with our long-term energy crisis by exploring alternative energy sources, not going to the same old energy sources and trying to drill our way out of this problem. Drilling is not the solution. There is far too much environmental risk to drilling, whether we are drilling for natural gas or drilling for oil: and the proposal that we will be considering that is attached to the budget reconciliation bill, the budget-cut document that we will be considering, at the earliest, next week, includes a terrible proposal that would expand drilling off the coastline of Florida and bring drilling within 125 miles of Florida's coast on the gulf.

That is a totally inappropriate proposal. It makes absolutely no sense. It would jeopardize our environment, and I am hopeful that my colleagues from Florida and other colleagues who represent coastal communities which will also be in jeopardy if this provision passes will join us in opposing this budget reconciliation bill, not the least of which, because there are many other reasons why it should be opposed because of the dire cuts that are in the budget that are going to rain terror down on Americans across this country; but to add insult to injury, it also has a terrible provision in it that would allow drilling off the coastline around our entire country.

So with that having been said, I want to talk a little bit about what we talked about in the previous hour and turn the conversation back to the budget reconciliation bill. There are a number of significant problems with the budget cuts that the Republican leadership is proposing. But one of the things that I wanted to turn to is what Democrats think we should be doing in terms of the budget.

Democrats want to bring the budget back into balance. What we proposed in the Budget Committee today included a proposal that would bring the budget back into balance by 2012. The Democratic budget also has a smaller deficit than the Republican budget every year and would accumulate less debt and waste fewer resources on interest payments that are needed to service the national debt. We would include budget enforcement measures to protect Social Security.

We would do more for education. The Democratic proposal provides $4.5 billion more for appropriated education and training programs than the Republican budget for 2006 and $41 billion more over the next 5 years. We also reject the $21 billion in cuts that the Republican budget requires the Education and Workforce Committee to make over the next 5 years. Those are cuts that could fall on students loans and school lunches.

These are not the same old tired complaints. It is insulting to suggest that cutting school lunches and financial aid are tired complaints. If one is struggling to be able to give their children breakfast and lunch on a daily basis and make sure that they are provided with nutrition and they do not financially have the ability to ensure that they can do it themselves, staring down budget cuts that take that opportunity away from them is nothing short of cowardly. This is a cowardly budget reconciliation bill. It does not show any guts at all, and it abandons the American people.

Let us talk about housing. In the previous hour, we talked a little bit about the housing cuts that this budget-cut bill would hand down, and I am joined by my good and close friend whom I had an opportunity to serve with in now three different Chambers, the gentleman from Florida (Mr. MEEK). His district and my district were hit badly by a category 3 storm last week, Hurricane Wilma; and we were talking in the last hour about housing and the issues related to affordable housing that our constituents were already facing.

I want to just point out this picture here. Over the weekend I had an opportunity to go door to door in my district because there are so many senior citizens trapped in their homes without power. We still have half a million people who do not have power in south Florida. And, unfortunately, whether it is because of hurricane fatigue or just the fact that there was so much damage in the gulf coast region that it may be difficult to feel the pain that we are going through in south Florida and understand it, but there is not nearly as much attention as we need focused on what happened in south Florida.

When I was going to door to door in my district to try to help some of the folks who have trouble getting out of their houses, and I am talking about people who are in their 80s and 90s, one of the apartments that the building captain in the condominium brought me into included this kind of damage. This is the result of Hurricane Wilma, and this is just one example. There are hundreds and hundreds of condominium units and apartment buildings and homes and mobile homes that look just like this.

There is a perception, whether it was created by the media or created by the lack of attention by the national media on what happened with Hurricane Wilma, that everything is fine in south Florida. Everything is not fine, Mr. Speaker, in south Florida.

This is the third floor apartment, and that is the ceiling of the apartment. And as we can see, we can look right through the ceiling at the sky. This is this woman's master bedroom; and literally during the storm, 1 minute after she walked out of that master bedroom, the roof caved in on her bed. A minute earlier and it would have caved in on her.

When we talk about the affordable housing problem that we already had, now we have thousands of people in south Florida whose homes have been condemned, who are faced with nowhere to go because the average price of a house just in Broward is $348,000 a year. The rental units, the monthly rent is sky high. And FEMA has literally only 300 inspectors in our State going through these homes to determine whether these people are going to qualify for assistance.

I yield to the gentleman from Florida.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) for yielding to me, and I can tell her right now that I shudder when I think about not only the devastation that took place in Hurricane Wilma but what took place in Rita and took place in Katrina and what happened today in the Budget Committee.

I want to make sure that the Members, Mr. Speaker, are fully aware about an act that I did not take part in, an act that not one Democrat on that committee took part in, an act that at least one Republican did not take part in, that is, delivering another catastrophic event to the victims of these three natural disasters.

☐ 2230

The cuts that were made today in the Budget Committee, that I must add without one Democratic vote, but with Democratic amendments, to make sure that those victims do not become victims again, were devastating to these individuals; cutting Medicare, cutting programs that will help everyday working Americans, delivering another blow to the gut of the individuals who need us the most.

Let me tell you what the majority side is saying, "Oh, we have to make these offsets to help the Katrina victims."

Hello. No. We have to slap them in the back of the head and push them to the floor because they cannot fight us like the special interests that got what they wanted in this budget, that we are going to make them victims again. That is what that means.

So, I am so glad that we are bringing to light not only Katrina, not only Rita, but also Wilma; that many seniors in our district, and we talked about this a couple of nights ago, or even over the past weeks, we have been fighting for the independent commission so we can review not only the Federal response, but the State response and the local response.

Now, I just want to take two more minutes. Down in Florida with Wilma, when the response was not what it should have been, Governor Bush of Florida jumped out in front of the train and said, "If you want to blame someone, blame me." Well, you know something, I have a message, not only for the Governor, but for anyone willing to step in front of an unorganized response to people in need, because I would say to the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Ohio (Mr. RYAN), it could be your communities next. It could be a terrorist attack.

So I guess the Governor could not do it in Mississippi, he could not do it in Louisiana, he could not do it in Alabama, he could not run over to Texas and jump in front of FEMA and say "blame me." This is bigger than an individual. This is making sure we can respond to Americans.

I would say to the gentlewoman from Florida, I would make this point to what the gentlewoman is pointing out here, that what can you say to this senior that you are in his bedroom there. I believe that is his bedroom where the ceiling came down, or another person's bedroom fell down into their home.

Ms. WASSERMAN SCHULTZ. The woman had to leave that apartment.

Mr. MEEK of Florida. So it is a condemned apartment. She cannot live in it. Not only are there only 300 FEMA inspectors of over 100,000 and counting condemned residences in Dade, Broward and Palm Beach Counties. Even in Broward County, well over the number. We are going to send 300 people down there to inspect before we are able to assist them. That is the reason why we need an independent Katrina commission, to make sure we are able to respond to Americans in need.

So when folks come to the floor and start talking about, well, you know, I do not know why they are complaining, because everything seems to be okay and the lights are on here in the Chamber and democracy is strong, we have Americans out there that are suffering and we have to give them voice.

Mr. RYAN of Ohio. Mr. Speaker, if the gentlewoman will yield, I want to share with the Speaker and the American people to get this in the CONGRESSIONAL RECORD some of the e-mails that Brownie was sending on the day of the Katrina tragedy and the days after the Katrina tragedy.

First of all, this is about cronyism in politics at its best, a culture of cronyism and a culture of corruption. We see it all the time at the local, sometimes at the local level, but the way that the cronyism has permeated, permeated, the Federal Government with President Bush's friends is really absolutely sickening.

This is an article today out of CNN.com. The quotes are posted on websites. The gentleman from Louisiana (Mr. MELANCON), from New Orleans, has all of the quotes posted on his website from Brown, the former head of FEMA on the day of the Katrina tragedy. This is just startling. This is just startling.

First let me say that Mr. Brown spent a decade as the Stewards and Judges Commissioner of the International Arabian Horse Association. How he ended up as the head of the FEMA agency is beyond my ability as a human being to put into my head, to conceptualize. I cannot believe that the President would put someone who was the Commissioner of the International Arabian Horse Association in charge of FEMA. He did not get an appointment as an ambassador to a country that has a lot of beaches. He ends up in charge of FEMA after 9/11.

Here is what he says, one of the e-mails. Brown wrote to Cindy Taylor, FEMA's deputy director of public affairs the morning of the hurricane, "Can I quit now? Can I come home?"

A few days later Brown wrote to an acquaintance, "I am trapped now. Please rescue me."

I mean, give me a break. A few days later, Brown is talking to his PR director, his press secretary, Sharon Worthy, about his attire, asking her, can you imagine this, asking her "Tie or not for tonight? Button down blue shirt?" He is asking her about what he should wear.

This is a couple days after Katrina, when the American people were watching on all the cable news channels people suffering in pools of water, flooding everywhere, nothing to eat, people who do not have their insulin, old folks starving to death, dehydrating, no water, no ice, and this guy is saying "I am trapped now, please rescue me?" Is that the kind of leadership we want? No. The United States wants leadership and we get cronyism.

A few days later, she says, this is his press secretary again, "Please roll up the sleeves of your shirt, all shirts. Even the President rolled his sleeves to just below the elbow. In this crisis and on TV you just need to look more hard-working."

You got to be kidding me. This is what your FEMA director is doing during Katrina? He is talking with his press secretary, who said roll up your shirt sleeves so you look like you are working.

Mr. MEEK of Florida. This is the person that we still have on the payroll to teach us what to do.

Mr. RYAN of Ohio. Still on the parole for $148,000.

Mr. MEEK of Florida. A culture of corruption and cronyism.

Mr. RYAN of Ohio. This is cronyism at its best, because this fellow is not the least bit qualified to be in charge of FEMA. The top 8 or 10 people of FEMA were all political appointments of people who were not qualified.

We want an independent commission to oversee this whole process. Why? Because this could have been a terrorist attack, and we have got someone in charge of responding to the terrorist attack who is talking about rolling up his shirt sleeves so he looks good on CNN.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, reclaiming my time, it is worse. It got worse from there. It was not just what he was doing with his attire, rolling up his shirt sleeves, but what he was wearing that they continued to talk about. On August 29, the day of the storm, Brown exchanged e-mails about his attire with Ms. Taylor, his press secretary again. She told him in the e-mail, "You look fabulous." And Brown replied, "I got it at Nordstrom's. Are you proud of me?"

An hour later he added, If you look at my lovely FEMA attire, you will really vomit. I am a fashion God."

This is the day of the storm. He is still being paid $148,000 a year to advise FEMA, according to Secretary Chertoff, and change, give or take a dollar or two, to advise FEMA about what they should be doing in the aftermath.

Mr. RYAN of Ohio. And we are getting lectured to by people telling us that that party on that side of the aisle is responsible? Is this responsible? Is that good leadership? We have not seen good leadership out of this administration yet. Come on.

Ms. WASSERMAN SCHULTZ. The only thing that they are doing here is they have a lopsided partisan committee that is supposedly reviewing the aftermath of Katrina and FEMA's response. You know, I would feel much better about any review, although I strongly believe that there should be an independent Katrina commission, as do 81 percent of Americans, but if they had learned something between storms.

We have had three storms in two months, from Katrina to Rita and from Rita to Wilma. They have learned nothing. After my district and that of the gentleman from Florida (Mr. MEEK) district got hit by Wilma, and Secretary Paulison now in FEMA is a qualified professional, so at least they have that right now, but unfortunately FEMA still is not getting it right.

We still 10 days after the storm do not have a disaster recovery center established in Broward County or in Miami Dade County, a permanent one. There are seven mobile units between the two counties. We have more than 136,000 people in Broward alone who have applied for assistance, and they cannot get it yet because FEMA only has 300 inspectors in the whole state and they can do about 10 a day in terms of the inspections.

I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I think it has become clear to us, and, again, also I think it is important to note that many on the other side of the aisle have started to speak out. I know that requires considerable courage and that has to be acknowledged. But it is clear that if there could be an appropriate description of this administration, put aside philosophical differences, the fact is that they reflect an ideology that really in many respects is outside of the traditional, mainstream of Republican principles. But the word that I would use to characterize it is that, yes, it is cronyism, but at a fundamental level it has been an administration that has been incompetent.

So this is a question of ability to govern. We know that they do not like government. They see government as a problem. They do not like to govern. So I guess it is understandable. They want to starve government. They want to limit it. And that is a valid argument.

But there are times in this country when you need government. You need a strong military. You need to be prepared to defend the homeland. You need the kind of programs that can be run forthrightly, honestly and effectively that give every American a chance; a chance for an education, a chance for housing, for health care.

I think that this is all part of what we become when we are born as American citizens. We are participants in a social compact that says we are individuals and we have individual liberties and we will always advocate for those liberties, we will fight for those freedoms. But, at the same time, we have mutual responsibilities to each other. That is the essence of our greatness.

But if you do not like government, if you do not see a role for government, then you do not do a very good job when it comes to governance.

Mr. RYAN of Ohio. If the gentlewoman will yield further, I think the point really is that not only do they disrespect government, and if you disrespect something, it tends to not work appropriately, they see government as their little sandbox, and they see government as their opportunity to take care of their political contributors, to bolster their own political party.

Mr. DELAHUNT. Government, with all due respect, and I do not disagree, but what government is about, it is about representing the people.

□ 2245

Mr. RYAN of Ohio. I understand.

Mr. DELAHUNT. Mr. Speaker, it was the Founders that created representative government. The Founders believed in government. The Constitution created the government. We should be proud of our government, because this government has served well the American people for better than two centuries. But they do not like to govern. They do not care about governance. They do not need government. They do not need student loans. They do not need Medicare. They certainly do not need Medicaid. They do not need the kind of services that government can provide, because they believe that America could be best served by a society where individuals go their own separate ways.

Well, there has to be a balance if we are going to have a strong country and a strong America.

Yes, we can be critical, we can be very critical of the administration, but let us understand too that Congress has earned its share of blame for the mistakes of this administration, for the incompetence of this administration. Every student of American Government knows that it is the responsibility of Congress to oversee the executive, to take a look at what government agencies are doing.

But this Congress, and maybe this is a by-product of having a single party control all aspects of government, and we can understand that. It is difficult to criticize a President of your own party. You are reluctant to do that. That is natural. But more and more of our friends on the other side of the aisle are speaking out, and more Republicans outside of this institution are speaking out.

But it is the responsibility of the majority to work with the minority, in this case Democrats, to exercise oversight, to take a look at what is wrong, what is going wrong in this country today, and they refuse to. They are afraid, because if they start to peel off the onion, they are going to find something very ugly. And as Joe Gallaway recently wrote, and he happens to be the senior military correspondent for the Knight Ridder news agencies, that when the time comes to point a finger, do not forget, and he is speaking about the war, those who people the marble Halls of the U.S. Congress whose first duties seem to be to protect the Republican Party and their President.

That is the problem. How many times have Members, senior Members of the minority requested investigations, inquiries, oversight hearings into real problems? We heard earlier, for example, from this side, people talking about the troops and the need, the need to respect our troops. Yet, it was the Democrats that started to question the Department of Defense about why our troops were not outfitted with body armor. Why were they being compelled to use Humvees that were not properly armored? It was Democrats, along with a few courageous Republicans who said, you know what, we are not adequately funding health care for veterans. We can wave the flag and speak of patriotism and send these young men and women to Iraq, but when they come home, they are not going to have the kind of health care that they deserve.

Mr. MEEK of Florida. Mr. Speaker, I just want to chime in to let the gentleman from Massachusetts know, sir, that we can do better.

Mr. RYAN of Ohio. Together we can do better.

Mr. MEEK of Florida. That is the reason why the Democrats fought hard in the Budget Committee to make sure that the Medicare cuts did not take place or put an extra burden on seniors, to make sure that we replaced the burden that the majority side here in this House, the Republicans, have put on students as it relates to student aid and student loans. $14 billion in fees for students. That means $14 billion in fees and taxes for parents in America, for grandparents in America.

We can do better. I am so glad that we sleep with our fists balled up here ready to fight on behalf of Americans every day. That is the reason why I feel excited every time we get the opportunity to come to this floor to offer an amendment, to come to this floor here in this special order, to be able to let not only the majority side know, the Republican majority because, I must say, and I want to remind everyone, the Republicans are in control of this House, the Senate, and the White House. So anyone that has anything to say, and that includes Members, about how the Democrats said this and the Democrats said that and they are doing this, we are not doing anything as it relates to pulling this country in reverse.

I am going to tell my colleagues right now, what went down in the Budget Committee today is shameful; it is really shameful. I just want to, as we work here as a working group, I just want to say, I want to make sure that the majority side, when that budget comes to this floor, that they abide by the rules of the House of Representatives. If there is a 15-minute vote, then let it be a 15-minute vote. If there is a grace period, 17, 20 minutes, okay. But we do not want to be here on this floor watching the majority side, the Republican side, twist arms to get the votes to pass an unjust budget.

Now, we held up a report earlier that the Republicans called for $35 billion in cuts for the very people they are trying to help, or they say they are trying to help; and then in the end game, it is $50 billion in cuts. Not a mumbling word, not a mumbling word about billionaires and moving that tax cut away from billionaires, just some of it for the offset. Not a mumbling word, not a mumbling word to the oil industry that is dancing in the street and people around here are putting in $5 and $10 in their tank because they cannot afford to fill their tank up. It is not because they like going to gas stations; it is the fact that they cannot afford to fill their tank up. So it does not matter what you are driving. You can be driving a small, compact car. $5 is $5, $10 is $10, $20 is $20. They cannot afford to fill up their gas tank because it costs so much, leave alone the fact that it is getting cold.

Mr. DELAHUNT. But the reality is, my friend, that they are taking good care of the oil companies. They are providing $16.5 billion in subsidies to the oil companies that are breaking all kinds of records in terms of profits. I cited the example of ExxonMobil, but that is only one out of four or five. In one quarter, in 3 months, their net profit was $10 billion.

Mr. Speaker, the truth is, and the facts are very clear, that the majority party, the Republicans in Congress, do believe in the welfare state. They are advocates of the welfare state, but it is restricted. It is restricted to a constituency, and that constituency is corporate America. Not small business America, not even midsized business, but the very largest corporations, whether they be pharmaceutical companies that they have given more than $100 billion worth of taxpayers' money in subsidies, but also oil companies, at the same time when oil companies are breaking records.

Mr. RYAN of Ohio. Mr. Speaker, there is also another welfare state: Iraq. We have forgotten to even bring this up tonight, but there is a welfare state in Iraq. And as they are cutting programs in the United States on student loans, do we know what they are doing in Iraq? They rehabbed 2,717 schools in Iraq. They trained 36,000 teachers in Iraq. As they are cutting Medicaid and Medicare in the United States, they have trained 2,000 health educators in Iraq, 3.2 million children vaccinated in Iraq, 110 primary health care centers built in Iraq. We have a welfare state in Iraq right now that is being funded by the American taxpayer at the same time that the Republican Congress is cutting funding for the United States citizens that live right here in this country.

So they take your public tax dollars and they give $16.5 billion of it to the oil companies, $100 million of it to the pharmaceutical companies, do nothing to reduce the cost of pharmaceuticals; they give between $200 billion and $300 billion to the welfare state in Iraq and, at the same time, they are cutting programs here in the United States of America. That is just corrupt. They put their party before the country.

We want to take this country in a new direction, change what is going on in this country, and create some independence from shakedown street.

Mr. DELAHUNT. Mr. Speaker, I have to tell my colleagues something about corruption. My colleagues have not seen anything yet.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman will yield, we talk in our 30-something Working Group here, I used to say every week; but now it's every night, about third-party validators, and I think it is important to have third-party validators so that we show the people who are hearing us tonight that this is not TIM RYAN's opinion or DEBBIE WASSERMAN SCHULTZ's opinion or KENDRICK MEEK's opinion or BILL DELAHUNT's opinion; this opinion is shared by many, many others.

The Republican leadership here, they talk a good line about faith and values. In fact, they base almost their entire campaigns, the case they make to the country, about how we need to restore family values, we need to restore values and faith, and there should be more faith injected into every aspect of our government. Well, let us see what the people of faith, our faith leaders are saying about these budget cuts that we are going to be considering next week.

Today, there were leaders from various faiths that joined in prayer at the Capitol. Those leaders included Reverend Dr. Bob Edgar, who is the general secretary of the National Council of Churches; Reverend Jim Wallis, founder of Sojourners and Convener of Call to Renewal; Rabbi David Saperstein, director of the Religious Action Center for Reform Judaism; and Eleanor Giddings Ivory, director, Washington office, Presbyterian Church. They had a press conference before the prayer and they called for a moral budget and urged Congress to stop immoral budget priorities. Let me just outline a few of the things that they said.

Reverend Wallis said, "As this moral battle for the budget unfolds, I am calling on Members of Congress, some of whom make much out of their faith, to start some Bible studies before they cast votes to cut food stamps, Medicaid, child care and more that hurt the weakest in our Nation. Reverend Edgar of the National Council of Churches said, "We gather today just days after Rosa Parks, the mother of the civil rights movement, lie in State here in the Capitol rotunda. Even as we celebrate her life and the strong witness she had for justice, we recognize that justice is hanging in the balance as this proposed budget, if passed, would hurt those who are most in need in our society: children, the elderly, and those living in poverty."

I just want to quote from the remarks that Rabbi Saperstein made. He quoted the Bible and used the Bible's words to help our Republican colleagues understand the impact that they are making. He urges us to "deal thy bread to the hungry," not "steal thy bread from the hungry."

Remember Proverbs' stern warning: "Do not steal from the weak because he is weak and do not oppress the poor in the gate."

Listen to the voiceless and to the Biblical imperative: "Speak out for those who cannot speak for the rights of the destitute."

These are the third-party validators who are our religious leaders that are urging this Republican leadership not to go down this path, not to pull out the rug and the floor and literally burn the house down that people who are so badly in need in this country cannot afford to sustain.

□ 2300

Mr. MEEK of Florida. I just wanted to tell you, they are not a Democratic club or an independent voters club or a Republican club. They are our religious leaders that are calling upon this Congress to recognize their responsibility.

I can tell you right now, you know, I am a Baptist. But I do not have a lot of time, you know, Christian, Baptist. But here is the issue. I just wanted to make sure that we know exactly what we are doing. We know what we are doing. We know what they are doing. We want to make sure that we illuminate what they are doing because, when it comes down to it, if the Republican majority in this House was doing such a great job, then why do only 35 percent of the American people feel that we are doing a good job?

Now if it is only 35 percent of the American people, just do the math. A super majority of Americans feel that we are not doing our job. Why do they feel that the President, why is the President at his lowest approval rating of his entire administration at 35? Why is DICK CHENEY's approval rating at 19?

So when folks start coming to the floor swelling all up and carrying on and saying, you know, we salute one flag, and anyone else that has anything to ask or say about it, they are with the other folks, with the terrorists, with the enemy, why are they coming here? Why are not they doing certain things?

But I just want to make this point on this issue. I just wanted to make sure that we understand that we live in a democracy, and that we have the very people that the majority side is cutting the programs that help them the most, Medicaid, Medicare, being able to protect our environment in a way that it should be protected.

Democrats, what we did we made sure that we put forth amendments that will help everyday Americans, that we will be able to achieve the goals that we are supposed to achieve as Members of Congress. We also pushed a philosophy of making sure that we bring the budget back in balance. We made sure that for every time that someone puts forth a program that we have a way to pay for it, not just saying we are going to run over to China and say we are going to get the money, or not to say that we are going to pay for it on the backs of everyday Americans as it relates to including a budget enforcement measure to protect Social Security.

That is another pot that the majority cannot help themselves of going into and raiding all the time. It was this working group, amongst many others, that fought off the majority on this side of the aisle. We had 500 plus town hall meetings, a number of editorials, a number of editorial board meetings to make sure that we let America know what they were trying to do.

When I say they, I am talking about a Republican majority.

So, once again, I will close by saying this, that the Republicans are in control of this House by the majority, and in the Senate they have a majority, and the White House, they definitely have control of that. And the reason why I continue to say that is that I want to make sure that folks know that we are fighting a good fight here, but we need to make sure that the Republicans, Democrats, independents, those that are thinking about voting, registering to vote, get involved in this process.

Because I can tell you right now, I have some good friends that are Republicans, and they are very upset about what is going on right now. I have good friends that are Independents, and they make comments as it relates to what is happening here in this House.

But folks are saying, fiscal responsibility? Okay, you know I am a fiscal conservative because I say I am, not because of our acts.

This is a President that has not vetoed one spending bill. Not one. Not one.

Mr. RYAN of Ohio. Mr. Speaker, I want to share with the American people something we shared with them earlier in the last hour or 2 hours ago about being fiscally responsible. In fact, in the last 224 years, 42 Presidents, they borrowed $1 trillion from outside sources, other countries. Forty-two presidents, 224 years over a trillion dollars.

In the last 4 years, the Republican President with the Republican House and the Republican Senate have borrowed more than we have borrowed in the previous 224 years, over a trillion dollars from foreign countries, China, Japan, Saudi Arabia.

Here is the kicker. See, now they are the bank. Now China is the bank. Now they are already taking our jobs. Now they are holding the bank notes, and we got to pay interest on it.

Here is the kicker. Here is what just really frosts me. At the same time, China is graduating 600,000 engineers a year; and the United States is graduating 70,000. So what does the Republican majority do? After borrowing billions of dollars from the Chinese and watching them educate their kids and have 600,000 engineers when we only have 70,000, they raise the fees on student loans. They cut the education budget.

Then the kids who need health care, so that they can at least concentrate in school, so they are not sick, they cut that, too.

Where is the long-term vision from the Republican party?

Mr. DELAHUNT. If you think about it in terms of individuals and then extrapolate to nations, it is really easy to understand. We are borrowing a trillion dollars. Let us say we are borrowing, just for the sake of discussion purposes, half of that from the Chinese Central Bank, the Communist Central Chinese Bank. As you indicate, they are educating some 600,000 engineers. How do they pay for that? Well, you know how they paid for part of it? The American taxpayer, Mr. Speaker. When they pay the interest on the debt to the Chinese, that allows the Chinese to fund the education of some 600,000 students in technical schools in China.

Mr. RYAN of Ohio. So are you saying that the interest that the American taxpayer pays on the money we are borrowing from China is being invested on the Chinese people to create 600,000 engineers a year?

Mr. DELAHUNT. Well, we are paying for their education in China. We are paying for roads, 6,000 miles of roads in Iraq, 5,000 units of affordable housing, Mr. Speaker, in Iraq. We are paying for, you know, primary health care centers in Iraq; and you know what we are doing in the United States? We are cutting everything.

We built a beautiful dam, a magnificent dam, an absolute ultimate in terms of engineering to prevent flooding. And we are familiar now with floods. Clearly, the people in New Orleans, Mr. Speaker, are very, very familiar with floods. There was a problem with a levee in New Orleans in terms of the structural defects.

But the one that I am talking about, the dam that I am talking about, that engineering marvel that we built with taxpayer dollars, American taxpayer dollars, was not built in New Orleans. It was built in Mosul, Iraq.

Where are our priorities?

Ms. WASSERMAN SCHULTZ. Our priorities, apparently the priorities of this administration are in appointing unqualified people to run Government agencies like Michael Brown, whose priorities clearly were more on what kind of shirt he was wearing, as opposed to making sure that the people in the gulf coast States who were about to get and then did get hit by Katrina did get taken care of. And about whether to roll up their shirtsleeves and by appointing their college roommates to jobs, to making sure that you have well-qualified people in the Government.

It does not stop at Michael Brown. You have people who have been found to be wholly unqualified up and down the Government. You have corruption, through and through, from the top. At the White House, the first person working in the White House in 130 years to be indicted in 130 years.

You know, we have had quite a few scandals in White Houses past just in my lifetime, but never once has a White House official, an administration official working in the White House been indicted before 130 years ago. That is where their priorities are.

Mr. MEEK of Florida. If I may, I mean, it is just not an indictment that someone ran out and took a plane and took a plane to go see a basketball game and flew back on some private company or something. It is not that. It is not something that reflects on personal judgment.

No, this is outing, Mr. Speaker, a clandestine CIA agent. That individual that goes in, and guess what? Guess what the agent's job was? To help us in finding out those countries that have weapons of mass destruction. To harm who? The United States of America. And because she was out, and now, you know, I am hearing that in the White House they are saying that the defense is going to be, well, you know, I have a lot of conversations in a day. I did not quite remember talking to a reporter about a CIA agent.

I am concerned, Mr. Speaker, because if that is something that you can forget, the time that you outed a CIA agent, and you forget it. You are like, oh, well, you know, I got coffee. Then I walked over here. You know, you do not just out a CIA agent.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it is really hard to keep track of all of the lies.

Mr. MEEK of Florida. You cannot violate national security when you have a security clearance, hello, that the four of us have. I said the other night, if I wanted to, you know, for political gain, talk about the things that I know as a Member of the Armed Services Committee, talk about the things that I know as a Member of the Homeland Security Committee for political gain, that would be horrible and a crime.

And it took place. You know, if it was just politics, I mean, people can understand. But someone could have lost their life. We do not know yet. And now her cover has been blown. A whole front that the CIA has has been blown. And those individuals that she has relationships with have been blown, all because some folks thought it would be good for political gain to be reelected to the White House.

Now I am going to tell you something right now, ladies and gentlemen, that we cannot allow this activity to continue.

As we started talking, I was handed a piece of paper here, because I was incorrect. The Congress approval rating is at 31. At 31. So anyone that wants to come to the floor chest-beating and patting yourself on the back, talking about I am doing a great job, let me tell you something on both sides of the aisle, we have to step it up on own our leadership. We have to step it up on our leadership, and we have to do it together on behalf of Americans. We have to do it together on behalf of Americans, not Democrats, not Republicans, not independents, not the special interests, not the folks that showed up at the fund-raiser last night.

We have got to make sure that we represent the United States of America and the people that pay taxes. We were Federalized when we were elected. So if folks feel, oh, well, I am here or here, and I do not need to worry about that, you are a Member of the United States Congress. You are a Member of the 109th Congress, and you have a responsibility to lead.

If you do not want to lead, I am going to tell you something, as sure my name is Congressman MEEK. I feel that the American people, Democrat, Republican, Independent alike, and even going back to what the gentleman was talking about, 224 years of individuals that were fiscally responsible, the Whig Party, okay, these individuals will rise up to make sure that we protect our country.

Mr. RYAN of Ohio. Do you know why? Because the kids that have to pay this debt, that $8 trillion, they are not just Republican kids, they are not just Democratic kids, they are kids born in the United States of America.

Mr. DELAHUNT. Do you know what the tragedy of this is? Let us put aside for a moment indictments and a discussion of who might be indicted in the future or misconduct that violates criminal statutes.

□ 2315

What is truly unfortunate here is that we have reached a point where there is a culture that exists here in Washington where if there is disagreement, if there is dissent that it is described as unpatriotic.

We have heard that I think earlier this evening on the floor, the inference being that if there is any dissent or disagreement, somehow motives can be inferred that that courageous individual, in my judgment, who speaks out in opposition is somehow unpatriotic.

There was an interesting article or column just recently by Jim Hoagland in The Washington Post where he said, Mr. President, he wrote a letter to President Bush, he said, Mr. President, would it not have been easier if you had just wrote a letter to the editor in response to the opinion piece that was produced by Mr. WILSON? Would that not have been welcomed by the American people, by Members of Congress?

But what has happened is no, let us design a plan to impugn that individual's integrity. Let us try to destroy that individual. Let us try to discredit him or her. That is not what democracy is about. In fact, today I read the White House had prepared a series of talking points attacking the former National Security Advisor, Brent Scowcroft, who recently went public in saying that the policies of this Bush administration as it relates to Iraq and the Middle East are a failure. They were preparing, according to Mr. Hoagland's column, talking points to attack him. We have got to get away from this politics of destruction and ad hominem attacks and questioning individuals's patriotism. That is not what we are about.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it is unfortunate that they do not appear to have any interest in that. Yet again, the cronyism and the culture of corruption continues because one would think that after Brownie they would have learned, who is still on the payroll.

Mr. RYAN of Ohio. $148,000 a year.

Ms. WASSERMAN SCHULTZ. $148,000 a year. They may have learned and bring in additional people who are qualified. Yet, the President just picked the FDIC, the Federal Deposit Insurance Corporation, chairman to run the gulf coast recovery. Let us peruse his qualification. He gave $100,000 to President Bush's Presidential campaign.

Mr. RYAN of Ohio. Corruption.

Ms. WASSERMAN SCHULTZ. He has 30 years' experience in the financial services industry.

Mr. RYAN of Ohio. Cronyism.

Ms. WASSERMAN SCHULTZ. It does not stop.

Mr. RYAN of Ohio. Incompetence.

Ms. WASSERMAN SCHULTZ. Because they have no interest in it stopping.

We are approaching the end of our hour, and I want to yield to the gentleman from Ohio (Mr. RYAN) and ask him to give out our Web site.

Mr. RYAN of Ohio. 30somethingdems@mail.house.gov.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ETHERIDGE (at the request of Ms. PELOSI) for November 2.

Miss MCMORRIS (at the request of Mr. BLUNT) for today on account of business in her district.

Mr. TIAHRT (at the request of Mr. BLUNT) for today on account of family obligations.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STUPAK) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. LEWIS of California, for 5 minutes, November 4.

Ms. HARRIS, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on November 1, 2005, he presented to the President of the United States, for his approval, the following bill.

H.R. 3765. A bill to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

ADJOURNMENT

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Friday, November 4, 2005, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4931. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Cleveland Harbor, Cleveland, Ohio, change of location [CGD09-05-027] (RIN: 1625-AA87) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4932. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [CGD09-05-001] (RIN: 1625-AA11] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4933. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Cape Fear River, Eagle Island, North Carolina State Port Authority Terminal, Wilmington, NC [CGD05-05-018] (RIN: 1625-AA87) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4934. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; New Jersey Intracoastal Waterway [CGD05-05-012] (RIN: 1625-AA09) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4935. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Event; Labor Day Fireworks Display, South Lake Tahoe, CA

[CGD11-05-022] (RIN: 1625-AA08) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4936. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Mill Creek, Fort Monroe, Hampton, Virginia [CGD05-05-078] (RIN: 1625-AA08) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4937. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zones; Charleston Harbor, Cooper River, SC [COTP Charleston 05-037] (RIN: 1625-AA87) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4938. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project [CGD13-05-033] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4939. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Delaware River, Philadelphia, PA and Camden, NJ [CGD05-05-097] (RIN: 1625-AA08) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4940. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Choptank River, Cambridge, MD [CGD05-05-075] (RIN: 1625-AA08) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4941. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Sunset Lake, Wildwood Crest, NJ [CGD05-05-076] (RIN: 1625-AA08) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4942. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Pasquotank River, Elizabeth City, North Carolina [CGD05-05-005] (RIN: 1625-AA08) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4943. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zones; Sector New Orleans; barges [USCG-2005-22429] (RIN: 1625-AA11) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4944. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Transfer of M/V WILLIAM G. MATHER, Cleveland, Ohio [CGD09-05-126] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4945. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Blasting Operations, Demolition of Bridge Piers: Sikorsky Bridge over the Housatonic River between Stratford and Milford, CT [CGD01-05-085] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4946. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Milwaukee River Challenge, Milwaukee River, Milwaukee, WI [CGD09-05-123] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4947. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Manasquan Inlet [CGD05-05-113] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4948. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Lower Mississippi River (LMR), Greenville, MS [COTP Lower Mississippi River-05-008] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4949. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zones: Fireworks displays in the Captain of the Port Portland Zone [CGD13-05-027] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4950. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Fireworks Display, Northwest Harbor, Baltimore Harbor, MD. [CGD05-05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4951. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Chesapeake Bay, Mathews, VA. [CGD05-05-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4952. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Potomac River, Washington, DC [CGD05-05-003] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4953. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; M/V Simco, St. Lawrence River, NY [CGD09-05-003] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4954. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Barge Recovery Operations in the Captain of the Port Portland Zone. [CGD13-05-005] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4955. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: LaQuinta Ship Channel, Corpus Christi, TX [COTP Corpus Christi-05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4956. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Houston Ship Channel, Upper Galveston Bay, Galveston Bay, TX [COTP Houston-04-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4957. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Houston Ship Channel, Upper Galveston Bay, Galveston Bay, TX [COTP Houston-04-003] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4958. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ohio River Mile 161.5 to Mile 203, Reedsville, OH [COTP Huntington-05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4959. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Port Canaveral Jetties, Port Canaveral, FL. [COTP Jacksonville 05-003] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4960. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zones; St. Johns Rover, Clay County, FL [COTP Jacksonville 05-004] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4961. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; St. Johns River, Jacksonville, FL [COTP Jacksonville 05-030] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4962. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Vincent Thomas Bridge, Los Angeles, CA [COTP Los Angeles-Long Beach, CA: 05-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4963. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ohio River miles 841.0 to 851.0, Uniontown, KY [COTP Louisville-05-001] (RIN: 2115-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4964. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ohio River mile 530.5 to mile 535.0, in vicinity of Markland Lock & Dam, Ghent, KY [COTP Louisville-05-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4965. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ohio River miles 526.5 to 536.5, Ghent, Kentucky [COTP Louisville-05-003] (RIN: 2115-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4966. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Green River mile marker 7.0 to mile marker 9.0, Spottsville, KY [COTP Louisville-05-004] (RIN: 2115-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4967. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Bayou Terrebonne Floodgate, Montegut, LA [COTP Morgan City-05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4968. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Delta Farms, Bayou Perot, LA [COTP Morgan City-05-013] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4969. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Mile 169.5 to Mile 170.5, Darrow, LA [COTP New Orleans-04-039] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4970. A letter from the Director, Regulations and Disclosure Law Division, Department of Homeland Securtiy, transmitting the Department's final rule—Extension of Import Restrictions Imposed on Certain Categories of Archaeological Material from the Pre-Hispanic Cultures of the Republic of Nicaragua [CBP Dec. 05-33] (RIN: 1505-AB61) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. Supplemental report on H.R. 4128. A bill to protect private property rights (Rept. 109–262 Pt. 2). Ordered to be printed.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3508. A bill to authorize improvements in the operation of the government of the District of Columbia, and for other purposes; with an amendment (Rept. 109–267). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 923. A bill to amend title 39, United States Code, to provide for free mailing privileges for personal correspondence and parcels sent by family members from within the United States to members of the Armed Forces serving on active duty in Iraq or Afghanistan; with amendments (Rept. 109–268). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Resolution 488. Resolution requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction related to Hurricane Katrina recovery (Rept. 109–269). Referred to the House Calendar.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 532. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–270). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KNOLLENBERG (for himself, Mr. BLUNT, Mr. MORAN of Virginia, Mr. CAMP, Mr. KIND, Mr. ROGERS of Michigan, Mr. HOEKSTRA, Mr. RAMSTAD, Mr. DREIER, Mr. BOEHNER, Mrs. MILLER of Michigan, Mr. McCOTTER, Mr. MANZULLO, Mr. KIRK, Mr. UPTON, Mr. RYAN of Wisconsin, Mr. KENNEDY of Minnesota, and Mr. EHLERS):

H.R. 4217. A bill to amend the Tariff Act of 1930 to allow United States manufacturers that use products subject to countervailing or antidumping duty proceedings or use domestic like products to participate in those proceedings as interested parties, and for other purposes; to the Committee on Ways and Means.

By Mr. McHUGH:

H.R. 4218. A bill to amend the Internal Revenue Code of 1986 to provide a 100 percent deduction for the health insurance costs of individuals; to the Committee on Ways and Means.

By Mr. McHUGH:

H.R. 4219. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance; to the Committee on Ways and Means.

By Mr. McHUGH:

H.R. 4220. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, or a section 403(b) contract shall not be includible in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Ways and Means.

By Mr. ADERHOLT:

H.R. 4221. A bill to amend the Internal Revenue Code of 1986 to provide special rules for the exchange or installment sale of certain agricultural property; to the Committee on Ways and Means.

By Ms. McCOLLUM of Minnesota (for herself, Mr. SHAYS, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. McGOVERN, Mr. LEACH, Ms. DELAURO, Mr. BERMAN, Mr. PAYNE, Mr. GRIJALVA, Mr. McDERMOTT, Mr. SANDERS, Mr. HONDA, Mrs. MALONEY, Mr. CASE, Mr. McNULTY, Mrs. JOHNSON of Connecticut, and Mr. LARSON of Connecticut):

H.R. 4222. A bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes; to the Committee on International Relations.

By Mr. PASCRELL:

H.R. 4223. A bill to prohibit cuts in Federal funding under the Medicaid Program until full consideration is given to recommendations of a Bipartisan Commission on Medicaid; to the Committee on Energy and Commerce.

By Mr. DAVIS of Tennessee:

H.R. 4224. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month) and that such individual's benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death; to the Committee on Ways and Means.

By Ms. DELAURO:

H.R. 4225. A bill to amend the Help America Vote Act of 2002 to require States to keep confidential the addresses of victims of domestic violence which are included in the State's computerized Statewide voter registration list, and for other purposes; to the Committee on House Administration.

By Mr. FRANK of Massachusetts:

H.R. 4226. A bill to authorize the conduct of small projects for the rehabilitation or removal of dams; to the Committee on Transportation and Infrastructure.

By Mr. HAYWORTH:

H.R. 4227. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Ways and Means.

By Mr. LARSEN of Washington (for himself, Miss McMORRIS, Mr. STUPAK, Mr. LEVIN, Mr. DICKS, Mr. McDERMOTT, Mr. SMITH of Washington, Mr. BAIRD, Mr. HASTINGS of Washington, Mr. McHUGH, Mr. BASS, and Mr. OBERSTAR):

H.R. 4228. A bill to authorize the Attorney General to carry out a program, known as the Northern Border Prosecution Initiative, to provide funds to northern border States to reimburse county and municipal governments for costs associated with certain criminal activities, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Mr. Shays, Mr. Inslee, Mr. Crowley, Ms. Wasserman Schultz, Mr. Bishop of New York, Mr. Farr, Mrs. Capps, Ms. Eshoo, Mr. Berman, Ms. Linda T. Sánchez of California, Ms. Schakowsky, Mr. Waxman, Ms. Baldwin, Mr. DeFazio, Mr. Rothman, Mr. Honda, Mr. Filner, Ms. Solis, Mr. Frank of Massachusetts, Mr. Moran of Virginia, Ms. Matsui, Mr. Grijalva, Mr. Larsen of Washington, Mr. Gutierrez, Mr. Engel, Ms. McCollum of Minnesota, Mr. Kennedy of Rhode Island, Mr. Hinchey, Mr. McGovern, Mr. Ackerman, Mr. Sabo, Mrs. McCarthy, Ms. DeLauro, Mr. Evans, Mr. Israel, Ms. Woolsey, Mr. Kucinich, and Mr. Wu):

H.R. 4229. A bill to require the Commissioner of Food and Drugs to determine whether to allow the marketing of Plan B as a prescription drug for women 15 years of age or younger and a nonprescription drug for women 16 years of age or older, and for other purposes; to the Committee on Energy and Commerce.

By Mr. POE (for himself and Mr. Neugebauer):

H. Res. 531. A resolution honoring Abilene Christian University on it's 100th Anniversary; to the Committee on Education and the Workforce.

By Mr. REICHERT:

H. Res. 533. A resolution supporting the goals and ideals of Cambodian-American Freedom Day; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII.

Mr. PASTOR introduced a bill (H.R. 4230) for the relief of Alejandro E. Gonzales; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 93: Mr. Leach.

H.R. 97: Mr. Gene Green of Texas.

H.R. 128: Mr. Chandler.

H.R. 224: Mr. Pascrell and Mr. Grijalva.

H.R. 297: Mrs. Davis of California.

H.R. 369: Mr. Burton of Indiana and Ms. Kilpatrick of Michigan.

H.R. 475: Mr. Capuano.

H.R. 503: Mr. Goode.

H.R. 616: Mr. Wexler and Mr. Holt.

H.R. 650: Mr. Feeney.

H.R. 690: Mr. Walsh.

H.R. 699: Mr. Holden and Mr. Berman.

H.R. 772: Ms. Herseth, Mr. Sanders, Mr. Fattah, and Mr. Barrow.

H.R. 791: Mr. Andrews and Mr. Doyle.

H.R. 838: Mr. Doyle.

H.R. 844: Mr. Cardoza.

H.R. 923: Mr. Weiner.

H.R. 994: Ms. Slaughter, Mr. Weldon of Pennsylvania, Mr. Smith of Texas, Mr. Al Green of Texas, Mr. Shimkus, Ms. Solis, and Mr. Jackson of Illinois.

H.R. 997: Mr. Beauprez and Mr. Wolf.

H.R. 1156: Mr. Kuhl of New York.

H.R. 1227: Mr. Jones of North Carolina and Mr. Kuhl of New York.

H.R. 1290: Mr. Menendez.

H.R. 1366: Mr. Kuhl of New York.

H.R. 1431: Mr. Hinchey.

H.R. 1489: Mr. Leach.

H.R. 1500: Mr. Turner.

H.R. 1506: Mr. Udall of Colorado.

H.R. 1582: Ms. Baldwin.

H.R. 1591: Mr. Leach.

H.R. 1602: Mr. Doyle.

H.R. 1615: Mrs. McCarthy, Mr. Holt, Mr. Rothman, and Ms. Lee.

H.R. 1668: Ms. Woolsey.

H.R. 1736: Mr. Kolbe, Mr. Langevin, and Mr. Chandler.

H.R. 1772: Mrs. Musgrave.

H.R. 1801: Mr. Butterfield.

H.R. 1870: Mr. Mario Diaz-Balart of Florida.

H.R. 1898: Mr. Renzi, Mr. Carter, and Mr. Gene Green of Texas.

H.R. 2134: Mr. Markey and Mr. Brady of Pennsylvania.

H.R. 2317: Mr. Conyers, Mr. Ortiz, and Mr. McCotter.

H.R. 2350: Mr. Gordon.

H.R. 2359: Mr. Jackson of Illinois and Ms. Kaptur.

H.R. 2412: Mr. Chandler.

H.R. 2531: Mr. Taylor of Mississippi, Mrs. Maloney, and Mr. Evans.

H.R. 2682: Mr. Souder and Mrs. McCarthy.

H.R. 2715: Mrs. Maloney, Mr. Grijalva, Mr. Serrano, Ms. Moore of Wisconsin, Mr. Jackson of Illinois, Ms. Loretta Sanchez of California, Mr. Markey, Mr. Farr, Mr. Udall of New Mexico, Mr. McGovern, and Ms. Woolsey.

H.R. 2808: Mr. Brady of Pennsylvania and Mr. Hinchey.

H.R. 2812: Mr. Brady of Pennsylvania.

H.R. 2861: Mr. Jenkins.

H.R. 2989: Mr. Matheson and Mr. Barrow.

H.R. 3006: Ms. McCollum of Minnesota.

H.R. 3095: Mr. Goode.

H.R. 3096: Mr. Larsen of Washington.

H.R. 3101: Mr. McHugh.

H.R. 3127: Mr. Meehan, Mr. Davis of Kentucky, Mr. DeFazio, Mr. Issa, Mr. Gordon, Mr. Kennedy of Rhode Island, and Mr. Nadler.

H.R. 3137: Mr. Shaw and Mr. Hunter.

H.R. 3145: Mrs. Johnson of Connecticut, Mr. Payne, Mr. McHugh, and Mr. Frank of Massachusetts.

H.R. 3147: Mr. LaHood.

H.R. 3189: Mr. Pitts.

H.R. 3301: Mr. Doyle, Mr. Sodrel, and Ms. Pryce of Ohio.

H.R. 3317: Mrs. Musgrave.

H.R. 3385: Mr. Tom Davis of Virginia.

H.R. 3476: Mr. Ruppersberger and Mr. Frank of Massachusetts.

H.R. 3479: Mr. Payne.

H.R. 3505: Mr. Carnahan.

H.R. 3532: Mrs. Miller of Michigan.

H.R. 3552: Mr. Leach.

H.R. 3607: Mr. Kuhl of New York.

H.R. 3630: Mrs. McCarthy and Mr. Ruppersberger.

H.R. 3753: Mr. Davis of Kentucky.

H.R. 3774: Mr. George Miller of California.

H.R. 3795: Mr. Taylor of Mississippi and Mr. Stark.

H.R. 3852: Mrs. Christensen, Ms. Watson, and Mrs. McCarthy.

H.R. 3931: Mr. Cleaver and Mr. Frelinghuysen.

H.R. 3943: Mr. Goodlatte and Mr. Calvert.

H.R. 3948: Ms. McCollum of Minnesota and Mr. Taylor of Mississippi.

H.R. 3950: Mr. McDermott.

H.R. 3957: Mr. Marshall and Mrs. Napolitano.

H.R. 3968: Mr. Frank of Massachusetts.

H.R. 3973: Mr. Leach.

H.R. 3987: Mr. Sessions.

H.R. 3997: Mr. Renzi.

H.R. 4005: Mr. Holden, Mr. Gordon, and Mr. Bishop of Georgia.

H.R. 4030: Ms. Bordallo.

H.R. 4032: Mr. Gingrey, Mr. Jones of North Carolina, Mr. Alexander, Mr. Royce, Mr. Calvert, and Mr. McKeon.

H.R. 4033: Mr. Skelton.

H.R. 4036: Mr. Strickland.

H.R. 4049: Mr. Filner.

H.R. 4073: Mr. Simmons, Mr. Conyers, Mr. Van Hollen, and Mr. Rush.

H.R. 4078: Mrs. Bono, Mr. Shimkus, Mr. Burgess, Mr. Pickering, Mr. Upton, Mr. Ferguson, Mr. Rogers of Michigan, and Mr. Walden of Oregon.

H.R. 4083: Mr. Wamp, Mr. Akin, Mr. Pitts, Mr. Bartlett of Maryland, Mr. Westmoreland, Mr. Price of Georgia, Mr. Franks of Arizona, Mr. Issa, Mr. Forbes, and Mr. Miller of Florida.

H.R. 4099: Mr. Poe, and Mr. Duncan.

H.R. 4126: Mr. Leach.

H.R. 4145: Mr. Kolbe, Mr. Moore of Kansas, Mr. Baca, Mr. Becerra, Mr. Hinojosa, Mr. Pastor, Mr. Salazar, Ms. Solis, Mr. Cardoza, Mr. Costa, Ms. Loretta Sanchez of California, and Mr. Gordon.

H.R. 4157: Mr. Ehlers.

H.R. 4158: Mr. Blumenauer.

H.R. 4163: Mr. Wicker.

H.R. 4167: Mr. Cooper, Mrs. Johnson of Connecticut, Mr. Hastings of Washington, Ms. Ginny Brown-Waite of Florida, Mr. Bishop of Utah, Mr. LoBiondo, Mr. Shaw, Mr. Murphy, Mr. Walden of Oregon, Mr. McHenry, Mr. Platts, Mr. Ryan of Wisconsin, and Mrs. Myrick.

H.R. 4179: Mr. Chandler and Mr. Pomeroy.

H.R. 4190: Mr. Baca, Mr. Sanders, and Ms. Schakowsky.

H.R. 4196: Mr. Oberstar, Mr. Serrano, and Mr. Lantos.

H.J. Res. 38: Mr. Sweeney.

H.J. Res. 70: Mr. Crowley, Mr. Farr, Mr. Larson of Connecticut, and Ms. DeGette.

H. Con. Res. 10: Mr. Smith of Washington.

H. Con. Res. 42: Mr. Cannon.

H. Con. Res. 106: Mr. Feeney.

H. Con. Res. 137: Mr. Sherman.

H. Con. Res. 190: Mr. Scott of Georgia.

H. Con. Res. 230: Mrs. Maloney, Mr. Upton, Mr. Walsh, Ms. Pryce of Ohio, Ms. Roybal-Allard, Mr. Smith of Washington, Mr. Reynolds, Mr. Otter, and Mr. Tom Davis of Virginia.

H. Con. Res. 260: Mr. Udall of Colorado and Mr. Lipinski.

H. Con. Res. 278: Mr. Clay, Ms. Schwartz of Pennsylvania, Mr. Cleaver, Mr. Thompson of California, Ms. Jackson-Lee of Texas, Mr. Ross, Mr. Pomeroy, Mr. Price of North Carolina, Mr. Ehlers, Mr. Chandler, Mr. McDermott, Mr. Owens, Mrs. McCarthy, and Mr. Manzullo.

H. Con. Res. 287: Mr. Berman, Mr. Baca, Mr. McNulty, Mr. Brady of Pennsylvania, Mr. Lantos, Mr. Davis of Alabama, Mr. Cleaver, and Mr. Taylor of Mississippi.

H. Con. Res. 289: Mr. McDermott, Mr. Farr, Ms. Lee, Mr. Doggett, Mr. Smith of Washington, Mr. Grijalva, Mr. Van Hollen, Mr. Brown of Ohio, Mr. Evans, Ms. Bean, Mr. Wolf, Mr. Conyers, Ms. Harman, Mr. Blumenauer, Mr. Wexler, Mr. Case, Ms. Carson, Mr. McIntyre, Mr. Hinchey, and Ms. Eddie Bernice Johnson of Texas.

H. Res. 123: Mrs. McCarthy.

H. Res. 215: Mr. DOOLITTLE and Mrs. JO ANN DAVIS of Virginia.

H. Res. 223: Mr. DAVIS of Florida, Mr. SCHIFF, Ms. LEE, Mr. PAYNE, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 371: Mrs. MUSGRAVE.

H. Res. 438: Mr. SCOTT of Georgia, Mr. RUPPERSBERGER, Ms. HERSETH, and Mr. ACKERMAN.

H. Res. 466: Mr. SCHIFF.

H. Res. 472: Ms. PELOSI.

H. Res. 477: Mr. ACKERMAN and Ms. WASSERMAN SCHULTZ.

H. Res. 487: Mr. COSTA, Mr. NUNES, Mr. REICHERT, Mr. FOSSELLA, and Mr. SCHIFF.

H. Res. 498: Mr. UDALL of Colorado.

H. Res. 504: Mr. EHLERS, Mr. PITTS, and Mr. BURTON of Indiana.

H. Res. 505: Mr. DAVIS of Illinois, Ms. MCKINNEY, Mr. FILNER, Mr. STARK, Ms. KAPTUR, Mr. MEEKS of New York, Mr. ALLEN, Mr. PRICE of North Carolina, Mr. BROWN of Ohio, Ms. SCHWARTZ of Pennsylvania, and Mr. BISHOP of New York.

H. Res. 517: Mr. SMITH of Washington, Mr. MEEKS of New York, and Mr. BOEHLERT.

H. Res. 526: Mr. MENENDEZ and Mr. GRIJALVA.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4011: Mr. TOWNS.

EXTENSIONS OF REMARKS

RECOGNIZING GENEVIEVE ROSKEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, I proudly ask you to join me in recognizing Genevieve Roskey of Saint Joseph, MO. Genevieve celebrated her 90th birthday on August 4 of this month, and it is my privilege to offer her my warmest regards on achieving this important milestone. Genevieve is a fine citizen of Missouri and the St. Joseph community. It is an honor to represent Genevieve in the United States Congress, and I wish her all the best on this birthday and many more in the future.

RECOGNIZING DR. ROBERT J. DILLMAN ON THE OCCASION OF HIS BEING NAMED "BUSINESSPERSON OF THE YEAR" BY THE POCONO MOUNTAINS CHAMBER OF COMMERCE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Dr. Robert J. Dillman, president of East Stroudsburg University of Pennsylvania, on the occasion of his being named "Businessperson of the Year" by the Pocono Mountains Chamber of Commerce.

Dr. Dillman is the 12th president of East Stroudsburg University and has served in that capacity since July, 1996.

Since then, he has initiated ambitious and innovative academic and economic development projects that have made a profound impact on the university and on the quality of life and economic revitalization of the region.

During Dr. Dillman's tenure, ESU has become the first university in the United States to offer an undergraduate degree in computer security.

At his direction, the university established an award-winning "Business Accelerator" that focuses on encouraging economic development and entrepreneurial endeavors in the region and has been successful in generating nearly 100 highly skilled jobs in Monroe County.

Dr. Dillman initiated and is leading the planning for the creation of a world class Science and Technology Center on campus.

Dr. Dillman has also partnered with the Pocono Record newspaper to develop a Jazzmasters and Broadway Series which was held for 4 consecutive years.

Under Dr. Dillman's direction, ESU has added a new graduate degree program, "Masters in Management and Leadership." He also oversaw the creation of the Center for Research and Economic Development in 1999.

In recognition of his efforts in community development, workforce training, entrepreneurship and innovation, Dr. Dillman received the Ben Franklin Technology Partners Special Recognition Award in 2004.

Under his leadership, university enrollment has steadily increased. Undergraduate enrollment has risen 20 percent while graduate enrollment climbed 33 percent since 1996. And, just this year, Dr. Dillman oversaw the opening of University Ridge Apartments, a new complex that houses 541 students. Dr. Dillman also guided work that produced a new Admissions Welcome Center, Student Recreation Center, Alumni Center and an Enrollment Services Center.

Mr. Speaker, please join me in congratulating Dr. Dillman on this occasion. His work at East Stroudsburg University demonstrates that he is more than deserving of the "Businessperson of the Year Award." The entire Pocono Mountain community has been enriched by his efforts and it is fitting that he is honored in this way.

IN HONOR AND RECOGNITION OF JAMES D. QUISENBERRY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of James D. Quisenberry of Lakewood, OH, upon his induction into the Ohio Veterans Hall of Fame, Class of 2005.

Mr. Quisenberry was one of twenty inductees selected by a 13-member executive committee comprised of veteran leaders from throughout Ohio. He is a highly decorated veteran, and has infused an unwavering sense of integrity, spirit, courage and energy into all personal and professional endeavors.

For the past 18 years, Mr. Quisenberry has been an active volunteer with the March of Dimes, and his vital outreach as a sponsor and counselor with Alcoholics Anonymous has uplifted the lives of countless individuals and families throughout our community. He also served for many years as a Boy Scout Leader. Mr. Quisenberry was instrumental in establishing the "Greater Cleveland Veterans Memorial," and has reflected an ongoing spirit of volunteerism and leadership roles with numerous veterans and civic organizations. He is the current president of the Memorial Day Association of Greater Cleveland, which organizes the placement of flags on graves of veterans at Holy Cross Cemetery.

Mr. Speaker and colleagues, please join me in honor and recognition of James D. Quisenberry, upon his induction into the Ohio Veterans Hall of Fame. Mr. Quisenberry's unwavering commitment to his family, community and country, continues to enrich our community and our entire Nation.

IN HONOR AND MEMORY OF SPECIALIST KENDELL K. FREDERICK

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to honor Specialist Kendell K. Frederick who died the 19th of October 2005 in support of Operation Iraqi Freedom.

Frederick, a mechanic working on power generators, was killed outside of Tikrit, Iraq. He died of serious injuries when a roadside-improvised explosive device detonated near the military vehicle which he was driving.

Frederick, a native of Randallstown, Maryland was an Army Reservist assigned to Headquarters Company, 983rd Engineer Battalion in Monclova, OH.

The Randallstown High School Alumni is succeeded by his father, Peter Ramsahai, his mother, Michelle Murphy, his stepfather, Kenmore Murphy, his two sisters, and his brother.

Mr. Speaker, today I ask that you join with me in honoring the life of a man truly dedicated to serving his country.

RECOGNIZING THOMAS AND DORIS BOYCE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize two outstanding citizens of Missouri's Sixth Congressional District: Rev. and Mrs. Thomas W. Boyce of Blue Springs, MO. Thomas and Doris will celebrate their 50th wedding anniversary on August 21, 2005.

Mr. Speaker, I proudly ask you to join me in congratulating Reverend and Mrs. Boyce. Thomas and Doris Boyce have set an outstanding example for all of us to follow. Their marriage of 50 years truly exemplifies the qualities of commitment and dedication, and I am honored to represent them in the United States Congress.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING CHUCK NICLAUS AS HE IS NAMED "CITIZEN OF THE YEAR" BY THE POCONO MOUNTAINS CHAMBER OF COMMERCE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Chuck Niclaus, president of Niclaus Engineering Corporation in Stroudsburg, PA, on the occasion of being named "Citizen of the Year" by the Pocono Mountains Chamber of Commerce.

Mr. Niclaus has been engaged in the engineering field for more than 28 years. His expertise includes civil engineering, land development, environmental sciences and surveying.

Extremely active in his community, Mr. Niclaus served as United Way Campaign Chairman in 2004 and has served as a member of the United Way's board of directors. He is a past president of the Rotary Club of Stroudsburg and he served on the board of directors of the Pocono Mountain Chamber of Commerce.

He is a past president and member of the board of directors of the Slate Belt Chamber of Commerce and is a past vice president of the Bangor Lions Club.

Mr. Niclaus received the United Way President's and Clifford E. Gilliam Awards in 2004 and the Paul Harris Fellow Award from Rotary International in 2003. He was named Rotarian of the Year in 1999.

Mr. Niclaus is a member of many professional associations including the American Society of Civil Engineers, the Environmental Assessment Association and the National Association of Environmental Professionals.

He has also been an active youth baseball and soccer coach.

Having graduated from the New Jersey Institute of Technology, Mr. Niclaus received his professional engineering licenses in New Jersey and Pennsylvania and possesses operator certificates for wastewater and water systems from the Pennsylvania Department of Environmental Protection.

Mr. Niclaus resides with his wife, Maureen, their three daughters, Erin, Mary and Elizabeth and their son, Tim.

Mr. Speaker, please join me in congratulating Mr. Niclaus at this time. His professional and community commitment speaks well of his desire to make the Stroudsburg area and the region surrounding it a better place to live and raise families. The recognition associated with being named "Citizen of the Year" by the Pocono Mountains Chamber of Commerce is well deserved.

IN HONOR AND RECOGNITION OF MARSHALL W. BUSEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of Marshall W. Busey of Cleveland, OH, upon his induction into the Ohio Veterans Hall of Fame, Class of 2005.

Mr. Busey was one of 20 inductees selected by a 13-member executive committee comprised of veteran leaders from throughout Ohio. He served our country as a member of the United States Army with honor, bravery and integrity, qualities he continues to bring to all personal, civic and professional endeavors within his life.

Mr. Busey's unwavering service to the veterans of our community has served to uplift the lives of countless veterans and their families. He led the effort to raise funds to purchase a 32-foot motor home converted for use by VA patients. He is President of the Memorial Day Association of Cuyahoga County and was Past President of the Greater Cleveland Veterans' Council. For 39 years, he served as the Sergeant of the Memorial Day "Rough Riders Firing Squad" and as the City of Cleveland Memorial Day Color Guard Sergeant for 14 years. Mr. Busey is an active member of the American Legion and was honored as the Legionnaire of the Year in 1975 and 1976. His service to others extends throughout the community, where he is active in raising funds for many charitable organizations.

Mr. Speaker and colleagues, please join me in honor and recognition of Marshall W. Busey, upon his induction into the Ohio Veterans Hall of Fame. Mr. Busey's honorable and dedicated service to his family, community and to our Nation serves to strengthen and give hope to the members of our community, thereby strengthening our entire Nation.

IN HONOR AND MEMORY OF SERGEANT BRIAN R. CONNER

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to honor and remember a man who devoted his life to keeping the citizens of the United States safe.

Sergeant Brian R. Conner of Baltimore, MD died on the 14th of October in the year 2005 in support of Operation Iraqi Freedom. Conner's death in Al Taji, Iraq occurred when a tractor trailer rear-ended the vehicle in which he and two other Maryland Guardsmen were riding. The weapons they carried as part of convoy operations were detonated upon impact.

Conner's unit in the Maryland National Guard's 243d Engineer Company was activated for duty in June and they left for Kuwait in August.

Not only did Conner serve his country through the Armed Forces, but he also served as a Lieutenant with the Baltimore City Fire Department.

His colleagues there remember him as a well-respected firefighter and a good friend. Conner was the proud father of three daughters and a devoted and loving brother and son.

Mr. Speaker, I ask you to join with me today to honor Sergeant Brian R. Conner for the dedication he has shown to his family, friends and the American people.

RECOGNIZES WORLD WAR II VETERANS OF PASCO COUNTY, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize the brave soldiers of Pasco County, FL who served during World War II.

At a ceremony to be held Saturday, November 12, 2005, I will present representatives from each of the five United States Armed Forces with commemorative coins honoring their service during World War II.

As General George Patton once said, "Wars maybe fought with weapons, but they are won by men. It is the spirit of the men who follow and of the man who leads that gains the victory."

The Pasco County veterans we are honoring this weekend clearly met General Patton's description above. They proved themselves in battle in Europe, Africa and the Far East. Their sacrifices on the battlefield preserved liberty and freedom for millions throughout the world.

Mr. Speaker, true American heroes like these Pasco County World War II veterans should be honored for their service to our Nation and for their commitment and sacrifices in battle. They are truly part of America's greatest generation.

RECOGNIZING REID M. MASON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Reid M. Mason of Kansas City, MO, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 301, and in earning the most prestigious award of Eagle Scout.

Reid has been very active with his troop, participating in many scout activities and earning numerous merit badges. Reid began scouting as a Tiger Cub, advanced to Bobcat, Wolf, Bear, and Webelo before joining the Boy Scouts in 2002, where he advanced to Scout, Tenderfoot, 2nd class, 1st class, Star, Life, and finally, Eagle Scout.

For his Eagle Scout project, Reid turned a series of small rooms and closets at First Baptist Church in North Kansas City, MO into a large, functional youth area.

Outside of scouting, Reid is a sophomore at North Kansas City High School, where he is active in the marching band, symphonic band, theater, swing choir, basketball, baseball, and the International Baccalaureate program. Reid is also active in his youth group at First Baptist Church and plays guitar in the youth worship band. Somehow he also finds time to play summer baseball, work toward his black belt in Hapkido, and take piano lessons.

Mr. Speaker, I proudly ask you to join me in commending Reid M. Mason for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING DAMIAN BRAGA AS HE RECEIVES THE CHAIRMAN'S BUSINESS AWARD FROM THE POCONO MOUNTAINS CHAMBER OF COMMERCE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Damian A. Braga, president of Sanofi Pasteur US, located in Swiftwater, Monroe County, PA.

Mr. Braga has been named the recipient of the Pocono Mountains Chamber of Commerce "Chairman's Business Award."

Mr. Braga is head of the sole U.S.-based manufacturer of injectable influenza vaccines and other critical immunization products which, last year alone, protected more than 500 million people worldwide.

Responsible for operations nationwide, Mr. Braga oversees more than $1.5 billion in revenue at Sanofi Pasteur in Swiftwater and has played a vital role in global strategic planning and implementation.

Mr. Braga joined the company in 1988 and moved seamlessly through senior level positions, ultimately reaching the top of the U.S. organization.

Well known for his ability to assess challenging issues and identify achievable solutions, Mr. Braga puts strong emphasis on working with organizations that promote the importance of vaccines, encourage economic growth and assist those in need on both a national and state level. Toward that end, Mr. Braga serves as representative of the Pharmaceutical Research and Manufacturers of America for the Center for Disease Control's advisory committee on immunization practices. He is also a member of the executive committee of the Pennsylvania Business Roundtable and the state Advisory Council for the Pennsylvania Academy of Science.

Mr. Braga also remains active in the Pocono community. He and Sanofi Pasteur actively support the Pocono Services for Families and Children. A proponent of educational initiatives, Mr. Braga also serves as a member of Northampton Community College's Foundation Board and East Stroudsburg University's board of directors for the Center for Research and Economic Development.

Mr. Speaker, please join me in congratulating Mr. Braga on the receipt of this honor. Mr. Braga and Sanofi Pasteur continually demonstrate how business should contribute to the greater community through a spirit of commitment and service.

IN HONOR AND RECOGNITION OF JOHN J. NICASTRO, SR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of John J. Nicastro, Sr., upon his induction into the Ohio Veterans Hall of Fame, Class of 2005.

Mr. Nicastro was one of twenty inductees selected by a 13-member executive committee comprised of veteran leaders from throughout Ohio. Mr. Nicastro holds the distinction as being one of the youngest Commission Combat Officers in the United States Air Force. By age 19, he had risen up the military ranks to Second Lieutenant. His assignment with the 8th Army Air Force, 303rd Heavy Bomb Group, known as the Hell's Angels, took him to the European Theater of Operations, where his exemplary service included the successful completion of 35 combat missions.

Following his service in WWII, Mr. Nicastro became an installer with the Ohio Bell Telephone Company. Like his service in the military, he ascended the corporate ladder, attaining the position of Account Executive. During his tenure at Ohio Bell, Mr. Nicastro led the effort to upgrade communication systems throughout the county, including the implementation of the 911 emergency calling system. Aside from his professional career, Mr. Nicastro continues to reflect a life-long focus on service to his community. He served as a member of the Independence City Council for sixteen years, served as President of the Independence Board of Education, and has held numerous leadership positions in veterans and civic organizations. Mr. Nicastro was awarded the Legion of Honor Award for his forty-five years of exemplary service with Kiwanis International of Independence, OH.

Mr. Speaker and colleagues, please join me in honor and recognition of John J. Nicastro, Sr., as he is inducted into the Ohio Veterans Hall of Fame. Mr. Nicastro's significant contribution to his country, and his focused dedication on family and community, continue to strengthen and uplift our community and our Nation.

RECOGNIZING THE OUTSTANDING EFFORTS OF ABERDEEN TEST CENTER

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to commend the significant contributions of Aberdeen Test Center (ATC) located in Aberdeen, MD, for their outstanding efforts to protect American troops.

In August of 2003, the M1 tanks moving toward Baghdad were assailed by Rocket Propelled Grenades (RPG). This situation highlighted a potential vulnerability to the Abram M1 fleet of tanks.

Based on this concern, ATC was requested to provide modifications to the tanks to remedy the potential vulnerability. ATC employees developed the Slat Armor System designed to address the issue. Because of their diligence and motivation, the modifications were completed in only three days. The efficiency demonstrated by ATC enabled the vulnerability to be rectified in less than ten days.

As the initial Stryker brigade prepared to enter combat in Iraq, ATC was again contacted requesting similar modifications to the Strykers, addressing a potential vulnerability to RPGs. These modifications were designed, prototyped and tested in under 10 days for mass production and fielding. Each Stryker was outfitted with this slat armor solution prior to entering combat in Iraq.

In the course of one year the Stryker Brigade Commander reported one hundred fifteen incidents of RPG attacks on Stryker vehicles. Because of the modification to the Slat Armor System, there have been no fatalities as a result of these RPG attacks.

Mr. Speaker, please join with me to acknowledge the exceptional work Aberdeen Test Center has done on the Abram M1s and Strykers. The elite attention and enthusiasm shown in this matter has saved the lives of many soldiers fighting the War on Terror.

RECOGNIZING BRIAN KIDWELL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Brian Kidwell, son of Douglas and Teresa Kidwell. Brian will receive his Eagle Award on August 7, 2005 at a Court of Honor in Saint Joseph, MO.

Brian began his scouting career in 1995 as a Tiger Cub. In 1996, he joined Pack 218 and proceeded through the ranks of Bobcat, Wolf, Bear, and Webelo. While a Webelo, Brian earned all the activity badges and the Arrow of Light. He also received a Service Star for five years of active scouting and the God and me award.

Brian became a member of Troop 218 in 2000, where he earned the ranks of Tenderfoot, 2nd Class, 1st Class, Star, Life, and now Eagle. Brian received 27 merit badges, and served in numerous leadership positions including Librarian, Patrol Leader, Chaplain Aide, Troop Guide, and Junior Assistant Scout Master. He is also a Fire Builder in the Tribe of Mic-O-Say.

In June of 2003, Brian and his father Douglas went to Philmont Scout Ranch, where they earned the 50 Miler Award.

Aside from scouting, Brian is a lifetime resident of Country Club Village. He attended John Glenn Elementary School then Savannah Middle School. He is currently a junior at

Savannah High School and has been involved in the Fellowship of Christian Athletes and FFA. He has been on High Honor Roll since 4th grade.

Brian is a member of Faith United Church, Hope Youth Group, and the Sons of the American Legion, which he joined through his late grandfather, Darryle Bartlett.

Mr. Speaker, I proudly ask you to join me in commending Brian Kidwell for his accomplishments with the Boy Scouts of America, and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING ELIZABETH KOSTER AS SHE RECEIVES THE 2005 ATHENA AWARD FROM THE POCONO MOUNTAIN CHAMBER OF COMMERCE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Elizabeth Koster, of Smithfield Township, Monroe County, PA, who was chosen by the Pocono Mountain Chamber of Commerce to receive its 2005 Athena Award.

Mrs. Koster is president and chief executive officer of Fitzmaurice Community Services, Inc., which has been serving the needs of special populations in the Pocono area for 30 years.

Founded by Mrs. Koster's mother, Johanna Fitzmaurice, in 1966, the business strives to crate environments for persons with disabilities that support independence, productivity and inclusion through customized services provided by highly qualified staff personnel.

Mrs. Fitzmaurice died in 1978 but the organization she founded has grown over the years under the leadership and vision of her daughter, Mrs. Koster.

Mrs. Koster graduated from East Stroudsburg University after which she began her career as a teacher and then as an associate at her mother's company, rising to president and CEO following her mother's death.

Today, her company assists hundreds of persons with special needs so they can lead meaningful and productive lives by providing housing, education, recreation and medical services.

Mrs. Koster serves on the boards of directors of the Pocono Mountains Chamber of Commerce, Friends of Eastern Monroe Public Library, Leadership Pocono and the ESU Rehabilitation Services Advisory Council. She is a member of the Kiwanis Club of the Stoudsburgs, advisor for the Kiwanis AKTION Club of Stroudsburg and is past president of the Northeast Providers Association, the Pocono Providers Association and past vice chair of the Mental Retardation Committee for Pennsylvania Community providers Association.

Mr. Speaker, please join me in congratulating Mrs. Koster on this occasion. Athena award winners are chosen on the basis of their professional excellence and service to community. Clearly, Mrs. Koster demonstrates those qualities.

IN HONOR AND RECOGNITION OF MAYNARD W. "DOC" UNGER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of Maynard W. "Doc" Unger of Lakewood, OH, upon his induction into the Ohio Veterans Hall of Fame, Class of 2005.

Mr. Unger is 1 of 20 inductees selected by a 13-member executive committee comprised of veteran leaders from throughout Ohio. Mr. Unger's distinguished service during World War II reflected courage and spirit, and his inner strength and faith guided him through the darkest of times when he was held as a prisoner of war.

Mr. Unger's service to others has continued throughout his life. For 45 years, he volunteered his time to assist and support the youth of our community with the Boy Scouts of America organization. To show their gratitude for his outstanding service, the National Office of the Boy Scouts of America honored him with the International Scouter's Award. Mr. Unger also committed his time as a teacher with the public school program "Growing Healthy Together." For 13 years, he taught students basic health and safety facts, including the significance and long-term impact of healthy eating habits. His lifelong involvement in many civic and veteran organizations includes his tenure as the former State commander of the American Ex-Prisoners of War. He was re-elected to the position of State commander in 2005.

Mr. Speaker and colleagues, please join me in honor and recognition of Maynard W. "Doc" Unger, upon his induction into the Ohio Veterans Hall of Fame. Mr. Unger's lifelong service to his country, community and family enhances the lives of all of us and underscores the true meaning of the words United States citizen.

MILITARY ORDER OF THE PURPLE HEART SUPPORTS COMPREHENSIVE ASSISTANCE FOR VETERANS EXPOSED TO TRAUMATIC STRESSORS ACT OF 2005, H.R. 1588

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. EVANS. Mr. Speaker, the Military Order of the Purple Heart, whose membership is comprised entirely of combat wounded veterans, fully supports H.R. 1588, which is a comprehensive approach to addressing the mental health needs of service members exposed to combat, including those members of our Armed Forces now serving in Iraq and Afghanistan.

A recent Army survey found that about 28 percent of Iraq veterans—about 50,000 servicemembers in this year alone—returned home with problems from lingering battle wounds to toothaches, from suicidal thoughts to strained marriages. Almost 1,700 servicemembers returning from the battlefield this year had thoughts of hurting themselves or that they would be better off dead. If left undiagnosed and untreated, post-traumatic stress disorder, PTSD, can lead to suicide.

Last year, the New England Journal of Medicine published research that found 15 to 17 percent of front-line troops suffered depression, anxiety or PTSD.

As the MOPH letter states, "We have learned from past wars that the injuries to military members do not stop on the battlefield but may manifest themselves months or years afterward. America must be there to help the healing process. H.R. 1588 would accomplish this goal."

I ask that the letter from the Military Order of the Purple Heart be included in the RECORD.

MILITARY ORDER OF THE
PURPLE HEART,
Springfield, VA, November 1, 2005.

Hon. LANE EVANS,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN EVANS: On behalf of the membership of the Military Order of the Purple Heart (MOPH), whose membership is comprised entirely of combat wounded veterans, I write to pledge our unequivocal support of H.R. 1588 the "Comprehensive Assistance for Veterans Exposed to Traumatic Stressors Act of 2005".

At a time when our military men and women are engaged in the war on terrorism this act is most appropriate. We have learned from past wars that the injuries to military members do not stop on the battlefield but may manifest themselves months or years afterward. America must be there to help the healing process. H.R. 1588 would help accomplish this goal.

You may count on the MOPH in anyway possible to ensure that this legislation becomes law.

Respectfully,
JAMES D. RANDLES,
National Commander.

RECOGNIZING BURL AND JURLINE BARKER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize two outstanding citizens of Missouri. Burl and Jurline Barker of Mount Vernon, MO celebrated their 60th wedding anniversary on June 10, 2005.

Mr. Speaker, I proudly ask you to join me in congratulating Mr. and Mrs. Barker. Burl and Jurline have set an outstanding example for all of us to follow. Their marriage of 60 years truly exemplifies the qualities of commitment and dedication.

CONGRATULATING JOHANNA WEAVER AS SHE IS NAMED "HUMANITARIAN OF THE YEAR" BY THE POCONO MOUNTAINS CHAMBER OF COMMERCE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise to pay tribute to Johanna Weaver, of Monroe County, PA, on the occasion of her being named "Humanitarian of the Year" by the Pocono Mountains Chamber of Commerce.

Mrs. Weaver served as executive director of Pocono Services for Families and Children for more than 33 years before her retirement last August.

Over the years, she has distinguished herself as a community leader, volunteer and mentor to children.

She has served the Monroe County Children and Youth Advisory Board, Habitat for Humanity Advisory Board, Drug and Alcohol Prevention Juvenile Task Force, Monroe County Job Center Task Force, League of Women Voters, United Way, Monroe County Association for the Education of Young Children, Welfare Reform Task Force, WNEP–TV Advisory Board, Kiwanis Clubs of the Stroudsburgs, Chamber of Commerce Executive Women's Council and the East Stroudsburg University Women's Center Advisory Board.

On a State and national level, she has served the Head Start program, the National Association for the Education of Young Children and the Pennsylvania Association of Child Care Administrators.

She has also served the East Stroudsburg School District's reading program and was a member of the district's Band, Football and Wrestling Parents Associations.

Mrs. Weaver is married to Michael Weaver, a retired professor from East Stroudsburg University. The couple has two children and three grandchildren.

Mr. Speaker, please join me in congratulating Mrs. Weaver on the occasion of this honor. Her selfless commitment to family and community and, especially, to the welfare of children has enriched the greater Pocono Mountain region. Mrs. Weaver deserves our gratitude and appreciation.

REBUILD LIVES AND FAMILIES RE-ENTRY ENHANCEMENT ACT OF 2005

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. CONYERS. Mr. Speaker, I am pleased to introduce the Rebuild Lives and Families Re-Entry Enhancement Act of 2005. This legislation will be the next important step in establishing policy to help the men and women emerging from our Nation's prisons and jails re-integrate into society and rebuild their lives.

While our national crime rates have fallen over the last decade, we have seen an unprecedented explosion in our prison and jail populations. Over 2 million prisoners are now held in Federal and State prisons and local jails. Each year, approximately 650,000 people return to their communities following a prison or jail sentence, resulting in more than 6.7 million under some form of criminal justice supervision.

Re-entry refers to the return of incarcerated individuals from America's jails and prisons to the community and their re-integration into society. There is a pressing need to provide these individuals with the education and training necessary to obtain and hold onto steady jobs, undergo drug treatment, and get medical and mental health services. However, they are confronted with the "prison after imprisonment"—a plethora of seemingly endless obstacles and impediments which stymie successful re-integration into society. These obstacles have substantially contributed to the historically high rate of recidivism, with two-thirds of returning prisoners having been re-arrested for new crimes within 3 years.

This legislation is designed to assist high-risk, high-need offenders who have served their prison sentences, but who pose the greatest risk of re-offending upon release because they lack the education, job skills, stable family or living arrangements, and the substance abuse treatment and other mental and medical health services they need to successfully re-integrate into society. Title I of the bill reauthorizes and enhances our early adult and juvenile re-entry programs to broaden the availability of critical ex-offender services, while Title II addresses the substantive Federal barriers to successful re-entry. Both titles include provisions requiring that the funded programs be rigorously evaluated and the results widely disseminated, so that re-entry programs can be modified as needed, to ensure that recidivism is reduced and public safety enhanced.

A recent study by Peter D. Hart Research Associates reveals that Americans strongly favor rehabilitation and re-entry programs as the best method of insuring public safety. With this changing paradigm in public opinion, the opportunity is ripe to sensibly reassess the role and impact of criminal justice policies. This legislation translates this emerging public perception into balanced policies and procedures which dismantle the structural impediments to successful re-integration into society.

THE GREATEST GENERATION AUTHOR TOM BROKAW ADDRESSES THE ASSOCIATION OF THE UNITED STATES ARMY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. WOLF. Mr. Speaker, I just had the chance to read the speech given in October by Tom Brokaw, television journalist and former NBC news anchorman and managing editor of "NBC Nightly News with Tom Brokaw," at the Association of the United States Army, AUSA. He was presented with the association's highest award—the Marshall Medal, awarded annually to an individual who has exhibited "selfless service to the United States of America," according to the association.

The AUSA Council of Trustees chose Brokaw to receive the 2005 George Catlett Marshall Medal and recognize him for his lifetime contributions as a journalist, reporter, editor, broadcaster and author. I share his address here and commend to our colleagues the speech by Mr. Brokaw, the author of The Greatest Generation, the story of Americans who came of age during the Great Depression and fought World War II, and went on to build America. I call attention to Mr. Brokaw's observations of the common sacrifices of the Greatest Generation during World War II and the comparison with today, as our men and women in uniform are fighting to defend our freedoms, "we ask too few sacrifices at the civilian level."

> You know in my business, I'm often in settings where they talk about stars. I'm seldom in a setting with so many stars, that have been earned, not just assigned to them by some gossip columnist, and it's a rare honor and a great privilege for me to be with all of you tonight here on the dais and in this great auditorium.
>
> So many people have come up to me to say, on this occasion and others, I love your book. When I set out to write it, I had no idea of the richness of the journey that I was about to embark on. It really began on the 40th anniversary of D–Day, when I went to Normandy for a week to do a documentary about that momentous military landing that really changed the course of history. I thought, we'll have a good time, we'll drink some wine, and maybe we'll drink a lot of wine, and we'll have some good meals, and we'll hear some war stories.
>
> And on the first day of filming, I walked down to the beach, with two men from Big Red One, one of whom went on to earn the Medal of Honor later. One was without legs that he lost in later action. And as I looked at them, I realized that Harry Garton and Gino Merli were the kinds of people that I had known all my life. They were my schoolteachers and ministers, the businessmen for whom I worked. Their wives looked like the mothers of all my friends; they looked like my parents' best friends. They were there in their windbreakers, and as we walked onto Omaha Beach, they paused at their first return and began very softly to remember what it had been like that day.
>
> And within about 20 minutes, I had undergone a transformational experience, the likes of which I had not known as a professional journalist. And their stories, and the stories that I began to collect after that, resonated not just with me, but with this country in a way that I could not have anticipated. Now there have been some who have challenged my declaration that this was the greatest generation. My answer to them is, that's my story, and I'm sticking to it.
>
> But I believe the generation that came of age in the Great Depression, when life was about sacrifice and deprivation, about dropping out of school, not to buy a video game or a car for yourself, but to put food on the table, when sharing meant sharing a pair of shoes or a shirt or a jacket. They didn't double date, they went three and four couples to a car, to a movie that cost a dime, and went back to someone's home at the end of the night to play the piano, and have coffee and cake.
>
> And they never gave up on their country, even though times were difficult, and just

when they were beginning to emerge from those dark days economically, this country summoned them to distant battlefields, across the Atlantic and across the Pacific. And what the British military historian John Keegan has called the greatest single event in the history of mankind—World War II. They fought on six of the seven continents, all the skies, and on all the seas and beneath them as well, and won. Fifty million people had perished, and nations had been realigned, and we were forced to face harsh truths about the cruelties of mankind in the middle of the 20th century.

But they came home from all of that, and they gave us new art and new science and new industry. A number of them continued in the military. Those who did not, did not just lay down their arms and say I've done by share. They went back to their hometowns and their states, and they ran for mayor and the school board and for the church board trustees. They ran for Senator and for Congress, and they ran for President of the United States, and they took their place in the front ranks of public service.

And no one represented their leadership more profoundly, I believe, than the man that you honor here tonight—George Marshall—who I believe is the most single, underappreciated 20th century American, and one of the most underappreciated Americans of all time.

A warrior, a diplomat, and a visionary. And so I am deeply humbled by this award. And for those of you who only know it from one side of the television screen, not the other, let me just confirm what you're thinking—it's not easy for an anchorman to express humility. Let me also say that I'm very pleasantly surprised to know that I'm the first journalist to receive this award.

I have some good news and some bad news for you. Journalists and warriors come from the same DNA. I said this first at the War College, and I thought that the colonels in the audience were going to storm the stage. We like unconventional lives. We can deal with authority, but we know when to bristle about authority. We like living off the land. We like catching the bad guys and holding them up for appropriate punishment. And most of all, we're patriots, who love our country. And the definition of patriotism for me is love your country and always know that it can be better, and that it is the obligation of every citizen to try to make it better, every day.

On these occasions, I like to remind people that I've had the privilege in the last two years, three years especially, of working side by side, night after night, day after day, both in this country and abroad, with three of your best—General Wayne Downing, who is here tonight, General Monty Meigs and General Barry McCaffrey. And I must say as a full blown civilian, it gave me a certain amount of pleasure to say to these four stars, okay men, listen up. We're coming out in 30 seconds, we've got a minute 30 to go—McCaffrey, don't do all the talking, let Meigs in on this for awhile.

And they were thoroughly professional, and it was not only a joy for me to work with them side by side, but it was a great service to this country to have their expertise and their candor and their truth-telling, as the war went on in the early stages, and then after that.

Now it is sometimes an adjustment. During Operation Desert Storm, I was joined at the desk at NBC, night after night, hour after hour, by one of your great, great figures, the late Colonel Harry Summers, who was a real expert on infantry tactics, a plainspoken man, who kept his military bearing even in a television studio. But about the fifth night of the war, at about three o'clock in the morning, we were kind of operating on fumes at this point, and I refuse on those occasions to have a conventional meal; I said just keep sending out plates of fresh food of some kind, that will keep me going; I don't want to get bogged down with dinner; I've got too many other things to worry about.

And finally about the 18th little dish of chopped fruit arrived on my desk, and I couldn't even bear to look at it, and I finally slid it across to Harry Summers. He looked down at it for a long moment and he said, "I don't know what's happened to me. First I let them put hairspray and makeup on me—now I'm eating fresh fruit." But we found a way to get along.

Let me just take a little bit of your time, if I can, to offer some adjurations on the profession that brings you here tonight and our collective place in this society. A few months ago, at a conference of billionaires, moguls, titans, movers and shakers, Monty Meigs arranged for a panel of U.S. Army battalion commanders from Iraq and Afghanistan to present their view of what is happening in their sectors.

It was a dazzling performance by these best and brightest lieutenant colonels. They were energetic, they were articulate, funny, and fully at ease in a roomful of folks who represented a slightly higher pay grade than they did.

They complained, mildly, that their good works and accomplishments had not received enough press attention, and then they engaged in a friendly but pointed exchange with three of us who represented the media at that conference.

Their performance and their bearing represented what I have been encountering for some time in my dealings with the American military in distant battlefields and military bases in this country, away from the constraints of the Pentagon.

The other guests, who represented enormous financial, industrial, social and political strength and power in America, were bedazzled to the point of full immersion infatuation. They rushed to the stage to express their enthusiasm for what they had just heard. They turned to me, and to Tom Friedman of The New York Times and Donald Graham, the publisher of The Washington Post, demanding to know why they had not heard these stories before, why they had not read of the brilliance and the character of line officers in the field.

That night at dinner these four lieutenant colonels were rock stars among groupies, as everyone from Bill Gates at Microsoft and Warren Buffet and Phil Knight of Nike gathered around to continue their adulation, to suggest lecture tours across America, to participate in corporate motivation sessions and to commiserate with them as well about the absence of press coverage.

I was at once amused and determined to use this as an opening to address what I believe is a growing problem in American life. The next day it turns out that I was the guest, the sole interview before the same collection of powerful elites. And I took that opportunity to remind the audience that what they heard the day before, had been, in fact, widely reported, often at great risk—day in and day out—for three years on all the print and electronic news outlets. Perhaps not exactly as the young officers would have liked, but reported nonetheless. And even the officers gave me a sly smile and said you're right on that.

Moreover, for those in the audience who believed that these young battalion commanders were some kind of an elite all-star team handpicked by the Pentagon, I was happy to correct that impression. I told that gathering of moguls and titans, I've met hundreds more like them. They are exceptional officers, but they're not the exception.

Furthermore what they're doing in their commands in Iraq and Afghanistan may be news to you, but it's not news to communities and neighbors of mine in Big Timber, Montana, or in hamlets in South Carolina, or barrios in East Los Angeles or the working class neighborhoods of Detroit, or the small towns of the Great Plains. In those communities, they pay attention, because it is their sons and daughters, and fathers and mothers, who are in harm's way in those distant places.

General Meigs performed an important public service that week in Sun Valley by reminding that audience of the place of the military, not just in our national security considerations, but also in our social and political construct as a nation. Indisputably, this country has the finest military in the history of mankind.

It is a superior force at every measurable level, made up entirely by volunteers, fully integrated ethnically and in terms of gender.

Unfortunately, it's also a military that in too many families, in too many communities and especially in too many corporate suites and boardrooms, country clubs and other gathering places for the elite, it is a military that is out of sight and out of mind. It is separate and distinct from the day-to-day concerns of too many Americans, especially to the elites with their hands on the power. That's not just inappropriate; it is unacceptable and even dangerous to a democratic society.

One of the enduring lessons I have learned from my interest in and association with what I call the greatest generation, is the long-term beneficial effect of an organic relationship between a civilian society and its military.

World War II was obviously a unique undertaking, requiring millions of people in uniform, a re-ordering its civilian priorities and common sacrifices for a common commitment.

I have come to believe that one of the unheralded dividends at the end of the war for America was the maturation, the discipline, the ethos of teamwork young men and women in their 20s brought back to their civilian lives.

Now young Americans who are not in uniform like to say, they're "finding themselves" in their 20s, or they're "exploring other options" in life. The greatest generation found themselves in distant battlefields or in great sea battles, or in dogfights in the air—they found themselves on factory floors or in shipyards, in the daily rationing of meat and gasoline and luxury items.

What they learned in those life-altering experiences, they applied to the building of this country, to the expansion of freedom, and most of all, to the ordering of priority for the common good. And because their experience had been so shared at every level, there was a common appreciation of the place of the military. Now we ask too few sacrifices at the civilian level.

There are the yellow ribbons and the welcome home signs, but for too many Americans those are more ornamental than organic to their own daily lives.

A distinguished American historian wrote recently of our mercenary military conjuring up images of young warriors who are motivated only by paychecks, in effect, contract killers. That's a profoundly erroneous conclusion. It is more widely shared, however, than we may care to acknowledge.

So who's to blame for this schism in our national definition? Ladies and gentlemen I would suggest that we all are.

Our political leaders in both parties are not sufficiently addressing the gap with their constituents. They're not asking their constituents to make even token sacrifices, as a reminder that there is a war underway. They're not encouraging their financial patrons—the special interests that help elect them to office—to take a more active role in implementing a better understanding of the place of the military in our lives and in the world.

Now it's just as well that our military establishment needs to no longer confine itself, by-and-large, to its own culture. It no longer should be as defensive as it can be, when it finds itself under fire.

The media have been too focused on the triumphs and shortcomings on the battlefield, too unimaginative in dealing with the complexities of the military political structure, as well as the manpower, the financial and the policy issues.

No institution in America is as representative of this great immigrant nation with all our varied parts as the military, and we need to be reminded of that on a daily basis.

Too many citizens are willing to assume that defending the country is an assignment best left to someone else, that it's not a personal or family obligation or calling. In the modern culture there are too few people around to challenge that.

No one wants to return to a World War to reclaim a continuing relationship between the civilian population and the military. But neither is it in our national interest to have two populations—one in uniform and one not—with little or no connectivity.

The greatest accomplishment of the greatest generation was not just on the battlefield. It was in the post-war continuation of a commitment to a whole nation, civilian and military, each respectful and mindful of their relationship and role assigned them in advancing the national interests.

It is time for a new generation to re-activate that greatness—in uniform and out.

Then perhaps, when my great, great granddaughter is ready to write her book about our generation, she will be able to say, "They, too, met the test."

RECOGNIZING CODY WAYNE BATES FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Cody Wayne Bates, son of Carol and Terry Bates, of Holt, Missouri. Cody is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and by earning the most prestigious award of Eagle Scout.

Cody has been very active with his troop, participating in many Scout activities. Over the 8 years Cody has been involved with Scouting, he has earned 35 merit badges and held several leadership positions. Cody has served his troop as Assistant Patrol Leader, Chaplain's Aide, Librarian, and Assistant Senior Patrol Leader. Cody is a brave in the Tribe of Mic-o-Say, where he has taken the name "Red Eye Owl," and is also a brotherhood member in the Order of the Arrow. In addition, Cody has earned the World Conservation Award.

For his Eagle Scout project, Cody constructed a fence around 6 air conditioning units at First United Methodist Church to protect the units from damage.

Mr. Speaker, I proudly ask you to join me in commending Cody Wayne Bates for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING DR. JOSEPH AND DR. ROSE MATTIOLI AS THEY ARE AWARDED THE FRANK SCHOELCH COMMUNITY COMMITMENT AWARD FROM THE POCONO MOUNTAINS CHAMBER OF COMMERCE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to my very good friends Dr. Joseph and Dr. Rose Mattioli, of Monroe County, Pennsylvania, who have been honored by the Pocono Mountains Chamber of Commerce as recipients of the Frank Schoelch Community Commitment Award.

Both Mattiolis are graduates of Temple University, which is where they met. Dr. Joseph Mattioli practiced dentistry while Dr. Rose Mattioli pursued a professional career as a podiatrist. Both practiced in Philadelphia for about 10 years before they decided to embark on a complete change of careers.

The Mattiolis were determined to pursue a dream of bringing automobile racing to the New York and Philadelphia regions.

That dream became a reality in 1968 when they opened the Pocono International Raceway at Long Pond in Monroe County. They endured numerous obstacles and hardships during the early days of NASCAR, but they persevered.

Since then, the Mattiolis have developed the track into one of the best in the Nation. Today, that track hosts two NASCAR NEXTEL Cup series events each year. In 2002 they were inducted into the Stock Car Racing Hall of Fame.

Known as the driving force behind the growth of Pocono Raceway, Joe is credited by his peers for his incomparable knowledge of racing, drivers and, above all, people.

Rose is well-known as a gracious lady with an infectious smile. Rose is the "heart" of the Pocono Raceway. She was instrumental in providing an area at Pocono Raceway for religious services for race teams and their families.

Joe is also a strong supporter of countless charitable groups throughout Northeastern Pennsylvania. A veteran of World War II, Dr. Mattioli has been honored for helping the Veterans Coalition and Veterans of the Vietnam War.

Mr. Speaker, please join me in congratulating Drs. Joseph and Rose Mattioli on this happy occasion. It is, indeed, fitting that this couple should be recognized for their community commitment since they have contributed so much to the greater Pocono Mountain community for so long. I am proud to consider them my friends. Pocono Raceway has hosted hundreds of thousands of guests over the years and has been responsible for generating significant amounts of revenue and jobs that have greatly improved the quality of life throughout the region.

CONGRATULATING RUSLAN WERNTZ

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Mr. Ruslan Werntz of Coppell, Texas on his commitment, contribution and success in this year's Discovery Channel Young Scientist Challenge.

In 1999, Discovery created the Discovery Channel Young Scientist Challenge to increase and encourage middle school students' participation in science and math. The DCYSC identifies and honors America's top middle school student who demonstrates the best skills in leadership, teamwork and scientific problem solving. In addition, the ability to be an effective science communicator—a goal that reflects Discovery's philosophy that scientific knowledge is most valuable when it is communicated and shared—is a key component of the judging. More than 9,500 children have entered the DCYSC since its inception. Winners have received more than $500,000 in scholarship awards, Federal Government recognition and participated in science-related trips that have taken them to the far corners of the globe. This year, nearly 75,000 students entered science fairs nationwide. Of those students, only 400 were chosen as semifinalists in the 2005 Discovery Young Scientist Challenge competition. The final 40 came from 19 States and Puerto Rico.

One of those finalists was Ruslan Werntz, a 16-year-old ninth-grader at Coppell High School. Ruslan's project was titled "The Truth and Lies of Blood Glucose Monitoring Systems." During a doctor's visit with his father, a diabetic, the doctor ran a glucometer test with a result of 130. This result concerned Ruslan because a few minutes earlier, his father's home test had read 160. The doctor said that home-use glucometers are not as accurate as the more expensive kind used by physicians. Ruslan wanted to confirm this disparity. For his efforts, Ruslan was awarded the TLC Science of Production Award.

I extend my sincere congratulations to Mr. Ruslan Werntz for his efforts and for receiving this commendable award given by the Discovery Channel Youth Scientist Challenge. His commitment to science and to helping others serves as an inspiration to all.

RECOGNIZING MR. SAM MOORE

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. WHITFIELD. Mr. Speaker, I rise to recognize one of my constituents, Mr. Sam Moore of Butler, Kentucky. Mr. Moore has been actively involved in agriculture in my Congressional District serving as a member of the Kentucky Farm Bureau Federation Board of Directors for the last 30 years. I have known Mr. Moore for several years and have found him to be a man of incredible integrity who is devoted to helping others. He is an active member of the community as well as a forceful leader in the agriculture field.

Mr. Moore hails from Butler County, where he farms more than 4,300 acres producing corn, soybeans, and wheat. He and his wife, Helen, have 6 children that frequently contribute to the family farm, teaching them time-honored values of hard work and respect for the farmer. While Mr. Moore has been active in production agriculture, he has also been involved with many other important agri-businesses making him an incredible asset to his community. He is the recipient of numerous awards, having been recognized as the Outstanding Young Farmer by the Kentucky Jaycees in 1973 as well as being named the 2003 Man of the Year In Kentucky Agriculture by Progressive Farmer Magazine. He has also been very active in the American Farm Bureau, the American Soybean Association, the Kentucky Beef Cattle Association, and the Kentucky Corn Grower's Association.

Because Mr. Moore will soon retire from his tenure as President of the Kentucky Farm Bureau, I would like to recognize his service at the Bureau and his dedication to improving agricultural interests in my home State. Without his personal connections with many influential agriculture leaders, not to mention his tireless efforts on behalf of farmers in the Commonwealth, Kentucky would not be excelling in this industry. I am sure the Kentucky Farm Bureau is sorry to see him leave, but I am confident that Mr. Moore will continue to stay active and be relied upon as a leader for Kentucky farming for many years to come.

RECOGNIZING DANE K. HAGEN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Dane K. Hagen, son of Susan and Mike Hagen, of Kearney, Missouri. Dane is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and by earning the most prestigious award of Eagle Scout.

Dane has been very active with his troop, participating in many Scout activities. Over the 8 years Dane has been involved with Scouting, he has earned 39 merit badges and held several leadership positions. Dane has served his troop as Patrol Leader, Quartermaster, Troop Bugler, and Senior Patrol Leader. Dane is a brave in the Tribe of Mic-o-Say, where he has taken the name "Mighty Wolf Stalking Prey," and is also a brotherhood member in the Order of the Arrow. In addition, Dane has earned the God and Church Award, World Conservation Award, Eagle Bronze Palm, and H. Roe Bartle Heritage Award.

For his Eagle Scout project, Dane constructed a fence around the City of Kearney's water tower and variform pump house, and planted evergreens and shrubbery around the new fence.

Mr. Speaker, I proudly ask you to join me in commending Dane K. Hagen for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING ANTHONY PECONE AS HE RETIRES AS PENNSYLVANIA STATE DIRECTOR OF THE U.S. ECONOMIC DEVELOPMENT ADMINISTRATION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Anthony Pecone who is retiring as Pennsylvania State director of the U.S. Economic Development Administration following 39 years of service with the agency.

Mr. Pecone has had a distinguished career and has guided the investment of nearly $2 billion in Federal funding throughout the Commonwealth of Pennsylvania, which has had the effect of creating or retaining tens of thousands of jobs.

Mr. Pecone came to the EDA after 11 years of working in the private sector, 2 years of service with the U.S. Army in Germany, 9 months with the Central Intelligence Agency and 16 months with the National Aeronautics and Space Administration's Goddard Space Flight Center.

As State director of the EDA, Mr. Pecone was an invaluable ally for local communities and economic development organizations, guiding them through the economic development process for planning, technical assistance, business loans, construction and special programs for assistance related to natural disasters, base closings and severe industrial dislocations or curtailments.

Noteworthy Pennsylvania EDA investments achieved during his tenure include brownfield restorations, creation of a statewide revolving loan fund, base closing assistance, restoration of areas impacted by hurricanes and tornadoes, construction of several technology incubators, workforce development initiatives, construction of many industrial, business and commercial parks, initiatives to combat the effects of job losses in the coal and steel industries and construction of roads, sewage and water systems and bridges.

More than 30 years have passed since I first met Tony during the aftermath of Hurricane Agnes, which devastated the Wilkes-Barre area in 1972. His can-do spirit and practical approach to stimulating economic activity shaped my overall impression of the EDA and made me a life-long fan of both Tony and his agency. Always courteous, Tony was also tough and fair in his determination of which projects were worthy of Federal funds. Every applicant seeking EDA funds learned to expect hard questions but also wise guidance as Tony worked to make sure that every EDA project was a successful project. Although few of them know his name or even the name of his agency, thousands of Pennsylvanians have jobs because of Tony's hard work. He will be missed.

Mr. Speaker, please join me in congratulating Mr. Pecone upon the completion of a career that has helped so many people achieve a better quality of life. Mr. Pecone's singular dedication to improving communities deserves special recognition and I am pleased to be able to enter a tribute to him in the CONGRESSIONAL RECORD.

THANKING AMERICA'S DIPLOMATS FOR SUKKOT ASSISTANCE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. ACKERMAN. Mr. Speaker, I rise to express my sincere thanks to the men and women of our Embassy in Egypt and, particularly, to Ambassador Francis J. Ricciardone. I also want to commend Assistant Secretary David Welch, Deputy Assistant Secretary Liz Dibble and a host of their colleagues in the State Department's Bureau of Near Eastern Affairs. I am pleased to report to the House that through vigorous behind-the-scenes engagement with the Government of Egypt, America's diplomats made a critical difference for millions of Jews across America and around the world celebrating the Jewish holiday Sukkot.

Mr. Speaker, earlier this month, I began to receive reports that merchants purchasing the palm fronds used for ritual celebrations of the holiday, were discovering that their historic supply in Egypt was in jeopardy. In previous years, Egyptian palms had provided the overwhelming proportion of the roughly one million palm fronds used for the holiday. As commanded in the Bible, Jews celebrate Sukkot with "the four species"—a lulav, composed of palm, myrtle, and willow branches, and a citron, an aromatic but inedible citrus fruit called an etrog—that are used to sanctify the holiday.

This year, however, Egyptian agriculture officials, reportedly concerned about the health of Egypt's orchards of date palms, ordered a cessation of the harvest and export of palm fronds expected by Jewish communities around the world.

For those unfamiliar with the holiday, a sudden palm frond shortage may have seemed a bit odd, if not downright absurd. I would compare it, however, to a situation where 2 weeks before Christmas, people began to suddenly discover that there were no Christmas trees available for sale, or that those few trees on the market were undersized, illegally cut and only available for triple the normal price.

I am proud to say that once informed of the situation, our diplomats acted swiftly, speaking forcefully on behalf of the entire United States and drawing upon the strong and deep ties between our government and Egypt's. Again and again over a 2 week period, our diplomats pressed officials in the Egyptian government to increase the number of cuttings available and to ensure their successful export. And here, I also want to express my thanks to Egypt's ambassador, Nabil Fahmy and his staff at the Egyptian embassy for their very important role in conveying the seriousness of this problem to their colleagues in Cairo.

In the end, I believe there was enough. The Egyptian government heard our concerns and did the best it could to accommodate our needs. Ultimately, I'm told the restrictions on cuttings were effectively lifted in the last hours. There were shortages in some places, some people had to pay more than usual, and more people had to share than in years past, but no one, to my knowledge, was unable to fulfill the religious requirements of the holiday.

Mr. Speaker, the week-long festival of Sukkot celebrates the fall harvest and is often referred to in Hebrew as z'man simchataynu, "the season of our rejoicing." I can tell you, there would have been a lot less rejoicing absent a lot of hard work by America's diplomats. I know the whole House will join me in thanking them for this extraordinary effort.

RECOGNIZING CHRISTOPHER B. HEARNE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Christopher B. Hearne, son of Sue and Jerry Hearne, of Kearney, MO. Chris is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and by earning the most prestigious award of Eagle Scout.

Chris has been very active with his troop, participating in many Scout activities. Over the 8 years Chris has been involved with scouting, he has earned 36 merit badges and held several leadership positions. Chris has served his troop as patrol leader, librarian, chaplain's aide, and den chief. Chris is a brave in the tribe of Mic-o-Say, where he has taken the name "Last Son of Silent Snow Goose." In addition, Chris has earned the World Conservation Award, H. Roe Bartle Heritage Award, and Mile Swim Award.

For his Eagle Scout project, Chris removed litter and rubbish from the half-mile entry road into Kearney's Mack Porter Park. He also constructed "No Littering" signs along the road.

Mr. Speaker, I proudly ask you to join me in commending Christopher B. Hearne for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

WHY AMERICA IS A GREAT NATION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. SANDERS. Mr. Speaker, Hurricane Katrina was a natural disaster. Its effects were compounded by human ineptitude, as FEMA, State officials and the President all reacted slowly and without adequate concern for their fellow Americans.

We rightly witnessed their inaction and unconcern on our television sets.

But there is another America, an America which responds to distress with generosity and a willingness to pitch in. An America which provides an outpouring of funds for the Red Cross and countless truckloads amounts of donated supplies.

I want to tell you a story about what is best in America.

When they learned of the devastation caused by Hurricane Katrina, two members of the Vermont's South Burlington Fire Department, Lieutenant Micah Genzlinger and Firefighter Trevor Poor, volunteered to help their fellow firefighters on the hard-struck gulf coast. They went to areas devastated by the hurricane and helped other fire companies fight fires. They also helped citizens rebuild and recover from the destruction wrought by the storm. And, in the spare time they could muster, they helped their fellow firefighters take care of the damage to their own homes.

And the fire company they left behind? According to their union contract, firefighters must be given notice of shift changes two weeks in advance. Generously, all their colleagues waived this requirement, so that they could cover all shifts, without charging massive overtime to the city of South Burlington. They changed their work schedules to make sure the city was protected and that Genzlinger and Poor's trip to help others did not undercut local fire protection, all at no additional cost.

This story was repeated all over America. In Vermont, firefighters from Barre and Hartford also headed south to help their firefighting brothers and sisters. In other states, firefighters responded to the call to protect and rebuild—as they always do, not only for their own cities and towns, but for Americans everywhere.

This kind of generous solidarity is what makes America a great and wonderful Nation.

PRIVATE PROPERTY PROTECTION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. STEARNS. Mr. Speaker, back in June, the Supreme Court handed down a ruling in Kelo versus City of New London that states that the Government can seize personal property for the purpose of economic development. Mr. Speaker, this ruling embodies everything for which our Founding Fathers did not want this country to stand.

Mr. Speaker, the Kelo ruling is a gross misinterpretation of the Fifth Amendment. The Fifth Amendment allows for the government to obtain private property for public use, meaning this property can be obtained for the government to build something such as a school or a road. However, the Kelo ruling allows the government to take property owners' farms, private businesses, or even our homes so that big-time investors and businessman can come in to our towns and cities and build shopping malls and supermarkets on the property that is rightfully owned by our constituents.

I support H.R. 4128, The Private Property Rights Protection Act, and urge all members to do so. This piece of legislation will allow us as Members of Congress to protect our constituents against the loophole created in Kelo by the Supreme Court, and will allow us to punish those state and localities that take advantage of their citizens and of this ruling.

CONGRATULATIONS TO GALILEE MISSIONARY BAPTIST CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and enthusiasm that I congratulate Galilee Missionary Baptist Church as they join together in celebration of the 5th Pastoral anniversary of their esteemed Pastor Reverend Charles M. Morgan. They will be celebrating this very momentous and special occasion November 18–20, 2005.

Reverend Morgan was born to the late James and Lillie Morgan in Kansas City, Missouri. He completed his undergraduate studies at Ottawa University and Calvary Seminary. He is presently matriculating in the McCormick Theological Seminary. Reverend Morgan is an active member of the Baptist Minister's Conference of Gary and Vicinity, and he is the 2nd Vice Moderator of the Northern Indiana Missionary Baptist District Association. He is a regular participant at the Stephen Olford School for Expository Preaching in Memphis, Tennessee. Reverend Morgan has also been an instructor for the Baptist Minister's Seminar for the past two years.

From its modest beginning, Galilee Missionary Baptist Church has emerged as a cornerstone of the community. Under Pastor Morgan's guidance, Galilee continues to thrive, both in terms of spiritual growth as well as practical improvements. The proud members of the church are thankful for the spiritual and emotional leadership he and the previous pastors have provided during the years.

Though Reverend Morgan is dedicated to the Galilee Family, he has never limited his time and love for his family. Reverend Charles Morgan and his wife Francine have three daughters, Natasha (deceased), LaRonda Lindsey, and Rasheeda; one son, Johan; and two grandchildren, Manuel and Jackson.

The celebration weekend begins on Friday, November 18, 2005, with the Pilgrim Missionary Baptist Church Family and Pastor Charles L. Emery. On Saturday, November 19, 2005, there will be an evening of love and appreciation at the Turkey Creek Country Club Banquet in Merrillville, Indiana. The celebration banquet will conclude the festivities on Sunday, November 20, 2005, when the church honors Pastor Morgan and his family with special guests, including Pastor Mike Nicholson and the Mount Calvary Baptist Church Family of Fort Wayne, Indiana.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating Reverend and Mrs. Charles M. Morgan and the Galilee Missionary Baptist Church on their 5th Pastoral anniversary. Their constant dedication and commitment is worthy of the highest commendation.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, on Thursday, October 27, 2005 I was unavoidably detained and thus missed rollcall vote No. 553. Had I been present, I would have voted "yea" on rollcall vote No. 553, the Lawsuit Abuse Reduction Act of 2005.

RECOGNITION OF UNPARALLELED CIVIL SERVICE BY MR. STEPHEN WHITMORE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. SAXTON. Mr. Speaker, it is my distinct pleasure to highlight the extraordinary service of Mr. Stephen Whitmore, who is currently the operations officer for the Department of Public Works at Fort Dix, New Jersey. Born on July 16, 1923, Steve has selflessly served the Nation, the Army and Fort Dix for more than 60 of his 82 years.

Mr. Whitmore's service began during World War II when he enlisted in the Army on July 19, 1943. As a soldier assigned to the 1st U.S. Army, he served as a participant in many of the major battles fought in central Europe from November 1944 until April 1946. On April 29, 1946, Steve completed his Army out-processing procedures and immediately began working as a Fort Dix Civil Service Employee.

Since then, Mr. Whitmore has worked for the Directorate of Public Works, DPW, in a variety of capacities. As you would expect, Mr. Whitmore's impact on the facilities and infrastructure of Fort Dix has been enormous. The majority of the buildings currently utilized on Fort Dix were built after he arrived in 1945. Consequently, he participated in some manner in the construction of almost all of the facilities in use today and has continued to maintain and repair them throughout his 60-year tenure. Furthermore, all of the utility systems on Fort Dix were either installed or expanded under his personal guidance. In fact, the current electrical grid system for the Installation is one that he designed and either helped construct with a crew of high-tension electricians or oversaw the construction in a supervisory capacity. Also occurring under his watch was the conversion of the Installation's heating systems from coal to oil to natural gas.

In addition to Mr. Whitmore's consistent and exceptional execution of his core DPW responsibilities, he has been a key factor in ensuring the successful implementation of nontraditional missions. One of those events concerned a mission assigned to Fort Dix in 1999 entitled Operation Provide Refuge. In short, Fort Dix was tasked to provide temporary housing for over 4,000 Kosovar refugees. Therefore, in addition to performing his duties as Chief of the Public Works Division, Steve assumed responsibility for providing utilities for all of the temporary facilities, installing almost five miles of temporary fencing, constructing playgrounds, maintaining the grounds in all the areas of operation, constructing and installing signs throughout the Installation, establishing and rewiring a welcome center, assisting in the construction and installation of tent frames and even the installation of bed frames and mattresses in the dormitories. His overall work plan execution was magnificent and he guided his personnel through 18 hour work days, 7 days a week to get the work done, while still maintaining tremendous morale throughout his work force.

Another monumental mission for which Mr. Whitmore's expertise and ingenuity ensured a successful outcome was the role he played in establishing the security of Fort Dix immediately following the 9/11 terrorist attacks. This was a daunting task since the Installation had never been closed to through traffic in its 84-year history. He assembled a crew and equipment and worked with the police to close the Installation in a matter of hours. His expertise and unmatched knowledge of the Installation ensured that the dozens of means of access other than the main entry/exit points were identified and blocked. He has continued those efforts over the past 4 years to identify, develop and execute major projects to convert the temporary measures to permanent security barriers to include the installation of a 3½-mile-long security fence.

Mr. Whitmore's most recent accomplishment pertains to the exceptional work he has done on the development and execution of projects to establish a Forward Operating Base, FOB, to provide vital, realistic training to our soldiers being mobilized in support of the Global War on Terror. Steve planned and supervised the construction of the FOB, which is the largest, most complex FOB in the continental United States. Based on his actions, the FOB was built and maintained to a standard that allows the FOB to house, service, and provide realistic field training to approximately 2000 mobilizing soldiers at one time. Whether it was the electrical system, which he designed and had executed, the water and drain systems so that the Soldiers could take showers, the heating of the tents and even the clearing of the roads when it snowed, he was the one who made it all happen. Mr. Whitmore had the ideas, the ability to bring the ideas to resolution and ambition, energy and interest to accomplish whatever was necessary to make the FOB a success.

To this day he continues to provide the oversight for all utility services. His knowledge of the systems is legendary as is his ability to trouble shoot and quickly correct all system problems. He is a shining example of someone who adheres to the Army values in both his professional and personnel life. A man of strong resolve and unmatched abilities, Steve is a true patriot worthy of our Nation's thanks and praise.

TRIBUTE TO THE HONORABLE WILLIAM LAWRENCE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Ms. ESHOO. Mr. Speaker, I rise today to honor William "Bill" Lawrence, retired letter carrier and member of the National Association of Letter Carriers, San Francisco Branch 214, who is being honored by the Letter Carriers at their Biannual Congressional Breakfast.

Bill Lawrence began his service to our country when he enlisted in the Navy at the age of 16. After serving in China, he was honorably discharged and settled in San Francisco in 1927. He worked for several years as a cable car conductor, one of the few union jobs in San Francisco at the time. In July 1938, he began his career as a Letter Carrier, immediately joining Branch 214 of the National Association of Letter Carriers. Bill served as Secretary of Branch 214 for 6 years, and delivered mail on the streets of San Francisco for 35 years, until he retired at age 65.

In 1970, Bill Lawrence was elected to the non-partisan City Council of nearby Brisbane, California, and over the next two decades, served twice as Mayor. After his tenure on the City Council, Bill pursued his dedication to public service as the Legislative Liaison for the California State Association of Letter Carriers. Bill has always said that his love of politics stems from the rewarding feeling he gets from helping people. Now at age 97, Bill continues to delight children of all ages when he dresses as Santa Claus during the holidays.

I've always been proud to call Bill Lawrence my friend. He is a kind and generous man, and without his support and that of his wife, Honey Bee, I would not have been elected to the San Mateo County Board of Supervisors and to Congress.

Mr. Speaker, I ask my colleagues to join me in recognizing Bill Lawrence's countless contributions to our community and our country. Because of him and his distinguished service, we are unmistakably a better and more decent nation.

RECOGNIZING THE ALL KIDS HEALTH CARE PROGRAM OF ILLINOIS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. EMANUEL. Mr. Speaker, I rise today to recognize Illinois Governor Rod Blagojevich for establishing the All Kids health care program, and the Illinois General Assembly for passing this important initiative. This plan makes Illinois the first State in the country to provide comprehensive health insurance to every child in the State.

The All Kids program will target the estimated 253,000 uninsured children in Illinois; providing coverage for children from working families that earn too much to qualify for existing programs but not enough to purchase private health insurance.

According to a National Health Interview Survey, 39 percent of American children did not visit a doctor in the past year, and 38 percent have no regular facility to utilize for their health care needs. Because their parents cannot afford hospital bills, uninsured children are six times as likely as insured children to have serious health issues go untreated. As a result, they are at higher risk for hospitalizations and missed diagnoses of serious illnesses. Improved health care for children is not the only benefit of this program. Studies show that children with health insurance are more likely to attend school consistently.

Additionally, the grades and test scores for insured children are substantially higher than their uninsured peers.

By moving a majority of Illinois' Medicaid beneficiaries into a primary care case management program where every beneficiary has their own family doctor, the State will save millions of dollars that will be used to pay for the All Kids program and provide more Illinois children with basic health care.

The State of Illinois has taken responsibility for the children and their families who do not have this critical coverage. The program enacted by the State of Illinois is set to begin in July 2006.

With 45.8 million uninsured Americans in 2004, it is time to stop ignoring the problem and to start taking action. I congratulate the Illinois General Assembly and Governor Blagojevich for a job well done, and I urge my colleagues to take a look at what Illinois is doing to help provide health care for children.

IN HONOR OF JASON KAMRAS, NATIONAL TEACHER OF THE YEAR

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Ms. MATSUI. Mr. Speaker, I rise in tribute to Jason Kamras, the 2005 National Teacher of the Year. A native of Sacramento, Jason teaches mathematics at John Philip Sousa Middle School, here in our Nation's capital. Since being named Teacher of the Year in April, Jason has traveled across the country as an educational spokesman and will continue to do so through next June. As his friends, family and colleagues celebrate Jason's outstanding achievement, I ask all of my colleagues to join with me in saluting this truly remarkable American.

The son of Linda and Marvin Kamras of Sacramento, Jason attended Shalom School, Sacramento's only Jewish day school, where he was a member of their inaugural class of 1978. In 1991, he graduated from Rio Americano High School at the top of his class. Later that fall Jason began his freshman year at Princeton University, where he graduated with a degree in public policy in 1995.

After graduating from Princeton, Jason promptly applied for a position with Teach for America, a wonderful program that allows for recent college graduates to work in needy public schools. It was Teach for America that first brought Jason to John Philip Sousa Middle School in the fall of 1996 where he taught mathematics to sixth graders. At Sousa he immediately poured his energy and passion into the school's students.

Three years of teaching math at Sousa convinced Jason that he could do much more to have a positive impact on students' lives. In 1999 he left the classroom and earned a Master's Degree in Education at the Harvard Graduate School of Education. When he returned to Sousa, Jason taught a combined class of seventh and eight graders for 2 years in social studies. This "looped" class allowed him the opportunity to truly connect with his students and push them to achieve everything within their grasp. In the 2002–2003 school year, Jason has returned to teaching math, this time at the seventh and eighth grade levels.

Outside of the classroom, Jason has successfully worked with school administrators to double the instructional time devoted to math and has incorporated technology and real world situations into the math curriculum, in order to meet today's students' needs. His love for photography led him to establish the EXPOSE Program, in which students create photo-essays with digital cameras that depict their lives and neighborhoods. Those photos are often shown to the public at the Capital Children's Museum and other places around Washington. In 2001, Jason was awarded the Mayor's Art Award for Outstanding Contribution to Arts Education for his work with the EXPOSE Program, just one of the many honors he has earned for his dedication to our Nation's youth.

What makes Jason an excellent teacher and role model is that he works tirelessly to give his students the tools they will need to make their dreams come true. Whether it is with complex math problems or artistic self expression, Jason has an ability to connect with students, many of whom come from underprivileged backgrounds, and give them the attention and support they need to help them meet their goals.

Mr. Speaker, as Jason Kamras continues to speak on behalf of school teachers across our country, I am honored to pay tribute to one of Sacramento's most honorable citizens. His love for teaching is fortunately shared by countless other teachers in classrooms throughout the Nation. At 31 years of age, Jason has accomplished so much in the classroom; accomplishments that allow him to serve as a model for others to follow. On behalf of the students at Sousa that have benefited from his compassion, dedication and creativity, I ask all of my colleagues to join with me in wishing Jason continued success in all his future endeavors.

TRIBUTE TO RACHAEL SCDORIS

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to honor and congratulate Bend, Oregon resident Rachael Scdoris. Rachael is a legally blind, competitive dog sled racer and cross-country runner who today was awarded the prestigious Casey Martin Award—an annual award that Nike bestows to any disabled person in the world who has overcome their adversity and pursued their sport of choice with the same passion and competitive spirit that renowned golfer Casey Martin has demonstrated in his career. Rachael was born with congenital achromatopsia, a genetic disorder that severely limits her vision. Nonetheless, she was the youngest musher to complete a 500-mile sled dog race, and the first disabled athlete to race the 1,161-mile Iditarod Trail Sled Dog Race in 2005.

Introduced to the sport of dog sledding by her father, Jerry, at age 3, Rachael's lifelong dream was to compete in the Iditarod. In 2003, because of her disability, Rachael was refused entry by the Iditarod Trail Committee, but after her determined appeals, the committee finally voted to allow her the aid of a visual interpreter on another sled in the 2005 Iditarod.

Though Rachael's dogs became ill and she was forced to drop out after 750 miles, she has already entered the 2006 Iditarod. She is the spokesperson for her vision foundation and the annual "Race for Vision" sled dog race in Oregon, which raises money for Healthy Beginnings, an organization that provides free vision screening, eye exams, and glasses to low-income individuals. She has twice been named one of the 100 Most Outstanding Female Athletes in the Nation, an ABC "Person of the Week" and a 2004 Olympic Torch carrier.

Rachael was selected from over 44 applicants to the Casey Martin Award because her story mirrors that of Casey Martin who in 1998 sued the PGA Tour for the right to be able to use a golf cart in competition. Casey, another Oregonian, has Klippel-Trenauny-Weber Syndrome, a rare, incurable and degenerative condition that causes chronic leg pain and makes it physically impossible for him to walk during tournaments. I applaud Nike for sponsoring this award in the name of Casey Martin because he embodies the beliefs that we as Americans all hold dear—the importance of diversity, a commitment to sports, and the fact that everyone should have the right to participate.

I've had the great pleasure of spending time with Rachael and, like countless others, am tremendously inspired by her strong sense of determination and amazing successes. It is my honor to represent Rachael in the U.S. Congress, and I congratulate her for her outstanding achievements.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Ms. ESHOO. Mr. Speaker, I was unable to vote on Friday, October 28, 2005. Had I been present, I would have voted on the following votes: On rollcall vote No. 555 I would have voted "yea"; on rollcall vote No. 556 I would have voted "yea."

IN RECOGNITION OF THE CITY OF SYLACAUGA, ALABAMA: ONE OF THE 100 BEST COMMUNITIES IN AMERICA FOR YOUNG PEOPLE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to the City of Sylacauga, Alabama, a unique town in the Third Congressional District that was recently named by America's Promise as one of the 100 best communities in America for young people.

As its 13,000 citizens know, Sylacauga still retains that old-fashioned charm which defines small town America. Yet it's also a forward-looking community that prides itself on its schools, and recognizes that the children of today are our leaders of tomorrow. In that regard, the city has created a variety of programs geared for children and teens, including a program known as BRIDGES. This unique initiative, which was identified by America's Promise as one of the city's crown achievements, provides school age children special opportunities to participate in recreational activities while under supervision of volunteers and staff. It also gives older children the opportunity to do volunteer work and give back to their community.

Mr. Speaker, this is indeed a proud achievement for the City of Sylacauga, and further demonstrates the importance its citizens place on educating its children. I am proud that one of East Alabama's small towns has made this prestigious list, and salute the citizens and local officials who helped make this achievement possible. I thank the House for its attention to this important matter today.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GALLEGLY. Mr. Speaker, on Friday, October 28, 2005, I was unable to vote on agreeing to the conference report for H.R. 2744, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (rollcall No. 555); and on agreeing to H. Res. 523, Condemning Iranian President Mahmoud Ahmadinejad's threats against Israel (rollcall No. 556). Had I been present, I would have voted "yea" on both measures.

IN HONOR OF ROSA PARKS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. FARR. Mr. Speaker, I rise today to pay tribute to the legendary Rosa Parks, who passed away last week. I had the great honor of meeting Rosa Parks several times throughout her life. The first time was in the late seventies when she was a guest speaker at Monterey Peninsula College in my district. I was also on hand when she received the Presidential Medal of Freedom in 1996 and the Congressional Gold Medal in 1999.

Each time I saw Rosa Parks, I was again impressed that a woman of such slight stature started such a large scale movement for civil justice. Rosa Parks' decision not to give up her bus seat to a white man during the time of segregation was a courageous act, simple and without violence. Rosa Parks did not yell, swear or wave her hands around dramatically to get the Nation's attention. In fact, she did not even move. Today, the consequences of her choice can be seen throughout our society. I continue to believe that a more just society will not be achieved by water hoses, tear gas, night sticks and hostility, but through peaceful means including compromise and fairness.

Fifty years later, Rosa Parks' actions don't seem radical or risky, but when you are the first one to take a stand, it is lonely. Indeed, Rosa Parks' death has given us the opportunity not just to remember her life and her actions, but also to remember the actions all of those who have stood up in the face of injustice.

My mother was one of these people, like Rosa Parks. Though she died when I was a young adult, my father often told me of a bus ride my mother took in New Orleans in the mid 40s. My sister and I were young children at the time, and we all used the bus system to get around the city. Buses in New Orleans were segregated at that time, but during one ride my mother decided to seat us in the "colored" section, although there was room in the "white" section of the bus. When the bus driver saw what my mother had done, he told her that she and her children had to move to the white section. My mother refused, so the driver told her to get off the bus. Rather than change our seats, she shepherded my sister and me off the bus.

I had a chance to share this story with Rosa Parks when I finally met her and she enjoyed hearing about my mother's actions. Though my family did not live in a segregated state, both my parents realized they still had a duty to combat prejudice.

As a member of Congress, I have been honored to visit the heartland of the civil rights movement with fellow colleague and civil rights champion, Representative JOHN LEWIS. During a trip with the Faith and Politics Institute, we visited the Voting Rights Museum in Birmingham, AL, the Rosa Parks Museum in Montgomery, AL, and reenacted the march across the Pettus Bridge in Selma, AL. I cannot fully express how much I gained from visiting these sites with some of the original participants in the civil rights movement. Hearing about the pain and suffering they endured throughout those times was tempered by the joy we felt in our mutual support for a just cause.

I was honored to join my colleagues by attending Rosa Parks' memorial service and supporting the unprecedented resolution that allowed her body to lie in honor in the Capitol Rotunda. Rosa Parks is one person who made a difference and whose actions will forever call on all of us to stand up—or remain seated—for civil justice.

HONORING MRS. WILLIE JEAN YOUNGBLOOD ON HER 90TH BIRTHDAY

HON. ARTUR DAVIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. DAVIS of Alabama. Mr. Speaker, I rise today to enter into the CONGRESSIONAL RECORD a special tribute to Mrs. Willie Jean Youngblood in honor of her 90th birthday.

Mrs. Youngblood was born on November 7, 1915 in Bullock County, AL, and was the third of eight children of the late Cleveland and Julia Dennis. She later married Monroe Youngblood, a construction worker, of Bullock County. In search of better opportunities, the couple moved to Birmingham where they raised eight children. Mrs. Youngblood earned a living as a cook at the Thomasine Café and a service worker at the historic Tutwiler Hotel.

Mrs. Youngblood was a nurturing mentor for young mothers in her community. The Youngblood home was also the gathering place for many young children in the community, including the current mayor of the city of Birmingham, the Honorable Bernard Kincaid.

While Mrs. Youngblood may not have had an abundance of material wealth, she passed on a wealth of love and hope to her children and her community.

May God bless Mrs. Youngblood and her family on her 90th birthday and for many years to come.

COMMEMORATION OF ROBERT H. HINCKLEY, JR.

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. MATHESON. Mr. Speaker, I am pleased today to recognize the life and contributions of Robert H. Hinckley, Jr.

A lifelong resident of the State of Utah, Mr. Hinckley's 88 years were distinguished by his optimism, energy, and a commitment to public service.

Robert Hinckley, Jr. was born as the first child of Robert H. Hinckley Sr. and Abrelia Clarissa Seely Hinckley in Mt. Pleasant, UT, although he grew up in Ogden, UT and always considered that his home. Growing up during the Depression era, Hinckley began working in the family's business, Hinckley Dodge. After graduation from Ogden High School, he attended Stanford University and then the United States Military Academy from which he graduated in 1942. He married Janice Scowcroft, his high school sweetheart, in 1944 and described their 63 years of marriage as the "very best part of my life." During World War II and Korea, he was a decorated pilot earning the U.S. Air Force's Distinguished Flying Cross and the Bronze Star. Following a 13-year military career, he returned to Utah to manage the family's automobile business in Salt Lake City, UT. Outside of business, Hinckley loved horses and owned Arabian horses. He counted his greatest success as his four children, all of whom survive him.

Hinckley's life demonstrated commitment to his community. In 1988, he built upon his father's legacy becoming board chairman of the Hinckley Institute of Politics at the University of Utah. In this capacity, he was a champion for intelligent, thoughtful, and ethical engagement in the public arena. He encouraged students of all political persuasions to approach public service and politics with a sense of purpose and diligence. He worked hard to create opportunities for all students, regardless of socioeconomic status, to have access to internship opportunities. He dramatically stepped up the activities of the Hinckley Institute and oversaw the doubling of its endowment.

This year the Hinckley Institute of Politics is celebrating its 40th anniversary. Over 4,000 interns have served local, State, and Federal offices, interest groups, polling firms, and campaigns since 1965. The Hinckley Institute pioneered the Utah State legislative internship program, and interns now serve in critical staffing capacities during every general session. The Hinckley Institute internship program has been studied by colleges and universities across the United States. The Hinckley Institute sponsors the Hinckley Journal of Politics, an undergraduate research publication. It is one of only four undergraduate political science journals nationwide.

The Hinckley Institute has influenced countless local, State, and Federal elected officials, party activists, lobbyists, journalists, and citizens. Recent studies of former Hinckley interns demonstrate an incredibly high degree of civic engagement, through many avenues, for years after graduation. The Institute has provided a needed center for intelligent, thoughtful, dynamic conversation about important issues, where students can test their beliefs and access opportunities for empowerment within their community and government.

Robert Hinckley's philanthropic commitment to education and students extends beyond the on-going value of the Hinckley Institute of Politics, including the establishment and funding of scholarships at the University of Utah, Utah State University, Weber State University, and Brigham Young University. In this capacity, as well, he and his family have helped create a large community of educated, actively engaged, ethical, and interested citizens.

In all his endeavors, Hinckley was noted for his positive outlook and energy. His contributions will long benefit the students and people of Utah. He was truly an asset to his community and will be greatly missed.

COMMEMORATING THE LIFE OF MARINE CORPORAL JONATHAN "J.R." SPEARS, KILLED IN IRAQ OCTOBER 23, 2005

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. MILLER of Florida. Mr. Speaker, Marine Corporal Jonathan "J.R." Spears, was lost to us in Iraq on October 23.

He was a proud Marine and an exceptionally fine man who joined the greatest military service in the world.

I had the solemn honor of attending Corporal Spears funeral today and meeting his incredible family and friends. I now know how blessed they are to have known such a fine man. His parents, Timothy and Marie and his sisters Jennifer and Jessica display courage, dignity and strength that is moving and inspirational. I wish I could have known him as they did as he seemed like a truly amazing person.

J.R. used to work in a sandwich shop and he selflessly gave a portion of each pay check he received to buy food for the homeless. While playing football in high school he got up to 265 pounds. In order to fulfill one of his life dreams, joining the Marines, he had to lose nearly eighty pounds, which he did.

He was a young man who, by the time of his death at 21, had already planned out his life. He wanted to go to college after leaving the Marines Corps and then go on to be an FBI or Secret Service Agent. I know very few young people who have their life plan set by the time they reach 30, let alone 21. J.R. was a driven man who knew what he wanted and made it happen.

A stanza in the Marine Hymn written over a century ago says: "If the Army and the Navy ever gaze on Heaven's scenes, they will find the streets are guarded by United States Marines." I know that J.R. is up in heaven guarding the streets for all of us. I am certain he has been welcomed with God's saving grace.

His sacrifice is a solemn reminder to us of the risks that all of our men and women in uniform make every day to keep us safe.

I know that our Marine Corps will hold him in their hearts forever, as will we all.

May God bless Corporal Spears, his family and all of our men and women in uniform.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mrs. MALONEY. Mr. Speaker, November 1, 2005, I missed rollcall votes numbered 557 and 558. Rollcall vote No. 557 was on the motion to suspend the rules and pass H.R. 3548, a bill to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the "Heinz Ahlmeyer, Jr. Post Office Building." Rollcall vote No. 558 was on the motion to suspend the rules and pass, as amended H.R. 3989, a bill to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the "Albert Harold Quie Post Office."

Had I been present I would have voted "yea" on rollcall votes Nos. 557 and 558.

ON INTRODUCING THE "ELIMINATION OF BARRIERS FOR KATRINA VICTIMS ACT"

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to join my colleagues, Congressman RANGEL of NY, Congressman CONYERS of MI, Congressman THOMPSON of MS, Congressman JEFFERSON of LA, Congressman FRANK of MA, Congresswoman JACKSON-LEE of TX, Congressman PAUL of TX, Congresswoman JOHNSON of TX, Congresswoman LEE of CA, Congressman HASTINGS of FL and Congressman AL GREEN of TX in introducing the "Elimination of Barriers for Katrina Victims Act." We are pleased to be joined by a coalition of almost 100 national, state and local organizations who have expressed their support for the legislation, such as the American Academy of Addiction Psychiatry, American College of Mental Health Administration, Drug Policy Alliance Network, League of United Latin American Citizens (LULAC), NAACP, NAADAC–The Association for Addiction Professionals, National Council on Alcoholism and Drug Dependence, and the National Urban League, and the list is growing as word of the legislation gets out.

Millions of Americans were displaced from their homes due to Hurricane Katrina and Hurricane Rita and hundreds of thousands have not been able to return and may never be able to do so. Having lost their homes, their communities, their jobs and other support systems, most have required emergency food, clothing, shelter, medical, or monetary assistance. According to FEMA reports, an estimated 2.1 million Americans have already applied for federal aid. Unfortunately, many of these individuals and their families are in desperate need, but, due to a prior drug conviction, will not be able to receive certain federal assistance available to other victims in need. While it is impossible to know for sure how many families will be denied public assistance because of drug convictions, it is likely in the tens of thousands.

More than 1.5 million Americans are arrested for drug offenses every year. Several federal laws disqualify those with felony convictions to receive certain federal benefits. A recent GAO report commissioned by myself and Congressman RUSH of IL reveals that these disqualifications are having a huge impact on receipt of federal benefits for which those with prior drug convictions would otherwise receive. For example, an estimated 41,000 students were denied college assistance during the 2003/2004 academic year because of drug convictions.

While the GAO was only able to collect data from 15 public housing agencies, out of more than 3,000, those 15 agencies denied housing to almost 1,500 families because of past drug violations in 2003 alone. That indicates that there are thousands of families and tens of thousands of individuals unable to receive housing benefits because a family member has a drug conviction.

The drug conviction ban on eligibility for federal benefits also applies to Temporary Assistance for Needy Families, or the TANF program. TANF eligibility applies to families with minor children. One study reflected that almost 25 percent of drug offenders released from prison in 2001 were eligible for TANF benefits, but were permanently barred from receiving it due to their state's application of the federal ban for a drug conviction. While some states do not apply the federal ban completely, other states, such as Alabama, Mississippi, Texas and Virginia, where many of the displaced families are staying, have fully applied the ban.

Hurricanes Katrina and Rita have inflicted suffering on millions of people. The suffering will fall even harder on victims denied aid because of past drug offenses. Parents who have lost everything and are struggling to feed themselves and their family will be denied TANF and food stamps; students who have lost their school, tuition, fees, room and board, but could continue their education in another school willing to accept them, or who were in school elsewhere when their parents lost the ability to continue paying for their education, will be denied student loans; and entire families that have lost everything in the disasters will be denied housing—all due to the federal bans for a past drug conviction.

The "Elimination of Barriers for Katrina Victims Act" applies only to past drug offenses, some of which were many years ago, and suspends the disqualification for only a 3-year period. This temporary adjustment period in federal disqualifications would allow families affected by Hurricanes Katrina and Rita a chance to put their lives back together through the same means as other victims who suddenly lost their homes and livelihood through no fault of their own. Therefore, we are introducing this bill today and urge our colleagues to quickly enact it into law to assist families who are otherwise hopelessly destitute because of the disasters and the impact of a drug conviction.

REINSTATEMENT OF THE CORPORATE ENVIRONMENTAL INCOME TAX

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. BOEHLERT. Mr. Speaker, today I am introducing the Superfund Revenue Reinstatement Act of 2005, a bill to reinstate the corporate environmental income tax, which expired in 1995. The bill will provide a dedicated stream of revenue for our Nation's communities as they struggle to clean up the Nation's dirtiest abandoned hazardous waste sites and recapture lost jobs where they are most needed.

First passed by Congress in 1980, the corporate environmental income tax provided a dedicated stream of revenue for the so-called Superfund trust fund. In 1995, the last year before this corporate tax expired, it raised approximately $700 million. At a rate of 12/100 of one percent on corporate profits over $2,000,000, the tax was virtually without any real impact on business, but supported worthy and rightful public purposes—creating jobs, rebuilding our urban communities, and cleaning up a legacy of unfettered industrial activity. The oil industry—not one company but the entire industry—paid just $38 million in 1995. That's about what is earned by the industry in the first hour of the first day of the new business year.

Reinstating the corporate environmental income tax would raise about the same amount of revenue as it did in 1995, according to estimates made by the Joint Committee on Taxation in 2003. That's a negligible burden to provide dedicated funds for restoring superfund sites. But those are estimates are a few years old. With corporate profits at current levels, the revenue derived could certainly be higher.

And, where are these superfund sites? In urban areas of course, where redevelopment is needed and where jobs are needed. But what's been happening? Industry is developing greenfields in the far out suburbs because they don't want to touch superfund sites. And hundreds of thousands of brownfields across the nation sit idle instead of being returned to productive use. Can we really continue to afford leapfrogging existing and valuable infrastructure to build anew?

That's why the Superfund needs dedicated revenue. In 1995 when the tax expired, the Superfund held a significant surplus, so few people were concerned. Today, however, as many had predicted, the surplus is gone. An empty trust fund, annual budget squabbles, recent budget cuts, and larger and more complex site cleanups have hurt the superfund program, slowing or delaying cleanups. The lack of dedicated revenue for superfund has also put pressure on other parts of the EPA's budget. That pressure surely has been felt by the Brownfields program, which is our premier program to bring sites back to productive use and hasn't yet been fully funded at authorized levels.

It is all the more distressing that we let the corporate environmental income tax lapse 10 years ago—forgoing $7 billion of dedicated funding for cleanup and redevelopment.

That is why it is time to rededicate ourselves to creating jobs, rebuilding urban America, and eliminating this core cancer in so many of our communities. And isn't it refreshing to advocate for a plan with worthy objectives and a method to pay for it!

HONORING ROSA PARKS

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. SIMMONS. Mr. Speaker, I rise today in honor of Mrs. Rosa Lee Parks.

Mrs. Parks's refusal to give up her seat to a white man on a bus in Alabama in 1955 triggered a 381-day boycott of buses, organized by the then little-known Baptist minister Martin Luther King Jr. She did so without knowing the support she would rally.

Her single act of quiet courage and defiance on that December day undeniably became a watershed moment in the history of U.S. civil rights.

It's most fitting that at today's funeral in Detroit, R&B legend Aretha Franklin sang "The Impossible Dream" in honor of Mrs. Parks. It was that action nearly 50 years ago that sparked what seemed at the time to be the impossible dream of the modern civil rights movement, culminating in the 1964 federal Civil Rights Bill.

In 1996, Mrs. Parks received the Presidential Medal of Freedom, awarded to civilians who make outstanding contributions to American life. In 1999, she was awarded the Congressional gold medal, the nation's highest civilian honor.

Mr. Speaker, with the permission of this House, I would like to enter into the RECORD the words of a civil rights leader in my community, the Rev. Dr. Benjamin K. Watts, Pastor of the Shiloh Baptist Church in New London (CT).

> "Rosa Parks was a woman of character, commitment and courage. When she sat down the world stood up against injustice, bigotry and hatred. Mrs. Parks was not the first to refuse to live down to the status quo of inequality yet because of her unimpeachable character she unwittingly became a spark that ignited the flame of passion that created ultimate change. Like Jackie Robinson breaking the color barrier in baseball, the right character was necessary in order to break the back of racism. Her commitment to social justice gave her iconoclastic status as the epitome of courage and commitment. Her passing leaves a void in civil society that each one of us should seek to fill by living lives of high moral value always refusing to sit at the back of the bus of life and ready to accept our place at the forefront of the battle for social change."—Rev. Dr. Benjamin K. Watts

Mrs. Rosa Lee Parks, this great American hero, deserves not only our tributes and gratitude, but our continuing commitment to peace, justice, equality, and freedom for all.

May God rest her soul.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GALLEGLY. Mr. Speaker, on Tuesday, November 1, 2005, I was unable to vote on the motion to suspend the rules and pass H.R. 3548, to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the "Heinz Ahlmeyer, Jr. Post Office Building" (rollcall 557); and on H.R. 3989, to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the "Albert Harold Quie Post Office" (rollcall 558). Had I been present, I would have voted "yea" on both measures.

PERSONAL EXPLANATION

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. POMBO. Mr. Speaker, I was unable to make votes today on the House floor because of an untimely and unexpected crisis requiring me to travel back home to be with my family in California. Unfortunately, I missed recorded votes and would like my intentions included in the CONGRESSIONAL RECORD.

Had I been present, I would have voted "yea" on H.R. 1606—Online Freedom of Speech Act.

I would have also voted "yea" on H.R. 4061—Department of Veterans Affairs Information Technology Management Improvement Act of 2005. This important bill will help improve Veterans' health services by improving the technology resources of the Veterans' Affairs Department.

The VA has spent about $1 billion per year for the last decade to improve its information technology systems. This new bill will provide some key oversight to ensure that this money is spent in the most efficient way possible, and to reorganize the VA's information technology to best serve the healthcare needs of the Nation's Veterans.

While there has been recent improvement in the VA's technology systems, there is a lot they can do to provide better healthcare to Veterans. I am proud to support this effort to better the lives of the men and women who have given so much for this country.

Had I been present, I would have also voted "yea" on H.R. 1691—John H. Bradley Department of Veterans Affairs Outpatient Clinic Designation Act.

SUPPORT FOR INSTRUCTING CONFEREES ON THE FY2006 DEFENSE APPROPRIATIONS BILL

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today in strong support for instructing conferees on the FY2006 Defense Appropriations bill to include the amendment by our colleague in the Senate, JOHN McCAIN. This provision would simply provide for uniform standards for the interrogation of persons under the detention of the Defense Department and a prohibition on cruel, inhumane, or degrading treatment or punishment of persons under custody or control of the U.S. Government.

Senator McCAIN knows the ravages of war and devastating effects of inhumane treatment at the hands of an enemy. He and other American soldiers during the Vietnam War were subjected to terrible treatment that no human being ought to endure. In recent floor remarks, Senator McCAIN explained that during his time in captivity he and his fellow American soldiers drew strength from knowing that the institution to which they belonged, the U.S. military, and the country they served stood for the highest of principles and ideals. They believed that the U.S would never treat prisoners of war the way that they were being treated.

No one would disagree that "torture, cruel, inhumane, and degrading treatment" is unjust, but there is clear evidence that it is also ineffective. When put under extreme levels of pain or duress during interrogation, a detainee is more likely to say anything to stop the pain, regardless of its accuracy. Moreover, our own cruel treatment of others legitimizes the torture of American citizens. Look no further than the desecrated bodies of American citizens and soldiers killed in Iraq for tragic evidence of this reaction. Furthermore, torture and inhumane treatment aids in the recruitment of terrorists and fuels further terrorist activity.

As members of Congress, we have the Constitutional obligation, under Article I, Section 8, to speak out on this issue and others related to treatment of foreign detainees in war. We also have a moral obligation to oppose cruel and degrading treatment of human beings, and a patriotic obligation to stand up for the honor of this country.

In the wake of the scrutiny and embarrassment that our nation has endured following the treatment of detainees at Abu Ghraib and Guantanamo Bay, it is imperative that we proclaim to the rest of the world that this policy reflects the law of the land and the conscience of our country. Providing our soldiers with clear, written guidance on how to treat detainees not only protects their interests but underscores the freedoms and values we cherish as Americans and that we claim to be the reason we have gone to war in Iraq, Afghanistan and other parts of the world.

Today, as a Congress we must respect and honor our nation, those that risk their lives to serve it, and the high standards and ideals on which it is based. Supporting the McCain amendment is not an issue of political difference; it is an issue of national identity.

The McCain amendment is needed to close a loophole in current policy that does not explicitly describe standards for foreigners held under U.S. custody abroad. This amendment reiterates and clarifies our existing policy that prohibits the use of torture, cruel, inhuman, and degrading treatment by U.S. soldiers and agents who are detaining and interrogating prisoners in the global war on terror, requiring that they use the techniques sanctioned in the Army Field Manual on Intelligence and Interrogation.

I urge my colleagues to resist any efforts to accept a watered down version of Senator McCAIN's language that would grant exceptions for the CIA to conduct its own investigations of detainees in locations overseas that are independent of the Army Field Manual. Such a move, which apparently is being orchestrated by the Vice President's office, would only defeat the intent of the provision adopted in the Senate and cause further confusion among military and civilian service people charged with detainee interrogations.

The Army Field Manual has been used as the standard for interrogation guidance since it was established during the Reagan Administration. The Manual does not cast any technique into stone, but changes with time and includes techniques and descriptions that are classified so as not to be uncovered by enemies.

In a sign of broad bipartisan support, the Senate overwhelmingly approved the McCain amendment in a 90 to 9 vote. In addition, 28 retired military leaders, including General Shalikashvili, General Hoar, and General Colin Powell, have supported legislating the use of the Army Field Manual through the McCain amendment.

In today's global war on terror, men and women in the armed forces are charged with the critical task of detaining and interrogating prisoners of war and enemy combatants without clear instructions on what is and what is not permissible. These ambiguities contributed to the absence of standards that resulted in the degrading and inhumane treatment that we, and the rest of the world, witnessed at Abu Ghraib and what apparently occurred at Guantanamo at the hands of young and ill-advised soldiers.

The abuses at Abu Ghraib and Guatanamo stained the honor of our country and our military. I know that most of our constituents want to amend these wrongdoings. In order to do this, and to help protect the treatment of American soldiers who may be held as prisoners of war, we must give our troops clear instructions on acceptable treatment during detainment and interrogation, without equivocation.

Let us not shrink from the responsibility that stands before us; let us rise as a united body to defend our principles, uphold our proud traditions and articulate to the world what America stands for. I urge my colleagues to express their support to Chairman YOUNG to retain the McCain amendment, without modification, in the conference agreement to the FY2006 Defense Appropriations bill.

TRIBUTE TO ST. STEPHEN'S ARMENIAN APOSTOLIC CHURCH OF HARTFORD-NEW BRITAIN, CONNECTICUT AND ARAM "OTTO" BAYRAMIAN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Ms. ESHOO. Mr. Speaker, I rise today to honor a distinguished congregation, St. Stephen's Armenian Apostolic Church of Hartford-New Britain, Connecticut, which is celebrating its eightieth anniversary on November 6, 2005. The Church is also honoring in memoriam Aram "Otto" Bayramian, a beloved parishioner and extraordinary leader.

St. Stephen's is the oldest Armenian church in Connecticut and one of the oldest in our Nation. Armenians began immigrating to the United States in large numbers in the late 19th century when troubles in their historic land, now part of Eastern Turkey, began mounting. They brought their Christian faith with them and began conducting religious services in rented churches. Fundraising for St. Stephen's began in 1912, but it was interrupted several times by world events. The groundbreaking took place in 1925, the culmination of many years of arduous work.

St. Stephen's is honoring extraordinary parishioners during its 80th birthday celebration and the event's special honoree is Aram "Otto" Bayramian, who died in 1996. He served St. Stephen's with distinction for more than 20 years.

Otto's father, Umrah Bayramian was one of the founders of St. Stephen's. Otto, a lifelong resident of New Britain, was one of the most respected business and community leaders in the region. He was a decorated veteran of World War II, flying eight subpatrol and 40 missions successfully, retiring as a Captain in the Air Force.

Upon returning home, Otto joined his father in the family business, founding the Epicure Market in Farmington, Connecticut. It became known as the "gold standard" in the food business throughout Connecticut.

Otto graced the stage of the theatre, including the New Britain Repertory, the Mark Twain Masquers, the Producing Guild, and the Waterbury Civic Theatre.

He was an organizer and Charter member of the Joel Eshoo Post 1 Assyrian American War Veterans which was established in 1946.

His great love was St. Stephen's Church and he did everything possible to strengthen its future.

It is highly appropriate that as St. Stephen's celebrates its founding 80 years ago, that the life of Otto Bayramian and his countless contributions to the betterment of St. Stephen's is celebrated as well.

It is also fitting that the Church's three archdeacons, Aram-Sumpad Khachoyan, Sebouh Asadourian and Edward Varjabedian are being honored for their 25 years of dedicated service on the altar. The Annual Youth Award recipient is choir member Maral Firkatian, and parishioners Dirouhi Avakian, Mary Boornazian and Susan Shabazian will each be presented with certificates of appreciation.

Mr. Speaker, I ask my colleagues to join me in honoring St. Stephen's Armenian Apostolic Church of Hartford-New Britain on the occasion of its 80th anniversary, honoring the life and contributions of the beloved Otto Bayramian, and in extending thanks to those being honored at the anniversary celebration.

Our Nation has been enriched by the lives and the faith of generations past, as well as parishioners of St. Stephen's today. We are unmistakably a better community and a more decent Nation because of the Church, because of Otto Bayramian and because of the contributions the Parish continues to make.

AMERICAN MANUFACTURING COMPETITIVENESS ACT

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. KNOLLENBERG. Mr. Speaker, today I, along with 17 other bipartisan, original cosponsors, am introducing the American Manufacturing Competitiveness Act (AMCA). This bill will help our manufacturing companies and their workers in a time of need. Right now, America's manufacturers are facing unprecedented international competition so it's critical that we pursue policies that make American manufacturing industries the strongest in the world.

In order to be competitive on the global market, our manufacturing base has to have access to timely supplies of competitively priced raw materials. Our manufacturers have to sell their goods at globally competitive prices, so they need to get their inputs at globally competitive prices too.

The problem is excessively high raw material prices are hurting our manufacturers. For example, U.S. steel prices are now the highest in the world. As just one example, the price for hot-rolled coil is over $100/ton higher than anywhere else in the world. When the costs of inputs for our manufacturing base are higher than the rest of the world, it undermines their ability to compete.

Government policies are part of the problem. For example, there are now over 150 different import restrictions covering over 20 steel products from over 30 nations. Some of these have been in effect since the 1980's, and cover steel products that are more expensive here than anywhere in the world. These restrictions can cause large distortions in the U.S. market for raw materials, and can inflict harm on the manufacturers and workers who need those materials to make their products. They hobble our manufacturers in tight markets, and choke off our larger manufacturing base.

However, the astonishing reality is this harm to our manufacturing base is being ignored when decisions about import restrictions are made. The International Trade Commission (ITC) and Department of Commerce (DOC) don't even allow the industrial users any meaningful participation in the process. Think about this. American companies are directly impacted by these decisions, but they are not even considered in the process. In fact, foreign producers have more rights in this process than our own American industrial users. This is especially disturbing since steel consuming jobs outnumber steel producing jobs by over 60 to 1. This is extremely unfair and unwise.

I testified at the ITC twice earlier this year during hearings on 5-year sunset reviews for duties on hot-rolled steel and stainless steel sheet and strip. Duties on these types of steel had already been in place for 5 years, and now the ITC was required to make a decision about whether they should continue. Companies who need these types of steel testified at these hearings too and provided information about the trouble they have getting the quantity and quality of the steel they need at competitive prices. When a manufacturing company can't get the raw materials it needs, that causes damage to the company particularly when they have to deliver their products just-in-time. Because of these duties, the industrial users are suffering damage.

I also introduced House Resolution 84, which urges the ITC to consider the effects of duties on industrial users during these sunset reviews. This resolution has 48 bipartisan cosponsors. All we were asking was that the ITC consider the effects of these duties on the consuming companies.

When the report explaining the ITC's decision to keep the duties in place came out, I was shocked that there was no evidence at all that the ITC considered the effects of the duties on the industrial users. Nothing. These are American companies with American workers, but there was no evidence the ITC listened at all.

Furthermore, during one of the hearings a representative for the steel industry stated "the Commission is precluded from considering the impact of imports of the subject merchandise on domestic steel consumers in determining whether the antidumping order should be revoked." This person was saying in effect that the ITC is not even allowed to consider the effects of their decisions on our manufacturing base. This is just wrong and it must be addressed to prevent unnecessary damage to our manufacturing base.

Antidumping and countervailing duty laws are necessary and they're in the interest of the United States, when applied in an objective and fair manner, to prevent unfair pricing and subsidized competition. But it's not fair and it's not acceptable when American companies being hurt by duties on imports can't even be considered in the process.

Mr. Speaker, basic fairness and common sense require us to change the law. My bill will address this problem by giving industrial users legal standing to participate in the antidumping and countervailing duty processes. It will require the ITC and the DOC to consider the information provided by the businesses that use these products. This is only fair. Furthermore, the process for imposing duties will remain the same, with the addition of a simple test that looks at the downstream harm. Under this bill, when making decisions on import restrictions, an economic impact test would be conducted by the ITC to determine the net effect on the American manufacturers affected by those decisions. In order for a restriction to be imposed, the test must show it would provide greater benefit than harm to U.S. interested parties in that case. If not, it can't be imposed. This is only fair, and makes sure our policies are economically sound.

I urge my colleagues to join me in supporting this important bill to help our American manufacturing base be as competitive as it can be.

CONGRATULATING TOM GRACE UPON HIS RETIREMENT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to extend a sincere congratulations to my good friend Tom Grace upon his retirement as a social worker from the New York State Office of Mental Retardation and Mental Disabilities. Tom Grace worked for 30 years in the Developmental Disabilities Service Office in West Seneca, New York.

Tom is a well respected union official in Western New York; in 1981 he was elected as the first President of Division 167 of the Professional Employees Federation. Tom was the Western New York Regional Coordinator for PEF from 1985 through 1987. For many years he served on the Executive Board of the Buffalo AFL–CIO District Council and presently serves on the Executive Board of the Western New York AFL–CIO Federation.

Tom Grace is also a distinguished social activist. Tom has always been a leader in the fight for social change in the United States. He is a staunch Democrat, and over the years he has been most generous with his time and resources. Tom's social activism goes back to his college days. On May 4, 1970 Tom was one of the students wounded at Kent State while protesting the Viet Nam war. Tom's spirit is unwavering. He is committed to speaking out when he sees injustice; be it in the work place or the social theater that makes up this Nation.

Tom has a reputation for fearlessness; he is modest in stature but grand in his convictions. Mr. Grace will be greatly missed but I am sure he will not travel far from the causes so dear to him.

It is with great pride and gratitude I stand here today to recognize Tom Grace for his many years of support and for his commitment as a community advocate. I wish Tom, his wife Peggy and their children TJ and Allison many years of continued health and happiness.

TRIBUTE TO JACK BASKIN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Ms. ESHOO. Mr. Speaker, Mr. FARR and I rise today to honor an extraordinary citizen of our community, Jack Baskin. Throughout his life, Mr. Baskin has made significant contributions to the betterment of Santa Cruz County and he is held in the highest regard throughout our region.

Jack Baskin, now a retired engineer and general contractor, was born in upstate New York, the son of immigrants. During the Great Depression his family made many sacrifices in order for him to go to college, and he was the first member of his family to do so. He attended the University of Colorado where he studied mechanical engineering, later transferring to New York University where he earned his B.S. in aeronautical engineering.

After serving as an aeronautical engineer during World War II, Mr. Baskin moved West and in 1948, acquired his California Professional Engineers License. He settled in Central California, and founded Jack Baskin, Inc., focusing on building affordable housing in the San Francisco area, in Santa Cruz and in Watsonville.

Jack Baskin is dedicated to his community and has given generously to it. Among the local organizations that are beneficiaries of Mr. Baskin's time and donations are Cabrillo College and Dominican Hospital. He was the founder of the Community Foundation of Santa Cruz County, and he has participated in many other organizations for children, families, and senior citizens. The University of California, Santa Cruz, UCSC, has been a long time recipient of Mr. Baskin's extensive contributions. His donations have supported computer engineering, instruction in the arts, the Institute of Marine Sciences, Shakespeare Santa Cruz, an endowed chair in psychology, and a scholarship in literature. Mr. Baskin chaired the UC Santa Cruz Foundation for 2 years and remains a trustee. His commitment to education is memorialized by two prominent buildings named in his honor on the UCSC campus.

Jack Baskin is a model citizen and a highly respected member of the community. Thousands of individuals have benefited from his generosity and dedication to higher education and community health care.

Mr. Speaker, Jack Baskin's life is an eloquent statement about what one committed citizen can do. We ask all our colleagues to join us in honoring him for all he has done to strengthen our community and to make our country better.

HONORING DR. J. KIRK SULLIVAN, OF IDAHO, FOR RECEIVING THE DISTINGUISHED EAGLE SCOUT AWARD

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. SIMPSON. Mr. Speaker, I rise today to pay tribute to a unique individual in Idaho of high moral character and immense talent, J. Kirk Sullivan.

J. Kirk Sullivan is widely known in Idaho as the current chairman of the Idaho Republican Party, but Dr. Sullivan is much more than that. He is a husband, father, grandfather, friend, engineer, entrepreneur, businessman, and most recently, he is the recipient of the highest award granted by the National Eagle Scout Association—the Distinguished Eagle Scout Award.

As several of my colleagues know, the Distinguished Eagle Scout Award is a rare honor indeed, given only to those who have held the rank of Eagle Scout for 25 years or longer, have gained status of fame or eminence in their life work, and have shared their many talents with their communities on a voluntary basis. In each of these categories, Kirk not only meets the requirements, he far surpasses them.

Kirk has participated in many organizations and boards, currently serving as the Ore-Ida Council Boy Scouts of America President, as a member of the Board of Trustees for the Public Employees Retirement System of Idaho, Board of Trustees for Saint Alphonsus Regional Medical Center, and as a member of the Idaho Governor's State Science and Technology Advisory Council.

As mentioned earlier, Kirk is married to Elizabeth M. Sullivan, they have two children and three grandchildren. Originally from South Carolina, Kirk attended Clemson University where he earned a Ph.D. and M.S. in chemistry. He also attended the Massachusetts Institute of Technology Program for senior executives. During college he was a member of U.S. Army Reserve.

In his professional life, Kirk is a partner in Veritas Advisors, a philanthropic fundraising and political consulting firm. Kirk retired from the Boise Cascade Corporation in 1998 after 27 years with the company. He retired as vice president of Governmental and Environmental affairs. He also worked for the FMC Corporation for 13 years as an engineer, technical superintendent, and marketing manager.

In reviewing the criteria for the Distinguished Eagle Scout Award, I learned that only nominations of truly distinguished individuals, those receiving extraordinary recognition, fame, or eminence, are accepted. Previous award recipients include President Gerald Ford, Astronaut Neil Armstrong, Secretary of Defense Donald Rumsfeld, retired General William Westmoreland, Senators RICHARD LUGAR and LAMAR ALEXANDER, film director Steven Spielberg, and one of our former colleagues J. J. Pickle of Texas.

This is a pretty impressive cast of characters with which Kirk's name will now be associated. He is deeply deserving of this honor and I want to take this opportunity to thank Kirk for his service to his community, the State of Idaho, and the United States of America. Kirk is a good citizen, a good friend, and a great model for us all.

A TRIBUTE TO LOCAL HEROES OF HURRICANE KATRINA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. BONNER. Mr. Speaker, I rise today to pay tribute to two heroes whose leadership following Hurricane Katrina is truly inspiring.

Randy Boone, a retired U.S. Coast Guard Aviation Survivalman, recently wrote me a letter describing the selfless actions of two soldiers from the Army's 1108th Blackhawk squadron: Sergeant Stacy Eubanks and Sergeant Kring.

Immediately following the landfall of Hurricane Katrina, Sergeant Eubanks, whose own home was damaged, loaded his truck with ice and water that he delivered to the Mississippi coast. He went from house to house distributing all of the ice and water. He made a second trip that same day, and the following day was joined by a neighbor. Others were soon inspired to join him. Sergeant Eubanks and his fellow volunteers delivered over 5 tons of ice, hundreds of boxes of food, and several hundred cases of water throughout south Alabama and Mississippi. He also organized a caravan with a tractor trailer truck and pickup trucks with trailers loaded with food, water, ice and medical supplies from Mobile to Gulfport, MS.

Sergeant Kring and his family live in Waveland, MS, a community that was completely wiped off the map in the path of Hurricane Katrina. Thankfully, Sergeant Kring's family is alive and well, but their home was destroyed. When Sergeant Kring returned after the storm to what previously was his home, he spotted a group of displaced and disoriented survivors of Katrina gathered in a Waveland K-mart parking lot. Sergeant Kring organized the group, built a temporary shelter and a makeshift triage unit, and began assisting the injured. This parking lot was given the name "Camp Katrina." Sergeant Kring remained there for days until he was able to get outside assistance. I understand that the location later became a portable military medical facility to help the victims of Hurricane Katrina in Waveland.

Following Hurricane Katrina, Sergeant Eubanks went to Waveland to locate comrades he had not been able to contact. Sergeant Stacy found Sergeant Kring at the "Camp Katrina" parking lot. The two tried to recover personal items from the remains of Sergeant Kring's destroyed home.

The 1108th Blackhawk unit stationed at Fort Shelby was training to go to Iraq in October, when Hurricane Katrina hit the gulf coast. Because of the massive destruction to our coastal communities and because many of these soldiers' homes were severely damaged or destroyed, it is my understanding that only 50 of the soldiers will be deployed to Iraq. Sergeant Stacy is one of the 50, and I was not surprised to learn that Sergeant Kring has volunteered to go as well.

Mr. Speaker, the selfless dedication of these two gentlemen to their communities in a time of crisis is a tribute to their families, their communities, and their service in the Armed Forces. I am grateful to have these men serving in our Nation's military, and I commend their service.

AN ASSAULT ON AMERICA'S PUBLIC LANDS THE HARDROCK MINING PROVISIONS OF THE RESOURCES COMMITTEE'S BUDGET RECONCILIATION PACKAGE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. RAHALL. Mr. Speaker, among the many egregious provisions of the Budget Reconciliation recommendations recently approved by the Resources Committee is a raid on America's public lands and our natural resources heritage of almost unparalleled proportions. Included in these recommendations to be considered by the House Budget Committee is the worst kind of "sham reform" of the Mining Law of 1872 that has ever been promoted during my tenure in Congress and if enacted would result in a blazing fire sale of Federal lands to domestic and international corporate interests. It is actually a step backward from this 133–year old statute.

Signed into law by President Ulysses S. Grant, the Mining Law of 1872 to this day governs the mining of valuable "hardrock" minerals such as gold and silver on Federal western public lands. The law allows private companies to patent—purchase—public lands containing valuable minerals for a mere $2.50 to $5.00 per acre, prices set in 1872, without paying a royalty—production fee—on the mining of these minerals to the taxpayer. Since 1872, more than $245 billion worth of minerals have been extracted from public lands at these bargain-basement prices. Further, a land area equivalent in size to the State of Connecticut has been sold to the mining industry for less than $5 an acre. Since 1987, when I chaired the Energy and Minerals Subcommittee, I have worked to rewrite this antiquated law, introducing comprehensive reform bills in each successive Congress.

In addition, at my urging, since 1994, and with strong bipartisan support, Congress has placed an annual moratorium on the patenting of mining claim on Federal lands. To be clear, bona fide mining can and does take place on unpatented mining claims. There is no indication or proof that this over one decade ban on the patenting of mining claims has diminished in any respect the actual production of hardrock minerals from unpatented mining claims on western public lands. Yet, the Resources Committee's budget reconciliation recommendations would repeal the moratorium and reinstate patenting—the sale—of these public lands. According to the Congressional Budget Office, this provision would only raise an estimated $158 million over the next 5 years by patenting public lands for $1,000 an acre or fair market value of only the surface of the land—far from the true value of the minerals underneath. Let me emphasize that. The Resources Committee provision would allow the sale of potentially mineral rich public lands for the mere cost of the surface estate, completely ignoring the value to the underlying mineral estate. In contrast, an 8 percent royalty on the actual mineral production from mining claims which I have long advocated would raise $350 million in the same time period. Keep in mind that if one mines coal on Federal lands, the company is required to pay either an 8 percent or 12.5 percent production royalty depending on whether the coal is deep or surface mined. Further, producers of onshore oil and gas on Federal lands pay a 12.5 percent production royalty. But producers of gold, or silver or copper. . . . zero, zilch, nothing.

The Mining Law of 1872 provisions adopted by the Resources Committee without benefit of public hearing also go far beyond just reinstating the much-maligned "patenting" provision. In fact, the provisions would require the Federal Government to sell such public lands to potential buyers, whether or not it is in the public interest to do so. Under the Resources Committee legislation, a prospective purchaser would merely (a) file a mining claim or mill site or "blocks of such claims," (b) present evidence of mineral development work performed on the lands they want to buy totaling at least $7,500 per claim, (c) pay for a land survey, and (d) show up to get the deed.

As such, under these provisions anyone, including real estate developers and oil and gas companies, could purchase and develop natural areas that are currently important for recreation, wildlife, fisheries or regional drinking water supplies under the guise of a mining law. This would enable oil and gas companies to purchase the land they currently lease from the Federal Government. Not coincidentally, since most Federal oil and gas leases occur on Federal lands not protected by this legislation, this provision would put at risk the rents, royalties and bonus payments currently collected annually by the Federal Government and shared with the States from onshore oil and gas leases which in fiscal year 2004 totaled $1.850 billion.

Further, while the Resources Committee legislation would put off-limits to its provisions certain Federal lands, such as National Parks, from location of new mining claims, it does not protect National Forests and Wilderness Study Areas, Areas of Critical Environmental Concern, and other similar areas, even if these other areas have been withdrawn from new mining claim location. For example, there are currently more than 60,000 acres of mining claims in the Tongass National Forest, the largest intact temperate rainforest in the world, which would be available for sale under these provisions. And the Resources Committee provisions do not protect National Parks, Wilderness Areas, and National Wildlife Refuges that have unpatented claims within them. In National Parks alone, there are more than 900 unpatented mining claims that would be subject to sale for $1,000 per acre if these provisions become law.

In addition, the bill does not require that the lands have been used or will be used for mining. As written, purchasing the land need only facilitate sustainable economic development. Since the term is not defined, sustainable economic development could include condominium construction, ski resorts, gaming casinos, name it. A unanimous Supreme Court said in 1979 that "the Federal mining law surely was not intended to be a general real estate law. The American Law of Mining, the standard industry treatise on the mining law, says that the law does "not sanction the disposal of Federal lands under the mining laws for purposes unrelated to mining." Yet, according to John Leshy, former Solicitor of the Department of the Interior, "Subtitle B is effectively a 'general real estate law' and will put in the hands of corporations, the keys to privatize millions of acres of Federal land."

In order to make it easier to dispose of Federal lands, these provisions would also free the potential buyer from performing "mineral development work" on each unpatented claim or block of claims or millsites. Instead, it states that this type of work should be performed on "the Federal lands identified and submitted for purchase." In other words, the potential buyer need only show that there has been some mineral development work somewhere on the lands being sold. The tracts could be huge because the proposal contains no limit on the acreage or numbers of claims that could be purchased.

Moreover, the provisions so broadly define "mineral development work" as to render it essentially meaningless. It could involve activities that never come close to the land itself; e.g., geologic, geochemical or geophysical surveys, which can be done remotely. It could involve, for example, buying and looking at satellite data, or going through USGS reports; or hiring a consultant to do on-line or library searches. And, it could include environmental baseline studies, or "engineering, metallurgical, geotechnical and economic feasibility studies." Again, consultants doing on-line searches and library work would qualify.

These provisions also prohibit any other fees or fair-market-value assessments to be applied to "prospecting, exploration, development, mining, processing, or reclamation, and uses reasonably incident thereto"—which would prohibit the government from levying any royalty or other production fee on mining operations.

As a long time advocate of responsible reform of the Mining Law of 1872, after reflecting on these provisions, I find it hard to believe that they would even be supported by responsible elements in the hardrock mining industry. Further, they represent an assault on America's natural resource heritage and to the American taxpayer. And given my history on this issue, I find them personally insulting as well.

In closing, I would note that the following groups, on behalf of the millions of members from across the country, agree with me that these provisions should be deleted from the Resource Committee's portion of the Budget Reconciliation Package: Taxpayers for Common Sense Action, Alaska Center for the Environment, American Rivers, Amigos Bravos Center for Biological Diversity, Center for Native Ecosystems, Citizens for Victor Clark Fork Coalition, Colorado Environmental Coalition Colorado Information Networks for Responsible Mining, Earth Island Institute, Earthjustice, EARTHWORKS, Environmental Protection Information Center, Environmental Working Group, Friends of the Clearwater, Friends of the Earth, Friends of the Panamints, Gifford Pinchot Taskforce, Great Basin Mine Watch, Greater Yellowstone Coalition, Guardians of the Rural Environment, Idaho Conservation League, Indigenous Environmental Network, The Lands Council, Maricopa. Audubon Society, Mining Impact Coalition of Wisconsin, Montana Environmental Information Center, Mount Graham Coalition, National Environmental Trust, National Wildlife Federation, Natural Resources Defense Council, Northern Alaska Environmental Center, Okanogan Highlands Alliance, Oxfam America, Rock Creek Alliance, Save the Scenic Santa Ritas, SHAWL Society, Sierra Club, Silver Valley Community Resource Center, Siskiyou Regional Education Project, Sky Island Alliance, South East Alaska Conservation Council, Southern Utah Wilderness Alliance, Umpqua Watersheds, Westerners for Responsible Mining, Western Organization of Resource Councils, The Wilderness Society, and Women's Voices for the Earth.

I urge my colleagues to join me in recommending that these provisions be stripped from the Budget Reconciliation Package if they are included by the House Budget Committee. America's public lands are held in trust for future generations. They deserve to be protected, not sold off at fire sale prices. American taxpayers deserve to be paid a fair royalty for the minerals taken from public lands, not to be cheated by a bill that sells their land to corporations for much less than its true worth. We can do better.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. MILLER of Florida. Mr. Speaker, I would like to offer a personal explanation of the reason I missed rollcall votes Nos. 559, 560, and 561 on November 2, 2005. It was suspension votes on H.R. 1606, the Online Freedom of Speech Act, H.R. 4061, the V.A. Information Technology Management Improvement Act, and H.R. 1691, the John H. Bradley Department of Veterans Affairs Outpatient Clinic Designation.

MONICA ARMENTA LEAVES KOB-TV CHANNEL 4

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to an exceptional New Mexican and journalist, Monica Armenta. She will be leaving KOB–TV Channel 4 to become the new executive director of the Albuquerque Public Schools Foundation.

Ms. Armenta has worked at KOB–TV for over 20 years, beginning as a 19-year-old intern and she has been the morning news show anchor there for the past 15 years. She has always held herself and her colleagues to a higher standard and this has resulted in the exceptional quality of her news coverage.

She has been recognized by numerous awards throughout her career in broadcast journalism. She is the recipient of the Rocky Mountain Emmy Award 1986–87 for her spot coverage of the Global Hilton hot air balloon crash and she was also given the UNM Professional Achievement Award. Ms. Armenta has been selected as one of New Mexico's 40 top influential people under 40 by New Mexico Business Weekly as well as a YWCA Woman on the Move. Ms. Armenta has also been a notable speaker at conferences, awards dinners and schools.

Aside from being a famous and reliable TV anchor that thousands of New Mexicans welcome into their home every morning, Ms. Armenta has shown herself to be a vital leader in New Mexico and her new job with the Albuquerque Public Schools Foundation is a testament of her continued commitment to enhancing her community.

Ms. Armenta has shown her dedication to bettering education and was a former journalism teacher at West Mesa High School. I commend her for embracing her roots in New Mexico and working to improve the educational system that has been such a part of her life. Ms. Armenta told a reporter in July, "I'm a product of APS and I feel it's time for me to give back."

I have enjoyed appearing with Monica on her program "Eye on New Mexico" and have consistently found her news coverage to be smart, informative and reliable. I admire her exceptional ability to balance her roles as a mother, a wife, a journalist and an activist.

Although she will be greatly missed as a journalist, I am certain that she will be a wonderful addition to the APS community. Her energy, intelligence and enthusiasm have always translated into success and I anticipate that her career in the education community will not only be rewarding for her as an individual, but will provide the Albuquerque Public Schools Foundation with a wonderful new voice of leadership. Although the state of New Mexico is losing a valued journalist we are gaining a vocal and significant advocate for the school system.

Mr. Speaker, I ask that my colleagues join me in wishing Monica and her family luck as they embark on this new chapter in their life. Thank you Monica, for your service and contribution to New Mexico.

HONORING C.J. ENTERPRISES

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. WAMP. Mr. Speaker, I rise today to honor C.J. Enterprises, Inc., for a successful 25 years of service to Tennessee's 3rd Congressional District and our country. Founded in 1980, C.J. Enterprises was created as a consultant service by Mrs. Carolyn Jones, who now serves as the President and CEO. Mrs. Jones is a product of Chattanooga, TN and a graduate of Emory University where she received her degree in health information management. Along with her husband Edward G. Jones, Mrs. Jones has dedicated her career to service in the field of records and information services.

Within its 25 year span, C.J. Enterprises has become one of the premier minority and woman-owned companies in the country providing records and information management services to health care facilities, government agencies, and commercial businesses. C.J. Enterprises has provided exceptional services to customers in over 30 states. The company's growth and success is evident through the numerous awards and accolades for its highly professional and effective services.

C.J. Enterprises is a true example of how dedication, hard work, and commitment can pay off in our nation. Congratulations to C.J. Enterprises, for 25 years of remarkable service to our region, state, and nation.

ANNOUNCING JEWISH SOCIAL ACTION MONTH

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. ISRAEL. Mr. Speaker, I rise today in support of the goals and ideals of Jewish Social Action Month.

This first annual Jewish Social Action Month, which is being held in conjunction with the Jewish month of Heshvan, November 3–December 1, 2005, was conceived by Kol Dor, an international group of next-generation young leaders. It is as a result of their vision of encouraging community service and social action that this important initiative is being undertaken around the world.

This month and these days have been selected since they follow Rosh Hashanah and Yom Kippur, the holiest days in the Jewish year. Heshvan follows a time when all Members of the Jewish faith face ourselves, look inward, and cleanse ourselves of all our misdeeds. Then, it is during Heshvan that we look forward to the promise of the New Year.

There is no better way to begin our New Year than by launching into a month-long serious effort to commit to social action. This commitment being made today is not a one-year-only event. Every year during the Jewish month of Heshvan, Jews around the world will renew our commitment to making this world a better place.

Minister Michael Melchior and Member of Knesset Colette Avital deserve special recognition for their early and strong support for this concept. My Jewish colleagues and Jewish people in many other countries are also launching similar plans in their respective countries from Brazil to Britain.

Additionally, I would also like to make special mention of Kol Dor and the co-chairs of Jewish Social Action Month: Adina Danzig, Executive Director of the Stanford Hillel; Rabbi Gidon Sylvester, assistant to Deputy Minister Michael Melchior; and Yosef I. Abramowitz, CEO of Jewish Family & Life.

I commend the people working to make this goal a reality and urge my colleagues and people of all faiths to participate in community service and commit themselves to the principle of Tikkun Olam, to repairing the world.

IN HONOR AND REMEMBRANCE OF U.S. MARINE LANCE CORPORAL ROBERT F. ECKFIELD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of United States Marine Corporal Robert F. Eckfield of Cleveland, Ohio, who bravely and selflessly heeded the call to duty and made the ultimate sacrifice on behalf of our country.

Family, friends and service to others framed Corporal Eckfield's life. He gained personal strength and faith from those who knew him best and loved him most, especially his mother, Virginia Taylor; father, Robert Eckfield; stepfather, Norman Taylor; brothers and sisters, Nathan, Rachael and Norman; niece Makala; grandparents, Gerald and Doris Eckfield and William and Ruth Taylor; and his girlfriend, Beth Dunkle.

Corporal Eckfield's energetic spirit and expansive heart easily drew others to him. His steadfast focus on serving the public and his leadership abilities were evidenced throughout his life. He attended John Marshall High School and graduated from the Cleveland Christian Academy. Family, friends and service to others were the core components of his life. Corporal Eckfield honorably served three tours of duty.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Corporal Robert F. Eckfield. I extend my deepest condolences to his family members and many friends. The ultimate sacrifice, unwavering service and endless heart that framed his young life will be kept alive in the hearts and memories of everyone who knew and loved him best—his family and friends. Corporal Eckfield's courageous life and legacy of service will be forever honored and remembered by the Cleveland community and by our entire nation.

HONORING SPECIAL AGENT MICHAEL WOLF FOR HIS MANY YEARS OF SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to extend my sincere thanks and appreciation to Special Agent Michael Wolf who has served the Federal Bureau of Investigation for over 30 years. Just last month we learned that Special Agent Wolf would be leaving the New Haven Field Office to a new position at the Washington Headquarters. It was with great excitement that we heard Special Agent Wolf had been selected by FBI Director Robert Mueller, III to serve as Special Agent in Charge of the Critical Incident Response Group.

Throughout his career, Special Agent Wolf has demonstrated a unique commitment to public service and has dedicated a lifetime to ensuring the safety and security of our communities and our Nation. He has exhibited a deep commitment to public safety not only in joining the Federal Bureau of Investigation, but in successfully combating crime in a myriad of forms.

Joining the Bureau in 1973 as a physical science technician, Agent Wolf was soon appointed to the position of Special Agent. His first assignment took him to Pittsburgh, Pennsylvania where he worked on applicant, white collar crime, organized crime, and narcotics matters. Just 5 years later, Agent Wolf was selected as a member of the Bureau's Hostage Rescue Team where he served for 3 years until his promotion to FBIHQ Supervisor, responsible for domestic terrorism matters. Transferred to the New Haven Field Office as a Field Supervisor, Agent Wolf headed the Crime/Drug Squad in Connecticut and supervised the successful development of a case against organized crime. He then went on to be promoted to the position of Inspector which brought him back to FBI headquarters.

For the last 6 years, Agent Wolf has served as Special Agent in Charge of the FBI in Connecticut. I am so pleased to have this opportunity to express my deepest thanks and appreciation to Special Agent Wolf for his gracious assistance to both myself and my staff during his tenure in New Haven. His door has always been open to us, always available to answer our questions or assist in any way that he could. It gives me piece of mind to know that Special Agent Wolf will be next serving as the Special Agent in Charge of the Critical Incident Response Group. Through the myriad of positions he has held and variety of responsibilities he has been charged with, Agent Wolf has developed a distinguished reputation and an impressive resume. With his knowledge, expertise, and strong work ethic, I have no doubt that this new division of the Bureau will be successful in their mission.

For his invaluable service and continued commitment to public service, I am proud to stand today to pay tribute to Special Agent Michael Wolf. I extend my very best wishes to Agent Wolf; his wife, Francine; and his daughters, Danielle and Lindsay as he accepts this new post in Washington, DC. I have no doubt that he will excel in this position and work diligently to ensure the safety and security of our communities and our Nation. Good Luck and God Bless.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. MENENDEZ. Mr. Speaker, I was absent from votes in the House on Wednesday, November 2, due to a previous and unavoidable commitment. Therefore, I was unable to vote on H.R. 1606, the Online Freedom of Speech Act, rollcall No. 559; H.R. 4061, the Department of Veterans Affairs Information Technology Management Improvement Act, rollcall No. 560; and H.R. 1691, the John H. Bradley Department of Veterans Affairs Outpatient Clinic Designation Act, rollcall No. 561. Had I been present, I would have voted "nay" on rollcall 559 and "yea" on rollcalls 560 and 561.

TRIBUTE TO THE 29TH ANNUAL ASIAN-AMERICAN CHARITY BALL

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to announce that the Asian-American Medical Association will be hosting the 29th Annual Asian-American Charity Ball on Saturday, November 5, 2005, at the Avalon

Manor in Hobart, Indiana. Each year, the Asian-American Medical Association honors prominent, extraordinary citizens for their contributions to the community. In recognition of their tremendous efforts, these individuals are honored at the banquet and awarded the prestigious Crystal Globe Award.

The Asian American Medical Association is a great asset to Northwest Indiana. This organization has dedicated itself to providing quality service to the residents of Indiana's First Congressional District and has demonstrated exemplary service in its cultural, scholastic, and charitable endeavors.

At this year's annual charity gala, the Asian-American Medical Association will present Mr. Gus Olympidis with the Crystal Globe award. Gus is the President and Chief Executive Officer of the Family Express Corporation based in Valparaiso, Indiana. He currently serves as a Director and a member of the Executive Committee of Centier Bank. He is also a Director of the Valparaiso Community Development Corporation, Director of the Northwest Indiana Forum, and Director of Valparaiso University's College of Business Administration Advisory Council. He also serves on the Porter County Foundation Board.

Amongst Gus's many positive accomplishments throughout his civic and convenience store industry engagements, he has also taken on the role of President of the Valparaiso Parks and Recreation Foundation, Chairman of the Valparaiso Chamber of Commerce, and was a member of the Valparaiso University Town and Gown committee and a Board member on the Regional Development Authority Committee. I am honored to commend Gus for his commitment and dedication to the well being of those who seek his knowledge and leadership. His efforts and hard work are worthy of the highest recognition.

Although Gus's career consumes much of his time, Gus has never limited the time he gives to his most important interest, his family. He and his wife, Beth, have three children and two grandchildren.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending the Asian American Medical Society and Gus Olympidis for their outstanding contributions to the community. Their commitment to improving the quality of life for the people of Northwest Indiana and throughout the world is truly inspirational and should be recognized and commended.

TRIBUTE TO COLORADO'S 137TH SPACE WARNING SQUADRON

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to congratulate a truly outstanding component of this Nation's defense—the 137th Space Warning Squadron based in Greeley, Colorado. For the fourth time in five years that squadron has won the Distinguished Mission Support Plaque. This coveted award is sponsored by the National Guard Association of the United States and is presented by Lt. General Daniel James, Director of the Air National Guard. Only five units from the entire Air National Guard are selected to receive this prestigious award recognizing superlative performance in the defense of our nation.

In congratulating the unit for its outstanding performance, I would like to give special recognition to the former commander of the 137th Space Warning Squadron, Brigadier General Select William E. Hudson, Air National Guard. During his nearly 10 years of service, from 1996 to 2005, Colonel Hudson served as Director of Operations and then as Commander of the unit. He led the unit through numerous real world and exercise operational programs. On September 11, 2001 and afterwards, Colonel Hudson ensured that the 137th Space Warning Squadron would meet and exceed its mission responsibilities to Air Force Space Command. I would also like to recognize Brigadier General Mike Edwards of the 140th Wing at Buckley Air Force Base and Major General Mason Whitney, the Colorado Adjutant General, for their superlative support of the 137th Space Warning Squadron.

In 2003 the squadron was rated "Excellent" by USAF Space Command's Operational Readiness Inspection Team for exceptional performance and outstanding leadership. In addition, the unit has received ratings of Excellent to Outstanding at countless inspections since its stand-up in 1996. The National Guard Association's Distinguished Mission Support Plaque showcases the outstanding leadership, operational ability, and professional competence of Colorado Air National Guardsmen and women at the 137th Space Warning Squadron.

I am so proud that this unit constantly goes above and beyond in its defense of Colorado and the United States of America. I invite my colleagues to join me in thanking the men and women of the 137th Space Warning Squadron for their unparalleled service to our community and our Nation.

KENTUCKY VICTIMS OF HOMICIDE MEMORIAL

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. CHANDLER. Mr. Speaker, November 10, 2005 is going to be a very special, yet bittersweet day in Kentucky. After years of hard work and planning, the Kentucky Victims of Homicide Memorial is going to be brought to fruition. As former Attorney General I distinctly remember the beginnings of this project, and I regret that I must be voting in Washington during the memorial dedication.

I personally want to extend my heartfelt appreciation to the KY Mothers Against Drunk Driving (MADD), the Kentuckians' Voice for Crime Victims (KVCV), Resthaven Memorial Park, Muldoon Memorials, and Dignity Memorial for their enormous efforts in seeing that this memorial became a reality.

This memorial will serve as a remembrance of all victims, a place of comfort for those who have lost loved ones and an ongoing tribute to the fight against crime. We must maintain hope in our struggle against violence. We must continue to raise public awareness. And we must always honor the tragic deaths of innocent homicide victims.

The Kentucky Victims of Homicide Memorial will send a powerful message to the citizens of Kentucky. It is the largest memorial and only memorial of its kind in all of the United States. It will serve as a place of inspiration, a place of hope and a place of peace. I thank those who made this memorial a reality, and I hope it will provide a small sense of comfort to those who have been affected by violent crimes.

HONORING THE REVEREND DR. CALVIN E. OWENS, SR.

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. CROWLEY. Mr. Speaker, I rise to celebrate and honor Reverend Dr. Calvin E. Owens, Sr. as he marks his 29th Pastoral Anniversary. But 29 years is only one milestone in a life dedicated to the community, to others, and to God.

After 38 years as a preacher and a lifetime as a teacher, Reverend Dr. Calvin Owens has inspired and lifted so many to recognize the potential that God has invested in each one of us.

Reverend Owens's career has seen him travel through so many institutions, and like the Good Samaritan, leave his mark every step of the way.

His pastoral journey began at Unity of Tabernacle Baptist Church in Mt. Vernon and, in 1968 after being ordained as a minister of the Gospel, he went to First Corinthian Baptist Church. It was there he served for six years as Director of Youth Development before moving on to the New Community Baptist Church of New York City as Pastor.

He served there honorably before being called to serve the Lord as Pastor of the Community Protestant Church in 1976, the place he still calls home.

But he has inspired and educated not only from the pulpit, but out in the community spreading the word of forgiveness, mercy, love and tolerance as part of the New York City Police Department's Police Clergy Liaison Committee; as the Second Vice President of the Riverbay Board of Directors of Co-op City; Treasurer of the Baptist Ministers Conference of Greater New York; and for eight years now as a member of Community Board #10. He is always serving his flock.

The good works of Reverend Dr. Owens have not gone unnoticed. A certificate of Award for Faithful Service from the New York Baptist Educational Center; the New York Baptist Educational Center Certificate of Appreciation for Outstanding Service and Contributions to the Department of Pastoral Care; the Bronx Ministers Evening Conference Scholarship Award; the Harlem Hospital Center Certificate of Appreciation for Outstanding Service and Contributions to the Department of Pastoral Care; as well as numerous other awards for Christian leadership and service.

But the awards most important to highlight are the one's provided by God—his three sons and three daughters. They are a living tribute to you, Reverend.

Therefore, on behalf of United States House of Representatives, I am honored to acknowledge and honor the life and contributions of Reverend Dr. Calvin E. Owens, Sr. as he celebrates his 29th Pastoral Anniversary.

H.R. 4179: JAPANESE BAN ON AMERICAN BEEF

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. COSTA. Mr. Speaker, today I rise in support of H.R. 4179. This legislation would impose trade sanctions on Japan if the ban on American beef is not lifted by a reasonable date. For decades, Japan has been a friend and reliable trading partner with the United States, and I anticipate that relationship will prosper. However, in spite of our best efforts, our fine relationship has been strained by Japan's continued ban on imports of U.S. beef.

There is reason to be optimistic that this legislation will not be enacted if Japan takes reasonable action. Japan's Food Safety Commission gave a favorable report on Monday, October 31, 2005, and will continue to review the ban for a mandatory one-month comment period. After the one-month waiting period, the Japanese government may drop the ban and resume beef imports. However, should the Japanese not take favorable action, the trade sanctions would go into effect on December 15, 2005.

The December 15 date is not arbitrary. In fact, I believe it is a well-timed and necessary mechanism to encourage the ban to be lifted. The U.S. beef industry and the federal government have not only assured the Japanese government of our stringent safety standards, but have also made every effort to exceed the requirements set forth by Japan's Food Safety Commission.

American beef continues to be the safest and the highest quality beef in the world. The American beef producers deserve the full benefit of our bilateral trade agreement. This legislation reserves our right to respond forcefully should Japan prolong this shortsighted ban. I urge my colleagues to join me in support of this legislation.

WELCOMING SOUTH KOREAN AMBASSADOR TAE-SIK LEE

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. FOSSELLA. Mr. Speaker, as cochair of the Congressional Caucus on Korea, I would like to take the opportunity to formally welcome the Honorable Tae-Sik Lee as ambassador of the Republic of Korea to the United States and to congratulate him on his appointment.

Ambassador Lee's diplomatic credentials and legacy are entrenched in a life-long devotion to promoting, enlarging and broadening South Korea's stature and prominence at home and around the globe. He most recently served as vice foreign minister at the Ministry of Foreign Affairs and Trade, MOFAT. His other notable diplomatic assignments include ambassador to the United Kingdom of Great Britain and Northern Ireland, ambassador to Israel and deputy executive director of the Korean Peninsula Energy Development Organization, KEDO.

It is clear that Ambassador Lee brings tremendous depth of experience and expertise to Washington. I was pleased to learn that, upon his arrival on Friday, October 14, he stated, according to the South Korean Embassy, that he "looks forward to working together to strengthen the U.S.-Korea alliance and improving Korean-American relations."

It is important to note that Ambassador Lee has the distinct honor of representing one of America's closest allies. For over 50 years, the United States and South Korea have enjoyed a broad and comprehensive alliance, a partnership dedicated to peace and stability, economic growth and prosperity through free enterprise, and democracy with respect for human rights and the rule of law.

South Korea has undergone a fundamental transformation within the past 50 years, having emerged from a worn-torn and impoverished nation into a full and mature democracy that has generated the world's 11th largest economy. South Korea now ranks as the seventh largest trading partner of the United States with over $72 billion in trade volume annually and is also the fifth largest market for U.S. agricultural products. In this regard, South Korea would make an excellent candidate for a Free Trade Agreement, FTA with the United States.

South Korea remains an indispensable security partner to the United States, having stood alongside our troops in all four major conflicts that we have faced since the Korean War. Most recently, in the U.S.-led war on terror, South Korea has deployed more than 3,270 troops to Iraq—the third largest contingent after the United States and Great Britain—and supported continuing operations in Afghanistan.

South Korea has also remained a key partner in the six-party talks focusing on the question of preventing nuclear proliferation in northeast Asia, and its diplomatic efforts were indispensable in achieving the joint statement that resulted from the recent fourth round negotiations. I hope that for all the challenges that lie ahead in future negotiations of the talks, we will continue to work together to denuclearize the Korean peninsula and promote peace and stability in the region.

For these reasons, Mr. Speaker, I wish to welcome Ambassador Tae-Sik Lee to the United States and express my personal appreciation to the government and people of South Korea. According to unofficial estimates by the South Korean Embassy, our country is now home to over 2 million Korean-Americans, with more than 444,000 who live in New York. I ask my colleagues to join me today in paying tribute to South Korea by extending their hands in friendship to its ambassador, Tae-Sik Lee.

PRAISING THE UPCOMING ASIA-PACIFIC ECONOMIC COOPERATION, APEC, SUMMIT. BUSAN, SOUTH KOREA

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. MANZULLO. Mr. Speaker, I rise today in support of the administration's efforts to maintain a robust trade agenda that seeks to boost intellectual property protection at the upcoming meeting of the Asia-Pacific Economic Cooperation, APEC, forum in Busan, South Korea. No regional institution is more important to promoting U.S. interests on anti-counterfeiting and piracy in Asia than APEC.

The 21 member states of APEC will consider a range of pressing issues that include supporting the World Trade Organization's Doha Development Round, trade facilitation, and preventing the spread of avian influenza.

APEC partners account for two-thirds of all U.S. trade and are playing an important role in the war on terror. In 2004, APEC helped put the Doha Round of the WTO's negotiations back on track, and it continues to help control the proliferation of weapons of mass destruction and combat regional corruption.

The APEC region is of great importance to the United States—geopolitically, militarily, diplomatically, and economically. It accounts for some 40 percent of the world's population, over half of world trade, approximately 60 percent of world GDP, and a disproportionate share of global growth in recent years.

The United States, Japan, and South Korea are joining forces to promote the APEC Anti-Counterfeiting and Piracy Initiative to fight fraud and protect consumers. Under this initiative, APEC will develop guidelines for the inspection, seizure and destruction of goods used in trading counterfeit and pirated goods. The initiative also provides cross-border enforcement mechanisms for APEC members.

E-commerce is another area where the U.S. is demonstrating leadership in protecting intellectual property and data privacy. The U.S. continues to support APEC efforts to put in place effective legal regimes to ensure appropriate enforcement of e-commerce while protecting data collected during online transactions. By working in APEC, the U.S. can maximize its ability to engage countries lacking proper intellectual property rights protection.

Recognizing the increasing importance of the Asiatic region to our national interests, I strongly support the effort to keep APEC energized and at the center of American diplomacy in East Asia.

CELEBRATE THE 125TH ANNIVERSARY OF MOUNT ZION MISSIONARY BAPTIST CHURCH

HON. PATRICK T. McHENRY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. MCHENRY. Mr. Speaker, the Mount Zion Missionary Baptist Church in Kings

Mountain, North Carolina, will be celebrating its 125th anniversary on November 6th of this year. I wish to congratulate its Pastor, Reverend C.A. Feemster, its dedicated Deacons, and its faithful congregation on this joyous occasion.

Built in 1880, the first Mount Zion Baptist Church building was located on Piedmont Avenue and was led by their very first pastor Reverend R.L. Veal. The church was relocated to King Street in 1916, where it stook proudly until November 3, 1974, when then Pastor Norris moved his congregation into their current building.

Since that day, the Mount Zion Missionary Baptist Church has been blessed with such wonderful rewards as its first full time, and current, pastor Reverend C.A. Feemster, an informative church newsletter, and an active missionary program.

Mr. Speaker, in recognition of the 125 years of faithful service to God, the community, and its congregation members, I wish to congratulate the Mount Zion Missionary Baptist Church on this truly blessed occasion, and I look forward to their continued service to the community.

TRIBUTE TO HARLEY KNOX

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor a man who will long be remembered for his innumerable contributions and the tremendous leadership he displayed in the Inland Empire region of Southern California. Harley Knox was an entrepreneur, farmer, developer, and all-around community leader. Personally, he was a loyal and dear friend. Last week, Harley lost a five-month battle with bone cancer and our region collectively mourns his passing, while remembering his lifelong contributions to the Inland Empire.

Harley discovered his entrepreneurial spirit at the early age of twelve, when after WWII, demand from farmers and gardeners prompted a need for fertilizer. For a fee, Harley would clean chicken coups and then sell the fertilizer to large farms and gardeners. His modest, yet successful business soon became more than he could handle alone, so he employed neighborhood kids to help him out.

Later on, Harley capitalized on the increased popularity of Dichondra lawns in front of ranch-style homes and soon began harvesting his family's front yard and selling flats of Dichondra. The popularity of the grass continued, so Harley persuaded neighbors to let him buy portions of their lawns for resale. By the age of 20, he was selling Dichondra across Southern California and the family was buying land for farming the grass. A second business was born when he then began developing farming equipment to collect and process Dichondra seed.

By the 1950s, Harley was president of Knox Seed Company, Inc. and moved operations to farmland adjacent to what is now March Air Reserve Base. The company expanded into producing seed for grain crops, turf grass and sod. After eventually selling the seed business, Harley focused on developing farming tools and was president of Knox Manufacturing Co. of Moreno Valley from 1977 to 1986. The firm developed high-speed produce harvesters and held patents that soon became the industry standard.

In 1983 he founded the land development and consulting firm Harley Knox & Associates, which still develops industrial projects, assists with land-use regulation and attaining government entitlements. More recently, Harley was a partner in March Global Port, an industrial development on 400 acres on the south side of March Air Reserve Base. The project lists Philips Electronics and DHL as tenants and provided the region with a significant economic contribution in the wake of the downsizing of the military base.

In addition to his entrepreneurial efforts, Harley served as an active member of numerous community organizations, such as the Inland Empire Economic Partnership, The Valley Group, the Riverside County Building Industry Association, the Western Riverside County Council of Governments, the Riverside Community College Foundation, and the Riverside Community Hospital Foundation. Following an appointment by former Gov. Pete Wilson, Harley served as commissioner of the California Boating and Waterways Commission.

The Inland Empire is a better place to live today because of Harley's extraordinary contributions and his selfless dedication to his community. On behalf of the Inland Empire I want to convey our appreciation for all of Harley's efforts and express our heartfelt condolences to the Knox family, including his wife Donna, daughter Victoria and sons Bryan and Aaron, as well as his four grandchildren.

THE ARRIVAL OF VIRGINIA PARKER ETHERIDGE

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. ETHERIDGE. Mr. Speaker, I rise today with a joyful heart to announce the birth of my second grandchild and very first granddaughter. On November 2, my wife Faye and I welcomed into this world Virginia Parker Etheridge, the new daughter of our son Brian Etheridge and his wife Meredith. Virginia arrived at 8:40 p.m. in Raleigh, NC. She weighed 6 pounds and 15 ounces and measured 20 inches.

Faye and I are truly blessed today by the arrival of Virginia Parker Etheridge. The birth of a new child is a joyous occasion that reminds us of the promise of a new life. I hope that Virginia will live in a world that is even better than the one we live in today. I hope that she will have access to the best education and technology in the world, that she will breathe fresh air and drink clean water, that her streets will be safe, and that her generation will not be burdened by the debt of the previous generation.

A new child in the family is a gift from God. The Etheridge family and I look forward to spending time with our new bundle of joy and introducing her to all of our friends and neighbors in North Carolina's Second Congressional District.

HONORING THE ACHIEVEMENTS OF THE WOLVERINE MARCHING BAND

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. GORDON. Mr. Speaker, today I rise to recognize the outstanding achievements of LaVergne High School's Wolverine Marching Band.

In September, the band marched in the LaVergne Old Timers' Day Parade. I was also a participant in the parade, and I was impressed by the talent and precision of the young musicians. Their many hours of practice had culminated in a flawless performance.

It is not just the students and teachers who make the Wolverine Marching Band great. The parents of these students also play a significant role. In addition to providing financial support, the parents often pitch in to transport band equipment to competitions and football games.

This season, the band has been awarded numerous accolades, including First Place Band Overall and First Place Percussion Overall at the Phoenix Classic Invitational. Other honors include two Color Guard, Band, and Percussion Superior Ratings and two First Place Field Commanders awards.

Residents of LaVergne, Tennessee, can be proud of their Wolverine Marching Band. I applaud the students, parents and teachers for their hard work and dedication.

TRIBUTE TO MRS. SHIRLEY McINTYRE OF DORCHESTER, MASSACHUSETTS

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. LYNCH. Mr. Speaker, I rise today to pay tribute to a friend and constituent from the 9th Congressional District of Massachusetts, Mrs. Shirley McIntyre, who passed away on Friday September 23, 2005. Born Shirley Powers, she was formerly a South Boston resident before moving to the neighboring town of Dorchester. In 1956, Shirley married George McIntyre, her beloved husband of 49 years and they had five beautiful children: Darlene, Daniel, Shirley, Vanessa, and the late William.

Shirley was a devoted mother and grandmother who nurtured and guided her family as well as many of the children in her neighborhood and local community. She was a dedicated wife who spent her time with her children and beloved husband George, a retired Local 7 Iron worker who loved Shirley with all his heart.

Mr. Speaker, Shirley McIntyre will be fondly remembered not only by her family, which includes eight grandchildren, three great grandchildren, and many nieces and nephews; but also by the many friends who were touched by her kindness and unconditional love.

On a personal note, throughout my tenure in public service both as a member of the Massachusetts State House and in the United States Congress, I have had the unique opportunity and pleasure to see first hand Shirley's commitment to her family and community. Shirley's willingness to be involved with her neighborhood and local political process is a testament to her endless devotion to family and friends.

Today, I ask the Membership of the House of Representatives to join with me in offering our deepest condolences to the McIntyre family for their loss. We will all miss Shirley as a shining example to her family and community.

MEMORIAL TRIBUTE TO SGT. ARTHUR A. MORA, JR.

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mrs. NAPOLITANO. Mr. Speaker, it is with deepest sympathy that I pay a special tribute to my constituent Sgt. Arthur A. Mora, Jr., who was killed in Balad, Iraq on October 19 when his vehicle was hit by enemy fire. His passing at the age of 23, marks the end of a young and promising life which had already exemplified duty, honor and heroism.

Arthur will be remembered as the quiet student at El Rancho High School in Pico Rivera who missed having his photo taken for the senior yearbook. After graduation, he enlisted in the U.S. Army on July 27, 2000. Upon completion of basic training, Arthur was assigned to the 1st Battalion, the 3rd Air Defense Artillery, and the 3rd Infantry Division followed by Bravo Battery 5th Air Defense Artillery Regiment at Camp Pelham, Korea. He returned to the 5th Battalion, 7th Cavalry at Fort Stewart, Georgia. In July 2005, Sgt. Mora was deployed in support of Operation Iraqi Freedom.

Sgt. Mora's awards include the Bronze Star Medal, the Purple Heart, the Combat Action Badge, the Good Conduct Medal, the Army Achievement Medal, the Army Commendation Medal, the National Defense Ribbon, the Army Service Medal, and the Korean Defense Service Medal.

Family members say they draw comfort in knowing that Arthur was doing what he wanted. He was a young man who loved the military and would have most likely made a career in the Army.

Arthur is survived by his wife Veronica, daughters Olivia, Celina and a newborn son, Christopher, whom he had never seen. He is also survived by his mother Sylvia Mora of Montebello, sisters Michelle, Celia, and his brother Paul.

His family and friends will miss this caring young man greatly, and to them I extend my sincerest heartfelt sympathy and pray that they will receive God's comforting graces in their time of sorrow.

DEMOCRATIZATION IN INDONESIA: A NEW ERA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. WILSON of South Carolina. Mr. Speaker, over the last several years, Indonesia has entered a new era of democracy. At the national level, the Indonesian people voted freely in an open and fair 2004 Presidential election for the first time in that country's history. The election campaign was vigorous, with public debates and ample discussion of issues among the main candidates. There was no significant violence or attempts at voter intimidation. International election observers as well as domestic monitors reported that the election in Indonesia was conducted fairly. Voter turnout in the general election was very high, about 80 percent.

More recently, another major step forward in democracy is taking place in Indonesia. Regional and local elections have recently been held throughout this vast country of more than 17,000 islands. As before, in last year's presidential election, some observers predicted that local elections would lead to communal conflict. But they were wrong. Nationwide local elections conducted in June went off smoothly although there were tensions among ethnic and religious groups in a few districts. But the security forces maintained order and enforced fair elections. I am informed that of 166 regional districts, 116 succeeded in conducting orderly local elections. Although sporadic, minimal violence did occur in about 16 districts, it was brief and quickly controlled by the police. As in the presidential election last year, according to reports I have seen, voter participation in the local elections was very high, nearly 74 percent.

Indonesian officials recognized openly that there are some weaknesses to be fixed. One is the difficulty in quickly counting the votes in some districts. This case could and did give rise to allegations made by losing candidates, charging that the election was unfair and manipulated. The government intends to work with district officials to improve election procedures, especially voter tallies.

In West Papua there appears to have been no violence or conflicts during the local elections. Reports indicated that elections were successfully held in 14 districts in West Papua. People came out to vote for their candidates to regional councils and exercised their right to choose the local leaders they prefer. Regarding elections for a regional governor, I am told the West Papuans are waiting for the establishment of the People's Council of Papua before conducting the election. This council will be the highest representative body of West Papua and will have authority to select the candidates for governor of Papua. But, even while awaiting the establishment of the council, the process to nominate some candidates to be governor of Papua is proceeding. I am informed that the Special Commission of the District Parliament of Papua is developing preparations for elections for regional governor. When those preparations are completed, the Commission will send a list of candidates to the People's Council of Papua to be selected to participate in the election.

Mr. Speaker, I want to commend the government and people of Indonesia for this new and highly important step in instituting democracy in this great country. Regardless of the difficulties encountered in conducting local elections throughout this vast nation, the Administration of President Yudhoyono and the regional authorities demonstrated determination to follow the path to democracy. Just as important, the Indonesian people responded by coming out to the polls in huge numbers. Indonesia deserves high praise for its remarkable accomplishments in breaking with a legacy of dictatorship, and ethnic and religious strife, to successfully implement democratic principles.

PERSONAL EXPLANATION

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I was not present for two votes on November 1, 2005. Had I been present, I would have voted as follows:

Rollcall No. 557: H.R. 3548—Heinz Ahlmeyer, Jr. Post Office Building Designation Act—I would have voted "yes."

Rollcall No. 558: H.R. 3989—Albert Harold Quie Post Office Designation Act—I would have voted "yes."

PERSONAL EXPLANATION

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. ETHERIDGE. Mr. Speaker, I rise today to explain my absence during yesterday's recorded votes. As a proud grandfather, it is with exceeding pride that I announce the birth yesterday of my first granddaughter to my son Brian and my daughter-in-law Meredith. My wife, Faye, and I joyfully welcome this new baby girl who joins her cousin William Otto, who was born to our daughter Catherine and our son-in-law Tim Otto in January. This is a special time for the Etheridge family, and we are truly blessed.

Had I been present in the Chamber yesterday, I would have voted "No" on rollcall 559 and "Yes" on rollcalls 560 and 561. Rollcall 560 was passage of H.R. 4061, Department of Veterans Affairs Information Technology Improvement Act, a bipartisan and noncontroversial measure. Likewise, rollcall 561 was passage of H.R. 1691, the John H. Bradley Department of Veterans Affairs Outpatient Clinic Designation Act, a routine matter.

However, rollcall 559 was passage of H.R. 1606, the so-called Online Freedom of Speech Act. This substantive legislation would undo Federal regulation of soft money for political communication on the Internet. Consideration of such substantive legislation on the Suspension Calendar, which affords no opportunity for amendment and severely restricts debate, is an improper and ill-advised method to craft sound public policy. I would have voted "No" on rollcall 559 in favor of its consideration under regular order.

RECOGNIZING THE COMMUNITY OF RAMONA, KS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. MORAN of Kansas. Mr. Speaker, I rise today to recognize Ramona, KS, for successful community revitalization efforts.

Pat Wick and Jessica Gilbert have always considered this town of 100 people to be home. It is where their parents were born and raised. As children, these sisters would accompany their parents on annual visits from their home in California to help their grandparents with summer harvest. As adults, Pat worked as a clinical psychologist and Jessica was a philanthropic organization consultant.

When they returned to Ramona in 1989 for a family reunion, the sisters felt a strong pull to come home. They reestablished their roots building by building. In 1990, Pat purchased and the sisters renovated a home they now call The Ramona House, in honor of their ancestors. Pat and Jessica purchased a second house in 1995 and remade it into Cousin's Corner bed and breakfast. The sisters purchased a third home that is now a lodge called Jake's Place. All of this was accomplished through frequent visits to Ramona, even while Pat and Jessica continued their careers in California.

By the year 2000, Pat and Jessica decided to take the final step and moved home. The sisters now live in the Ramona House and operate Jake's Place and Cousin's Corner. More recently, they purchased the old bank building and turned it into The Dirt Gamblers Museum, which is home to photographs and other items honoring Ramona's pioneer history. The sisters have also contributed to the revitalization of Ramona through extensive community involvement. They have helped organize several civic and community events, including a spring tea party, a citywide Memorial Day service, a Main Street Fourth of July parade and an outdoor Nativity in the city park complete with live animals and singing angels. In an effort to celebrate Halloween and promote regional tourism, Pat and Jessica are currently helping promote a Scarecrow parade in Ramona and several other area communities. If all of that isn't enough, Pat is the town's mayor and Jessica is the city clerk.

At age 93, Tony Meyer is Ramona's oldest citizen. He believes Pat and Jessica are doing great things for the community. "The sisters have awakened this town again," Meyer said. Warren Fike, a lifetime resident, also notices a positive change. "Having the sisters come in has helped keep Ramona alive," Fike said. "The steps they've taken to improve the town have motivated more people here to help, too."

The sisters believe Ramona's revitalization is beginning to take hold. "We're romantics, and we have a passion for this place," Jessica said. "We want people to be proud they're connected to the town and want them to invest in it again." "It's a special place," Pat noted. "It's Mayberry R.F.D. come to life."

For rural communities to survive and prosper into the future, citizens must be willing to create their own opportunities for success. Ongoing efforts to revitalize Ramona are an example of how hard work, vision and community support can create just such an opportunity. Citizens throughout Kansas are working together to enhance the quality of life in their communities. Ramona is a success story that demonstrates how teamwork and creative thinking can make a positive difference in rural America.

TRIBUTE TO PAUL HILLEGONDS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to Paul Hillegonds, an individual who has served the residents of Michigan through the years with great distinction. Throughout his career in public service, Paul tirelessly worked for the betterment of our great State and continues to impact countless individuals through his professional and community affiliations.

Paul served in the Michigan House of Representatives from 1979 to 1996, and was speaker his final two years in elected office. In 1997, Paul embarked on a new path of service, taking the reins as president of Detroit Renaissance, a non-profit, civic organization comprising Southeast Michigan's business leaders.

Paul has received numerous honors throughout his distinguished career, and I am pleased to call him a friend. Paul and I go back a long way—all the way back, in fact, to when he was Administrative Assistant for U.S. Representative Ruppe and I was a staffer for Representative Dave Stockman.

Our friendship has only strengthened over time. His wife and kids are good family friends and we have enjoyed each other both in and out of public service. Paul has always stood for the right things and he has displayed the utmost integrity. Unfortunately term limits cost us his leadership as speaker of the Michigan House, but his leadership for the folks of Michigan continues.

I look forward to many more years of Paul's friendship. We are all better off for Paul's service to the State of Michigan, and I wish him continued success.

PERSONAL EXPLANATION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. HYDE. Mr. Speaker, on November 1 and 2, 2005, I was absent for several votes for personal reasons. Had I been present, I would have voted:

Vote No., description, vote: 557, Heinz Ahlmeyer, Jr. Post Office Building, "yes"; 558, Albert Harold Quie Post Office Building, "yes"; 559, Online Freedom of Speech Act, "no"; 560, VA Information Technology, "yes"; and 561, John Bradley Outpatient Clinic, "yes."

PAYING TRIBUTE TO THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF MISSOURI

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. CLEAVER. Mr. Speaker, I rise today to congratulate the Associated Students of the University of Missouri (ASUM) on their 30th anniversary. Throughout their 30 years, this group of dedicated students has been the primary advocates for fellow undergraduates in the State of Missouri. Known as the student voice in the Missouri State government, the organization has been essential to craft and advance legislation that has benefited higher education in Missouri. In addition, ASUM has been the training ground for students interested in entering public service, the political arena, and is responsible for producing some of today's top government employees serving the State of Missouri.

ASUM encourages students to become educated about the political process, and by doing so increases awareness, concern, and participation of young adults in democracy. ASUM's political action began on the campus of University of Missouri-Colombia in 1975. After successful participation by the students at the campus in Colombia, the student leaders expanded the organization to the other campuses within the University of Missouri System: Kansas City, St. Louis, and Rolla, where participation among the students exceeded expectations.

Serving as the student voice in the federal government, state government, and on the various campuses of the University of Missouri, ASUM is responsible for the creating a student representative position on the University of Missouri Board of Curators. The student representative affords the opportunity for the Board of Curators to truly hear and value the students' perspective on issues affecting the University System. Keeping the student views in the forefront of Universities' agenda, the Board of Curators passed a policy allowing the ASUM student representative to attend closed board meetings. The over-arching impact of the policy addition was to remind the Board of Curators that every institutional change had to be in the best interest of the students.

As the primary advocate of students in Missouri, the ASUM established though legislation the Bright Flight Scholarship, the most important source of financial aid for scholars from the State of Missouri. The annual $2,000 scholarship was created to encourage top ranked high school seniors to attend approved Missouri postsecondary schools. The program is geared to the top 3 percent of all Missouri high school students who have a minimum ACT score of 30 or a minimum SAT score of 780 math and 780 verbal. By requiring the student to maintain satisfactory academic progress and full time employment, this scholarship program helps the student to learn how to effectively manage their time and balance priorities. In addition to the Bright Flight Scholarship Program, the ASUM created Missouri State law to exempt sales taxes on textbooks, which has saved students in Missouri $6 million dollars every year since its enactment in 1999. Finally, the student political activists created a loan forgivingness program for teachers, medical doctors, and veterinarians who serve in high need areas of Missouri.

Mr. Speaker, please join me in expressing our heartfelt gratitude for the dedication of the Associated Students of the University of Missouri and their relentless efforts in extending their voices to represent all of the students of Missouri. It is essential for the members of the ASUM and other student organizations to be celebrated for their good works, for the students of today are truly our leaders of tomorrow.

HONORING SPC DERENCE JEFFREY W. JACK AND SSG WILGENE T. LIETO

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to honor the two soldiers from the Commonwealth of the Northern Marianas Islands who became casualties of Operation Iraqi Freedom on October 31, 2005 in Iraq. Specialist Derence Jeffrey W. Jack and Staff Sergeant Wilgene T. Lieto made the ultimate sacrifice in support of the global war on terror, and in doing so, helped to preserve our freedom. SSG Lieto served in Iraq as a Sergeant—the U.S. Army awarded him a posthumous promotion to Staff Sergeant. These soldiers left their homes and their families to answer the call of duty as members of the E Company, 100th Battalion, 442nd Infantry Regiment of the U.S. Army Reserve. On behalf of our communities in the Northern Marianas and Guam, I join with our local leaders in offering our sincerest condolences to the family of Derence Jeffrey W. Jack, especially his wife Melissa Jack and their daughter, and to the family of Wilgene T. Lieto, especially his wife Tiara Lieto and their son and daughter. The service and sacrifice of these soldiers will always be remembered and I join our Pacific island community in honoring the patriotism of these Army reservists. Derence Jeffrey W. Jack, from Gualo Rai, Saipan, was a manager at the Bank of Guam branch in Saipan. Wilgene T. Lieto, from Tanapag, Saipan, was a police officer. SPC Jack and SSG Lieto were part of the "Go For Broke" Battalion, serving with fellow soldiers from Guam, the Northern Marianas, American Samoa, and Hawaii. Although their loss brings great sadness to the people of the Northern Marianas and Guam, we take comfort in knowing that that these soldiers served with honor. May God bless them and their families.

DEMOCRATS' CLIMATE PUSH MAY SQUEEZE GOP MODERATES ON SCIENCE PANEL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. KUCINICH. Mr. Speaker, I would like to submit this article from InsideEPA to the CONGRESSIONAL RECORD.

A novel effort by 150 House Democrats to require that the White House turn over documents showing what it knows about climate change effects on U.S. coastal regions may force key Republican moderates to choose party loyalty over their environmental records, or risk leaving themselves open to attacks from conservative opponents in upcoming primaries, sources say.

Rep. DENNIS KUCINICH (D–OH) has initiated a rare House procedure with the backing of 150 of his Democratic colleagues that seeks information from the executive branch on how climate change has affected U.S. coastal regions. If H.R. 515, a "resolution of inquiry," (ROI) passes with the support of key GOP moderates on the House Science Committee and the full House, it would require the president within 14 days to turn over documents related to climate change impacts on coastal areas. Relevant documents are available on InsideEPA.com.

KUCINICH's resolution does not specifically mention hurricanes, but congressional staffers familiar with the effort say Congress is growing more concerned that climate change may have increased hurricane severity in light of hurricanes Katrina and Rita. "This has been a brutal hurricane season and many think climate change will be the defining problem of our generation. We want to know what [President Bush] knew," according to one staffer. The effort comes as Republican environment committee senators are quashing suggestions that increased sea surface temperatures could be linked to the recent spike in hurricane activity.

Observers say the ROI will present House Science Committee Chairman SHERWOOD BOEHLERT (R–NY), Rep. VERNON EHLERS (R–MI) and Rep. WAYNE GILCHREST (R–MD) with a critical choice between siding with their party in deflecting attention from the president's climate policies and their environmental records, which have won them praise and endorsements from environmental groups. Their decisions on the matter may prove crucial during their 2006 primaries, where at least one is expected to face a tough fight against a more conservative GOP candidate.

Although the ROI measure has no Republican co-sponsors, BOEHLERT has a track record of backing efforts to address climate change that is adding to Democrats' optimism that the measure may make it to the House floor for a vote, sources say. "Boehlert's support [for previous efforts to allow more open scientific debate on climate change] makes us hopeful," according to one source.

For instance, BOEHLERT last summer sharply criticized efforts by House Energy & Commerce Committee Chairman JOE BARTON (R–TX) to investigate the findings and funding sources of three prominent climate scientists. In a July 14 letter, BOEHLERT characterized BARTON's requests as "pernicious" and "chilling." BOEHLERT said, "The only conceivable explanation for the investigation is to attempt to intimidate a prominent scientist and to have Congress put its thumbs on the scales of a scientific debate."

But observers say the ROI may pose a thorny problem for the representative because he has recently squared off against competitive primary opponents and is anticipating another close race against a conservative in 2006. In seeking a thirteenth term, Boehlert faces conservative GOP primary challenger Bradford Jones, a former Seneca, NY, mayor who has already launched an election bid. Boehlert narrowly won a primary challenge against conservative Republican David Walruth in 2002 and faced him again in the 2004 primary. Walruth was backed by a number of conservative organizations, including the anti-tax group Club for Growth.

A spokesman for BOEHLERT did not return calls seeking comment.

And while many environmentalists praise Gilchrest's voting record, they are blasting his recent last-minute change of position on House refinery legislation. The legislation, supporters said, would speed production of refined oil and gasoline by aiding the country's oil refineries in the wake of Hurricane Katrina. The Republican leadership cajoled members to support the measure in the face of near-unanimous Democratic opposition. GILCHREST's decision to switch his vote and side with most of his GOP colleagues in the end proved crucial as the bill passed 212–210.

Ehlers recently broke party ranks by opposing a House-passed overhaul of the 1973 Endangered Species Act. The overhaul would give property owners new rights and reduce the Federal role in protecting habitats. It passed late last month by a vote of 229 to 193, although Ehlers joined Michigan's Democratic delegation in voting against the measure.

Even if the ROI fails to gather GOP support, the tool may still allow House Democrats to gather executive branch information on climate change, according to congressional researchers.

A 2003 Congressional Research Service report on the procedure finds that ROIs are "often much more effective in obtaining information from the executive branch than one would expect from committee and floor action. Administrations have often released a substantial amount of information, leading the committee of jurisdiction to conclude that the dispute is moot and it is therefore appropriate to report the resolution adversely and table it on the floor." Relevant documents are available on InsideEPA.com.

CONGRATULATING THE JOHN BOYLE O'REILLY CLUB ON THE OCCASION OF ITS 125TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to recognize the John Boyle O'Reilly Club in Springfield, Massachusetts on the occasion of its 125th Anniversary. Since it was founded in 1880, the John Boyle O'Reilly Club has been the center of Irish culture in western Massachusetts. From music, language, dancing to sport, the Boyle has promoted and preserved the unique culture of Ireland for generations.

On Saturday, November 5, 2005, two hundred members of the John Boyle O'Reilly Club will hold a banquet to celebrate this historic milestone. The Irish Ambassador to the United States of America will attend the ceremony to pay tribute to the enormous contribution the club has made to the local community. It will be a heartfelt and fitting celebration of culture, tradition and family.

The Irish poet W. B. Yeats once wrote: "Think where man's glory most begins and ends/and say my glory was I had such friends." That sentiment helps describe what the JBO means to many of its members. More than just a social club, the Boyle has become a familiar setting for every occasion on life's journey. For many families in the Pioneer Valley, it is a special place that has produced fond memories and lasting friendships.

Mr. Speaker, I would like to take this opportunity to pay tribute to an important group of individuals associated with the John Boyle O'Reilly Club. President Mary Quinn, Vice-President Patrick Burns, Treasurer Joseph Walsh and Secretary Patricia Devine deserve particular recognition for their leadership during this anniversary year.

The Board of Directors, which includes Patrick Reilly, Mary Kate O'Connor, Timothy Hurley, Matthew Dooney, Eric Levine and Stephen Lonergan should also be acknowledged for their dedication and commitment.

And finally, I want to congratulate the members of the club who are directly responsible for its success and longevity. On their behalf, I would like to submit this history of the club, written by member Dan Shea, into the permanent RECORD of the United States Congress.

Mr. Speaker, I ask my colleagues in the 109th Congress to join me in recognizing the John Boyle O'Reilly Club on the occasion of its 125th Anniversary. Let us hope this local landmark continues to celebrate the culture of Ireland for at least another century.

THE JOHN BOYLE O'REILLY CLUB, 1880-2005, 125 YEARS OF CULTURE, TRADITION, AND FAMILY

This year the John Boyle O'Reilly Club celebrates its 125th Anniversary. The John Boyle O'Reilly Club is Western Massachusetts' oldest continuous Irish-American organization. The Club was originally organized in 1880. It initially went by other names but subsequently took the name of the famous Irishman, John Boyle O'Reilly, shortly after his death in 1890. During this time period, various Irish organizations drilled and trained for when the time came to return to Ireland and fight for Irish freedom. The John Boyle O'Reilly Club was one of the hosts when Irish President Eamon Develara came to the United Sates in 1921 to seek funds for the newly proclaimed Irish Republic. The call to return to Ireland never came but the organization stayed and promoted the ideals of Irish freedom and Irish culture.

The John Boyle O'Reilly Club has been housed in several locations through out the years. In the early 1900s the Club would have its meetings above Linehan's Saloon on Worthington Street. In 1933, the Club incorporated and received its corporate charter from the Commonwealth of Massachusetts and its liquor license from the city of Springfield. At that time the club was located at the old Poli building on Worthington Street. The club moved to Hampden Street in 1943. On Sundays, local Irish musicians would play live music on WBZA in the old Hotel Charles and then walk over to Hampden Street and play music for the rest of the day. The John Boyle O'Reilly Club moved the second floor of 1653 Main Street in 1955.

In 1970, the John Boyle O'Reilly Club purchased the present building at 33 Progress Avenue in Springfield. The building was a mere shell of a structure when purchased. Many members volunteered labor and material to finish construction and to complete the interior. The John Boyle O'Reilly Club opened its doors on Progress Avenue in March of 1972. There have been several renovations over the years to make the surroundings more enjoyable for the members and guests of the John Boyle O'Reilly Club.

Throughout the years, the John Boyle O'Reilly Club has held many dances, concerts, Celi, music lesson, Irish language lessons, bagpipe lessons, sessions, and benefits for many families who fell on hard times due to injury, illness or an unexpected death.

The John Boyle O'Reilly Club continues its mission of being a home for Irish-American culture, whether it is Irish step dancing, music, the live broadcast of the Gaelic Football and Hurling Games from Ireland, or meeting with friends and family. It may be known as "the Boyle," " the JBO" or simply "the Club," but it still is a place for Irish-Americans of all ages to come and enjoy one of the finest Irish Clubs in New England. The John Boyle O'Reilly Club continues to look forward to being the home of Irish American culture and celebrations in the coming years. We look forward to the coming year and invite all of our members and friends to come and celebrate the 125 years of culture, tradition, and family with the John Boyle O'Reilly Club.

PUNJAB ASSEMBLY SHIFTS BLAME ON TERRORISM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. TOWNS. Mr. Speaker, I am glad to hear that the Legislative Assembly in Punjab recently had a discussion on terrorism there. Terrorism is an important issue which all leaders of the world must address. However, the debate turned into partisan politics of the type we're too familiar with here—each side blaming the other for spurring the terrorism in Punjab, while they ignored the real cause of the problem—the Indian government.

India has imposed a reign of terror in Punjab, Khalistan for many years, starting with a memo sent to police by their first Home Minister, Mr. Patel, describing Sikhs as "a criminal class." This month marks the anniversary of one particularly brutal chapter in that reign of terror—the Delhi massacres of November 1984, in which 20,000 Sikhs were murdered. The government locked Sikh police officers in their barracks to keep them from getting involved and the government's own radio and TV called for more Sikh blood.

The newspaper Hitavada reported that the Indian government paid the governor of Punjab, the late Surendra Nath, the equivalent of $1.5 billion to foment terrorism in Punjab and Kashmir. The U.S. State Department reported that the government paid more than 41,000 cash bounties to police officers for killing Sikhs. One even got a bounty for killing a three-year-old boy.

Human-rights activist Jaswant Singh Khalra compiled and published a report showing that India had a policy of picking up young Sikh men, torturing and killing them, declaring their bodies unidentified, and then secretly cremating them. Khalra identified over 25,000 such cases at three cremation grounds in Punjab. Others who have followed up on Khalra's work found that the number is at least 50,000. For his work, Mr. Khalra was arrested by the Punjab police and killed while in police custody. The only witness to the Khalra kidnapping, Rajiv Singh Randhawa, has been repeatedly arrested and harassed by the police.

Gurdev Singh Kaunke was the Jathedar of the Akal Takht, the highest Sikh religious leader. He was murdered by a police official named Swaran Singh Ghotna. No one has ever been punished for this atrocity. The driver for another religious leader, Baba Charan Singh, had his legs tied to two jeeps, which then drove off in different directions, tearing the man in half.

Mr. Speaker, why are such actions tolerated, especially by a government that calls itself democratic? America must take a stand against such tyranny.

The time has come to stop all our trade with India and all our aid to that country until such time as basic human rights are fully protected. And we must put this Congress on record in support of self-determination for the people of Punjab, Khalistan, and all the other peoples and nations seeking freedom, such as predominantly Muslim Kashmir and predominantly Christian Nagaland. This is the most effective way to end terrorism in the subcontinent.

Mr. Speaker, I would like to insert the Council of Khalistan's press release into the RECORD now for the information of my colleagues.

PUNJAB ASSEMBLY DEBATES TERRORISM

AMARINDER, BADAL SHOULD DISCUSS FREEDOM FOR SIKH NATION

WASHINGTON, D.C., November 2, 2005—The Punjab Legislative Assembly recently had a session to debate terrorism. Both the Congress Party and the Akali Dal blamed each other for encouraging Sikh youth to carry out the violence.

Amarinder Singh and Parkash Singh Badal are trying to change the history of Punjab.

They are fully aware that Punjab, Khalistan has been engaged in a long struggle for independence after the Delhi massacres of November 1984. On April 29, 1986, Sarbat Khalsa passed a resolution for the independence of Khalistan and formed the Panthic Committee. On October 7, 1987, the Panthic Committee declared the independence of Khalistan. The Council of Khalistan was formed at that time to lead the peaceful, democratic, nonviolent struggle to liberate Khalistan.

These leaders are betraying the Sikh Nation. They need to be exposed and removed from their leadership roles. As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, "If a Sikh is not a Khalistani, he is not a Sikh." Recently, Prime Minister Manmohan Singh apologized for the Delhi massacres, in which over 20,000 Sikhs were killed, firmly establishing India's guilt in this atrocity against the Sikh Nation.

The Indian government controls the Sikh leadership. Both Badal's Akali Dal, which claims to be the protector of Sikh interests, and Amarinder Singh's Congress Party, which is the party that carried out the Golden Temple attack, are under Indian government control.

New Sikh leadership is emerging in Dal Khalsa and other organizations. They hoisted the Khalistani flag in front of the Golden Temple on Republic Day in January and again on the anniversary of the Golden Temple attacks. They marched and made speeches for Khalistan. For this, they were charged by the Indian government and 35 were arrested.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. Last year, the Punjab Legislative Assembly passed a bill annulling all water agreements with the Indian government, preventing the government's daylight robbery of Punjab river water. Punjab needs its river water for its crops. In the bill, the Assembly explicitly stated the sovereignty of Punjab.

The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians since 1948, over 90,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Manipuris, Dalits, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra. The police never released the body of former Jathedar of the Akal Takht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. Ghotna has never been brought to trial for the Jathedar Kaunke murder.

According to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984! Tens of thousands of other minorities are also being held as political prisoners, according to Amnesty International. We demand the immediate release of all these political prisoners.

"It is time to replace Amarinder Singh and Badal with new leadership that is committed to the interests of the Sikh Nation," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "Only a sovereign, independent Khalistan will end the repression and lift the standard of living for the people of Punjab," he said. "We must continue to press for our God-given birthright of freedom," he said. "Without political power, religions cannot flourish and nations perish."

HUMAN RIGHTS WATCH DEMANDS FULL ACCOUNTING FOR SECRET CREMATIONS IN PUNJAB

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. TOWNS. Mr. Speaker, on November 1, Human Rights Watch wrote an excellent letter to the National Human Rights Commission of India demanding full accounting for the secret cremations of Sikhs in India. The secret cremations were described by India's Supreme Court as "flagrant violation of human rights on a mass scale." The court ordered the Indian government in November 1995, two months after the "disappearance" of Jaswant Singh Khalra, to conduct a full investigation into this brutal policy. Ten years later, that investigation has never taken place. Instead, the commission has chosen to focus on the trivial issue of whether the cremations were conducted in accord with the police rules, a terrible diversion from the real issue, which is that the Indian government is carrying out this genocidal policy against the Sikh minority.

This investigation must proceed, and it must be a full-fledged inquiry into this murderous policy, India must make full restitution to the victims' families.

Mr. Speaker, I will be inserting the letter from Human Rights Watch into the RECORD at this time.

NOVEMBER 1, 2005.

Re mass secret cremations in Punjab.

Hon. DR. JUSTICE A.S. ANAND,
Chairperson, National Human Rights Commission, Faridkot House, Copernicus Marg, New Delhi, India.

DEAR JUSTICE ANAND: As the National Human Rights Commission prepares to issue a decision in the Punjab mass secret cremations case, we urge the Commission to order a full accounting of the systematic abuses that occurred in Punjab, determine liability after detailed investigations into the violations, and provide for compensation for surviving family members based on a detailed understanding of the scope of violations suffered by each individual.

In 1994, investigations by human rights activist Jaswant Singh Khalra revealed that security forces had abducted, extrajudicially executed, and secretly cremated thousands of Sikhs in Punjab from 1984 to 1994. Mr. Khalra exposed over 2,000 secret cremations in Amritsar district alone—one of 17 districts in Punjab. Subsequent investigations by human rights groups confirmed that secret cremations had occurred throughout the state, and that cremation was only one form of disposing of victims' bodies. After publicly disclosing his findings, Mr. Khalra was abducted by the Punjab police and "disappeared" in September 1995. In November 1995, the Supreme Court ordered the Central Bureau of Investigation (CBI) to inquire into his abduction and allegations of mass cremations.

On December 12, 1996, the Indian Supreme Court found the inquiry by the CBI into mass cremations in Punjab disclosed a "flagrant violation of human rights on a mass scale" and ordered the National Human Rights Commission (NHRC) to adjudicate these mass crimes and "determine all the issues" (Paramjit Kaur v. State of Punjab). After challenges by the Indian government, the NHRC limited its investigation to illegal cremations in Amritsar district alone. The NHRC has now received 3,500 claims of illegal cremation in Amritsar.

Instead of investigating these secret cremations as unlawful deprivations of life, the Commission has adopted the narrow issue of whether the victims' bodies were cremated according to police rules. At two hearings in October 2005, the petitioner Committee for Information and Initiative on Punjab (CIIP) challenged the Commission's decision to discard investigations, especially given the failure to identify the vast majority of victims and establish procedures, standards and mechanisms to adjudicate these cases to capture the full scope of human rights violations.

In almost nine years, the Commission has not heard testimony in a single case, or held a single security official or agency responsible for human rights violations. Further, at hearings in recent months, the Commission has indicated its intention to dispense with investigations into the violations altogether, and only determine whether the cremations occurred according to police procedure. This is an odd decision for a human rights body.

Human Rights Watch strongly urges the Commission to commit itself to detailed investigations into the rights violations suffered by all victims of illegal cremations and their family members, including whether individual deaths were unlawful, the role of state security forces or their agents in planning or carrying out illegal killings, identifying individual perpetrators, and determining proper compensation. It is critical that those cases not addressed by the NHRC's order of November 2004 are also investigated. Until the facts are determined, "disappearances" remain an ongoing crime and the NHRC ruling does not close the case.

Such investigations are required by international human rights law. The International Covenant on Civil and Political Rights, which India ratified in 1979, provides in article 2 that a victim of a rights violation shall have an effective remedy and that the right to such a remedy be determined by a competent authority and be enforced when granted. A victim's right to an effective remedy imposes an obligation on the state to undertake investigations to identify the perpetrators of human rights violations. Indeed, the Commission's August 1997 order concluded that the Commission must lay the factual foundations of the case in order to establish liability, but for reasons that are not clear the Commission has never implemented its own order. Anything less than proper investigations will be a betrayal of victims and their families.

We note that in the nine years since the Commission took cognizance of the Punjab mass cremations matter, it has investigated and resolved numerous other complaints of human rights violations throughout India. Moreover, the Commission has pursued cases suo motu, without even receiving a complaint, after violations came to its attention through media reports. The NHRC has earned a well-deserved reputation for taking on powerful forces in India, which makes the Commission's decisions in the Punjab cases even more puzzling.

In this upcoming order, we also urge the Commission to clarify that the November 2004 order of compensation is interim. This order announced a total award of 2.5 lakhs rupees (around U.S. $5,500) to 109 families in whose cases police admitted custody of next of kin, without determining individual responsibility, providing other reparatory measures, or engaging in an inquiry into the facts as directed by the Supreme Court. This grant of compensation is not only paltry, but it does not fulfill the Commission's responsibilities under international human rights law to make an individual determination.

Developing a compensation policy requires extensive investigation to clarify the extent of human rights violations, the potential beneficiaries, and the nature of injuries suffered, among other issues. The expert report submitted at the hearing on October 24, 2005 by Physicians for Human Rights (PHR) and the Bellevue/NYU Program for Survivors of Torture (Bellevue), demonstrates that the deprivation of life occurred within a pattern of violations that included intentional abuse among multiple family members of the "disappeared." The CIIP further called on the Commission to summon the authors of the report to testify. This report should compel the Commission to investigate the deprivation of the right to life of the victim, and the physical and psychological trauma inflicted upon surviving family members. In addition, our brief, submitted to the Commission in December 2003 in conjunction with Harvard Law Student Advocates for Human Rights, demonstrates that human rights bodies have considered evidence from numerous sources to adjudicate "disappearances" and extrajudicial executions, including evidence from international human rights experts. In its upcoming order, we urge the Commission to admit and fully weigh all evidence available, including the PHR/Bellevue report.

To demonstrate its intention to fulfill the mandate of the Supreme Court, the Commission must act to redress the violations of the rights to life and liberty suffered by thousands of families in Punjab. Its failure to do so is contributing to impunity, sending the message that perpetrators of mass crimes are more powerful than the Supreme Court and National Human Rights Commission. The Commission, no doubt, is aware that the prosecution of the officials who "disappeared" Jaswant Singh Khalra, the human rights defender who exposed the mass cremations in Punjab, has not concluded in nine years. The Commission should not allow the Punjab mass cremations case to also stand as an example of the triumph of impunity over the right to justice.

Thank you for your consideration. We look forward to a fruitful dialogue with you and other members of the Commission on this case.

Sincerely,

BRAD ADAMS,
Executive Director, Asia Division,
Human Rights Watch.

A TRIBUTE TO MRS. JANET WILKINSON—37 YEARS OF OUTSTANDING SERVICE WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE FARM SERVICE AGENCY

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. BUTTERFIELD. Mr. Speaker, I rise today and ask my colleagues to join me in offering a well deserved tribute to an exemplary citizen, Mrs. Janet Wilkinson, who has dedicated 37 years of her adult life as an employee with the United States Department of Agriculture's Farm Service Agency. I am particularly proud that Mrs. Wilkinson was born in my home town, Wilson, NC.

As if to forecast her future with the United States Department of Agriculture's Farm Service Agency, Mrs. Wilkinson started out at a very young age working on a tenant farm where she experienced first hand the lifestyle and the many ups and downs farmers endure from day to day.

After graduating from Rock Ridge High School in 1969, Mrs. Wilkinson learned of a job opportunity at the Agriculture Stabilization and Conservation Service. She applied for the position and was hired. The story that Mrs. Wilkinson tells is all too familiar in public servant circles. She indicated that she "came in with the intentions of working and going to school part time." She added, "but the work was so involved that I just kept on working, and I enjoyed it." And here we are 37 years later.

Mr. Speaker, Mrs. Wilkinson has worked under five directors of the Farm Service Agency and has taken the helm three times as interim director. In 2003, for her outstanding service and loyalty to the Farm Service Agency and the agriculture industry, she was presented with the North Carolina Distinguished Service Award. After 37 dedicated years, Mr. Speaker, Mrs. Wilkinson deserves to retire with many other ovations and well wishes from those whose lives she touched in a very special way.

Mr. Speaker, I offer congratulations on behalf of the Committee on Agriculture of the United States House of Representatives, my congressional colleagues and the more than 660,000 constituents whom I represent. It is my wish that Mrs. Wilkinson will continue to find much challenge and reward in all of her future endeavors.

Mr. Speaker, I thank Mrs. Wilkinson for her service to the State of North Carolina.

TRIBUTE TO AMY BURKS

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to Mrs. Amy Burks for receiving the 2005 Newton B. Powell Award. This award is given by the Morgan County Democratic Party for dedication and leadership within the party.

Mrs. Burks is the Alabama representative to the Democratic National Committee Executive Committee and has been active in Alabama Democratic Party politics for more than 40 years. Additionally, Mrs. Burks has served as vice chair for the Alabama State Democratic Party since 1991, and is also the senior Vice President of the Association of State Democratic Chairs. She also serves on the Morgan County Executive Committee.

In addition to her work with the Democratic Party, Mrs. Burks has had 19 years of experience as a teacher, working with students at Madison Cross Roads and Hazel Green and was the assistant principal at Madison Elementary. She is also a member of the Board of Trustees for the Alabama Institute for Deaf and Blind, where she is responsible for overseeing the institute's comprehensive education and rehabilitation system that serves children and adults who are deaf, blind, and multidisabled.

Mr. Speaker, Mrs. Burks has done a great deal to help strengthen and grow the Democratic Party throughout our State, our Nation, and our community. She has been a helping hand and an integral part of many of our democratic colleagues' campaigns in Alabama.

Mr. Speaker, I rise today to join her husband Larry, daughters Lisa and JoLynn, and the entire North Alabama community in congratulating Amy on this much deserved award and to thank her for all that she continues to do on behalf of Morgan County and the State of Alabama.

HOUSE OF REPRESENTATIVES—*Friday, November 4, 2005*

The House met at 9:00 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal God and Lord of history, each day this Nation seeks Your blessing that we may know the ways that are righteous and be protected from evil.

The revered Abraham Lincoln spoke of the "mystic chords of memory." He was convinced that heroes and heroines of the past inspire people presently to make bold steps into the future.

Thus, Congress makes laws today by building upon the past.

Lord, for Lincoln, the profound obligation and duties of the Constitution were so strong that there is a link of the living with the dead and with the unborn of a new generation.

Fidelity to the Constitution is a guarantee to the future, because the living are determined "that representative government of the people, by the people, for the people shall not perish from the earth." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. PALLONE) come forward and lead the House in the Pledge of Allegiance.

Mr. PALLONE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minutes on each side.

DEFICIT REDUCTION ACT

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, a debate is brewing in Congress that will have a significant impact on the future of this Nation. There are two clearly defined sides in this debate. On the one hand are fiscal conservatives such as myself who want to cut government spending and rein in the Federal deficit. On the other hand are folks who believe that more government spending is the answer to all our problems, and these folks will raise your taxes to pay for it.

In light of the high cost associated with hurricane relief, our budget's $35 billion savings package is simply not enough. The good news is that Congress now has the rare opportunity to rein in Federal spending by $50 billion and reform decades-old programs that are often duplicative and ineffective.

It is disappointing that many of my Democratic colleagues are fighting the Deficit Reduction Act. Even though they complain about the deficit, they would like to increase spending by billions of dollars. These Members have no plan to reduce the deficit. Their only answer is to raise taxes.

Mr. Speaker, the last thing we need is more of the old tax-and-spend mentality. The Deficit Reduction Act gives us an opportunity to streamline our government, reform ineffective programs, cut spending, and provide greater accountability. It is time for this important legislation to pass.

REPUBLICANS ARE NOT ADDRESSING THE DEFICIT

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, House Republicans tout their budget bill as fiscally responsible, but the American people should not be deceived. It is nothing more than another attempt to cut taxes for the wealthiest few on the backs of America's college students and America's Medicaid and food stamp recipients.

The cuts House Republicans will attempt to bring to the House floor next week are nothing but cruel. It has only been 2 months, and Republicans have already forgotten about the poverty stricken people affected by Hurricane Katrina.

While Republicans cut $50 billion in Federal programs, they also give $70 billion in tax cuts to the wealthiest few. That means the Republican budget bill will increase the deficit by $20 billion. Again, increase the deficit. And Republicans call themselves fiscally responsible? Well, the American people will be watching next week, and they will not be deceived.

PROTECTING PATIENT PRIVACY

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, nearly all Americans' personal health information remains at some risk. More than one in four health insurance plans and almost one in three care providers have indicated that they experience data security breaches of personal health information.

The problem is that only 43 percent of health care providers comply with Federal laws that protect an unauthorized disclosure of health information. As the U.S. slowly expands its use of electronic health records, Congress needs to shift from the current complaint-driven approach to enforcing privacy standards to proactively defending patients' personal information. Every American should be able to know that their medical records are secure.

My legislation, H.R. 2234, would keep electronic medical records safe, ensure that patients have access to their own records, and notify them when information is accessed by an unauthorized user, thus reducing risk. Ensuring health data security is important for all Americans to have confidence in their hospital.

I would urge my colleagues to learn more about protecting patient privacy for the 21st century by visiting my Web site at murphy.house.gov.

BROWN STILL EMPLOYED BY DHS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, it might shock everyone to know that former FEMA Director Michael Brown is still on the government's payroll. Michael Brown is still earning a $148,000 annual salary.

"Brownie, you're doing a heck of a job."

Homeland Security Secretary Michael Chertoff agreed to extend Mr. Brown's contract for yet another 30 days.

Michael Brown's recent e-mails that have now been made public show he was more interested during the crisis in his dinner reservations and his attire than getting food, water, and medical supplies to those New Orleans residents, and yet he is still getting paid by the taxpayers.

We should not be shocked. This is accountability Bush style, and the only people that get fired by the President are those who tell the truth. Look at

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

what happened with Michael Brown and look at what happened to General Shinseki who told the truth and who was fired.

Mr. Speaker, this administration gives a whole new meaning to job security. We can do better. It is time for new priorities. It is time for a change.

A VICTORY FOR ALL AMERICANS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, our country has been built by innovative men and women who have devoted their lives to owning their homes and businesses. As a former real estate attorney, I know firsthand that ownership is an important component of the American dream.

In June, the rights of property owners recently came under attack when the Supreme Court issued a decision giving local governments the power to seize private property from one private party and give it to another. By valuing potential tax revenues and economic development over the private rights of American citizens, the court delivered a dangerous decision that misinterprets our Constitution and threatens our core values.

Led by sponsor HENRY BONILLA and Chairman BOB GOODLATTE, the House of Representatives acted last night to restore power to American citizens. By passing the Private Property Rights Protection Act of 2005, Congress voted to ensure property owners truly have control over their homes, businesses, and organizations. This legislation is an important victory for all Americans.

In conclusion, God bless our troops, and we will never forget September 11.

JUSTIFYING WAR IN IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. One of the attempted false justifications for the war in Iraq was that Iraq was trying to get uranium from Niger to make nuclear weapons. This lie and the attempts to justify it are key to understanding not only the Libby indictments but to understanding why we are in Iraq.

Who forged the Niger documents? What role did Italian intelligence have in the forgeries? What role did the White House Iraq group have in falsely promoting the phony nuclear threat? Who forged the Niger documents? Who took us to war on false pretenses, sending thousands of our beloved soldiers to their deaths?

Sign House Resolution 505. Support that, because that requests the President and directs the Secretary of State to provide to the House of Representatives certain documents in their possession relating to the White House Iraq group.

TIME TO FORGIVE AND MOVE ON

(Mr. GOHMERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOHMERT. Mr. Speaker, there are some people that just cannot seem to get beyond these allegations about the President of the United States lying to us. Over and over we are told the President of the United States lied to us. But I am not sure that that is actually the case. There is evidence. Even Joe Wilson's initial oral report to his superiors indicated some support for that idea that Saddam was trying to get weapons of mass destruction. Perhaps, maybe the President lied to us. Maybe his wife, who reportedly said the same thing, maybe they did lie to us.

Maybe it is because of my Christian background that teaches forgiveness, but I say: In order for this country to move on, it is time to forgive President Bill Clinton if it was a lie and move on.

REPUBLICAN BUDGET PRIORITIES

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Well, we have the newfound foe, fiscal conservatives on that side of the aisle. They control everything, the House, the White House, the Senate. They have increased the debt of the United States 62 percent in the last 5 years to $8 trillion, and now they want to cut spending.

Now, what spending are they targeting? Is it the big wasteful spending? No. It is duplicative programs like school lunch and breakfast. I guess those kids are taking two meals. Or student loans. I guess those kids are taking a double load of classes and paying too much. So they will cut $50 billion, and the next week they are going to cut taxes for those who earn over $300,000 a year by $70 billion.

Now, in their world, even though that is a $20 billion increase in the real deficit, they say, no, that is not an increase in the deficit, because those rich people, why, they are just going to trickle down on the rest of America. They are going to put the rest of us to work, and they are going to increase productivity, and some day that will increase Federal revenues because working people pay taxes, not rich people, in their world. This is a bizarre turn of events here in Washington, D.C., and their cuts and their tax cuts should be rejected.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 532 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 532

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 532 is a traditional standard rule for consideration of the conference report for the fiscal year 2006 Foreign Operations, Export Financing and Related Programs Appropriations Act. The rule waives all points of order against the conference report and against its consideration.

Mr. Speaker, the legislation before us today appropriates almost $21 billion. It is an increase of about actually over $1 billion for operations across the globe. The bill is fiscally sound. It has grown at a small, very small rate, while at the same time I think it is responsive to the needs, not only the national security interests or the foreign policy interests of the United States, but also it is responsive to the needs of millions plagued by disease and famine and disaster throughout the world.

H.R. 3057, for example, Mr. Speaker, bolsters the President's Millennium Challenge Corporation to nearly $1.8 billion. It is about a quarter of a billion more than last year. This is an expansion of assistance meant to help bring really economic security and the rule of law to some of the world's poorest countries by insisting on American aid going to countries where there is transparency for the aid that we send, not corruption.

☐ 0915

It is an important initiative.

The Millennium Challenge provides assistance through a competitive selection process to developing nations that are genuinely in the path of political and economic reforms in three areas: ruling justly, in other words, treating their people decently; investing in people; and fostering economic freedom. Economic development genuinely succeeds when it is linked to free market economic and democratic principles and policies and where governments are committed to implementing reform measures when they are needed to achieve such goals.

Two years ago in the State of the Union address, President Bush announced the President's emergency plan for AIDS relief. It is the largest international health initiative in history initiated by a single government to address one disease. This legislation shows Congress's continued support to the fight against HIV/AIDS. It includes $2.8 billion, an increase of over $600 million over last year to continue the fight against HIV/AIDS, as well as tuberculosis and malaria.

The resolve of this Congress to help all those across the globe to fight this disease is strong and serious, as is the commitment of the President of the United States. In addition to funding, the Federal Government enlists the expertise of agencies, including the Food and Drug Administration, which assures that the medicines we send to the areas most affected by this horrible pandemic are safe and effective to help those with HIV/AIDS.

In other foreign assistance, H.R. 3057 funds the Andean Counterdrug Initiative at the President's request, $735 million, $9 million more than in 2005. Economic growth in the area since the start of Plan Colombia, for example, is proof that the assistance that we have provided Colombia has made a difference in that country.

I visited Colombia in April of last year. It was a great honor for me to do so. I have tens of thousands of distinguished constituents, very hard-working, honorable people from Colombia.

It was a pleasure to visit that country and to witness, Mr. Speaker, the extraordinary progress that the Colombian Government and the Colombian people have made against the narcoterrorists. They constantly reiterate, they did so during my visit and they have done so since and I know they have done so to countless colleagues in this House, they reiterate their gratitude to this Congress for the important assistance that the American people, the taxpayers of this country, through their Congress have provided them and continue to do so in their fight against narcoterrorism.

Now, we must not take progress in the Andean region for granted. If the United States turns its back on the region, a scenario may very well ensue that would require greater U.S. investment at a time when we have significant responsibilities worldwide.

The underlying legislation provides also $2.5 billion for military and economic assistance to Israel. We have to continue to ensure that our friends and allies remain secure; and, of course, we have no better friend, no better ally than Israel. We are committed to doing everything we can to see that Israel is safe and secure within its borders as it continues to move in this very difficult era toward the achievement of a lasting peace with all of its neighbors.

The conference report funds the President's request to fund the foreign military financing for Egypt at $1.3 billion. It provides almost half a billion dollars for economic assistance to Egypt, including assistance set to help with political reform programs and education assistance. Of course, that is a very, very important initiative that this country has been involved in for decades now.

I would like to thank Chairman LEWIS, who has worked very hard again, and Chairman KOLBE for their extraordinary leadership in moving this bill forward for our consideration today. I obviously support the conference report. I urge my colleagues to support both the rule and the underlying legislation, the conference report.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, lately when Americans turn on the news at night, they do not see the government that they recognize. They hear about a war in the Middle East gone wrong, and they see suffering people left to fend for themselves in times of crisis. They learn more and more about a White House under siege, and they are forced to recognize the ugly truth that many of their congressional leaders are entangled in a web of corruption.

While the criticism is justified and the concerns are real, the failures do not define America. It is important to remember that in difficult times, especially in difficult times, we must always keep close, in spite of the challenges at home and abroad, and that no other nation has shined the light of freedom and liberty as brightly as we have here in our country. No nation in history has given so much and asked for so little in return.

That romantic and powerful notion of America as a force for good in a troubled world strikes at the very heart of what it means to be an American. It is that spirit which drives us as a Nation to create a government as good as its people, and today we take one step in helping to restore that feeling in America to embody the ideal of what we hold dear. It is a bill that will help Americans recognize their government once again.

The foreign operations bill funds a number of different foreign assistance agencies and international organizations and, as such, has become both a critical and effective tool for this democracy to spread democratic values and concern for human rights around the world. This is legislation that the American people can take great pride in.

After all, today you will generously give $2.82 billion to some of our noblest callings, such as easing the suffering of those around the world stricken by HIV/AIDS, tuberculosis, malaria, and particularly in Africa. $14 billion that Americans earned this year will be used to give foreign assistance.

These moneys will also help economic development in countries like Israel, Egypt, Afghanistan, Indonesia, Tibet, Colombia, and a number of other Eastern Bloc countries now struggling to become functioning democracies.

It further spends $1.6 billion to help fund many of the well-intentioned international financial institutions which the United States participates in, such as the World Bank, the African Development Fund, and the voluntary U.N. programs such as UNICEF and the U.N. Development Program. These American dollars will assist those struggling societies to build a better life for themselves and their families.

What we often fail to recognize is that foreign operations also help us here at home. The spending in the bill directly benefits our domestic economy. Through our many foreign assistance programs, we export American goods, American services and agricultural products all over the world. That means jobs for American families and a brighter future for families across the world.

Of course, as with many complex pieces of legislation, I have some concerns with the conference report. Key among them is the Bush administration's insistence on maintaining a global gag rule which prevents critical family planning and health services aid from reaching the U.S. health clinics in underdeveloped and overpopulated countries where abortion counseling services are provided.

Clinics in overpopulated regions are not even allowed to take a public prochoice position, and the United Nations fund for Population Assistance Program, which provides critical family planning services abroad, has been unfairly targeted by such administration policy.

The UNFPA does not provide abortion services, but the program has been repeatedly denied critical U.S. funding by the Bush administration under the gag rule. As a result, thousands of women in overpopulated developing nations are without the health care and family planning resources each of us takes for granted here in America.

Thankfully, this conference report provides $34 million in funding for this important program. But antichoice House and Senate conferees stripped the language which would protect the funding from the gag rule, and as a result that money will most likely never reach those it was intended to help.

Despite these attempts to politicize the considerable aid this Nation provides abroad, this legislation, on the whole, serves an unqualified good for the people all over the world.

I would submit, though, that through the money we spend here today on foreign ops, we do a better job of spreading universal values of democracy and liberty and freedom than with the hundreds of billions of dollars we have spent on the war in Iraq.

By helping to improve the quality of life for people all over the world, we export the seeds of our American Dream; and by investing in international organizations that open markets, create trade, foster economic development and promote democracy, we create a rising tide that truly lifts all boats.

This is the way America spreads its values most effectively. By serving the world community and investing as both a partner and leader in the global community, we exemplify what it truly means to be American; and as a result, we provide a living example that the America we have long known is still standing tall.

These programs effectively address global challenges at their root source and seek to overcome those challenges the right way, by fostering hope and opportunity, rather than fear and hostility. They are the best ambassadors of the American spirit that we could ever hope to export. After all, what better way is there for us to spread democracy, freedom, and social justice than through the methods that have proven time and time again to actually work.

Therefore, I urge my colleagues to vote for this bill.

Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. Mr. Speaker, I want to commend Chairman KOLBE, Ranking Member Lowey, and their respective staffs for consistently working in a bipartisan fashion and trying year after year to bring before the House a bill that all Members can support.

For those of us who care in particular about the contributions made by the United States in reducing global poverty and hunger, increasing educational opportunities, access to health care and food security in some of the poorest places on this Earth, we very much appreciate the time and the effort that they invest in making sure that this bill responds to these needs and priorities.

I must express, however, Mr. Speaker, my regret that the final conference report did not include the Leahy-McConnell language dealing with the paramilitary demobilization taking place in Colombia. I recognize the language in the conference report is the result of some compromise, but it appears to me that the majority of compromising had to be done on the Senate side.

Mr. Speaker, I am very concerned about news reports that demobilized paramilitary groups are regrouping into Mafia-like criminal organizations. New paramilitary groups seem to be springing up like daisies and their ranks are often made up of newly demobilized paramilitary troops.

Like all Members of Congress who follow Colombia, I want the demobilization process to work. I want it to succeed. But the process is not helped when the Congress or the administration turns a blind eye to serious failings in its implementation, as has been done over and over and over again.

For these reasons, I believe that the certification provision on Colombia's demobilization process in this bill, even though it is watered down, I think is important and needs to be faithfully implemented.

Last night during the Rules Committee hearing, I was very reassured when Chairman KOLBE told me that his committee would be vigilant in monitoring the demobilization of Colombia's paramilitary organizations and in overseeing the implementation of the certification conditions contained in the bill.

But, Mr. Speaker, I have often raised on the floor of this House my concerns about the long-standing ties between Colombia's armed forces and paramilitary forces and drug traffickers. I have constantly been told by the administration, by the Colombian Government, and even by some Members of this House, that these allegations also simply are not true.

Well, last week, on October 28, the New York Times reported how the top two directors of Colombia's intelligence agency, commonly called their secret police, have been forced to resign because the attorney general's office has finally begun an investigation into how the 7,100-member agency has been engaged in a money-making operation to sell intelligence and surveillance equipment to right-wing paramilitary groups.

Mr. Speaker, I will include the New York Times article in the RECORD at the conclusion of my remarks.

Mr. Speaker, I am very concerned by a new wave of threats, disappearances and murders of Colombian trade unionists, human rights defenders, legal advocates and community leaders which appears to be under way.

□ 0930

The violence in Colombia appears to be sharply escalating once again. I would like to mention in particular the murder of Mr. Orlando Valencia, an Afro-Colombian community leader who was forcibly captured off the street by paramilitary forces shortly after he was first briefly detained and then released by the Colombian police on October 15, which shows you the collaboration between the security forces and paramilitaries. His tortured and mutilated body was found a few days later along the side of a local road.

At the time of his disappearance, I wrote to our embassy in Bogota, asking them to do all they could to find Mr. Valencia before he was killed; and I am still waiting for a response from our embassy to that letter.

So let me say to those who continue to champion billions of dollars in additional aid to the Colombian military and security forces, please pay attention not only to the spokespeople of the Colombian government but to the realities in that country. We should be more concerned. For all that we have invested in that country, we should expect better.

I want to thank the gentlewoman from New York for allowing me the time to express these concerns. I support the rule, and I will support the bill.

[From the New York Times, Oct. 28, 2005]

Two Top Directors Leave Colombia's Secret Police as Scandal Mounts

(By Juan Forero)

BOGOTÁ, COLOMBIA, Oct. 27.—The top two directors of Colombia's secret police were forced out this week as the government investigated allegations that the agency was mounting a money-making operation to sell intelligence and surveillance equipment to right-wing death squads.

The scandal at the agency, the Administrative Department of Security, comes as human rights groups and some legislators have exposed heightened paramilitary activity, including infiltrations of Congress and the attorney general's office. The paramilitaries also continue trafficking in cocaine, despite disarmament talks that underpin President Álvaro Uribe's effort to pacify Colombia with billions in American aid.

The 7,100-member intelligence agency has long been dogged by allegations that its agents have worked with paramilitaries of the United Self-Defense Forces of Colombia, an illegal antiguerrilla organization that the State Department has branded a terrorist group. But the latest scandal has been especially explosive, coming amid international criticism that the government has been overly generous with paramilitaries who disarm by treating them leniently in prosecutions.

On Tuesday, after consultations with Mr. Uribe, Jorge Noguera, the director of the agency, resigned and its sub-director, José Miguel Narváez, was dismissed.

The agency's internal affairs unit and the attorney general's office are investigating whether the Special Intelligence Group, controlled by Enrique Ariza, a close ally of Mr. Noguera, had been planning to sell phone-tapping equipment to Javier Montañes, one of several powerful paramilitary commanders who could then use the system to monitor police and military activity.

Mr. Noguera denied the accusations, calling them part of a smear campaign.

Mr. Narváez said in an interview that he and Mr. Noguera were not involved in a conspiracy with the militias. But he said there were agents at the agency "who veered away from their mission and may have committed crimes."

The allegations are particularly grave because they add to a string of revelations of paramilitary influence in everything from local governments and the health care system to provincial lotteries. Indeed, a former official at the intelligence agency, Rafael García, has been under investigation for having erased computerized case files containing information on paramilitaries and drug traffickers.

"This is more serious because this is not just having sources on the inside and knowing when they're coming against you," said Sergio Jaramillo, a former Defense Ministry official, referring to infiltration of the intelligence agency. "It is something closer, having active help."

A political scientist who closely studies the paramilitaries, Mauricio Romero, said the disclosures also showed that the paramilitaries were "not playing clean" in peace talks.

"It would be understandable if they were at war with the state," said Mr. Romero, a professor at Rosario University in Bogotá. "The fact that there is infiltration and that they are mounting a parallel intelligence system is a security problem not just for the state, but for society."

Though the paramilitaries have demobilized thousands of fighters, they continue to wreak havoc.

On Saturday, Hernando Cadavid, who owned a flower farm next to Mr. Uribe's ranch in northern Colombia, was dragged from his farm and hacked to death with machetes by former paramilitaries. Investigators are trying to determine if the order came from Diego Fernando Murillo, a paramilitary boss recently jailed on Mr. Uribe's orders.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we are also concerned about Colombia, and we are concerned about increased assistance from the terrorist network throughout the world, the Iranians, Chavez in Venezuela, Castro's Cuba. We are concerned about their support for the narcoterrorists in Colombia, and that is why it is so important to provide assistance to the democratically elected government of Colombia.

Mr. McGOVERN. Mr. Speaker, will the gentleman yield?

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. Two things. Is the gentleman saying that the President of Venezuela is a terrorist?

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I am saying that it is a dictatorship. It is a dictatorship, a dictatorship that supports the regime in Iran publicly; a dictatorship, the regime in Caracas. The first foreign head of State to visit Saddam Hussein while Saddam Hussein was in power after the Gulf War of the 1990s was the President of Venezuela. So, yes, I am concerned about the President of Venezuela's links to terrorism and his assistance to the FARC guerillas in Colombia.

One of the reasons why we continue to help and assist the democratically elected government of Colombia, elected by an overwhelming majority of the Colombian people, is because they face multiple challenges. That is one of the reasons why, in a bipartisan fashion, this Congress continues to help the democratically elected government.

Mr. McGOVERN. Mr. Speaker, if the gentleman will further yield, I appreciate his concerns about the violence by the FARC. I would also just appreciate it if he would also be concerned about the fact that we are supporting the Colombian military and security forces and they continue to be linked to right-wing paramilitary forces which commit crimes.

All I am simply saying is that we have certification language, we should enforce it and not continuously waive it because we want to continue to let the money flow. If we stand for human rights, then we need to put our actions where our rhetoric is, and we have not been doing that in Colombia.

Mr. LINCOLN DIAZ-BALART of Florida. Reclaiming my time, Mr. Speaker, we have certification language. We do not condone in any way terrorism from any source in Colombia. We have consistently had safeguards in our legislation to make sure that our assistance is not used by terrorists of any sort in Colombia, but I think that we have to keep our eye on the ball here, and that is that there is a democratically elected government challenged by narcoterrorists, heavily funded because of their trade in narcotics, their narcotrafficking, and that that government, that democratically elected government, is a friend of this country and merits our continued support.

So I am honestly very pleased that, in a bipartisan fashion, this Congress continues to support the democratically elected government of Colombia; and that is one of the great foreign policy initiatives, bipartisan foreign policy initiatives, by the way, that this country is engaged in, which is very connected to the security of this country in addition to the foreign policy objectives of this country.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, there is much in this bill to support, and I rise in support of the rule and the bill. This is a bill which demonstrates America's capacity to be sensitive to the world. America's willingness to feed the hungry, to help those who are depressed and oppressed all around the world.

The heart of America is open to people everywhere. That is why it is such a tragedy that, while we simultaneously will pass this bill today, our country is involved in action in Iraq that is undermining all the goodwill that America creates with this bill. What an irony it is that we are here talking about the needs of people all over the globe and, at the same time, we are alienating people all over the globe by pursuing a war in Iraq, a country that did not attack us, based on false information from an administration that should have known better.

So, yes, we ought to support this rule and we ought to support the bill, because the word that ought to go out, far and wide, about the United States is that we care about suffering people, that we want to find a way of lifting up people everywhere, that we want to try to find a way of making this a better world. But, as we do that, we also need to be consistent. We need to remember that we are simultaneously pursuing a path in Iraq that is wrong. We need to take a new direction there so that we can bring America's aspirations to help the world in line with our policy everywhere.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield such time as he may consume to the chairman of the Rules Committee.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and the legislation itself.

I would like to begin by congratulating my very good friend from Arizona (Mr. KOLBE) and my friend from New York (Ms. Lowey) for working in a bipartisan way to ensure that we could get this conference report to the floor.

I also want to congratulate, of course, the leadership of the full committee. I see the gentleman from Wisconsin here and Chairman LEWIS, who I know have worked long and hard on these issues.

It is great that we are able to continue down this road of getting our work done when it comes to appropriations. That has been a high priority that Chairman LEWIS has established; and, obviously, what we are going through today is evidence of that.

I want to especially, as we look at what is a multi-billion-dollar piece of legislation designed to ensure the national security of the United States of America and our interests around the world, I would like to talk about a tiny bit of money that is in here. It is a lot of money to me, it is a lot of money to us as individuals, it is $1 million, but in the big scheme of things, if you look at a $20 billion package, the $1 million is relatively small.

It has to do with funding for something known as the House Democracy Assistance Commission. This is a very, very important initiative that was launched by Speaker HASTERT and Minority Leader PELOSI to put us on the road towards assisting, from this institution, emerging parliaments around the world.

One of the things that we found in the aftermath of Iraq is that there has been really a tremendous expansion of democracy. We know that in this hemisphere, and I heard the gentleman from Massachusetts and the gentleman from Florida having an exchange about this hemisphere, and I cannot help but think about the fact that we need to herald, herald the fact that, as the Summit of the Americas is taking place in Argentina at the moment, there are 34 democratically elected leaders in this hemisphere, and that is something that is unprecedented, unprecedented. We never in the history of the world have seen this kind of expansion of pluralism in this hemisphere, but it is also taking place in other parts of the world. Hence, we put together this Democracy Assistance Commission.

I was very honored that the Speaker asked me to chair this, and I am joined by my very good friend from North Carolina (Mr. PRICE) who has worked on this. This is an idea that goes, frankly, all the way back to our former colleague, Doug Bereuter, who worked on this initiative.

What we are doing is, in the coming months, we are going to see members of parliaments from these new democracies, new parliaments coming to the United States and spending time in State capitals, working in congressional district offices, dealing with the wide range of issues that Members of the House of Representatives face. They are going to do that for 1 week.

Then, for a week, they are going to be coming to Washington, DC, and they are going to have an opportunity to focus attention on these very important issues of committee establishment, of budget process, oversight of the executive branch, things that we have a tendency to take for granted that these new democracies are just beginning to learn about.

One of those countries is the newest democracy on the face of the earth. It happens to be a country that just gained its independence 6 years ago from Indonesia: East Timor, a nation established in 1999. We also are going to include Indonesia. We are going to be including Kenya, the Republic of Georgia, Macedonia. Those are going to be the first five countries that we are going to include. So we will have roughly 10 parliamentarians from each of those five countries come to the United States and expend time and effort learning about this process, which we have a tendency to take for granted.

The gentleman from Arizona (Mr. KOLBE) is working very hard on this commission. We appreciate all the work that he has put into it, and we also appreciate the fact that he understands the importance of making sure that it succeeds.

This is all part of our quest to win the global war on terror. As has been pointed out time and time again, as we see the expansion, Mr. Speaker, of these democracies, we are in a position where we now have an opportunity to create a chance for people in these countries to succeed without resorting to terrible, terrible things.

So I congratulate my friends for this overall bill. I congratulate them and the bipartisan spirit in dealing with this appropriations process. I support the rule, and I look forward for voting for final passage on this very important conference report.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise to express my strong support for the fiscal year 2006 foreign operations conference report, which provides further foreign assistance to the Republic of Armenia, including $75 million in economic assistance. I would like to thank the House Appropriations Committee for its continued support of both Armenia and resolving the humanitarian situation in Nagorna-Karabakh.

Foreign Operations Subcommittee Chairman KOLBE and Ranking Democrat NITA LOWEY realize how important these funds are to Armenia and Nagorna-Karabakh, and I would like to thank them for their continued support.

I would also like to thank my friend and co-chair of the Armenian Caucus, the gentleman from Michigan (Mr. KNOLLENBERG), for his key support as a member of the subcommittee.

Mr. Speaker, it is very important that this House continue to recognize the plight of the victims of the Nagorna-Karabakh conflict. The conference committee included $3 million in humanitarian assistance to Nagorna-Karabakh. While the United States does not officially recognize the State of Nagorna-Karabakh, this assistance shows that the United States supports Nagorna-Karabakh as an Armenian enclave that needs our continued help.

It is also important to point out that the conference report maintains military assistance parity between Armenia and Azerbaijan, providing $5 million allocated to each country. By allocating equal levels of military and security assistance to both nations, the U.S. Government will preserve its credibility as an impartial and leading mediator in the continuing sensitive peace negotiations for the Nagorna-Karabakh conflict. Given the ongoing Azerbaijani blockades and threats to renew military aggression against Armenia and Karabakh, it is critically important that the administration continue to promote balanced short- and long-term policies that elevate regional cooperation and reduce the risk of conflict in the south Caucasus region.

Again, let me thank the members of the Appropriations Committee for their continued support for Armenia.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to a great leader in this House, the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the rule supporting the conference report for Foreign Operations, Export Financing and Related Programs. It is an example of Congress demonstrating the ability to fund our national and international priorities in a fiscally responsible way, and I come to this floor to extol its virtues and urge all of my colleagues to support the rule and the underlying bill.

This legislation will fund the Nation's priorities in a meaningful way, addressing the AIDS pandemic, bringing innovative reforms to our foreign assistance programs and, of ultimate significance, supporting the global war on terror.

But specifically with regard to the internal mechanics of this legislation, I am particularly moved by the leadership of Chairman JERRY LEWIS of the Appropriations Committee and subcommittee chairman JIM KOLBE who, in an effort to ensure that this legislation was brought to this floor not only on time but on budget, are in the midst of an extraordinary effort to amend the Budget Act to embrace a new road map that will bring not only this bill but all of the appropriations to the $843 billion level embraced by this Congress this spring.

Many of us have expressed concerns in recent days that three of the four preceding conference reports that came to the floor did not conform precisely with the details of that spring-adopted budget.

□ 0945

In response to that, the chairman of the Appropriations Committee shared with us and with other Members the road map to help us to achieve what will be, in a historic manner, a real cut to nonsecurity discretionary spending before Congress adjourns this year.

But in an effort to go one step further, the Appropriations Committee began the process this week of amending that road map into the Budget Act itself.

It is my understanding that the Budget Committee as well as many fiscal hawks in the Republican majority have been moved by that leadership and see it as an example of the energetic, principled, executive renewed leadership in the Appropriations Committee under Chairman JERRY LEWIS.

Mr. Speaker, I rise in support of the rule. I urge all of my colleagues to support the rule and the underlying bill. I rise to give credit where credit is due, to Chairman JERRY LEWIS and Subcommittee Chairman JIM KOLBE, for a job well done, proving once again it is possible to fund the Nation's priorities on time, on budget, in a generous, but fiscally responsible, way.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise in support of the rule and in support of the conference report, the Foreign Operations and Export Financing and Related Programs Appropriations Act of 2006. At this time, I want to commend the chairman of the Foreign Operations Subcommittee for the very fair and bipartisan manner in which he has brought this bill forward. I will save my comments on the substance of the conference report for the general debate.

However, I do want to make clear that we had a tough job taking this bill through conference. The very low initial allocation in the House was compounded by a low conference allocation that cut the President's request by $2 billion. I would have preferred to increase funding levels for many of the important programs contained in this bill, including refugee assistance.

However, I do think this conference report represents a fair, bipartisan, bicameral compromise. The chairman conducted this process in an inclusive manner, and I do commend him for it. I urge my colleagues to support the rule and to support the conference report on H.R. 3057.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentlewoman for yielding me the time and permitting me to speak on this legislation.

Mr. Speaker, I rise in support of the rule and of the underlying legislation. I want to highlight the $200 million that has been set aside for safe drinking water.

I must acknowledge not just the leadership of the gentleman from Arizona (Mr. KOLBE) and the gentlewoman from New York (Mrs. LOWEY), but the special interests of the Senate majority leader, BILL FRIST, with whom I have been working on efforts to increase our commitment to provide sanitation and safe drinking water around the world, a United States priority that we have undertaken together with the United Nations; but it is one where we have not yet backed that up with dollars and with an overall strategy.

Mr. Speaker, I am pleased that this bill is an important step towards meeting that obligation. I am pleased that next week it appears as we will be voting on legislation, the Paul Simon Water for the Poor Act, which will suggest that this will be a cornerstone in our foreign aid strategy.

At any given time, one-half of the people in the world who are sick are sick needlessly from waterborne diseases; and before I finish the 3 minutes that the gentlewoman has kindly allocated to me, more than 10 children will die from waterborne disease.

But the programs in this bill are more than just humanitarian efforts to reduce human suffering. As valuable as they are, they are cost-effective investments in shared prosperity, collective security, and a common future.

I hope that next year we will make it possible for the subcommittee to do its job easily and that the United States is not ranked 21st out of 22 donor countries in terms of how much we invest in ending global poverty compared to the size of our economy.

I hope, Mr. Speaker, additionally, that we are able to correct one area that is of deep concern to me, the loss of $50 million for the African Union Mission in Darfur, cut just at the point where security is getting worse, when the African Union is coming under attack, and the innocent people in Darfur are most in need of protection.

It troubles me deeply. However, overall I think the job that has been done by the subcommittee in fighting for our priorities and particularly in the renewed investment in safe drinking water and sanitation is to be commended. It will have a transformational effect, even this small amount. Bear in mind, Mr. Speaker, that if Americans would allocate just what we give each year for elective cosmetic surgery, or the Europeans would invest what they spend on perfume, we could meet the targets that the United States and the United Nations have set to reduce the scourge of unsafe drinking water and lack of sanitation.

I appreciate the work that is here. I look forward to supporting the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I want to thank Chairman KOLBE and Ranking Member LOWEY for increasing the amount of money that has been put into the alternative development program in Colombia. It is a program that gets people away from growing coca into growing alternative crops. And I stand in support of the rule on this bill.

I am a returned Peace Corps volunteer from Colombia and very much interested in building the capacity of local people to handle their own issues. If there is anything that we have learned from the Iraq war, it is the necessity to build local capacity for host country nationals to be able to run their own government and their own programs.

And if you have a lot of people that are displaced, meaning they have no place to live, no jobs, no schools, no infrastructure to support them, you have a lot of problems. So what you need to do is provide abilities for them to have, in the rural areas, good economic opportunity. You do that by providing a base of what we call alternative development of programs that will keep them economically viable and thus not pressured into growing illicit crops and things like that.

The committee in the House marked this with good money. The Senate raised it. And the conference committee brought it a little bit down, $5.5 million over last year's level. I really want to commend the committee for doing that.

I think, frankly, that we need to, as a Congress, really address how much money gets to these countries, rather than just gets to K Street and lobbyists that are doing reports and doing studies of countries, rather than really helping the money get down to the people. And this is one program that focuses on local issues and NGOs, nongovernmental organizations, rather than multimillion dollar contracts for U.S. contractors.

Building capacities is absolutely essential to survivability of a country. Now, one concern I have is that the report contains $20 million for demobilization activities from an unspecified account. I think it is great that we are helping with the demobilization of the paramilitaries and the FARC and other kinds of insurgents, terrorists in a sense; but I want to make sure that that demobilization money is not taken from the alternative crop money.

I would appreciate if the chairman in his remarks could, perhaps for the record, respond to what conditions have been put on that demobilization money when they decide what account to take it from.

Again, I want to thank the chairman and ranking member, and I really appreciate their efforts to look for how to make a saner and smarter world to live in, rather than just sticking to the old adage that we are going to give money to K Street and let them decide what are the priorities abroad.

Anything we can do to build the capacities of local countries to sustain themselves will make this world a much safer and saner place to live.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I wanted to respond to the gentleman from California (Mr. FARR) and his comments about the demobilization funds that we have in the bill for Colombia.

The legislation provides that the funds can come from any place in the Act. I cannot guarantee where the administration might ask for those funds to come from. However, the law would require that they consult with us and notify the subcommittee. And I can assure you that if they were to ask to take funds out of a program that is working and working well, such as the alternative development program in Colombia, we would object to such a request.

So it is very broad on where the money can come from. We have no assurances. I might add to the gentleman from California (Mr. FARR), that they are even going to request this money at all. But if they do, we will be watching very carefully as to where it would come from and make sure it is the appropriate place.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I just want the gentleman to know I share the concerns of the chairman. I believe that we can have far greater impact in Colombia by investing in alternative livelihoods rather than forced eradication.

Mr. Speaker, I would be very reluctant to see funding for demobilization programs come at the expense of any alternative development programs, and I look forward to working with the chairman to ensure that this just does not happen.

I want to thank the gentleman from California (Mr. FARR) for raising these concerns.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I want to thank each and every distinguished Member of the House who has spoken this morning on this legislation. Obviously, this is, appropriately so, a tremendous amount, really a consensus, which is pleasing to see support for what we are doing as a Congress and as a government, as a Nation in this legislation.

I want to take one final moment, if I may, to explain a point that I made in response to a question to the gentleman from Massachusetts (Mr. MCGOVERN) when I said that it is my belief that the Government of Venezuela is a dictatorship.

Mr. Speaker, I would like to speak a second or a minute to explain why. Democracy, in order for it to exist, requires two fundamental pillars or legitimacies: the legitimacy of origin, which is obtained through free and fair elections, and the Government of Venezuela was elected. So it obviously had the legitimacy of origin.

But then I believe that for a government to be democratic, it has to have another form of legitimacy, which is legitimacy in its conduct in the process of governing. And if a government, even if democratically elected, represses the opposition, persecutes the opposition, represses the press, for example the free press, in my view, it loses that other legitimacy which is required, the legitimacy of conduct for a democracy to be a democracy.

Mr. Speaker, so I am convinced that the Government of Venezuela has lost its democratic legitimacy, and it is not a democracy. So I appreciate the opportunity to explain why I believe, as I stated before, that it is at this moment a dictatorship.

I thank the gentleman from Arizona (Mr. KOLBE) for his extraordinary work once again in bringing forward this legislation. He is one of the people that I greatly admire in this House.

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I urge all of our colleagues to support what we are doing, the very important step we are taking for our foreign policy interests and great humanitarian causes today in this legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 3057.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from Arizona?

There was no objection.

CONFERENCE REPORT ON H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

Mr. KOLBE. Mr. Speaker, pursuant to House Resolution 532, I call up the conference report on the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 532, the conference report is considered read.

(For conference report and statement, see proceedings of the House of November 2, 2005, at page 24152.)

The SPEAKER pro tempore. The gentleman from Arizona (Mr. KOLBE) and the gentlewoman from New York (Mrs. LOWEY) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased this morning to be able to bring before my colleagues in the House of Representatives the fiscal year 2006 Foreign Operations Appropriations Conference Report for the bill H.R. 3057.

There is no doubt that the conferees had a difficult challenge this year, working with an overall funding allocation that is almost $2 billion below the fiscal year 2006 request. This is nearly 10 percent less than the President asked for. Nonetheless, the conferees took on the challenge of making the hard choices necessary to meet budgetary realities while funding this country's top foreign policy priorities at responsible levels, levels that fulfill our foreign policy objectives.

The conference report continues strong and active oversight of the expenditure of taxpayers' dollars consistent with the mandate given to us by the United States taxpayers and the leadership of this committee and the Congress.

The conference report continues the Appropriations Committee's pursuit of accountability for the expenditure of tax dollars, in particular our foreign assistance program expenditures. The oversight of our primary agencies—State Department, Treasury Department and USAID—includes quarterly reporting of expenditures, consultation on major programmatic changes and limitation on expenditures until conditions on congressional notifications are met.

The conference agreement also establishes for the first time an independent inspector general for the Export Import Bank.

That, Mr. Speaker, is a very quick summary of the bill. Let me turn now to some of the highlights that are contained in the conference report.

First, with regard to overall funding, the fiscal year 2006 budget request for the foreign operations account or appropriations bill was $22.8 billion. As I already mentioned, the conference report funds our foreign assistance portfolio at $20.9 billion; $1.9 billion below what the President had asked for but $1.4 billion over the fiscal year 2005 conference agreement.

Emergency Plan for AIDS Relief. The conference report includes $2.8 million for the third year of the Emergency Plan for AIDS Relief. Here we are actually above the President's request by $268 million. This number is $629 million over the fiscal year 2005 level.

The conference report includes not less than $450 million, twice the amount requested by the President, for the U.S. contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria.

The Millennium Challenge Corporation, or MCC. This agreement funds the MCC at $1.77 billion, $270 million or 18 percent above the $1.5 billion provided in fiscal year 2005. We are, however, and this needs to be noted, significantly below the $3 billion requested by the President for this year.

Mr. Speaker, I happen to be a strong supporter of the Millennium Challenge Corporation. I was there when the President announced the idea for it. I helped draft the legislation which ultimately ended up in our bill. I am a big believer in this new concept of delivering foreign assistance. But we did have limitations, and I think that what we have done is a responsible way for it to proceed and make sure that we have adequate funding to continue and expand the work of the Millennium Challenge Corporation.

The increase that we have for the MCC and the conference report comes because we recognize that the White House's top priority, and they communicated this with us, was the Millennium Challenge Corporation. But, as I said, our budgetary constraints left us with little ability to fully fund this important initiative.

Supporting the global war on terror. The agreement provides significant increases in our security assistance and anti-narcotics programs abroad for our allies in the war on terror. This includes fully funding the request for $2.3 billion for Israel and $1.8 billion for Egypt in economic and security assistance, and $300 million for Pakistan and military assistance.

Additionally, over $1.2 billion have been provided to the anti-narcotics and law enforcement accounts, $155 million above last year's levels. The conferees recognize that the illegal drug industry is not only a domestic issue facing the United States but one that funds international terrorism and organized crime, thereby threatening our borders.

Afghanistan. The agreement dramatically increases economic and counternarcotics law enforcement assistance for Afghanistan at $665 million. That is $350 million above last year's level. This conference agreement fully funds the $430 million request for Economic Support Funds for Afghanistan, an increase of $205 million over the 2005 level. It provides $235 million for police and counternarcotics programs.

Importantly, the conference report includes new language that limits expenditure of about half of the ESF funds until the Secretary of State certifies to the committee that the government of Afghanistan at both the national and provincial levels is fully cooperating with the United States on narcotics eradication and interdiction efforts.

Iraq. In the case of Iraq, the conference agreement provides $61 million in ESF funds. The fiscal year 2006 request was for $458.5 from a variety of accounts to support activities in Iraq. This obviously is a very significant difference from what was requested. However, the committee noted that more than $3.5 billion of the $18.4 billion that was appropriated in 2003 for the Iraq Relief and Reconstruction Fund remains unobligated. The conferees did not think it was responsible to direct new taxpayer resources to Iraq at this time.

The conferees expect the administration to fund the remainder of its request for Iraq from the unobligated portions of the Iraq Relief and Reconstruction Fund, and we are convinced that the administration has the flexibility to do just that.

West Bank and Gaza. This agreement fully funds the request of $150 million for the West Bank and Gaza program, an increase of $75 million over the 2005 level, and retains the fiscal year 2005 prohibitions and restrictions on the expenditure of those funds, including the requirements for a GAO audit of U.S. assistance.

There is no request for direct cash assistance for the Palestinian Authority, and nothing in this conference report or accompanying statement of the managers provides for such assistance.

MDB oversight. The agreement includes a provision addressing anti-corruption measures for the World Bank and other reform provisions for all the multi-lateral development banks. It is our hope that these provisions will lead to greater transparency, less corruption, and more effective operations for our multi-lateral contributions to these institutions.

The Global Environmental Facility, or GEF. The agreements includes $80 million for the Global Environmental Facility. That is $27 million below the request, but it is a full $80 million more than was in the House-passed bill. The conferees were pleased to see that in the intervening months the Global Environmental Fund has agreed to establish a performance-based allocation system for the disbursement of funds, as it had committed to do in 2002.

Next year, my subcommittee will continue to conduct oversight of the GEF to monitor how the allocation system is implemented, but our inability to fund the full amount is simply a budgetary one, not because of any transgression on the part of the GEF.

There are many other items in the conference agreement that I do not have time to go into in detail, but let me just briefly touch on them.

$322 million for the Peace Corps. That is $5 million above last year.

$4.3 billion total for USAID, $121 million above the request and $93 million below last year's enacted level.

$440 million for bilateral international family planning programs, of which $34 million goes to the UNFPA.

The conference agreement does, however, retain current law on restriction and prohibitions on assistance, which I know will please some and make others very unhappy.

The conference report does not include the $100 million for conflict response funds that had been requested by the administration. We believe this is something that can be handled through reallocation of funds.

Let me close by thanking my ranking member, the gentlewoman from New York (Mrs. LOWEY), for her continued cooperation and commitment in producing a bipartisan conference agreement. I say with all the sincerity in the world, it is both an honor and pleasure to work with a legislator as dedicated and hardworking as the gentlewoman from New York (Mrs. LOWEY).

I also want to thank the ranking member, the gentleman from Wisconsin (Mr. OBEY), and my chairman, the gentleman from California (Mr. LEWIS), for the support that both of them have given in bringing the product which we bring to you today.

I want to thank the other members of the subcommittee, the minority side as well as the majority side, who served on this conference and helped us in our deliberations and were such active members of all of the hearings that we held during the course of this year. I think our conference agreement reflects the spirit of cooperation that has been the hallmark of this subcommittee.

Finally, let me extend my thanks to the staff of the Foreign Operations Subcommittee. On the House side, Alice Hogans, Rodney Bent, Rob Blair, Lori Maes, Betsy Phillips, Nisha Desai, as well as Sean Mulvaney from my staff and Beth Tritter from the gentlewoman from New York's (Mrs. LOWEY) staff.

On the Senate side, I want to thank Paul Grove, Tom Hawkins, Tim Rieser, Jennifer Park, Bob Lester and Harry Christy for the work they did in bringing this bill to where we are today.

This is a specially poignant moment for me and for the subcommittee as it will be the last time that Rodney Bent and Sean Mulvaney will be on the floor for one of our bills before they leave for different opportunities. While we wish them well in their new pursuits, they will be sorely missed by me and by the staff of the subcommittee. I thank them for what they have done through the years to help support the foreign policy of the United States.

Again, I thank my colleagues for their indulgence here. I thank them for the support they have given us. I urge my colleagues to vote in favor of the conference report.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, FY 2006 (H.R. 3057)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - EXPORT AND INVESTMENT ASSISTANCE						
EXPORT-IMPORT BANK OF THE UNITED STATES						
Subsidy appropriation	59,322	186,500	125,000	125,000	100,000	+40,678
Administrative expenses	72,614	73,200	68,200	73,200	73,200	+586
Inspector General	---	1,000	---	1,000	1,000	+1,000
Negative subsidy	-33,000	-35,000	-35,000	-35,000	-35,000	-2,000
Total, Export-Import Bank of the United States	98,936	225,700	158,200	164,200	139,200	+40,264
OVERSEAS PRIVATE INVESTMENT CORPORATION						
Noncredit account:						
Administrative expenses	42,542	42,274	42,274	42,274	42,274	-268
Insurance fees and other offsetting collections	-278,000	-240,000	-240,000	-240,000	-240,000	+38,000
Subsidy appropriation	23,808	20,276	20,276	20,276	20,276	-3,532
Total, Overseas Private Investment Corporation	-211,650	-177,450	-177,450	-177,450	-177,450	+34,200
FUNDS APPROPRIATED TO THE PRESIDENT						
Trade and development agency	51,088	48,900	50,900	50,900	50,900	-188
Total, title I, Export and investment assistance	-61,626	97,150	31,650	37,650	12,650	+74,276
TITLE II - BILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
United States Agency for International Development						
Child survival and health programs fund	1,537,600	1,251,500	1,497,000	1,659,000	1,585,000	+47,400
(Transfer out)	(-6,000)	---	(-6,000)	---	(-6,000)	---
Development assistance	1,448,320	1,103,233	1,460,000	1,675,000	1,524,000	+75,680
(Transfer out)	(-21,000)	(-21,000)	(-21,000)	(-21,000)	(-21,000)	---
(Transfer out)	(-24,000)	---	---	---	---	(+24,000)
International disaster assistance	367,040	655,500	356,000	400,000	365,000	-2,040
Emergency supplemental (P.L. 108-106)	---	---	---	---	---	---
International disaster and famine assistance (Emergency)	17,856	---	---	---	---	-17,856
(By transfer emergency appropriations)	---	---	---	---	---	---
(By transfer) (P.L. 108-106)	---	---	---	---	---	---
Emergency supplemental (P.L. 108-324)	100,000	---	---	---	---	-100,000
Emergency appropriations (P.L. 109-13)	90,000	---	---	---	---	-90,000
Subtotal, Disaster assistance	574,896	655,500	356,000	400,000	365,000	-209,896
Transition Initiatives	48,608	325,000	50,000	50,000	40,000	-8,608
Development Credit Authority:						
(By transfer)	(21,000)	(21,000)	(21,000)	(21,000)	(21,000)	---
Administrative expenses	7,936	8,000	8,000	8,000	8,000	+64
Subtotal, Development assistance	3,617,360	3,343,233	3,371,000	3,792,000	3,522,000	-95,360
Payment to the Foreign Service Retirement and Disability Fund	42,500	41,700	41,700	41,700	41,700	-800
Operating expenses of the U.S. Agency for International Development	613,056	680,735	630,000	620,000	630,000	+16,944
Emergency supplemental (P.L. 108-106)	---	---	---	---	---	---
(By transfer)	(6,000)	---	(6,000)	---	(6,000)	---
(By transfer)	(24,000)	---	---	---	---	(-24,000)
Emergency supplemental (P.L. 108-106) (Transfer to U.S. AID Office of Inspector General)	---	---	---	---	---	---
Emergency appropriations (P.L. 109-13)	24,400	---	---	---	---	-24,400
Subtotal, USAID	637,456	680,735	630,000	620,000	630,000	-7,456
Capital Investment Fund	58,528	77,700	77,700	77,700	70,000	+11,472
Emergency supplemental (P.L. 108-106)	---	---	---	---	---	---
Subtotal, Capital investment fund	58,528	77,700	77,700	77,700	70,000	+11,472

FOREIGN OPERATIONS- EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS - FY 2006 (H.R. 3057)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs Enacted
Operating expenses of the U.S. Agency for International Development Office of Inspector General	34,720	36,000	36,000	36,000	36,000	+1,280
Emergency supplemental (P.L. 108-106)(By transfer)	---	---	---	---	---	---
Emergency appropriations (P.L. 109-13)	2,500	---	---	---	---	-2,500
Subtotal, Operating expenses	37,220	36,000	36,000	36,000	36,000	-1,220
Total, USAID	4,393,064	4,179,368	4,156,400	4,567,400	4,299,700	-93,364
Other Bilateral Economic Assistance						
Economic support fund:						
Israel	357,120	240,000	240,000	240,000	240,000	-117,120
Egypt	530,720	495,000	495,000	495,000	495,000	-35,720
Other	1,574,800	2,301,375	1,823,525	2,296,375	1,899,000	+324,200
Economic support fund (P.L. 108-106)	---	---	---	---	---	---
(By transfer emergency)	---	---	---	---	---	---
(Transfer out)	(-150,000)	---	---	(-10,000)	(-5,000)	(+145,000)
Emergency appropriations (P.L. 109-13)	1,433,600	---	---	---	---	-1,433,600
Iraqi Relief and Reconstruction Fund (by transfer)	---	---	---	---	(5,000)	(+5,000)
Subtotal, Economic support fund	3,896,240	3,036,375	2,558,525	3,031,375	2,634,000	-1,262,240
International Fund for Ireland	18,352	---	13,500	---	13,500	-4,852
Assistance for Eastern Europe and the Baltic States	393,427	382,000	357,000	395,000	361,000	-32,427
Assistance for the Independent States of the former Soviet Union	555,520	482,000	477,000	565,000	514,000	-41,520
Emergency appropriations (P.L. 109-13)	70,000	---	---	---	---	-70,000
Tsunami Recovery and Reconstruction Fund:						
Emergency supplemental (P.L. 109-13)	656,000	---	---	---	---	-656,000
(Transfer out emergency) (P.L. 109-13)	(-48,500)	---	---	---	---	(+48,500)
Total, Other Bilateral Economic Assistance	5,589,539	3,900,375	3,406,025	3,991,375	3,522,500	-2,067,039
INDEPENDENT AGENCIES						
Inter-American Foundation						
Appropriation	17,856	17,826	19,500	20,000	19,500	+1,644
African Development Foundation						
Appropriation	18,848	18,850	20,500	25,000	23,000	+4,152
Peace Corps						
Appropriation	317,440	345,000	325,000	320,000	322,000	+4,560
Millenium Challenge Corporation						
Appropriation	1,488,000	3,000,000	1,750,000	1,800,000	1,770,000	+282,000
Department of State						
Global HIV/AIDS initiative	1,373,920	1,970,000	1,920,000	2,020,000	1,995,000	+621,080
Democracy Fund	---	---	---	95,000	95,000	+95,000
(Transfer out)	---	---	---	(-80,000)	---	---
International narcotics control and law enforcement	326,189	523,874	442,400	523,874	477,200	+151,011
Emergency supplemental (P.L. 108-106)	---	---	---	---	---	---
Emergency appropriations (P.L. 109-13)	620,000	---	---	---	---	-620,000
Subtotal, Narcotics control	946,189	523,874	442,400	523,874	477,200	-468,989
Andean Counterdrug Initiative	725,152	734,500	734,500	734,500	734,500	+9,348
(By transfer)	---	---	---	---	---	---
Migration and refugee assistance	763,840	892,770	790,720	900,000	791,000	+27,160
Emergency appropriations (P.L. 109-13)	120,400	---	---	---	---	-120,400
United States Emergency Refugee and Migration Assistance Fund	29,760	40,000	30,000	40,000	30,000	+240
Nonproliferation, anti-terrorism, demining and related programs	398,784	440,100	400,350	445,100	410,100	+11,316
(By transfer)	---	---	---	---	---	---

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS - FY 2006 (H.R. 3057)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Emergency supplemental (P.L. 108-106)	---	---	---	---	---	---
Emergency appropriations (P.L. 109-13)	24,600	---	---	---	---	-24,600
Subtotal, Nonproliferation	423,384	440,100	400,350	445,100	410,100	-13,284
Conflict response fund	---	100,000	---	74,000	---	---
Subtotal, Department of State	4,382,645	4,701,244	4,317,970	4,832,474	4,532,800	+150,155
Department of the Treasury						
International Affairs Technical Assistance	18,848	20,000	20,000	20,000	20,000	+1,152
Debt restructuring	99,200	99,750	65,000	99,750	65,000	-34,200
Subtotal, Department of the Treasury	118,048	119,750	85,000	119,750	85,000	-33,048
Total, title II, Bilateral economic assistance	16,325,440	16,282,413	14,080,395	15,675,999	14,574,500	-1,750,940
Appropriations	(13,166,084)	(16,282,413)	(14,080,395)	(15,675,999)	(14,574,500)	(+1,408,416)
Emergency appropriations	(3,159,356)	---	---	---	---	(-3,159,356)
(By transfer)	(51,000)	(21,000)	(27,000)	(21,000)	(32,000)	(-19,000)
(By transfer emergency appropriations)	---	---	---	---	---	---
(Transfer out)	(-201,000)	(-21,000)	(-27,000)	(-111,000)	(-32,000)	(+169,000)
(Transfer out emergency appropriations)	(-48,500)	---	---	---	---	(+48,500)
TITLE III - MILITARY ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Military Education and Training	89,012	86,744	86,744	86,744	86,744	-2,268
Foreign Military Financing Program:						
Grants:						
Israel	2,202,240	2,280,000	2,280,000	2,280,000	2,280,000	+77,760
Egypt	1,289,600	1,300,000	1,300,000	1,300,000	1,300,000	+10,400
Other	1,253,392	1,008,600	862,300	1,023,600	920,000	-333,392
Emergency supplemental (P.L. 108-106) (by transfer)	(150,000)	---	---	---	---	(-150,000)
Emergency appropriations (P.L. 109-13)	250,000	---	---	---	---	-250,000
Subtotal, Grants	4,995,232	4,588,600	4,442,300	4,603,600	4,500,000	-495,232
(Limitation on administrative expenses)	(40,000)	(42,500)	(41,600)	(42,500)	(41,600)	(+1,600)
Total, Foreign Military Financing	4,995,232	4,588,600	4,442,300	4,603,600	4,500,000	-495,232
Peacekeeping operations	103,168	195,800	177,800	195,800	175,000	+71,832
(Emergency appropriation)	74,400	---	---	---	---	-74,400
Emergency supplemental (P.L. 108-106)	---	---	---	---	---	---
Omnibus Appropriations (transfer from DoD) (P.L. 108-447) (Sec. 117)	(79,360)	---	---	---	---	(-79,360)
Emergency appropriations (P.L. 109-13)	240,000	---	---	---	---	-240,000
Emergency appropriations (P.L. 109-13) (by transfer emergency)	(50,000)	---	---	---	---	(-50,000)
Subtotal, Peacekeeping operations	417,568	195,800	177,800	195,800	175,000	-242,568
Total, title III, Military assistance	5,501,812	4,871,144	4,706,844	4,886,144	4,761,744	-740,068
Appropriations	(4,937,412)	(4,871,144)	(4,706,844)	(4,886,144)	(4,761,744)	(-175,668)
Emergency appropriations	(564,400)	---	---	---	---	(-564,400)
(By transfer)	(229,360)	---	---	---	---	(-229,360)
(Transfer out)	---	---	---	---	---	---
(Limitation on administrative expenses)	(40,000)	(42,500)	(41,600)	(42,500)	(41,600)	(+1,600)
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Financial Institutions						
World Bank Group						
Contribution to the International Bank for Reconstruction and Development:						
Global Environment Facility	106,640	107,500	---	107,500	80,000	-26,640

FOREIGN OPERATIONS- EXPORT FINANCING- AND RELATED PROGRAMS APPROPRIATIONS - FY 2006 (H.R. 3057)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Contribution to the International Development Association	843,200	950,000	950,000	900,000	950,000	+106,800
Contribution to Multilateral Investment Guarantee Agency	---	1,742	1,742	1,300	1,300	+1,300
(Limitation on callable capital subscriptions)	---	(8,127)	(8,127)	(8,127)	(8,127)	(+8,127)
Total, World Bank Group	949,840	1,059,242	951,742	1,008,800	1,031,300	+81,460
Contribution to the Inter-American Development Bank:						
Contribution to the Enterprise for the Americas Multilateral Investment Fund	10,912	1,742	1,742	3,742	1,742	-9,170
Inter-American Investment Corporation	---	1,742	1,742	1,500	1,742	+1,742
Contribution to the Asian Development Bank:						
Contribution to the Asian Development Fund	99,200	115,250	115,250	100,000	100,000	+800
Contribution to the African Development Bank:						
Paid-in capital	4,067	5,638	5,638	3,638	3,638	-429
(Limitation on callable capital subscriptions)	---	(88,334)	(88,334)	(88,334)	(88,334)	(+88,334)
Contribution to the African Development Fund	105,152	135,700	135,700	135,700	135,700	+30,548
Total, African Development Bank	109,219	141,338	141,338	139,338	139,338	+30,119
Contribution to the European Bank for Reconstruction and Development:						
Paid-in capital	35,148	1,016	1,016	1,016	1,016	-34,132
(Limitation on callable capital subscriptions)	(121,997)	(2,250)	(2,250)	(2,250)	(2,250)	(-119,747)
Contribution to the International Fund for Agricultural Development	14,880	15,000	15,000	15,000	15,000	+120
Total, International Financial Institutions	1,219,199	1,335,330	1,227,830	1,269,396	1,290,138	+70,939
International Organizations and Programs						
Appropriation	325,767	281,908	328,958	330,000	329,458	+3,691
Total, title IV, Multilateral economic assistance	1,544,966	1,617,238	1,556,788	1,599,396	1,619,596	+74,630
(Limitation on callable capital subscript)	(121,997)	(98,711)	(98,711)	(98,711)	(98,711)	(-23,286)
TITLE V - GENERAL PROVISIONS						
Expenditure transfer (Sec. 542)	---	---	---	---	---	---
Emergency appropriations (P.L. 109-13) (rescission)	-1,000,000	---	---	---	---	+1,000,000
Rescission	---	---	-64,000	---	---	---
Sec. 6083 unobligated balances	---	---	---	-100,000	---	---
Sec. 6084 Security in Asia	---	---	---	25,000	10,000	+10,000
Sec. 6093 Iraqi Relief and Reconstruction fund (by transfer)	---	---	---	(10,000)	---	---
Sec. 6098 U.S. Canada Alaska Railroad Commission (rescission)	---	---	---	-2,000	---	---
Foreign Military financing program (Sec. 6113) (by transfer)	---	---	---	(50,000)	---	---
Conflict Response fund (Sec. 6113) (transfer out)	---	---	---	(-50,000)	---	---
Child Survival and Health programs (Sec. 6118) (by transfer)	---	---	---	(100,000)	---	---
Economic Support fund (Sec. 6118) (transfer out)	---	---	---	(-100,000)	---	---
(Sec. 577)	---	---	---	---	---	---
Sudan (Sec. 569)	---	---	---	---	---	---
Total, title V, General Provisions	-1,000,000	---	-64,000	-77,000	10,000	+1,010,000
Appropriations	---	---	---	(-75,000)	(10,000)	(+10,000)
Rescissions	-1,000,000	---	-64,000	-2,000	---	+1,000,000
(By transfer)	---	---	---	(160,000)	---	---
(Transfer out)	---	---	---	(-150,000)	---	---
Grand total	22,310,592	22,867,945	20,311,677	22,122,189	20,978,490	-1,332,102
Appropriations	(19,586,836)	(22,867,945)	(20,375,677)	(22,124,189)	(20,978,490)	(+1,391,654)
Emergency appropriations	(3,723,756)	---	---	---	---	(-3,723,756)
Contingent emergency appropriations	---	---	---	---	---	---
Rescissions	-1,000,000	---	-64,000	-2,000	---	+1,000,000
(By transfer)	(280,360)	(21,000)	(27,000)	(181,000)	(32,000)	(-248,360)
(By transfer emergency appropriations)	(50,000)	---	---	---	---	(-50,000)
(Transfer out)	(-201,000)	(-21,000)	(-27,000)	(-261,000)	(-32,000)	(+169,000)
(Transfer out emergency appropriations)	(-48,500)	---	---	---	---	(+48,500)
(Limitation on administrative expenses)	(40,000)	(42,500)	(41,600)	(42,500)	(41,600)	(+1,600)
(Limitation on callable capital subscript)	(121,997)	(98,711)	(98,711)	(98,711)	(98,711)	(-23,286)
(Emergency Supplemental (P.L. 108-106))	(3,725,256)	---	---	---	---	(-3,725,256)

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS - FY 2006 (H.R. 3057)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
Czech loans	---	---	---	---	---	---
Emergency supplemental (P.L. 108-106)	---	---	---	---	---	---
Emergency appropriations	-3,725,256	---	---	---	---	+3,725,256
Contingent emergency appropriations	---	---	---	---	---	---
Adjustment to balance with CBO's ATB estimate	---	---	---	---	---	---
Total, adjustments	-3,725,256	---	---	---	---	+3,725,256
Total (including adjustments)	18,585,336	22,867,945	20,311,677	22,122,189	20,978,490	+2,393,154
Amounts in this bill	(22,310,592)	(22,867,945)	(20,311,677)	(22,122,189)	(20,978,490)	(-1,332,102)
Scorekeeping adjustments	(-3,725,256)	---	---	---	---	(+3,725,256)
Prior year outlays	---	---	---	---	---	---
Total mandatory and discretionary	18,585,336	22,867,945	20,311,677	22,122,189	20,978,490	+2,393,154
Mandatory	(42,500)	(41,700)	(41,700)	(41,700)	(41,700)	(-800)
Discretionary	(18,542,836)	(22,826,245)	(20,269,977)	(22,080,489)	(20,936,790)	(+2,393,954)
RECAP BY FUNCTION						
Mandatory	42,500	41,700	41,700	41,700	41,700	-800
Prior year outlays	---	---	---	---	---	---
Total, Mandatory	42,500	41,700	41,700	41,700	41,700	-800
Discretionary	18,542,836	22,826,245	20,269,977	22,080,489	20,936,790	+2,393,954
Prior year outlays	---	---	---	---	---	---
Total, Discretionary	18,542,836	22,826,245	20,269,977	22,080,489	20,936,790	+2,393,954
Grand total, Mandatory and Discretionary	18,585,336	22,867,945	20,311,677	22,122,189	20,978,490	+2,393,154
DISCRETIONARY 302(b) ALLOCATION						
302(b) allocation	19,386,000	---	20,270,000	31,671,000	20,937,000	+1,551,000
Over/under allocation	-843,164	22,826,245	-23	-9,590,511	-210	+842,954

Conference Report with Outlays
(Amounts in thousands)

		Budget Authority					Outlays						
		FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference		
10000	TITLE I - EXPORT AND INVESTMENT ASSISTANCE											10000	
10100	EXPORT-IMPORT BANK OF THE UNITED STATES											10100	
10200	Subsidy appropriation	59,322	186,500	125,000	125,000	100,000	3,000	42,000	28,000	28,000	22,000	10200	150
10300	Administrative expenses	72,614	73,200	68,200	73,200	73,200	61,000	61,000	57,000	61,000	61,000	10300	150
10400	Inspector General	---	1,000	---	1,000	1,000	---	1,000	---	1,000	1,000	10400	150
10500	Negative subsidy	-33,000	-35,000	-35,000	-35,000	-35,000	-33,000	-35,000	-35,000	-35,000	-35,000	10500	150
10600	Total, Export-Import Bank of the United States	98,936	225,700	158,200	164,200	139,200	31,000	69,000	50,000	55,000	49,000	10600	
10700	OVERSEAS PRIVATE INVESTMENT CORPORATION											10700	
10800	Noncredit account:											10800	
10900	Administrative expenses	42,542	42,274	42,274	42,274	42,274	37,000	36,000	36,000	36,000	36,000	10900	150
11000	Insurance fees and other offsetting collections	-278,000	-240,000	-240,000	-240,000	-240,000	-278,000	-240,000	-240,000	-240,000	-240,000	11000	150
11100	Subsidy appropriation	23,808	20,276	20,276	20,276	20,276	1,000	1,000	1,000	1,000	1,000	11100	150
11200	Total, Overseas Private Investment Corporation	-211,650	-177,450	-177,450	-177,450	-177,450	-240,000	-203,000	-203,000	-203,000	-203,000	11200	
11300	FUNDS APPROPRIATED TO THE PRESIDENT											11300	
11400	Trade and development agency	51,088	48,900	50,900	50,900	50,900	12,000	11,000	11,000	11,000	11,000	11400	150
11500	Total, title I, Export and investment assistance	-61,626	97,150	31,650	37,650	12,650	-197,000	-123,000	-142,000	-137,000	-143,000	11500	

Conference Report with Outlays
(Amounts in thousands)

		Budget Authority					Outlays						
		FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference		
11600	TITLE II - BILATERAL ECONOMIC ASSISTANCE											11600	
11700	FUNDS APPROPRIATED TO THE PRESIDENT											11700	
11800	United States Agency for International Development											11800	
11900	Child survival and health programs fund	1,537,600	1,251,500	1,497,000	1,659,000	1,585,000	154,000	330,000	459,000	532,000	517,000	11900	150
12000	(Transfer out)	(-6,000)	---	(-6,000)	---	(-6,000)	-1,000	---	-1,000	---	-1,000	12000	150
12100	Development assistance	1,448,320	1,103,233	1,460,000	1,675,000	1,524,000	145,000	88,000	117,000	134,000	122,000	12100	150
12200	(Transfer out)	(-21,000)	(-21,000)	(-21,000)	(-21,000)	(-21,000)	-5,000	-2,000	-2,000	-2,000	-2,000	12200	150
12300	(Transfer out)	(-24,000)	---	---	---	---	---	---	---	---	---	12300	150
12400	International disaster assistance	367,040	655,500	356,000	400,000	365,000	92,000	247,000	89,000	100,000	91,000	12400	150
12500	Emergency supplemental (P.L. 108-106)	---	---	---	---	---	---	---	---	---	---	12500	150
12600	International disaster and famine assistance											12600	
12700	(Emergency)	17,856	---	---	---	---	5,000	---	---	---	---	12700	150
12800	(By transfer emergency appropriations)	---	---	---	---	---	---	---	---	---	---	12800	150
12900	(By transfer) (P.L. 108-106)	---	---	---	---	---	---	---	---	---	---	12900	150
13000	Emergency supplemental (P.L. 108-324)	100,000	---	---	---	---	18,000	---	---	---	---	13000	150
13010	Emergency appropriations (P.L. 109-13)	90,000		---	---	---	5,000	---	---	---	---	13010	150
13100	Subtotal, Disaster assistance	574,896	655,500	356,000	400,000	365,000	120,000	247,000	89,000	100,000	91,000	13100	
13200	Transition Initiatives	48,608	325,000	50,000	50,000	40,000	18,000	41,000	19,000	19,000	15,000	13200	150
13300	Development Credit Authority											13300	
13400	(By transfer)	(21,000)	(21,000)	(21,000)	(21,000)	(21,000)	3,000	3,000	3,000	3,000	3,000	13400	150
13500	Administrative expenses	7,936	8,000	8,000	8,000	8,000	6,000	6,000	6,000	6,000	6,000	13500	150
13600	Subtotal, Development assistance	3,617,360	3,343,233	3,371,000	3,792,000	3,522,000	440,000	713,000	690,000	792,000	751,000	13600	
13700	Payment to the Foreign Service Retirement and											13700	
13800	Disability Fund	42,500	41,700	41,700	41,700	41,700	43,000	42,000	42,000	42,000	42,000	13800	M
13900	Operating expenses of the U.S. Agency for											13900	
14000	International Development	613,056	680,735	630,000	620,000	630,000	460,000	511,000	473,000	465,000	473,000	14000	150
14100	Emergency supplemental (P.L. 108-106)	---	---	---	---	---	---	---	---	---	---	14100	150
14200	(By transfer)	(6,000)	---	(6,000)	---	(6,000)	5,000	---	5,000	---	5,000	14200	150
14300	(By transfer)	(24,000)	---	---	---	---	18,000	---	---	---	---	14300	150
14400	Emergency supplemental (P.L. 108-106) (Transfer											14400	
14500	to U.S. AID Office of Inspector General)	---	---	---	---	---	---	---	---	---	---	14500	150
14510	Emergency appropriations (P.L. 109-13)	24,400	---	---	---	---	4,000	---	---	---	---	14510	150
14600	Subtotal, USAID	637,456	680,735	630,000	620,000	630,000	487,000	511,000	478,000	465,000	478,000	14600	

Conference Report with Outlays
(Amounts in thousands)

		Budget Authority					Outlays						
		FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference		
14700	Capital Investment Fund	58,528	77,700	77,700	77,700	70,000	7,000	62,000	62,000	62,000	56,000	14700	150
14800	Emergency supplemental (P.L. 108-106)	---	---	---	---	---	---	---	---	---	---	14800	150
14900	Subtotal, Capital investment fund	58,528	77,700	77,700	77,700	70,000	7,000	62,000	62,000	62,000	56,000	14900	
15000	Operating expenses of the U.S. Agency for Inter-											15000	
15100	national Development Office of Inspector General	34,720	36,000	36,000	36,000	36,000	26,000	27,000	27,000	27,000	27,000	15100	150
15200	Emergency supplemental (P.L. 108-106)(By transfer)	---	---	---	---	---	---	---	---	---	---	15200	150
15210	Emergency appropriations (P.L. 109-13)	2,500	---	---	---	---	---	---	---	---	---	15210	150
15300	Subtotal, Operating expenses	37,220	36,000	36,000	36,000	36,000	26,000	27,000	27,000	27,000	27,000	15300	
15400	Total, USAID	4,393,064	4,179,368	4,156,400	4,567,400	4,299,700	1,003,000	1,355,000	1,299,000	1,388,000	1,354,000	15400	
15500	Other Bilateral Economic Assistance											15500	
15600	Economic support fund											15600	
15700	Israel	357,120	240,000	240,000	240,000	240,000	357,000	240,000	240,000	240,000	240,000	15700	150
15800	Egypt	530,720	495,000	495,000	495,000	495,000	120,000	113,000	113,000	113,000	113,000	15800	150
15900	Other	1,574,800	2,301,375	1,823,525	2,296,375	1,899,000	362,000	527,000	418,000	526,000	435,000	15900	150
16000	Economic support fund (P.L. 108-106)	---	---	---	---	---	---	---	---	---	---	16000	150
16100	(By transfer emergency)	---	---	---	---	---	---	---	---	---	---	16100	150
16200	(Transfer out)	(-150,000)	---	---	(-10,000)	(-5,000)	-34,000	---	---	---	---	16200	150
16210	Emergency appropriations (P.L. 109-13)	1,433,600	---	---	---	---	75,000	---	---	---		16210	150
16250	Iraqi Relief and Reconstruction Fund (by transfer)	---	---	---	---	(5,000)	---	---	---	---	---	16250	150
16300	Subtotal, Economic support fund	3,896,240	3,036,375	2,558,525	3,031,375	2,634,000	880,000	880,000	771,000	879,000	788,000	16300	
16400	International Fund for Ireland	18,352	---	13,500	---	13,[illegible]	4,000	---	3,000	---	3,000	16400	150
16500	Assistance for Eastern Europe and the Baltic States	393,427	382,000	357,000	395,000	361,000	40,000	57,000	54,000	59,000	54,000	16500	150
16600	Assistance for the Independent States of the former											16600	
16700	Soviet Union	555,520	482,000	477,000	565,000	514,000	72,000	72,000	72,000	85,000	77,000	16700	150
16710	Emergency appropriations (P.L. 109-13)	70,000	---	---	---	---	2,000	---	---	---	---	16710	150
17210	Tsunami Recovery and Reconstruction Fund:											17210	
17215	Emergency supplemental (P.L. 109-13)	656,000	---	---	---	---	72,000	---	---	---	---	17215	150
17220	(Transfer out emergency) (P.L. 109-13)	(-48,500)	---	---	---	---	-5,000	---	---	---	---	17220	150
17300	Total, Other Bilateral Economic Assistance	5,589,539	3,900,375	3,406,025	3,991,375	3,522,500	1,085,000	1,009,000	900,000	1,023,000	922,000	17300	

Conference Report with Outlays
(Amounts in thousands)

		Budget Authority					Outlays						
		FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference		
17400	INDEPENDENT AGENCIES											17400	
17500	Inter-American Foundation											17500	
17600	Appropriation	17,856	17,820	19,500	20,000	19,500	7,000	7,000	8,000	8,000	9,000	17600	150
17700	African Development Foundation											17700	
17800	Appropriation	18,848	18,850	20,500	25,000	23,000	7,000	7,000	8,000	10,000	9,000	17800	150
17900	Peace Corps											17900	
18000	Appropriation	317,440	345,000	325,000	320,000	322,000	248,000	269,000	253,000	250,000	251,000	18000	150
18200	Millenium Challenge Corporation											18200	
18300	Appropriation	1,488,000	3,000,000	1,750,000	1,800,000	1,770,000	149,000	300,000	175,000	180,000	177,000	18300	150
18400	Department of State											18400	
18500	Global HIV/AIDS initiative	1,373,920	1,970,000	1,920,000	2,020,000	1,995,000	138,000	287,000	372,000	337,000	380,000	18500	150
18660	Democracy Fund	---	---	---	95,000	95,000	---	---	---	28,000	24,000	18660	150
18675	(Transfer out)	---	---	---	(-80,000)	---	---	---	---	3[illegible],000	---	18675	150
18700	International narcotics control and law enforcement	326,189	523,874	442,400	523,874	477,200	78,000	125,000	106,000	125,000	114,000	18700	150
18800	Emergency supplemental (P.L. 108-106)	---	---	---	---	---	---	---	---	---	---	18800	150
18810	Emergency appropriations (P.L. 109-13)	620,000	---	---	---	---	31,000	---	---	---	---	18810	150
18900	Subtotal, Narcotics control	946,189	523,874	442,400	523,874	477,200	109,000	125,000	106,000	125,000	114,000	18900	
19000	Andean Counterdrug Initiative	725,152	734,500	734,500	734,500	734,500	72,000	73,000	73,000	73,000	73,000	19000	150
19100	(By transfer)	---	---	---	---	---	---	---	---	---		19100	150
19200	Migration and refugee assistance	763,840	892,770	790,720	900,000	791,000	527,000	616,000	546,000	621,000	546,000	19200	150
19210	Emergency appropriations (P.L. 109-13)	120,400	---	---	---	---	17,000	---	---	---	---	19210	150
19300	United States Emergency Refugee and Migration											19300	
19400	Assistance Fund	29,760	40,000	30,000	40,000	30,000	3,000	4,000	3,000	4,000	3,000	19400	150
19500	Nonproliferation, anti-terrorism, demining and											19500	
19600	related programs	398,784	440,100	400,350	445,100	410,100	219,000	242,000	220,000	245,000	226,000	19600	150
19700	(By transfer)	---	---	---	---	---	---	---	---	---	---	19700	150
19800	Emergency supplemental (P.L. 108-106)	---	---	---	---	---	---	---	---	---	---	19800	150
19810	Emergency appropriations (P.L. 109-13)	24,600	---	---	---	---	7,000	---	---	---	---	19810	150
19900	Subtotal, Nonproliferation	423,384	440,100	400,350	445,100	410,100	226,000	242,000	220,000	245,000	226,000	19900	

Conference Report with Outlays
(Amounts in thousands)

		Budget Authority					Outlays						
		FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference		
20000	Conflict response fund	---	100,000	---	74,000	---	-	38,000	---	28,000	---	20000	150
20100	Subtotal, Department of State	4.382,845	4,701,244	4.317,970	4,832,474	4.532,800	1,092,000	1,385,000	1,320,000	1,429,000	1,366.000	20100	
20200	Department of the Treasury											20200	
20300	International Affairs Technical Assistance	18,848	20,000	20,000	20,000	20,000	2,000	2,000	2,000	2,000	2,000	20300	150
20400	Debt restructuring	99,200	99,750	65,000	99,750	65,000	42,000	10,000	7,000	10,000	7,000	20400	150
20500	Subtotal, Department of the Treasury	118,048	119,750	85,000	119,750	85,000	44,000	12,000	9,000	12,000	9,000	20500	
20600	Total, title II, Bilateral economic assistance	16,325,440	16,282,413	14,080,395	15,675,999	14,574,500	3,615,000	4,344,000	3,972,000	4,300,000	4,096,000	20600	
20700	Appropriations	(13,166,084)	(16,282,413)	(14,080,395)	(15,675,999)	(14,574,500)	3,398,000	4,343,000	3,967,000	4,331,000	4,091,000	20700	
20800	Emergency appropriations	(3,159,356)	---	---	---	---	236,000	---	---	---	---	20800	
20900	(By transfer)	(51,000)	(21,000)	(27,000)	(21,000)	(32,000)	26,000	3,000	8,000	3,000	8,000	20900	
21000	(By transfer emergency appropriations)	---	---	---	---	---	---	---	---	---	---	21000	
21100	(Transfer out)	(-201,000)	(-21,000)	(-27,000)	(-111,000)	(-32,000)	-40,000	-2,000	-3,000	-34,000	-3,000	21100	
21200	(Transfer out emergency appropriations)	(-48,500)	---	---	---	---	-5,000	---	---	---	---	21200	

Conference Report with Outlays
(Amounts in thousands)

		Budget Authority					Outlays						
		FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference		
21300	TITLE III - MILITARY ASSISTANCE											21300	
21400	FUNDS APPROPRIATED TO THE PRESIDENT											21400	
21500	International Military Education and Training	89,012	86,744	86,744	86,744	86,744	42,000	41,000	41,000	41,000	41,000	21500	150
21600	Foreign Military Financing Program											21600	
21700	Grants:											21700	
21800	Israel	2,202,240	2,280,000	2,280,000	2,280,000	2,280,000	2,202,000	2,280,000	2,280,000	2,280,000	2,280,000	21800	150
21900	Egypt	1,289,600	1,300,000	1,300,000	1,300,000	1,300,000	854,000	1,100,000	1,100,000	1,100,000	1,100,000	21900	150
22000	Other	1,253,392	1,008,600	862,300	1,023,600	920,000	121,000	193,000	164,000	196,000	215,000	22000	150
22100	Emergency supplemental (P.L. 108-106) (by											22100	
22200	transfer)	(150,000)	---	---	---	---	15,000	---	---	---	---	22200	150
22310	Emergency appropriations (P.L. 109-13)	250,000	---	---	---	---	---	---	---	---	---	22310	150
22400	Subtotal, Grants	4,995,232	4,588,600	4,442,300	4,603,600	4,500,000	3,192,000	3,573,000	3,544,000	3,576,000	3,595,000	22400	
22500	(Limitation on administrative expenses)	(40,000)	(42,500)	(41,600)	(42,500)	(41,600)	37,000	40,000	39,000	40,000	---	22500	150
22600	Total, Foreign Military Financing	4,995,232	4,588,600	4,442,300	4,603,600	4,500,000	3,229,000	3,613,000	3,583,000	3,616,000	3,595,000	22600	
22800	Peacekeeping operations	103,168	195,800	177,800	195,800	175,000	60,000	114,000	103,000	114,000	102,000	22800	150
22900	(Emergency appropriation)	74,400	---	---	---	---	44,000	---	---	---	---	22900	150
23000	Emergency supplemental (P.L. 108-106)	---		---	---	---	---	---	---	---	---	23000	150
23100	Omnibus Appropriations (transfer from DoD)											23100	
23200	(P.L. 108-447) (Sec. 117)	(79,360)	---	---	---	---	46,000	---	---	---	---	23200	150
23210	Emergency appropriations (P.L. 109-13)	240,000	---	---	---	---	---	---	---	---		23210	150
23215	Emergency appropriations (P.L. 109-13) (by											23215	
23217	transfer emergency)	(50,000)	---	---	---	---	---	---	---	---	---	23217	150
23300	Subtotal, Peacekeeping operations	417,568	195,800	177,800	195,800	175,000	150,000	114,000	103,000	114,000	102,000	23300	
23400	Total, title III, Military assistance	5,501,812	4,871,144	4,706,844	4,886,144	4,761,744	3,421,000	3,768,000	3,727,000	3,771,000	3,738,000	23400	
23500	Appropriations	(4,937,412)	(4,871,144)	(4,706,844)	(4,886,144)	(4,761,744)	3,279,000	3,728,000	3,688,000	3,731,000	3,738,000	23500	
23600	Emergency appropriations	(564,400)	---	---	---	---	44,000	---	---	---	---	23600	
23700	(By transfer)	(229,360)	---	---	---	---	61,000	---	---	---	---	23700	
23800	(Transfer out)	---	---	---	---	---	---	---	---	---	---	23800	
23900	(Limitation on administrative expenses)	(40,000)	(42,500)	(41,600)	(42,500)	(41,600)	37,000	40,000	39,000	40,000	---	23900	

Conference Report with Outlays
(Amounts in thousands)

	Budget Authority					Outlays					
	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE											
FUNDS APPROPRIATED TO THE PRESIDENT											
International Financial Institutions											
World Bank Group											
Contribution to the International Bank for Reconstruction and Development:											
Global Environment Facility	106,840	107,500	---	107,500	80,000	16,000	16,000	---	16,000	12,000	150
Contribution to the International Development Association	843,200	950,000	950,000	900,000	950,000	67,000	76,000	76,000	72,000	76,000	150
Contribution to Multilateral Investment Guarantee Agency	---	1,742	1,742	1,300	1,300	---	2,000	2,000	1,000	1,000	150
(Limitation on callable capital subscriptions)	---	(8,127)	(8,127)	(8,127)	(8,127)	---	---	---	---	---	150
Total, World Bank Group	949,840	1,059,242	951,742	1,008,800	1,031,300	83,000	94,000	78,000	89,000	89,000	
Contribution to the Inter-American Development Bank:											
Contribution to the Enterprise for the Americas Multilateral Investment Fund	10,912	1,742	1,742	3,742	1,742	---	---	---	---	---	150
Inter-American Investment Corporation	---	1,742	1,742	1,500	1,742	---	---	---	---	---	150
Contribution to the Asian Development Bank											
Contribution to the Asian Development Fund	99,200	115,250	115,250	100,000	100,000	17,000	20,000	20,000	17,000	17,000	150
Contribution to the African Development Bank:											
Paid-in capital	4,067	5,638	5,638	3,638	3,638	4,000	6,000	6,000	4,000	4,000	150
(Limitation on callable capital subscriptions)	---	(88,334)	(88,334)	(88,334)	(88,334)	---	---	---	---	---	150
Contribution to the African Development Fund	105,152	135,700	135,700	135,700	135,700	2,000	3,000	3,000	3,000	3,000	150
Total, African Development Bank	109,219	141,338	141,338	139,338	139,338	6,000	9,000	9,000	7,000	7,000	
Contribution to the European Bank for Reconstruction and Development											
Paid-in capital	35,148	1,016	1,016	1,016	1,016	18,000	1,000	1,000	1,000	1,000	150
(Limitation on callable capital subscriptions)	(121,997)	(2,250)	(2,250)	(2,250)	(2,250)	---	---	---	---	---	150
Contribution to the International Fund for Agricultural Development	14,880	15,000	15,000	15,000	15,000	4,000	8,000	8,000	8,000	8,000	150
Total, International Financial Institutions	1,219,199	1,335,330	1,227,830	1,269,396	1,290,138	126,000	132,000	116,000	122,000	122,000	

Conference Report with Outlays
(Amounts in thousands)

	Budget Authority					Outlays					
	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	
27600 International Organizations and Programs											27600
27700 Appropriation	325,767	281,908	328,958	330,000	329,458	298,000	257,000	299,000	300,000	299,000	27700 150
27800 Total, title IV, Multilateral economic 27900 assistance	1,544,966	1,617,238	1,556,788	1,599,396	1,619,596	424,000	389,000	415,000	422,000	421,000	27800 27900
28100 (Limitation on callable capital subscript)	(121,997)	(98,711)	(98,711)	(98,711)	(98,711)	---	---		---	---	28100

Conference Report with Outlays
(Amounts in thousands)

		Budget Authority					Outlays						
		FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference		
28200	TITLE V - GENERAL PROVISIONS											28200	
28300	Expenditure transfer (Sec. 542)	...	...	...	...	...	...	63,000	45,000	...	...	28300	150
28310	Emergency appropriations (P.L. 109-13) (rescission)	-1,000,000	...	...	...	...	...	...	...	...	...	28310	150
28315	Rescission	...	...	-64,000	...	...	...	...	-4,000	...	...	28315	150
28322	Sec. 6083 unobligated balances	...	...	...	-100,000	...	...	...	...	-24,000	...	28322	150
28325	Sec. 6084 Security in Asia	...	...	...	25,000	10,000	...	...	...	5,000	2,000	28325	150
28327	Sec. 6093 Iraqi Relief and Reconstruction fund											28327	
28328	(by transfer)	...	...	...	(10,000)	...	...	...	...	...	...	28328	150
28330	Sec. 6098 U.S. Canada Alaska Railroad Commission											28330	
28335	(rescission)	...	...	...	-2,000	...	...	...	...	-2,000	...	28335	150
28340	Foreign Military financing program (Sec. 6113)											28340	
28342	(by transfer)	...	...	...	(50,000)	...	...	...	...	10,000	...	28342	
28344	Conflict Response fund (Sec. 6113) (transfer out)	...	...	...	(-50,000)	...	...	...	...	-19,000	...	28344	
28350	Child Survival and Health programs (Sec. 6118)											28350	
28352	(by transfer)	...	...	...	(100,000)	...	...	...	...	...	...	28352	
28354	Economic Support fund (Sec. 6118) (transfer out)	...	...	...	(-100,000)	...	...	...	...	-23,000	...	28354	
28356	(Sec. 577)	...	...	...	...	...	...	...	...	...	45,000	28356	150
28360	Sudan (Sec. 569)	...	...	...	...	...	...	...	...	...	5,000	28360	150
28390	Total, title V, General Provisions	-1,000,000	...	-64,000	-77,000	10,000	...	63,000	41,000	-53,000	52,000	28390	
28392	Appropriations	...	...	...	(-75,000)	(10,000)	...	63,000	45,000	19,000	52,000	28392	
28393	Rescissions	-1,000,000	...	-64,000	-2,000	...	...	...	-4,000	-2,000	...	28393	
28394	(By transfer)	...	...	...	(160,000)	...	...	...	...	10,000	...	28394	
28396	(Transfer out)	...	...	...	(-150,000)	...	...	...	...	-42,000	...	28396	
28400	Grand total	22,310,592	22,867,945	20,311,677	22,122,189	20,976,490	7,263,000	8,441,000	8,013,000	8,303,000	8,164,000	28400	
28500	Appropriations	(19,586,836)	(22,867,945)	(20,375,677)	(22,124,189)	(20,978,490)	6,904,000	8,400,000	7,973,000	8,328,000	8,159,000	28500	
28600	Emergency appropriations	(3,723,756)	...	...	...	...	280,000	...	...	...	...	28600	
28700	Contingent emergency appropriations	...	...	...	...	...	...	...	...	...	...	28700	
28750	Rescissions	1,000,000	...	-64,000	-2,000	...	...	...	-4,000	-2,000	...	28750	
28800	(By transfer)	(280,360)	(21,000)	(27,000)	(181,000)	(32,000)	87,000	3,000	8,000	13,000	8,000	28800	
28900	(By transfer emergency appropriations)	(50,000)	...	...	...	...	...	...	...	...	...	28900	
29000	(Transfer out)	(-201,000)	(-21,000)	(-27,000)	(-261,000)	(-32,000)	-40,000	-2,000	-3,000	-76,000	-3,000	29000	
29100	(Transfer out emergency appropriations)	(-48,500)	...	...	...	...	-5,000	...	...	...	...	29100	
29200	(Limitation on administrative expenses)	(40,000)	(42,500)	(41,600)	(42,500)	(41,600)	37,000	40,000	39,000	40,000	...	29200	
29300	(Limitation on callable capital subscript)	(121,997)	(98,711)	(98,711)	(98,711)	(98,711)	...	...	...	...	...	29300	
29320	(Emergency Supplemental (P.L. 108-106))	(3,725,256)	...	...	...	...	275,000	...	...	...	...	29320	

Conference Report with Outlays
(Amounts in thousands)

		Budget Authority					Outlays						
		FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference		
29590	CONGRESSIONAL BUDGET RECAP												
29600	Scorekeeping adjustments:											29590	
29700	Czech loans	...	...	...	...	...	...	...	...	...		29600	
29800	Emergency supplemental (P.L. 108-106)	...	...	...	...	...	...	...	...	...	...	29700	150
29950	Emergency appropriations	-3,725,256	...	...	...	...	-275,000	...	...	...	...	29800	150
30000	Contingent emergency appropriations	...	...	...	...	...		...	...	...	...	29950	150
30100	Adjustment to balance with CBO & ATB estimate	...	...	...	...	...	-2,000	...	...	...	...	30000	150
											...	30100	150
30200	Total, adjustments	-3,725,256	...	...	...	...	-277,000	...	...	...	...	30200	
30300	Total (including adjustments)	18,585,336	22,867,945	20,311,677	22,122,189	20,978,490	26,799,000	25,532,000	25,104,000	28,711,000	25,255,000	30300	
30400	Amounts in this bill	(22,310,592)	(22,867,945)	(20,311,677)	(22,122,189)	(20,978,490)	7,263,000	8,441,000	8,013,000	8,303,000	8,164,000	30400	
30500	Scorekeeping adjustments	(-3,725,256)	...	...	...	...	-277,000	...	...	...	...	30500	
30600	Prior year outlays		...		...		19,813,000	17,091,000	17,091,000	20,408,000	17,091,000	30600	
30700	Total mandatory and discretionary	18,585,336	22,867,945	20,311,677	22,122,189	20,978,490	26,799,000	25,532,000	25,104,000	28,711,000	25,255,000	30700	
30800	Mandatory	(42,500)	(41,700)	(41,700)	(41,700)	(41,700)	43,000	42,000	42,000	42,000	42,000	30800	
30900	Discretionary	(18,542,836)	(22,826,245)	(20,269,977)	(22,080,489)	(20,936,790)	26,756,000	25,490,000	25,082,000	28,669,000	25,213,000	30900	
31000	RECAP BY FUNCTION											31000	
31100	Mandatory	42,500	41,700	41,700	41,700	41,700	43,000	42,000	42,000	42,000	42,000	31100	
31200	Prior year outlays				...					...	...	31200	
31300	Total, Mandatory	42,500	41,700	41,700	41,700	41,700	43,000	42,000	42,000	42,000	42,000	31300	
31400	Discretionary	18,542,836	22,826,245	20,269,977	22,080,489	20,936,790	6,943,000	8,399,000	7,971,000	8,261,000	8,122,000	31400	
31500	Prior year outlays	...	...	...	...	...	19,813,000	17,091,000	17,091,000	20,408,000	17,091,000	31500	
31600	Total, Discretionary	18,542,836	22,826,245	20,269,977	22,080,489	20,936,790	26,756,000	25,490,000	25,082,000	28,669,000	25,213,000	31600	
31700	Grand total, Mandatory and Discretionary	18,585,336	22,867,945	20,311,677	22,122,189	20,978,490	26,799,000	25,532,000	25,104,000	28,711,000	25,255,000	31700	

Conference Report with Outlays
(Amounts in thousands)

	Budget Authority					Outlays					
	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	
31800 DISCRETIONARY 302(b) ALLOCATION											31800
32100 302(b) allocation	19,386,000	---	20,270,000	31,671,000	20,937,000	---	---	25,080,000	34,827,000	25,080,000	32100 150
32300 Over/under allocation	-843,164	22,826,245	-23	-9,590,511	-210	26,756,000	25,490,000	-18,000	-6,158,000	133,000	32300

Mr. Speaker, I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this conference report; and I urge my colleagues to support it. I want to thank Chairman KOLBE and our colleagues in the Senate for working with me to craft what I believe represents a good bipartisan and bicameral compromise.

This bill demonstrates the commitment of Congress to our Nation's foreign assistance programs and puts foreign assistance where it should be, alongside diplomacy and defense as a pillar of U.S. national security strategy.

In light of our conference allocation, which cuts nearly $2 billion from the President's request, we have put together a very good bill.

□ 1015

While I would have liked to see us maintain the Senate's level of funding for HIV/AIDS, TB and malaria, I am pleased that we have been able to increase funding by $125 million above the House level and $268 million above the President's request, including $450 million for the Global Fund.

I am also pleased that the conference agreement provides $440 million for bilateral international family planning programs and $34 million for the UNFPA. I am disappointed, however, that we could not retain commonsense provisions passed by the Senate that would have repealed the global gag rule and modified the Kemp-Kasten restriction. These provisions would have helped our programs be more responsive to the need for family planning assistance around the world.

I appreciate that the conference report includes increases over the request, the House-passed level and the fiscal year 2005 level for Development Assistance, including a $65 million increase in funding for basic education. Since Chairman KOLBE and I began working together, we have quadrupled funding for basic education, and I am delighted that the Senate agreed to include the House-passed level for this valuable priority.

The agreement fully funds our commitments to Israel and other Middle Eastern countries and provides increases for programs designed to mitigate ongoing conflicts. I am pleased that we retained the Obey amendment earmarking assistance for democracy and education programs in Egypt. We must use every tool at our disposal to encourage the government of Egypt to make greater strides in reforming its political process, and I think this bill sends that message.

I am greatly concerned about the impact of the October 6 earthquake on the people of Pakistan, and I think it important that we stand by Pakistan in this time of need. While this bill does not contain new funds for earthquake relief, I appreciate the inclusion of language in the Statement of Managers recognizing the need for additional funds and setting forth the expectation that some of the $600 million provided in this bill may be reprogrammed to meet relief and reconstruction needs.

I do feel that the bill has a few shortcomings. One is the funding for the Global Environmental Facility. Since the GEF recently adopted the management and transparency reforms advocated by the United States, I do feel we should have done our part by fully funding the fiscal year 2006 request. However, I understand that budgetary constraints limited our contribution to $80 million, and I hope that we can strive for full funding in fiscal year 2007.

I also regret that, while we fulfilled the administration's request for Sudan, the bill does not contain funding added by Senator CORZINE on the Senate floor for the African Union peacekeeping mission in Darfur. I hope that the administration will seek these funds at the earliest possible moment and any subsequent request for funding or reprogramming in this fiscal year.

Finally, I am pleased that we were able to achieve compromise language placing restrictions on military assistance for Indonesia and paramilitary demobilization assistance for Colombia. While I would have preferred the more robust Senate language on these issues, I believe the compromises we have reached address the concerns of all interested parties.

Finally, I want to thank again Chairman KOLBE for his hard work on this bill, his commitment on this bill. I really deeply appreciate the close working relationship which we have enjoyed throughout the years. It has really been a pleasure for me to work on these very important issues in this bill with him.

I also want to thank the members of my subcommittee for their commitment to the issues that we worked so hard on included in this bill.

I want to thank Chairman LEWIS and Ranking Member OBEY for their commitment and their cooperation in working on this bill and, of course, the staff.

Chairman KOLBE has an outstanding staff. Betsy Phillips, Alice Hogans, Rodney Bent, Rob Blair, Lori Maes, and Sean Mulvaney have been wonderful partners in this process; and we will miss a few of them who are moving on. Good luck to them.

Of course, our outstanding minority staff, it is always a pleasure for me to work with Nisha Desai and Beth Tritter. I thank them for their hard work as well.

Mr. Speaker, I reserve the balance of my time.

Mr. KOLBE. Mr. Speaker, I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 7 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the full Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for the time.

Mr. Speaker, I intend to vote for this bill; but I want to make a few observations, some of which I find to be quite ironic in the process.

I want to congratulate the chairman of the subcommittee. He has done his usual workman-like job. He is a first-rate public servant, and I appreciate the bipartisan and nonideological tone that he brings to his work. That is fully appropriate to the nature of the bill that he brings to this House.

But I must confess a sense of irony. This Congress has already voted to provide $1.2 trillion in tax cuts for millionaires over the next decade. It has voted to provide more than $250 billion in spending for the war in Iraq; and yet, there are a number of Members of this body who begrudge the fact that in this bill you would find roughly $15 billion to be spent on what I would call the tools of peace and mercy: peace because I think economic assistance to the poverty stricken parts of the world help create conditions that avoid war, and mercy because I think a good portion of this bill could be called the most important pro-life bill that we vote on each year.

Literally in the hour that it took to deal with the rule, you will have had several hundred children in this world die, and that is no accident. A lot of it occurs simply because of the negligence of the developed world, and I would like to think that that would rapidly change; but I do not expect to see it, unfortunately.

The New York Times wrote an editorial this morning suggesting that this bill be vetoed because this bill provides $2 billion or so less than the President supposedly requested to attack poverty problems in the Third World. I agree with the concerns expressed in that New York Times editorial; and I would say, imagine how different the world would be if instead of spending $250 billion on the dumbest war in American history, at least since the War of 1812, imagine how changed the world would be if we led the world and provided just 10 percent that amount each year to see that by the end of the next decade we could deliver clean drinking water to every single human being on this planet.

Imagine how the world's attitude toward the United States would change. I doubt very much that you would see some of the poll responses that we see these days where a majority of people in all too many countries consider America to be a threat, unfortunately, rather than a friend. I think the view of the United States is unjustified; but nonetheless, that is the way a lot of people think around the world, and it is in very large part because we put so much money into an action like Iraq and put so little money into helping people achieve the basic necessities of life.

But I do not think that this bill can be blamed for the fact that we fall short of the President's budget for economic and anti-poverty help. What I do not understand is why anybody takes the President's budget seriously on this, because the President knew full well that while he was asking for this money, he knew full well that his allies in Congress would never allow that kind of an increase in foreign assistance as long as they were gleefully cutting aid to children under Medicaid, as long as they were gleefully about to take 300,000 American families off food stamps, as long as they were gleefully cutting children off the SCHIP welfare rolls in this country. They knew that public opinion would not tolerate providing large increases even for starving people around the world.

So in that sense, I think the New York Times editorial is aiming at the wrong target. It is not the fault of the gentleman from Arizona or the gentlewoman from New York. It is not the fault of this committee that these misbegotten priorities are being carried out. It is the fault of the Republican Party leadership in this country, led by President Bush and the leadership in this House.

I want to say one other thing. We saw yesterday headlines about the fact that $100 million was being surreptitiously spent by this administration to develop secret detention centers where torture is performed around the world. What is ironic is this bill contains $21.5 million in appropriations for the victims of the torture. How hypocritical it must seem for the United States to provide money for the victims of torture at the same time that we allow torture to go on in our name around the world. Do we really want to have people every time they hear the words George W. Bush, do we really want them to think in their minds George W. Pinochet? I do not; but, unfortunately, that is what you are going to trigger in people's minds around the world.

I hope that this Congress will live up to its responsibilities to end that practice by supporting the McCain amendment on the Defense bill. I hope that when that Defense bill leaves the House and goes to the White House that it contains that provision, despite the White House's threat of a veto, despite the action of the Secretary of Defense in opposing the McCain amendment. It is a moral imperative that we adopt that amendment on the Defense bill. Otherwise, the $21 million in this bill for victims of torture is a joke and a sham.

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. FATTAH), the newest member of our subcommittee.

Mr. FATTAH. Mr. Speaker, let me thank the ranking member, the gentlewoman from New York, for her cooperation in yielding me this time.

I want to rise just to say that it has been a pleasure to work on this bill. There is a lot of good in it, and I want to highlight a particular part thereof and thank the ranking member and the chairman and the staffs of the two sides for working with me on an initiative to work to clean up the blood supply in sub-Saharan Africa where millions of people have contracted HIV through tainted blood transfusions.

We have an initiative in the report that accompanies the bill that would provide millions to focus in on pediatrics, transfusions first and foremost, but also to require a group of entities and agencies, including the World Health Organization, the CDC and the National Institutes of Health, to develop a nonincremental approach and plan within 180 days to clean up the blood supply throughout sub-Saharan Africa and put an appropriate emphasis on saving millions of lives that needlessly are being lost through HIV because of blood transfusions that otherwise could be safe.

So I just want to thank the leadership of the subcommittee, the chair and ranking member and staff, for their cooperation.

There are other important initiatives in the bill in terms of clean water programs in Africa, some $15 million; and there are other things that are not, I think, given appropriate notice because of some of the larger items in the bill; but I think that these are very, very important. I just want the record to be clear that I thank the ranking member and the chair for their cooperation and will continue to want to build on these efforts because we can save millions of lives.

Mr. KOLBE. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, I thank the chairman for the time, and I commend Chairman KOLBE for bringing this conference report to the floor; and I rise in full support of it.

U.S. foreign aid helps promote economic development and strengthens democracy certainly around the world.

□ 1030

That being said, Mr. Speaker, our foreign aid and our Nation's gift to our friends around the world should not be taken for granted. We are not obliged to give foreign aid, and I believe the countries that receive that foreign aid should be held to certain standards, particularly living up to extradition agreements our country has made with them.

Included in this bill is a provision, section 581 specifically, that is going to help return cop killers to the U.S. to stand trial. For years, cop killers have been finding safe haven by fleeing the U.S. after committing their unthinkable crimes.

This problem came to my attention in May of this year when Denver Police Officer Donnie Young was allegedly executed by Raul Gomez-Garcia. After killing Detective Young and shooting and wounding his partner, Gomez-Garcia immediately fled to Mexico where he has since been tracked down and arrested.

Gomez-Garcia's extradition back to the United States is now pending, but only because Denver DA Mitch Morissey made the only choice available to him, and that is to seek a lesser plea bargain sentence. The United States should not be forced to plea bargain with other countries, nor should full justice be denied family members of assassinated cops. This appropriations bill will help us put an end to rewarding foreign nations with foreign aid that provide safe haven to cop killers.

Again, I urge its adoption and I commend Chairman KOLBE and the ranking member for bringing this to the floor, and Chairman LEWIS and the full committee for the great work they have done on all our appropriations bills in this Congress.

Mrs. LOWEY. Mr. Speaker, I am very pleased to yield 3 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, first let me thank the gentlewoman for yielding me this time and Chairman KOLBE for his leadership. I want to thank both my colleagues for working each and every year to create a bipartisan bill that I think is worthy of our support.

I also would like to thank our staffs for working diligently and for their commitment to the issues which are in this bill, and especially I would like to thank Aysha and Christos on my staff who have worked tirelessly on these amendments.

I am very pleased that the Lee amendment to ban the sale and transfer of excess weapons for use by the Haitian National Police and the State Department accountability report of the police involvement in criminal activity were included in this bill. Specifically, my amendment prohibits all arms transfers and sales by the State Department for use by the Haitian National Police and requires an investigation into implications of senior and rank-and-file members in corruption, kidnappings, and narcotics trafficking, as documented by the State Department's International Narcotics Control Strategy reports.

Additionally, not later than 60 days after the enactment, the State Department will report to Congress their findings on the investigations into police abuse, including whether any United States-supplied or -provided weapons or ammunition were used during massacres perpetrated by the Haitian National Police. Now, I expect these restrictions would apply to any money designated for Haiti, including the funding in the Foreign Military Financing Program, the International Military Education and Training, and the International Narcotic Control and Law Enforcement programs.

This amendment is very necessary in the effort to restore democracy in Haiti. Haiti desperately needs humanitarian assistance; however, nonhumanitarian assistance, like weapons and arms, only exacerbates Haiti's struggle with violence and criminal activity within the Haitian National Police Force and throughout the population.

Mr. Speaker, disarmament is impossible if we are complicit in sending arms to the country. With crime uncontrollable, human rights a distant goal, and elections on the horizon, it is unconscionable that the United States would support the sale and free transfer of arms. That is why I am pleased that the Foreign Ops conferees agreed to limiting the transfer and sale of U.S.-based arms to Haiti. It is necessary to help the curbing of growing violence and to support an environment for peaceful and free elections.

I also appreciate the efforts by Chairman KOLBE and Ranking Member LOWEY to get $2.82 billion in this bill for our global HIV and AIDS programs, including $450 million for the Global Fund to fight HIV and AIDS, tuberculosis and malaria. While I believe, like many, that this number could be and should have been at least $150 million higher to match the Senate funding level, $2.8 billion is a step in the right direction.

Finally, I would like to say that I think our overall foreign aid budget should be significantly increased to alleviate poverty throughout the world.

Mrs. LOWEY. Mr. Speaker, I am very pleased to yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time and for her leadership, along with that of the chairman of the subcommittee, for the collaborative efforts in improving America's foreign policy.

This bill, more than any other I think, sets the tone and the pathway for Americans yet not born. Our relationships around the world help us to create a harmonious world, if that is possible, and one that applauds democracy and looks toward the United States in a collaborative and friendly manner.

I rise as well to thank the committee for its work in Haiti and particularly the dollars that will be utilized for a speedy and transparent election. In a delegation that I joined just a few weeks ago, we met with the interim prime minister, interim president of Haiti, to talk about the importance of secure elections, to talk about the importance of releasing political prisoners and allowing those individuals who are seeking to run for the highest office in Haiti to be allowed to be on the ballot. These dollars for Haitian elections are absolutely imperative, but also the instructions, if you will, the cajoling of the government to ensure that there are safe and free elections.

We all have watched the horror in Pakistan as now the mounting numbers rise to upwards of 80,000 people that may be dead. Some of the areas are impassable and it is hard for aid to reach those areas, but there are still people there who will be subjected to the bitter cold. I applaud the language that is in the legislation as given to me by Congresswoman LOWEY that suggests we should be concerned about the devastation and as well to seek to reprogram a number of dollars, particularly possibly dollars from the $300 million in economic assistance. I would ask the State Department and the President, working with the Pakistani Government, to move those dollars as quickly as possible to begin to solve the problem of the bitter cold and the lack of housing.

And might I also ask for support in the Millennium Fund. I had hoped that the Millennium Fund could have been higher, but I am grateful for the work that has been done in that area. And I also join the ranking member of the full committee in the hope that the torture amendment will be considered, because I believe the torture amendment equates to a dignified American foreign policy.

Let me simply close by saying that there is certainly good dollars in the Global Fund and work on the malaria and tuberculosis dollars; but I hope as we look to the future we can raise those dollars, because that speaks to the quality of life for people who cannot speak for themselves or help themselves.

Again, I thank the chairman and the ranking member for the work they have done on this legislation.

Mr. Speaker, I rise in support of the Conference Report to H. R. 3057, the Foreign Operations Appropriations Act for FY 2006. In so doing, I congratulate the chairman and ranking member of the full committee as well as the chairman and madam ranking member of the subcommittee for their diligence in pulling together a comprehensive compromise among the many global initiatives—which is no simple challenge.

While I shudder to see 20 percent of the $20 billion allocated for military assistance compared to a little over 1 percent to fight global HIV/AIDS, I am pleased to see the commitment shown by both Chambers to play a key role in the relief and reconstruction of Pakistan, India, and other Himalayan areas affected by the massive earthquake. In particular, I applaud the $365 million outlay for "International Disaster and Famine Assistance" account and the $300,000 outlay to Pakistan in the "Economic Support Fund" account.

As we are all fully aware, on Saturday, October 8, 2005, an earthquake registering a 7.6 magnitude struck Pakistan with the epicenter being near Muzaffarabad, the capital of Pakistani Kashmir. This earthquake was the strongest to hit the region in a century and has severely stretched the resources of the Pakistani Government. In addition, according to the most recent reports, the death total has exceeded 73,000. Unfortunately, the mountainous terrain coupled with the approach of winter and bad weather has drastically halted relief operations to the tens of thousands of injured survivors and the estimated two million people who have been left homeless.

In addition to the massive destruction of homes, the earthquake has also damaged sanitation systems, destroyed hospitals and left many victims with no access to clean drinking water; thus, making survivors more vulnerable to disease. Due to these conditions, measles and waterborne diseases such as cholera and diarrhea could spread quickly among survivors. Measles, deadly for children, are already endemic in the region and only 60 percent of the children are protected. Interestingly enough, it has been reported by the United Nations that donor fatigue is part of the problem in a year plagued by tsunamis, hurricanes and famine. Sixty countries pledged $1.3 billion in assistance to Pakistan, but that aid is not necessarily cash or readily available.

In closing let me note that we must continue to support the relief efforts in Pakistan. So much more needs to be done during this tragic time.

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 2½ minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time, and I rise in support of H.R. 3057, the foreign operations appropriations legislation, and specifically I want to thank the conference committee for including language I authored which would authorize the appropriation of $5 million to the Department of State to combat piracy in countries that are not members of the Organization of Economic Cooperation and Development.

According to recent figures from the International Intellectual Property Association, worldwide motion picture piracy losses each year are estimated to be between $3 billion and $4 billion. More than 52 million illegal optical disks of the Motion Picture Association of America's member companies were seized worldwide during 2004, a result of 41,000 raids and more than 65,000 investigations.

Our government continues to work to secure legal protections for American-produced intellectual property. The State Department works with numerous countries to improve their legal codes and law enforcement training and to enforce intellectual property protections. However, in order for such efforts to be more effective, we must provide adequate funding and tools to engage foreign governments and convince them of the needs to enforce these laws.

That is why I am especially pleased that the final conference report has specifically included authorization language for a new program to combat piracy in non-OECD countries. It would provide equipment and training for judges and prosecutors, law enforcement officials, and assist other governments in complying with international copyright and intellectual property treaties and agreements.

Although the bill earmarks $5 million for existing appropriations for international narcotics control and law enforcement, I am hopeful that the money will enable the International Narcotics and Law Enforcement Affairs Bureau to strengthen its existing work. Furthermore, I hope the Bureau of Economic and Business Affairs will be able to receive the funding under the newly authorized programs in future years.

In conclusion, I want to note that this sensible bipartisan language has been adopted in this House three times, and I thank the ranking member and the chair.

Mrs. LOWEY. Mr. Speaker, I yield back the balance of my time.

Mr. KOLBE. Mr. Speaker, to close, I yield such time as he may consume to the chairman of the full committee.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate the chairman yielding me a brief amount of time. I am not rising actually to close, but rather to say to the body how much I believe both the ranking member and I very much appreciate the tone that has been set by the leadership of the gentlewoman from New York and the gentleman from Arizona.

The bill that was passed through our process last year, the bill this year reflects absolutely the best of our work in the Appropriations Committee on a bill that is perhaps as important as any of our subcommittee reports. This bill reflects our effort by way of both Houses to support foreign policy that in the long term reflects America's interest in the world.

There is absolutely no question that the assistance that goes forward with these bills and through this effort has a huge impact upon providing a positive slant to America's voice in the world. I could not feel more strongly than I do that foreign affairs should be handled in a nonpartisan way, and this bill is the first bill in my memory that had the signature of every member of the conference committee from both bodies, Democrat and Republican alike. It is incredible to see us move in the direction of actually have the House recognize how important foreign assistance is and foreign affairs is in terms of America's interest in this complex and shrinking world.

So congratulations is long overdue for the work of this very fine staff, but most important the leadership of Mrs. LOWEY and the leadership of my friend, JIM KOLBE, making a real difference on behalf of this changing and complex circumstance that we are responsible to play a leading role in.

The President should recognize just how important this tool will be as he goes forward in trying to have our voice have the impact we must have in the world.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from California for his kind remarks, and I urge all the Members to support this conference report which has been crafted.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise in support of H.R. 3057, the Foreign Operations Appropriations Act for 2006. I want to commend Chairman KOLBE and Ranking Member LOWEY for their tireless efforts. As a conferee on this bill, and as a member of the Subcommittee, I wanted to ensure that H.R. 3057 addressed global needs that often go unheeded or are under-funded.

I am particularly pleased with funding levels for HIV/AIDS, which include $2.8 billion in funding. The bill provides $350 million for bilateral HIV/AIDS and $243 million for Malaria and Tuberculosis programs. I am also pleased that I was able to work with Chairman KOLBE and Ranking Member LOWEY to insert language that supports funding through USAID to provide medical and programmatic initiatives related to HIV/AIDS in Nigeria.

Additionally, H.R. 3057 doubles funding to support aid to the Palestinians for development programs. The bill provides funding for debt restructuring for Heavily Indebted Poor Countries, HIPC, and provides $110 million for the Middle East Partnership Initiative, MEPI, and $390 million for humanitarian efforts supported by non-governmental organization, NGOs, in Sudan.

Finally, this bill provides essential funding to two of our staunchest allies in the ongoing war against terrorism, Egypt and Jordan, both of which are countries involved in promoting economic and political reform that will lead to freer and more transparent democratic societies.

Clearly, H.R. 3057 is the best bill we could fashion within very tight budget constraints. I am pleased to offer my support to H.R. 3057 and urge my colleagues to support this bill.

Mr. FARR. Mr. Speaker, I am very pleased that the Fiscal Year 2006 Foreign Operations Conference Report includes over $131 million for alternative development and institution building in Colombia. These funds will help foster both economic and social development and create more stability in Colombia.

A key element to fostering a secure Colombia is creating growth and stability in the neglected rural areas. The government of Colombia must develop and implement a comprehensive rural development policy. I would like to thank the Chairman and Ranking Member for the language in the House report that calls on USAID to report to Congress about the concrete steps the Colombian government is taking to develop a rural development strategy. This report will provide a blueprint for what the Colombian government must promote development in rural areas—and how future U.S. assistance should complement those goals.

Mr. SCHIFF. Mr. Speaker, I strongly support the conference report and congratulate the Chair and Ranking Member of the Subcommittee on Foreign Operations for their leadership in crafting this important legislation and for their work in ensuring that crucial national security priorities are appropriately funded.

Even as our troops are still engaged in combat in Afghanistan and Iraq, new challenges to our Nation's security and diplomatic interests are emerging. This bill does a good job of meeting these challenges within the confines of an extremely tight budgetary environment.

I am particularly pleased that the conference agreement includes $75 million in assistance to Armenia and $3 million for Nagorno Karabagh. The conferees also agreed to maintain the military assistance parity between Armenia and Azerbaijan by approving $5 million in Foreign Military Financing, FMF, and $750,000 in International Military Education and Training, IMET, for both countries. Through these appropriations, the conferees have continued to advance the political and economic development of the Caucasus, while also increasing stability in the region.

I was also heartened to see that the conferees continued this country's longstanding support for our democratic ally Israel by providing $2.5 billion in assistance for Israel, including $2.3 billion for military grants, and $240 million in economic assistance.

At the same time, the Congress has wisely met the president's request for $150 million for development programs for Palestinians in the West Bank and Gaza, $75 million more than the current level. Only by helping the Palestinian people to break the cycle of poverty and hopelessness can we hope to realize the vision of a two-state solution to decades of conflict between Israel and the Palestinians. I believe that it is wise that our assistance to the Palestinians goes to private voluntary organizations (20 percent) or to contractors (80 percent), all of which are selected and monitored by USAID. While I hope that Abu Mazen will be able to end the corruption in the PA, I think that it is prudent that the U.S. forego direct transfers to the PA until there is greater transparency and accountability.

This has been a difficult year for our relationship with Egypt. Even as Cairo has proven a valuable partner in helping to facilitate the Israeli pullout from Gaza, the country's moves towards democracy have been halting. I think that this bill properly funds our priorities by appropriating $1.8 billion in aid for Egypt—$1.3 billion for military grants, and $495 million in economic assistance with $50 million of the economic assistance directed to programs that promote democracy and human rights, and $50 million be for education, including $5 million for scholarships for disadvantaged Egyptian students.

At a time when the United States is viewed with skepticism and outright hostility in many parts of the world, foreign assistance and disaster relief is one of the most effective ways to change negative views of our country. In the wake of the tsunami last December and the October 8 earthquake in Pakistan, the generosity of the American people has been a strong force for advancing our national interests abroad, even as we wrestled with the aftermath of a devastating series of hurricanes here at home.

As the Congress and the President begin to work on the Fiscal Year 2007 budget for foreign operations, I hope that we will remember that feeding the hungry, healing the sick and helping those left homeless by nature's fury can play an important role in making the United States more secure and more respected by the rest of the world.

Again, I thank my colleagues for their work on this important legislation and offer my wholehearted support.

Mr. HENSARLING. Mr. Speaker, today, the House of Representatives approved the conference report for H.R. 3057, legislation to fund American projects abroad in Fiscal Year 2006. I would like to mention how much I appreciate the hard work of my friend from California, Chairman LEWIS, in bringing this bill to the floor. This is no easy task. Unfortunately, I cannot support this legislation because I believe it represents a disservice to taxpaying American families. Several times already this year, I have opposed legislation that violates either the Budget Act or increases spending by significant levels. Congress must learn to live by these funding levels or we will leave our children and grandchildren a huge and unfair financial burden as their inheritance.

At this crucial time in our Nation's history Congress needs to make the necessary and tough choices about spending. Unfortunately, H.R. 3057 does not achieve that goal and vastly exceeds funding in previous years. Although H.R. 3057 was within the limits of the budget allocations, the bill costs $1.24 billion more than last year's bill, for a total price tag of almost $21 billion, a 6 percent increase. It also includes a gratuitous 40 percent increase in funding for the Export Import Bank, as well as several questionable earmarks, including $2.3 million for the International Fertilizer Development Center. We must show more fiscal responsibility and more accountability.

While I cannot support H.R. 3057 because of its budgetary implications, I am pleased that the bill contains $2.5 billion in important assistance to aid our friend and ally, Israel. The package includes $2.2 billion in military aid and $240 million in economic assistance, as well as important oversight provisions to ensure that aid to the Palestinians is spent properly. Further, the bill spends $50 million for Israel to help facilitate the movement of people and goods in Palestinian areas. Israel continues to be a bastion of freedom and democracy in a part of the world where too many despots and dictators rule. I believe the United States must support and stand by Israel or its very existence could be jeopardized.

Earlier this year, Israel took the unprecedented and expensive step of dismantling certain settlements located in disputed areas. Because of this, and other good-faith gestures on the part of Israel, I will continue to do everything in my power to ensure that U.S. foreign policy is geared towards achieving a just and lasting peace in the region. As a Member of Congress who has been to Israel and has seen Tel Aviv teeming with life and commerce, it is my hope that one day the people of the Middle East will experience democracy, freedom, peace, economic prosperity and tolerance. I believe this funding is critical to achieving that goal and must remain a top priority for Congress.

I know many other parts of the world have come to depend on American foreign aid, and clearly there is no more generous nation than the United States. I believe this bill does not go far enough in addressing the looming fiscal crisis our Nation currently faces. We must protect the integrity of the budget laws and rules Congress has established and work harder to protect the family budget from the federal budget. Thus, I cannot support H.R. 3057 as written.

Mr. KOLBE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 358, nays 39, not voting 36, as follows:

[Roll No. 569]

YEAS—358

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
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Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Strickland
Stupak
Sweeney
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
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Goodlatte
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Gutknecht
Hayes
Hefley
Hensarling
Hostettler
Hulshof
Jenkins
Jones (NC)
Keller
Lucas
Melancon
Miller (FL)
Moran (KS)
Otter
Paul
Petri
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Emerson
Filner
Ford
Gallegly
Gutierrez
Hastings (FL)
Hinchey
Hoyer
Issa
Kind
McMorris
Miller, Gary
Norwood
Nunes
Ortiz
Osborne
Poe
Pombo
Roybal-Allard
Ryan (WI)
Schiff
Sullivan
Thompson (MS)
Tiahrt

☐ 1113

Mr. GOODLATTE and Mr. WESTMORELAND changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. OSBORNE. Mr. Speaker, due to obligations in my district, I was unable to vote on the Conference Report on H.R. 3057, the Foreign Operations, Export Financing and Related Programs Appropriations Act for Fiscal Year 2006. However, had I been present, I would have voted "yea" on the Conference Report on H.R. 3057.

Mrs. EMERSON. Mr. Speaker, due to an unavoidable scheduling conflict, I was unable to vote on the Conference Report on H.R. 3057, the Foreign Operations, Export Financing and Related Programs Appropriations Act for Fiscal Year 2006. Had I been present, I would have voted "yea."

Mr. TIAHRT. Mr. Speaker, on November 4, I missed rollcall vote No. 569. Rollcall vote No. 569 was on agreeing to the conference report making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes. Had I been present, I would have voted "yea."

Mr. NUNES. Mr. Speaker, on the legislative day of Friday, November 4, 2005, I was unavoidably detained with family matters and was unable to cast a vote on rollcall vote No. 569. Had I been present, I would have voted "yea" on this vote.

Mr. ORTIZ. Mr. Speaker, due to important business in my district, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below:

Rollcall vote No. 569, "yea."

Mr. FILNER. Mr. Speaker, on rollcall No. 569, on H.R. 3057, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall vote No. 569.

Stated against:

Mr. POMBO. Mr. Speaker, I missed recorded votes today in order to be with my family in California for an unexpected family emergency. I would like my intentions made known for my constituents in the 11th district. Had I been present, I would have voted "no" on rollcall No. 569, the Conference Report on H.R. 3057—Foreign Operations, Export Financing and Related Programs Appropriations Act for Fiscal Year 2006.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3304

Mr. KUHL of New York. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3304.

The SPEAKER pro tempore (Mr. LUCAS). Is there objection to the request of the gentleman from New York?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4011

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4011.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

☐ 1115

AMENDMENT PROCESS FOR H.R. 1751, SECURE ACCESS TO JUSTICE AND COURT PROTECTION ACT OF 2005

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, the Rules Committee may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 1751, the Secure Access to Justice and Court Protection Act of 2005.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by 12 noon on Tuesday, November 8, 2005. Members should draft their amendments to the bill as ordered reported by the Judiciary Committee on October 27, 2005, which is expected to be filed with the House next week. Members are also advised that the text should be available for their review on the Web sites of both the Judiciary Committee and the Rules Committee by this afternoon, November 4.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

LEGISLATIVE PROGRAM

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Georgia. Mr. Speaker, I yield to my friend and colleague, the chairman of the Rules Committee, to inquire about the schedule for next week.

Mr. DREIER. I thank the gentleman for yielding. Obviously, the House has completed its work for the day and for the week.

We will convene at 12:30 on Monday for morning hour and at 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those measures to be scheduled will be getting to Members' offices by the end of the day. Any votes that may be called on those measures will be rolled until 6:30 Monday afternoon or early Monday evening.

For Tuesday and the balance of the week, if the gentleman will continue to yield, the House will consider additional legislation under suspension of the rules, as well as two measures, the one I just mentioned, H.R. 1751, and I announced the filing of amendments for that, and also the Deficit Reduction Act of 2005, which is much talked about here. We also anticipate that the House will next week consider additional appropriations conference reports as they become available.

On Friday, we will not be in session, as Members know, so that there will be an opportunity for all of us to participate in Veterans' Day ceremonies that take place in our districts.

Mr. Speaker, I thank my friend for yielding; and I would be happy to entertain any questions he might have.

Mr. LEWIS of Georgia. Mr. Speaker, next Tuesday is Election Day in many States and localities around the country. Given that we are scheduled to be in session and voting, how do you think votes might be structured that day in order to accommodate Members who have elections in their States?

Mr. DREIER. Mr. Speaker, if the gentleman will yield, I will tell my colleagues that the State I represent is nearly 3,000 miles away, and we are having a very important election in our State. I have voted by absentee ballot. I did that just this week and sent my ballot in.

We have a great deal of work to do, not only on Tuesday but next week, so we will be meeting here, and we have the items that I mentioned, the measures that will be considered under suspension, we have the very important Secure Access to Justice and Court Protection Act that needs to be considered, and we just have to proceed with our work.

So let me say that we do want every Member to participate in those elections, but I suspect that, in light of the fact that we will have so much work to do here, that Members should plan to be in Washington during the day on Tuesday.

Mr. LEWIS of Georgia. Mr. Speaker, could the chairman tell me what appropriations conference reports we might expect to see on the floor next week?

Mr. DREIER. Mr. Speaker, if the gentleman will yield, as I said in my remarks earlier today, the chairman of the Appropriations Committee, the gentleman from California (Mr. LEWIS), has done an absolutely phenomenonal job in moving these measures through. As you know, we have just voted on the foreign operations appropriations bill conference report, and we have three conference groups that are continuing to meet on Energy and Water, the Science, State, Justice, and Commerce appropriation bill, and the Military Quality of Life appropriations conference report.

From the conversation I have had with the chairman of the committee, it is his hope that we have those three measures up for consideration at some point next week.

Mr. LEWIS of Georgia. Does the gentleman have any idea of which days they may go to conference?

Mr. DREIER. All three of those bills that I mentioned, the Energy and Water conference report and the Science, State, Justice, and Commerce conference report, and Military Quality of Life, they are all in conference as we speak. It is our hope that those conferences will be completed and those conference reports will be filed in the House. We cannot anticipate exactly when their work will be completed. We just want it to happen as expeditiously as possible.

Mr. LEWIS of Georgia. Mr. Chairman, on which day next week might we consider the budget reconciliation bill that calls for more than $50 billion in mandatory spending cuts?

Mr. DREIER. Mr. Speaker, if the gentleman will yield, as I think the gentleman heard in my announcement, I announced that it is our anticipation, we anticipate that we will consider what we call the Deficit Reduction Act of 2005, and it is a measure which we will be working on next week.

Late next week or the middle to the latter part of next week, we anticipate a vote here in the House on that very important measure that is designed to try and reduce the deficit and reform government and ensure that we can do the very important work that the American people sent us here to do.

Mr. LEWIS of Georgia. Is the gentleman suggesting that we not call it mandatory spending cuts? You are calling it reduction, budget reduction?

Mr. DREIER. Mr. Speaker, if the gentleman will yield, what this deals with is mandatory spending, and what this deals with is the deficit challenge which Democrats and Republicans regularly decry here, and we are trying to focus on the reduction of the deficit, and that is the reason that we are appropriately referring to this as the Deficit Reduction Act.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the chairman.

I would further like to inquire about the majority plan to extend the Terrorism Risk Insurance Act. This is an important issue that has had broad bipartisan support in the past, and action is needed because it is scheduled to expire on December 31.

Mr. DREIER. Mr. Speaker, I will say that this very important legislation, which I personally support, is at this moment being discussed by the leadership of the Financial Services Committee. They are working with the Department of the Treasury and Members in the leadership of the Banking Committee on the other side of the aisle, and we do hope very much that we will be able to put together a legislative package that can be considered before that very important December 31 date to which my friend referred.

Mr. LEWIS of Georgia. Mr. Speaker, I really want to thank the gentleman for being patient. I understand that our Financial Services Committee Democrats stand ready to work on a bipartisan basis on this, and they have asked for a markup as soon as possible. Since time is running out, I would like to ask my colleague why we could not simply take up H.R. 1153, a bill that is a largely bipartisan product that the Financial Services Committee reported last fall, but never acted upon.

Mr. DREIER. Mr. Speaker, if the gentleman will yield, I would say that we are taking that into consideration. We do not have it scheduled at this moment, but I appreciate my friend's raising this issue, and we will certainly take it under advisement and look at your recommendation, I hope from your perspective, favorably.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman from California.

ADJOURNMENT TO MONDAY, NOVEMBER 7, 2005

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore (Mr. DENT). Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPUBLICAN BUDGET CUTS

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I am appalled by the cruel and short-sighted leadership the Republican Party is giving us in planning to ram through this reconciliation next week. They want to provide an additional $70 billion to $100 billion in tax cuts for the privileged and the powerful and their Fortune 500 corporate benefactors. In order to pay for this, they plan to cut $4.9 billion from child support programs that help collect money from deadbeat dads; $14.5 billion from student aid programs, $9.5 billion in Medicaid, and they even want to cut tens of millions of dollars from low-income energy assistance.

Mr. Speaker, you will hear more from the Progressive Caucus, more from the Democratic Party next week about just how unfair these cuts will be to real moderate-income people and the very poor people in this country and how much they will benefit the very, very wealthy people in this country.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, well, next week the Republicans have discovered that we are awash in a sea of red ink, supposedly. Under the Bush watch, with the Republicans in charge of both Houses of Congress, the national debt has increased by 62 percent, to $8 trillion in 5 short years, quite an accomplishment. We are borrowing $1.3 billion a day to run the government. If we eliminated everything the government does except for homeland security and defense, we would still have a deficit.

☐ 1130

They say they are going to make some infinitesimal cuts and little phony baloney and that is fiscal responsibility. Let us talk about what they are proposing to cut.

Well, the biggest whack they are taking is at students. They do not know any students who have to borrow money or get scholarships to go to school. Why, the children of the rich, they just write out a check and pay cash; they are legacy students at the best schools. $14.3 billion of additional costs on students who want to borrow a little money to get a better education and get ahead, doubling the origination fee, costing them as much as $6,000 over the life of their loans.

Kids are graduating with mountains of debt. That is a responsible cut, according to the Republicans. Well then there are those little guys in the elementary and secondary schools who are eating too much. They are eating too much. They are going to cut back on the school nutrition program and the breakfast program and the eligibility of poor kids to eat.

They are just eating too much. They do not know anybody who is hungry in this country. And then the phony baloney. I am on the Resources Committee. They are assuming over $3 billion for leasing the Alaska National Wildlife Refuge, 50 times as much per acre as the Naval Petroleum Reserve was just leased for, where there is known oil, in an area where there is no known oil.

So we got phony baloney and mean spirited cuts. Now, why? Are they really fiscally responsible? Well, this would be a big, you know, almost one-tenth of 1 percent of the projected deficit over the next 5 years. I guess that is better than nothing. Except that there are ways to make much bigger cuts. We could roll back the 2001-2003 tax cuts for the wealthiest 1 percent, those who earn over $350,000 a year. That would bring in $327 billion, six times what they are pretending to save here.

We could do away with some offshore tax shelters, $65 billion more than what they are talking about here. We could cancel the President's mission to Mars. That is $1 trillion over the next 20 years, $100 billion to go back to the Moon again. That would save twice as much money. No, those things go after the powerful special interests or the contributor class, and God forbid they should take them on.

But they can get the little kids in the schools and take the food off their plates. They can go off the students struggling to rise up or stay in the middle class and double their origination fees for their loans.

But they will not make these kinds of real cuts, ones that would hit at those who earn over $300,000 a year or hit at the powerful special interests who are, you know, who are involved in the Federal contracting with NASA.

And then there is waste and abuse. What about the waste and abuse? Apparently, the Bush administration, Brownie is still writing, Brownie, you are doing a heck of a job. He is still on the Federal payroll for $150,000, and he is letting out contracts, such as a contract, put a blue tarp on a roof. A lot of people in Oregon do that when they find out they got a leak when it starts to rain, they go up, climb up on the roof, put up a tarp. The tarp costs $8.

Well, the Federal Government is paying a contractor $2,500 to put blue tarps per roof down there in the Southeast, yet another great job by heck-of-a-job Brownie, who is still pulling down $150,000 a year from the Federal taxpayers.

So there is a little waste, fraud, and abuse that they can go after. No. But these are the big contractors, Fluor and others, who are benefiting and profiting immensely from gouging the Federal taxpayer.

So we should have real fiscal responsibility; but they have no sense of it, because the real money goes to the powerful and the special interests in this country. They are the ones looting the Federal Treasury, and they have the gall to come to the floor of the House and say it is the Democrats. You have been in charge for 5 years. Five years. The Presidency, the House, and the Senate for almost that whole time, and you have increased the debt by 62 percent.

You have done nothing about the waste, fraud and abuse. In fact, it has gotten worse on your watch, and now you want to stick it to the kids who want to get an education and to hungry children and primary and secondary schools and pretend you are going to sell leases for a heck of a lot more than you will.

You should be ashamed. The sea of red ink spreads, and it grows deeper. Most Americans are drowning, but the yachts of the wealthy are floating high.

PROPOSED LETTER TO THE PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today I would like to share a letter that I will be sending to President Bush next week. I hope that all of my colleagues will join me in signing this important letter, because it is time for Congress to end the war in Iraq and bring the troops home.

Here is the letter: Dear Mr. President. Despite 2½ years of warfare, including the deaths of over 2,000 soldiers and injuries to 15,000 others, Iraq remains as unstable as it was when you declared an end to major combat operations in May of 2003.

We need to face the fact that the situation in Iraq is not improving, nor will it improve as long as our troops remain there. Because the presence of over 160,000 soldiers in Iraq and on Iraqi soil is the main catalyst fueling Iraq's insurgency. The time is long overdue for the U.S. to change course in Iraq and bring our troops home.

To transition from war to peace, we recommend that your administration immediately make four pivotal policy changes in Iraq. First: engage in greater multilateral cooperation with our allies. Second: pursue diplomatic nonmilitary initiatives. Third: prepare for a robust post-conflict reconciliation process. And, fourth: withdraw the U.S. armed Forces. Multilateral cooperation.

The United States must engage the international community, including the U.N. and NATO, to establish a multinational interim security force for Iraq. The Department of Peacekeeping Operations at the United Nations, for example, is well suited for this task.

Diplomatic nonmilitary initiatives. The U.S. must pursue a diplomatic offensive, shifting its role from that of Iraq's military occupier to its reconstruction partner. This means giving Iraq back to the Iraqi people, working with them to rebuild their economic and physical infrastructure and creating Iraqi jobs.

The U.S. must also engage the United Nations to oversee Iraq's economic and humanitarian needs, renounce any desire to control Iraqi oil, and ensure that the United States does not maintain lasting military bases in Iraq.

Post-conflict reconciliation. Establish an international peace commission to oversee Iraq's post-war reconciliations. This group would include members of the global community who have experience in international peacebuilding and conflict resolution and would be tasked with coordinating peace talks between Iraq's various factions.

Withdrawal of the U.S. Armed Forces. The cost of the war in Iraq, both human and financial, has been staggering. Tragically, the American and Iraqi lives lost and the billions of dollars spent have failed to actually make our country safer from the threat of international terrorism. To end the war in Iraq, save lives, and prevent the U.S. from spiraling even further into debt, the U.S. must withdraw its Armed Forces now.

Mr. President, after Iraq holds it's December parliamentary elections, the country's leaders will be responsible for charting Iraq's course. The international community, including the United States, can then provide nonmilitaristic support to ensure the sufficiency of Iraq.

We look forward to your response to our recommendations, and we would welcome the opportunity to discuss them with you further. Mr. Speaker, I will send this letter to the President in the coming days. Not only is it long overdue from the Bush administration to end the war in Iraq; it is long overdue for this body, the Congress of America, to do our part in ending the war in Iraq.

I urge all of my colleagues to lend their signatures to this timely, important letter.

HURRICANE WILMA VICTIMS NEED HELP IN SOUTH FLORIDA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, this afternoon all across south Florida, there are thousands of people whose homes have been condemned. They have been condemned following a category 3 hurricane called Hurricane Wilma.

Subsequently in the last few days, it has been pouring rain. I went door to door in my district over the weekend and met hundreds of men and women in their 80s and 90s stuck in their apartments with no power. At one point, I came upon a 93-year-old women in her kitchen with her 90-year-old next-door neighbor who were looking with despair at an MRE, trying to figure out how to get it open, put it together, and get it heating so that they could have the first hot food, something resembling hot food, that they had had in 5 days.

I literally had to help them with the print on the instructions that was this big, try to figure out how to put that meal together without burning themselves, because as soon as you put the water in the meal, it starts to immediately heat up.

This was not an isolated incident. In the 2 days after that, those women and the other senior citizens that I represent in the Sunrise Lakes Condominium were told that they needed to leave their apartments because after the rain, the leaking through their condominium roof was so bad that their apartments were uninhabitable.

They are now in an elementary school with no shower, with a makeshift shower that was put together with two porta-potties shoved next to each other and plastic sheeting taped up with a hose stuck over the top so that they could bathe. We are talking about men and women in their upper 80s and 90s.

Hurricane Wilma has caused tremendous suffering in south Florida, and there has not been enough national attention on the plight of my constituents and the constituents of my south Florida colleagues. We need to make sure that we are able to provide the help and assistance that they so desperately need.

There is need across this country, and next week we are going to add insult to injury and apply a manmade disaster in the form of the budget reconciliation, which is Washington-speak for budget cuts. There are going to be proposed housing cuts, Medicare cuts, food stamps, school lunches. Between Katrina and Wilma, and all of the suffering going on across this country, now is not the time to add more harm and do more damage to people who are badly in need.

Mr. Speaker, we need to do right by Americans, not pull the rug out from under them. I urge my colleagues to make sure that we provide the badly needed assistance, both to victims of Hurricane Katrina on the gulf coast and to victims of Katrina from south Florida.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the opportunity to be back here on the House floor on behalf of the 30-Something Working Group. We have been coming to the floor, Mr. Speaker, now for a couple of years weekly; and over the past several months we have turned it into a nightly, and sometimes bi-nightly, event, where we come down here and we talk about what is going on in the Nation's capital.

We do not only talk about what is going on with regard to people who are our age, within the 30-Something Working Group, although the original mission of our group was to explain and to lay out the facts for people who are in our generation, in their 30s with families, and how the decisions that are being made here affect that group of people.

Since then, we have broadened this really to touch on all of the issues, because it seemed as we got further and further into the budget cuts, the tax program that the Republicans have, the war, the inability to address the natural disasters, we have broadened our mission to deal with all of these issues, because all of these issues hit home to not only people who are in their 30s but people across the country.

☐ 1145

We have come to find that the decisions over the past several years that we have been here, the gentleman from Florida (Mr. MEEK) and I are on our third year. The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is a freshman member. But over the past several years we have seen up close and certainly personal the absolute failure of the Republican party and their ability to govern, the total and complete incompetence.

This is not a party issue. The only reason we have to talk about parties is because the Republicans control the House. They control the Senate. They control the White House. And when you are running $500 billion deficits a year, you are spending $1.5 billion a week in Iraq, creating a welfare state there, you are cutting taxes on people who make billions of dollars a year here in the U.S., you take public tax money and you give it, to the tune of $16 billion in the last few months, this Congress has taken taxes from average, middle-class people. You sent it down here, Mr. Speaker. The average people sent it down here.

And this Republican Congress and Republican Senate and Republican President give that tax money, $16 billion worth, to the oil industry. The most profitable industry in the world right now is the oil industry, and public tax money is going to subsidize the oil industry.

Then our friends in the Republican party go down the "shake-down street," K Street, where all the lobbyists are. Anyone who has been to Washington, you go to K Street, that is where the big major lobby firms are. The Republicans then, after giving the public tax money in subsidies to the oil companies, they go out to "shake-down street" and they shake down the lobbyists for money. So the lobbyists then give the money to the Republican party so they can spend it on their campaigns. And we have a big hole here because the only group missing in this equation is the American people, the American people.

Mr. Speaker, I yield to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Let me share something very quick, because I want to make sure that Members, staff, everyone understands what is going on, Mr. Speaker. The gentleman from Ohio (Mr. RYAN) is hitting the nail right on the head, hitting it with the hammer right on the head like a good carpenter.

I can tell you what is happening now in Washington, D.C., is unprecedented in history of the United States of America. Let me say it again. What is happening now in the United States as it relates to its governance, I am not saying the everyday Americans, because folks are waking up and going to work every day. Small businesses are going to open their stores to be able to bring about the kind of commerce they need in their local communities. Kids are waking up, going to school to hopefully educate themselves. But as it relates to governance we are falling short.

We are robbing, a couple of years ago we could say future generations, I would say we are robbing Americans in the present. So when these kinds of activities that we are talking about taking place under light and under camera, then I am very concerned about what is going on in the back halls of Congress.

Now I am going to tell you right now, it is not the Meek report. It is not the Ryan report. It not the Wasserman Schultz report. This is what is happening in our country right now. We have fiscal responsibility used as some sort of whim word or some sort of punchline. It is not being used in a way that it should be used.

It is not saying to billionaires, no, we cannot give you another tax break because we have a war going on, as a matter of fact, two. We have three natural disasters that have hit our country in an unprecedented way. We have Medicare that some here in this Congress on the majority side want to cut. So we have to say no to the special interests.

Also, I am going to tell you, and I just want to make sure that folks understand what we are talking about. It is unprecedented as it relates to a lack of governance in the history of the country.

Now I am just going to point out just a few things here, and the gentleman from Ohio (Mr. RYAN), you can continue or we can move on to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ). But I can tell you this, USA Today, I did not print this. The gentleman did not print this. "Outing of a CIA agent."

Ms. WASSERMAN SCHULTZ. One of our third-party validators.

Mr. MEEK of Florida. One of our third-party validators.

"Outing of CIA agent. Louisiana can't pay Katrina and Rita bills." But, meanwhile, folks are running around cutting the very programs that help folks in Louisiana and Mississippi and other affected areas, in South Florida as it relates to Wilma and others, cutting programs that will help the very people that State is trying to use.

The Washington Times, let me take this little promo off here. Washington Times, a conservative paper here in Washington, D.C. It talks about issues that are coming before the Congress, and it talks about the other issues that are taking place in Capitol Hill, maybe not on the front page but within the paper talking about indictments and hearings.

The Washington Post, a big front-page picture. Not about some sort of program or some sort of way that we are helping middle-class families, not talking about bringing the costs down of gas or heating oil or anything like that. No, it talks about the fact that the popularity, 58 percent in a poll questioned the integrity of the President of the United States.

Now I am not one to question the integrity of the President of the United States, but I can tell you this: That it is interesting that individuals can out or in said indictment, out CIA agents and then forget about it. Oh, like I said last night, I was going to get a cup of coffee, and I walked over—I cannot remember when I outed the CIA agent.

The bottom line is something is very wrong as it relates to what is going on in this country, as it relates to governance.

The New York Times, the same. You can pick up a paper, the Members when they fly back to their districts, since we finished our business for this week, they can pick up the papers and find the same thing. We cannot explain ourselves or spin ourselves out of this situation. This Congress is rated below, 35, 31 percent. Who is counting at this particular time? But I can tell you something is very wrong.

We have to rise up and provide the leadership. That is why we come to this floor. We challenge the majority side to stand up and govern. And the reason why we have this kind of atmosphere in Washington is because we have not called these individuals out on the carpet. Need it be executive branch. Federal agencies, those that are taking the American people's tax dollars and doing what they may.

$14 billion yesterday in the Budget Committee and a hike in fees in students loans, in student assistance at a time when we are talking about providing jobs. So I am just going to say that we need to be alarmed by some of this. We need to be able to let folks know that we are about changing this kind of atmosphere here in Washington, D.C.

Ms. WASSERMAN SCHULTZ. The gentleman is absolutely right.

The gentleman talked about, he started his last couple of minutes talking about the precedent-setting activity in this administration. To take that a step further, let us talk about just how precedent setting this administration is.

They are certainly precedent setting in terms of ethical lapses, in terms of corruption and cronyism and the lack of confidence.

You have literally, with the indictment of Mr. Libby on Friday, the first White House official to be indicted in 130 years. Now, throughout our lifetime, throughout our lifetime and the lifetime of our generation here in the 30-Something Working Group, you go through probably our earliest memory of our administration would be Nixon. We were young kids during the Nixon administration, but obviously that was a pretty significant scandal.

Then you move forward. Nothing too terrible in the Ford administration. People obviously had some deep concerns or over Mr. Carter administration but nothing ethical to speak of. Obviously, with Iran Contra and the Reagan administration and the number of officials who were investigated and subpoenaed there were deep concerns, but no one indicted from the White House.

The same thing with President Clinton. No indictments of people in the White House. Definitely some questions, but now we reach the Bush administration.

Does the gentleman from Ohio (Mr. RYAN) have the chart with him from the other day where we can put it up and show people and the Speaker what the President said during his campaign? Is that with us?

As we are getting it, if you recall, the President when he was a candidate for President talked about how he was going to transform the standards of ethics of the White House and that anyone working in his administration was going to be held to the highest of standards. That it was not just going to be whether they have actually broke the law, but the standard, and here it is.

President Bush's promise that he made as a candidate that, "In my administration we will ask not only what is legal but what is right. Not just what the lawyers allow but what the public deserves."

Well, I do not know. I guess prevarication is just a common practice. It is just part of their culture, part of their culture of corruption and cronyism and incompetence.

Mr. RYAN of Ohio. A double standard for people working in their administration.

Ms. WASSERMAN SCHULTZ. Right. I guess they believe they can say anything they want to. They do not have to follow it, and there would be no consequences. But, see, unfortunately for them, fortunately for the American people, the American people get it now. They are on to them.

Let us talk about the Washington Post poll, and I know we will have an opportunity to put this up in poster form probably next week, but one of the questions that the Washington Post/ABC News poll asked was, Please tell me whether the following statement applies to Bush or not: He is honest and trustworthy. In May of 2004, 53 percent of the American people answered that question yes and 45 percent said no. Now 40 percent think he is honest and trustworthy, and 58 percent say he is not.

I think that is in part because you can tell a lot about a person by the people they surround themselves with. Right now, let us look at who is surrounding the President of the United States or who previously was surrounding him.

You have Mr. Libby, who was indicted on Friday; and, of course, it is not confirmed unless and until he is convicted. He is not guilty of a crime yet. But he was indicted. The first official in the White House in 130 years. The President said if somebody committed a crime they will no longer work in his administration.

The gentleman from Ohio (Mr. RYAN) I know will probably talk a few minutes about the difference in the shifting sands of the President's statements. But you have Mr. Rove who increasingly it has become clear, as clear as a bell, that he absolutely was directly involved in outing a covert CIA agent, directly involved, yet he is still in the White House with the highest security clearance, access to the most top secret information.

It is easy to see why 58 percent of the American people do not think the President is honest and trustworthy. Because if you take it a step further, the same Washington Post/ABC News poll says it has been reported that another subject of the investigation has been Karl Rove, who has been a close advisor to Bush.

The question was, Given what you have heard or read, do you think Rove did anything wrong in connection with this case or not? If yes, do you think he did something unethical but not illegal or did you think that he did something illegal? Forty-nine percent of the American people answered that question that he did something wrong for sure. Of the 49 percent, 26 percent believe he did something illegal and 23 percent think he did something unethical. Forty-nine percent of people asked believe that Karl Rove did something either illegal or unethical, and 59 percent of the people believe that he should resign from the White House.

Now, is President Bush so incompetent that he is not able to cope without Mr. Rove by his side? I do not know. Generally, I expect that, I know I surround myself with a number of competent people. You make sure you put together a team of people that does not rise and fall on one person and their knowledge and ability to assist you.

Mr. MEEK of Florida. I can tell the gentlewoman that, as it relates to national security, protection of our homeland and as it pertains to this case, you have the question of a CIA clandestine agent whose job was charged with finding out more or tracking down possible chemical weapons that can be used, weapons of mass destruction that can be used against the United States of America.

□ 1200

Now, Mr. Speaker, we are in the minority, and that means that the majority, which is the Republican majority, has the responsibility of governance, has the responsibility because they have the committee chairmanships. They have the Speakership. They have all of the leadership, and I will say at least I am not even going to talk about the Speakership or the leadership. I am going to talk about the committee chairpersons that have the responsibility to protect and have direct oversight over the Federal Government, making sure that we keep children, women, men, everyday Americans, safe.

What are we doing as Democrats? What we have done, not only have we put light on what is wrong as it relates to outing CIA agents, but also, there was a letter written today by four of our ranking members. A ranking member, I want to make sure I explain, that is the highest ranking Democratic Member on the said committees of jurisdiction or concern over a particular issue, in this case, security clearance.

This letter went to the associate director of division of security, and it is questioning Mr. Rove's security clearance. This did not come from the chairmen of the committees, did not come from any person of power on the majority side. This came from the minority side, on the Democratic side; and it is done by very fine Members, the ranking member of the Committee on Energy and Commerce, Mr. JOHN DINGELL; the ranking member of the Appropriations Committee, Ranking Member DAVID OBEY; also, Defense appropriations, veteran, marine, Mr. JOHN MURTHA from Pennsylvania; and also the Armed Services ranking member that we serve with, Mr. IKE SKELTON of the Armed Services Committee. They questioned the security clearance of Mr. Rove.

What the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) just finished saying is the fact that no one is that important when it is a question of outing a CIA agent and others for political gain. So that is what we are doing right now.

Mr. RYAN of Ohio. Mr. Speaker, that is exactly the point that I think that we have been trying to make here in the 30-something group. You cannot put your political party above the interests of the country; and if you out a CIA agent because it may benefit your political party, you are wrong. You are wrong. You cannot do that because it weakens the country; and you did not just out her. You outed every contact she has made in the last 20 years. You outed the front company in Boston that the CIA had. They had a front company. They talked about her being at the Belgium University. So any American now at the University of Belgium is now suspect if they have any contacts.

This has ramifications well beyond what the average person could even understand, well beyond what we could even understand, because this woman was working on behalf of the United States of America and the one quote that sticks with me is the one CIA operative that said, outing a CIA agent is the moral equivalent of outing a military unit in a forward area. So in Baghdad, they are over there, it would be like Karl Rove or Scooter Libby saying to the insurgency in Iraq, the Marines are coming right over there in about a half an hour; that is where they are coming. That would be unacceptable.

But in the covert world, that is exactly what Karl Rove and Scooter Libby and all the minions over in the executive branch did. It was a coordinated effort to out this woman because they did not like what her husband was saying about the war, and that is wrong. That is wrong.

If you do not believe us, because we love our third-party validators, this is Melissa who was a 14-year covert CIA agent. She says, We are talking about lies and we are talking about capabilities. We do our work, we risk our lives, we risk lives of our agents in order to protect our country; and when something like this happens, it cuts to the very core of what we do. We are not being undermined by the North Koreans. We are not being undermined by the Russians. We are being undermined by officials in our own government. That I find galling.

Could you imagine being a CIA operative somewhere in the world right now and you think, do they got my back in D.C.? Do they got my back? Or are you afraid that if I get caught up in the wrong political debate, somehow I may get outed by my own government?

That is what this is all about, and to have the kind of deceit and lies take place out of the executive branch, let us just look at this.

Official A in the indictment, now we are not making this up. This is right out of the indictment for Scooter Libby. Official A, which the administration has admitted is Karl Rove, on July 10 of 2003, the middle of the summer, Official A, which is Karl Rove, advised Scooter Libby of a conversation that he had earlier that week with Bob Novak, the columnist, in which Wilson's wife was discussed as a CIA employee involved in Wilson's trip. Libby was advised by Official A, by Karl Rove, that Novak would be writing a story about Wilson's wife.

So Karl Rove told Scooter Libby in July of 2003 that Novak was going to be writing a story.

Now, September of 2003, a couple of months later, Karl Rove says to ABC News to the question Andrea Owen asked, Did you ever have any knowledge of the CIA agent or did you leak the name of the CIA agent to the press? Any knowledge or did you leak it. Karl Rove said no. He lied to the American people. He did not lie to Andrea Owen. He lied to the American people. We know from the indictment he told Scooter Libby Novak was going to write about it, and 2 months later he says he does not know anything about it.

Then he does a CNN interview just July of this year; and he says, I will repeat what I said to ABC News when this whole thing broke some number of months ago. I did not know her name, and I did not leak her name.

Well, if you go back to the indictment, Official A, who is Karl Rove, advised Libby of the conversation that Novak would be writing a story about Wilson's wife. He lied. Now, he is in the White House making decisions on behalf of the United States of America.

Mr. MEEK of Florida. Highest security clearance.

Mr. RYAN of Ohio. We cannot have it, unacceptable behavior, unbecoming of a White House official.

Then I am going to wrap this up. I am going to go right through this so we can get everybody involved here.

Then not only did Karl Rove and Libby lie to the American people, they lied to Scott McClellan, because he came out 2 months after the indictment and said what everyone already knew, and McClellan says, Those individuals, Rove, Libby, Abrams, assured me they were not involved with this. Another lie.

Now we have to change our language a bit to respect the rules of the House and respect the office which we are about to discuss.

This is out of the indictment. On or about June 12, 2003, that same summer that we were just talking about, Libby was advised by the Vice President of the United States that Wilson's wife worked at the CIA in the counterproliferation division. Libby understood that the Vice President had learned this information from the CIA.

Mr. MEEK of Florida. Mr. Speaker, just a second. I just want to make sure you identify who Mr. Libby is.

Mr. RYAN of Ohio. Scooter Libby was the chief of staff of the Vice President of the United States who has been indicted under five counts: two counts of making false statements, two counts of perjury and one count of obstruction of justice. So the Vice President on June 12 told Mr. Libby about Joe Wilson's wife. Then 2 months later, in September, the Vice President is on Tim Russert. Okay.

Mr. MEEK of Florida. Sunday news show.

Mr. RYAN of Ohio. The big time, the prime time.

Mr. MEEK of Florida. "Meet the Press," syndicated affiliates, one of the most respected journalists in Washington, D.C.

Mr. RYAN of Ohio. Tim Russert, son of Big Russ, Buffalo, Ohio, John Carroll graduate.

Mr. Russert says to the Vice President, this is 2 months after the Vice President told Libby about Joe Wilson's wife. Russert says, Joe Wilson says he came back from Niger and said that, in fact, he could not find any documentation that in fact Niger had sent uranium to Iraq or engaged in that activity and reported it back to the proper channels.

Question: Were you briefed on his findings in February-March of 2003?

Vice President CHENEY: No, I do not know Joe Wilson. I have never met Joe Wilson.

Now, talk about what is the meaning of "is" is. I mean, give me a break.

Ms. WASSERMAN SCHULTZ. Black and white.

Mr. RYAN of Ohio. Two months earlier, the VP told Scooter Libby about Joe Wilson's wife; and then he says 2 months later, to Tim Russert, I do not know Joe Wilson.

Mr. MEEK of Florida. How do we know that? From the notes of the chief of staff of the Vice President of the United States that said the Vice President told him in the indictment. I mean, that is not what we are saying.

Mr. RYAN of Ohio. It is not us.

Mr. MEEK of Florida. You talk about third-party validators, but if I may for a moment, the reason why the alleged activities that have been identified in this indictment and alleged activities that are in the stacks of these papers today, just today, this is not papers from the week or the month or over the past year. That is just today, and I cannot even hold up the number of papers. We could not even bring them all down here to the floor. There are just too many. Mr. Speaker, I do not know how it would look if I rolled in a cart of the newspapers that are reporting what we are saying.

I can tell you this, it even comes back here to this Congress. The fact that we are not carrying out our oversight responsibilities and we are not calling this administration into check and balance as it relates to oversight, this is the reason why this activity is going on.

I just want to share some frustration here with trying to get information from the majority side of what happened in the Clinton administration as it relates to subpoenas and what has happened in the Bush administration as it relates to subpoenas because, Mr. Speaker, I do not just want to come to the floor and say there were a plethora, a number of subpoenas that went to the Clinton administration for far less, for far less, and now we have the outing of CIA agents. We have the possibility of some hanky-panky with the intelligence that was given to the Congress of the United States. We have the possibility of other questionable activities out of this White House and from this administration, and there are not any committee chairmen that are running around saying we are going to subpoena this person, we are going to put them under oath, and they are going to come before this Congress and they are going to respond.

Let me just mention something here. September 16 of this year, I put one of my best staff people on this. I was standing there and I told him, I said, listen, I want you to make a request to the Congressional Research Service, which is the service that we use here in the Congress to give us the facts that we need to know as it relates to putting together legislation coming to the floor, sharing with the Members, with the American people, and I want you to find out how many subpoenas were issued from not the Senate but the House of Representatives during the 8 years of the Clinton administration versus the going-on-now 5 years of the Bush administration from this Congress.

That was September 16. He makes a request. We call over to the Congressional Research Service. God bless them. I like them. Okay. These are the nicest people, Mr. Speaker, that are involved in this whole atmosphere here in Washington, D.C. They are over at the Library of Congress. Some of these folks have been there 30-plus years. Some of them are very young, bright, intelligent folks. I mean, all of them are. They are the nicest people. They come over and they brief us. They shudder. They are concerned, because they said, whoa, you are asking for something and we have to go over there and ask them, okay, the very same government that we are dealing with here.

They go over, and I continue to call because usually it takes one or two days to get this kind of information. We call back between the 9th and the 16th. The Congressional Research Service spoke to the office of general counsel and was told the records are not complete.

Now, let me tell you something. The records are not complete of what? Wait. The subpoenas were given out. Obviously, the House general counsel had to have something to do with the subpoenas being issued.

Ms. WASSERMAN SCHULTZ. You mean to tell me they did not keep track? They do not have a file?

Mr. MEEK of Florida. It gets better. Let me just tell you. Because it is so detailed between September 19 and September 29, the Congressional Research Service spoke to four House committees and was given the following response.

□ 1215

This is when you talk about the Potomac two step here. Someone is asking for records. Oh, my God. Well, people would assume here in the Congress that records is one of the things that we do so we know what we have done in the past, so that either we can do better in the future or not make the same mistake in the future. But here is the response: The committee does not have records. That was the first one. The other one: Committee does not have records of previous Congresses.

Ms. WASSERMAN SCHULTZ. Wait. They do not keep records of previous Congresses?

Mr. MEEK of Florida. So we do not know what is going on under this majority.

The next one is: The committee is not sure they have those records. They could be archived. And the fourth one: The committee does not have records for previous years, and previous records may be at the National Archives.

Now I am going to put the majority on notice right now. If those subpoenas, which I believe were sent out and issued under the Clinton administration, are in this Capitol, and I do not know of any subpoenas, but if they are out there, and I am going to give them the benefit of the doubt, if they are in this building, somebody better get an intern and run them over to the National Archives because we are on our way over there.

This issue of covering up this whole thing, this thing of I got your back if you have mine, enough of it. People want change. We are trying to bring about that change, and we are being stymied. We are being locked out of information.

One Member said, this is the people's House. I question that at this time. I question that because I think, and I am coming in for a landing here. I think there are some people that are very, very worried about the facts we are bringing to light to the American people and to Members of Congress, letting them know that we know what is going on in the back halls of Congress.

Right now, like I said before, as it relates to governance, the country is going through some hard times; and there are some folks on the majority side that are not willing to govern on behalf of the very Americans that sent us here to represent them.

In this House, we have to be elected. Not one Member of this House has been appointed. In the Senate, you can be appointed by a Governor if someone leaves early in their term. But in the House there has to be a special election. So whether it is Democrat or Republican, you are elected. There is one Independent. By virtue of the fact we have been elected to come here, we have been federalized to make sure we stand up on behalf of everyday Americans.

So the hypocrisy that is going on in the House as relates to oversight, I am saying this on behalf of CIA agents right now worrying about whether their government is going to out them, and I am saying this on behalf of national security, which I serve on two committees which deal with this very issue.

Our integrity and how other countries see us and how individuals that want to go into the clandestine service, that want to serve in the CIA, I want them, I want the best and brightest to come, but I do not want them to think or anyone in the State Department to think if they get on the opposite side of an administration that they will go after their wife.

We have not even talked about that. Because Ambassador Wilson had something to say outside of what was on the script of the White House, and they could not get him because he is a person that dotted his I's and crossed his T's, they decided to go after his wife. We are going to go after your wife.

To women in this country, you need to be concerned about that. Someone cannot get to your husband, but they are going to come after you. We need to disabuse ourselves of that.

Ms. WASSERMAN SCHULTZ. Well, you bet your sweet bippy they are worried. They are worried you are asking for those documents. Because there are those on the other side of the aisle that would try to lead people to believe that we are just a bunch of malcontent Democrats who are standing on the floor complaining about something inconsequential. It is just the same old, same old. Not true.

Look at the reasoning and the motivation that was behind the outing of a covert CIA agent and of the planning and machinations that were going on in the White House to conceal and deceive the American people about what their plans were. It was all about making sure that they could have their way in going to war in Iraq. That is what it all boiled down to. And the consequences of that motivation are that now we have more than 2,000 American soldiers, men and women, who are dead, who lost their lives because this administration was hell-bent on being right, facts be damned.

It made no difference to them that all the evidence mounting showed that they were wrong, that there were no weapons of mass destruction. It was obvious there was no other reason to go into Iraq other than the President and his people decided we should, long before September 11. With all the documentation that has come out now pointing to the fact that, soon after the President was elected in 2000, it had been decided that they were going to go to war in Iraq, and what they have been doing for the last few years leading up to our entering Iraq and since then is assembling the facts around their decision.

Then subsequent to our entry into Iraq and it being discovered there were no weapons of mass destruction, in part because Joe Wilson went there to Niger and demonstrated factually that that was not the case, subsequently they have had to prevaricate. They have had to lie, because, oops, it was shown that not only were they wrong but they were deceitful.

Can you think of any more heinous an act than deceiving the American people and the world on the ultimate sacrifice that Americans are asked to make for their country?

Mr. RYAN of Ohio. If the gentlewoman would yield, that is a tremendous point. They have deceived and misled the American people. Then, when the Democrats want to change things and try to take things in a new direction, people say, well, we were all dealing with the same intelligence. So we say, well, let us go and look at the intelligence. When we say let us try to fix this problem together in a bipartisan way, because there is so much at stake here, we get stymied.

Senator REID had to shut the Senate down the other day on behalf of the American people so that we could get a good, solid overview of the intelligence. We are not saying this just to say it.

Ms. WASSERMAN SCHULTZ. They have no respect for the American people. They have no respect for the American people. When you are willing to do anything and say anything to have your way, regardless of the consequences, that demonstrates that you have no respect for the people that you represent, for the people that sent you to Washington to do right by them.

As elected officials, the three of us and all our colleagues here who serve in this Chamber, who have stood for office, most of us many times, what we are doing when we go and put our name on that ballot and ask people to support us, we are asking them to put their faith and their trust in us. We are telling them that we respect their opinion, that we will honor their opinion.

People in America do not expect to always agree with what we do here. I know there are people in my district who sometimes agree with me and sometimes they do not agree with me. But what they have told me, and I know each of my colleagues have heard this same thing, they have told me, Debbie, I do not always agree with you, but at least I know you are up there fighting for what you believe in. I know that you have the utmost integrity. I know I can put my faith and trust in you and that you are always going to look me in the eye and tell me exactly how things are and tell me the truth.

There is no one in America that the President can look in the eye and say he has told them the truth. Because, although he specifically has not been accused of anything illegal, he specifically has not been accused of anything illegal, you are a reflection of the people you surround yourself with. And, essentially, by allowing Karl Rove to remain in the White House and by hanging on to his staff that have been accused of unethical behavior—

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DENT). The Chair must remind all Members that remarks in debate may not engage in personal offense toward the President by accusation or insinuation of wrongdoing.

The gentlewoman may proceed.

Ms. WASSERMAN SCHULTZ. Forgive me, Mr. Speaker, but there are times when this is so outrageous and the conduct that is going on in this administration is so outrageous that it is difficult to contain myself and it is difficult to keep that outrage bottled up inside.

Because that is what we have been asking for weeks now. Where is the outrage? Where is the outrage from the Republican leadership in this Chamber? They certainly had plenty of outrage during the previous administration.

Mr. RYAN of Ohio. If the gentlewoman will yield, this is not personal. Let us be absolutely clear about this. This is business. This is about the business of the American people.

When we have the Chief of Staff of the Vice President lie to a Grand Jury on two counts and of perjury, two counts of false statements to Federal agents and of obstruction of justice; when we have the Deputy Chief of Staff of the President lie to the American people on two separate occasions; when we have the Vice President of the United States knowingly make a comment to Scooter Libby that he knows about the ambassador's wife and then goes on Meet the Press and says he does not know, this is not about Democrat and Republican, this is about the future of the country.

This country is going in the wrong direction, and every ounce of energy in the White House is geared towards covering up the outing of a CIA agent. So this is not personal. This is about the 700,000 people we each represent and the 300 million people that are in this country. It is about the wage gap, the gap between rich and poor, the increased number of poor people in our society and the lack of an adequate response to the greatest natural disaster in the history of the country. That is about executing our constitutional obligation, our constitutional responsibility.

This is this is not personal, Mr. Speaker. This is not personal. This is about us as elected representatives in the United States Congress, who swear to uphold the Constitution, wanting to take the country in a new direction, wanting to change the way business is done down here and to get rid of the corruption and the cronyism and the incompetent leadership. That is what this whole thing is about. It is not personal.

Mr. MEEK of Florida. If the gentleman will yield, I can tell you why this is not personal. It is not personal for this Congress and it is not personal for the leadership, but it is personal to the American people. We have taxpayer dollars we are trying to nickel and dime. We want to nickel and dime Medicare, we want to nickel and dime Medicaid, we want to nickel and dime free and reduced lunches for poor people here in this country, and then we want to get excited about possibly saying something about someone in power?

We respect the rules of this House. We appreciate the integrity that is in the rules of this House. We do not want to abuse the rules of this House. But as it relates to the majority leadership and the majority on the other side and the majority in the Senate and as it relates to the White House, I want them to live by the same rules that everyday Americans have to live by.

I want it to be personal for them just like it is personal for the person that can only afford to put $10 in their gas tank because they do not even know what it means to have their gas tank full because gas prices are so high.

I want the folks that get driven around this place, that are being chauffeured around here in cars that do not know what it means not to put a debit card into a gas pump but only be able to get $15 out, I want them to feel it just as personally.

I want them to feel personally what the mother who has to think about whether her son, who is living in the heart of America, and she may very well be in a trailer park, and because I was federalized, I represent her, too. I want them to feel personally the decision she is going to have to make when the budget is passed by this Republican majority controlled Congress cutting free and reduced lunches. That is personal. That is personal.

So I could care less about the folks of power and influence and what they say and how they do it. We are going to stay within the rules. We are going to stay within the rules, but I want to make sure that folks understand that we have individuals out in this country that are suffering, white, black, Native American, Hispanic.

Ms. WASSERMAN SCHULTZ. Asian.

Mr. MEEK of Florida. And Asian. They are suffering, and we have to give them voice. We have to give them voice, sure, when we start outing CIA agents, when we start seeing the majority side looking the other way. Even though they know what is going, they are not going to look because their friends are there and they do not want to do that.

In the Clinton administration, Democrats called the administration officials out on things that they were doing that was wrong.

□ 1230

That is our responsibility in the Constitution of these United States.

So when the gentleman from Ohio speaks of not putting party over country, I think that if we were to look at what we do now and what we have done in the past, we have always put country over party. The everyday Republican does not want his government operated by what the national GOP leadership says that it should be, that we need to do that and do this, but they are messing with the lives of everyday Americans. They do not endorse that.

So the problem here in this House is that we are sharing that information with the American people. We are not over at the Democratic National Committee sitting there sharing it with Democrats only. We are here sharing it with the American people; and we are letting the Members of this House, the majority and the minority, know that we all must go see the wizard and get some courage and some heart and stand up to some of these very few individuals that are in the minority on the majority side that are running and pulling the sticks behind the curtains on behalf of the American people. Now, that is personal.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, what it boils done to is that here in the House the rules hem us in, and we have to talk around a lot of what we might like to say more directly, but the American people elected us to speak truth to power. I mean, that is the bottom line. We could not have more power in the White House than there is right now, and they exercise every bit of it. They exercise every bit of it, regardless of the consequences, regardless of the plight of the people whose decisions they affect. There are so many examples of how what we are doing on this floor allows us to reveal that truth.

The gentleman from Ohio (Mr. RYAN) has a chart right there that will help us ferret out a little bit of that truth.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, our friend from Florida was talking about what is going on and how personal this is.

I mean, we have an obligation here. What is going on today is the Republican majority has created a welfare state. They have created a welfare state. They have created a welfare state here in the United States, but the welfare state is for a very small group, corporations. Sixteen billion dollars in the last few months of corporate welfare went to the oil companies, the most profitable quarters they have had in decades; and public tax money was given to the tune of $16 billion to subsidize them. Pharmaceutical companies have gotten over $100 billion in average people's tax money, sent down here. The Republican majority gave it to the pharmaceutical companies. So we have a welfare state in the United States of America.

But we also are creating a welfare state in Iraq. While we are cutting free and reduced lunch and Medicaid and Medicare, health care programs for United States citizens, we have opened up 110 primary health care centers in Iraq. We have educated 2,000 health officials. Three point two million kids in Iraq have been vaccinated. We have rehabbed 2,717 schools and trained 36,000 teachers.

Now maybe we should be doing this because we invaded the country and bombed the heck out of it. So maybe we should be doing it. But when they are giving billions to the wealthiest corporations in the country and they are cutting free and reduced lunch for kids and they are doubling the cost of college tuition and raising the fees for student loans to the tune of $5,000 over the life of the loan, they are doing what is best for the Republican Party and they are doing the absolute worst thing they could possibly do for the United States of America.

And let me tell the my colleagues why, Mr. Speaker. The Chinese government in the country of China produced 600,000 engineers last year. We produced 70,000, half of those engineers foreign born. How are we going to stimulate our economy, create new jobs, innovate the new technologies that are needed to be innovated so that we could keep on the cutting edge of a vibrant global economy if we are not investing into the very people who are going to create that wealth? We cannot ask poor, unhealthy, uneducated kids to go into the workforce and create wealth for us. But yet we are making the investment in Iraq and we are giving away billions in tax dollars to the oil companies and to the pharmaceutical companies.

That system is corrupt. That is a corrupt system. Corrupt. And the way it is being administered and the way government is being administered is at a level of incompetence that we have never really ever seen. With the war, the execution of the aftermath of the war, the rehab, the nation building, complete incompetence on behalf of the guys who wear the suits and ties. Complete incompetence.

The response to Katrina, the highest level of incompetence possible because they put people in charge of FEMA who were political cronies, and the level of cronyism in this administration is really higher than we have really ever seen. And they are not cronies because they know the administration. They are cronies because they get the job and they are not competent.

We all know if one gets a political job and they get to hire people that they are going to hire people they know because this is a business about loyalty. But we also have to hire people who are competent. And Mr. Brown, Brownie, ran an Arabian horse show or something like that, and then he is in charge of FEMA, the point person for emergencies in the United States?

Now this could have very well been a terrorist attack. There could have been explosives. There could have been bombs on the levees instead of a Category 4 hurricane. And our response would have had to have been the same, and it was not a good response. It was not an adequate response.

So the level of incompetency here is unreal. It is a corrupt system that takes care of corporations and ignores every other American. I just want to tell my colleagues it would be nice if someone on the other side, if someone in the Republican Party, would just stand up and take responsibility. We get lectured all the time about personal responsibility. Please someone stand up and take responsibility, because they are weakening the country. They are weakening the country. And we have a constitutional obligation to try to offer solutions.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Ohio. No.

Mr. DREIER. Will the gentleman yield as I prepare to take responsibility?

Mr. RYAN of Ohio. No, you guys have the floor all the time.

Mr. DREIER. Mr. Speaker, I will take responsibility, and I am looking forward to it in just a couple of minutes.

Mr. RYAN of Ohio. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding to me.

I simply would like to say that when it comes to the issue of taking responsibility, we clearly are going to respond to the kinds of outrageous things that we have been hearing for the last few minutes about the state of the U.S. economy, about where we are headed as a Nation and about the kinds of challenges that we have and, quite frankly, about our desire to work in a bipartisan way to address these issues. So I am proud to take responsibility for these very important things.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, will the gentleman be willing to support an independent commission for Katrina, a bipartisan commission?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding to me.

Let me just say right now we are very proud of the fact that we have put into place a committee that the Speaker of the House has established which has been interviewing, in fact, among others, Mike Brown, the gentleman just mentioned by my friend.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time.

The SPEAKER pro tempore (Mr. DENT). The gentleman from Ohio controls the time.

Mr. RYAN of Ohio. Mr. Speaker, we want a commitment from the gentleman, if he is willing to take responsibility, to establish with us a bipartisan committee like the 9/11 Commission to oversee Katrina in which Democrats and Republicans both would agree and both have equal power in the commission like the 9/11 Commission.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, that is basically what has happened with the establishment of the committee which was put into place which was modeled after the committees that have looked at the October Surprise, that have looked at Iran-Contra, other issues that have come forward. We tried to put together a bicameral committee that was focused on it.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, I appreciate that, but the bottom line is this, my good friend from California: Your committee is controlled by the majority party. It is not a bipartisan equal commission like the 9/11 Commission. The 9/11 Commission was the most successful commission we have had in trying to address a major terrorist attack in the United States. Let us put a bipartisan commission together and look at Katrina.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, let me just say to my friend that I believe that what we should do is we should take our constitutional responsibility, our constitutionally mandated responsibility according to Article I, Section 8 of the Constitution, for oversight of the executive branch. We should pursue that as vigorously as we possibly can.

And I will say to my friend, that if, in fact, after doing that, having Democrats and Republicans work in a bipartisan way on the commission that the gentleman from Virginia (Mr. TOM DAVIS) is chairing, if we do not see the kind of information that we knew, if we do not see the kind of scrutiny that we all believe should be applied in looking at the aftermath of Hurricane Katrina, I will support the gentleman's motion of putting together that bipartisan commission.

Mr. RYAN of Ohio. Reclaiming my time, you are leaving all of the decision-making power in the hands of the 11 Republican Members.

Mr. DREIER. Let me just say, no, we are not doing that.

The SPEAKER pro tempore. The gentleman from Ohio controls the time.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, the way the committee is set up right now, there are 11 Republicans and there are 9 Democrats on the committee. The Democratic Party cannot subpoena a witness without the support of the Republican Party. We cannot subpoena the documents. We cannot get the kind of information that we need without the approval of the majority party, and you are asking the American people to trust the Republican Party, the same people that appointed Brownie to run FEMA, and he is still on the payroll.

Mr. DREIER. Will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentleman.

Mr. DREIER. I am happy to respond to that by saying very simply that it is not the work of the Republicans or the Democrats. It is the work of the committee. It is up to the committee to make a determination as to whether or not someone was subpoenaed.

Now you have referred to him, using the same terminology that the President referred to Michael Brown as, which I understand is "Brownie." Did he or did he not appear before that bipartisan committee that was established by Speaker HASTERT?

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, he did. But the same party that is overseeing him has left this man on the payroll making $148,000 a year.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, with all due respect to the gentleman from California, you are the chairman of the Rules Committee. You spend as much time restricting the Democrats' ability to offer amendments and act in a bipartisan fashion and provide input to the policies that are forced through this Congress than anyone else in this Chamber. There is absolutely no bipartisan effort made here.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding to me.

Let me just say that that is completely untrue. Of the amendments that have been made in order in this Congress, 161 of the amendments reported out of the Rules Committee have been either Democratic amendments or bipartisan amendments; 143 of the amendments have been Republican amendments. More amendments have been made in order that were either bipartisan or offered by Democrats than Republicans. So it is a specious argument that my friend has made.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, we are getting into some procedural stuff here, but the Republican Party does not need to offer amendments because they get everything they want into the bill during the committee process. They offer it. They do not need to offer amendments.

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THE FAVORABLE ECONOMIC GROWTH IN AMERICA

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the majority leader.

Mr. DREIER. Mr. Speaker, I have taken this Special Order out to talk about a number of very specific issues, and I would like to begin by referencing an article that I read earlier this week in Agence France, the publication, and that article had to do with the issue of outsourcing.

Mr. Speaker, a year ago at this time we had people in the mainstream media, we had commentators all over the United States referring to the issue of outsourcing. There was a sense somehow that Americans were losing their jobs en mass. Why? Because their jobs were all going to Mexico, their jobs were all going to other countries in Latin America, their jobs were all going to China, their jobs were going to India, their jobs were going to Pakistan; and we have continued to hear time and time again that the issue of outsourcing is one which is wiping out and devastating the U.S. economy.

Well, this article to which I have referred was reporting the fact that outsourcing, outsourcing, has actually created a net increase in jobs here in the United States. This report found that offshore outsourcing resulted in the creation of more than 419,000 jobs, compared to the 162,000 technology jobs that have been displaced from the United States. So when people look at the fact that, yes, some jobs have gone overseas, they forget to look at the fact that we have had a surge in job creation that is in fact a by-product of so-called outsourcing. The chief economist at Global Insight said no one is denying that there are job losses, but the net effect is that you create more jobs than you lose.

So I think it is a very important point, Mr. Speaker. My friends who were just talking on the other side of the aisle are among those who cry the loudest when they refer to this issue of outsourcing. Again, we are not saying there has not been some displacement. Change is inevitable. But one of the arguments I like to make on this, Mr. Speaker, is that the United States of America is providing the global leadership that we need when it comes not only militarily and geopolitically, but economically; and if we do not shape that global economy, the United States of America will be shaped by it.

So when we have hand-wringing over outsourcing, we, of course, are saddened that anyone would possibly see the shift of a job. But as the chief economist at Global Insight said, no one is denying that there are job losses, but the net effect is that you create more jobs. That report concluded that the net benefit to the U.S. gross domestic product from outsourcing and a stronger economy was over $68 billion in 2005 alone, $68 billion. By 2010, this net effect will rise to over $147 billion.

Now, I am pointing to this issue, Mr. Speaker, because of the fact that I have listened to these arguments that are being made by my friends on the other side of the aisle that the United States of America is going to hell in a handbasket, is basically what they are arguing, and that the United States economy is devastated, we are not competitive, we are not creating jobs.

Mr. Speaker, I wonder what kind of world I am living in when elected representatives of the American people can come to that kind of conclusion. It is absolutely preposterous. It is outrageous that anyone could come to a conclusion like that.

Why? A week ago today, Mr. Speaker, a week ago today we got the report that the U.S. economy in the last quarter grew at a rate of 3.8 percent, 3.8 percent GDP growth. That is a very impressive figure, a very impressive figure by any standard. But it is an incredible figure when you look at what it was up against.

One of the worst days in our Nation's history will have been just 2 months ago when we saw what has been described as the worst natural disaster to ever hit the United States, that being, of course, Hurricane Katrina. Then we have seen Hurricane Rita and Hurricane Wilma. And what happened when these disasters hit, and our thoughts and prayers continues to be with all of those who were victimized by those horrible natural disasters, but when we heard the news and saw the pictures of this devastation, what was the sense that most people had? This is going to be a solid blow at the U.S. economy. It is going to really, really hurt the U.S. economy.

The projections were that as soon as numbers began to come in on the issue of the impact of Hurricane Katrina, there would be a net job loss in the United States of 200,000, maybe even higher than that.

Then we got the report from the payroll survey. Tragically, 35,000 was the net job loss, according to the payroll survey. That is not great news. But when you look at the fact that we had just shouldered the worst natural disaster in our Nation's history, it was incredibly positive news.

Then when you look at the household survey, which is a much better gauge, a much better gauge because it takes into account small businessmen and -women, those who are self-employed, a lot of people in especially the biotech industry who are not included in the traditional establishment payroll survey, the household survey found a great surge of about a quarter of a million net jobs gained during that period of time since Hurricane Katrina.

So as I listen to my colleagues say that we are running the United States of America into the ground and that our country is in deep trouble, it is just a mischaracterization. I know we have challenges. I read the newspaper. I watch television. I experience going to California, listening and talking to people from all across this country, looking at our challenges internationally, looking at what is going on in Iraq, looking at the fact that we are daily fighting the global war on terror. I recognize that we have serious problems.

But, Mr. Speaker, one of the most important things that we can do in dealing with every single one of those problems is make sure the U.S. economy continues to grow.

The other day I shared an anecdote of an experience I had just a few weeks after Hurricane Katrina hit. I was visiting my family in my original hometown of Kansas City, Missouri, and was out having lunch on a Sunday. I talked to one of the people working there, and I said, Well, how has business been? And this man said to me, I don't know. I have only worked here for a few days.

I said, Oh, really? Okay.

He said, I was the chef at Brennan's in New Orleans, and my entire family has been able to move here to Kansas City, Missouri. We are staying with other family members. We like it here. I have this job here now, and we are very grateful for that. The point being that the overall strength of the U.S. economy has been able to deal with the challenge of 1.2 million of our fellow Americans who were displaced and devastated by these natural disasters.

So that is why I argue, Mr. Speaker, that as we look at how we deal with the aftermath of the hurricane, the single most important thing we can do for everyone involved is to ensure that we continue the growth of the U.S. economy.

Now, thinking back to some of the arguments I heard just a few minutes ago from my colleagues on the other side of the aisle, they were talking about our deficit reduction bill we are going to be voting on here next week.

Mr. Speaker, we are going to be voting on that measure. Why? Because we know very well that reforming government, doing everything that we can to reform our Nation's government, to ensure that those who are truly in need are able to receive the assistance necessary, but at the same time making sure that those who are not truly in need and those who do not qualify, those who abuse the system, areas where we see waste and fraud, that we tackle those.

Mr. Speaker, we are poised with the deficit reduction bill that we are going to work on next week to do just that.

I listened to my friend on the other side of the aisle talk about the fact that we are going to be throwing starving people out into the streets, preventing people from getting educations and doing all of these things. Once again, nothing could be further from the truth.

We are looking at the issue of Medicaid, a program that is designed to provide health care for those who are truly in need. They will be talking about this over the weekend and next week as the debate proceeds on our Deficit Reduction Act, and they will say that we want to pull the rug out from under people who are very much in need.

Mr. Speaker, while I believe sincerely as a Republican that the Federal Government should be the last source to which people look for assistance, we do have a Medicaid program that is in place, and not one of us wants to do anything to see someone who is desperately in need hurt. But when we have those who are not desperately in need, who abuse the system, it is something that needs to be addressed; and that is exactly what this legislation is all about.

My friend, the gentleman from Texas (Mr. BARTON) who chairs the Energy and Commerce Committee, has gone into great detail, and he will next week, about the Medicaid provisions. They came from his committee.

Right now, the rate of growth of spending in the area of Medicaid is 7.3 percent a year. By looking at these reforms, the measure that we are going to be voting on next week will provide an increase in Medicaid spending of 7 percent. Not 7.3 percent, 7 percent. Three-tenths of one percent. That simply is slowing the rate of growth of spending in this program. So the notion that somehow we want to turn our backs on people who are in need is just plain wrong and inaccurate.

Now, in looking at these reforms, what do we want to do? We want to take issues like asset dumping. Asset dumping is a scenario whereby people will take their home, which has a great deal of value, and they will get rid of that home. Why? So that they can qualify for this Medicare program that is designed to assist the indigent, the very poor. Having someone with an asset of half a million dollars benefit from basically a welfare program was never the intent of the Medicaid program at all, but there are people who are doing that now. So it is our goal to ensure that people who are truly, truly in need, will be the ones who receive this much-needed assistance.

Mr. Speaker, a lot is going to be said about these issues; and I believe when we look at our Deficit Reduction Act, our goal is, as I like to say, Mr. Speaker, not simply to try and reduce spending by $50 billion, if that is what the number ends up being. Of course, those are savings for the American people. Our goal is to try to work and bring the deficit down. Democrats and Republicans alike decry deficit spending. That is something that is great. That is something we want to work on in a bipartisan way. That is what this Deficit Reduction Act is about. I hope Democrats will join with us in support of this measure to reduce the deficit by passing the Deficit Reduction Act.

It is not simply about dollars; it is about the reach of the Federal Government. I have been listening over the last few days to some horror stories of the kinds of things that the government does. Many of those things discourage individual initiative and responsibility.

It brought to mind for me 1996 and 1997 when we were working very hard to pass important welfare reform. We know, Mr. Speaker, that we have seen a generational cycle of welfare, going back to the much lauded and very well intended Great Society of Lyndon Baines Johnson. We have seen trillions of dollars, trillions of dollars, spent on perpetuating the welfare state, and yet the level of poverty has continued in this country in many areas. Why? Because it has been a generational cycle of welfare.

So in 1996 and 1997, we began the effort to alter that, to change that generational cycle of dependence; and we passed welfare reform.

I can remember instances where people who have been receiving for generations welfare, they have been discouraged from working because of their dependence on Federal Government assistance, that many of these people were, because of our reforms, able to move to the working side of the economy rather than being on the receiving side of the economy; and, Mr. Speaker, they have been able to be self-sufficient, they have been able to support their families.

But the most important thing, the most important thing, and I will never forget a woman from Long Beach, California, that talked about this, she had the pride back that she had lost. She had the pride back that she had lost for generations because of the fact that she was now able to be on the productive side of the U.S. economy.

□ 1300

Mr. Speaker, I think that we should do all that we can to continue encourage more and more Americans to be on the productive side of the economy. And I have to say that we have the highest number of Americans working today. One hundred forty-two million Americans are working. Never before in the United States of America have we had so many Americans who are working. We have what has been traditionally considered to be full employment.

The news just came out: The unemployment rate remains steady at 5.1 percent. Well, that 5.1 percent is lower than the average rate for unemployment through the decade of the 1970s, the 1980s, and the much-heralded 1990s.

Years ago, full employment for the United States was considered to be 6 percent. If you had a 6 percent unemployment rate, it basically meant that every American who wanted to work and could work was working. Today, we have a 5.1 percent unemployment rate. So this notion that somehow the U.S. economy has gone to hell in a hand basket is again just plain wrong. You cannot only anecdotally but you can factually look at this.

That is not to say that there are not people in the United States who are facing challenges, who are facing problems, who are facing difficulties. That has existed since the beginning of time, and we will always be expending time and effort trying to encourage people to work for themselves, and we will constantly try to put into place policies that will assist people in that goal of trying to be self-sufficient and to work and all.

Mr. Speaker, as I look at these challenges, what is it that we can do to keep this economy growing? Well, there are a lot of things that we can do. Making sure that we make permanent those important, important measures that repeal the marriage tax penalty, that provides for the per child tax credit, a critically important thing, and at the same time recognize that we must have growth-oriented tax cuts.

Now, as I stand here in this well, I am thinking about just the last few years when Members on the other side of the aisle said to us: If we cut taxes, the U.S. economy is going to go right down the drain and the U.S. budget deficit, our Federal deficit, will go sky high.

Mr. Speaker, we have cut taxes, we have put into place the very, very important growth-oriented tax cuts for dividends and capital gains, and what is it that has happened? We have seen a surge of revenues, to the point where the Federal budget deficit has been improving. We have gotten basically a $108 billion spending reduction by virtue of the fact that the increased flow of revenues to the Federal Treasury has reduced the Federal deficit from the February projection by $108 billion.

Now that came as a shock to many people, and unfortunately many of my friends on the other side of the aisle have failed to even recognize that. When they said, if you cut taxes, the economy will go into the tank and the deficit will go sky high, the exact opposite has happened. Our economy has surged to this very low unemployment rate, virtually full employment, tremendous numbers of jobs being created, fewer people on welfare and depending on the government for their sources of survival, and a reduction in the deficit itself.

So these are things that, frankly, are real, Mr. Speaker. These are things that are out there, and these are things that the American people should understand.

We will next week vote on this deficit reduction measure, and it will be mischaracterized. But, Mr. Speaker, the deficit reduction measure that we are putting into place designed to decrease the size of our deficit, cut Federal spending, and diminish that cycle of dependence on government and the reach of government is absolutely critical to our goal of sustaining economic growth. All of the benefits to which I referred over the last few minutes are there because of the strong economy, and next week's vote for deficit reduction will be a vote that will play a big role in seeing the U.S. economy continue to move boldly and dynamically into the 21st century.

Now, Mr. Speaker, there is another aspect of economic growth that I think is very important. At this moment, the President of the United States and 34, all 34 of the democratically elected leaders in this hemisphere are in Argentina at the very important meeting of the Summit of the Americas. President Bush is there talking about a very important component of U.S. economic growth, and that happens to be the goal of establishing a free trade area of Americas within this hemisphere.

Back in November of 1979, when Ronald Reagan announced that he was a candidate for the President of the United States, he envisaged this accord of free trade among all the Americas; and he was laughed at by many. Just the notion of establishing a free trade agreement with Canada, with Mexico was something people thought impossible.

Mr. Speaker, it did take a long period of time, but we in 1993 did pass the North American Free Trade Agreement. We just 3 months ago passed the Central American Free Trade Agreement, building on the success of the North American Free Trade Agreement.

And I know that my friends on the other side of the aisle will say the North American Free Trade Agreement has devastated the economy. Every ailment, every ailment of society, every single problem that we face is because of the North American Free Trade Agreement. I hear that constantly. Again, it is important to look at the numbers.

The top priority for us: Border security, and national security. Border security is a very important part of national security. Economic growth in Latin America is essential to our stemming the flow of people coming illegally from Latin America and other parts of the world into the United States. Mr. Speaker, were it not for the North American Free Trade Agreement, more than a few people have told me that the problem of illegal immigration would be twice as bad as it is today were it not for the North American Free Trade Agreement.

I know how serious it is. I am privileged to represent California here and will tell you that the problem of illegal immigration is a very, very important issue for us to address. And we are addressing it. I have legislation, H.R. 98, that calls for the establishment of a counterfeit-proof Social Security card so that the magnet of jobs that draws people illegally into the United States will not be able to be utilized because people will have a counterfeit-proof Social Security card, rather than using the 94 different documents that today are used by people here illegally, fraudulently in cases, to get jobs.

Making sure that we do all that we can do to continue to see the economy in this hemisphere grow is important. That is what President Bush is doing right now. As we see that growth, economic growth in Latin America, again, that will help us deal with the problem of border security.

People come to this country, 98 percent of them at least, for one reason and one reason only, looking for jobs, looking to feed their families. We all know that. Everyone acknowledges that. So if we can see job opportunities throughout Latin America, it will lead people to do what they would rather do and that is stay in their home countries.

So what has happened now? Because of the trade that we have seen take place between our two countries, we have seen the economies of both Mexico and other countries in Latin America and the United States grow. In fact, a third of $1 trillion in cross-border trade takes place between Mexico and the United States.

I know that there has been this constant sense that there are only very rich or very poor in Mexico. You are either a multi-billionaire or you are impoverished. Not many people recognize, Mr. Speaker, that the middle-class population in Mexico is larger than the entire Canadian population, and it is growing. There are more people moving into that middle class in Mexico, and that is in large part because of the trade relationship between the United States and Mexico and the elimination of tariff and non-tariff barriers that are taking place within the region with things like passage of the Central American Free Trade Agreement.

Mr. Speaker, as you look at the challenges that we have here at home, it really sickens me that people mischaracterize the positive things that have taken place. I do not diminish the problems that we have in any way. I do not diminish them at all. But I will say that we do have a lot that needs to be done, but we also have a lot of great things that have been done. It is imperative that, as we deal with these challenges that are out there, that we do not in fact eliminate the very positive steps that have been taken to see us have the success that we are enjoying in the global war on terror, see us enjoy the kind of prosperity that is enjoyed across the United States of America.

With that, Mr. Speaker, let me say that I look forward anxiously to our passage of the Deficit Reduction Act next week, and I hope the Democrats will join with us in that goal.

30 SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, we want to thank the democratic leadership for allowing us to be here and for this hour, and we want to continue talking about the issues that we were talking about in the hour before the last one, the issues that are facing

Americans. As you know, within our working group we talk about what we are doing and what the other side is doing or not doing and how we want to put this country and build a partnership, put it on a new direction. The only way we will be able to do that is making sure that we are able to get some of the ideas on this side of the aisle to the forefront, make sure that we work in a bipartisan way.

Mr. Speaker, with all due respect, I must say that that is not happening right now on a lot of the major issues, issues that are facing everyday Americans, issues as it relates to the budget that is coming to this floor next week. I can tell you that this so-called budget was put together on the backs of everyday working Americans. Some may say that it was in light of making sure that we can respond to Hurricane Katrina and the gulf coast, but cutting the very assistance that these individuals need is almost like saying I am going to take $5 out of this pocket and then I am going to try to put it, the same $5 I took out of your pocket, and put it in your left pocket and we are done. That is not good enough.

I think it is very, very important to also be mindful of the fact: If the job is so good here in Congress, if we are doing everything that we are supposed to do as it relates to the American people and they feel so good about the economy, they feel so good about security, they feel so good about health care, they feel so good about the environment, then why do American people, poll after poll polls this Congress at a 35 percent approval rating? Thirty-five percent.

I mean, if I was to call down to my district and they were to take a poll on how they felt about me and it was 35 percent, that means that I need to start doing something right for me to be reelected to this Congress.

So when we start, our friends on the opposite side of the side come in and say, well, we are doing a great job and I do not know what the problem, and folks are saying that we are not, and I hope our friends on the other side starts to join us. I can tell you right now, I do not want to join anything where the American people feel that you are doing a great job by 35 percent. That is not a team I want to be on.

If I am going to go join a team or be a part of something, I am going to be a part of a winning team. I am going to be a part of a team that is going to make sure that we stand up on behalf of everyday Americans, that makes sure that we do not have States out there with over $85 billion in deficits, deficits that they have to clear up, they have to balance, unlike this Congress.

Mr. Speaker, I want to remind the Members, last night I brought this chart out and I just want to remind once again, because I want to make sure that Members understand, American people understand, Mr. Speaker, this is not the doing of the Democrats. This is the doing of the Republican majority. Forty-two Presidents. Forty-two. And this is from the U.S. Department of Treasury. This is not the Kendrick Meek Report. U.S. Department of Treasury of the United States of America, in case anyone gets confused. Forty-two Presidents, all the way from the Whig Party before we had Republicans and Democrats. Since 1776 to the year 2000, Democrats and Republicans, Whig Party and other parties alike. 42 Presidents only borrowed $1.01 trillion from foreign nations, from foreign countries. One, one President with the majority here in this House, Republican majority and in the Senate, has trumped 42 Presidents, 42 Presidents. $1.05 trillion and counting.

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So we bring to the floor the issues at hand. These issues are real, and it is the reality of America right now. And so when our friends on the other side start saying, I do not know what is going on, I have a job, I think everybody else does, I think everything is okay, somebody needs to go out and tell the American people that it is okay, because they do not think it is okay.

Thirty-five percent of Americans feel that we are doing an okay job. What does that mean? That means a number of Americans feel that we are not doing the job that we are supposed to be doing, whatever that may be.

I just want to go back again, Mr. Speaker, in case a Member was walking around, had a phone call or something, did not quite understand. Forty-two Presidents, you name it, they are here, 1776 to 2000, 224 years, 224 years. In the 224 years, they did not borrow from foreign governments as much as one President and the majority Republicans here in this House have done.

The President did not do it on his own. 224 years, Mr. Speaker, World War I, World War II, Vietnam, Korea, other crises in the country, depressions, you name it. Things that my grandmother and my father told me about took place in the time of these 42 Presidents.

Under this one President, one majority, they helped us get to this number. So you know, the facts may hurt. The facts hurt. The facts hurt. The facts hurt when you sit down at the dining room table trying to figure out how you are going to get past this month dealing with the money that you are making.

Now, how are you going to get past this month? Those are hard facts. Well, the hard facts are, like it or not, it is not, you know, not the 30-something Working Group; it is not, you know, the Democrats. It is prepared and served by the majority here in this House, and the majority in the Senate and the White House; and that is a fact, Jack.

I do not care. You can go and use big words, you can go around, read reports that someone gave you that kind of paint the pot black with the fact that a lot of people out there use a lot of numbers, charts and graphs; but the bottom line is we are borrowing our country away to foreign nations.

Then we want to call a budget up on the backs of the very people that we say that we are trying to help

Mr. RYAN of Ohio. And the money we are borrowing, this is the ultimate irony of the whole deal, and this is why we say that I did not hear our friend, the gentleman from California (Mr. DREIER), when he was down here take responsibility for that. It was conspicuously absent from the argument.

The most ironic piece of this whole ordeal is that that money that we are borrowing from China and Saudi Arabia and Japan is going to fund $16 billion in subsidies to the oil companies. That money that we are borrowing from China is going to subsidize the pharmaceutical industry to the tune of $100 billion.

So the MO of the Republican majority is to go borrow money from the Chinese and take that money and give it to corporate America, and then go to corporate America and shake them down, go out to shakedown street on K Street, shake down corporate America for campaign contributions to run the election, and the group that is absent here, the American people.

Ms. WASSERMAN SCHULTZ. Our good friend, the gentleman from California (Mr. DREIER), was defending the Republican leadership's position here that they are committed to cutting the deficit, and that that is, you know, a major reason why next week they are going to rain down these horrendous terrible cuts in the budget on the people who are the most in need.

I was not very good at math when I was younger. But you know, the most simplistic mathematical calculation would tell you that if they are going to cut $50 billion out of the budget next week, yet still provide $70 billion worth of tax cuts, than I guess I just wonder how they are going to reduce the deficit when you are still adding $20 billion to it.

I mean, and then that is to say nothing of the fact that when you cut the budget, you are doing nothing to reduce the deficit. That is just what is so mind-boggling.

I think if we can, I would like to translate, because words like deficit and reconciliation and big Washington-speak words like that are sometimes hard for regular folks in our districts to understand, so let us talk about what this reconciliation budget-cut document that we are going to take up next week, what it really means for people.

In the Agriculture Committee, they voted to cut $844 million from the food stamp program, which would kick 300,000 families out of the program and leave 40,000 children ineligible for free school lunches. Now, that is not whining. That means a little boy or little girl is going to have a grumbly tummy day after day.

Do you know what it feels like? I know what it feels like to not have anything in my tummy. I do not have anything in my tummy right now. But I have the ability to go out and buy a sandwich. People who get free and reduced school lunches do not have that luxury.

Mr. MEEK of Florida. These are children. It goes beyond empty tummies. It goes down to kids prepared and ready to learn regardless of their economic background. It is not their fault. It is not their fault that they are in a poor household and they are eligible, eligible because the Federal Government has found, and an education committee and all of these folks came about during a time here in this Congress and said, you know, kids that are coming to school hungry, we cannot actually teach them in the way that we want to. They are thinking about food. We need them thinking about preparing themselves to become the next workforce here in America.

Mr. RYAN of Ohio. The next entrepreneur, the next business person, the next person that is going to go out and create wealth. And that is the whole thing with the Democrats. We are trying to convince the Republican Party that together America can do better for all of us.

Ms. WASSERMAN SCHULTZ. Where is their moral outrage? Where are their morals? That is what I want to know. I am a mom. I have three little kids. The gentleman from Florida (Mr. MEEK) has two young children.

Can you imagine a circumstance where you would allow your children to go hungry if you could do something about it? Our role here as Members of Congress, we are supposed to look out for the people who cannot look out for themselves. That is what government is for.

Children are our most vulnerable citizens. Laws are written and government exists so that we can take care of kids because they cannot make their parents earn enough money to be able to pay for their breakfast and their lunch. That is where we come in. That is where government fills in for the individuals, society.

It is not fathomable to me. When I gave birth to my children, my life transformed overnight. Overnight. In a matter of hours. And my whole life became not about me any more, or my day-to-day needs; but about their day-to-day needs. That is why we are here, because we are supposed to be taking care of the needs of people who cannot do it for themselves

Mr. RYAN of Ohio. I think there is a tremendous, huge magnificent moral component to this that our friends who in many instances invoke their religion to pass legislation tend to forget when it is dealing with the poor in our society. They forget their religion. But there is also an economic argument here.

We talked in the last hour about the Chinese producing 600,000 engineers. And the country of India, producing 350,000 engineers, and the United States only producing 70,000 engineers. The reason the Democrats are fighting for the free and reduced lunch program and student loans and increased funding for Pell grants and Medicaid is because we need healthy educated kids so that they can go to college and become engineers and create wealth so that we can keep this great democracy alive.

This is not just a moral argument. It is. But it is not just a moral argument. This is an economic argument. Who do we suppose is going to come up with the next alternative energy source? Who do we suppose is going to come up with the next great invention that is going to lead to more manufacturing in the United States of America, if we are not educating everybody?

In our cities, my friends, when we have 75 percent of our kids who live in our cities living in poverty, they are never going to be on the economic playing field for us. And we need 11 on both sides of the ball, my good friend. We need linebackers and cornerbacks and strong safeties and linemen. We need quarterbacks and running backs and tight ends. And when they only educate half, you are losing, you are walking onto the field with only half a team.

Mr. MEEK of Florida. I can tell the gentleman that when we start talking about what is happening here, and I think the problem here within the Beltway, the fact that we are here on this floor, or there is a report in the newspaper, whichever newspaper it may be, they do not know what they are talking about, because the majority sees everything in their world, everything is fine.

I am going to tell you the reason why we are here, Mr. Speaker, is Republicans permitted Democrats to offer only 4 percent of the amendments submitted to major legislation in the 108th Congress. And when this Congress is over, and we get the statistics on that, we will probably find the same. On prescription drugs, the energy bill and the tax bill, only 4 percent. So much for bipartisanship.

To shift the debate, for example, in the summer, the Republicans brought the consideration of amendments that drastically shaped three important measures before Congress. When you start looking at the issue of CAFTA, medical malpractice, and the Chinese trade, these amendments were not even allowed to be heard on the floor, or were limited and restricted. We are talking about bipartisanship. We talked about the Katrina Commission in the hour before last.

They do not want an independent commission like the 9/11 commission that the country was pleased with because it was bipartisan, and it was out of the reach of this Congress. They know the reason why we passed the 9/11 bill is because we had an independent 9/11 Commission that was able to have equal subpoena power, getting the facts.

Guess what? Democrats, Republicans, Independents, those who do not even vote in this country applauded it, the work that that entity, the 9/11 Commission, brought about. So to say that we have a partisan commission here in the House of Representatives does not serve the American people in the way that they should be served. We talked about that for months.

Right now I want to yield to you, because we do have a special guest here with us, and a great Member of this House. I want to you introduce him

Mr. RYAN of Ohio. I would like to introduce one of my mentors in Congress, the gentleman from Connecticut (Mr. LARSON), an outstanding leader on a variety of issues, a recent Member of the Ways and Members Committee, a former quarterback at East Hartford High School.

Mr. LARSON of Connecticut. Mr. Speaker, let me thank the gentlemen from Ohio (Mr. RYAN) for yielding me time and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and her colleague, the gentleman from Florida (Mr. MEEK) as well.

Mr. Speaker, you know, constituents back in my district have written us. And they have talked about listening to your voices, because truly you have struck a cord with America. More often than not, we go home and we hear from people, why are the Democrats not speaking out, or we do not seem to hear the Democratic message.

Well, frankly, in a one-party town, where the Presidency and all of the attendant agencies are controlled by the Republicans, where the House has been in control by the Republicans for more than a decade and where they control the Senate and are now putting a further ideological grip on the Supreme Court, it is in fact a one-party town.

As the gentleman from Florida (Mr. MEEK) pointed out, when Democrats even try to get an amendment put to the floor, the heavy-handed Republican majority makes sure that no issues of consequence are voted on in this Chamber.

Time and time again, the Democratic message is squelched. You have used the analogy, I have heard throughout, of football. And sometimes when people ask about the Democratic message, the best offense is a good defense.

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What stands between this ownership society juggernaut of privatization that they want to foist on the American public is the gentlewoman from California (Ms. PELOSI) and the Democratic party. However underfinanced, however squashed by the heavy-handed Republican majority, we continue to speak out in our only venue that we can, the public venue; and that is why people from my district have applauded the efforts that all of you have made.

You know, Roosevelt said it best of our colleagues. They are frozen in the ice of their own indifference. It is that indifference that troubles the American people. You have pointed out how we are basically prevented from working in a bipartisan fashion. But what is even more disturbing is when you reach out to this administration, whether you are mothers and fathers waiting outside in Crawford, Texas, and you find there is indifference to your sons and daughters who have given up their lives, or whether you are on the rooftops of New Orleans and there is indifference to your pleas for help, or whether you have to go to Canada to get prescription drugs because there is indifference to the kind of need that you have, indifference to the kind of energy needs that you will have this winter, it is that indifference that has consumed this body.

But because of voices like yours, and I commend each and every one of you, the American public is listening, and there will be a change in the ballot box come 2006 because this message is going to be heard.

Yes, we are on the defensive because we have to deal with this enormous juggernaut in Orwellian fashion that continues to perpetrate its message, a false message, a message of false hope and false opportunity, and the only push-back that they are getting are from the voices of Democrats like yourself.

I commend each and every one of you, and I thank you for your continued efforts on this floor.

Mr. Speaker, I yield to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank the gentleman from Connecticut (Mr. LARSON). He is incredibly eloquent, and I tremor following that eloquence.

I want to just follow up with some specifics, because our good friend from California (Mr. DREIER) was here earlier challenging our description of our inability to make an impact and offer our ideas here. He described this mythological bipartisan process. Well, let us counter some of the facts he threw out there.

There have been 85 pieces of legislation that have had rules applied to them. For those who are listening that do not know what that means, we have restrictions placed on our ability as Members to offer amendments and offer our own ideas and help shape legislation every time, almost every time a bill is introduced on the floor. There have been 85 such bills that have been introduced.

Of those, 38 of them have had restrictive rules, meaning the Committee on Rules decides which, if any, amendments we are going to be allowed to offer. Fifteen of those rules, 15 individual pieces of legislation, have been entirely closed, meaning no Member is allow to offer any amendments whatsoever. Three additional closed rules were added into an entirely separate bill. Of the 85 pieces of legislation that have come on this floor that have had rules apply to them, there has only been one substantive bill that had an open rule, meaning any Member can offer, meaning any Member elected in our own right, each by the same 633,000 people that we all represent, only one substantive bill has had an open rule where we can offer any amendment and any idea that we would like to offer.

Mr. LARSON of Connecticut. Mr. Speaker, it is also the gentlewoman from Florida's (Ms. WASSERMAN SCHULTZ) voice that stood out almost singularly when again the heavy-handed control of this Republican-dominated majority tried to foist the Terry Schiavo incident upon us. I thank the gentlewoman for your strong voice at that time. It was resounding all across this Nation. It was picked up by the Hartford Current editorial board, to name just a few of the people it has impacted.

The gentlewoman is right. It is not only specifically we can cite but it is the anecdotes that we can understand. I waited in the Rules Committee until 4 o'clock in the morning to try to get a bill that would provide for the Secretary of Health and Human Services to be able to do the same thing that every other nation does for its seniors, and that is to negotiate directly with the pharmaceutical companies.

There is no way on that Medicare bill that that is not a germane piece of legislation, but it was denied access to the floor because of the power of its ideas.

When the gentleman from California (Mr. DREIER) suggests that we do not have ideas, we have many ideas. The ideas are squashed by the heavy-handed Republican majority here. So, therefore, there was not a vote that had taken place that would allow the Secretary of Health and Human Services to negotiate directly with pharmaceutical companies so that our senior citizens could get the same kind of benefits and discounts, frankly, that the veterans do through the VA administration here.

But in the first 100 days the Democrats take back this Chamber, that is the kind of change the American public can expect to see; and that is why I am so proud of your efforts that you have been doing on a regular basis on this floor. Believe me, it is working. Because people are hearing all across this country. We refuse to be drowned out by the Republican majority and their Republican message machine, a network that is vast and large. And whether it is Pat Robertson's 700 Club or whether it is Rush Limbaugh or Cal Thomas or whether it is the Kato Institute or the Heritage Foundation or all the other entities that converge in synchronized and coordinated fashion to try to stifle your voice, you have stood up and spoke for America. God bless you. God bless America.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate what the gentleman just said. I did not know the gentleman was the one who tried to offer the amendment. It is good for the 30-Somethings to understand to put a face with the idea.

That idea to just negotiate down drug prices on a $700 billion prescription drug bill, now that may save 10 percent, that may save 20 percent, some people would say that would save 30 percent. Let us say, for the sake of argument, that we could save 20 percent of a $700 billion bill. That is $140 billion that we would have here to either return back to the middle class in the form of middle-class tax cuts or to fully fund student loans or to fully fund the Pell grant or No Child Left Behind. $140 billion goes a pretty long way, and that is what the Democrats want to do.

We have a Member here who is willing to sit in committee until 4:00 in the morning to try to get that provision tacked on to the bill, and you get shot down.

But we are here to say that we are fighting on behalf, and I was telling my friend, the gentleman from Florida (Mr. MEEK), earlier, there is an old Irish saying, Is this a private fight or can anyone get in it? And I believe that is what the mentality of the 30-Something group. We are ready to scrap here. We are not going to sit back and let anyone push us around and let anyone tell us that we do not have ideas. Because we do have ideas. And just because the Republican majority does not like them, just because it may be contrary to their fund-raising opportunities, that does not mean we are going to stop.

I have to go catch a plane, and I am sorry about that because I would love to sit here and continue this discussion. But let me say, in closing, that the Democratic party wants to take this country into a new direction. We want to change the way things are going in Washington right now, and that is part of what this is all about. We also want to say to the American people that when you put us in charge, we are going to put the interests of the country before the interests of our own party.

The system that we just talked about where the pharmaceutical companies are getting middle-class taxes, they come to Washington and it returns to the oil companies and to the pharmaceutical companies, that system is inherently corrupt. And that when our Republican majority friends appoint someone who is in charge of an Arabian horses outfit to run FEMA, we are going to end the cronyism, and we are going to end the incompetence and the incompetent way they govern. We want to take the country in a new direction.

I thank my friends. I thank my friends. I thank my friends.

Mr. MEEK of Florida. I want to say to the gentleman from Ohio (Mr. RYAN) and the gentleman from Connecticut (Mr. LARSON) as they depart, I just want to say what they are saying is right on. We do not have to be concerned with what outside people and outside groups say and do. We must be concerned about what our colleagues are doing or not doing on the other side. I think it is very important for us to remember that.

Talking about this budget is something that really needs review. And I encourage the American people. I also encourage Members to figure out what is in it and what is not in it. The cuts that are being made in the budget, well, let us just call it what it is.

Let me ask the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ). I know she has a third-party validator, the cuts that are in this budget, in the light of hurricane relief, the cuts that are being made are really to clear the way for the $106 billion tax cut mainly for special interests and billionaires in this country on the backs of Medicare, on the backs of Medicaid, on the backs of free and reduced lunch for children.

And the reason why they were on the backs of those, and some may call it dependency. I call it making sure that the seniors can get their prescription drugs. I call it making sure that children that happen to be born into a poor community and in a poor family and a struggling family that is trying to make way to get a hot meal in the morning, to be able to get lunch. I guess left up to the majority since there is something about this dependency thing that is going on, I guess it is okay to have 60 percent of the kids eating lunch and 40 percent of the kids looking outside of the lunchroom inside wanting lunch but they cannot have it.

I guess it is okay to have those kids then to go to the classroom for the second half of the education day in front of a teacher hungry, while the other half of the class are picking their teeth from the lunch that they are able to afford because the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is able to provide that for her children and I am able to provide it.

So I guess those of us that have, we are going to be okay. It is just those other folk out there making up beds, popping sheets in hotels and driving cabs around here, good luck to them.

I guess when faith-based organizations in my district and throughout this country are trying to do all they can to hold this thing together, providing after-school programs with parishioners, giving money to fill the gap that is no longer being filled because we have cut the local commitment in juvenile justice and prevention programs. When we say "prevention" we are talking about programs. We are talking about programs that help young children stay out of trouble, homework centers. All of those activities that we have put in Leave No Child Behind and will not fund those, Mr. Speaker. We will not fund those. I guess that is a dependency for after-school homework.

But guess what? We have a nice cozy jail cell if someone was to step out of line. So I think it is important for us to remember that this is very, very serious.

Now there was an amendment in committee by the Democrats that said that, okay, let us talk about the tax cuts so we can expose the real reason why we are going through this exercise. Let us talk about the tax cuts for the special interests and billionaires first. Let us bring that up first and make that a part of this budget and reflect it and put it out front so everyone can see it.

But the majority did not want that to happen because it just would have been too easy for the folks back home. So say, okay, you are raising fees on students, our future workforce, by $5,000 apiece, to the tune of $14 billion. And then you turn around and this particular industry is receiving a $10 billion, what you call, "incentive," we call tax cut, even though they have record profits to go out and find oil off the coast of Florida. Yeah, that is the ticket. That is. And that is actually happening.

So that is why it is important that we come to this floor every time we get the opportunity, within the frame of the rules, Mr. Speaker, to share with the Members on the majority side that we know what they are doing, and the American people know what they are doing, and that is why the American people see this Congress on the approval end at 35 percent. We did not do the poll. That is what the American people are saying. It is not only Democrats, it is Independents, Republicans and others.

So we are here to make sure that all Americans know exactly what is going on and let the chips fall where they may and make sure everyone understands and we have transparency in this process.

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Ms. WASSERMAN SCHULTZ. What we are here going to say is that the emperor truly does have not clothes. If you remember that story, everyone in the kingdom in that story refused to acknowledge that the emperor was buck naked because they were worried about the consequences. They wanted to make sure that nothing happened to them. Well, we are not afraid. We are not afraid.

It needs to be highlighted and underscored. What they are doing to the American people needs to be brought out, and we are saying do not believe us. This is not what KENDRICK MEEK and DEBBIE WASSERMAN SCHULTZ are saying or TIM RYAN or any of the other Members that have come to this floor to share angst and concern.

We are saying look at the third party validators that we have saying the exact same thing. We are saying look at the religious leaders who are urging and who just yesterday came to the Congress to urge the congressional leadership not to put forth these drastic cuts that are going to hurt people.

This is from today's Washington Post. This is not a quotation from someone else. This is in the story on the budget cuts. It says, With so many controversial provisions, the House measure is forcing Republican leaders to scramble for support in what could be the most difficult vote of the year. Well, I would agree. This should be the most difficult vote of the year. When you are cutting people's food stamps, when you are cutting their children's ability to get free and reduced lunch, when you are cutting $4.9 billion from child support programs that help people collect money from deadbeat dads, yeah, I would guess that is a tough vote. Lord, I would hope so.

It goes on to say, Some Republican moderates are balking at cuts to antipoverty programs, especially in light of the $70 billion tax cut that could come to a vote soon after the budget bill, more than wiping out that bill's deficit reduction.

Well, here it is. It is not what DEBBIE WASSERMAN SCHULTZ and KENDRICK MEEK are saying. The article describing the budget cuts, the reconciliation bill, specifically says that there is no deficit reduction in what they are doing. What they are doing is to try to preserve the tax cuts for the wealthy, make sure that their right wing, that their right flank does not go absolutely ballistic, because that wing of the party does not care about taking care of people. They are trying to make sure they preserve what they have and what the upper echelon has.

Let us talk about because if you do not believe the Washington Post, you think it is paper that is off the mark, let us just go through what some of our religious leaders are saying. We are not talking about liberal religious leaders or progressive religious leaders. We are talking about mainstream religious leadership that came here yesterday and joined in prayer at the Capitol.

They included Reverend Dr. Bob Edgar, who is the general secretary of the National Council of Churches of the United States; Jim Wallis of Sojourners magazine; Rabbi David Saperstein of the Religious Action Center; and Eleanor Giddings Ivory of the Presbyterian Church. Let me go through a couple of things that they said in urging the Republican leadership not to do this, not to harm and cause harm to the people that this budget will affect.

Reverend Jim Wallis: "As this moral battle for the budget unfolds, I am calling on Members of Congress, some of whom make much out of their faith, to start some Bible studies before they cast votes to cut food stamps, Medicaid, child care and more that hurt the weakest in our Nation."

Rabbi David Saperstein: The budget reconciliation package with its $50 billion in program cuts and $70 billion tax cuts giveaway is morally unjustifiable.

Reverend Eleanor Giddings Ivory of the Presbyterian Church: I am here today to express concern for the Federal budget reconciliation packages under consideration in the House and the Senate. Our Nation is about to balance its budget on the backs of the poor. Is that a moral thing to do? Clearly the answer is, no, it is not.

Let me just tell you, I was so moved by Rabbi Saperstein's comments in their effort yesterday. He, as is the practice of many of our religious colleagues on both sides of the aisle but particularly because the Republican leadership and its Members like to use their faith so often to underscore how they have injected values into government, Rabbi Saperstein urged our colleagues and said that they ought to remember that the Bible urges us to "deal thy bread to the hungry," not "steal thy bread from the hungry." He asked us to remember Proverbs' stern warning: "Do not steal from the weak because he is weak and do not oppress the poor in the gate."

I could go on, but there have been many more than just the religious leaders that were here yesterday who have urged this Congress not to take these actions. It not only will harm people, cause grave harm for people who have already been on the brink, it will not improve anything. It does not reduce our deficit. It does not improve our economy. It only brings harm, and I think if we are going to subscribe to anything it is the physician's oath. That should be something we live by, which is first do no harm. When we get here, we should commit to doing no harm, and it appears unfortunately as though the Republican leadership came here to do the opposite.

Mr. MEEK of Florida. Mr. Speaker, I think it is very evident that nowhere in this budget is it talking about cuts in tax breaks to special interests. There is nothing in here that says that we are going to make sure that we tell billionaires that we have some things that we need to do here in this government and we can no longer give them that tax break. We are not saying it to special interests, but we are saying it to those who cannot fight for themselves.

We are saying it to not only students, but we are saying to parents that if the majority side have their way, they need to go out and meet with their college fund adviser because you will be paying more for higher education so that your children will be able to be a part of this workforce or what is left of it and has not gone to China and other countries.

I think it is also important to understand that child support, like Ms. WASSERMAN SCHULTZ said, has been cut in this budget, and now over on the Ways and Means on the committee side is $8 billion as it relates to the cuts over 5 years. The cuts come where? Human services, child support and foster care.

So I want to warn States, including my State in Florida, I want to warn you, you are going to have to deal with enforcement of making sure that single moms are able to get money from deadbeat dads or vice versa. You are going to be responsible as it relates to kids that are orphans to find some sort of shelter when they have to go into a foster home environment because the Federal Government, we are not partners with you anymore because we are trying to clear the way so that we can keep our promise to billionaires and special interests here in Washington, D.C.

I want to also put the States on warning, every State, red, blue or purple, I am giving you forewarning that you are going to see the largest what we call devolution of taxation in the history of this country, where we back out of the responsibility of being a part of making sure that we have vibrant communities and making sure that we treat people like they are supposed to be treated because you are going to have to make the cuts because you have to balance. You have to balance your budget.

So what we hand down with the philosophy that if you are middle income in this country, if you are not a billionaire or a millionaire, good luck. Good luck on health care because we do not have health care, real health care here in the United States.

There is story after story about small businesses telling folks to go sign up for Medicaid because they cannot afford to give them real health care. Sign up for Medicaid.

But guess what, I want to say this to the small businesses. There is a $10 billion cut in this budget. So, guess what, that option is no longer going to be there if the Republican majority has their way. If they continue to have their way, it is okay for them to go into what is left of a poverty, if you want to call it, health care program out there for people that need health care to be able to make sure that they provide tax cuts, not for you, small business person, not for you, company of 100 or 200 people or company of 500 people, not for you, Republican, Democrat or Independent, but for the individuals that have the ear apparently of the majority at this particular time.

We know that this is the people's House, and I have said it before and I will say it again. It is supposed to be the people's House and we are the only body here in Congress, the Senate you can be appointed if it is in midterm, but only in the House of Representatives is it that you have to be elected. That is in every State, and no one can touch that. If a Member was to say I resign today or I am moving on to something or I am appointed to this position, you do not see someone here tomorrow. There is a special election set, and the local people in that district will vote to replace that individual that left Congress. So I think you could not get closer to the people of the United States than we should be here in the Congress, and I will tell you this, that I am very, very concerned about what is being done here in Washington, D.C., right now.

I am going to just show this quick chart because I showed it at the beginning, but I just want to keep reminding folks. Folks feel that, oh, they are alarmists. Some people walking around here in the Capitol, they are saying something and what is the problem. What is the problem? There is no problem. What are you talking about? Things are great. You know, I had lunch today, did you?

But when it comes down to security and financial security, 42 Presidents, and I am going to say it again and I am going to keep saying it, 42 Presidents, $1.0 trillion loaned from foreign holdings, and this is from the U.S. Department of Treasury that we have gone to other countries to borrow money, World War I, World War II, you name it, Depression, all 42 Presidents, one President $1.05 trillion in 4 years.

Ms. WASSERMAN SCHULTZ. That is combined.

Mr. MEEK of Florida. All of these Presidents combined could not do as much as this administration has done as it relates to borrowing from foreign countries to support mainly tax cuts that we cannot afford for billionaires and millionaires and special interests. I could see if it was something where there was billions of dollars going into U.S. cities and to rural America to build economic development, to be able to help farmers that are trying to compete with foreign countries, thanks to us, okay, or thanks to the majority.

I can see if we were going into schools and saying that we are going to be the leaders of the world in educating engineers, that we are going to have science and math and we are going to lead the world in education. I could see that.

I can see if we had real homeland security where our border would be protected and that we would have the enforcement officers out there with the tools that they need to make sure it is protected and have a process to be able to deal with the issue of illegal immigrations and even if they are in this country, I can see if those dollars went towards that.

I can see if we said we want to deal with energy with those dollars, Mr. Speaker, to be able to say that we want to pull back on our dependency on oil and that we will use alternative energy sources. I can see that.

But I do not see people coming to the floor and saying, well, on behalf of the economy, billionaires need another tax break, millionaires need another tax break, this special interest group with record profits, unprecedented history of these oil companies, that we need to give them additional billions of dollars in taxpayers' money to go out and do what they should be doing with their profits anyway. You get a small business that makes a profit, some of that goes towards a security fund and some of that goes towards what? Growing their business. No, no, no, not in this majority, no, no. You get the profit and then you come over here to the Congress and you get the taxpayer money to go out and do the things that you should be doing in the first place.

It does not make sense, Mr. Speaker, and I do not care who says different. I do not care if the chairman of the basket weaving committee was to come to this floor and say what is the problem. What is the problem? We have enough baskets. What are you complaining about. Well, there is a lot to complain about, and there is a lot to let the Members know and the American people know that we are willing to lead in the area of individuals who are not leading in right now on the majority side as it relates to energy, as it relates to making sure that we have a health care plan here, making sure prescription drugs are affordable for Americans, making sure that our men and women in Iraq have what they need.

□ 1400

And let me just mention something for a minute, since I mentioned Iraq. The bottom line is that on the majority side and the President you start saying, okay, let us talk about Iraq. All right, we had bad intelligence, and that is a big question right now. We do not know if the Congress was given bad intelligence or not, but there is very little that is happening on that. And thanks to the Democrats in the Senate that pushed a —

Ms. WASSERMAN SCHULTZ. If the gentleman will yield before we branch off to Iraq just for a second.

Mr. MEEK of Florida. I am coming right back. I am not going into Iraq. This is an example.

That is fine that the Senate came together, three Democrats, three Republicans, who will come together with a report on the intelligence piece. Okay. Okay.

Do we have a strategy for success? Well, we do not have that answer. Do we have a strategy of when we will be able to have American men and women come back home? Well, you know, we are fighting a war against terror, a global war, and we have got to go after the terrorists. Okay. But what is our strategy? Well, we do not have one.

So we are spending billions and billions of dollars of the taxpayers' money in Iraq at this particular time. And it is not about the troops; it is about some other things that we are trying to accomplish.

What is the strategy? Well, there is no strategy, and why are you asking, by the way. Why are you asking what is the strategy?

I am on the Armed Services Committee, and folks say, do we have an exit strategy? Democrats and Republicans have asked that. And I want to say that on the minority, the majority of the minority of the members over there, in the majority, have asked that question, along with several members on the Democratic side, because we want to know exactly where we are going. Are we going to be in Iraq as long as there is a small insurgency?

So that is the issue when it comes down to oversight and governance and making sure that we do what we need to do. So I just wanted to mention that because the ideas that we have, the ideas as relates to pay-as-you-go, the ideas as relates to being energy efficient by 2010, 2012, those ideas cannot surface in this Congress because the majority has their foot on those ideas.

So when folks come to the floor and say what is the problem, I guarantee when that budget comes up next week, and there is talk on the other side of, I wish our friends on the Democratic side would join us in this budget resolution that is coming to the floor, well, I have to say this to the Republican majority: I hope that Republicans join you on it, because that seems to be a problem, Mr. Speaker.

Every time there is a major bill that comes to the floor and it is a 15-minute vote, that 15-minute vote turns into a 2-hour vote. Why does it turn into a 2-hour vote? Not because Members cannot make it from their offices to the floor. No, it boils down to whose arm can be twisted, who can be pushed into a corner, and who can be pushed into voting for an unjust budget to clear the way for special interests and for billionaires.

So, Mr. Speaker, if someone wants to impress the American people that the budget is so good, let us follow the House rules and do the vote in 15 minutes. Do the vote and do not have the Members standing here at 3 a.m. in the morning saying, well, Mr. Speaker, they said it was a 15-minute vote and we are now on 90 minutes. When are we closing the board?

I think the reason why the voting board was not closed, and probably will not be closed next week, is that as long as the majority is not getting their way, they are going to change the spirit of the rules of the House of Representatives, and that is the problem too.

Ms. WASSERMAN SCHULTZ. You know, I have been seriously considering coming to the Chamber next Friday in my pajamas, given the track record of controversial votes, where they make their Members, the Republican leadership makes their Members puke blood in not allowing them to decide what to do, to stand on the courage of their convictions. They keep the board open, and we watch it light up like a Christmas tree up there, red to green, green to red. It is just unbelievable.

Sometimes I think the board is malfunctioning. Maybe it is not functioning. Maybe we should get an electrician in here. Maybe we should have the electrician check the wiring behind the Republican Members' names and their lights, because they do not seem to be able to pick one and have it stay there. Every time they have to cast a controversial vote, it goes from no to yes, then yes to no; or they do not appear to be able to turn their own light on for a very long time, because they cannot decide. Is it that they cannot decide?

I just want to make sure, because it is deeply concerning to me that they would not know when they came to the floor how to vote on a bill that is going to cut food stamps, that is going to cut financial aid, that cuts access to affordable energy, that allows drilling around the entire coastline of the United States of America where it is not currently allowed. So there has to be something wrong with the wiring.

Next week, I am going to be here in my pajamas and a teddy bear with a nice cup of coffee because we are really going to have to settle in for a long night. It is not going to be a normal 15-minute or a normal 5-minute vote, because I think the wiring under that board is going to go haywire next week. They are clearly not going to get their way right away because this is going to be a gut-wrenching angst-ridden vote. Woe to the Member on their side that does not vote how the leadership wants them to.

Sometimes when we talk in trillions and billions and millions it is a hard concept for people to understand. I know it is hard for me. A trillion is such a huge number. An $8 trillion deficit is what we are in the middle of right now. That is a huge number. I sometimes cannot understand how big that number is. It is also hard to understand what an $844 million cut from the food stamp program is, or the kind of cuts they are going to be passing down in this budget reconciliation document that is going to affect affordable housing.

I want to show this picture. This picture is of me standing in the apartment of one of my constituents whose roof caved in on her during Hurricane Wilma. These are the people that, on top of what they have already gone through, on top of what they have already gone through, now we are going to cut the budget that funds the very programs that exist to help them.

There are people in dire straits in south Florida after Hurricane Wilma and in the gulf coast region after Katrina. There are people who before the hurricanes hit were in dire straits. This is what the problem really looks like for people. These people cannot live in homes like this because this home was condemned. Obviously, nobody can live in the apartment in this picture, and I wish that there was only one that looked like this in south Florida. This is the plight that we are putting people through.

Before we give out the Web site, I want to close by saying that we are in the middle of adding "C" after "C": with the culture of corruption, cronyism, and the lack of confidence that the American people have in their government, and now we have the coverup Congress. That is what came to light here this week. We have repeatedly asked for investigations, that this leadership stand up and do what is right. And Leader PELOSI has tried to get them to do that, and they have unanimously rejected that.

We are going to continue to come back to this floor and stand up for the American people, and I look forward to continuing this dialogue with my colleague.

Mr. MEEK of Florida. Just to add to what I was saying before the gentlewoman made her statements, October 7 the board was open for 40 minutes to pass the "energy bill," as relates to home heating. Special interests were able to get their profits out of that. The board was open for 40 minutes, even though it was a 5-minute vote.

November 22, 2003, broke the record here in the House of Representatives by holding the vote open. It was originally set for 15 minutes but lasted over 3 hours into the middle of the night. It was obvious on the prescription drug bill that it was a failing bill, but it took 3 hours for the majority to get their way.

The reason why there are two dates on this, July 27 and 28, is because the board was left open, the voting board was left open for an hour, well past the 15-minute voting time on CAFTA, which actually passed by 227 to 215. So when the majority says I wish the Democrats would join us, I wish that the Republicans would join the Republicans on it, because they know exactly what is not happening.

I want to give our Web site out here. It is 30somethingdems@mail.house.gov. That is 30somethingdems@mail.house.gov. We want to make sure that everyone knows exactly what is going on here in Washington, D.C.

Mr. Speaker, I want to thank my colleague from Florida, as well as the gentleman from Connecticut (Mr. LARSON) and the gentleman from Ohio (Mr. RYAN), who joined us here today; and we will continue to work hard not only to bring fresh ideas to the floor but to make sure that we point out where the inequities are within our own institution.

COMMUNICATION FROM THE HONORABLE ROBERT W. NEY, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. DENT) laid before the House the following communication from the Honorable ROBERT W. NEY, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 4, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that my office has been served with a grand jury subpoena, issued by the U.S. District Court for the District of Columbia and directed to the "Custodian of Records," for documents and testimony.

I will make the determinations required by Rule VIII.

Sincerely,

ROBERT W. NEY,
Member of Congress.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 300

In the Senate of the United States, November 3, 2005.

Whereas Henry Ku'ualoha Giugni was born on January 11, 1925, in Honolulu, Hawai'i;

Whereas Henry Giugni served with distinction in the United States Army, after enlisting at the age of 16 after the attacks on Pearl Harbor, and served in combat at the Battle of Guadalcanal during World War II;

Whereas Henry Giugni began his service in the Senate in 1963 as Senior Executive Assistant and Chief of Staff to Senator Daniel K. Inouye;

Whereas Henry Giugni served as Sergeant-at-Arms from 1987 until 1990;

Whereas Henry Giugni was the first person of color and first Polynesian to be appointed to be the Sergeant-at-Arms;

Whereas Henry Giugni promoted minorities and women by appointing the first minority, an African American, to lead the Sergeant-at-Arms' Service Department, and was the first to assign women to the Capitol Police plain-clothes unit;

Whereas Henry Giugni's special interest in people with disabilities resulted in a major expansion of the Special Services Office, which now conducts tours of the U.S. Capitol for the blind, deaf, and wheelchair-bound, and publishes Senate maps and documents in Braille;

Whereas in 2003, Henry Giugni received an Honorary Doctorate of Humane Letters for the University of Hawai'i at Hilo in recognition of his extraordinary contributions to Hawai'i and the Nation;

Whereas Henry Giugni carried Hawai'i's flag while marching with Dr. Martin Luther King for civil rights in Selma, Alabama;

Whereas Henry Giugni presided over the inauguration of President George H.W. Bush, and escorted numerous foreign dignitaries, including Nelson Mandela, Margaret Thatcher, and Vaclav Havel when they visited the United States Capitol; and

Whereas on November 3, 2005, Henry Giugni passed away at the age of 80; Now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Henry Giugni.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of Henry Giugni.

The message also announced that pursuant to section 1928a-1928d of title 22, United States Code, as amended, the Chair on behalf of the Vice President, appoints the following Senators to the Senate Delegation to the Nato Parliamentary Assembly in Copenhagen, Denmark, November 11-14, 2005, during the One Hundred Ninth Congress:

The Senator from Mississippi (Mr. LOTT).

The Senator from Colorado (Mr. ALLARD)

The Senator from Alabama (Mr. SESSIONS).

The Senator from Kentucky (Mr. BUNNING).

The Senator from Ohio (Mr. VOINOVICH).

The message also announced that pursuant to Public Law 107–273, the Chair, on behalf of the Majority Leader, announces the appointment of the following individual to serve as a member of the Antitrust Modernization Commission:

Makan Delrahim of the District of Columbia.

DIFFERENCES BETWEEN REPUBLICANS AND DEMOCRATS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from New Mexico (Mr. PEARCE) is recognized for 60 minutes.

Mr. PEARCE. Mr. Speaker, I appreciate the opportunity to address the body. We are at a time right now where literally the stakes of America lie in the balance. Our future is going to be determined by our actions today.

Many people often ask me exactly what is the difference between the two approaches, and I will tell you that there are significant differences between the Republican and Democrat approach in Congress. Dennis Prager, a talk show host and author from California, has really summarized those very well: and I will quote from him, but these words express the beliefs of many.

The differences between this side of the aisle and that side of the aisle are important and substantial.

One party believes in American exceptionalism on a national stage, that the United States has better values than any other country. The other believes in the United Nations, the acceptance of all countries' values.

One party believes in universal morality, that is the ultimate good and evil that exists in society and the necessity to choose between them, and that that decision between good and evil should determine the international authority. The other believes the UNiversal law: that whatever the U.N. decides should be determining our international law.

I will tell you, Mr. Speaker, that that is playing out right now in the United Nations, as we see the head of the United Nations, Kofi Annan, mired in corruption with his own son and with close allies of his in the bureaucracy indicted and involved, and yet we are not hearing one word about that corruption and that involvement from any of our friends on the other side of the aisle in this body.

One party believes that race is irrelevant. One party believes that race is the defining of the human being. I will tell you that race has no characteristic. Character has characteristics. And when we begin to understand that we judge people by their character and not by their race, we are going to be a better country for that.

One party believes in powerful government. One party believes in individual liberty.

One party believes in individual responsibility. One believes society is responsible for individual actions.

We often hear the words that poverty causes crime. If poverty causes crime, then affluence causes kindness. If you want to see that in play, you would look at the most heinous of the drug lords in central and South America, people who are rolling in billions of dollars and yet have an evil intent toward everyone around them and toward everyone in society.

I will tell you that poverty does not cause crime; character causes crime. If you do not have a certain level of income, you are determined to be morally retarded by our friends on the other side of the aisle. And I will tell you that that is one of the biggest insults we can give to people of low income.

One party believes that while compassion is important, standards are more important. One believes compassion is more important than standards. The only people held morally responsible today are white Christian males. In macro-life, society, standards must be more important than compassion. In your personal life, we allow compassion to rule. But when we begin to deal with compassion from the government, someone is always disadvantaged.

□ 1415

One party believes the Boy Scouts are the greatest blessing in America. One believes they are a curse and working daily to undermine the capability of the Boy Scouts to deliver their message and their program.

One party standard bearer believes that the greatest threat to humanity is environmental degradation. One believes that the greatest threat is human evil.

One party believes in secular government. One party believe in secular society. There is a huge difference between a secular government and a secular society. Government without religion or society without religion, if we are without religion as a society, where do we get the moral values that will compel us to follow laws and to act within the bounds of human behavior?

One party believes that Judeo-Christian values and God are what makes society tick. One believes that all values in society are equal, and that is played out in the moral relativism that we see declaring that even in the United Nations we cannot get a definition of what a terrorist state is because all societies are deemed to be equal. They will not condemn any other society in the U.N., and I will tell the Members that that value plays out inside this country, also.

One party believes in the value of Europe. One party believes in the values of Texas. One party regards the Lone Ranger as a moral model. One regards the Lone Ranger as an arrogant unilateralist.

Mr. Speaker, we are faced in these times with extraordinary difficulties. I would remind this body that just as late as 1999 we began to experience tremendous economic difficulties in this country. They were brought on by the collapse of the dot com industry. That was an industry that had built up the prices of its stock so that stocks that had no product, they had no sales, they had no net income, those prices had escalated from zero and $1 all the way to $200 and $300 per share. That was a fictional amount, but our economy experienced a surge in the late 1990s.

Then in 1999 and 2000, while President Clinton was still in office, we had the dot burst of the dot com bubble. That created a recession inside our economy that began to persist. We were just about to work our way out from underneath that economic burden when 9/11 came along. That shocked us again into deep recession.

Once again, the Bush administration, having inherited the dot com collapse, which collapsed before they came to office, and then faced with the economic pressures of the 9/11 catastrophe, fought its way back. And still we were about to come out from underneath those two deep shocks to our economy when we had companies like Global Crossing, which defrauded the Nation out of millions and the chairman of the Democratic Party, on a small investment, made $18 million.

That corporate culture of misleading and pulling money out of stocks and giving it to individuals, that Enron-Global-Crossing-WorldCom then created an even deeper shock into the economy because people began to pull their money out of the stock market and began to put their money into very safe investments but pulling it away from companies where they could grow and expand.

So those three deep shocks were facing this administration almost from the day that they took office, and still we did things as Republicans which caused the economy to turn around. We passed the individual tax cuts. The Governor of New Mexico, a widely respected Hispanic Democrat Governor of New Mexico, stated most clearly when he was lobbying for tax cuts inside the State, he said, and his words are very true, that tax cuts create jobs.

Now that is the question as we go in toward the end of this year, whether or not we are going to let ourselves understand the economic principles and try to achieve growth to where our kids continue to have jobs to go to or if we are going to listen to the other side and say that these tax cuts are just tax cuts for the wealthy. That is the discussion going on now. Do we want a vibrant, growing economy, or do we want to listen to our friends over here harangue about policies of which they appear to not have much understanding of? Who is going to win this economic struggle for the future of the country? That is the question that is involved right now.

I will tell the Members that if we are not dedicated to the principle of building this economic strength back into the economy, we are going to find after January 1, all the tax cuts were temporarily extending until January 1, and they roll out and become noneffective on January 1. If we do not do something about that, I will tell the Members that we are going to find the deep shocks into our economy that are going to penalize all of us.

We are finding, also, that the policies of our friends from decades of obstructing industries in this country that we are harvesting the benefits of those policies of obstructing. For instance, drilling. Are have constantly hearing from our friends that you will not drill here, you will not drill there, you will not drill anywhere. So today we have $70 and we have got $14 gas.

Now what does that mean? The $14 gas is compared with normally $2. One does not have to really understand gas much. Just think about the relationship between 2 and 14, and one will begin to understand the economics that face us. This winter, because of past policies, we are going to reap the benefits of those obstructions to drilling that our friends on the other side of the aisle have thrown up.

We have made decisions not to drill in ANWR, we have made decisions not to drill on the Outer Continental Shelf, and we have made decisions to not drill in the Rocky Mountain regions of the country where tremendous trillions of cubic feet of gas are available. And the losers are going to be the American public and the consumer.

But, long term, we are going to continue losing because our jobs are moving overseas. When we are paying $14 for natural gas in this country and because gas is not easily transported, the pricing tends to be national in scale rather than international. We are paying $14 in this country, and yet many of our friends around the world are paying under $4. Some places pay as little as $1.

One can imagine that if one is a plastics manufacturer here in this country or a chemical manufacturer or a fertilizer manufacturer that they are paying $14 and they could locate a plant where they are paying $1. Common sense and business sense will tell us that there is great incentive for people to go where the $1 gas is, but, when they do that, they are going to take the jobs and the manufacturing facilities and they will never come back to this country because we will never be able to get our price down to where the foreign nations have it. They have such a low relative wage that we are never going to compete dollar for dollar. So once we allow those plants to move overseas, then we will have lost that segment of our economy.

I will tell the Members that that is where the real threat for America lies, in the loss of that economic structure, that economic base for this country.

The future of our children is at stake. Those of us who are baby boomers like myself, I think during the next 10 years we can see that slow deterioration of our economic base. But it is when it is dissipated that our children and grandchildren are going to reap the very sad rewards of policies that our friends on the other side of the aisle, with good intentions and good hearts, have foisted on the American public.

Today, the debate in this country is about the future of this country. President Bush and his administration have steadfastly moved us into pro-competitive, pro-business environments, and our friends here in Congress have constantly criticized that, have constantly thrown up roadblocks to that and have constantly had no suggestions of their own.

Mr. Speaker, I would like to just close today by saying that this is a very important time in our Nation's history. We are fighting basically three deep struggles right now. We are fighting an economic struggle that is worldwide. The worldwide economy has taken traction. Jobs can be here or jobs can be in other countries with equal facility. Investment capital can move up and move to wherever those capitals would want to go. There are absolutely no restrictions. The Internet makes it possible to move one's money literally overnight. So we have an economic struggle where we are competing with low-price, high-quality competition in our labor market.

So the economic challenge is one, but we are also facing a challenge of military circumstances. The war on terror is absolute. It will be fought. It is just a question of whether it will be fought in this country or in the homeland of the terrorists. For myself, I always vote to take the battle to the terrorists there.

We did not invite 9/11 into this country. It came without provocation and with no warning. We are either going to continue seeing that escalation of terrorist attacks inside this country or we are going to find that we will encounter the terrorists and defeat them on their own ground. And I will tell the Members that as long as people are willing to cut off the heads of individuals who are private, nonmilitary citizens, without provocation, that there is no negotiating with that kind of a person. It is a fight to the death, and the more terrorists that we kill and capture and put into prison, the more safe that our streets will be for the kids who are walking on the streets just intending to go to school on certain days.

So we have got the economic struggle going on. We have then the war on terror. But we also have a tremendous social struggle going on where we are trying to determine the values of this country.

Again, my introduction differentiated between the two parties and the approaches to the values. I am not saying that everyone in America agrees with our friends on the other side of the aisle, even if they are in the Democrat Party, but I will say that the leadership here in this Nation is willing to talk fiction and talk nonanswers and throw obstructions into the way of good, hard-nosed policies which guarantee our future, and for that they will be eternally accountable.

They talk about corruption, and yet they fail to mention that the only person in prison today is actually one of their members who came in in my class last year. Only one person. And yet they are sending phone messages and they are sending radio commercials, bank phone calls into many Republican districts saying you should give back that money. Theirs is the side with answers to give, and yet I never hear those questions about their own people. Their agenda is a political one. It is designed to gain back political power at the expense of the Nation. It is a day that they should not be proud of.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today.

Mr. KIND (at the request of Ms. PELOSI) for today.

Mr. ORTIZ (at the request of Ms. PELOSI) for today.

Mr. OSBORNE (at the request of Mr. BLUNT) for today on account of official business in the district.

Mr. POE (at the request of Mr. BLUNT) for today on account of official business.

Mr. RYAN of Wisconsin (at the request of Mr. BLUNT) for today on account of a family medical emergency.

Mrs. EMERSON (at the request of Mr. BLUNT) for today on account of official business.

Mr. GARY G. MILLER of California (at the request of Mr. BLUNT) for today on account of illness.

Miss MCMORRIS (at the request of Mr. BLUNT) for today on account of business in her district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. SESSIONS) to revise and extend their remarks and include extraneous material:)

Mr. LEWIS of California, for 5 minutes, November 7.

Mr. MCCAUL of Texas, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2744. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

ADJOURNMENT

Mr. PEARCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until Monday, November 7, 2005, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4971. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red River, Mile Marker 73 to Mile Marker 76, in the vicinity of the #2 John Overton Lock and Dam [COTP New Orleans-04-042] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4972. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile Marker 11.8 to Mile Marker 12, West of the Harvey Lock, in the vicinity of Crown Point, LA [COTP New Orleans-04-043] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4973. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 95.0 to Mile Marker 96.0, Above Head of Passes, in the vicinity of Algiers Point, New Orleans, LA [COTP New Orleans-04-044] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4974. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Treasure Chest Casino, Lake Pontchartrain, Kenner, LA [COTP New Orleans-04-045] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4975. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Indian Beach, Lake Pontchatrain, Bonnabel, LA [COTP New Orleans-04-046] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4976. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile 94.0 to Mile 96.0, in the vicinity of Aquarium of America's, New Orleans, LA, [COTP New Orleans-04-047] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4977. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile Marker 11.8 to Mile Marker 12, West of Harvey Lock, in the vicinity of Crown Point, LA [COTP New Orleans-05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4978. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Inner Harbor Navigational Canal, 500 yards North and South of Mile Marker 1.7, in the vicinity of the Florida Avenue Bridge, New Orleans, LA [COTP New Orleans-05-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4979. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 0.0 to Mile Marker 5.0, in the vicinity of Cupits Gap, New Orleans, LA [COTP New Orleans-05-003] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4980. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; High Water, Lower Mississippi River Mile Marker 223 to Mile Marker 241, Baton Rouge, LA [COTP New Orleans-05-004] (RIN: 2115-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4981. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 115.0 to Mile Marker 119.0, in the vicinity of the Luling Bridge, New Orleans, LA [COTP New Orleans-05-005] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4982. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Head of Passes, Mile Marker 440 to Mile Marker 435, in the vicinity of the Highway 80 Bridge, Vicksburg, MS [COTP New Orleans-05-006] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4983. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Miles 93.0 to 96.0, Above Head of Passes, New Orleans, LA [COTP New Orleans-05-007] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4984. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Harvey Canal, Mile Marker 3.0 to Mile Marker 2.6 West of Harvey Lock, in the vicinity of the LaPalco Bridge, New Orleans, LA [COTP New Orleans-05-008] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4985. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 440 to Mile Marker 435, in the vicinity of the Highway 80 Bridge, Vicksburg, MS [COTP New Orleans-05-009] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4986. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 1.0 to Mile Marker 3.0, extending the entire width of the river, Pilottown, LA [COTP New Orleans-05-010] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4987. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Lincoln, NE [Docket No. FAA-2005-21707; Airspace Docket No.[05-ACE-22] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4988. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Service of Process on Foreign Manufacturers and Importers [Docket No. NHTSA-2005-21972] (RIN: 2127-AJ69) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4989. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Seat Belt Assemblies [Docket No. NHTSA 2005-22052] (RIN: 2127-AI38) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4990. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Golovin, AK [Docket No. FAA-2005-21448; Airspace Docket No. 05-AAL-16] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4991. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aeropatiale Model ATR42-500 Airplanes [Docket No. FAA-2005-20406; Directorate Identifier 2002-NM-242-AD; Amendment 39-14270; AD 2005-19-05] (RIN: 2120-AA64) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4992. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes [Docket No. FAA-2005-20475; Directorate Identifier 2004-NM-157-AD; Amendment 39-14250; AD 2005-18-10] (RIN: 2120-AA64) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4993. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-110P1 and EMB-110P2 Airplanes [Docket No. FAA-2005-21302; Directorate Identifier 2004-NM-189-AD; Amendment 39-14267; AD 2005-19-02] (RIN: 2120-AA64) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4994. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautics S.A. (EMBRAER) Model ERJ 170 Airplanes [Docket No. FAA-2005-21345; Directorate Identifier 2005-NM-005-AD; Amendment 39-14266; AD 2005-19-01] (RIN: 2120-AA64) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4995. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-200 and -300 Series Airplanes [Docket No. FAA-2005-20405; Directorate Identifier 2002-NM-243-AD; Amendment 39-14269; AD 2005-19-04] (RIN: 2120-AA64) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4996. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2004-19750; Directorate Identifier 2003-NM-192-AD; Amendment 39-14264; AD 2005-18-23] (RIN: 2120-AA64) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4997. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAe Systems (Operations) Limited Model ATP Airplanes [Docket No. FAA-2005-20404; Directorate Identifier 2005-NM-018-AD; Amendment 39-14268; AD 2005-19-03] (RIN: 2120-AA64) received September 30, 3005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4998. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 875, 877, 884, 884B, 892, 892B, and 895 Series Turbofan Engines [Docket No. 2001-NE-17-AD; Amendment 39-14265; AD 2005-01-15R1] (RIN: 2120-AA64) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4999. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 390 Premier IAirplanes [Docket No. FAA-2005-21239; Directorate Identifier 2005-CE-27-AD; Amendment 39-14263; AD 2005-18-22] (RIN: 2120-AA64) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5000. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Models 1900, 1900C, 1900C (C-12J), and 1900D Airplanes [Docket No. FAA-2005-22332; Directorate Identifier 2005-CE-46-AD; Amendment 39-14262; AD 2005-18-21] (RIN: 2120-AA64) received September 30, 3005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5001. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 390 Airplanes [Docket No. FAA-2005-21410; Directorate Identifier 2005-CE-31-AD; Amendment 39-14272; AD 2005-19-07] (RIN: 2120-AA64) received Septemebr 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5002. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No. FAA-2005-22413; Directorate Identifier 2005-NM-167-AD; Amendment 39-14271; AD 2005-19-06] (RIN: 2120-AA64) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2830. Referral to the Committee on Ways and Means extended for a period ending not later than November 18, 2005.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KENNEDY of Minnesota (for himself and Ms. McCollum of Minnesota):

H.R. 4231. A bill to ensure that any affordable housing assistance program of Fannie Mae or Freddie Mac allows participation by nonprofit organizations that engage in voter registration activities required under State law; to the Committee on Financial Services.

By Mr. McGOVERN (for himself, Mr. Lewis of Georgia, Ms. Schakowsky, Mr. Payne, Mr. Frank of Massachusetts, Mr. Serrano, Ms. Velázquez, Ms. Woolsey, Mr. Stark, Ms. Waters, Mr. Kucinich, Ms. Kilpatrick of Michigan, and Ms. Lee):

H.R. 4232. A bill to prohibit the use of funds to deploy United States Armed Forces to Iraq; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Minnesota (for himself and Ms. Millender-McDonald):

H.R. 4233. A bill to allow a custodial parent a refundable credit for unpaid child support payments and to require a parent who is chronically delinquent in child support to include the amount of the unpaid obligation in gross income; to the Committee on Ways and Means.

By Ms. VELÁZQUEZ:

H.R. 4234. A bill to provide for the relief, recovery, and expansion of small business concerns affected by Hurricane Katrina through technical assistance, access to capital, and expanded Federal contracting opportunities, and for other purposes; to the Committee on Small Business.

By Mr. HEFLEY (for himself and Mr. Beauprez):

H.R. 4235. A bill to designate certain National Forest System lands in the Pike and San Isabel National Forests and certain lands in the Royal Gorge Resource Area of the Bureau of Land Management in the State of Colorado as wilderness, and for other purposes; to the Committee on Resources.

By Mr. CHOCOLA (for himself, Mr. Pomeroy, Mr. Herger, Mr. Ramstad, Mr. Nussle, Mr. English of Pennsylvania, Mr. Weller, Mr. Hulshof, Mr. Lewis of Kentucky, Mr. Foley, Mr. Beauprez, and Mr. Lucas):

H.R. 4236. A bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois:

H.R. 4237. A bill to ensure that local governments can function in the case of a declared emergency or major disaster; to the Committee on Transportation and Infrastructure.

By Mr. McCAUL of Texas (for himself, Mr. Reyes, Mr. Cuellar, Mr. Daniel E. Lungren of California, Ms. Granger, and Mr. Pearce):

H.R. 4238. A bill to provide for enhanced border security enforcement and detention facilities, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI (for himself, Mr. Issa, Mr. McCotter, Mr. Cannon, Mr. Bonilla, Mr. Cunningham, Mr. Calvert, Mr. Otter, Mr. Boren, Mrs. Blackburn, Mr. Doolittle, and Mr. Sensenbrenner):

H.R. 4239. A bill to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror; to the Committee on the Judiciary.

By Mr. KENNEDY of Minnesota:

H.J. Res. 71. A joint resolution proposing an amendment to the Constitution of the United States to authorize the President to reduce or disapprove any appropriation in any bill presented by Congress; to the Committee on the Judiciary.

By Mr. BURGESS:

H. Con. Res. 290. Concurrent resolution honoring the goals and ideals of National Nurse Practitioners Week; to the Committee on Energy and Commerce.

By Mr. RENZI (for himself, Mr. Udall of New Mexico, and Mr. Cole of Oklahoma):

H. Con. Res. 291. Concurrent resolution honoring the service of American Indians in the Armed Forces; to the Committee on Armed Services.

By Mr. BURGESS (for himself, Mr. King of Iowa, Mr. Akin, Mr. Boustany, Mr. Burton of Indiana, Mr. Cantor, Mr. Carter, Mr. Chocola, Mr. Cole of Oklahoma, Mr. Conaway, Mr. Cuellar, Mr. Culberson, Mr. Issa, Mr. Feeney, Mr. Franks of Arizona, Mr. Gallegly, Mr. Gingrey, Mr. Al Green of Texas, Mr. Gene Green of Texas, Mr. Jindal, Mr. Daniel E. Lungren of California, Mrs. Musgrave, Mr. Pitts, Mr. Ryan of Wisconsin, Mr. Saxton, Mr. Sessions, Mr. Shadegg, Mr. Westmoreland, and Mr. Wilson of South Carolina):

H. Res. 534. A resolution recognizing the importance and credibility of an independent Iraqi judiciary in the formation of a new and democratic Iraq; to the Committee on International Relations.

By Mr. ENGEL (for himself, Mr. Lewis of Georgia, Mr. Lantos, Mr. Ackerman, Ms. Wasserman Schultz, Mr. Waxman, and Ms. Ros-Lehtinen):

H. Res. 535. A resolution honoring the life, legacy, and example of Israeli Prime Minister Yitzhak Rabin on the tenth anniversary of his death; to the Committee on International Relations.

By Mr. PAYNE (for himself, Mr. Jefferson, Mr. Tancredo, Mr. Rangel, Ms. Kilpatrick of Michigan, Mr. Bishop of Georgia, Ms. Carson, Ms. Corrine Brown of Florida, Mr. Towns, Ms. McCollum of Minnesota, Mr. Meeks of New York, Mr. Lewis of Georgia, Mr. Wynn, Mr. Butterfield, Mr. Lantos, Mr. Brady of Pennsylvania, Mr. Owens, and Ms. Waters):

H. Res. 536. A resolution expressing condolences to the people and Government of Nigeria for the loss of life suffered in the crash of a Nigerian passenger jet on October 22 and the tragic death of Stella Obasanjo, wife of Nigerian President Olusegun Obasanjo, at a hospital in Spain on October 23, 2005; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 282: Mrs. Tauscher and Ms. Roybal-Allard.

H.R. 376: Mr. Moran of Kansas.

H.R. 501: Ms. Zoe Lofgren of California.

H.R. 602: Mr. Gibbons.

H.R. 657: Ms. DeGette and Ms. Solis.

H.R. 690: Mr. Castle.

H.R. 703: Mr. Paul.

H.R. 759: Mr. Emanuel.

H.R. 944: Mr. Simmons.

H.R. 972: Mr. George Miller of California and Mr. Bishop of Georgia.

H.R. 998: Mr. Gillmor and Mr. Jackson of Illinois.

H.R. 1108: Mr. McHugh.

H.R. 1141: Mr. Saxton.

H.R. 1227: Mr. McCotter.

H.R. 1246: Mr. Markey.

H.R. 1333: Mr. Pearce and Mr. Andrews.

H.R. 1337: Ms. Harris.

H.R. 1405: Mr. Brown of Ohio.

H.R. 1415: Mr. Van Hollen.

H.R. 1424: Mr. McIntyre.

H.R. 1578: Mr. Westmoreland, Mr. Lewis of Georgia, Mr. Feeney, Ms. Velázquez, Mr. Frank of Massachusetts, Mrs. McCarthy, Ms. Berkley, and Mr. Hensarling.

H.R. 1597: Mr. Grijalva, Mr. Sanders, and Mr. Conyers.

H.R. 1704: Ms. Waters.

H.R. 1707: Mr. Serrano, Mr. Leach, Mr. Andrews, Mr. English of Pennsylvania, Mr. Payne, Mr. Oberstar, Mr. Nadler, Mr. Kind, Mr. Abercrombie, Mr. Levin, Ms. Linda T. Sánchez of California, Ms. Lee, Mr. Chandler, Mr. Menendez, and Mr. McNulty.

H.R. 2206: Mr. Neal of Massachusetts, Mr. Alexander, and Ms. Schakowsky.

H.R. 2328: Mr. Wilson of South Carolina and Mr. Pastor.

H.R. 2335: Mr. Boozman.

H.R. 2356: Mrs. McCarthy, Mr. Higgins, Mr. LoBiondo, Mrs. Maloney, and Mr. Wynn.

H.R. 2378: Mr. Ross.

H.R. 2386: Mrs. Wilson of New Mexico and Mr. Marshall.

H.R. 2391: Mr. Olver.

H.R. 2642: Mr. Dicks.

H.R. 2671: Mr. Barrow and Mr. Engel.

H.R. 2717: Mr. Blumenauer, Mr. Bishop of Georgia, and Mr. Lynch.

H.R. 2725: Mr. Calvert.

H.R. 2792: Mr. Frank of Massachusetts.

H.R. 2872: Mr. Boozman, Mrs. Schmidt, Mr. Matheson, Mr. Boustany, Mr. Renzi, Mr. Pitts, Mr. Dicks, Mr. Goode, Mr. McHugh, Ms. Slaughter, Ms. 'Watson, Mr. Platts, Mr. Hobson, Mr. Baird, and Mr. Scott of Virginia.

H.R. 2962: Mr. LaHood.

H.R. 3095: Mr. McCotter and Mr. Duncan.

H.R. 3111: Mr. Royce.

H.R. 3127: Mr. Miller of North Carolina, Ms. DeLauro, and Mr. Shaw.

H.R. 3137: Mr. Neugebauer and Mr. Fortenberry.

H.R. 3145: Mr. Murphy, Mr. Kuhl of New York, Mr. Fitzpatrick of Pennsylvania Mr. Fortuño, and Mr. Schwarz of Michigan.

H.R. 3151: Mr. Allen.

H.R. 3248: Ms. Herseth, Mrs. Davis of California, Mr. Renzi, and Mr. Holt.

H.R. 3307: Ms. Hooley.

H.R. 3333: Mr. Marchant.

H.R. 3373: Ms. Ginny Brown-Waite of Florida, Mr. Jenkins, Mr. Honda, Mr. Gibbons, and Mr. Reichert.

H.R. 3478: Mr. Udall of Colorado, Mr. Smith of Washington, Mr. Barrow, Mr. Emanuel, Mr. Franks of Arizona, Mr. Calvert, Mr. Brady of Pennsylvania, and Mr. Evans.

H.R. 3492: Mr. Waxman, Mr. Udall of New Mexico, and Mr. Stark.

H.R. 3559: Mr. McGovern, Mr. Gordon, Mr. Kennedy of Rhode Island, and Mr. Langevin.

H.R. 3604: Ms. Roybal-Allard.

H.R. 3630: Mr. Bilirakis.

H.R. 3774: Mr. Wynn.

H.R. 3778: Ms. Woolsey.

H.R. 3804: Mr. Berman.

H.R. 3858: Mr. Wolf and Mr. Olver.

H.R. 3882: Mr. Ryan of Ohio.

H.R. 3907: Mr. Gary G. Miller of California.

H.R. 3917: Ms. Solis.

H.R. 3936: Mr. Cardoza, Mr. Brown of Ohio, Mr. Higgins, Mr. Cummings, Mrs. Davis of California, Mr. Wexler, Mr. Rothman, Ms. Kaptur, Mr. Ross, Mr. Serrano, Mr. Inslee, Mr. Towns, Mr. Brady of Pennsylvania, Mr. Lynch, Mr. Olver, Mr. Lantos, Ms. DeLauro, and Mr. Crowley.

H.R. 3960: Mr. Miller of Florida, Mr. Radanovich, and Ms. Ginny Brown-Waite of Florida.

H.R. 3979: Mr. Ackerman and Mr. Gene Green of Texas.

H.R. 3998: Mr. Thompson of Mississippi.

H.R. 4034: Mrs. Musgrave.

H.R. 4047: Mr. Foley.

H.R. 4052: Mr. Holden, Mr. Moran of Virginia, Mr. Owens, and Ms. DeGette.

H.R. 4081: Mrs. Musgrave.

H.R. 4092: Ms. Baldwin, Mr. Barrow, Ms. Berkley, Mr. Bishop of Georgia, Mr. Bishop of New York, Ms. Bordallo, Mr. Boren, Mr. Brady of Pennsylvania, Ms. Corrine Brown of Florida, Mr. Brown of Ohio, Mr. Cardoza, Mr. Carnahan, Mr. Cleaver, Mr. Costello, Mr. Crowley, Mr. Cuellar, Mr. Davis of Alabama, Mr. Davis of Illinois, Mr. Davis of Tennessee, Mr. DeFazio, Ms. DeGette, Ms. DeLauro, Mr. Dingell, Mr. Doyle, Mr. Edwards, Mr. Emanuel, Mr. Evans, Mr. Farr, Mr. Ford, Mr. Al Green of Texas, Mr. Gutierrez, Ms. Harman, Mr. Higgins, Mr. Hinchey, Mr. Hinojosa, Mr. Holden, Mr. Honda, Mr. Hoyer, Mr. Israel, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of Ohio, Mr. Kanjorski, Ms. Kaptur, Mr. Kennedy of Rhode Island, Ms. Kilpatrick of Michigan, Mr. Kind, Mr. Kirk, Mr. Kucinich, Mr. Lantos, Mr. Larson of Connecticut, Ms. Lee, Mr. Lipinski, Mrs. Maloney, Mr. Marshall, Ms. Matsui, Mrs. McCarthy, Mr. McGovern, Ms. McKinney, Mr. McNulty, Mr. Michaud, Ms. Millender-McDonald, Mr. Miller of North Carolina, Mr. Mollohan, Mr. Moore of Kansas, Mr. Murtha, Mr. Oberstar, Mr. Olver, Mr. Payne, Mr. Pomeroy, Mr. Rangel, Mr. Rothman, Mr. Rush, Mr. Ryan of Ohio, Ms. Linda T. Sánchez of California, Ms. Schakowsky, Mr. Schiff, Ms. Schwartz of Pennsylvania, Mr. Serrano, Mr. Sherman, Mr. Skelton, Ms. Slaughter, Mr. Snyder, Mr. Strickland, Mr. Stupak, Mrs. Tauscher, Mr. Thompson of Mississippi, Mr. Udall of Colorado, Mr. Van Hollen, Ms. Velázquez, Ms. Wasserman Schultz, Ms. Watson, Mr. Weiner, Mr. Weldon of Pennsylvania, Mr. Wexler, and Ms. Woolsey.

H.R. 4096: Mr. Wilson of South Carolina, Ms. Harris, Mr. Boozman, Mr. Ford, Mrs. Musgrave, Mrs. McCarthy, and Mrs. Drake.

H.R. 4099: Mr. Marchant.

H.R. 4110: Mr. Rahall.

H.R. 4145: Mr. Cooper, Mr. Cuellar, Mr. Reyes, and Ms. Schwartz of Pennsylvania.

H.R. 4156: Mr. Davis of Florida, Mr. Ruppersberger, Mr. Barrow, Mr. Moran of Virginia, and Mr. Honda.

H.R. 4179: Mr. Walden of Oregon.

H.R. 4188: Mr. George Miller of California and Mr. Evans.

H.R. 4214: Mr. Hensarling.

H.R. 4222: Mr. George Miller of California, Mr. Crowley, and Mr. Meeks of New York.

H. Con. Res. 42: Mr. Tiberi and Mr. Shimkus.

H. Con. Res. 173: Mr. Davis of Tennessee, Ms. Ros-Lehtinen, and Mr. LaTourette.

H. Con. Res. 190: Mr. Jindal.

H. Con. Res. 197: Ms. Moore of Wisconsin.

H. Con. Res. 210: Mrs. Drake, Mr. Gutierrez, Mr. Shuster, Mrs. Davis of California, Ms. Millender-McDonald, Mr. Menendez, Mr. Gutknecht, Mrs. Jones of Ohio, Mr. Abercrombie, Mr. Latham, and Mr. Gary G. Miller of California.

H. Con. Res. 260: Mr. Fitzpatrick of Pennsylvania, Mr. Cardin, Mr. Weiner, and Mr. Al Green of Texas.

H. Con. Res. 273: Mr. Holden, Mr. Barrow, Mr. Shaw, and Mr. Jackson of Illinois.

H. Con. Res. 284: Mr. Cardoza, Mr. Saxton, Mr. Burton of Indiana, Ms. Harris, Mr. Berman, and Ms. Berkley.

H. Con. Res. 285: Mr. Platts, Mr. Gillmor, Mr. Blumenauer, Mr. Fortuño, Mr. Boehner, and Mr. Hyde.

H. Con. Res. 289: Mr. ORTIZ, Mr. LARSEN of Washington, Mr. STRICKLAND, Mr. DICKS, Mr. BUTTERFIELD, Ms. BALDWIN, Ms. KAPTUR, Mr. DAVIS of Florida, Ms. DELAURO, Mr. BAIRD, Mr. SAXTON, Mr. MARKEY, Mr. CARDOZA, Mr. DELAHUNT, Mr. SKELTON, Mr. GENE GREEN of Texas, Ms. DEGETTE, Mr. ENGEL, Mr. PALLONE, Mr. COSTA, Mr. MORAN of Virginia, Mr. LANGEVIN, Mr. CROWLEY, Mr. SERRANO, Ms. SCHWARTZ of Pennsylvania, Mr. ROSS, Mr. GONZALEZ, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Mr. ISRAEL, Mr. SMITH of New Jersey, Mr. UDALL of Colorado, Mr. NADLER, Mr. FITZPATRICK of Pennsylvania, and Mr. KENNEDY of Rhode Island.

H. Res. 123: Mr. BISHOP of Georgia.

H. Res. 196: Mr. BISHOP of Georgia, Ms. MILLENDER-MCDONALD, and Ms. SCHAKOWSKY.

H. Res. 411: Mr. FILNER.

H. Res. 466: Ms. WATERS.

H. Res. 479: Mr. CHABOT, Mr. CROWLEY, Mr. GRIJALVA, Mrs. MCCARTHY, Mr. MCCOTTER, Mr. RYAN of Ohio, Mr. SCHIFF, Ms. WATSON, and Mr. WEXLER.

H. Res. 487: Ms. HARRIS, Mr. GARY G. MILLER of California, and Mrs. DRAKE.

H. Res. 489: Mr. BAIRD, Mr. SALAZAR, Mrs. TAUSCHER, Mr. FARR, Mr. RUPPERSBERGER, and Mr. FERGUSON.

H. Res. 495: Mr. TOM DAVIS of Virginia, Mr. HOLT, and Mr. ROHRABACHER.

H. Res. 500: Mr. BISHOP of Georgia, Mr. EVANS, Mr. SHAYS, Mr. RUPPERSBERGER, Mr. BOUSTANY, Mr. SPRATT, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. WELDON of Florida, Ms. CORRINE BROWN of Florida, Mr. BRADY of Pennsylvania, Mr. ORTIZ, Mr. CROWLEY, and Mr. NEAL of Massachusetts.

H. Res. 504: Mr. BISHOP of Georgia and Mr. BOUSTANY.

H. Res. 505: Mr. BECERRA, Mr. CAPUANO, Mr. CUMMINGS, Mr. GUTIERREZ, Mrs. JONES of Ohio, Mr. MCGOVERN, Mr. PAYNE, Mr. TOWNS, Ms. MILLENDER-MCDONALD, Mr. THOMPSON of California, Ms. VELÁZQUEZ, Mr. RAHALL, Ms. MOORE of Wisconsin, Mr. SANDERS, Ms. SLAUGHTER, Ms. SOLIS, Mr. INSLEE, Mr. DOGGETT, Mr. VAN HOLLEN, Ms. MCCOLLUM of Minnesota, Mrs. NAPOLITANO, Mr. LEWIS of Georgia, Mr. FARR, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STRICKLAND, Mr. SABO, Ms. SCHAKOWSKY, Mr. PASCRELL, Mr. TIERNEY, Mr. KENNEDY of Rhode Island, and Mr. OWENS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3304: Mr. KUHL of New York.

H.R. 4011: Mr. BUTTERFIELD.

SENATE—*Friday, November 4, 2005*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, who lays up the deep in storehouses, help us to never turn Your glory to shame. Lord, the hearts of world leaders are in Your hands and Your power guides the Nation.

Today, we thank You for Your infinite wisdom. Each day You demonstrate to us that Your way leads to life and joy. You are at work, bringing answers and insight to those who seek You.

Inspire our Senators to seek Your wisdom. As they wrestle with complex issues, guide their minds. May the wisdom of sacrificial love influence their deliberation.

And Lord, we ask You to comfort the family of Henry Giugni, the former Senate Sergeant at Arms.

We pray in Your blessed Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1042, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 1042) to authorize appropriations for fiscal year 2006 for the military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Today we resume consideration of the Defense authorization bill. Under the agreement reached on October 26, we have a limitation of amendments and debate to Defense authorization. Chairman WARNER and Senator LEVIN are here today and are prepared for Members to come to the floor to offer their defense-related amendments. I noted last night there will be no rollcall votes today, and we will delay votes until Monday at approximately 5:30. We will announce later on how many votes Senators can expect on Monday.

Finally, I do want to thank everybody for their participation and cooperation over the course of yesterday's session, a lengthy session. I think it was 22 consecutive rollcall votes. We didn't have any scheduled breaks and things went very smoothly. Indeed, we were able to meet our goal of 6 o'clock last night to allow Senators to attend what was a wonderful event where we had over 50 former Senators—men and women who had served in this body in the past—come back and join us for a bipartisan event last night. It would not have been possible without the patience of Senators and the efforts of so many staff members who worked so hard to bring that deficit reduction bill to completion by a vote of 52 to 47.

BUDGET RECONCILIATION

This was an important piece of fiscal legislation; I think clearly the most important piece of fiscal legislation over the course of the year, a bill that was called the deficit reduction bill because almost $35 billion in savings does go down directly to reduce the deficit. That is a period of 4 years, $35 billion. Over 10 years, it would be right at $100 billion.

A number of people have said, well, spending cuts that we put in yesterday don't go far enough, and I would not disagree with that statement. The deficit reduction package we passed last night, however, was a major and important first step forward in reining in what has become out-of-control Federal spending, so I congratulate our colleagues.

I also thank the committee chairmen one more time for their hard work and leadership, both sides of the aisle working together. There was in many instances bipartisan support for their recommendations. In particular, I thank the chairman of the Budget Committee, Chairman JUDD GREGG, for his strong leadership. I also thank Senator MCCONNELL, our assistant Republican leader, for his deft handling of the process yesterday, keeping us on track to success.

The Senate staffers, several of them were thanked last night. And there are so many, I always hesitate to start naming them, but in truth, as always, they are the ones who give the discipline to the engine that makes it possible: Kyle Simmons, Scott Gudes, Bill Hoagland, Sharon Soderstrom, Eric Ueland, all deserve special recognition for their tireless efforts in bringing that bill to completion.

By rallying our resources and our will, last night the Senate passed the first spending reduction bill in 8 years. It was last in 1997 that such a reconciliation on the spending side was passed. We took a tough look at the budget, and we came up with a strong package of fiscally responsible savings. And it is worth reflecting where we were even just 10 months ago. We tend to focus so much on minute to minute here and day to day here, but if we look back 10 months ago when the President submitted his budget proposal, at that time the projected deficit was well past $400 billion and on its way up to $500 billion. Critics had bet against the majority's success. They said we could never pass a budget and be able to drive down the deficit, and we have proved those critics wrong. Not only have smart progrowth fiscal policies cut the deficit by $100 billion but direct action in the Senate yesterday cut the bottom line by another $35 billion. Our GDP growth rate is strong right now, in the last quarter, 3.7 percent, with over 4 million jobs created since May, about 15, 16 months ago.

Hurricane Katrina hit and we know hit hard, but not even Hurricane Katrina could knock our economy off track. As Alan Greenspan told the Joint Economic Committee yesterday, the economic fundamentals remain firm.

The Republican-led Senate has defied the critics at every turn. They said we could not pass a budget resolution, and we passed a budget resolution. They said we could not pass the 12 appropriations bills on this floor, and we did. We passed the PATRIOT Act, we passed the bankruptcy bill, we passed the class action bill, we passed the highway bill, we passed the Energy bill, we passed the gun liability reform bill—all this year, but we have a lot more to do.

Yesterday, I should add, as part of that deficit reduction bill, we passed exploration in ANWR which will help reduce our dependence on foreign oil. It will strengthen our domestic supplies, again a real tribute to this body. Meanwhile, throughout the fall we have tackled relief and recovery for the victims of Katrina and we have continued to support our troops in the war on terror. We will be doing our Defense authorization bill shortly, again, to focus on continued aggressive support of the troops.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

So despite all of the naysayers and sometimes pessimistic attitudes as to what is going on, we are moving this country forward in a positive and a constructive way.

Some have called the deficit reduction package yesterday immoral, and it really does bother me when people use words like that because, to me, what is immoral is saddling future generations with huge debt. What is immoral is ducking or hiding from today's challenges with inaction or empty platitudes or barriers to progress. What is immoral, to me, is proposing more debt while accusing others of being fiscally irresponsible.

During the budget process, the other side proposed spending amendments, and we saw much of it on our spending speedometer—spendometer, I guess we call it—of over $460 billion. The other side proposed over $460 billion in increased spending. And who would pay for this? I guess their answer would be raising taxes. It is unacceptable. We have a different approach, an approach that strengthens our economic growth, strengthens our national security, that delivers real relief, real relief to American families.

The deficit reduction package we passed last night will drive down the deficit. It will increase America's energy supply. It will help students and families meet the cost of college tuition. It will take critical steps to protect America's retirees, a huge victory for the American people. We support real, measurable solutions and will continue moving America forward. Our goal is to strengthen America's families and secure America's future.

We have a lot more work to do, Mr. President. Next week we have some of the world's top oil executives coming to Washington to explain why gas prices are going so high, above $3, and why oil and home heating oil prices are so high, and at the same time, we are seeing these record profits going into their coffers.

The question that our constituents ask, and we ask, is Why? And those executives will have that opportunity to explain, and we will get to the bottom of it.

We also plan to continue our work on the nomination of Judge Samuel Alito to the Supreme Court of the United States. The chairman and ranking member of the Judiciary Committee announced a schedule yesterday that does provide the strongest platform for Judge Alito to argue and to explain and describe the judicial restraint, the crux of his philosophy, and he will be confirmed by January 20.

Finally, we will continue to address the pressing issues the American people sent us to Washington to resolve after the first of the year, issues such as border security and immigration.

As I mentioned last night, we had a wonderful occasion in terms of having a bipartisan reunion with one out of every three former Senators who are still alive in our midst last night. Most all of our colleagues were there sharing stories, sharing intergenerational stories which did remind us what a powerful institution this is, the legacy that it leaves, the important role it plays as the world's greatest deliberative body. It was a reminder to all of us serving in this Senate it is an honor and it is a privilege.

I look forward to continue working in a bipartisan way to deliver bold and innovative solutions to keep this great country moving forward.

Mr. NELSON of Florida. Will the majority leader yield for a question?

Mr. FRIST. Be happy to.

Mr. NELSON of Florida. I thank the majority leader for making reference to Hurricanes Katrina and Rita, and I just wanted to remind our distinguished majority leader that Hurricane Wilma, which hit the State of Florida, hit at a point on the southwest coast picking up steam as it crossed the Everglades so that the back end of the hurricane gave a huge punch to the southeast coast where we have 20,000 structures uninhabitable and where the winds were clocked at Lake Okeechobee at 150 miles an hour. That is a category 5. So I just don't want us to forget Hurricane Wilma and the people who are suffering in Florida at this time.

Would the majority leader just keep that in mind as we address these problems?

Mr. FRIST. Mr. President, that is very well said. I think the description and comments by the Senator from Florida demonstrate our responsibility to respond appropriately and smartly to natural disasters. If we look at our response to hurricanes and natural disasters in the past, I think we have done so.

It is sometimes frustrating because we cannot do everything, and a lot of people think the Federal Government has a responsibility to come in and solve all the problems.

Our challenge in responding to all these natural disasters is to respond quickly, responsibly, smartly, working hand in hand with the locals.

I very much appreciate the Senator's attention to one other natural disaster we must face.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader.

DEFICIT REDUCTION BILL

Mr. REID. Mr. President, with regard to the deficit reduction bill, you can have a cow and put a sign on him saying he is a horse, but he is still a cow. I think we would be better informed if we called this the bait-and-switch bill. How do you call a bill deficit reduction when it raises the deficit in 1 year by $30 billion? How do you call a bill a deficit reduction bill when it increases the deficit? If there was ever an Orwellian pronouncement, that is it. I guess if you keep saying deficit reduction, some people are going to believe it is deficit reduction. It increases the deficit.

This could have been a good week for the American people. It could have been a week Republicans joined Democrats and finally addressed priorities of working families. The polls around the country today make a pronouncement: President Bush's approval rating is 35 percent. Do you think it could be because we are trying to call a bill a deficit reduction bill that isn't one? How does the majority feel they can do that? The American people can see through that: A deficit reduction bill that increases the deficit $30 billion, and the Republicans are bragging about increasing the deficit? They think they can get around that by calling it a deficit reduction bill? No wonder this White House has an approval rating of 35 percent.

This week could have been a week we agreed to do something about the record debt. It could have been the week we addressed the needs of middle-class families. The rich are getting richer, the poor are getting poorer. The middle class is being squeezed between declining incomes, rising prices of health care, college tuition, gas, and heat.

It could have been the week we finally got serious about helping our brothers and sisters in the gulf coast. We can hear pronouncements from the Republican majority that the response to these disasters has been excellent. Prove that to the American people with the developments after Katrina.

Listen to the radio. I listened to public radio this morning, and they had a segment on about what is happening to the people in Louisiana. They cannot go to school: there are no schools there.

This could have been the week we finally got serious about the gulf coast, and we have not. That is the kind of week that we Democrats hoped to have. The record will show we fought for multiple amendments that would have helped working Americans.

Let me take a comment on the so-called spendometer. One of the Senators brought that in the other day, and I commented on it. All the amendments that have been offered by the Democrats, with rare exception, have all been pursuant to Senator CONRAD's pay-as-you-go amendment that he offered; that is, we had offsets. They did not increase the debt.

This spendometer is as phony as this deficit reduction bill. We could have, if we had followed the direction of the amendments we offered—there was one by Senator BILL NELSON to keep Medicare premiums from increasing. That was defeated on a party-line vote. The Republicans beat us on that. Senator

MURRAY offered an amendment to protect prescription drug coverage for many of our Nation's seniors. That was defeated on a straight party-line vote. Senator LINCOLN tried to provide emergency health care for survivors of Katrina. That was defeated on a straight party-line vote. Senator JACK REED tried to ensure an adequate supply of housing, and that was defeated on a straight party-line vote. Finally, Senator CANTWELL had an amendment to protect the Arctic National Wildlife Refuge in Alaska from oil drilling. We fought for these amendments on this side of the aisle. We reached out to the other side and asked: Join us, please join us, because we understand that together America can do better.

I believe the Republicans have misplaced priorities. Unfortunately, the good week we could have given the American people turned into a great week for special interests.

My distinguished friend, the majority leader, talks about all these great accomplishments we have had this past year. I am not going to talk about every one of the items he mentioned, but I will talk about the Energy bill.

The Energy bill did nothing to help the American consumer. All it did was give a big sop to the already fat and beefy oil industry. They had $100 billion in profits this year. I don't think it was much of an Energy bill. I really do believe we can do better.

The Republican budget we focused on this week cuts $27 billion from Medicare and Medicaid. It cuts housing, it cuts support for our farmers, and then turns around and spends billions on tax breaks for special interests and multimillionaires. The big tax cuts are going to come the week after next. We will wind up with $30 billion, if things go as has been indicated by the Finance Committee. I hope we can do better than that.

Let's take a look at the tax breaks. Those who make over $1 million will see a benefit of about $35,000. Those with incomes of between $50,000 and $200,000 will see a benefit of $112, and those with incomes of less than $50,000, the benefit will be $6.

Can't we do better than that? Yes.

Let's look at the lucrative benefits we handed out to the oil and gas industry in the Energy bill I spoke about earlier and, of course, opening the pristine Arctic National Wildlife Refuge to drilling. It takes our country in the wrong direction. We should diversify, becoming less dependent on oil as an energy source. We didn't do that in this legislation.

Finally, let's look at what we didn't do this week. We didn't do anything. Very minimally did we do anything to help those people who are the survivors and those who were devastated along the gulf coast. We didn't do anything to reduce energy prices. We didn't do anything to deal with the pension crisis we are facing in America. We did nothing to deal with the health care crisis we are facing in America. We have not passed the Terrorism Reinsurance Act.

I think most Senators have gotten calls from major companies who can't build. I got a call yesterday from one major hotel owner who has hotels all over the world who said they have in Las Vegas four properties they want to build and they cannot build them. They cannot get anybody to give them the insurance.

We have 2 weeks before our next recess, and we have much to accomplish. The American people are counting on us, and we on this side of the aisle, the Democrats, are going to do everything we can to not let them down. Just because you call something a Deficit Reduction Act doesn't mean it reduces the deficit, by definition of a Republican-controlled Washington.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry: Is the Senate now on the Defense bill?

The PRESIDING OFFICER. The Senator is correct. Will the Senator permit the Chair to make an announcement?

Pursuant to the order of October 26, all amendments previously pending to this measure are withdrawn.

The list of withdrawn amendments is as follows:

Withdrawn:

Inhofe amendment No. 1311, to protect the economic and energy security of the United States.

Inhofe/Kyl amendment No. 1313, to require an annual report on the use of United States funds with respect to the activities and management of the International Committee of the Red Cross.

Ensign amendment No. 1374, to require a report on the use of riot control agents.

Ensign amendment No. 1375, to require a report on the costs incurred by the Department of Defense in implementing or supporting resolutions of the United Nations Security Council.

Durbin amendment No. 1379, to require certain dietary supplement manufacturers to report certain serious adverse events.

Hutchison/Nelson (FL) amendment No. 1357, to express the sense of the Senate with regard to manned space flight.

Thune amendment No. 1389, to postpone the 2005 round of defense base closure and realignment.

Kennedy amendment No. 1415, to transfer funds authorized to be appropriated to the Department of Energy for the National Nuclear Security Administration for weapons activities and available for the Robust Nuclear Earth Penetrator to the Army National Guard, Washington, District of Columbia, chapter.

Allard/McConnell amendment No. 1418, to require life cycle cost estimates for the destruction of lethal chemical munitions under the Assembled Chemical Weapons Alternatives program.

Allard/Salazar amendment No. 1419, to authorize a program to provide health, medical, and life insurance benefits to workers at the Rocky Flats Environmental Technology Site, Colorado, who would otherwise fail to qualify for such benefits because of an early physical completion date.

Dorgan amendment No. 1426, to express the sense of the Senate on the declassification and release to the public of certain portions of the Report of the Joint Inquiry into the Terrorist Attacks of September 11, 2001, and to urge the President to release information regarding sources of foreign support for the hijackers involved in the terrorist attacks of September 11, 2001.

Dorgan amendment No. 1429, to establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism.

Salazar amendment No. 1421, to rename the death gratuity payable for deaths of members of the Armed Forces as fallen hero compensation.

Salazar amendment No. 1422, to provide that certain local educational agencies shall be eligible to receive a fiscal year 2005 payment under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965.

Salazar/Reed amendment No. 1423, to provide for Department of Defense support of certain Paralympic sporting events.

Collins (for THUNE) amendment No. 1489, to postpone the 2005 round of defense base closure and realignment.

Collins (for THUNE) amendment No. 1490, to require the Secretary of the Air Force to develop and implement a national space radar system capable of employing at least two frequencies.

Collins (for THUNE) amendment No. 1491, to prevent retaliation against a member of the Armed Forces for providing testimony about the military value of a military installation.

Reed (for LEVIN) amendment No. 1492, to make available, with an offset, an additional $50,000,000, for Operation and Maintenance for Cooperative Threat Reduction.

Hatch amendment No. 1516, to express the sense of the Senate regarding the investment of funds as called for in the Depot Maintenance Strategy and Master Plan of the Air Force.

Inhofe amendment No. 1476, to express the sense of Congress that the President should take immediate steps to establish a plan to implement the recommendations of the 2004 Report to Congress of the United States-China Economic and Security Review Commission.

Allard amendment No. 1383, to establish a program for the management of post-project completion retirement benefits for employees at Department of Energy project completion sites.

Allard/Salazar amendment No. 1506, to authorize the Secretary of Energy to purchase certain essential mineral rights and resolve natural resource damage liability claims.

McCain modified amendment No. 1557, to provide for uniform standards for the interrogation of persons under the detention of the Department of Defense.

Warner amendment No. 1566, to provide for uniform standards and procedures for the interrogation of persons under the detention of the Department of Defense.

McCain modified amendment No. 1556, to prohibit cruel, inhuman, or degrading treatment or punishment of persons under the custody or control of the United States Government.

Stabenow/Johnson amendment No. 1435, to ensure that future funding for health care for veterans takes into account changes in population and inflation.

Murray amendment No. 1348, to amend the assistance to local educational agencies with significant enrollment changes in military dependent students due to force structure changes, troop relocations, creation of new units, and realignment under BRAC.

Murray amendment No. 1349, to facilitate the availability of child care for the children of members of the Armed Forces on active duty in connection with Operation Enduring Freedom or Operation Iraqi Freedom and to assist school districts serving large numbers or percentages of military dependent children affected by the war in Iraq or Afghanistan, or by other Department of Defense personnel decisions.

Levin amendment No. 1494, to establish a national commission on policies and practices on the treatment of detainees since September 11, 2001.

Hutchison amendment No. 1477, to make oral and maxillofacial surgeons eligible for special pay for Reserve health professionals in critically short wartime specialties.

Graham-McCain modified amendment No. 1505, to authorize the President to utilize the Combatant Status Review Tribunals and Annual Review Board to determine the status of detainees held at Guantanamo Bay, Cuba.

Nelson (FL) amendment No. 762, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

Durbin amendment No. 1428, to authorize the Secretary of the Air Force to enter into agreements with St. Clair County, Illinois, for the purpose of constructing joint administrative and operations structures at Scott Air Force Base, Illinois.

Durbin amendment No. 1571, to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

Levin amendment No. 1496, to prohibit the use of funds for normalizing relations with Libya pending resolution with Libya of certain claims relating to the bombing of the LaBelle Discotheque in Berlin, Germany.

Levin amendment No. 1497, to establish limitations on excess charges under time-and-materials contracts and labor-hour contracts of the Department of Defense.

Levin (for HARKIN-DORGAN) amendment No. 1425, relating to the American Forces Network.

Mr. WARNER. Mr. President, now that we are on the bill, it is my intention to eventually deliver an opening statement, but in courtesy to our colleague from Florida—and I believe he will be followed by Senator MCCAIN to be followed by Senator ALLARD—I think we ought to proceed immediately to the amendments. Senator LEVIN and I will be on the floor to assist all Senators who wish to bring any matters to the attention of the Senate.

Mr. President, I ask unanimous consent that the Senator from Florida, Mr. NELSON, be recognized for 15 minutes, to be followed by the Senator from Arizona, Mr. MCCAIN, for such time as he requires, to be followed by the Senator from Colorado, Mr. ALLARD, to be followed on this side of the aisle—we are trying to alternate—with such amendments as Senator LEVIN may recommend.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

AMENDMENT NO. 2424

Mr. NELSON of Florida. Mr. President, I call up amendment No. 2424.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself, Mr. HAGEL, Mr. CORZINE, Mr. NELSON of Nebraska, Mr. SMITH, Ms. CANTWELL, Mr. DAYTON, Mr. KERRY, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. MURRAY, Ms. STABENOW, Mrs. BOXER, Mr. PRYOR, Mr. DURBIN, Mr. JEFFORDS, Mr. JOHNSON, and Mr. SALAZAR, proposes an amendment numbered 2424.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan)

At the end of subtitle D of title VI, add the following:

SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—Subchapter II of chapter 73 of title 10, United States Code is amended—

(1) in section 1450(c)(1), by inserting after "to whom section 1448 of this title applies" the following: "(except in the case of a death as described in subsection (d) or (f) of such section)"; and

(2) in section 1451(c)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (e) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (e) and that is adjusted by reason cf the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) RECONSIDERATION OF OPTIONAL ANNUITY.—Section 1448(d)(2) of title 10, United States Code, is amended by adding at the end the following new sentences: "The surviving spouse, however, may elect to terminate an annuity under this subparagraph in accordance with regulations prescribed by the Secretary concerned. Upon such an election, payment of an annuity to dependent children under this subparagraph shall terminate effective on the first day of the first month that begins after the date on which the Secretary concerned receives notice of the election, and, beginning on that day, an annuity shall be paid to the surviving spouse under paragraph (1) instead.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 643. EFFECTIVE DATE FOR PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

Section 1452(j) of title 10, United States Code, is amended by striking "October 1, 2008" and inserting "October 1, 2005".

Mr. NELSON of Florida. Mr. President, this is a very serious amendment to this Defense authorization bill, but I am compelled to add a couple of words to the colloquy that I had with the distinguished majority leader regarding the hurricanes.

In the huge tragedy that occurred with Hurricane Katrina and the continuing observations of the reconstruction efforts, attention has been lost to the severe losses that have occurred in the last week and a half in my State of Florida with a hurricane that hit with the force of a category 3 on the southeast coast of Florida and parts of that area having had winds of a category 5, with 20,000 residences lost.

We have now under consideration in the Department of Commerce appropriations subcommittee conference committee deliberations additional personnel for the National Hurricane Center, which hopefully the Senate's position will be taken which provides that additional personnel. But one huge, potential downfall is that we need some kind of backup for the high-flying jet, the G-4, the Gulfstream-4, that measures the steering currents that is owned by NOAA.

In the middle of this storm, that jet had to go down for maintenance. Lord knows what would happen if that jet had an accident and could not fly. The accuracy of our predictions of where the hurricane is going is 25 percent greater by being able to fly at 41,000 feet measuring those steering currents.

It is my hope that we can see coming out of the Senate a provision for a backup for NOAA, perhaps a jet shared with another agency, such as the Air Force or NASA, but that would give us that protection, and that accuracy, as we know all too well, is so important to warn people in the accurate path of that storm because then prediction becomes a matter of life and death.

Mr. President, I am honored today to speak about an amendment that is necessary to fix a longstanding problem in our military survivor's benefit system. The system in place right now, even with the important changes we have made recently, does not take care of our military widows and the surviving children in the way it should, and we should act now to correct this deficiency.

We don't have to go any further than the Good Book to remind us that one of our greatest obligations is to take care of the widows and the orphans.

That is what we have. This amendment will protect the benefit of widows and orphans of our 100-percent disabled military retirees and those who die on active duty.

I will give some background on how this problem developed. Back in 1972, Congress established the military Survivor Benefit Plan—SBP for short—to provide retirees' survivors an annuity to protect their income. If we have a military retiree and they are deceased, we want to protect the income of their survivors. This benefit plan is a voluntary program, and it is purchased by the retiree or it is issued automatically in the case of servicemembers who are active duty and who die on active duty.

Retired servicemembers pay for this benefit from their retired pay. Then upon their death, their spouse or dependent children can receive up to 55 percent of their retired pay as an annuity. So it is a plan that has been in place since 1972 which the retired military person can purchase, and they do.

Surviving spouses or dependent children of service-connected 100-percent disabled retirees or those who die on active duty are also entitled to dependency and indemnity compensation under the Department of Veterans Affairs. This is a separate program. So these surviving spouses or dependent children of service-connected disabled veterans are entitled to indemnity compensation.

So there are two different laws, two different eligibilities, but watch what happens under current law. The annuity paid by the Survivor Benefit Plan and received by a surviving widow or a child, what they pay for on the pie chart that is in red, this is already paid for for the surviving widow or the child. Under current law, they are also entitled, as a service-connected disability, to that under the Veterans' Administration. Under current law, one offsets the other. So what happens is the amount of the SBP is reduced by the amount of the DIC under current law, and a big slice of the pie, almost half of it, is lost when, in fact, the survivor is entitled under the law to both. So this big slice shows what they are losing.

I wish to introduce my colleagues to Jennifer McCollum. She is from Jacksonville, FL. This is her with her son and a photo of her husband, a U.S. marine who was killed in 2002 while deployed in support of the war on terror. Jennifer was 4 months pregnant when he was killed, and now she has realized that her survivor benefits are being taken away by that offset that I just described. That is what this amendment is going to stop. Jennifer's situation is unacceptable, and we have to fix it for the sake of the widows and the orphans.

I do not know of any other annuity program in the Government or private sector that is permitted to offset, terminate, or reduce payments because of disability payments a beneficiary may receive from another plan or program. That is the necessity for this amendment I am offering today.

It also makes effective immediately a change to the military SBP program that was enacted back in 1999. The Congress has already agreed that military retirees who have reached the age of 70 and paid their SBP premiums for 30 years should stop paying a premium. We agreed back in 1999 that when a person reached the age of 70 and they had paid their SBP premiums for 30 years, they ought to stop paying a premium. But what happened? Recently, we delayed the effective date for this relief until 2008.

The program began over 30 years ago. Under current law, people who signed up at the beginning must pay long beyond the 30 years that Congress intended. Do my colleagues know who this group is largely made up of? It is made up of World War II veterans. We call them the "greatest generation." Well, what it creates is the "greatest generation" tax in SBP, and we should not be delaying their relief any further.

This chart is going to give an example of the "greatest generation" tax. A lieutenant colonel or a commander in the Navy who joined SBP in 1972 when it began has paid 33 years and will continue to pay under the current law until 2008, for a total of 36 years. But someone of the same rank who retired 6 years later also will stop paying in 2008 under the current law, but they will have paid less. The older retiree will have paid 30 percent more over that time period.

Of course, many of those fighting men and women are going to pass away by then and never enjoy the paid-up status that Congress intended for them. This amendment I am offering today will fix the SBP system to make sure it provides what Congress intended for our military retirees.

The United States owes its continued strength and protection to generations of soldiers, sailors, airmen, and marines who have sacrificed throughout our history to keep us free. We owe them and those they leave behind a lot—no less than a President who suffered through war, President Lincoln, instructed us that ours is an obligation to care for him who shall have borne the battle and for his widow and for his orphan. Too often, we have fallen short of this care. I believe we must meet this obligation with the same sense of honor as the service they and their families have rendered.

We need to continue to do right by those who have given this Nation their all and especially for their loved ones they leave to us for our care. Remember the instructions of the Good Book: The greatest obligation is to take care of the widows and the orphans.

I reserve the remainder of my time.

Mr. WARNER. Mr. President, I am opposed to Senator BILL NELSON's amendment, and I intend to introduce a second degree amendment that would give the Commission on Veterans' Disability Benefits, which Congress established to study survivor benefits, the opportunity to complete its work before further changes are made to the Survivor Benefit Plan, or SBP.

I oppose Senator NELSON's amendment, because this blue ribbon Commission on Veterans' Disability Benefits has been established, is currently at work examining this issue, and, I believe, will provide vitally needed facts and recommendations regarding veterans' benefits.

The commission includes two Medal of Honor winners, two Distinguished Service Cross winners, and 6 winners of the Silver Star. They can be relied on to provide a comprehensive study. The commission was established to help the Congress, DOD, and the Veterans Administration determine what steps should be taken to best assist disabled veterans and their families. We should not implement another change to the SBP until the Commission completes its work.

Let's remember that in last year's Defense Authorization Act, the Senate significantly improved benefits provided under the SBP. Congress directed the elimination of the so-called "2-tier" system which reduced the monthly SBP annuity when the survivor reached age 62. This was a significant change that works to the benefit of military retirees and their spouses. We should stop and allow an assessment by the commission of the effect of that change before we conclude that the SBP is in need of change.

Here is another consideration: Senator NELSON's amendment does not take into account the great improvements in death benefits for military survivors that have been enacted this year. There has been an increase in the death gratuity—from $12,000 to $100,000—and an increase from $250,000 to $400,000 in the Servicemembers' Group Life Insurance, or SGLI. These changes clearly are substantial, and they have improved the quality of life for many of the survivors who my friend, Senator NELSON, advocates for today. There have been various other benefits implemented for retirees and their survivors since 2001.

I ask unanimous consent to have a list of these legislative improvements printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

National Defense Authorization Act (NDAA) and Other Leislation in Support of Retirees and Military Survivors

NDAA FY 2001—TRICARE for Life Benefit for Military Retirees (overage of 65 and their Families.—Under this program, TRICARE pays what Medicare does not pay, and a highly valuable pharmacy benefit at minimal cost.

NDAA FY 2002—Extension of Survivor Benefit Program SBP to All Active Duty Members.—This legislation gave SBP coverage, at no cost, to all military members' survivors who die on active duty.

NDAA FY 2003—Special Compensation for Certain Combat-Related Disabled Uniform Services Retirees ("Purple Heart Plus").—This afforded additional monetary monthly compensation for any disabled military retiree whose condition was the result of a wound or injury for which the Purple Heart was awarded, and also for retirees with combat-related disabling conditions rated at 60 percent or greater.

NDAA FY 2004—Elimination of prohibition on concurrent receipt.—This legislation (phased in through 2014) permits receipt of military retired pay and veterans' disability compensation. It provides additional payments for all disabled military retirees who have a rated disability of 50% or greater.

NDAA FY 2005—Survivor Benefit Plan Improvements.—Eliminated SBP "two tier" system (phased over three years) which will result in no reduction in monthly annuity when survivor becomes eligible for Social Security at age 62. Also directed an "open season for one year" that will enable retirees to opt in to SBP under prescribed conditions.

NDAA FY 2005—Accelerated Concurrent Receipt for 100 Percent Disabled.—This amendment eliminated the phase in period for collection of both military retired pay and veterans' disability compensation for individuals who have been rated at 100 percent disabled.

Emergency Supplemental FY 2005—Increased Death Gratuity.—This legislation approved payments of $238,000 to survivors of military personnel who died from combat-related causes retroactive to October 7, 2001, the beginning of Operation Enduring Freedom. This increased benefit is part of S. 1042.

Emergency Supplemental FY 2005—Increased SGLI.—This legislation, which has been made permanent by the Veterans' Committee, increased the maximum amount of Servicemembers' Group Life Insurance (SGLI) available from $250,000 to $400,000. Additionally, a Traumatic Injury Protection Program (TIPP) has been authorized that will provide lump sum payments of up to $50,000 to certain wounded and injured military personnel.

Commission on Veterans' Disability Compensation Established.—The 13 member Congressionally-chartered Commission begins its work.

Mr. WARNER. Mr President, the Department of Defense has opposed Senator Nelson's proposal.

I ask unanimous consent that the DOD points of opposition be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Elimination of Survivor Benefit Program Dependency and Indemnity Compensation

DOD POSITION: OPPOSE

The Department opposes eliminating the Survivor Benefit Plan (SBP) and Dependency and Indemnity Compensation (DIC) offset.

SBP and DIC for active duty deaths are fully funded by the Government. The offset of DIC from SBP avoids the duplication of Government benefits. Since retirees pay premiums to cover a portion of SBP funding, those premiums attributed to the reduction for DIC are returned to the beneficiary, generally in a lump-sum payment.

The policy is consistent with the private sector. In 2004, the Department contracted with the SAG Corporation to conduct a comprehensive review of military death benefits and compare them to other public and private sector benefits.

Their study found the SBP/IDIC offset to be consistent with the benefits offered by other employers. When more than one annuity is available to survivors, the survivors must generally choose one, or the annuities are sequential (one commences when the other stops).

An active duty election exists. The National Defense Authorization Act of Fiscal Year 2004 authorizes survivors of members who die on active duty who have children to elect to have the SBP paid to the children. Thus, for Service members who die on active duty, survivors have the option to pay DIC to the spouse and SBP in the children's name.

Eliminating the SBP offset for all widows entitled to DIC would cost the Military Retirement Fund more than $5 billion over 10 years.

The Department opposes costly efforts that serve to duplicate benefits.

Mr. WARNER. Mr. President, finally we can't ignore the cost of this amendment. CBO estimates the cost of Senator Nelson's changes to the SBP as $903 million in Fiscal Year 2006 and $9.3 billion over 10 years. This is all mandatory spending for which there is no provision in the budget resolution and no offset in the legislation before us.

I urge my colleagues to support my second degree amendment and look to the Commission on Veterans' Disability Benefits before we implement any further changes to the Survivor Benefit Plan.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 2425

Mr. McCAIN. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCain], proposes an amendment numbered 2425.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Relating to persons under the detention, custody, or control of the United States Government)

At the end of subtitle G of title X, add the following:

SEC. 1073. UNIFORM STANDARDS FOR THE INTERROGATION OF PERSONS UNDER THE DETENTION OF THE DEPARTMENT OF DEFENSE.

(a) In General.—No person in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility shall be subject to any treatment or technique of interrogation not authorized by and listed in the United States Army Field Manual on Intelligence Interrogation.

(b) Applicability.—Subsection (a) shall not apply to with respect to any person in the custody or under the effective control of the Department of Defense pursuant to a criminal law or immigration law of the United States.

(c) Construction.—Nothing in this section shall be construed to affect the rights under the United States Constitution of any person in the custody or under the physical jurisdiction of the United States.

SEC. 1074. PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT OF PERSONS UNDER CUSTODY OR CONTROL OF THE UNITED STATES GOVERNMENT.

(a) In General.—No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(b) Construction.—Nothing in this section shall be construed to impose any geographical limitation on the applicability of the prohibition against cruel, inhuman, or degrading treatment or punishment under this section.

(c) Limitation on Supersedure.—The provisions of this section shall not be superseded, except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

(d) Cruel, Inhuman, or Degrading Treatment or Punishment Defined.—In this section, the term "cruel, inhuman, or degrading treatment or punishment" means the cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.

Mr. McCAIN. Mr. President, I ask unanimous consent that at the conclusion of my remarks, letters from the Navy League of the United States and from Abraham Sofaer of the Hoover Institution to Patrick Leahy, which I think are important documents as far as constitutional aspects of this issue, be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCAIN. Mr. President, this amendment is identical to the one that was adopted by a vote of 90 to 9 on the appropriations bill, and it does the following: Establishes the Army Field Manual as the uniform standard for the interrogation of Department of Defense detainees and, two, prohibits cruel, inhumane, and degrading treatment of persons in the detention of the U.S. Government.

Because of the extraordinary support for this legislation and its importance to our men and women in uniform, it is imperative that these provisions remain on the appropriations measure which is now in conference, although I understand the conferees have not been appointed on the House side.

There is a rumor that with the inclusion in the authorizing bill, then an argument will be made to have it taken out of the appropriations bill, and then the authorizing bill would never reach agreement in conference. That is a bit Machiavellian. Most of all, it is very important because it thwarts the will of 90 Members of the Senate, an overwhelming majority of the House of Representatives, and an overwhelming majority of the American people.

I hope very sincerely that the inclusion of this provision on the authorization bill, which is important in the authorizing process, does not in any way give an excuse to have it removed from the appropriations bill.

I commend Congressman MURTHA for his leadership and efforts to date to offer a motion to instruct conferees to keep this amendment intact without modification. I hope that no one seeks procedural maneuvers to thwart the overwhelming majorities in both Chambers.

I thank the leadership of the Armed Services Committee, particularly our leader Senator WARNER, as well as the ranking Democrat, Senator LEVIN, who have provided guidance, leadership, and encouragement on this very important issue. I am very grateful for their leadership.

Let me be clear.

Mr. WARNER. Will the Senator yield?

Mr. McCAIN. I would be glad to yield.

Mr. WARNER. I ask unanimous consent to be an original cosponsor, as I have been consistently on the Senator's amendments. He will recall that our first meeting was when I was Secretary of the Navy when he returned from Vietnam. So our relationship on this issue has a long history, and I firmly believe it is in the best interest of the Department of Defense that this manual be the guide for our men and women of the U.S. military. I commend the Senator.

Mr. McCAIN. I thank the Senator. I ask unanimous consent that both Senator WARNER and Senator LEVIN be added as original cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I thank my dear friend. Maybe he does not want me to recall that was 32 years ago when we first had the opportunity of knowing each other, where I served under, with many layers in between, then Secretary of the Navy Senator WARNER. I remember the many kindnesses he extended to me and my friends who had returned at that time. I also recall—and I do not want to take too much time of this body—that Senator WARNER at that time had to make a very tough decision about a couple of people who had not performed to the standards we expected in that environment in Hanoi. Sometimes tough decisions have to be made, and I think Senator WARNER made a very correct decision at that time.

I might add, he has not aged a bit since that moment when I first saw him on my return.

Mr. WARNER. Mr. President, I think the RECORD should also reflect that in the course of my service as Under Secretary and Secretary of the Navy, I had the great privilege of working with the Senator's father, a naval officer without peer, distinction and achievement. He was commander in chief of all forces Pacific during several of those critical years in Vietnam when the Senator was incarcerated.

Mr. McCAIN. I thank my friend.

Mr. President, I say again on this issue, No. 1, it is not going away. It is not going away. If, through some parliamentary maneuver, temporarily the will of the majority of both Houses, both bicameral and bipartisan, is thwarted, it will be on every vehicle that goes through this body because you cannot override the majority of the American people and their elected representatives in a functioning democracy.

No one wants this issue to go away more than I. This issue is incredibly harmful to the United States of America and our image throughout the world. The article on the front page of the Washington Post the day before yesterday, describing prison systems that are run by the CIA—the CIA wasn't set up to run prisons.

I point out there is no nation in the world that faces a greater threat of terrorist attacks on a day-to-day basis than the State of Israel. The State of Israel Supreme Court decided, and its military and civil Government has implemented, a prohibition against cruel and inhumane treatment and torture, and they do not practice it. They do practice interrogation and, through various techniques—many of which I am sure are classified—that are not violations of the rules laid down by their Supreme Court, they obtain information, valuable and necessary information.

Why is it some people feel we should carve out an exemption for a branch of our Government to practice cruel and inhumane treatment or even torture? Let me tell you what the consequence of that is, in case of another war. If we get in another war and one of our men or women in the armed services is captured, they will be turned over to the secret police because they will use the same rationale that is being argued by the proponents for the continuation of cruel and inhumane treatment and torture, that they have to have this information. We all know we need intelligence. We all know it is vital. We know how important it is. But to do differently not only offends our values as Americans but undermines our war efforts because abuse of prisoners harms, not helps, us in the war against terror.

First, subjecting prisoners to abuse leads to bad intelligence because under torture a detainee will tell his interrogator anything to make the pain stop. Second, mistreatment of our prisoners endangers U.S. troops who might be captured by the enemy, if not in this war then in the next. And third, prisoner abuses exact on us a terrible toll in the war of ideas because inevitably these abuses become public, as was revealed—or at least a prison system was revealed; I don't know what goes on in them—on the front page of one of our major newspapers.

If we inflict this cruel and inhumane treatment, the cruel actions of a few darken the reputation of our country in the eyes of millions. American values should win against all others in any war of ideas, and we cannot let prisoner abuse tarnish our image.

Yet reports of detainee abuse continue to emerge, in large part because of confusion in the field as to what is permitted and what is not. That is why part of this amendment would establish the Army Field Manual as the uniform standard for the interrogation of Department of Defense detainees—so there is no confusion. Confusion about the rules results in abuses in the field and that is not just my opinion, but it is the opinion of GEN Colin Powell, GEN Joseph Hoar, GEN John Shalikashvili, RADM John Hutson, RADM Don Guter, and many others, those who have had the experience of being involved with treatment of detainees/POWs. These and other distinguished officers believe the abuses at Abu Ghraib, Guantanamo, and elsewhere took place in part because our soldiers received ambiguous instructions.

My friend from South Carolina is very aware and may chronicle the development of these guidelines for treatment of prisoners which was done without the consent of the military uniformed lawyers, and then a couple of months later, because of how outrageous they were, they had to be retracted. It is still not clear. It is still not clear what the practices are that are sanctioned in treatment of prisoners.

The second part of this amendment is a prohibition against cruel, inhumane, and degrading treatment. If that doesn't sound new, that is because it is not. The prohibition has been a longstanding principle in both law and policy in the United States. To mention a few examples: The prohibitions are contained in the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights, to which the U.S. is a signatory; and the binding Convention Against Torture, negotiated by the Reagan administration and ratified by the Senate.

Nevertheless, the administration has held that the prohibition does not legally apply to foreigners held overseas. They can, apparently, be treated inhumanely. That means America is the only country in the world that asserts a legal right to engage in cruel and inhumane treatment. How far have we come?

What this also means is confusion about the rules becomes rampant again. With this simple amendment we can restore clarity on a simple and fundamental question: Does America treat people inhumanely? My answer is no, and from all I have seen, America's answer has always been no.

I noted this for my colleagues' consideration when I mentioned this earlier. While the State of Israel is no stranger to terrorist attacks, in 1999 the Israeli Supreme Court issued a unanimous decision to this effect—it contained words we may wish to reflect on today. I quote from the Israeli Supreme Court:

> A democratic, freedom-loving society does not accept that investigators use any means for the purpose of uncovering the truth. The rules pertaining to investigations are important to a democratic state. They reflect its character.

As I have said many times in response to a few Members of the Senate: It is not about them; it is about us.

Let there be no question about America's character. In deciding these rules, each Member of this body has a vital role. Under article I, section 8 of the U.S. Constitution, the Congress has the responsibility for making—I quote from the U.S. Constitution: " . . . rules concerning captures on land and water." Not the executive branch, not the courts, but Congress.

Our brave men and women in the field need clarity. America needs to show the world that the terrible photos and stories of prison abuse are a thing of the past. Let's step up to this responsibility and speak clearly on this critical issue.

We should do it not because we wish to coddle terrorists; we should do it not because we view them as anything but evil and terrible; we should do it because we are Americans and because we hold ourselves to humane standards of treatment of people, no matter how evil or terrible they may be. America stands for a moral mission, one of freedom and democracy and human rights at home and abroad. We are better than these terrorists—and we will win. I have said it before, but it bears repeating: The enemy we fight has no respect for human life or human rights. They do not deserve our sympathy. But this isn't about who they are, it is about who we are. These are the values that distinguish us from our enemies, and we can never allow our enemies to take those values away.

I hope we could adopt this by voice vote at the appropriate time. Since we voted recently by a vote of 90 to 9, I don't see any reason why we should force people to be on record again.

Again, my heartfelt thanks to both Senator WARNER and Senator LEVIN. I hope we can make this issue go away so we can begin repairing the image of the United States of America throughout the world and still carry on a very effective intelligence capability this Nation so badly needs.

I thank my colleague.

EXHIBIT 1

NAVY LEAGUE
OF THE UNITED STATES,
Arlington, VA, November 1, 2005.

Hon. C.W. BILL YOUNG,
Chairman, House Appropriations Subcommittee on Defense, Washington, DC.

DEAR CHAIRMAN YOUNG: On behalf of the more than 65,000 members of the Navy League of the United States, I want to express our support for Sections 8154 and 8155 in the Senate's version of H.R. 2863, the Defense Appropriations Act of Fiscal Year 2006. These legislative provisions establish the U.S. Army Field Manual on Interrogations and the Convention Against Torture as the uniform standard for interrogation of individuals detained by the Department of Defense, and prohibit degrading treatment of detainees.

We encourage you to support adoption of Sections 8154 and 8155 in conference negotiations on H.R. 2863. America's hard-earned reputation for respect of the rule of law and human dignity is an integral part of our greatness as a Nation. The world will judge us by our actions, and our troops have a proven record of excellence. Establishing a written standard for interrogation will only underscore this superb record. The Navy League is proud to align itself with the position of numerous credible voices in support of this action.

On behalf of the men and women of the sea services, for whom the Navy League has advocated for more than 100 years, thank you for your consideration of this important concern.

Sincerely,

JOHN A. PANNETON.

HOOVER INSTITUTION,
Stanford, CA, January 21, 2005.

Hon. PATRICK J. LEAHY,
Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: I have read your letter of January 19, 2005, and am prepared to provide my views to you on the issue you raised

First, I must disassociate myself from those who have attacked Alberto R. Gonzales in connection with issues related to the Torture Convention. I support his appointment and urge you to vote for his confirmation. Judge Gonzales has relied on the opinions of other attorneys on this and other issues, and a distinction must be maintained concerning those opinions and his own considered judgments. Moreover, attorneys acting ethically and in good faith can reach different conclusions on issues. It is unhelpful in developing national policy when personal attacks are launched on those with whom we disagree, despite ample grounds for professional differences.

Second, I have read some but not all the documents to which you refer in your letter, and given the time available have relied on the material quoted in your letter and on my recollection with regard to the intentions of the Bush Administration in submitting the Convention for ratification.

Third, the issue in your letter, as you state, is not whether acts amounting to torture under the Convention are forbidden in areas within the jurisdiction of the US, but to which the Eighth Amendment would not apply. As I understand it, Judge Gonzales has made clear that he believes the Torture Convention and U.S. law require the U.S. government to undertake to prevent and to punish acts amounting to torture committed by US officials anywhere in the world.

Having made these disclaimers, I do not hesitate to say that I disagree with the merits and wisdom of the conclusion reached by the Department of Justice and cited in the response of Judge Gonzales concerning the geographic reach of Article 16 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Article 16 on its face limits the obligation of the United States to undertake to prevent cruel, inhuman, or degrading acts not amounting to torture to "territory under its jurisdiction." Within such territory, the US is obliged to undertake to prevent such "other" acts, even if they do not amount to torture.

As you state in your letter, the Senate agreed to ratify the Torture Convention at the urging of the Reagan and Bush Administrations, and one of its reservations was that in applying Article 16 the US government would not be obliged to undertake to enforce its provisions, anywhere, in a manner inconsistent with the US interpretation of its almost identically worded Eighth Amendment prohibiting cruel and unusual punishment. As I testified at the time, in writing and orally, the purpose of this reservation was to prevent any tribunal or state from claiming that the US would have to follow a different and broader meaning of the language of Article 16 than the meaning of those same words in the Eighth Amendment. The words of the reservation support this understanding, in that they relate to the meaning of the terms involved, not to their geographic application: "the United States considers itself bound by the obligation under article 16 . . . *only insofar as the term* 'cruel, inhuman or degrading treatment or punishment' *means* the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments. . . ." (Emphasis added.) The Department of Justice at the time characterized this reservation as "modest," and explained its purpose as being to use established meanings under the Eighth Amendment instead of the Treaty's vague terms that had not yet evolved under international law. No evidence of which I am aware indicates that the reservation was intended to enable the US to refuse to enforce Article 16 in any territory "under its jurisdiction."

The Department of Justice contends, as I understand it, that Article 16 has no application outside the territory of the US, because the Supreme Court has interpreted the Eighth Amendment to be inapplicable beyond our territorial limits. The Department reasons that since the Senate reservation limited enforcement of Article 16 to the US understanding of the Eighth Amendment's language, and since the Supreme Court has concluded that the Eighth Amendment is inapplicable beyond US territory, Article 16 itself is inapplicable beyond US territory. On the basis of my understanding of the purposes of the Convention, and of the purpose of the reservation related to Article 16 and the Eighth Amendment, I disagree with the Department's view and would urge the Attorney General Designate to accept a different view.

The US has been in the vanguard of efforts to protect human rights within the US and abroad. As President Bush has repeatedly affirmed, the dignity and equality of all human beings stems from natural law, i.e. the principle that the Creator of life has endowed us all equally with the right to be protected from abhorrent conduct. We agreed in the Torture Convention that all humans should be protected against official acts amounting to torture, or "other acts" covered by Article 16, and we undertook to "take effective legislative, administrative, judicial or other measures to prevent acts of torture" and the other acts covered by Article 16, when they occur "in any territory" under US jurisdiction. Article 2 of the Treaty requires us to take measures against acts of torture in territory under our jurisdiction, and we understand this to mean any territory, not just the territory of the US to which the Eighth Amendment is applicable. Since the underlying objective is the same everywhere—to prevent official acts of torture, cruelty, or other abuse covered by the meanings of the words involved which are within our legal capacity to prevent—no good reason can be given to conclude that the geographic scope of the words in Article 16 should be narrower than the geographic scope of the same words in Article 2.

In conclusion, the reference in the reservation to the Eighth Amendment's language was intended to prevent inconsistent interpretation of our obligations under Article 16, not to excuse us from abiding by its obligations within the "territory" to which it applies by its terms, i.e., territory that is within the jurisdiction of the United States. To interpret it to limit our obligation under Article 16 would arguably allow US officials to act inconsistently with the Treaty—and inconsistently with the Eighth Amendment—in parts of the world in which we have jurisdiction to prevent them from doing so. Judge Gonzales said in his testimony that "we want to be in compliance, as a substantive matter under the Fifth, Eighth and Fourteenth Amendment." I imagine that he and any other person who shares the President's beliefs would not condone or seek to protect any official from the full, potential consequences of behavior so offensive as to violate the cruel and unusual punishment clause in any place where the US has jurisdiction to prevent and punish such conduct.

I hope that these views are helpful to you and the Committee.

Sincerely,

ABE SOFAER.

Mr. WARNER. Mr. President, with regard to the McCain amendment on which I spoke in favor, I have an obligation as manager of the bill to present views of those who differ in some respects with Senator MCCAIN and myself.

I ask unanimous consent that the remarks made by Mr. Stephen Hadley, National Security Adviser to the President, on Wednesday, November 2, be printed in the RECORD. The material is taken directly from a transcript, which I presume is authentic.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESS BRIEFING WITH NATIONAL SECURITY ADVISOR STEPHEN HADLEY

Q. Can I ask you a quick one on another subject? Why does the administration feel it's necessary to maintain a network of secret detention centers around the world, out of sight of the Congress and the American people, and out of reach of American law and values?

Mr. HADLEY: There have been some press reports this morning that have touched on that subject. And as you can appreciate, they raise some issues about possible intelligence operations. And as you know, we don't talk about intelligence operations from this podium.

Q. Don't they also raise issue of our values and our reputation in the world?

Mr. HADLEY: Right, and I think the President has been pretty clear on that, that while we have to do what we—do what is necessary to defend the country against terrorists attacks and to win the war on terror, the President has been very clear that we're going to do that in a way that is consistent with our values. And that is why he's been very clear that the United States will not torture. The United States will conduct its activities in compliance with law and international obligations.

And in some of the issues involving detainees and the like, as you know, where they have been allegations that people have not met the standard the President has set, there have been investigations, and they have been of two forms. There are over a dozen investigations that have been done in the Department of Defense to find out what has been going on. Two things have happened as a result. There have been revisions of procedures and practices to ensure that the standard the President set is met; and then there have been investigations, prosecutions, and people punished for the failure to meet those standards. So we think that, consistent with the President's guidance, we are both protecting the country against the terrorists and doing it in a way that is consistent with our values and principles.

Q. If I could just press you on that, how do those self-correcting mechanism that affirm our values and laws, how do they work if the sites are secret to begin with?

Mr. HADLEY: Well, the fact that they are secret, assuming there are such sites, does not mean that simply because something is—and some people say that the test of your principles are what you do when no one is looking. And the President has insisted that whether it is in the public, or is in the private, the same principles will apply, and the same principles will be respected. And to the extent people do not meet up, measure up to those principles, there will be accountability and responsibility.

Mr. WARNER. Mr. President, before we move to a vote, I see another colleague who may wish to speak to this issue, the distinguished Senator from South Carolina, who has been very much a part of the integral working group of Senator MCCAIN, myself, and the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. I echo the general themes of Senator MCCAIN. This is an important event in the war on terror. He described very well that this is about us, not the terrorists. The terrorists are not having this debate in their world. There is not much debate going on about how they should behave toward innocent people, how they should behave toward people under their control. We know how they behave.

The war is about, Is that a justified way of doing business? The answer is, No.

Everyone condemns what they do, everyone who believes in freedom. This war is about two sets of values, theirs and ours. As we adjust in the war on terror, I think we have to understand that adjustment is necessary, but the adjustments cannot equate to eroding what we are fighting for. I am all for the PATRIOT Act. I think it has been very good that we adjust the way we have electronic surveillance. I think it has been very good that we allow the intelligence community and domestic law enforcement personnel to talk to each other about what is going on in the terrorist world. We are knocking some walls down with the PATRIOT Act that have made us less secure.

We are adjusting our military policy. We are adjusting our legal positions to adopt to a war that is new and different. Here is the new and different part about it: The enemy we are fighting is nontraditional in terms of the Geneva Conventions. I think the President instinctively got it right, right after 9/11. He made a declaration that al-Qaida members are not going to be treated under the Geneva Conventions, considered Geneva Conventions qualified. He was right because al-Qaida is not a standing army. It is a group of terrorists who are not fighting for a nation. They don't wear a uniform. They randomly attack civilians. To give them Geneva Conventions protection would be undermining the purpose of the Geneva Conventions that rewards people for playing fair.

The Geneva Conventions has within it reporting requirements and other devices that I think would undermine the war on terror. Some people that we catch, senior al-Qaida operatives or associates of al-Qaida, we don't want the world and their fellow terrorists to know we have them. Under the Geneva Conventions it would require reporting.

Here is what we are trying to do, with Senator MCCAIN's amendment. Even though they are not Geneva Conventions qualified, the President said they will be treated humanely. We have had interrogation techniques in the past for enemy combatants, people who do not fall under the Geneva Conventions, but they have never been in one source document. The Army Field Manual is an attempt on our part to provide clarity to the troops.

I have gone with the chairman to Guantanamo Bay and I asked the question to the interrogators: Is there anything in the Army Field Manual that would prevent you from getting good intelligence, being involved in interrogations that would be fruitful to protect our Nation? They said no. They don't see the Army Field Manual as written or being drafted or revised as an impediment to doing their jobs.

So what is the upside? The upside is the people in the Department of Defense—who may find themselves in a situation where they will have a group of prisoners, detainees, some Geneva Conventions qualified, some not—will have a source document. The reason we are doing this amendment is right after 9/11 there was an attempt by the Department of Justice to cut corners, in my opinion, to give strained legal reasoning to the Convention on Torture, trying to define what torture is in a way that would get our own people in trouble.

The idea that you could actually break bones and that not be torture under the convention, that it would have to be a near-death experience—that gets us in a very dangerous area about physical abuse. The point we were trying to make, and the uniformed JAGs were trying to make, is when you start that reasoning, you have to understand there are other laws on the books that govern our military.

The Uniform Code of Military Justice has a whole section about what is in bounds and out of bounds when it comes to detainees and how you treat detainees. It has an assault provision, making it a crime for a military member to degrade or assault someone in our charge.

The concern of the JAGs is that this new interpretation of the Convention on Torture allowing certain activity would put military personnel in jeopardy of being court martialed because of other laws on the books. Now is the time to reconcile this. Now is the time to come up with a standard that looks at every legal source of who we are and how we behave. The Army Field Manual will be one-stop shopping.

It will have interrogation techniques classified and unclassified that will be a roadmap of how we handle people at the Department of Defense who are non-Geneva qualified. It is the best thing we can do for the troops. Everybody is for the troops. We should be for the troops. If you are for the troops, I believe the best thing you can for them is to give them clarity so they will not run afoul of our values and our laws. It is the best thing we can do to help them as they execute this war on terror when it comes to interrogating people.

The second part of Senator McCAIN's amendment is equally important but for a different reason. Abu Ghraib happened. Things happen on our watch in war that we are not proud of. But that happens in every war. The fact that some people make mistakes, some people commit crimes, some people go too far, is a part of war. How you deal with it is really about you.

What has made us different is that we hold our own people accountable, and we don't let the end justify the means. We have been doing that for a very long time because we are trying to set a value system in place that will be good for the world. And when we take someone who is a member of the military and prosecute them for abusing a prisoner, that is different in a lot of places in this world. If we are prosecuting people for abusing prisoners, the worst thing we could do is confuse people about what is in bounds and what is out of bounds. That is why the Army Field Manual is necessary. But the statement Senator McCAIN is making about treating people humanely and cruel and unusual punishment interrogation techniques being out of bounds applies to everybody in the Government.

I believe we have to make a decision soon that that is what we are going to do for many years to come. The war on terror is going to be a long, hard road. We are going to be constantly asked to adapt to win the war. The question is, Should we sometimes set aside exceptions that are totally different than the way we have lived our lives for 200 years to win this war? My answer is, Absolutely not, because this war is not about taking down a capital, sinking a navy, or capturing an army; this war is about tolerance, values, religion, and respect for human rights. This war is truly about character.

I believe with all my heart and all my soul that what happened in Abu Ghraib is an aberration in terms of the men and women in the military. It doesn't reflect on who they are and what they believe. But it has done great damage to this country. To the terrorists, they are not the audience; it is those millions of people out there who are looking at democracy, checking under the hood, and trying to figure out which way to go.

As a nation, we need to say as strongly as we can that no terrorist will have a safe haven. We are coming after you. We are going to fight you to the death. But if we capture a terrorist, we will want good information. We want to try them for their crimes, but once we have them in our charge, then it becomes about us because if you do not practice what you preach, your children will go astray if you are a parent. If you do not practice what you preach, your value set that has made you a great nation, standing out in a world in a unique way—you will tarnish who you are. The only way we are going to win this war is to have American values shine brightly. And character is about doing the right thing when nobody watches.

I am hopeful that we can have a compromise and accommodation between the executive branch and the legislative branch on this issue; that we can have a policy statement that if you are in the hands of the CIA or a non-DOD agency, you can be interrogated aggressively, but you will be treated with a value set that this country has been fighting for in the past and is fighting for now. As the President reaffirmed just days ago, no matter where the prison is, no matter whether it is a prison known or unknown, American values follow that prisoner. That is what it has to be.

Can we do better language? Maybe. I am certainly openminded to working on language that makes who we are crystal clear. But I will not entertain a retreat. I will not entertain an exception that washes away what we have been standing for and fighting for and what over 2,000 young men and women have died for.

The courts are confused. The courts are crying out for congressional involvement. The executive branch is trying to adapt. I really do believe that the best thing we could do for this President and all future Presidents is for the Congress to get into the game and be an ally on how you detain, interrogate, and prosecute enemy combatants. That is missing. We have been AWOL. It is now time for us to step up to the plate and exercise our constitutional responsibility—not to weaken the Presidency but to make the executive branch stronger in the eyes of the courts.

If you had a policy that was signed off on by the Congress, signed off on by the executive branch, I am totally convinced that the judicial side of our Government would be much more deferential. They are telling us that. What benefit would that be? We could go to the world, and this President and the next could say that America at every level of Government is united. We are going to have aggressive interrogation techniques, we are going to detain people who are enemy combatants, and we are going to take them off the battlefield. And some of them are going to stand trial for their crimes. But we are going to do it together, and we are going to do it within our values. That would be the strongest message we could extend to the world. It would be the right message to send to our own troops. If we do not get this right now, people after us are going to pay a heavy price.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I followed that statement with great care. I commend the Senator. I think he articulated the key issues. He used the word "compromise" and keeping an open mind.

I wish to assure those who are following this that our group that supports Senator McCAIN's amendment have taken careful consideration of the continuing need to collect our intelligence, first and foremost to protect our troops and, of course, first and foremost to protect our citizens back here in this Nation from terrorists or other attacks.

It is a balanced approach that we have tried to take on this, a careful one, thoughtfully moving each step of the way and entertaining carefully the views of others who have views different from our own.

Mr. KENNEDY. Mr. President, the war against terrorism is as much as a contest of values and ideals as it is a military conflict. In this struggle, America should lead as it always has, setting an example by treating others as we would want to be treated ourselves, even in times of war.

This golden rule has been tarnished and abandoned by the Bush administration. As a result, for much of the world, the American face in the war on terror is represented by images of torture and abuse. The "anything goes" attitude at the highest levels of the Bush White House has made the war on terror much harder to win. And it has placed our own soldiers at risk throughout the globe, should they be captured.

How can we demand that the rest of the world abide by standards of common decency when we abuse prisoners ourselves?

So I come to the floor today in strong support of the McCain amendment to protect American honor by ensuring clear rules for the interrogation of prisoners. This common sense proposal ensures that we have one standard of interrogation for our Government, and it makes sure the rules are clear so that our interrogators and case officers know what the limits are.

Before September 11, 2001, everyone knew what the limits were. They were clearly laid out in the Army Field Manual, our laws, and our treaty obligations. Yet this administration began systematically taking those rules apart.

COL. Larry Wilkerson, the chief of staff to Secretary Powell, said on NPR yesterday, "The Secretary of Defense, under cover of the Vice President's office began to create an environment . . . of allowing the President in his capacity as Commander-in-Chief to deviate from the Geneva Conventions."

William Taft, the State Department legal advisor in President Bush's first term, knew the consequences of that fundamental shift. In an address at American University, he said that the decision to violate international standards "unhinged those responsible for the treatment of the detainees . . . from the legal guidelines for interrogation . . . embodied in the Army Field Manual for decades. Set adrift in uncharted waters and under pressure from their leaders to develop information on the plans and practices of al Qaeda, it was predictable that those managing the interrogation would eventually go too far."

The Judge Advocate Generals from the Air Force, Navy, Army and Marines—in other words, the chief lawyers for every one of the uniformed services—warned that the adoption of interrogation policies contrary to the Geneva Conventions would result in grave harms. These are all professional military lawyers who have dedicated their lives and distinguished careers to serving the men and women in uniform and protecting their Nation. In an extraordinary set of memos they strongly opposed the legal theories foisted on them by the administration's lawyers. The JAGS warned that the policies would harm not only our efforts to stop terrorism, but would also put U.S. forces at risk who were themselves detained in this and future conflicts. One legal scholar called the administration's case some of the worst legal reasoning he had ever seen.

As Air Force Major General Jack Rives said: "We need to consider the overall impact of approving extreme interrogation techniques as giving official approval and legal sanction to the application of interrogation techniques that U.S. forces have consistently been trained are unlawful."

Yet: despite the condemnation of these new interrogation policies by experienced diplomatic and military personnel alike, the administration persists in pursuing these disturbing practices. Just last week, Vice President CHENEY himself suggested that the CIA should be exempt from the prohibitions against cruel, inhuman, and degrading treatment. As of this week, it is clear why. The CIA apparently is holding more than a hundred detainees in secret prisons around the world to interrogate them with the techniques roundly rejected by the military lawyers.

This is unacceptable. In America, no one is above the law. There is no reason the CIA—or any other agency of our government—should be immune from American norms and standards of conduct.

This amendment will make our message clear. As Americans, not only do we fight for our ideals, but we live by them. We can no longer tolerate ambiguity when it comes to the very standards we are trying to enforce around the world.

In the first gulf war, our compliance with the Geneva Conventions—the international gold standard for treatment of captives—was called "the best of any nation in any conflict in the history of the Conventions" by the International Red Cross, the organization charged with overseeing compliance with the conventions.

There are good reasons that we should abide by the Geneva Conventions. They protect our own troops. The Conventions require that all captured combatants or prisoners of war must be visited by the Red Cross to help assure the world that their treatment is humane. The International Red Cross visited U.S. servicemen held prisoner in Kosovo in the 1990s. They visited our troops held in the first gulf war.

As Milt Bearden, a former CIA official, wrote in this morning's New York Times, "the treatment of prisoners generally reaches symmetry in any war." In other words, if we abuse prisoners in a war, others will abuse our soldiers if they are taken prisoner.

As Mr. Bearden pointed out, our actions make a difference, even in extreme situations. He wrote, "The policy of three presidents—Jimmy Carter, Ronald Reagan, and George H.W. Bush—was that both the Afghan mujahedeen insurgents we supported and their Soviet adversaries would be treated within the precepts of the Geneva Conventions when taken prisoner. I can state without reservation that the United States used its influence consistently to promote that policy, with overwhelmingly positive results."

Sadly, our treatment of detainees at Abu Ghraib, in Afghanistan, Guantanamo, and other sites, makes it far more difficult for us to guarantee the protections of the Geneva Conventions for our military if they are captured, and degrades the international consensus against such abuse.

America must lead by example. After the abuse of the detainees at Abu Ghraib, President Bush said, "Their treatment does not reflect the nature of the American people. That is not the way we do things in America."

Let's make the President's bold words into a reality and adopt the McCain amendment.

Mr. President, I ask unanimous consent that full text of Mr. Bearden's oped be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 4, 2005]

WHEN THE C.I.A. PLAYED BY THE RULES

(By Milt Bearden)

Today the Supreme Court justices are expected to debate whether they will hear a case involving a Yemeni named Salim Ahmed Hamdan, who is accused of being Osama bin Laden's driver. A federal appeals court found that Mr. Hamdan, who was captured in Afghanistan in 2001 and is being held at Guantanamo Bay in Cuba, was not entitled to the protections of the Geneva Conventions; he has appealed to the high court.

If the court does not choose to review the appellate court's decision, and then overturn it, America's national security will be endangered. I say that based on my experience as the senior American intelligence officer during the final three years of the Soviet occupation of Afghanistan (1986 to 1989). And I also feel that our intelligence agencies and military commanders should make clear to the Bush administration that our country's most fundamental commitments of humanitarian treatment have long been extended to the Afghan battlefield.

The policy of three presidents—Jimmy Carter, Ronald Reagan and George H. W. Bush—was that both the Afghan mujahedeen insurgents we supported and their Soviet adversaries would be treated within the precepts of the Geneva Conventions when taken prisoner. I can state without reservation that the United States used its influence consistently to promote that policy—with overwhelmingly positive results.

When in Pakistan, I oversaw America's covert support to the Afghan resistance that had begun in December 1979. Throughout that war, countless thousands of Afghan insurgents fell into the hands of Soviet forces; a far smaller number of Soviet soldiers were taken prisoner by the Afghan irregulars. I urged the Afghans, the Pakistani officers who supported them, and the politicians on both sides of the "zero line" (the Afghan border with Pakistan) that all combatants taken prisoner deserved the protection of the Geneva Conventions. My most effective argument was founded on reciprocity—that the treatment of prisoners generally reaches symmetry in any war.

The Afghan war was exceptionally brutal, with more than a million Afghans killed, a million and a half wounded, and three million more driven into exile by the Soviet invaders (who had 15,000 of their own killed). Early in the conflict, the Afghans were brutal to their prisoners, using them as beasts of burden and objects of amusement in traditional knife play; the Soviets responded in kind. But as American involvement deepened, the Afghans were persuaded to change that behavior; at the same time, the Soviet troops, too, began treating their prisoners in accordance with international protocols.

One incident in particular drives home the wisdom of this policy. In early August 1988, I was informed that a Soviet Su-25 ground attack aircraft had been brought down, lightly damaged, that day by antiaircraft fire in eastern Afghanistan. Was I interested in "buying" it?

I was delighted. An Su-25, a superb plane often called the Frogfoot, would nicely augment the equipment the United States had been collecting from the Afghan battlefield over the previous decade. After a little haggling, I agreed to give the Afghan guerrillas eight Toyota pickup trucks and a few rocket launchers in exchange. Almost as an afterthought, the Afghans told me they had also taken the pilot, a silver-haired colonel. Was I interested?

I was, indeed, interested. I remembered that just after I arrived in Pakistan, I was shown a photograph of a Soviet pilot in a silver flight suit, up to his waist in snow, skin burned by the relentless sun, with a bullet hole in the side of his head. His Tokarev semi-automatic pistol was still clutched in his hand. He had killed himself rather than be captured by insurgents. Back then, Soviet pilots had it particularly rough when captured.

I had made it clear from that moment that American policy was that captured pilots be treated as prisoners of war under international agreements, and that I would offer rewards for any pilots used in prisoner exchanges, repatriated to the Soviet Union, or, if they so desired, resettled in the West.

I threw in another couple of Toyotas and the pilot came with his downed aircraft in a sort of package deal. The colonel was handed over to the Pakistanis—not wanting to create an incident, I stayed clear of him, though I did make sure he knew that a condominium in Phoenix, or wherever, was an option open to him. He eventually chose to return to the Soviet Union, where he was hailed as a national hero. Part of the swap, though, was the extraction of certain guarantees from the Soviet commanders that their treatment of Afghan prisoners would reach "symmetry" of a sort with the treatment of that pilot.

The story didn't end there, however. The next time I saw that colonel he was on TV, helping beat back the 1991 coup against Mikhail Gorbachev. He soon became Boris Yeltsin's vice president, then turned on Mr. Yeltsin in 1993. His name is Aleksandr Rutskoi, and he remains a voice for democracy and one of President Vladimir Putin's leading critics.

There are two salient points here. First, the present war in Afghanistan must be seen as part of a struggle that has been under way for more than a quarter-century. The Afghan insurgents themselves are not likely to distinguish to any large degree the differences between being taken prisoner by the Soviets in Mazar-i-Sharif in 1985 or by the Americans in the same tortured city in 2005.

The second thing being missed, or more likely ignored, is that there was an American policy toward insurgents taken prisoner by the Soviets in Afghanistan during the Soviet occupation. That policy was to urge both sides toward accepting that the Geneva Conventions applied, and to reach a point where each side treated its prisoners within established rules. In the case of Colonel Rutskoi, a graphic point was made to both sides.

It is a point that has become muddied in the Hamdan case. The issue is not whether Mr. Hamdan is a Qaeda terrorist, but whether as a captive of the United States he should be treated under the traditional rules of the Afghan conflict—that is, under international norms. A unilateral change in those rules dictated by America—the latest in the line of foreign powers to find themselves in Afghanistan—is not only unseemly, but would also put our troops there and elsewhere in the struggle against terrorism in harm's way.

The questions of applicability and enforcement of the Geneva Conventions posed by the Hamdan case should not go unanswered by the Supreme Court. We are a better nation than that.

The PRESIDING OFFICER. All time is yielded.

The question is on agreeing to the amendment.

The amendment (No. 2425) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we had announced earlier—I see my distinguished colleague, a member of the Armed Services Committee, Senator REED—that we would move to Senator ALLARD and then follow with the Senator from Rhode Island, Senator REED.

AMENDMENT NO. 2423

Mr. ALLARD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 2423.

Mr. ALLARD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize a program to provide health, medical, and life insurance benefits to workers at the Rocky Flats Environmental Technology Site, Colorado, who would otherwise fail to qualify for such benefits because of an early physical completion date)

On page 378, between lines 10 and 11, insert the following:

SEC. 3114. RETIREMENT BENEFITS FOR WORKERS AT ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) PROGRAM AUTHORIZED.—Subject to the availability of funds under subsection (d), the Secretary of Energy shall establish a program for the purposes of providing health, medical, and life insurance benefits to workers at the Rocky Flats Environmental Technology Site, Colorado (in this section referred to as the "Site"), who do not qualify for such benefits because the physical completion date was achieved before December 15, 2006.

(b) ELIGIBILITY FOR BENEFITS.—A worker at the Site is eligible for health, medical, and life insurance benefits under the program described in subsection (a) if the employee—

(1) was employed by the Department of Energy, or by contract or first or second tier subcontract to perform cleanup, security, or administrative duties or responsibilities at the Site on September 29, 2003; and

(2) would have achieved applicable eligibility requirements for health, medical, and life insurance benefits as defined in the Site retirement benefit plan documents if the physical completion date had been achieved on December 15, 2006, as specified in the Site project completion contract.

(c) DEFINITIONS.—In this section:

(1) HEALTH, MEDICAL, AND LIFE INSURANCE BENEFITS.—The term "health, medical, and life insurance benefits" means those benefits that workers at the Site are eligible for through collective bargaining agreements, projects, or contracts for work scope.

(2) PHYSICAL COMPLETION DATE.—The term "physical completion date" means the date the Site contractor has completed all services required by the Site project completion contract other than close-out tasks and services related to plan sponsorship and management of post-project completion retirement benefits.

(3) PLAN SPONSORSHIP AND PROGRAM MANAGEMENT OF POST-PROJECT COMPLETION RETIREMENT BENEFITS.—The term "plan sponsorship and program management of post-project completion retirement benefits" means those duties and responsibilities that are necessary to execute, and are consistent with, the terms and legal responsibilities of the instrument under which the post-project completion retirement benefits are provided to workers at the Site.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated to the Secretary of Energy in fiscal year 2006 for the Rocky Flats Environmental Technology Site, $15,000,000 shall be made available to the Secretary to carry out the program described in subsection (a).

Mr. ALLARD. Mr. President, I rise today to discuss the incredible achievements of the workers at the Department of Energy's Rocky Flats Environmental Technology Site and to offer an amendment on the behalf of these workers.

Rocky Flats is located just a few miles northwest of Denver, Co, and for over four decades, this facility was the Department of Energy's dedicated site for manufacturing plutonium pits for the U.S. nuclear weapons stockpile. This highly classified production facility was run by over 8,000 Coloradoans who worked day and night for most of the cold war and used some of the most dangerous substances known to man, including plutonium, beryllium, and uranium.

The workers at Rocky Flats were devoted to their job and believed in their mission. They risked their lives on a daily basis, but did so with the knowledge that their efforts were contributing to the security of our Nation.

When plutonium pit production ended in 1991, it was unclear what role these workers would play in the cleanup of Rocky Flats. They could have walked away from the job. Yet the workers at Rocky Flats were not ready to quit. They saw a new challenge in front of them—the cleanup of Rocky Flats.

Their task was anything but simple. Five large plutonium processing facilities, encompassing over a million square feet, were highly contaminated with dangerous radioactive material. The contamination was so severe that these buildings were ranked among the top 10 most contaminated facilities in the Department of Energy nuclear weapons complex.

I, however, had faith in the workers at Rocky Flats. I am pleased that the workers at Rocky Flats have not disappointed us. The cleanup at Rocky Flats was declared completed on October 12 of this year, a full year and 3 months ahead of schedule.

We must keep in mind that most of these workers had to literally develop an entire new skill set. They went from manufacturing plutonium pits to dismantling over 1,400 highly radioactive gloveboxes.

They tore down buildings while wearing stiff environmental protection suits. They cleaned up rooms that were so contaminated that they were forced to use the highest level of respiratory protection available.

Listen to some of the Rocky Flats workers' accomplishments:

All weapons grade plutonium was removed in 2003.

More than 1,400 contaminated glove boxes and hundreds of process tanks have been removed.

More than 400,000 cubic meters of low-level radioactive waste has been removed.

All 802 facilities have been demolished.

All four uranium production facilities have been demolished.

All five plutonium production facilities have been demolished.

All 360 sites of soil contamination have been remediated.

The last shipment of transuranic waste was shipped this past April.

Completion of the cleanup—1 year and 3 months ahead of schedule.

Just as important, these workers were extraordinarily productive even though they knew they were essentially working themselves out of a job. With the completion of the cleanup and the closure of Rocky Flats, they knew they would have to find employment elsewhere. There was no guarantee for a new job.

Despite knowing they were going to lose their jobs, the workers at Rocky Flats remained highly motivated and totally committed to their cleanup mission.

Given the sacrifice and dedication demonstrated by these workers, you would think assisting those workers who lose their retirement benefits because of the early completion of the cleanup would be a top priority for the Department of Energy. After all, these workers saved the Department billions upon billions in cleanup costs.

Last year, however, it became clear that the cleanup at Rocky Flats would be completed much earlier than anyone expected. The workers were supportive of early closure, but were concerned that some of their colleagues would lose retirement benefits because of early closure.

I shared their concern and requested in last year's Defense authorization bill that the Department of Energy provide Congress with a report on the number of workers who would not receive retirement benefits and the cost of providing these benefits. After a lengthy delay, the Department of Energy reported that about 29 workers at three cleanup sites would not receive pension and/or lifetime medical benefits because of the closure, and the cost of providing benefits to these workers, according to DOE's report, was just over $12 million.

To my dismay, the Department of Energy report was woefully incomplete. I was informed later at least 50 workers would have qualified for retirement benefits had the Department of Energy bothered to include those workers who had already been laid off because of the accelerated closure schedule. This means as many as 75 workers at Rocky Flats will lose their pension, medical benefits or, in some cases, both because they worked faster, less expensively, and achieved more than they were supposed to. They not only worked themselves out of a job, but they also worked themselves out of retirement benefits and, most importantly, medical care.

Workers such as Doug Woodard and Leo Chavez now find themselves with either severely reduced benefits or no benefits at all. Doug started work at Rocky Flats all the way into 1982 and was responsible for monitoring radiation contamination at the site. He missed qualifying for medical benefits by less than 2 months. For Leo Chavez, who worked at Rocky Flats for 17 years, DOE's treatment was even worse. The Department of Energy thanked him for his service and showed him the door 6 working days before he qualified for lifetime medical benefits—I repeat, just 6 days before he qualified to medical benefits.

Sadly, the Department of Energy has failed to step up to the plate and help these workers who did so much to save American taxpayers so much money. Instead, the Department of Energy has played the numbers game with these workers. The Department argues that the contract signed with the workers already provided sufficient incentives, and those individuals already received an additional year of service time. Yet the Department will not bring up the numbers that matter most.

Here are a couple of examples. We saved over $35 billion, the amount of money the Department of Energy in 1995 thought would be needed to clean up Rocky Flats. That was with the 60-year cleanup schedule. Then we came in with a plan to dramatically shorten that length of time by one-tenth. The amount of money the American people saved when employees at Rocky Flats agreed in 1999 to accelerate the cleanup at Rocky Flats was $28 billion.

Now, $600 million exists. That is the amount of money the American taxpayer saved on top of the $28 billion because the workers at Rocky Flats exceeded even the accelerated cleanup schedule by over a year.

The Department of Energy does not talk about the hundreds of millions the American people will save when workers at the Savannah River, Hanford, and Idaho cleanup sites see they will not be punished for accelerating their cleanup activities. Many of the workers at Rocky Flats have served our Nation for over two decades. They have risked their lives, day in and day out, first by building nuclear weapons components and then by cleaning up some of the most contaminated buildings in the world. All they have asked for in return is to be treated with fairness and respect. To the great disappointment of the workers at Rocky Flats, the Department of Energy has no intentions of keeping its end of the bargain. These workers would have received their retirement benefits had the cleanup continued to 2035, as originally predicted. More importantly, these workers would have received their retirement benefits had the cleanup continued to December 15 of 2006, a little over a year, as the site cleanup contract specified. By accelerating the cleanup by over a year and saving the American taxpayer over $600 million, many of these workers will be left without the medical, health, and life insurance benefits they deserve and have earned.

The Department's refusal to provide these benefits has ramifications far beyond Rocky Flats. Because Rocky Flats is the first major DOE cleanup clean site, workers at other sites around the country are watching to see how the Department of Energy treats the workers at Rocky Flats. Unfortunately, they have seen how the Department of Energy has failed to step up and provide retirement benefits to those who have earned it. The workers at other sites now have no incentive to accelerate cleanup. The question is, why should they? The Department of Energy hasn't lifted a finger to help the workers at Rocky Flats. It would be foolish for the workers at other sites, such as Hanford and Santa Ana River, to think the DOE would act fairly with them.

To me, the Department's decision is penny wise and pound foolish. By refusing to provide these benefits, the Department saves money in the short term. Yet by discouraging the workers from supporting acceleration, the Department is going to cost the American taxpayer billions in additional funding in the long run.

To correct this mistake, I offer an amendment that will provide some of the benefits to those workers who will have lost them because of early closure. I am pleased my colleague from Colorado, Senator SALAZAR, has agreed to cosponsor this important amendment. This amendment is limited and narrowly focused. It provides health, medical, and a life insurance benefits to those workers who would have qualified had the site remained open until December 15, 2006, the date of the site cleanup contract. This amendment does not add to the budget. In fact, all it does is direct that a very small portion of the money already provided in this bill for Rocky Flats be used to help those workers.

To be clear, these benefits are not an additional bonus for a job well done, nor is it a going away present for two decades of service. The benefits—the health, medical, and life insurance benefits—are what these workers have already earned, nothing more and nothing less.

Some might suggest these workers already received a bonus and a year's worth of service time as part of their contract. Yet by closing a year early, the Department of Energy has taken many of the bonuses away from the workers, including the year of service time promised to them.

The workers at Rocky Flats are ordinary people who achieved some extraordinary goals. They made the impossible possible. We, in this Senate, have an obligation to correct the injustice being perpetrated by the Department of Energy. In my view, it is time for this Senate to correct this mistake.

I have, in the Senate, a number of illustrations to share with Members of the Senate. This is a picture of Rocky Flats in 1955. The whole area was covered with construction. Most believed at that time it would take 70 years and cost the American taxpayer $35 billion to clean up Rocky Flats. The Department of Energy found several buildings in this complex to be among the most contaminated in the country. Building 771, in particular, was dubbed by the national media as the most dangerous building in Colorado.

Now I will proceed to some of the challenges we had. This picture reflects the glove boxes. The most dangerous task the workers at Rocky Flats had was to dismantle and eventually ship out over 1,400 highly contaminated glove boxes. The workers placed their hands in the gloves and worked with the contaminated material inside the boxes to break these down and eventually ship them out. It was a real challenge. They had been used primarily to fashion the plutonium pits and other nuclear weapon components. Obviously, they were highly contaminated. Eventually, they had to be shipped out as a whole unit in order to dismantle these glove boxes.

The next illustration is the cleanup and demolishing of buildings at Rocky Flats, another dangerous task. The actual demolishing of the buildings and structures of Rocky Flats occurred with some very contaminated buildings. Specialized machinery had to be brought in and extra care had to be used to ensure the safety of all involved, as well as to prevent radiation exposure. The workers had to learn how to work in a new way in these cleanup processes. They had to use many techniques to protect themselves in buildings in which the very same workers had been working not too long before, building triggers for the same nuclear weapons.

The next illustration is Rocky Flats in 2005. I want the Members to compare the two illustrations. This is Rocky Flats before cleanup; this is Rocky Flats after cleanup. We are getting back to the prairie and the plains in Colorado. We have a great view of the mountains, with no buildings. This is Rocky Flats 2 weeks ago. There are no buildings, no waste deposits, no fences, not even asphalt. All this remains an open space.

The workers at Rocky Flats achieved this. They should be proud about saving the American taxpayer over $600 million. They completed the mission a year and 3 months ahead of schedule. They worked safely and in a manner that we can all be proud.

To give an idea of the kind of people we are talking about, here are some of the workers at Rocky Flats. This is a group of them. They are ordinary people. They performed their duties with professionalism and extraordinary competence. They made the impossible possible and achieved more than we ever expected. They deserve the benefits they would have received had they not worked as hard or had they waited until the date specified in the site cleanup time practice. They saved the American people over $600 million. It is the least we can do to provide them with the benefits they have earned.

I remind the Senate, it is time to act, it is time to correct this mistake.

I yield the floor and I reserve the balance of my time.

The PRESIDING OFFICER. The Senator reserves the balance of his time.

Under the unanimous consent, the Chair recognizes the Senator from Alabama.

Mr. SESSIONS. Mr. President, I see Senator REED is here. I will make a few comments on Senator ALLARD's amendment if that is all right. I ask the unanimous consent be modified to the extent that I be allowed to speak for a few minutes now and that Senator REED then be recognized immediately thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I thank Senator ALLARD for his leadership in the Senate, his superb leadership on the Committee on Armed Services. We miss him. But he is also on the very important Committee on Appropriations. I am sure he had a painful decision to make, but I am sure it is a decision in which his constituents will join in his decision to leave us and go to Committee on Appropriations.

The Senator knows this issue because he dealt with it for so many years. In particular, he used to chair the subcommittee that I now chair that deals with the issue. He has been committed to dealing with and promptly and effectively eliminating the difficulties at Rocky Flats. Our country is in his debt and the debt of those people who have helped make the cleanup possible. Therefore, the Senator knows why I am most reluctant to oppose his amendment as written, but I must do so. I share a few thoughts about it.

The amendment reaches into a relationship between contract employees for the Government who were performing environmental cleanup and their employer, which was a private contractor, Kaiser Hill. Kaiser Hill won this contract with the Department of Energy to perform the cleanup work. They hired people under certain terms and agreements in a negotiated contract with their employees. They were hired under that basis.

So, in effect, the Government is undertaking now to modify, amend, alter, and fund additional moneys that relate to that contract between the contractor and the employees. It directs the Secretary of Energy to instruct Kaiser Hill to grant retirement and health benefits to employees which those employees would have earned if the cleanup had taken longer than it actually did.

The cleanup of Rocky Flats did not take as long as some predicted, but everyone knew this was a contract that would end promptly or at least at a certain date in the future. It came in quicker, for which everyone is delighted. But there was no doubt people knew it was not a permanent, lifetime contract.

So Rocky Flats is no more. Our country is the better for it. If you go to the site, you will see, as Senator ALLARD has shown, an empty space on that Colorado plateau. The workers for the most part have dispersed and gone on to other jobs. Many Government contracts complete early or do not run as long as originally anticipated. That is a fact. We cannot start down the road of altering the benefits of contractor workers when this happens, particularly when we have a contract that we know is not going to be for an extended period of time.

Also, I would call to the attention of all our Members that the Government and the contractor were not unaware of this problem, and they advanced 1 full year of credit toward retirement and health care benefits for every employee who was terminated. They also realized at some point that the contract was going to be terminated early.

So union negotiations took place, and an agreement was reached. It was agreed that,based on the termination date, additional funds would be paid to compensate the employees. As I understand it, $4,200 turned out to be the bonus, the incentive package, payment that they received as a result of completing the contract early. In other words, it gave them cash money they could use as a benefit or money they could utilize to transition to another employer.

The Department of Energy is very concerned that this amendment alters the bargain struck between Kaiser Hill and its employees. Most of the Kaiser Hill employees were covered under collective bargaining agreements, and staggered layoffs were anticipated as the cleanup neared.

I would like to offer, Mr. President, for the Record, and do offer for the Record, a summary of the benefits that were made available to the employees as a result of the anticipated early termination of this contract. I ask unanimous consent that summary be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

ROCKY FLATS EMPLOYEE BENEFIT INITIATIVES

The Department of Energy has instituted, through its closure contractors, numerous incentives to reward employees for accelerating closure. Rocky Flats-Kaiser Hill has implemented many benefit initiatives and has dedicated a significant percentage of their fee to support closure. The following lists the initiatives:

Retirement Plan Improvements—A "Rule of 70" was put in place that allows a laid off employee to retire if their age and years of service equal at least 70 and the employee is less than age 50. This was reduced from the "Rule of 80." This reduction results in an investment of tens of millions of dollars in additional retirement benefits provided to workers. The Rule of 70 allows employees access to retiree medical coverage. Upon layoff, they will be eligible for a reduced pension benefit which they have the option of taking in a lump sum distribution.

Robust Workforce Transition Program—This program was implemented to provide many services, including an onsite Career Transition Center, job search training, resume development, counseling, job fairs, and financial planning. Approximately 2000-2500 people took advantage of this program over the last two years.

Severance Pay for Steelworkers—Lump sum severance pay was provided for steelworkers. Workers receive one week severance pay for every year of service up to 20 years plus an additional lump sum amount. 313 workers received a $5,000 lump sum payment and 358 workers received $7,000. (The amount was increased in October 2004).

Bonuses—880 steelworkers received up to $4,200 in performance bonuses. 365 salaried employees receive several thousands in bonuses as well. On-the-spot bonuses are also provided.

Improved Savings Plan—The 401(k) program was revised to allow hourly steelworkers employees immediate plan participation, and a Company match after 1 year of service. This of course is in addition to traditional pension program.

Enhanced Tuition Reimbursement Program—This program provides funds for education and retraining in non site specific careers for employees. This is available for two years after an employee is terminated.

Entrepreneurial Resource Program—This program provides up to $5000 assistance for new business endeavors.

Leave Incentives—This program removes caps on paid leave accrual, which allows employees to bank unused vacation time; this provides employees with the opportunity to build an additional financial cushion.

Relocation Incentives—This is provided for those who relocate to another DOE site. Actual cost or $5,000 is available. This is available for two years after an employee is terminated.

Mr. SESSIONS. Mr. President, I say this: This was anticipated. Compensation for early termination was negotiated and agreed upon. And at whatever date you choose, some will be out of it, and some will be in it.

So I note this: In the Deficit Reduction Act we just completed yesterday, we had a lot of talk about the fiscal situation in which this country finds itself. There was debate about the hard choices we face as a nation so we do not burden our children and grandchildren with obligations that, in retrospect, were not wise.

I respect my colleague from Colorado as much as I respect any Senator in the Senate. I commend the workers at Rocky Flats for what has been achieved. I am proud of that. But I believe, as we face this amendment as written, the concerns of the Department of Energy are legitimate, principled concerns. They are not skinflinty concerns, mean-spirited concerns, but a genuine concern that this is not a road we need to go down.

What if we agree to build so many aircraft and we cut that number in half? We do that every day. The number of ships, contracts are terminated based on the terms of those contracts, and closure penalties are paid, and we go on. We do not need to have the politicians come in and redo those.

So I respect my colleague from Colorado. As written, I am of the belief the Department of Energy's concerns are justified; therefore, I must reject and ask my colleagues to not support this amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Alabama yields the floor.

The Senator from Colorado.

Mr. ALLARD. Mr. President, I would like to respond briefly, if I may.

First of all, I would like to state for the record, I was the chairman of the Strategic Subcommittee on Armed Services before my good friend and colleague from Alabama took over that responsibility. I congratulate him for a job well done. There are some very difficult issues relating to cleanup. Rocky Flats is the first major nuclear facility in the country that has been cleaned up. This program has not been moved forward like it should be moving forward. I think it is important we leave a good taste with the workers because workers at other plants are obviously going to be watching what happens at Rocky Flats.

I would like to comment, the $15 million we have in here does not add to the spending picture. It is out of the savings that comes from early closure, which is about $600 million. So you can bring it down to about $575 million. I think that is still a pretty good savings.

My point is, workers at these other nuclear sites, they will be less willing to buy into these incentive contracts if they feel somehow or other the members cannot get health insurance and life insurance. We already have limited this amendment. We limit it to health insurance.

How would you like to be a citizen out there shopping for health insurance, being exposed to radiation to one degree or another for 15 years? Insurance companies do not insure those kinds of risks. So it is tough. For life insurance, it is the same thing because the incidence of cancer and everything is well known. It is elevated whenever there is increased exposure to radiation, particularly in the amounts we are talking about being handled out there in Rocky Flats. They do not care whether it is a little amount of exposure or a lot of exposure. A little amount of exposure would not be a problem with a lot of them, but it is the same concern that comes out of the insurance company; they do not try to differentiate.

So we have workers out there, and we are just talking about their health insurance and life insurance. I think that it is a small price to pay to be fair to these workers.

My hope is we can continue to negotiate with the Department of Energy. I hope we continue to negotiate with the staff and my good friend from Alabama. Perhaps maybe we can tighten this down if we have to, but we have already tightened it down a lot. We have it listed to a very specific group of employees from certain dates. We have tightened it down just to insurance and health benefits and nothing else. But we will look and work with them to see if perhaps maybe we can find a different way so we do not set a precedent. I am sensitive to that, that we do not set an unfair precedent. But we have to be fair to the workers, too.

I thank the Armed Services Committee and my good friend from Alabama. I know they have some real concerns. They have shown a willingness to want to work with us, so I thank them for that gesture.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I say to my colleague, maybe there is something that can be worked out. I look forward to continuing discussions.

I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor.

Does the Senator from Colorado yield back?

Mr. ALLARD. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 2427

Mr. REED. Mr. President, I send an amendment to the desk on behalf of myself and Senator LEVIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Rhode Island [Mr. REED], for Mr. LEVIN, for himself and Mr. REED, proposes an amendment numbered 2427.

Mr. REED. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available, with an offset, an additional $50,000,000 for Operation and Maintenance for Cooperative Threat Reduction)

At the end of subtitle C of title II, add the following:

SEC. 330. ADDITIONAL AMOUNT FOR COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) INCREASED AMOUNT FOR OPERATION AND MAINTENANCE, COOPERATIVE THREAT REDUCTION PROGRAMS.—The amount authorized to be appropriated by section 301(19) for the Cooperative Threat Reduction programs is hereby increased by $50,000,000.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, is hereby reduced by $50,000,000, with the amount of the reduction to be allocated as follows:

(1) The amount available in Program Element 0603882C for long lead procurement of Ground-Based Interceptors is hereby reduced by $30,000,000.

(2) The amount available for initial construction of associated silos is hereby reduced by $20,000,000.

Mr. REED. Mr. President, I ask unanimous consent that Senator KERRY, Senator FEINGOLD, and Senator LAUTENBERG be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, we have spent the last several days making difficult decisions about national priorities with respect to spending. We also have to continue to make these difficult decisions within the context of the Defense bill.

The amendment I propose today, along with Senator LEVIN and my colleagues, would transfer $50 million from the Missile Defense Program to the Cooperative Threat Reduction Program. I believe this amendment properly reallocates scarce resources so we can deal with an immediate threat. That immediate threat is the proliferation of nuclear materials and nuclear weapons.

When President Bush first took office in 2001, he made missile defense one of his highest priorities. Since fiscal year 2002, approximately $45 billion has been spent on missile defense. In fact, this represents a huge amount. If you look back to 1984, when President Reagan began the search for a strategic defense initiative—we have spent, since President Bush took office, half again the amount of money that was spent from 1984 to 2002. This has been a huge program.

It has been named as a priority by the President. In fact, the Missile Defense Agency, as a result, rushed to field a system—any system—in fact, a system that many claim—and it seems to be the case—does not work very well.

So last year, six ground-based interceptors were placed in silos at Fort Greely in Alaska. Two interceptors were placed in silos in Vandenberg Air Force Base. In September 2004, President Bush declared that this missile system was operational. A seventh interceptor was put in place at Fort Greely last month.

Now, one of the critical aspects of declaring a system operational, it seems to me, is successful testing. Unfortunately, this element—successful testing—seems to be absent from the present ground-based system. In fact, it is highly questionable whether this is at all operational.

In missile defense, interceptor tests are critical, and they should involve a real missile intercepting a real target. These tests are the only means to truly assess whether a missile defense system has a chance to work against an enemy missile.

The first intercept flight test of the system was conducted in December 2002, and it was a failure. Over the next 2 years, seven other planned tests that were contemplated were canceled because of technical reasons. In December 2004, 3 months after the missile defense system was declared operational—3 months after we supposedly had a working system—the Missile Defense Agency conducted only the second integrated flight test on this multibillion dollar system. It failed. On February 14, 2005, there was another integrated flight test, and it, too, failed.

After three consecutive failures, Lieutenant General Obering, the Director of the Missile Defense Agency, established an Independent Review Team to examine test failures and recommend steps for improving the test program. The team made some interesting observations. The team's report stated:

> With the focus on rapid deployment of the Ground-based Midcourse Defense system, there was not always adequate opportunity to fully ground test the system prior to each flight attempt.

The team also found:

> Schedule has been the key challenge that drives daily decision making in the program.

What you have here today has been a rush to failure, a succession of flight test failures, a premature declaration of operational characteristics of the system. No one will argue that the development, in a deliberate way and in a technically feasible way, of a missile defense system is not a good thing for the country, but what has happened over the last several years has been this rush to failure.

In addition to the evaluation team I previously mentioned, General Obering requested RADM Kate Paige to direct a Mission Readiness Task Force to study the review team's recommendations and put the program on a path to success.

This task force made the following recommendation:

> There will be a significant increase in ground testing of all systems, components and processes before resuming flight testing. Contractors will be held accountable for their performance. The first flight test will not be an intercept test and the first intercept test will not take place for more than a year.

I commend General Obering and the Missile Defense Agency for implementing these recommendations, for realistically assessing their technical capacity, for realistically beginning to test on the ground before they fly, for doing the things that are both prudent and necessary in this regard. The next interceptor flight test is not scheduled until a year from now, so we will not know until fiscal year 2007 whether the problems that led to the past test failures have been fixed.

Let me evaluate where we are. We presently have nine interceptors in the ground, but we do not know if they will work because we have not had a fully successful flight test. In addition, the administration has requested and Congress has provided most of the money for 30 more interceptors. So we have nine in the ground which we have not adequately tested, and we have also, through the President's request and the majority's concurrence, purchased 30 more of these interceptors. Yet in the President's fiscal year 2006 budget request, he requested long lead funding for an additional 10 operational interceptors. These are in addition to 30 interceptors we are already buying on top of the 9 we have in the ground, all of which have not been adequately tested.

Furthermore, it must be noted there is also the issue of production rate capacity. Production rate capacity for the interceptor is 1 per month, or 12 per year. That means the Defense Department is seeking funding for more missiles than can be built in 1 year.

As we all know, this is an annual authorization process. There is no need to pay for more interceptors than can be built in 1 year, especially when there is no guarantee that any of them will work in operational circumstances.

At this point the responsible thing to do is to slow down funding and reallocate the money to a more pressing threat. That is what this amendment does. This amendment takes $30 million from the long lead procurement for more interceptors and $20 million for funding for initial construction of silos to house these interceptors and increases funding for the Cooperative Threat Reduction Program by $50 million. As we all know, the goal of the Cooperative Threat Reduction Program is to eliminate the threat of unsecured nuclear material from falling into the wrong hands.

A 2001 task force, chaired by former Senator Howard Baker and former White House Counsel Lloyd Cutler, studied nonproliferation programs for almost a year and concluded:

> The most urgent unmet national security threat to the U.S. today is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops abroad or citizens at home.

That was before September 11. Certainly since September 11, this warning is much more ominous and should be much more closely followed.

It is estimated that Russia has approximately 16,000 nuclear weapons stored at 150 to 210 sites. Only about 25 percent of these sites have received any upgrades for security in the past 5 years. At the rate planned in the fiscal year 2006 budget request, it would be around 2011 or 2012 before work at only a portion of the sites would be completed to bring them up to the levels of security and safety that we would feel confident this nuclear material would not be stolen, misplaced, or somehow diverted into the wrong hands.

Because of the agreement between President Putin and President Bush at the February summit in Bratislava, we have a unique opportunity to improve security at an additional 15 sites. The problem, of course, is funding. The cost of securing these 15 sites is $350 million, funding that is not in this budget. This project deserves top priority. This amendment provides some funding—not complete funding—$50 million toward securing nuclear material.

As I have said before, I support the concept and, deployment of a system that has been tested and truly works for national missile defense. I think it is a system we should pursue. But I also believe the Missile Defense Agency is more than adequately funded for its fiscal year 2006 mission, and some money can and should be diverted to more pressing needs without harming this missile defense program.

This amendment does not affect the funding or deployment of the first 30 ground-based interceptors. They will continue to be built and deployed. Again, this is all in a situation in which we haven't had a truly effective, complete flight test of even the first missiles we have acquired.

This amendment does not touch $53 million included in the bill for long lead funding for eight test missiles. It is essential to produce these missiles for testing.

This amendment simply takes into account that only 12 interceptors can be produced in a year so the funding for the 6 that cannot be used should be reallocated to the dire threat of nuclear proliferation so that no one, no terrorist, can obtain nuclear material or a nuclear device because we have been negligent in securing those materials along with other countries, and use those weapons against our soldiers in the field or citizens here at home.

We have an obligation. The most existential threat that faces this country is a terrorist, nonstate actor obtaining a nuclear device, surreptitiously moving into the United States or some other area of vital interest to the United States, and detonating that device. The more we do to resist and thwart that threat, the more we are responding to the true threats that confront this country.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I will speak in opposition to this amendment, but to accommodate a colleague who has remained on the floor, I yield such time as the distinguished Senator from Colorado, a former member of our committee, former expert on our committee on this subject, needs.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I miss the leadership on the committee and the committee. I like to stay involved in many of the issues the committee is still working on because of the importance of the many military installations in my own State and because it is good for the country.

I have some problems with the amendment proposed by Senators LEVIN and REED. The first is it is reducing a program that has already been reduced at $1 billion by the Department of Defense for fiscal year 2006 and over a longer period of time, from 2006 to 2007, for a total of up to $5 billion in this very vital program for our Nation's security.

The other concern I have is, the money they are taking here is going to another program that hasn't spent all the money we gave it last fiscal year. I don't see a need, when they haven't spent all their money in the previous year.

I talk about the program itself because I think sometimes this amendment brings up where we are going in missile defense and some of the questions there. I understand the amendment eliminates $30 million for long lead funding for ground-based interceptor missile defense and then $20 million for associated silo construction. Currently, we have nine ground based-interceptors emplaced to protect the United States against a long-term limited ballistic missile attack. The $50 million is supposed to be transferred to what we call the Cooperative Threat Reduction Program, which is fully funded in the bill we have before us and is $7 million more than we had last year. My understanding is the same program last year had $107 million in unobligated funds remaining after the 2005 fiscal year. So an additional $1.6 billion is funded for DOE nonproliferation programs in addition to this. I think we have put plenty of money in that area.

We do have a need in missile defense, and we should not back away from our plan or obligation to develop missile defense because of threats that we potentially could have from countries such as North Korea and Iran, for example. This amendment unnecessarily delays by 1 year the fielding of the ground-based interceptors scheduled for 2009. We simply cannot afford to delay it any more because we do have real and imminent dangers as based on the testimony from General Cartwright, Commander of the U.S. Strategic Command. I do believe North Korea is a threat. We have already had testimony a number of years back from the Director of Intelligence that missiles launched out of Korea have the capability of reaching our west coast. Now North Korea is ready to flight test another ICBM that many of us feel—and we have been informed—will reach the United States. Iran may have such a capability in 2015, according to the DIA. So we are facing a real threat.

We have already acted on this issue in the Defense appropriations bill. The long lead funding for ground-based interceptors 31 through 40 was included in this year's fiscal year 2006 Defense appropriations bill. And in the report language, the bill added $200 million to the budget request "to maintain the production schedule for ground-based interceptors."

With this amendment, we are backing off of that commitment we put in the appropriations bill. I don't think we should run counter to the Defense appropriations bill.

Mr. WARNER. Mr. President, I thank the Senator for bringing that point up. He is on that committee.

Mr. ALLARD. I am.

Mr. WARNER. Therefore, you were participating at the time this took place.

Mr. ALLARD. That is correct.

Mr. WARNER. And were the Senate to accede to the Reed amendment, it would, in effect, be overruling or reversing what the Appropriations Committee, through the conference report, will presumably bring before the Senate in a matter of days.

Mr. ALLARD. That is right. We would be reversing the Senate action on that. I appreciate the chairman emphasizing that point.

I do think it is important that we move ahead. Myself and two other members on the Armed Services Committee made a special trip out to the southern part of the test bed. We went to where they were launching the target missile. We have had a few failures, but you learn from failures. Our testing is not intended to be 100 percent successful. It is spiral development. We are pushing the system to its limits. Occasionally you learn from failures. We have had four successful prototype launches, and of the operationally configured booster we now have, we have had three successful flights. One of the problems we have in some of these tests is the target we were supposed to be launching wasn't launching. So we made a special trip to look at what was happening with missile defense in the southern part of the test bed.

I have to tell you, it is very impressive. There are three aspects to it. There is short range, midrange and long range. The role of the naval forces in this program is very impressive. Ground forces are coming along. Now we are working on some of the longer range missiles through the Air Force. I was impressed.

The target missile, unfortunately, the first time it didn't launch was because of a computer glitch. That has been corrected. The second one was because you had the wrong part in the wrong place and the arms, when they were supposed to retract for the missile, didn't come back all the way so the missile didn't launch. This was human error, things that were errors that should not have happened. They have been corrected. It didn't have to do with new technology. It is things we have had. We have been launching for years missiles out of silos, and this was the wrong part in the wrong place at the wrong time so launch did not occur.

We have run into these kind of things. Hopefully, they don't happen again. Fundamentally, the technology is there. We need to rely on it. The threat is there, and we need to be prepared for it.

I rise in opposition to the Levin-Reed amendment and thank Chairman WARNER for giving me an opportunity to make a few comments in this regard.

Mr. WARNER. Mr. President, we thank our former member, the Senator from Colorado.

Would the Chair kindly advise the managers as to the time remaining on both sides for this amendment?

The PRESIDING OFFICER. There is 22 minutes remaining in opposition and 20 minutes in favor.

Mr. WARNER. Mr. President, at this time I would like to grant time to our distinguished colleague from Alabama, a member of the Armed Services Committee, bearing in mind it is the desire of the manager to leave time for Monday. There are other colleagues on our side who wish to speak in opposition. We are pleased he will take the time to join us.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be notified at 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I oppose this amendment that would eliminate $50 million in long lead funding for missiles 31 to 40 of the ground-based interceptor, a key component of the missile defense system protecting the United States against limited long-range ballistic missile attack. Senators LEVIN and REED have argued these funds would be better spent on the Department of Defense Cooperative Threat Reduction Program, but it is already fully funded at $415 million.

I don't believe they have spent all of their previous appropriations, and we are being asked to make a choice between these two issues.

In addition to authorizing the requested $415 million for the Department of Defense Cooperative Threat Reduction Program, the bill provides $1.6 billion for the Department of Energy nonproliferation programs. We have a lot of money being spent in these issues. These accounts are fully funded. They were not reduced. They do not need additional funding, especially not by taking money from our ballistic missile defense system.

While CTR is fully funded, it is important, please, to note that the Department of Defense, in its last-minute preparations of the 2006 budget, bit the bullet. They had some tough decisions to make, and they made a decision that I regretted but one I guess I would acknowledge and yield to, to make significant cuts in our missile defense program.

This year's request represents a $1 billion reduction, while the Missile Defense Agency has programmed a $5 billion overall reduction in years 2006 through 2011. So the Department of Defense did not reduce the Cooperative Threat Reduction Program and fully funded it, but they did make cuts in missile defense of a significant amount.

The $50 million identified as an offset for this amendment specifically targets the long-lead funding for ground-based interceptor missiles 31 through 40 and associated silo construction. These missiles are scheduled for manufacture in 2007, in the 2007 timeframe, for deployment in 2009 and 2010 to actually be deployed. Eliminating these funds would delay fielding this important defensive capability even while our intelligence and military officials tell us there is a near-term threat. Additionally, the amendment would cause a break in the GBI ground-based interceptor production line that would cost some $270 million to restart, according to General Obering.

I want to make that clear. This is the problem we are dealing with. We have cut that budget significantly. We have tightened up the missile defense budget. We have reduced it $1 billion a year, $5 billion in 5 years, but if we cut it any more, as this amendment suggests, we will break the production line that is ongoing today because if a manufacturer can't keep his employees producing at least a minimum number of missiles, then the assembly line breaks, and under the contracts and other ramifications, General Obering has estimated that it would cost some $270 million to restart that line.

The sponsors of this amendment argue that these missiles have not been sufficiently proven through operational testing, and they point to recent test difficulties as evidence that further procurement of GBIs is unwise at this time.

While I believe the GMD system requires additional testing—we are going to have additional testing, we must have additional testing—I would argue that the Missile Defense Agency has conducted sufficient ground and flight intercept testing over the past 5 years to provide the confidence necessary to acquire the basic ground-based interceptors on the current schedule.

I would point out that in fiscal year 2004, the annual report to Congress by the Director of Operational Test and Evaluation notes that "the test bed architecture is now in place and should have some limited capability to defend against a threat missile from North Korea."

The independent review team, established by the Missile Defense Agency to investigate the test problems, found that recent test problems are attributable to quality control factors rather than the basic technology necessary to hit a missile with a missile. In fact, it has been proven. For example, between 2001 and 2002, MDA conducted four out of five successful intercept tests using a GBI prototype, while in 2003 and 2004, MDA conducted three successful test flights with the GBI booster.

According to the director of MDA, it is unlikely we will discover something in our testing in the next year or 2 that would require any major redesign of the system.

With respect to the threat that we face, General Cartwright, the commander of the U.S. Strategic Command, has testified before the Armed Services Committee that "we have a realistic threat. We have an imperative."

The Director of Central Intelligence has testified that the North Korean Taepo Dong 2 missile is capable of reaching the United States with a nuclear warhead and that North Korea could resume flight testing at any time.

The Director of the Defense Intelligence Agency confirmed this assessment as recently as April 28 in a hearing before the Senate Armed Services Committee, and he has testified separately that Iran will have the capability to develop an intercontinental missile by 2015.

In closing, I ask for your support for the continuing production of the GBIs through missile No. 40 by defeating this amendment. The GBI production line has been stretched to the limit by slowing production to some 8 to 10 missiles a year, the result of Congressional actions last year. Moreover, General Obering recently announced plans to divert another four operational GBIs. Denying additional funding for additional missiles will break the assembly line.

Mr. President, I would oppose this amendment. I respect my colleagues but feel that we should not break the assembly line at the time.

I yield the floor.

Mr. WARNER. Mr. President, speaking on my time under my control on this amendment, I wish to express my opposition to this Levin-Reid amendment would transfer $50 million from the Ground-based Midcourse Defense, GMD, program to the Cooperative Threat Reduction Program. The impact of this amendment would be, first and foremost, to delay the fielding of ballistic missile defense capabilities to protect the U.S. homeland against the threat posed by long-range ballistic missiles; and secondly, to cause a break in the production of ground-based interceptors, GBIs—a production break that would cost the government $270 million to restart.

While I agree with the sponsors of this amendment that the Cooperative Threat Reduction Program is an important national security initiative, the defense of our homeland against the growing threat of long-range ballistic missiles is equally, if not more, important.

Asking us to choose between missile defense protection and CTR is a false choice: we need to do both. And, in fact, this bill fully funds the President's requested amount for both programs.

The bill before the Senate authorizes the requested amount of $415.5 million for CTR programs within the Department of Defense, and $1.6 billion for other non-proliferation efforts in the Department of Energy. There is no current need for extra CTR funds: in fact, the CTR program has an unobligated balance of some $100 million. With a backlog in spending, it is hard to understand why the proponents of this amendment think that more money is needed at this time for the CTR program.

The President's budget for missile defense, on the other hand, has already taken its share of cuts. Due to last minute decisions made at the Pentagon as the fiscal year 2006 budget was being finalized, the missile defense budget request was reduced by $1 billion in fiscal year 2006, and $5 billion overall between fiscal year 2006 and 2011.

Sponsors of this amendment argue that we should not provide long-lead funding for GBI missiles 31–40 because of recent test failures. I am mindful of the recent difficulties encountered by the GMD system test program, but in my view—and that of independent test authorities—these difficulties do not represent serious technological hurdles for the GMD program. Indeed, such problems are to be expected during the research and development phase of complicated weapon systems.

To get at the root cause of these testing problems, the Director of the Missile Defense Agency, to his great credit, commissioned an independent review team, IRT, to examine these recent GMD test failures. The IRT found no fundamental GMD system design flaws related to the recent test failures. Moreover, the IRT found no evidence that major modifications of the current system hardware or software will be required. In other words, it is unlikely that future testing will find some major fault in the system that will require a costly retrofit to fielded GBIs.

For those of my colleagues concerned about testing, I point out that this bill before you contains a provision—developed in a bipartisan fashion during the committee's markup—which requires the Missile Defense Agency, the service operational test agencies, and the Director of Operational Test and Evaluation to plan and conduct tests that demonstrate the operational capability of the ballistic missile defense system. The bill also reallocates $100 million from longer term development efforts to GMD testing, consistent with the recommendations of the independent review team.

The current and growing threat posed to our country by long-range ballistic missiles argues for proceeding without delay with the Department's approach of concurrent testing and fielding of ballistic missile defense capabilities for the homeland.

Some of my colleagues suggest that because the current system is not fully proven, we should not procure additional missile interceptors. To this I would respond that General Cartwright, Commander of U.S. Strategic Command—the senior military official charged with advising the Secretary of Defense and the President on missile defense matters—has testified, with respect to the current GMD system, that "in an emergency, we are in fact in the position that we are confident that we can operate and employ it."

In addition, the Pentagon's chief independent weapons tester, the Director for Operational Test and Evaluation, noted in his most recent Annual Report to Congress that "the test bed architecture is now in place and should have some limited capability to defend against a threat missile from North Korea."

In my view, it is a good thing that we have some capability—albeit limited—to defend the homeland against long range missiles. For as General Cartwright testified before the Senate Armed Services Committee in April, "we have a realistic threat here; we have an imperative."

General Cartwright is referring to CIA and DIA estimates that the North Korean Taepo-Dong 2 ballistic missile is capable of reaching the United States with a nuclear warhead—and that North Korea could resume flight testing of the Taepo-Dong 2 at any time. The Defense Intelligence Agency also estimates that Iran will have the capability to develop intercontinental ballistic missile, IBCM, by 2015.

We simply can't wait until the threat is upon us to deploy missile defenses; we can't wait until the GMD system is fully and completely tested before we start providing some measure of protection against this threat. It is our responsibility to field what capabilities currently exist, even while we continue to test and improve the system. By continuing to field missile defenses today, we send a message to potential adversaries that we will not be deterred or coerced by their possession of long-range ballistic missiles.

In summary, I ask my colleagues to reject the amendment offered by Senator LEVIN. This amendment would needlessly delay the fielding of a ballistic missile defense capability to protect the homeland. As the Commander of STRATCOM warns, the threat is real. We must continue on the current path of fielding available capabilities—even while testing continues to improve the system over time.

Mr. President, at this time I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2430

(Purpose: To establish a national commission on policies and practices on the treatment of detainees since September 11, 2001)

Mr. LEVIN. Mr. President, first, I thank my dear friend from Virginia for his invariable courtesies. We have brought a bill to the floor, finally, which I will have much more to say on Monday, but at this time I simply would call up an amendment that is at the desk. I think it is No. 2430.

I would make inquiry of the Chair as to whether I need to lay aside any pending amendments in order to do that.

The PRESIDING OFFICER. The Senator does need to lay aside pending amendments.

Mr. LEVIN. In that case, I ask unanimous consent to lay aside the pending amendment and to call up amendment 2430.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2430.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LEVIN. Mr. President, I introduce this amendment on behalf of Senators REED of Rhode Island, KENNEDY, ROCKEFELLER, BINGAMAN, BOXER, and DURBIN, and I ask unanimous consent that they be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. The amendment would establish an independent commission on the treatment of detainees in Afghanistan, Iraq, Guantanamo, and elsewhere. This would be modeled after the bipartisan 9/11 Commission, which was an independent commission that we all recognize as being an extremely successful commission. This bipartisan independent commission would examine U.S. policies and practices related to the treatment of detainees, including their detention, interrogation, and rendition. It would also examine the causes of detainee abuses and assess the responsibility of military and civilian leaders within and outside the Department of Defense for policies, actions, and failures to act which may have contributed to such abuse. It would also evaluate the effectiveness and propriety of interrogation techniques and practices for producing intelligence. The independent commission would report on its findings and recommendations to the President and to the Congress.

Mr. President, our troops serve honorably, they serve courageously across the globe. Their honor is besmirched when some of those who we capture are abused. And on top of that our troops' security is jeopardized when people that we detain are not treated as we rightfully insist others treat our troops when they are captured.

The amendment that we are proposing today will help reaffirm the values that we cherish as Americans, will help to reestablish our credibility around the world, and will help to protect our troops should they be captured.

When Secretary Rumsfeld appeared before the Senate Armed Services Committee on May 7, 2004, shortly after the horrific pictures of Abu Ghraib appeared in the media, he asked the world to "judge us by our actions." Those were his words. And he went on to say, telling everybody, "watch how a democracy deals with wrongdoing and with scandal and the pain of acknowledging and correcting our own mistakes and our own weaknesses." Secretary Rumsfeld asked all who were watching and within the sound of his voice to ask those who would spread hatred of America if "the willingness of Americas to acknowledge their own failures before humanity doesn't like the world as surely as the great ideas and beliefs that make this nation a beacon of hope and liberty for all who strive to be free."

Secretary Rumsfeld's words were direct and they were right. It is important to our efforts to defeat terrorism that the United States investigate itself openly and thoroughly. That is the standard by which we and our causes will be judged and should be judged.

In nearly 2 years since Specialist Darby courageously came forward to report the abuses at Abu Ghraib, the Defense Department has had every opportunity to investigate itself. But the results have fallen far short of the standard that Secretary Rumsfeld set up. Some seek to downplay the significance of these detainee abuses, arguing at the start that they were the result of aberrant behavior of a few rogue reserve Military Police on the night shift at Abu Ghraib, but with each successive of Department of Defense report it has become increasingly clear that the claim that these were the isolated acts of a few rogue reserve MPs does not explain the causes and the factors contributing to detainee abuse, and it does not explain the scope of those abuses.

There have been a number of Department of Defense reviews—8, 10, 12, pick a number. Every one of them has failed to provide a comprehensive picture of the extent and the causes of detainee abuses, and put together, they don't come close to a comprehensive picture of the extent and causes of detainee abuses.

Every one of those reviews and investigations of detainee abuse has been carefully circumscribed, leaving significant gaps and omissions.

I want to go through some of the gaps and omissions of these investigations because we are going to hear on the floor that there have been 10, there have been 12 reviews—whatever the number; you can count them different ways—but when you put them all together, there are massive gaps. That cannot be allowed to remain.

First, we don't know the role of the CIA and other parts of the intelligence community in the mistreatment of detainees or what policies apply to those intelligence personnel. Witness after witness who was in charge of these reviews has told us they had no jurisdiction to look into the intelligence community's mistreatment of detainees or what their role is. They all disclaim the capability, the competence, or the authority to look into the role of the intelligence community, which we know from public statement after public statement of people who have been found guilty and not found guilty, people who were pictured in these pictures at Abu Ghraib, that the intelligence personnel told them to soften up detainees. Yet gap No. 1, the policies of intelligence communities, their activities, their involvement, has not been reviewed.

Second, we don't know what the policies and practices are of the United States regarding the rendition of detainees to other countries, where they may be interrogated using techniques that would not be permitted at U.S. detention facilities.

Third, there is insufficient information, almost total lack, on the role of contractors in U.S. detention and intelligence operations. We are using contractors to interrogate detainees. What is their role? There is total silence, a total gap on their role, with all these reports we have.

Fourth, the detention and interrogation of detainees by special operation forces, that needs close examination.

Fifth, and this is one of the largest gaps of all, all of the unanswered questions regarding the legality under U.S. and international law of the interrogation techniques used by Department of Defense personnel, regardless of whether they were authorized or not authorized by a higher authority. We have sought for a year or more the two key documents that set forth the standards to be used in interrogation that were approved by the Department of Justice. We cannot get the Office of Legal Counsel documents.

These issues are not going to go away. They can't be swept under the rug. With each passing day, we have new revelations of detainee abuses. Courageous and honorable soldiers, such as Captain Fishback, come forward—just a few weeks ago now—with new allegations of mistreatment of prisoners, of confusion over what policies applied, and commanders who appear to have condoned this behavior. He was there. He is speaking out publicly.

There is not a week that goes by that there is not a revelation. We have to get an independent investigation going so that we can refer allegations to an independent commission, to put it in the hands of a bipartisan group.

These revelations only serve to further undermine our international standing and put our troops at risk of being treated similarly should they be captured. That is why a group of retired generals and admirals wrote to the President in September 2004 calling for an independent commission to investigate the treatment of detainees.

So we have a significant group of retired military leaders saying we must have an independent commission. That is why the American Bar Association has endorsed an independent commission.

The administration, I know, opposes this, just the way they have opposed Senator McCAIN's amendment and Senator GRAHAM's amendment that will get us into the future as to what future standards there are. The administration doesn't want to look at the history. They are wrong. Let the chips fall where they may, wherever that may be. It will benefit everybody.

Most importantly, it will benefit the men and women who wear the uniform of the United States. They are entitled to have their honor. They deserve their honor. They deserve an independent commission which will look at how this happened and prove to the world this is not us. Whatever it is, whatever the policies were, whatever the practices were, we are willing to look them straight in the face and say: We are going to correct that. We are not going to hide it. We are not going to run away from it. We are not going to sweep it under the rug. We are going to look it square in the face. We are going to fill the gaps.

Those gaps are huge. No matter how often it is stated that we have had 8 or 10 reviews, it does not fill the gaps because of the limits placed on those reviews and the gaps that were left.

Mr. President, how much time do I have on this amendment?

The PRESIDING OFFICER. The Senator has 18 minutes remaining.

Mr. LEVIN. I thank the Chair. I yield 5 minutes to the Senator from Rhode Island.

Mr. WARNER. Mr. President, I wonder if the Senator will yield a few minutes to me before he departs the floor?

There are evolving aspects with regard to the underlying goal of this amendment, as he and I speak, on information which is circulating which goes to how the administration dealt with these issues.

I am going to reserve until Monday exactly the approach the Senator from Virginia is going to take. I wish to consult with a number of my colleagues in that connection. But I wish to point out two things.

The Senator from Michigan said we should face—speaking, of course, to the committee but also the United States and colleagues in the Senate—this issue square on. I know my distinguished friend and colleague of so many years would say, by virtue of him and me being the two principal cosponsors of the McCain amendment, that we are within the rights of this committee facing certain aspects of this issue head on as it relates to the future conduct of this country.

I also hope at some point in our debate that we can address the very valuable contribution that two individuals, together with the staff and a third member of the commission—namely, former Secretary of Defense Schlesinger and former Secretary of Defense Harold Brown. Each of those extraordinary men—and I have been privileged to know and work with each of them quite closely through the years. Actually, I served under three Secretaries of Defense when I was in the Navy Department as Secretary, and one of them, the last, was Secretary Schlesinger. He remains to this day one of my closest confidantes and advisers on a wide range of issues.

Harold Brown, my colleague, the Senator from Michigan, will recall. I sponsored—and I think the Senator from Michigan joined me when I was on the Intelligence Committee in an overall review of our intelligence. The first chairman of that commission was a distinguished former Member of Congress, Les Aspin, and then, following his untimely death, Harold Brown. I was the one who recommended he take over the work on that commission, on which I was privileged to serve as a member.

A lot of things have been done to address the issue, which is the goal of this amendment. Again, I am going to reserve until Monday just how I am going to further approach this issue, but I wanted to bring those two points up should the Senator from Michigan wish to comment on either.

Mr. LEVIN. Mr. President, I do appreciate that, and I will take 1 minute to respond.

The chairman very properly points out that there was a Schlesinger panel. That panel said the following relative to the lack of cooperation from the CIA with the panel, which is gap No. 1 I have listed as one of the reasons we need an independent commission. The Schlesinger panel said the following:

> The panel did not have full access to information involving the role of the Central Intelligence Agency in detention operations. This is an area the panel believes needs further investigation and review.

I agree they did good work, but they were limited in what they were allowed to do, and they themselves recommended further investigation and review.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Virginia.

Mr. WARNER. The order has it that the distinguished Senator from Rhode Island will now continue his contribution to the Levin amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in support of the Levin amendment, which establishes a commission to look into the treatment of detainees by our national security forces.

Let me say as an initial point, I am a strong supporter of the McCain-Graham amendment which would clarify the law. But the issues we are confronting today with respect to Abu Ghraib and with respect to other notorious incidents is not simply a failure of law, a failure of lacking legal precedent; it is a failure of leadership and a failure of institutions. Unless we look carefully, objectively, and independently at this leadership and these institutions, we will be bound to repeat the mistakes of the past several years. I urge my colleagues to support the Levin amendment.

What prompts me to support this amendment is the belief and understanding that the treatment of our soldiers on the battlefield is a function of how we treat our opponents. If we do not have high standards of treatment, then we cannot make the moral claim that our soldiers, sailors, airmen, and marines should be similarly treated.

I understand the nature of our adversaries might reject those claims, might reject standards, but if we reject those standards, then our ability to protect our soldiers is diminished substantially.

I think also one just has to take note of the events of the last several years and understand that not only is there a legal and moral premise to our use of suitable standards of conduct, there is a very practical one. The incidents of Abu Ghraib, the reports of abuse of prisoners, have been a disastrous situation with respect to our progress in the Middle East. It is harming our efforts to convince people that we are there not to exploit them, not to abuse them, but to try to lift them up.

It is essential we get to the heart of these failures of leadership, institutional direction, and policy. I think it is also essential that we have accountability. One of the essential aspects of any military organization is accountability. Everyone who enters the military, particularly an officer, learns that the first rule is they are responsible for what happens and what fails to happen on their command. There has been a dearth of accountability when it comes to these issues of abuse of detainees.

The plan seemed to be from the very beginning to portray this as the fault of aberrant soldiers. In fact, if we look at those people who have been prosecuted, those people who have been brought to justice, it is a handful of enlisted soldiers. We know this process, this approach, was not simply the result of a few soldiers. It was the result of decisions that were made at the very highest level.

Today, in the International Herald Tribune, COL Larry Wilkerson, a former chief of staff to Colin Powell, pointed out that, in his words: There was a visible audit trail from the Vice President's office to the Secretary of Defense down to the commanders in the field authorizing practices that led to the abuse of detainees.

That suggests to me that the evidence has accumulated where we need to take a good look not just at individual soldiers, not just compartmental reviews of certain aspects, we have to take the approach that Senator LEVIN suggests, a comprehensive review by an independent panel on the model of the 9/11 Commission to look at how we came to this point; not just to establish accountability I think that is principal and important but to ensure that we do not do it again, to ensure that when we enter into a conflict everyone understands the law, everyone follows the law. That is to the benefit not only of the protection of our troops but also to claiming the moral high ground, aiding our mission, aiding our military forces in the field, by creating an image in the world that we are bound to the highest standards and we are not there for self-interest but to help other people.

If we fail to pursue this commission, we will see a situation where what has happened in the past will happen again. It will be replicated time and time again. It will create a terrible situation within our military forces. It will appear, as it appears now, that the only people who are punished for these abuses are low-ranking, enlisted personnel. They bear the brunt, but the officers who directed it, the officers who could have stopped it, the civilian leaders in our Government who might have directed it or encouraged it, will walk away. That is unfair and that is so corrosive that it will undermine our military forces in the future.

I urge passage of the Levin amendment.

I reserve the remainder of time on our side and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, this amendment is one of great importance and has far-reaching consequences. As I said, as we speak, there are some facts coming into the public domain. I have no idea of evaluating their authenticity, but it does, in my judgment, bear on this issue. Therefore, speaking for myself, we will have further statements regarding this amendment Monday and quite likely Tuesday before we vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2432

Mr. INHOFE. Mr. President, I have an amendment to be considered. I consider it to be perhaps one of the most important amendments. It is referred to as the train and equip amendment.

What I am not going to do is take a lot of time today talking about it because in the event there is opposition to it, I want an opportunity to respond to that opposition.

Primarily, this is what our amendment would do: Under sections 1201 and 1204 of Title XII, it would allow the military to train and equip some of these countries where we see an opportunity to be using their resources and their militia as opposed to sending our troops there. Right now, in order to get it done, the process is one has to go through the State Department and then the Department of Defense. A good example is when the U.S. Government wanted to train and equip some of the Georgia forces for counterterrorism. Seven different authorities for funding and sources had to be stitched together to make this effort. It took 8 months. By the time 8 months goes by, the problem is no longer the same problem it was 8 months before.

What we would do is take existing O&M moneys, $750 million, that we would be able to use to train and equip in a streamlined way of doing this.

I will share some personal experiences and then I will yield the floor. We have been talking about the five African brigades, that we would be training and equipping various countries in regional areas in Africa to take care of some of the problems. I am sure I am not the only one who has been in Djibouti and worked with our marines there. I have been very much concerned that they are not able to do as good a job and as fast a job at training some of the African forces as they could otherwise.

I have talked to President Museveni of Uganda. There are problems in the northern part of Uganda where they have adequate troops, but they are not trained and equipped to protect themselves against the global war on terrorism and would be dependent upon our troops if that should happen. It is far better for us to be able to train them than it is for them to have to be in a situation where they are going in untrained.

I say to my chairman, I visited with my counterpart in Angola. He is the second ranking member on the armed services committee there, although it is called something different. His name is Paiza. As we all know, in Angola they have been undergoing a civil war and there are endless numbers of troops. They have been bush troops. They have not been trained to do the kind of defense that would be necessary in our global war on terrorism. Consequently, what they say they need—they have the Unita forces, they have their forces on both sides of the civil war. They need to have an opportunity to train these people.

I also spoke with the President of Burundi 2 weeks ago when I was there. They had the fighting, as we all know, for a long period of time between the Hutus and the Tutsis, but they are now united. What they need, though, is to be able to be trained. I know that General Jones and others, and certainly Secretary Rumsfeld, feel very strongly that we need to have a streamlined process where we can go in and train these guys to do the job that otherwise American troops are going to have to do.

That is essentially what this is all about. I will wait until Monday to give a little more complete description of it.

At this time I would like to officially call up the amendment, No. 2432. I ask unanimous consent to set aside the pending amendment and call up amendment No. 2432 for its consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 2432.

Mr. INHOFE. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Relating to the partnership security capacity of foreign military and security forces and security and stabilization assistance)

At the end of title XII, add the following:

SEC. . BUILDING THE PARTNERSHIP SECURITY CAPACITY OF FOREIGN MILITARY AND SECURITY FORCES.

(a) AUTHORITY.—The President may authorize building the capacity of partner nations' military or security forces to disrupt or destroy terrorist networks, close safe havens, or participate in or support United States, coalition, or international military or stability operations.

(b) TYPES OF PARTNERSHIP SECURITY CAPACITY BUILDING.—The partnership security capacity building authorized under subsection (a) may include the provision of equipment, supplies, services, training, and funding.

(c) AVAILABILITY OF FUNDS.—The Secretary of Defense may, at the request of the Secretary of State, support partnership security capacity building as authorized under subsection (a) including by transferring funds available to the Department of Defense to the Department of State, or to any other Federal agency. Any funds so transferred shall remain available until expended. The amount of such partnership security capacity building provided by the Department of Defense under this section may not exceed $750,000,000 in any fiscal year.

(d) CONGRESSIONAL NOTIFICATION.—Before building partnership security capacity under this section, the Secretaries of State and Defense shall submit to their congressional oversight committees a notification of the nations designated by the President with which partnership security capacity will be built under this section and the nature and amounts of security capacity building to occur. Any such notification shall be submitted not less than 7 days before the provision of such partnership security capacity building.

(e) COMPLEMENTARY AUTHORITY.—The authority to build partnership security capacity under this section is in addition to any other authority of the Department of Defense to provide assistance to a foreign country.

(f) MILITARY AND SECURITY FORCES DEFINED.—In this section, the term "military and security forces" includes armies, guard, border security, civil defense, infrastructure protection, and police forces.

SEC. . SECURITY AND STABILIZATION ASSISTANCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, upon a request from the Secretary of State and upon a determination by the Secretary of Defense that an unforeseen emergency exists that requires immediate reconstruction, security, or stabilization assistance to a foreign country for the purpose of restoring or maintaining peace and security in that country, and that the provision of such assistance is in the national security interests of the United States, the Secretary of Defense may authorize the use or transfer of defense articles, services, training or other support, including support acquired by contract or otherwise, to provide such assistance.

(b) AVAILABILITY OF FUNDS.—Subject to subsection (a), the Secretary of Defense may transfer funds available to the Department of Defense to the Department of State, or to any other Federal agency, to carry out the purposes of this section, and funds so transferred shall remain available until expended.

(c) LIMITATION.—The aggregate value of assistance provided or funds transferred under the authority of this section may not exceed $200,000,000.

(d) COMPLEMENTARY AUTHORITY.—The authority to provide assistance under this section shall be in addition to any other authority to provide assistance to a foreign country.

(e) EXPIRATION.—The authority in this section shall expire on September 30, 2006.

Mr. INHOFE. Parliamentary inquiry: Since we have this in proper form to be treated, are the comments I made to be used as time for the amendment?

The PRESIDING OFFICER. That would be an appropriate allocation of time.

Mr. INHOFE. Can you tell me how much time has been used?

The PRESIDING OFFICER. The Senator has used 3½ minutes.

Mr. INHOFE. So it will be 20-some minutes. At this point I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. With permission from Senator WARNER, I would like to speak on the issue of this commission and express some comments on that.

Mr. WARNER. Mr. President, I am delighted my distinguished colleague, a member of the committee, would like to contribute his thoughts on this very important issue and take such time, I think up to 5 or 6 minutes.

Mr. SESSIONS. I ask to be notified in 5 minutes, and I will definitely try to keep my time within that.

The PRESIDING OFFICER. Will the Senator inform the Chair about which amendment he will be speaking?

Mr. SESSIONS. The Levin-Reed commission suggestion.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 2127

Mr. SESSIONS. Mr. President, my problem with this matter is that we have created, through our complaints—and some of it has been political, frankly—and debates beginning back during the past election, a determination to embarrass President Bush or undermine, maybe, even his policies by some; to call for the resignation of the Secretary of Defense. And all of these matters were taken out of context and blown up and distorted in a way that I think was unfortunate. Yes, we have had problems with abuse of prisoners. We really have. But not nearly as many as would be suggested.

Senator LEVIN said it seems like it is every week. It has been talked about every week. Somebody comes up and repeats something that occurs, and then they repeat it again like it is new. So we are keeping alive a perception that our military is not performing according to the high standards that it sets for itself with regard to prisoner abuse. I do not believe that is so.

I have been there. I have talked to the troops. But it is a tough war and a tough enemy. It is not great duty. We know what happened in Abu Ghraib, and I would point out the general there, within 1 day or 2 days—1 day of hearing of the Abu Ghraib problem—commenced an investigation, and 3 days later announced to the world that we were conducting an investigation of abuse and did so publicly to the TV, long before any photographs were ever released because the military, the Army, did not approve of what went on there.

They have had an investigation. It was suggested that the higher ups were responsible for this; interrogation tactics and procedures were not clear, and that is why all this happened.

I would just ask our colleagues to remember that when the evidence came out during the prosecution of those individuals, the conviction of them, and their being sentenced to jail, I point out it was never suggested that was part of an interrogation technique. These people were not being interrogated. Most of them were not even members of al-Qaida. A lot of them are street thugs that had been arrested for normal criminal behavior. They didn't have any intelligence to give us about the enemy we were facing over there. So all this that has been suggested, that we are completely out of control and somehow the Department of Justice memorandums about what is the maximum ability of a U.S. office to conduct investigation, somehow that affected that.

Remember Mr. Sivitz, a private, I believe, or a corporal or sergeant, who pled guilty and was convicted and sentenced to jail? He said our leaders didn't know what we were doing. If they had known what we were doing, it would have been hell to pay.

Do you remember the incident of the African-American colonel who had a sterling career who, in a fire fight, pulled out a gun and fired a bullet near the head of an individual he had captured to frighten him to get information he thought might help him save his troops? They cashiered him out of the Army.

We had case after case of people being disciplined. Over 200 have been. So this myth has been created that people didn't know what was going on and were not properly instructed.

We had hearings. I am on Judiciary, and I am on Armed Services in the Senate. We have House Judiciary and Armed Services and we have Senate Intelligence and we have Senate and House Intelligence. We have had over 26 hearings on this issue, more than any other.

We ought to spend some time trying to figure out how to win this war rather than going back and suggesting to the whole world, by hearing after hearing, after report after report after commission, that we are out of control, mistreating prisoners, when it is not so. Our soldiers are consistently abiding by the Geneva Conventions as they have been instructed, and they do their duty every day. The Field Manual applies to men and women in the military, and they know that. That has been reaffirmed to them with clarity, that that controls the treatment of the prisoners in Iraq.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. My 5 minutes is up? Mr. President, I will conclude—I may like to talk about this later on—with a letter from a sergeant from the Arkansas National Guard who was in Iraq from April 2004 to March of 2005. He said:

> My job was that of fire-team leader, responsible for three soldiers. We patrolled the streets of Baghdad daily [not a safe place to be] conducted raids, manned checkpoints, and cleared houses and other buildings. During our stay we detained dozens of Iraqis.
>
> So I was somewhat astounded at Capt. Ian Fishback's letter. . . .

He said he saw beatings, broken bones and other improper treatment of prisoners. That is inconsistent with my observations—of mine. I will offer this for the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SESSIONS. I will quote one paragraph.

> We never experienced the confusion that Capt. Fishback and his soldiers evidently experienced. Our directives were clear and our approach to treating detainees was consistent: I never saw a U.S. soldier physically mistreat an Iraqi. I saw professional treatment of detainees from top to bottom, and I was proud to be a part of this great combat team.

That is what is going on. That is the reality, in my view, of what is going on in Iraq. We have subjected ourselves and our soldiers to great risk because we demanded restraint on their part, and for the most part they have given us that.

There have been problems. We know that. But we are not allowing them to continue. We are stopping them and prosecuting people if they have violated the law, as they should be prosecuted. So I am concerned that what we do today sends a message to the world that Members of this body and members of the leadership of the U.S. Government believe that our military is out of control and that we need some sort of commission to get them in control.

That is not accurate in my view. We don't need another commission. We have had at least six, eight or nine major reports, and we have had, of course, over 20 hearings in the House and Senate. I have been a part of more of them than I would have wished.

I honestly and truly believe we need to watch our rhetoric and not demean the fine men and women who are serving us because we sent them there in harm's way, and they are serving us with fidelity to duty and the highest degree of professionalism, giving their lives to help the Iraqi people to have a better life. That is our goal. That is what we need to keep at. I hope we will remember that as we debate these subjects.

I yield the floor.

EXHIBIT 1

> I am a sergeant in the Arkansas Army National Guard, and I was in Iraq from April 2004 to March 2005. My job was that of fire-team leader, responsible for three soldiers. We patrolled the streets of Baghdad daily, conducted raids, manned checkpoints, and cleared houses and other buildings. During our stay in Iraq, we detained dozens of Iraqis.
>
> So I was somewhat astounded at Capt. Ian Fishback's letter to Sen. John McCain (R-Ariz.) about what he saw and observed in Iraq concerning beatings, broken bones and other improper treatment of prisoners [op-ed, Sept. 28]. His experience and observations are inconsistent with mine.
>
> Our unit was attached to the 1st Cavalry Division. We worked with active-duty soldiers, and when I moved to a forward operating base known as Headhunter, I worked every day with the 1st Cavalry, which I found to be a professional organization.
>
> We never experienced the confusion that Capt. Fishback and his soldiers evidently experienced. Our directives were clear and our approach to treating detainees was consistent: I never saw a U.S. soldier physically mistreat an Iraqi. I saw professional treatment of detainees from the top to the bottom, and I was proud to be part of this great combat team.
>
> I do not challenge Capt. Fishback or his observations. But I saw U.S. soldiers, both active-duty and National Guard, conduct themselves professionally on a daily basis.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I just made a presentation on my amendment No. 2432. I ask unanimous consent to add cosponsors—Senators STEVENS, ROBERTS, SESSIONS, ENSIGN, GRAHAM, THUNE, and KYL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, we have had a very good and productive morning on the Defense authorization bill, a continuation by the Senate of that important legislation.

Matters relating to the bill are concluded. I will now await the directions of the majority leader as to the concluding of today's proceedings before the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. WARNER. Mr. President, I further ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority whip is recognized.

Mr. McCONNELL. Mr. President, I ask unanimous consent that I be allowed to proceed for up to 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE 101ST AIRBORNE DIVISION OF FORT CAMPBELL, KY

Mr. McCONNELL. Mr. President, I rise to pay tribute to the men and women who make up the 101st Airborne Division based at Fort Campbell, KY. In the war on terror, these soldiers frequently form the front lines. I offer them the thanks and prayers of a grateful nation as they are in the process of deploying to Iraq once again.

The 101st has seen action in Iraq before. They led the initial wave of forces sent to liberate that country in March 2003. About 19,000 soldiers in all from the 101st helped bring freedom to the Iraqi people and destroy Saddam Hussein's illegitimate regime.

After the fall of Hussein, the soldiers of the 101st operated around the city of Mosul in northern Iraq—I had a chance to visit them there in 2003—keeping innocent Iraqis safe and tracking down terrorists. Stationed in Iraq for about a year, they undertook some of the most hazardous duties yet in the war on terror. Tragically, 73 soldiers from Fort Campbell have made the ultimate sacrifice in the line of duty to date, including four soldiers killed near Baghdad earlier this very week.

My heart goes out to the families of these brave heroes. I believe the best way we can respect their memories is to finish their mission in Iraq with honor. I have tried to do my utmost in this Senate to see that our Armed Forces get everything they need to fulfill that mission, and I will continue to do so, as I know my other colleagues will as well.

The 101st Airborne Division, also known as "The Screaming Eagles," is one of the most respected divisions in our armed services and frequently gets the first call when crisis strikes. They specialize in the rapid deployment of soldiers into combat from helicopters.

The division was founded in 1942 and parachuted into Normandy on D-Day during World War II. Later, many of its members saw action at the Battle of the Bulge. The 101st continued to serve many critical missions in Vietnam and the first gulf war. They are the best America has to offer, and I might also add, the HBO series "Band of Brothers" from a few years ago was about the

101st Airborne in World War II. It took that storied unit from the beaches of Normandy through to the end of the war.

The 101st Airborne began redeploying to Iraq in September, and by the end of this month, about 20,000 of its soldiers will be back in Iraq.

They will be gone for at least a year. For many soldiers, this will be their third deployment since September 11, 2001: The 101st was also deployed to Afghanistan soon after the attack of September 11.

MG Thomas R. Turner, who commands the 101st Airborne, expressed the confidence and clarity of vision that all soldiers of the 101st share when he spoke at a color casing ceremony recently to signal the official departure of his soldiers to Iraq.

Referring to the 101st Airborne's mission, he said:

> Our end state is clear: An Iraq at peace with its neighbors, and an ally in the War on Terror, with a representative government that respects the human rights of all Iraqis.

Just as in wars before, our country fights not for land or treasure but for freedom. In previous centuries, America has fought to secure liberty, end slavery, and stamp out fascism. Our cause today is equally just. We fight to defeat the terrorists who would rule by fear. And we are fighting to spread freedom, because freedom is the antidote to the terrorists' fear.

As Thanksgiving approaches, I ask my colleagues to join me in thanking the soldiers of the 101st Airborne for their extraordinary service. Kentucky thanks them as well. We all pray for their safe return.

I yield the floor.

CYPRUS

Ms. SNOWE. Mr. President, I rise today to discuss the extremely unfortunate decision by the highest levels of the State Department to meet with Mehmet Ali Talat, the self-declared president of the so-called "Turkish Republic of Northern Cyprus." For more than 30 years, it has been a tenet of U.S. foreign policy not to extend de jure or de facto recognition to this self-declared government, which exists only because of the forcible occupation of the northern one-third of Cyprus by more than 43,000 Turkish troops.

Cyprus was divided by a Turkish invasion in 1974. With the exception of Turkey, all nations recognize that this invasion was illegal and have refused to recognize the "Turkish Republic of Northern Cyprus," a rump state that proclaims itself the government of the occupied area. Far from honoring the invasion, the world recognizes only the Republic of Cyprus as the legitimate sovereign government for the entire island.

Both international law and U.S. statutory law support the free government of Cyprus. Several U.N. Security Council resolutions implore nations neither to recognize nor support the self-declared government in the occupied area. Likewise, the U.S. Foreign Assistance Act establishes the U.S. policy of supporting a free government in Cyprus, demanding the withdrawal of all Turkish forces from Cyprus, and seeking the reunification of the island's communities.

I rise today because I fear the State Department is now embarked on a different course, a course that may irreparably damage the prospects for a peaceful reunification of Cyprus. On Friday, October 28, 2005, the U.S. Secretary of State met with Mr. Mehmet Ali Talat. I have heard the State Department spokesperson try to justify this meeting by saying that the Secretary would only be meeting with Mr. Talat in his capacity as a leader of the Turkish-Cypriot community, and their session would not signal a change in U.S. policy toward Cyprus.

These explanations are disappointing. In all likelihood, meeting Mr. Talat in the State Department's Harry S. Truman Building will be used by Turkey and the rump state as evidence that the United States is moving toward independent elevation of this self-declared government and the permanent dismemberment of Cyprus.

Following the defeat of an U.N.-sponsored plan in 2004, the Republic of Cyprus has undertaken numerous initiatives designed to bring the two communities together. Since April 2003, when the movement restrictions through the cease-fire line were partially lifted, there have been more than 8 million crossings from both Greek and Turkish Cypriots. During the 4 million visits by Greek-Cypriots to the occupied area, approximately $100 million were spent to the benefit of Turkish Cypriots. Cyprus is contributing concretely to the economic uplifting of the Turkish Cypriot community—more than $43 million in social insurance, more than $9 million in medical care, and more than $343 million in free electricity during the last couple of years.

According to Turkish Cypriot reports, one of the main reasons for the Turkish Cypriot economic growth is the opportunity that was provided to more than 10,000 Turkish Cypriots to work in the government-controlled areas after the lifting of the restrictions. These skilled workers, who continue to live in the occupied areas, earn approximately $180 million every year. The Republic of Cyprus has also unilaterally removed land mines in the cease-fire zone. More than 63,000 people in the occupied area have been issued Republic of Cyprus birth certificates, more than 57,000 have been issued Republic of Cyprus identity cards, and more than 32,000 have been issued Republic of Cyprus passports.

Unfortunately, Turkey and its rump state have been working in the opposite direction. In Turkey's negotiation for EU accession, Turkey committed to extending its customs union to Cyprus, but then unilaterally backtracked on its commitment, stating that it does not even recognize the Republic of Cyprus. Turkey and the "TRNC" have pressed for the opening for direct airline flights and direct trade into the occupied area, both of which violate the Republic of Cyprus' sovereign power to designate ports of entry. Last month, the Prime Minister of Turkey said that he would only accept a solution on Cyprus that included a permanent division of the island into two states. "One state in the north, one state in the south and a confederation . . . this is what [Cyprus President] Papadopoulos should accept, otherwise we cannot reach an agreement," the Prime Minister stated. Most egregiously, Turkey and the "TRNC" have increased the number of Turkish troops on the island—from about 36,000 to more than 40,000—in the past year. Turkey also intensified the influx of Turkish settlers in the island and at the same time, both Ankara and the Turkish Cypriot leadership continued their policy of immense exploitation of Greek Cypriot properties in northern occupied Cyprus. These are not the actions of parties committed to a peaceful resolution to the division.

For more than 30 years, the United States has refused to reward Turkey's illegal invasion with an independent Turkish state on Cyprus. But the decision to extend to Mr. Talat unprecedented access to our government's most hallowed halls only serves to validate his and the Turkish Prime Minister's view that the "TRNC" should be treated as an independent entity. Because independent status is exactly what Turkey and the rump state seek, the meeting reduces the incentive for Turkey and Mr. Talat to engage in productive talks to resolve the division of Cyprus. And why should they negotiate if they are promised to be provided direct trade, direct flights, and separate treatment by the Secretary of State?

I call on the State Department to abandon this ill-conceived meeting with the self-declared president of the "TRNC," an illegal entity that, I repeat, the U.S. government does not recognize. The meeting will be viewed, and it will be used, as an elevation of the "TRNC" and a nod toward independent and separate status. The meeting is inconsistent with the United States' stated policy towards Cyprus, and it serves only to hinder efforts to resolve the division of Cyprus.

FOREIGN OPERATIONS APPROPRIATIONS

Mr. CHAMBLISS. Mr. President, first, I want Senator McCONNELL and his staff for all the heavylifting and hard work to complete this important bill. As a committee chairman, I know how difficult it can be to pass legislation.

I am pleased that the House-Senate conferees considering the State and Foreign Operations appropriations bills have included language which withholds taxpayer dollars to those countries which refuse to extradite violent criminals to the United States for prosecution. While this is a positive step, I must express disappointment that the conferees saw fit to provide for the continued flow of tax dollars to these countries upon a mere certification by the Secretary of State that a cutoff would not be in the national interest of the United States. My original amendment, which passed the Senate on July 20, 2005, by a vote of 86 to 12, contained no such loophole. The earlier passage of my original amendment and the House passage of a similar amendment by Representative NATHAN DEAL of Georgia, by a vote of 294 to 132, sent a powerful message to those countries which refuse to extradite murderers and other violent criminals. The passage of these earlier amendments represented a victory for law enforcement, for victims of violent crime, and for simple justice and the rule of law.

When an individual is charged with a crime and flees to a foreign country, it is the responsibility of the U.S. Department of State to seek extradition of the fugitive.

In some instances, countries refuse to extradite even defendants charged with violent crimes when the evidence is overwhelming. Some refuse when the defendant faces the possibility of the death penalty in this country and this issue represents a particular challenge to our ongoing relations with other countries.

However, even in instances in which the defendant does not face the death penalty, some countries have still refused to extradite—some for the articulated reason that they do not extradite their own nationals. Others—Mexico, Costa Rica, Spain, Venezuela and Portugal, for example—have refused to extradite because the defendant faces a possible life sentence if convicted in the United States.

Of course the possibility of life imprisonment reflects the seriousness of the offense and should result in a greater, not lesser, justification for extradition. Such policies stand common sense on its head.

These unjust policies by some countries came into sharp focus in connection with the brutal murder of the son of David Fulton, who is a constituent of mine in Hampton, GA.

On December 21, 2002, Mr. Fulton's son, CPL Joshia Fulton of the U.S. Marine Corps, was murdered right here, on the streets of Washington, DC.

At the time of his murder, CPL Fulton was a member of the elite Presidential Protection Program called Yankee White, an assignment through which he had the honor of traveling abroad with the President of the United States.

Corporal Fulton was awaiting assignment for service as a guard in the West Wing of the White House when he was murdered.

After an investigation by the DC Police Department, a criminal complaint was filed charging a suspect named Carlos Almanza with the murder of Joshia Fulton.

Almanza, however, fled the United States to his home country, the Republic of Nicaragua, where that country's constitution prohibits extradition of its citizens. And so the person charged with this heinous crime is free to kill again and to live the good life while the family of his victim endures the cruel consequences of their loss day in and day out, without justice and without closure to their suffering.

If a country refuses to turn murder suspects over to U.S. authorities so they can be brought to justice in the United States where the heinous crime occurred, then that country should not receive any financial aid from the United States under the appropriations bill now before the Senate. A country's constitutional ban on extradition of its citizens who are fugitives from justice is unacceptable. Quite simply, that law needs to change if they want to continue to receive American aid.

While I am disappointed in the final wording in the conference report, I take comfort that my amendment has already gotten the attention of these countries. Following passage of my amendment in July, I and my staff met with representatives of various countries, as well as representatives of the Departments of State and Justice. While we worked diligently to craft language to address legitimate concerns of these countries and our own Government, the final conference language, in my view, falls short of reflecting America's resolve to put a stop to refusals to extradite.

As I stated during debate on my original amendment in July, the intent of this language is not to deny aid to any country, but rather to provide a substantial incentive for recalcitrant countries to reform their extradition laws so that suspected criminals can be brought to justice in the United States. I hope that this experience will be a wake-up call to the State Department to redouble its efforts to encourage all countries to extradite murderers and other violent criminals to stand before the bar of justice. I will continue to work for the extradition of Corporal Fulton's killer.

AGRICULTURE APPROPRIATIONS

Mr. DODD. Mr President, yesterday I voted against the Agriculture appropriations bill for fiscal year 2006 and I did so with some reservation. At the outset, I want to commend the managers of the bill, Senator BENNETT and Senator KOHL, for trying hard to keep the bill as close to the Senate bill as they could, but the House hijacked the bill on several important points.

I am grateful that the conference report included funding for Tufts University, working with local Connecticut farmers to develop more effective agricultural operational and marketing practices. Even though the physical university is in Boston, Tufts is using the funding exclusively in Connecticut so that our farmers can diversify their crops and market them more aggressively in local markets. Additionally, the University of Connecticut, in conjunction with the University of Illinois, received funding to continue a research program on therapeutic cloning in cattle. Finally, language was included to again urge the Animal and Plant Health Inspection Service, APHIS, to indemnify a Connecticut poultry producer who undertook a successful emergency vaccination protocol 2 years ago.

So while I am pleased that there are a few items specifically for my constituents, I remain deeply troubled by the path this Congress is taking as it tries to cut spending for programs that benefit our most vulnerable populations while at the same time planning for tax cuts for the most wealthy, who neither need nor, on the whole, seek the extravagance that the majority insists on heaping upon them.

The Senate conferees are to be commended for pushing hard for increases in food and nutrition programs, including the McGovern-Dole Food for Education Program, but at the same time, House conferees insisted on the option of privatization of the food stamp process. That is often code word for closing down local centers and relying more and more on remote call centers and the Internet. This puts a disproportionate burden on those people who need the services most. I know that in my State of Connecticut, this action could adversely impact 109,250 households and that number is likely to grow. Unfortunately, the Republican-controlled Congress often sees privatization as the panacea for saving money. Instead, studies often find that contracting out these services often costs more money. But the problem doesn't stop there. As Congress moves forward with the budget reconciliation process, we will have to come to terms with the fact that the House has insisted on draconian cuts of nearly a billion dollars in the food stamp program. If this number were to stand, nearly 300,000 low-income individuals could be denied benefits. The majority in Congress refuses to increase the minimum wage. It refuses to increase low-income heating assistance, despite dire predictions of record heating costs this winter. Now Congress is on the verge of cutting off 300,000 people from food assistance. Such a move is irresponsible, and it is unconscionable.

Finally, the House conferees insisted on denying American consumers with simple information about the meat they eat. As our colleagues know, mandatory meat labeling was included in the 2002 farm bill, which I supported. The labeling of seafood already started but meat labeling, at the behest of a few powerful lobbyists and a few Members of Congress, continues to be delayed. Hundreds of organizations around the country, including farmers, producers, consumer groups, and individuals overwhelmingly support country-of-origin labeling, COOL. The fiscal year 2006 House appropriations bill effectively delayed meat labeling by refusing to allow any funds to be used to implement COOL, while the Senate bill did not change the requirement. During conference on this bill, the House, with no consultation with the Senate and with no vote, unilaterally extended the COOL delay until 2008, beyond what even the House language did. Labeling would increase consumer confidence and assist agricultural producers.

So, while there are many laudable provisions in the agricultural appropriations bill, several provisions caused me to cast a vote against this bill.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:35 a.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1285. An act to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1691. An act to designate the Department of Veterans Affairs outpatient clinic in Appleton, Wisconsin, as the "John H. Bradley Department of Veterans Affairs Outpatient Clinic".

H.R. 4061. An act to amend title 38, United States Code, to improve the management of information technology within the Department of Veterans Affairs by providing for the Chief Information Officer of that Department to have authority over resources, budget, and personnel related to the support function of information technology, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 281. Concurrent resolution congratulating the Chicago White Sox on winning the 2005 World Series.

The message also announced that the House disagree to the amendments of the Senate to the bill H.R. 2528 making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House: Mr. WALSH, Mr. ADERHOLT, Mrs. NORTHUP, Mr. SIMPSON, Mr. CRENSHAW, Mr. YOUNG of Florida, Mr. KIRK, Mr. REHBERG, Mr. CARTER, Mr. LEWIS of California, Mr. EDWARDS, Mr. FARR, Mr. BOYD, Mr. BISHOP of Georgia, Mr. PRICE of North Carolina, Mr. CRAMER, and Mr. OBEY.

The message further announced that the House disagree to the amendments of the Senate to the bill H.R. 2862 making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House: Mr. WOLF, Mr. TAYLOR of North Carolina, Mr. KIRK, Mr. WELDON of Florida, Mr. GOODE, Mr. LAHOOD, Mr. CULBERSON, Mr. ALEXANDER, Mr. LEWIS of California, Mr. MOLLOHAN, Mr. SERRANO, Mr. CRAMER, Mr. KENNEDY of Rhode Island, Mr. FATTAH, and Mr. OBEY.

The message also announced that pursuant to section 491 of the Higher Education Act (20 U.S.C. 1098(c)), the order of the House of January 4, 2005, and upon the recommendation of the Majority Leader, the Speaker reappoints the following member on the part of the House of Representatives to the Advisory Committee on Student Financial Assistance for a three-year term: Ms. Judith Flink of Morton Grove, Illinois.

ENROLLED BILL SIGNED

At 11:37 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following bill:

H.R. 2744. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 12:46 p.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House disagree to the amendment of the Senate to the bill H.R. 889 to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House from the committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. YOUNG of Alaska, Mr. LOBIONDO, Mr. COBLE, Mr. HOEKSTRA, Mr. SIMMONS, Mr. MARIO DIAZ-BALART of Florida, Mr. BOUSTANY, Mr. OBERSTAR, Mr. FILNER, Mr. TAYLOR of Mississippi, Mr. HIGGINS, and Ms. SCHWARTZ of Pennsylvania.

From the Committee on Energy and Commerce, for consideration of section 408 of the House bill, and modifications committed to conference: Mr. BARTON of Texas, Mr. GILLMOR, and Mr. DINGELL.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H.R. 3057 making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4128. An act to protect private property rights.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1691. An act to designate the Department of Veterans Affairs outpatient clinic in Appleton, Wisconsin as the "John H. Bradley Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

H.R. 4061. An act to amend title 38, United States Code, to improve the management of information technology within the Department of Veterans Affairs by providing for the

Chief Information Officer of that Department to have authority over resources, budget, and personnel related to the support function of information technology, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4128. An act to protect private property rights; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1960. A bill to protect the health and safety of all athletes, to promote the integrity of professional sports by establishing minimum standards for the testing of steroids and other performance-enhancing substances and methods by professional sports leagues, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. 1184. A bill to waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN (for himself and Mr. HATCH):

S. 1961. A bill to extend and expand the Child Safety Pilot Program; to the Committee on the Judiciary.

By Mr. ROBERTS (for himself, Mr. HAGEL, Mr. NELSON of Nebraska, and Mr. BROWNBACK):

S. 1962. A bill to authorize the Secretary of the Interior to revise certain repayment contracts with the Bostwick Irrigation District in Nebraska, the Kansas Bostwick Irrigation District No. 2, the Frenchman-Cambridge Irrigation District, and the Webster Irrigation District No. 4, all a part of the Pick-Sloan Missouri Basin Program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 1963. A bill to make miscellaneous improvements to trade adjustment assistance; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. SCHUMER):

S. 1964. A bill to amend the Internal Revenue Code of 1986 to modify the determination and deduction of interest on qualified education loans; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 832

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 832, a bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes.

S. RES. 273

At the request of Mr. COLEMAN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 273, a resolution expressing the sense of the Senate that the United Nations and other international organizations shall not be allowed to exercise control over the Internet.

S. RES. 299

At the request of Ms. LANDRIEU, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. Res. 299, a resolution to express support for the goals of National Adoption Month by promoting national awareness of adoption, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself and Mr. HATCH):

S. 1961. A bill to extend and expand the Child Safety Pilot Program; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce the Extending the Child Safety Pilot Program Act of 2005, along with my good friend Senator HATCH.

At the outset, let me thank Senator HATCH and his staff for joining with me in this effort. I can think of no stronger advocate for children's safety than my friend from Utah, and I am so pleased to have him as an original cosponsor of this bill.

When a mom drops her young son or daughter off at the local Boys & Girls Club, when a dad brings his child to little league practice, or when one of our kids is mentored by an older member of the community, we hope and pray that they are going to be safe. They usually are, and youth-serving organizations are constantly vetting new employees and volunteers to ensure there's nothing in their background to indicate that potential workers should not be around our kids.

But these groups can only do so much. They send information and fingerprints on prospective workers to their State criminal identification agencies, and that effort typically results in a comprehensive search of criminal history information on file in the State where the organization is established. But if the worker spent time in another state, or if a State's records are not up to date, kids' safety can be put in jeopardy.

The organization with the most complete set of national criminal history information is the FBI's Criminal Justice Information Services Division, in Clarksburg, West Virginia. Years ago, I was approached by the Boys & Girls Clubs and others and asked whether there would be a way for them to directly access CJIS' records and avoid the then-cumbersome system requiring them to apply for these national background checks through their States.

I looked into the issue and discovered that a patchwork of statutes and regulations govern background checks at the State level. There are over 1,200 State statutes concerning criminal record checks. In different States, different agencies are authorized to perform background checks for different types of organizations, distinct forms and information are required, and the results are returned in various formats that can be difficult to interpret. Youth-serving organizations trying to do the right thing and keep the kids in their charge safe were being forced to navigate an extremely cumbersome system.

Indeed, in 1998, the FBI's Criminal Justice Information Services Division performed an analysis of fingerprints submitted for civil applicant purposes. CJIS found that the average transmission time from the point of fingerprint to the State bureau was 51.0 days, and from the State bureau to the FBI was another 66.6 days, for a total of 117.6 days from fingerprinting to receipt by the FBI. The worst performing jurisdiction took 544.8 days from fingerprinting to receipt by the FBI. In a survey conducted by the National Mentoring Partnership, mentoring organizations waited an average of 6 weeks for the results of a national criminal background check to be returned. In a New York Times article published this past August, the Boys & Girls Clubs of America's vice president of club safety, Les Nichols, was quoted as saying that about a third of the criminal records that Clubs' checks turned up were from states other than the one where the applications were submitted. "It can take as long as 18 months to retrieve those records," Mr. Nichols said, "and that time lag works against us, particularly because we are in a business where we have a lot of seasonal staff and volunteers."

Not only was the national criminal history background check process slow, but it was often too expensive to be useful to youth-serving organizations. In 2000, I introduced comprehensive legislation designed to plug these security holes. No action was taken on my National Child Protection Improvement Act that year. The following year, I re-introduced the bill as S. 1868. That bill cleared the Senate unanimously but was never acted on by the House. It would have set up an office in the Justice Department to coordinate background check requests from youth-serving organizations, and would have required the results of these checks to be forwarded from the FBI to the requesting groups quickly and affordably.

Finally, in 2003's PROTECT Act, we were able to make some progress on this critical issue. Along with Senator HATCH and Chairman SENSENBRENNER of the House Judiciary Committee, I authored section 108 of the PROTECT Act conference report. Section 108 of Public Law 108-21 established an 18-month pilot program for certain organizations to obtain national criminal history background checks. When he signed the PROTECT Act into law, the President noted "this law creates important pilot programs to help nonprofit organizations which deal with children to obtain quick and complete criminal background information on volunteers. Listen, mentoring programs are essential for our country, and we must make sure they are safe for the children they serve."

The Child Safety Pilot Program created in the PROTECT Act was extended for another 12 months by a provision in last year's Intelligence Reform and Terrorism Prevention Act, but the initiative is scheduled to expire at the end of January 2006. Although the Department of Justice has yet to submit a status report on the Child Safety Pilot Program, as required by law, data provided by groups using the program demonstrate its effectiveness and the need for it to be extended.

At last check, over 10,000 background checks have been conducted through the pilot program. In those performed checks, 7.5 percent of all workers screened had an arrest or conviction in their record. Crimes discovered were serious: rape, child sexual abuse, murder, and domestic battery. Half of those individuals were not truthful in their job application and instead stated they did not have a criminal record. Over one-quarter, 28 percent, of applicants with a criminal record had crimes from States other than where they were applying to work. In other words, but for the existence of the Child Safety Pilot Program, employers may not have known that their applicants had a criminal record.

The bill Senator HATCH and I introduce today will extend the Child Safety Pilot Program for an additional 30-month period. It will also change the original program so that more youth-serving organizations can participate, and will shorten the timeframe given to the FBI in which to return the results of the background check. We are pleased that our bill has been endorsed by the Boys & Girls Clubs of America, the National Mentoring Partnership, and the National Center for Missing and Exploited Children.

I would like to thank those who have made this program such a success. Specifically, Ernie Allen and his team at the National Center for Missing and Exploited Children have generously provided staff and equipment and have served as a clearinghouse to process background check requests. Robbie Callaway and Steve Salem of the Boys & Girls Clubs of America originally came up with this idea, and have provided tireless advocacy on its behalf. And Margo Pedroso of the National Mentoring Partnership has been invaluable in making Members of Congress and the general public aware of the need for an affordable, efficient national criminal history background check system. Without her, this program would never have been created.

I urge my colleagues to support the Child Safety Pilot Program Act, and I look forward to its prompt consideration.

By Mr. BAUCUS:

S. 1963. A bill to make miscellaneous improvements to trade adjustment assistance; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to introduce the Trade Adjustment Assistance Improvement Act of 2005.

I want to begin with some simple facts about international trade. The benefits of trade are vast in absolute terms, but so diffuse that individuals are generally unaware of how much they personally gain from trade. By contrast, the harms from trade, while small in absolute terms, are localized and intense.

Research shows that, on average, a worker who loses his job due to trade will make 17 percent less in his new job. The older the worker and the lower his level of education, the larger the lifetime wage cut he is likely to experience.

With statistics like these, is it any wonder that workers who believe their jobs are at risk from international competition are skeptical about trade? With increasing numbers of Americans feeling vulnerable in the global economy—even though many of them will never lose their jobs because of trade—the potential pool of trade skeptics is growing.

There is a solution.

In a June 2002 poll conducted by the Chicago Council on Foreign Relations and Harris Interactive, respondents were asked which of three positions most closely reflects their views on international trade. Nearly three quarters of those surveyed, 73 percent, agreed with this statement: "I favor free trade, and I believe that it is necessary for the government to have programs to help workers who lose their jobs." Sixteen percent said they favored free trade and did not think it necessary for the government to help those who lose their jobs. Nine percent said they do not favor free trade.

The results were even more striking in a 1999 poll conducted by the Program on International Policy and Attitudes at the University of Maryland. In that poll, 87 percent of participants agreed with this statement: "I would favor more free trade, if I was confident that we were making major efforts to educate and retrain Americans to be competitive in the global economy." Only 11 percent disagreed.

If there is a more compelling case to be made for Trade Adjustment Assistance, I do not know what it is.

For more than 40 years, TAA has been providing retraining, income support, and other benefits to workers who lose their jobs due to trade. Montana workers tell me that TAA has been a lifeline, making it possible for them to gain new skills and start new careers rather than merely survive a layoff.

In the Trade Act of 2002, I spearheaded the most comprehensive expansion and overhaul of the TAA program since 1974. We expanded the kinds of workers who are eligible for TAA benefits. We added new benefits like wage insurance and the health coverage tax credit. We also streamlined the application deadlines to get workers enrolled and retraining sooner.

I am proud of this landmark legislation. It unified a splintered TAA program to create a single, comprehensive set of benefits.

Like most successful legislation, however, it was the product of compromise. While TAA was expanded to cover secondary workers, it was not expanded to cover service workers. While we added new benefits, we also added eligibility tests for those new benefits that have proven burdensome and unduly restrictive in practice. While we made more workers eligible for training, we did not provide training funds adequate to serve those workers.

In order for TAA to truly meet the needs of displaced workers, it needs to be a lot more user-friendly. This bill accomplishes that goal by eliminating barriers to entry that, in practice, defeat the purpose of TAA. The bill's goal is simple: to get every trade-displaced worker who needs a new start into meaningful training and back into the workforce at comparable wages.

The TAA Improvements Act makes the following changes to TAA:

First, it provides that all deadlines and time limits for applying for benefits are suspended when workers are appealing the Department of Labor's denial of a TAA eligibility petition. According to DOL statistics, in 2004 DOL denied approximately 35 percent of the TAA petitions on which it ruled. Among the TAA petition denials appealed to the Court of International Trade in the past several years, the vast majority have been reversed. Numerous judges on the Court have expressed growing impatience with the Labor Department's propensity to stick by denials for years until workers—ultimately vindicated through protracted litigation—lose the ability to receive full benefits. This bill rectifies the problem by allowing workers who successfully appeal denials of their TAA petitions to receive the benefits to which they are entitled regardless of intervening deadlines.

Second, the bill creates a TAA Petition Adviser within the Department of Labor to assist workers and those who prepare TAA petitions on their behalf. Most workers and employers who prepare TAA petitions have no experience with the program and seldom have access to experienced counsel. The petition form itself, while improved over prior versions, provides little guidance on the kinds of factual information upon which DOL bases eligibility determinations. As the Court of International Trade has found on numerous occasions, the Department's practice is to do little, if any, investigation beyond the facts presented on the petition. Accordingly, if an inexperienced group of workers fails to say "the magic words", their petition is likely to be turned down. The new Petition Adviser would be responsible for assisting workers to prepare petitions by advising them on the kinds of information that are necessary to demonstrate TAA eligibility—eliminating much of the guesswork that can turn applying for TAA into a game of roulette.

Sadly, not all employers make their best efforts to help their displaced workers qualify for TAA. Employers who prepare TAA applications for their workers may assign the task to Human Resources staff, who may lack sufficient knowledge to provide the appropriate information to the Labor Department. They sometimes provide inaccurate or incomplete evidence that prevents DOL from certifying the workers. The bill addresses this problem by requiring that all information provided to DOL by the petitioning workers' employer be certified as to its completeness and accuracy by counsel or by an officer of the company. This requirement assures that petitions will receive high-level management attention and, in the case of counsel, imposes an external ethical check.

In the Trade Act of 2002, Congress had the wisdom to create a program of wage insurance, called Alternative TAA. Unlike traditional TAA, which requires a worker to remain unemployed until training is completed, wage insurance creates an incentive for workers to return to work sooner and train on the job. It does so by assuring the worker that, if the new job pays less than the old one, he can receive a subsidy equal up to half the wage differential up to $10,000 over two years. This innovative program has the potential to facilitate the most effective kind of training, reduce worker transition time, and reduce the per-worker cost of adjustment assistance.

Experience under the Trade Act of 2002 indicates low participation in this program, both because it is limited to workers over 50 and because the steps a worker needs to take to choose wage insurance have proved difficult to satisfy. This bill streamlines the application process for alternative TAA and lowers the minimum age for participating workers from 50 to 40—the average age of TAA participants.

The Trade Act of 2002 expanded TAA eligibility to include so-called "shifts in production"—when a plant in the United States closes and moves overseas. The law makes eligibility automatic when production shifts to a country with which the United States has a free trade agreement or a unilateral preference program. But when production shifts to another country—such as China or India—workers must satisfy additional criteria before they are eligible.

This limitation is one of the compromises that shaped the Trade Act of 2002. But I have never thought it fair or equitable. A worker whose plant moves overseas has the same adjustment needs no matter where the plant relocated. The TAA Improvement Act eliminates this distinction, making eligibility for TAA automatic for shifts in production to any country. It also eliminates a similar provision that limits coverage of certain secondary workers to trade with Canada and Mexico.

In a recent review of the TAA program, the Government Accountability Office noted that inflexible training enrollment deadlines have made it difficult for workers to make timely and informed decisions about their training plans and career options. Experience has shown that the deadlines we set may be too short in some cases. Community colleges, the principal providers of TAA training services, often enroll students only twice a year, making it difficult for some workers to enroll in the courses they need within the applicable deadlines. Even the most motivated among laid-off workers find it difficult to do the research and soul-searching necessary to make informed and sensible choices about retraining in the time provided. For these reasons, this bill extends the training enrollment deadline by several weeks.

Perhaps the single most important problem facing the TAA program today is the chronic shortage in training funds. Every year, there are states that run out of training funds and are forced to ration training. In some cases, states have even stopped workers from enrolling, which can reduce the total TAA benefits the worker can receive even if funds later become available. The Department of Labor has wisely issued guidelines to states to help them better manage their training resources. But the truth of the matter is that Congress has failed to provide states with enough training funds to adequately serve the number of people who qualify for retraining. Rather than cap training spending each year at an arbitrary amount arrived at through political negotiations, this bill sets the training budget with reference to program enrollment and average per person training costs.

The bill also gives the Department of Labor flexibility to steer workers into some less traditional but practical training options. Many workers who go through the TAA program ultimately end up self-employed. Under the Workforce Investment Act, a general retraining program for dislocated workers, workers can participate in entrepreneurial training that prepares them for self-employment. This bill extends the same option to workers in the TAA program. More than 10 percent of TAA participants are not native English speakers. Because English proficiency is a prerequisite for most occupational training courses, these workers are generally steered into English language classes and tend to use up their training benefits before receiving occupational training. Under WIA, the Department of Labor has recently begun promoting "integrated workforce training," which combines occupational training with job-related English proficiency. My bill allows the same kind of training to be provided under TAA.

For workers entering the TAA program, the most important service they receive is guidance from case workers provided by the state. These case workers help displaced workers learn about local career options, make informed choices about training programs, prepare necessary paperwork and meet deadlines for TAA income support and other benefits. They keep workers from being taken advantage of by unscrupulous training providers who prey on confused dislocated workers and make sure workers know about all the benefits to which they are entitled.

Because TAA is a federal program delegated to the states, the federal government provides the states with funding to meet the program's administrative costs. According to a survey by the GAO, however, the cost of providing case worker services far exceeds the amount that the federal government provides. States must either divert money from other training programs or skimp on the services they provide to workers under TAA. The goal of TAA is to have workers make sensible choices about training that will lead to successful new careers. My bill makes that possible by requiring the federal government to provide the states with adequate funds to meet these critical administrative costs.

This legislation requires the Department of Labor to improve its data collection and to disseminate more information about the operation of the TAA program. Better and more accessible data will permit Congress and the public to more accurately assess the program's successes and failures and make it easier for workers to prepare successful petitions.

Finally, this legislation makes some needed changes to the TAA for Farmers program. For many years, Congress and the Labor Department tried—unsuccessfully to shoehorn farmers into the traditional TAA program. But the adjustment issues facing American farmers from global competition are fundamentally different than those facing manufacturing workers. In the Trade Act of 2002, we created TAA for Farmers by modifying the eligibility criteria and benefits package to more closely meet the needs of agricultural producers.

Congress dedicated $90 million annually to this program, with the intention of helping farmers to become more competitive before losing their farms. After several years in operation, however, much of the money provided by Congress has not been spent. The legislation I am introducing today fine tunes the eligibility criteria, based on experience, to eliminate some of the pitfalls that have excluded some crops from the program.

The Trade Adjustment Assistance Improvement Act is the fourth in a series of bills I have recently introduced to improve and reform TAA. The Trade Adjustment Assistance for Firms Reorganization Act, S. 1308, makes needed changes to the management structure of TAA for Firms at the Department of Commerce. The Trade Adjustment Assistance Equity for Service Workers Act, S. 1309, extends TAA to the 80 percent of American workers in the service sector. The Trade Adjustment Assistance for Industries Act, S. 1444, simplifies the TAA petition process and ties TAA more closely to displacements caused by specific trade agreements.

In the future, I plan to introduce additional legislation addressing the TAA health coverage tax credit. HCTC is a critical new benefit added to the TAA package in 2002. As with many new programs, the implementation process for HCTC has been bumpy. Armed with several years of experience and several objective studies of the program, the time has come to start smoothing out those bumps by revisiting the structure and operation of the HCTC. This further legislation should be ready for introduction in the coming months.

Whenever I speak about the need to expand and improve TAA, the first question I usually get is: how much will it cost? Clearly, my proposals will add to the cost of the program and I will ask CBO to provide a score. But the strong implication of this common question is that we cannot afford to add to the cost of the TAA program. I think that is the wrong starting point.

First, we need to put the cost of TAA in perspective. At present, TAA costs around one billion dollars per year to operate. That is a cost of less than $10 per American household per year. By contrast, a study by the Institute for International Economics recently concluded that the American economy is roughly $1 trillion per year better off thanks to global integration, which comes to about $9,000 in extra income every year for each American household. Looking at these figures, we should be embarrassed at the paltry fraction of the economic gains from trade that we are plowing back into adjusting and retraining our workforce.

The truth is, the United States as a country cannot afford not to make these changes. We need to be putting more resources into worker retraining. We need to make sure we do not marginalize an entire generation of manufacturing workers.

Now more than ever, we have to prepare workers for the challenges of the global market. The domestic auto industry faces unprecedented challenges to remain competitive in today's world. In October alone, a major auto parts supplier filed for bankruptcy, General Motors slashed wages and legacy benefits, and the Ford Motor Company announced substantial layoffs. Thousands of specialized workers will be displaced and have to start over.

At the same time, I continue to read warnings of an impending labor shortage—even in the manufacturing sector. Baby boomers will soon begin retiring in large numbers. Our educational system is not turning out enough new workers with the skills our employers need to succeed in global competition. I have seen estimates of a shortage of 20 million workers by 2020—with the most severe shortages in the most skilled jobs.

Economists estimate that increasing the education level of American workers by one year would increase productivity by 8.5 percent in manufacturing and 12.7 percent in nonmanufacturing industries. Is expanding TAA too high a price to pay to address the coming labor shortage and to achieve productivity gains on this order? I certainly do not think so.

Experts with a wide range of views on issues surrounding trade and competitiveness agree that, if our nation is to thrive in the global economy of the 21st century, we must expand our worker adjustment program. From Jagdish Bagwati to Tom Friedman, from Alan Greenspan to the AFL-CIO—there is near universal agreement on this point. I believe the legislation I have introduced today and over the past weeks creates a strong platform to build on and I will work to see these bills enacted into law.

But trade adjustment for workers alone cannot prepare America for the competitive challenges ahead. We must aggressively pursue our interests through the trade agreements we negotiate with other countries, and we must enforce them just as aggressively. Recently I laid out my vision for closer congressional oversight of trade enforcement by the United States Trade Representative. I intend to introdue legislation to address the need for better, more aggressive enforcement of our trade agreements. Finally, I believe that our global competitiveness strategy must go beyond trade negotiations. Over the course of several months, I have highlighted many opportunities to enhance our global competitiveness in areas such as healthcare, energy, education, and savings. We must prepare the American people to take full advantage of these opportunities and many more.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Trade Adjustment Assistance Improvement Act of 2005".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—TRADE ADJUSTMENT ASSISTANCE

Sec. 101. Calculation of separation tolled during litigation.
Sec. 102. Establishment of Trade Adjustment Assistance Advisor.
Sec. 103. Certification of submissions.
Sec. 104. Revision of eligibility criteria.
Sec. 105. Training.
Sec. 106. Funding for administrative costs.
Sec. 107. Authorization of appropriations.

TITLE II—DATA COLLECTION

Sec. 201. Short title.
Sec. 202. Data collection; study; information to workers.
Sec. 203. Determinations by the Secretary of Labor.

TITLE III—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

Sec. 301. Clarification of marketing year and other provisions.
Sec. 302. Eligibility.

TITLE I—TRADE ADJUSTMENT ASSISTANCE

SEC. 101. CALCULATION OF SEPARATION TOLLED DURING LITIGATION.

Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended by adding at the end the following:

"(h) SPECIAL RULE FOR CALCULATING SEPARATION.—Notwithstanding any other provision of this chapter, any period during which a judicial or administrative appeal is pending with respect to the denial by the Secretary of a petition under section 223 shall not be counted for purposes of calculating the period of separation under subsection (a)(2) and an adversely affected worker that would otherwise be entitled to a trade readjustment allowance shall not be denied such allowance because of such appeal.".

SEC. 102. ESTABLISHMENT OF TRADE ADJUSTMENT ASSISTANCE ADVISOR.

(a) IN GENERAL.—Subchapter A of chapter 2 of title II of the Trade Act of 1974 is amended by inserting after section 221, the following new section:

"SEC. 221A. ESTABLISHMENT OF TRADE ADJUSTMENT ASSISTANCE ADVISOR.

"(a) In General.—There is established in the Department of Labor an office to be known as the 'Office of the Trade Adjustment Assistance Advisor'. The Office shall be headed by a Director, who shall be responsible for providing assistance and advice to any person or entity described in section 221(a)(1) desiring to file a petition for certification of eligibility under section 221.

"(b) Technical Assistance.—The Director shall coordinate with each agency responsible for providing adjustment assistance under this chapter or chapter 6 and shall provide technical and legal assistance and advice to enable persons or entities described in section 221(a)(1) to prepare and file petitions for certification under section 221.".

(b) Technical Amendment.—The table of contents for title II of the Trade Act of 1974 is amended by inserting after the item relating to section 221, the following:

"Sec. 221A. Establishment of Office of Trade Adjustment Assistance Advisor.".

SEC. 103. CERTIFICATION OF SUBMISSIONS.

Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) is amended by adding at the end the following:

"(e) Certification of Submissions.—If an employer submits a petition on behalf of a group of workers pursuant to section 221(a)(1) or if the Secretary requests evidence or information from an employer in order to make a determination under this section, the accuracy and completeness of any evidence or information submitted by the employer shall be certified by the employer's legal counsel or by an officer of the employer."

SEC. 104. REVISION OF ELIGIBILITY CRITERIA.

(a) Shifts in Production.—Section 222(a)(2)(B) of the Trade Act of 1974 (19 (U.S.C. 2272(a)(2)(B)) is amended to read as follows:

"(B) there has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision.".

(b) Wage Insurance.—

(1) In general.—Section 246(a)(3) of the Trade Act of 1974 (19 U.S.C. 2318(a)(3)) is amended to read as follows:

"(3) Eligibility.—A worker in a group that the Secretary has certified as eligible to apply for adjustment assistance under section 223 may elect to receive benefits under the alternative trade adjustment assistance program if the worker—

"(A) obtains reemployment not more than 26 weeks after the date of separation from the adversely affected employment;

"(B) is at least 40 years of age;

"(C) earns not more than $50,000 a year in wages from reemployment;

"(D) is employed on a full-time basis as defined by State law in the State in which the worker is employed; and

"(E) does not return to the employment from which the worker was separated.".

(2) Conforming amendments.—

(A) Subparagraphs (A) and (B) of section 246(a)(2) of the Trade Act of 1974 (19 U.S.C. 2318(a)(2)) are amended by striking "paragraph (3)(B)" and inserting "paragraph (3)" each place it appears.

(B) Section 246(b)(2) of such Act is amended by striking "subsection (a)(3)(B)" and inserting "subsection (a)(3)".

(c) Downstream Workers.—Section 222(c)(3) of the Trade Act of 1974 (19 (U.S.C. 2272(c)(3)) is amended by striking ", if the certification of eligibility" and all that follows to the end period.

SEC. 105. TRAINING.

(a) Modification of Enrollment Deadlines.—Section 231(a)(5)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2291(a)(5)(A)(ii)) is amended—

(1) in subclause (I), by striking "16th week" and inserting "26th week"; and

(2) in subclause (II), by striking "8th week" and inserting "20th week".

(b) Extension of Allowance to Accommodate Training.—Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended by adding at the end the following:

"(h) Extension of Allowance.—Notwithstanding any other provision of this section, a trade readjustment allowance may be paid to a worker for a number of additional weeks equal to the number of weeks the worker's enrollment in training was delayed beyond the deadline applicable under section 231(a)(5)(A)(ii) pursuant to a waiver granted under section 231(c)(1)(E).".

(c) Funding for Training.—Section 236(a) of the Trade Act of 1974 (19 U.S.C. 2296(a)) is amended—

(1) in paragraph (1) by striking "Upon such approval" and all that follows to the end; and

(2) by amending paragraph (2) to read as follows:

"(2)(A) Upon approval of a training program under paragraph (1), and subject to the limitations imposed by this section, an adversely affected worker covered by a certification issued under section 223 shall be eligible to have payment of the costs of that training, including any costs of an approved training program incurred by a worker before a certification was issued under section 223, made on behalf of the worker by the Secretary directly or through a voucher system.

"(B) Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Improvement Act of 2005, the Secretary shall develop and submit to Congress for approval a formula that provides workers with an individual entitlement for training costs to be administered pursuant to sections 239 and 240. The formula shall take into account—

"(i) the number of workers enrolled in trade adjustment assistance;

"(ii) the duration of the assistance;

"(iii) the anticipated training costs for workers; and

"(iv) any other factors the Secretary deems appropriate.

"(C) Until such time as Congress approves the formula, the total amount of payments that may be made under subparagraph (A) for any fiscal year shall not exceed fifty percent of the amount of trade readjustment allowances paid to workers during that fiscal year.".

(d) Approved Training Programs.—

(1) In general.—Section 236(a)(5) of the Trade Act of 1974 (19 U.S.C. 2296(a)(5)) is amended—

(A) by striking "and" at the end of subparagraph (E);

(B) by redesignating subparagraph (F) as subparagraph (H); and

(C) by inserting after subparagraph (E) the following:

"(F) integrated workforce training;

"(G) entrepreneurial training; and".

(2) Definition.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended by adding at the end the following:

"(18) The term 'integrated workforce training' means training that integrates occupational skills training with English language acquisition.".

SEC. 106. FUNDING FOR ADMINISTRATIVE COSTS.

Section 241 of the Trade Act of 1974 (19 U.S.C. 2313) is amended by adding at the end the following:

"(d) Funds provided by the Secretary to a State to cover administrative costs associated with the performance of a State's responsibilities under section 239 shall be sufficient to cover all costs of the State associated with operating the trade adjustment assistance program, including case worker costs.".

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking "2007" and inserting "2012".

(b) Firms.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended—

(1) by striking "$16,000,000" and inserting "$32,000,000"; and

(2) by striking "2007" and inserting "2012".

(c) Farmers.—Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended by striking "2007" and inserting "2012".

TITLE II—DATA COLLECTION

SEC. 201. SHORT TITLE.

This title may be cited as the "Trade Adjustment Assistance Accountability Act".

SEC. 202. DATA COLLECTION; STUDY; INFORMATION TO WORKERS.

(a) Data Collection; Evaluations.—Subchapter C of chapter 2 of title II of the Trade Act of 1974 is amended by inserting after section 249, the following new section:

"SEC. 250. DATA COLLECTION; EVALUATIONS; REPORTS.

"(a) Data Collection.—The Secretary shall, pursuant to regulations prescribed by the Secretary, collect any data necessary to meet the requirements of this chapter.

"(b) Performance Evaluations.—The Secretary shall establish an effective performance measuring system to evaluate the following:

"(1) Program performance.—A comparison of the trade adjustment assistance program before and after the effective date of the Trade Adjustment Assistance Reform Act of 2002 with respect to—

"(A) the number of workers certified and the number of workers actually participating in the trade adjustment assistance program;

"(B) the time for processing petitions;

"(C) the number of training waivers granted;

"(D) the coordination of programs under this chapter with programs under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

"(E) the effectiveness of individual training providers in providing appropriate information and training;

"(F) the extent to which States have designed and implemented health care coverage options under title II of the Trade Act of 2002, including any difficulties States have encountered in carrying out the provisions of title II;

"(G) how Federal, State, and local officials are implementing the trade adjustment assistance program to ensure that all eligible individuals receive benefits, including providing outreach, rapid response, and other activities; and

"(H) any other data necessary to evaluate how individual States are implementing the requirements of this chapter.

"(2) Program participation.—The effectiveness of the program relating to—

"(A) the number of workers receiving benefits and the type of benefits being received both before and after the effective date of the Trade Adjustment Assistance Reform Act of 2002;

"(B) the number of workers enrolled in, and the duration of, training by major types of training both before and after the effective date of the Trade Adjustment Assistance Reform Act of 2002;

"(C) earnings history of workers that reflects wages before separation and wages in any job obtained after receiving benefits under this Act;

"(D) reemployment rates and sectors in which dislocated workers have been employed;

"(E) the cause of dislocation identified in each petition that resulted in a certification under this chapter; and

"(F) the number of petitions filed and workers certified in each congressional district of the United States.

"(c) STATE PARTICIPATION.—The Secretary shall ensure, to the extent practicable, through oversight and effective internal control measures the following:

"(1) STATE PARTICIPATION.—Participation by each State in the performance measurement system established under subsection (b) and shall provide incentives for States to supplement employment and wage data obtained through the use of unemployment insurance wage records.

"(2) MONITORING.—Monitoring by each State of internal control measures with respect to performance measurement data collected by each State.

"(3) RESPONSE.—The quality and speed of the rapid response provided by each State under section 134(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(2)(A)).

"(d) REPORTS.—

"(1) REPORTS BY THE SECRETARY.—

"(A) INITIAL REPORT.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Accountability Act, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that—

"(i) describes the performance measurement system established under subsection (b);

"(ii) includes analysis of data collected through the system established under subsection (b); and

"(iii) provides recommendations for program improvements.

"(B) ANNUAL REPORT.—Not later than 1 year after the date the report is submitted under subparagraph (A), and annually thereafter, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives and release to the public a report that includes the information collected under clause (ii) of subparagraph (A).

"(2) STATE REPORTS.—Pursuant to regulations prescribed by the Secretary, each State shall submit to the Secretary a report that details its participation in the programs established under this chapter, and that contains the data necessary to allow the Secretary to submit the report required under paragraph (1).

"(3) PUBLICATION.—The Secretary shall make available to each State, to Congress, and to the public, the data gathered and evaluated through the performance measurement system established under subsection (b).".

(b) CONFORMING AMENDMENTS.—

(1) COORDINATION.—Section 281 of the Trade Act of 1974 (19 U.S.C. 2392) is amended by striking "Departments of Labor and Commerce" and inserting "Departments of Labor, Commerce, and Agriculture".

(2) TRADE MONITORING SYSTEM.—Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended by striking "The Secretary of Commerce and the Secretary of Labor" and inserting "The Secretaries of Commerce, Labor, and Agriculture".

(3) TABLE OF CONTENTS.—The table of contents for title II of the Trade Act of 1974 is amended by inserting after the item relating to section 249, the following new item:

"Sec. 250. Data collection; evaluations; reports.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 60 days after the date of enactment of this Act.

SEC. 203. DETERMINATIONS BY THE SECRETARY OF LABOR.

Section 223(c) of the Trade Act of 1974 (19 U.S.C. 2273(c)) is amended to read as follows:

"(c) PUBLICATION OF DETERMINATIONS.—Upon reaching a determination on a petition, the Secretary shall—

"(1) promptly publish a summary of the determination in the Federal Register together with the Secretary's reasons for making such determination; and

"(2) make the full text of the determination available to the public on the Internet website of the Department of Labor with full-text searchability.".

TITLE III—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

SEC. 301. CLARIFICATION OF MARKETING YEAR AND OTHER PROVISIONS.

(a) IN GENERAL.—Section 291(5) of the Trade Act of 1974 (19 U.S.C. 2401(5)) is amended by inserting before the end period the following: ", or in the case of an agricultural commodity that has no officially designated marketing year, in a 12-month period for which the petitioner provides written request".

(b) FISHERMEN.—Notwithstanding any other provision of law, for purposes of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) fishermen who harvest wild stock shall be eligible for adjustment assistance to the same extent and in the same manner as a group of workers under such chapter 2.

SEC. 302. ELIGIBILITY.

(a) IN GENERAL.—Section 292(c)(1) of the Trade Act of 1974 (19 U.S.C. 2401a(c)(1)) is amended by striking "80 percent" and inserting "90 percent".

(b) NET FARM INCOME.—Section 296(a)(1)(C) of the Trade Act of 1974 (19 U.S.C. 2401e(a)(1)(C)) is amended by inserting before the end period the following: "or the producer had no positive net farm income for the 2 most recent consecutive years in which no adjustment assistance was received by the producer under this chapter".

By Ms. SNOWE (for himself and Mr. SCHUMER):

S. 964. A bill to amend the Internal Revenue Code of 1986 to modify the determination and deduction of interest on qualified education loans; to the Committee on Finance.

Ms. SNOWE. Mr. President, every year, the cost of higher education and vocational education increases dramatically. College tuition and fees have been rising more rapidly than household income over the past two decades. The divergence is particularly pronounced for low-income households. The sad result is that with every year more students and families are forced to decide whether they can afford higher education while knowing their choice is limited by price. It is imperative that Congress work to make higher education more accessible to all.

Our Nation must make a solid commitment to ensure that every individual has the opportunity to pursue higher education, and our policies should reflect this commitment. Education has always been the great equalizer in our society that provides every American the same opportunity to succeed. That is why today I, along with Senator SCHUMER, am introducing legislation that would provide for a simpler, more borrower-friendly method for reporting and deducting capitalized interest and origination fees in connection with qualified education loans.

In May 2004, the Treasury Department issued final regulations with respect to the student loan interest deduction under the tax code. Among other things, these Treasury regulations provide that the "original issue discount rules" (OID) shall apply for purposes of students claiming this deduction. In particular, they would apply to the portion of the student loan that relates to federally mandated student loan origination fees and the capitalized interest that does not accrue on the loan while the student attends school (i.e., the government essentially pays this interest for the student on the loan during the years the student attends school).

OID rules are complicated and confusing. In general, these rules attempt to prevent taxpayers from claiming inflated interest deductions stemming from debt obligations. When a borrower issues a debt obligation at a discount, that is the note's face amount exceeds the amount that the lender advances to the borrower, the amount of the discount represents additional interest on the obligation. The OID rules reflect Congress' attempt to square the tax treatment of this unstated or disguised interest into conformity with economic reality.

The OID rules, then, "limit" a borrower's tax deduction because whereas the tax code generally permits borrowers to deduct the interest they pay on debt obligations, such as student loans, the tax code generally prevents borrowers from deducting any OID they might pay on such debt.

For example, assume that a corporation issues thirty-year bonds with a face value of $1,000 each and, according to their terms, paying 10 percent interest each year. Assume, though, that the corporation actually sells these bonds to investors for $850 because the 10 percent interest rate is below market rates. Under these facts, there is $150, $1,000 − $850, that the corporation essentially is "re-classifying" as interest that it will pay to the investor;

that is, the investors would not be satisfied with a 10 percent return upon giving the corporation $1,000 so that the corporation essentially treats a portion of the principle, $150, as interest.

The tax code classifies this $150 as OID. The $150 of OID serves the same function as the stated annual interest of $100, 10 percent of $1,000. As such, the $150 of OID is an additional cost to the corporation in borrowing $850 from the investor, and it is additional compensation that the corporation pays to the lender for lending that amount. The only differences to the parties are that the corporation is not required to pay the OID of $150 until the bond matures and that the investor does not receive the discount in cash until then, unless the bond is sold in the interim.

As I noted earlier, the OID rules prevent borrowers from deducting the entire amount of "interest" they pay to a borrower on a loan. Specifically, in the previous example, although the parties treat the loan principle as being $850, the application of the OID rules treats the loan as $1,000, which is significant because it means the IRS classifies the $150 of OID as not being interest. In turn, the borrower cannot deduct this $150 payment to the borrower because it is a return of principle on the loan rather than interest.

Consequently, applying OID rules to student loans would have several negative effects. First, with respect to students, they would not be able to deduct the entire amount of "interest" they pay to their lender. In general, whereas the tax code generally permits students to deduct student loan interest, subject to certain limitations, it does not permit taxpayers to deduct OID. The Treasury regulations, then, will reduce the cash flow of students who are repaying student loans by limiting their student loan interest deduction.

In addition, applying the OID rules will have an enormous impact on the compliance burden. Indeed, the interaction of the OID rules and the loan provisions of the Higher Education Act greatly magnifies the complexity of rules that lenders must follow. As such, lenders and servicers will be forced to create accounting systems, at enormous expenses that ultimately will be passed on to student borrowers, to enable them to track and report the origination fees and capitalized interest in accordance with the OID rules. Furthermore, given that there is no track record of applying the OID rules to student lenders, there is no guarantee that they can preform these tasks accurately.

Congress enacted the OID rules to prevent taxpayers, mostly large corporations, from altering the terms of loan agreements to claim inflated interest deduction. Clearly, applying them to student loans is unreasonable and frankly unintended.

To remedy this problem, my legislation would permit lenders to account for the OID treatment of student loans under the "immediate accrual method, which colloquially is referred to as the "bucket method." Under this approach, the origination fee would accrue as soon as it is charged to or paid by the borrower, and capitalized interest would accrue under the terms of the promissory note. Accrued origination fee and capitalized interest would go into a "bucket" as soon as they accrue, until such time as the borrower begins to make payments on the loan. Amounts in the "bucket" would be applied against principal payments until the bucket is empty. Capitalized interest and origination fees would be reported to and deductible by the eligible taxpayer in the year in which they are paid.

My legislation would, as I stated, provide for a simpler, more borrower-friendly method for reporting and deducting capitalized interest and origination fees in connection with qualified education loans. Consequently, it would not reduce the need to engage in the burdensome task of calculating the OID on loans, and the student borrowers would be able to deduct more of the interest they pay.

This bill is good policy and common sense. Senator Schumer and I look forward to working with Finance Committee Chairman Grassley and Ranking Member Baucus in seeking swift action to resolve this issue.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2423. Mr. ALLARD proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SA 2424. Mr. NELSON of Florida (for himself, Mr. Hagel, Mr. Corzine, Mr. Nelson of Nebraska, Mr. Smith, Ms. Cantwell, Mr. Dayton, Mr. Kerry, Ms. Landrieu, Ms. Mikulski, Mrs. Murray, Ms. Stabenow, Mrs. Boxer, Mr. Pryor, Mr. Durbin, Mr. Jeffords, Mr. Johnson, and Mr. Salazar) proposed an amendment to the bill S. 1042, supra.

SA 2425. Mr. McCain (for himself, Mr. Warner, Mr. Levin, Mr. Leahy, Mr. Hagel, Mr. Durbin, and Mr. Kennedy) proposed an amendment to the bill S. 1042, supra.

SA 2426. Mr. DeWine submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2427. Mr. REED (for Mr. Levin (for himself, Mr. Reed, Mr. Kerry, Mr. Feingold, and Mr. Lautenberg)) proposed an amendment to the bill S. 1042, supra.

SA 2428. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2429. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2430. Mr. LEVIN (for himself, Mr. Reed, Mr. Kennedy, Mr. Rockefeller, Mr. Bingaman, Mrs. Boxer, and Mr. Durbin) submitted an amendment intended to be proposed by him to the bill S. 1042, supra.

SA 2431. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2432. Mr. INHOFE (for himself, Mr. Stevens, Mr. Roberts, Mr. Sessions, Mr. Ensign, Mr. Graham, Mr. Thune, and Mr. Kyl) proposed an amendment to the bill S. 1042, supra.

TEXT OF AMENDMENTS

SA 2423. Mr. ALLARD proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 378, between lines 10 and 11, insert the following:

SEC. 3114. RETIREMENT BENEFITS FOR WORKERS AT ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) Program Authorized.—Subject to the availability of funds under subsection (d), the Secretary of Energy shall establish a program for the purposes of providing health, medical, and life insurance benefits to workers at the Rocky Flats Environmental Technology Site, Colorado (in this section referred to as the "Site"), who do not qualify for such benefits because the physical completion date was achieved before December 15, 2006.

(b) Eligibility for Benefits.—A worker at the Site is eligible for health, medical, and life insurance benefits under the program described in subsection (a) if the employee—

(1) was employed by the Department of Energy, or by contract or first or second tier subcontract to perform cleanup, security, or administrative duties or responsibilities at the Site on September 29, 2003; and

(2) would have achieved applicable eligibility requirements for health, medical, and life insurance benefits as defined in the Site retirement benefit plan documents if the physical completion date had been achieved on December 15, 2006, as specified in the Site project completion contract.

(c) Definitions.—In this section:

(1) Health, medical, and life insurance benefits.—The term "health, medical, and life insurance benefits" means those benefits that workers at the Site are eligible for through collective bargaining agreements, projects, or contracts for work scope.

(2) Physical completion date.—The term "physical completion date" means the date the Site contractor has completed all services required by the Site project completion contract other than close-out tasks and services related to plan sponsorship and management of post-project completion retirement benefits.

(3) Plan sponsorship and program management of post-project completion retirement benefits.—The term "plan sponsorship and program management of post-project completion retirement benefits"

means those duties and responsibilities that are necessary to execute, and are consistent with, the terms and legal responsibilities of the instrument under which the post-project completion retirement benefits are provided to workers at the Site.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated to the Secretary of Energy in fiscal year 2006 for the Rocky Flats Environmental Technology Site, $15,000,000 shall be made available to the Secretary to carry out the program described in subsection (a).

SA 2424. Mr. NELSON of Florida (for himself, Mr. HAGEL, Mr. CORZINE, Mr. NELSON of Nebraska, Mr. SMITH, Ms. CANTWELL, Mr. DAYTON, Mr. KERRY, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. MURRAY, Ms. STABENOW, Mrs. BOXER, Mr. PRYOR, Mr. DURBIN, Mr. JEFFORDS, Mr. JOHNSON, and Mr. SALAZAR) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescibe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—Subchapter II of chapter 73 of title 10, United States Code is amended—

(1) in section 1450(c)(1), by inserting after "to whom section 1448 of this title applies" the following: "(except in the case of a death as described in subsection (d) or (f) of such section)"; and

(2) in section 1451(c)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (e) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (e) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) RECONSIDERATION OF OPTIONAL ANNUITY.—Section 1448(d)(2) of title 10, United States Code, is amended by adding at the end the following new sentences: "The surviving spouse, however, may elect to terminate an annuity under this subparagraph in accordance with regulations prescribed by the Secretary concerned. Upon such an election, payment of an annuity to dependent children under this subparagraph shall terminate effective on the first day of the first month that begins after the date on which the Secretary concerned receives notice of the election, and, beginning on that day, an annuity shall be paid to the surviving spouse under paragraph (1) instead.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 643. EFFECTIVE DATE FOR PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

Section 1452(j) of title 10, United States Code, is amended by striking "October 1, 2008" and inserting "October 1, 2005".

SA 2425. Mr. MCCAIN (for himself, Mr. WARNER, Mr. LEVIN, Mr. LEAHY, Mr. HAGEL, Mr. DURBIN, and Mr. KENNEDY) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescibe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. UNIFORM STANDARDS FOR THE INTERROGATION OF PERSONS UNDER THE DETENTION OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—No person in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility shall be subject to any treatment or technique of interrogation not authorized by and listed in the United States Army Field Manual on Intelligence Interrogation.

(b) APPLICABILITY.—Subsection (a) shall not apply to with respect to any person in the custody or under the effective control of the Department of Defense pursuant to a criminal law or immigration law of the United States.

(c) CONSTRUCTION.—Nothing in this section shall be construed to affect the rights under the United States Constitution of any person in the custody or under the physical jurisdiction of the United States.

SEC. 1074. PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT OF PERSONS UNDER CUSTODY OR CONTROL OF THE UNITED STATES GOVERNMENT.

(a) IN GENERAL.—No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(b) CONSTRUCTION.—Nothing in this section shall be construed to impose any geographical limitation on the applicability of the prohibition against cruel, inhuman, or degrading treatment or punishment under this section.

(c) LIMITATION ON SUPERSEDURE.—The provisions of this section shall not be superseded, except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

(d) CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT DEFINED.—In this section, the term "cruel, inhuman, or degrading treatment or punishment" means the cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.

SA 2426. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 188, after line 23, insert the following:

SEC. 733. CENTENNIAL DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—

(1) REQUIREMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense shall implement a demonstration project (referred to in this section as the "Centennial Demonstration Project") with a non-profit health care entity (referred to in this section as the "partner") to permit employees of the Department of Defense and of the partner to jointly staff and provide heath care services to military personnel and civilians at a Department of Defense military treatment facility.

(2) TERM OF THE PROJECT.—The Secretary shall carry out the Centennial Demonstration Project for a 5-year period.

(b) PURPOSES.—The purposes of the Centennial Demonstration Project shall be to evaluate whether jointly staffing a Department of Defense military treatment facility with employees of the Department of Defense and of the partner—

(1) improves the quality of care provided to military personnel through the use of supplemental civilian medical resources that are not otherwise available at the military treatment facility;

(2) enhances the economical use of the military treatment facility by permitting excess capacity within the facility to be used by civilian medical personnel for civilian care; and

(3) provides military medical personnel additional training opportunities involving the care of civilians at the military treatment facility.

(c) LIMITATION ON SERVICES TO CIVILIANS BY MILITARY PERSONNEL.—The Secretary of Defense may not permit any civilian to receive medical services provided by military medical personnel under the Centennial Demonstration Project unless the Secretary submits to the Armed Services Committee of the Senate and the Armed Service Committee of the House of Representatives a report that includes descriptions of—

(1) the services to be provided by the military medical personnel to civilians under such Project;

(2) any benefits associated with providing such services that enhance the readiness and proficiency of the military personnel participating in such Program; and

(3) the mechanisms for recovering the costs associated with the provision of such services.

(d) FINANCIAL ARRANGEMENTS.—The Secretary of Defense is authorized to enter into appropriate financial arrangements with the partner to ensure that the Department of Defense is compensated for any care provided to civilians under the Centennial Demonstration Project. The Secretary of Defense shall determine the terms of such arrangements after evaluating—

(1) the value of the services to be provided by the partner under such Project; and

(2) the value of the use of military treatment facility by the partner during such Project.

(e) Liability.—Nothing in this section may be construed to modify any law regarding the liability of civilian or military medical personnel for medical services rendered to either civilian or military personnel.

(f) Reports.—

(1) Requirement.—The Secretary of Defense and the appropriate representative of the partner shall jointly prepare and submit to Congress 2 reports on the Centennial Demonstration Project and its impact on the military treatment facility where such Project is implemented.

(2) Schedule.—

(A) First report.—The first report required by paragraph (1) shall be submitted not later than 4 years after the date of the enactment of this Act.

(B) Second report.—The second report required by paragraph (1) shall be submitted not later than 5 years after the date of the enactment of this Act.

SA 2427. Mr. REED (for Mr. Levin (for himself, Mr. Reed, Mr. Kerry, Mr. Feingold, and Mr. Lautenberg)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title II, add the following:

SEC. 330. ADDITIONAL AMOUNT FOR COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) Increased Amount for Operation and Maintenance, Cooperative Threat Reduction Programs.—The amount authorized to be appropriated by section 301(19) for the Cooperative Threat Reduction programs is hereby increased by $50,000,000.

(b) Offset.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, is hereby reduced by $50,000,000, with the amount of the reduction to be allocated as follows:

(1) The amount available in Program Element 0603882C for long lead procurement of Ground-Based Interceptors is hereby reduced by $30,000,000.

(2) The amount available for initial construction of associated silos is hereby reduced by $20,000,000.

SA 2428. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strength for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . IMPROVE THE RADIATION DOSE RECONSTRUCTION PROGRAM.

(a) In General.—In implementing the Energy Employees Occupational Illness Compensation Program Act, the Advisory Board on Radiation and Worker Health shall, not later than 90 days after the enactment of this Act—

(1) in order to correctly identify quality problems through the audit process of the Advisory Board, promptly develop a formal comment resolution process including the tracking of findings and issues; and

(2) review each site profile and each dose reconstruction audit report provided by the Advisory Board's audit contractor within 90 days of the date on which such audit reports are received.

(b) Corrective Action Plan.—The National Institute on Occupational Safety and Health shall, in response to recommendations from the Advisory Board on Radiation and Worker Health, prepare and submit a corrective action plan within 90 days of receiving a recommendation from the Advisory Board on items covered under subsection (a)(2). Such plans shall contain specific deadlines for implementing such recommendations to the extent that the Director concurs with the recommendations of the Advisory Board.

SA 2429. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

SEC. . PROHIBITION ON CONTRACT FOR WORK AT HANFORD SITE, WASHINGTON, UNLESS CONTRACTOR MAKES EMPLOYER CONTRIBUTIONS TO HANFORD SITE PENSION PLAN FOR PERIOD OF CONTRACT.

(a) Prohibition.—The Secretary of Energy may not, after the date of the enactment of this Act, enter into a contract for the work at the Hanford Site, Washington, specified in subsection (b) unless the contract includes terms requiring the contractor to make all applicable employer contributions to the Hanford Contractors Multi-Employer Pension Plan for employees covered by such contract over the entire period of the contract.

(b) Covered Work.—The work at the Hanford Site specified in this subsection is work for projects or activities as follows:

(1) The River Corridor Closure Project.

(2) The Fast Flux Test Facility (FFTF) Closure Project.

(3) The 222–S Laboratory.

(4) Any other project or activity at the Hanford Site.

SA 2430. Mr. LEVIN (for himself, Mr. Reed, Mr. Kennedy, Mr. Rockefeller, Mr. Bingaman, Mrs. Boxer, and Mr. Durbin) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of division A, add the following:

TITLE XV—NATIONAL COMMISSION ON POLICIES AND PRACTICES ON TREATMENT OF DETAINEES SINCE SEPTEMBER 11, 2001

SEC. 1501. FINDINGS.

Congress makes the following findings:

(1) The vast majority of the members of the Armed Forces have served honorably and upheld the highest standards of professionalism and morality.

(2) While there have been numerous reviews, inspections, and investigations by the Department of Defense and others regarding aspects of the treatment of individuals detained in the course of Operation Enduring Freedom, Operation Iraqi Freedom, or United States activities to counter international terrorism since September 11, 2001, none has provided a comprehensive, objective, and independent investigation of United States policies and practices relating to the treatment of such detainees.

(3) The reports of the various reviews, inspections, and investigations conducted by the Department of Defense and others have left numerous omissions and reached conflicting conclusions regarding institutional and personal responsibility for United States policies and practices on the treatment of the detainees described in paragraph (2) that may have caused or contributed to the mistreatment of such detainees.

(4) Omissions in the reports produced to date also include omissions relating to—

(A) the authorities of the intelligence community for activities to counter international terrorism since September 11, 2001, including the rendition of detainees to foreign countries, and whether such authorities differed from the authorities of the military for the detention and interrogation of detainees;

(B) the role of intelligence personnel in the detention and interrogation of detainees;

(C) the role of special operations forces in the detention and interrogation of detainees; and

(D) the role of contract employees in the detention and interrogation of detainees.

SEC. 1502. ESTABLISHMENT OF COMMISSION.

There is established the National Commission on United States Policies and Practices Relating to the Treatment of Detainees Since September 11, 2001 (in this title referred to as the "Commission").

SEC. 1503. COMPOSITION OF THE COMMISSION.

(a) Members.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be appointed by the senior member of the leadership of the Senate of the Democratic Party, in consultation with the senior member of the leadership of the House of Representatives of the Democratic Party, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party;

(4) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(5) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(b) Qualifications; Initial Meeting.—

(1) Political party affiliation.—Not more than 5 members of the Commission shall be from the same political party.

(2) Nongovernmental appointees.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) Other qualifications.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, the Armed Forces, intelligence gathering or analysis, law, public administration, law enforcement, and foreign affairs.

(4) Deadline for appointment.—All members of the Commission shall be appointed not later than 30 days after the date of the enactment of this Act.

(c) Meetings; Quorum; Vacancies.—

(1) Initial meeting.—The Commission shall meet and begin the operations as soon as practicable after all members have been appointed under subsection (b).

(2) Meetings.—After its initial meeting under paragraph (1), the Commission shall meet upon the call of the chairman or a majority of its members.

(3) Quorum.—Six members of the Commission shall constitute a quorum.

(4) Vacancies.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 1504. PURPOSES.

(a) In General.—The purposes of the Commission are to—

(1) examine and report upon the policies and practices of the United States relating to the treatment of individuals detained in Operation Enduring Freedom (OEF), Operation Iraqi Freedom (OIF), or United States activities to counter international terrorism since September 11, 2001 (in this title referred to as "detainees") , including the rendition of detainees to foreign countries;

(2) examine, evaluate, and report on the causes of and factors that may have contributed to the alleged mistreatment of detainees, including, but not limited to—

(A) laws and policies of the United States relating to the detention or interrogation of detainees, including the rendition of detainees to foreign countries;

(B) activities of special operations forces of the Armed Forces;

(C) activities of contract employees of any department, agency, or other entity of the United States Government, including for the rendition of detainees to foreign countries; and

(D) activities of employees of the Central Intelligence Agency, the Defense Intelligence Agency, or any other element of the intelligence community;

(3) assess the responsibility of leaders, whether military or civilian, within and outside the Department of Defense for policies and actions, or failures to act, that may have contributed, directly or indirectly, to the mistreatment of detainees;

(4) ascertain, evaluate, and report on the effectiveness and propriety of interrogation techniques, policies, and practices for producing useful and reliable intelligence;

(5) ascertain, evaluate, and report on all planning for long-term detention, or procedures for prosecution by civilian courts or military tribunals or commission, of detainees in the custody of any department, agency, or other entity of the United States Government or who have been rendered to any foreign government or entity; and

(6) investigate and submit a report to the President and Congress on the Commission's findings, conclusions, and recommendations, including any modifications to existing treaties, laws, policies, or regulations, as appropriate.

(b) Utilization of Other Materials.—The Commission may build upon reports conducted by the Department of Defense or other entities by reviewing the source materials, findings, conclusions, and recommendations of those other reviews in order to—

(1) avoid unnecessary duplication; and

(2) identify any omissions in or conflicts between such reports which in the Commission's view merit further investigation.

SEC. 1505. FUNCTIONS OF COMMISSION.

The functions of the Commission are to—

(1) conduct an investigation that ascertains relevant facts and circumstances relating to—

(A) laws, policies, and practices of the United States relating to the treatment of detainees since September 11, 2001, including any relevant treaties, statutes, Executive orders, regulations, plans, policies, practices, or procedures;

(B) activities of any department, agency, or other entity of the United States Government relating to Operation Enduring Freedom, Operation Iraqi Freedom, and efforts to counter international terrorism since September 11, 2001;

(C) the role of private contract employees in the treatment of detainees;

(D) the role of legal and medical personnel in the treatment of detainees, including the role of medical personnel in advising on plans for, and the conduct of, interrogations;

(E) dealings of any department, agency, or other entity of the United States Government with the International Committee of the Red Cross;

(F) the role of congressional oversight; and

(G) other areas of the public and private sectors determined relevant by the Commission for its inquiry;

(2) identify and review how policies regarding the detention, interrogation, and rendition of detainees were formulated and implemented, and evaluate such policies in light of lessons learned from activities in Iraq, Afghanistan, Guantanamo Bay, Cuba, and elsewhere; and

(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing any appropriate modifications in legislation, organization, coordination, planning, management, procedures, rules, and regulations.

SEC. 1506. POWERS OF COMMISSION.

(a) In General.—

(1) Hearings and evidence.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(2) Subpoenas.—

(A) Issuance.—

(i) In general.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) Signature.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) Enforcement.—

(i) In general.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) Additional enforcement.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) Contracting.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) Information and Materials From Federal Agencies.—

(1) In general.—

(A) Cooperation of agencies.—The Commission shall receive the full and timely cooperation of any department, agency, element, bureau, board, commission, independent establishment, or other instrumentality of the United States Government, and of any officer or employee thereof, whose assistance is necessary for the fulfillment of the duties of the Commission under this title.

(B) Furnishing of materials.—The Commission is authorized to secure directly from any department, agency, element, bureau, board, commission, independent establishment, or other instrumentality of the United States Government information, materials (including classified materials), suggestions, estimates, and statistics for the purposes of this title. Each such department, agency, element, bureau, board, commission, independent establishment, or other instrumentality shall, to the maximum extent authorized by law, furnish all such information, materials, suggestions, estimates, and statistics directly to the Commission, promptly upon a request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission, but in no case later than 14 days after such a request.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information and materials shall be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders. The Commission shall maintain all classified information and materials provided to the Commission under this title in a secure location in the offices of the Commission or as designated by the Commission.

(3) ACCESS TO INFORMATION AND MATERIALS.—No department, agency, element, bureau, board, commission, independent establishment, or other instrumentality of the United States may withhold information or materials, including classified materials, from the Commission on the grounds that providing the information or materials would constitute the unauthorized disclosure of classified information, pre-decisional materials, or information relating to intelligence sources or methods.

(d) ASSISTANCE FROM PARTICULAR FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments, agencies, and other elements of the United States Government may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States Government.

SEC. 1507. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission shall be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 1508. STAFF OF COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairman, in consultation with the vice chairman and in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) TREATMENT.—The staff director and any personnel of the Commission who are employees of the Commission shall be treated as employees of the Federal Government under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) EXCEPTION.—Subparagraph (A) shall not apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 1509. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The departments, agencies, and elements of the United States Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements. No person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. 1510. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under section 1511.

(c) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 1511. REPORTS OF COMMISSION; TERMINATION.

(a) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports containing such findings, conclusions and recommendations as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—Not later than 12 months after the date of the enactment of this Act, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations as have been agreed to by a majority of Commission members.

(c) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports, disseminating the final report.

SEC. 1512. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission to carry out this section $2,500,000.

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

SA 2431. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. ___. INAPPLICABILITY TO MEMBERS OF THE ARMED FORCES RECUPERATING IN MILITARY MEDICAL TREATMENT FACILITIES OF LIMITATION ON RECEIPT OF CERTAIN GIFTS.

Notwithstanding any other provision of law, regulations of the Department of Defense prohibiting members of the Armed Forces from receiving a gift from an approved charitable organization in an amount in excess of $20 shall not apply to a member of the Armed Forces who is recuperating in a military medical treatment facility.

SA 2432. Mr. INHOFE (for himself, Mr. STEVENS, Mr. ROBERTS, Mr. SESSIONS, Mr. ENSIGN, Mr. GRAHAM, Mr. THUNE, and Mr. KYL) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XII, add the following:

SEC. ___. BUILDING THE PARTNERSHIP SECURITY CAPACITY OF FOREIGN MILITARY AND SECURITY FORCES.

(a) AUTHORITY.—The President may authorize building the capacity of partner nations' military or security forces to disrupt or destroy terrorist networks, close safe havens, or participate in or support United States, coalition, or international military or stability operations.

(b) TYPES OF PARTNERSHIP SECURITY CAPACITY BUILDING.—The partnership security capacity building authorized under subsection (a) may include the provision of equipment, supplies, services, training, and funding.

(c) AVAILABILITY OF FUNDS.—The Secretary of Defense may, at the request of the Secretary of State, support partnership security capacity building as authorized under subsection (a) including by transferring funds available to the Department of Defense to the Department of State, or to any other Federal agency. Any funds so transferred shall remain available until expended. The amount of such partnership security capacity building provided by the Department of Defense under this section may not exceed $750,000,000 in any fiscal year.

(d) CONGRESSIONAL NOTIFICATION.—Before building partnership security capacity under this section, the Secretaries of State and Defense shall submit to their congressional oversight committees a notification of the nations designated by the President with which partnership security capacity will be built under this section and the nature and amounts of security capacity building to occur. Any such notification shall be submitted not less than 7 days before the provision of such partnership security capacity building.

(e) COMPLEMENTARY AUTHORITY.—The authority to build partnership security capacity under this section is in addition to any other authority of the Department of Defense to provide assistance to a foreign country.

(f) MILITARY AND SECURITY FORCES DEFINED.—In this section, the term "military and security forces" includes armies, guard, border security, civil defense, infrastructure protection, and police forces.

SEC. ___. SECURITY AND STABILIZATION ASSISTANCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, upon a request from the Secretary of State and upon a determination by the Secretary of Defense that an unforeseen emergency exists that requires immediate reconstruction, security, or stabilization assistance to a foreign country for the purpose of restoring or maintaining peace and security in that country, and that the provision of such assistance is in the national security interests of the United States, the Secretary of Defense may authorize the use or transfer of defense articles, services, training or other support, including support acquired by contract or otherwise, to provide such assistance.

(b) AVAILABILITY OF FUNDS.—Subject to subsection (a), the Secretary of Defense may transfer funds available to the Department of Defense to the Department of State, or to any other Federal agency, to carry out the purposes of this section, and funds so transferred shall remain available until expended.

(c) LIMITATION.—The aggregate value of assistance provided or funds transferred under the authority of this section may not exceed $200,000,000.

(d) COMPLEMENTARY AUTHORITY.—The authority to provide assistance under this section shall be in addition to any other authority to provide assistance to a foreign country.

(e) EXPIRATION.—The authority in this section shall expire on September 30, 2006.

PRIVILEGES OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that Major Ken Casey, an Army fellow on Senator CHAMBLISS' staff, be granted floor privileges for the duration of the consideration of S. 1052, the fiscal year 2005 national Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President. I ask unanimous consent that privilege of the floor be granted to Carlos Hill, an Air Force congressional fellow on my staff, during consideration of S. 1942.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 107–273, announces the appointment of the following individual to serve as a member of the Antitrust Modernization Commission: Makan Delrahim, of the District of Columbia.

The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senators to the Senate Delegation to the NATO Parliamentary Assembly in Copenhagen, Denmark, November 11–14, 2005 during the 109th Congress: The Honorable TRENT LOTT of Mississippi; The Honorable WAYNE ALLARD of Colorado; The Honorable JEFF SESSIONS of Alabama; The Honorable JIM BUNNING of Kentucky, and The Honorable GEORGE VOINOVICH of Ohio.

MEASURE PLACED ON THE CALENDER—S. 1960

Mr. WARNER. Mr. President, under rule XIV, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for a second time.

The assistant legislative clerk read as follows:

A bill (S. 1960) to protect the health and safety of all athletes, to promote the integrity of professional sports by establishing minimum standards for the testing of steroids and other performance-enhancing substances and methods by professional sports leagues, and for other purposes.

Mr. WARNER. In order to place the bill on the calendar under provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. The objection having been heard, the bill will be placed on the calendar pursuant to Rule XIV.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Nominations 422, 423, 427, 429, 430, 431 and 434 and all nominations on the secretary's desk.

I further ask unanimous consent the nominations be considered en bloc, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Jeffrey Thomas Bergner, of Virginia, to be an Assistant Secretary of State (Legislative Affairs).

James Caldwell Cason, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Paraguay.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Shana L. Dale, of Georgia, to be Deputy Administrator of the National Aeronautics and Space Administration.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Orlando J. Cabrera, of Florida, to be an Assistant Secretary of Housing and Urban Development.

EXECUTIVE OFFICE OF THE PRESIDENT

Katherine Baicker, of New Hampshire, to be a Member of the Council of Economic Advisers.

Matthew Slaughter, of New Hampshire, to be a Member of the Council of Econmic Advisers.

DEPARTMENT OF JUSTICE

Wan J. Kim, of Maryland, to be an Assistant Attorney General.

IN THE COAST GUARD

PN844 COAST GUARD nominations (9) beginning David K. Almond, and ending JEFFREY SAINE, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 2005. .

PN879 COAST GUARD nominations (56) beginning Steven J. Andersen, and ending Vann J. Young, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN957-1 COAST GUARD nomination of Louvenia A. McMillan, which was received by the Senate and appeared in the Congressional Record of October 6, 2005.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN797 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (7) beginning John W. Humphrey Jr., and ending Mark H. Pickett, which nominations were received by the Senate and appeared in the Congressional Record of July 29,2005.

PN935 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (14) beginning Melissa M. Ford, and ending Jamie S. Wasser, which nominations were received by the Senate and appeared in the Congressional Record of September 28, 2005.

NOMINATION OF WAN J. KIM

Mr. DURBIN. Mr. President, the Assistant Attorney General for Civil Rights is the face of civil rights law enforcement in America. I will support Wan Kim's nomination for this important post.

For nearly 50 years, the Justice Department's Civil Rights Division has enforced Nation's civil rights laws and combated racism, discrimination, and other civil rights abuses. And during the past 50 years, our Nation has made important strides in the fight for civil rights. The recent death of Rosa Parks is a reminder of how far we have come, and of the courageous acts it took to get here.

I am concerned, however, about the Bush Administration's commitment to civil rights law enforcement and especially voting rights. As Chief Justice Roberts testified at his confirmation hearing, the right to vote is the "preservative" right of all other rights. Without that fundamental right, citizens are voiceless and powerless.

At his nomination hearing, I asked Wan Kim about the Civil Rights Division's August 26 preclearance of a voter identification law in the state of Georgia that is discriminatory and "a national disgrace," in the words of the New York Times. The law requires people without a driver's license—a group disproportionately consisting of the poor, the elderly, and minorities to pay $20 or more for a State ID card in order to vote. There isn't a single place in the entire city of Atlanta where the cards are sold. The Georgia law aims to be an anti-fraud measure, but the Secretary of State in Georgia maintains there has not been a proven case of voter fraud in that state in nearly a decade.

Although Mr. Kim has been the Deputy Assistant Attorney General in the Civil Rights Division for over 2 years, he said he has not supervised voting rights issues and does not have an opinion about whether the Georgia law should have been precleared. That's a fair answer.

But I hope Mr. Kim reads a decision handed down just a few days after his nomination hearing by a Federal judge in Georgia, who enjoined the law and ruled that it appeared to be unconstitutional. The judge wrote that the Georgia law "constitutes a poll tax." Just last week, this ruling was affirmed by a three-judge panel of the conservative U.S. Court of Appeals for the 11th Circuit. Two of the three judges on the panel were appointed by President George H.W. Bush.

I am also concerned that the Bush administration has not brought a single voting rights lawsuit alleging racial discrimination against African Americans. Perhaps even more troubling is the fact that earlier this year the Justice Department filed its first case ever under the Voting Rights Act alleging discrimination in voting against white voters. This case was brought against a county in Mississippi, a State with a long and ugly history of discrimination against African Americans in voting.

As Congress begins to consider reauthorization of the important Voting Rights Act, I urge Mr. Kim to take a hard look at the work of the Civil Rights Division's Voting Section and those who supervise it. The Voting Section has done an effective job enforcing voting rights on behalf of language minorities, but not, in the opinion of many, on behalf of racial minorities.

Another area of concern is the productivity and management of the Civil Rights Division's Appellate Section. This section has been spending more time lately deporting illegal immigrants than enforcing civil rights. According to data provided by Mr. Kim, 62 percent of the briefs filed by the Civil Rights Division's Appellate Section in FY 2005 involved defending the government's decision to deport illegal immigrants. Nearly 40 percent of attorney hours in the Civil Rights Division's Appellate Section were devoted to this work, according to Mr. Kim. These numbers are troubling and unacceptable.

I am also concerned about the overall decline in civil rights appellate enforcement by the Civil Rights Division. According to Mr. Kim, during the first 5 years of the Bush administration, the Justice Department filed an annual average of 80 civil rights appellate briefs. By contrast, during the last 5 years of the Clinton administration, the Justice Department filed an annual average of 122 civil rights appellate briefs. In other words, there has been a 34 percent decline in civil rights appellate filings from the Clinton administration to the Bush administration. And there was a 73 percent drop in civil rights appellate amicus filings between 1999 and 2004. These are disturbing trends and I urge Mr. Kim to address them.

The Bush administration has also created a serious morale problem within the career ranks of the Civil Rights Division. Several media reports have elaborated on this problem, most recently a September 2005 Legal Affairs article entitled "An Uncivil Division" by a former high-ranking career official in the Civil Rights Division, William Yeomans. His article indicates that morale problems have largely been caused by heavy-handed tactics used by Civil Rights Division political appointees in making personnel decisions, communicating with career attorneys, and setting civil rights enforcement priorities.

During the nomination hearing of Alberto Gonzales to be Attorney General earlier this year, Senator DEWINE asked Mr. Gonzales what he would want to be remembered for as Attorney General. Mr. Gonzales said he wanted to be remembered first for fighting the war on terror, and second for protecting civil rights and voting rights.

I hope Attorney General Gonzales will do a better job of fulfilling his pledge to protect the civil rights and voting rights of all Americans, and I urge Wan Kim to play a leading role in accomplishing this mission.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR MONDAY, NOVEMBER 7, 2005

Mr. WARNER. Now, Mr. President, in order to bring to conclusion today's session, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. on Monday, November 7. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business until 2 p.m., with the time equally divided between the majority and minority. I further ask consent that at 2 p.m. the Senate resume consideration of S. 1042, the Defense authorization bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Mr. President, next week, the Senate will resume consideration of the Department of Defense authorization bill. The order provides for up to 12 relevant first-degree amendments on each side, with a limited amount of time for debate. The bill managers have made some progress today on the amendment process, and we will have at least one vote on an amendment on the Defense bill on Monday evening, at approximately 5:30 p.m. Senators should plan their schedules accordingly.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 7, 2005, AT 1 P.M.

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:54 p.m., adjourned until Monday, November 7, 2005, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate November 4, 2005:

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL LARITA A. ARAGON, 1042
BRIGADIER GENERAL TOD M. BUNTING, 3552
BRIGADIER GENERAL CRAIG E. CAMPBELL, 3178
BRIGADIER GENERAL WILLIAM R. COTNEY, 5188
BRIGADIER GENERAL R. ANTHONY HAYNES, 6893
BRIGADIER GENERAL CHARLES V. ICKES II, 1323
BRIGADIER GENERAL ROBERT A. KNAUFF, 5052
BRIGADIER GENERAL JAMES R. MARSHALL, 1126
BRIGADIER GENERAL TERRY L. SCHERLING, 2448
BRIGADIER GENERAL MICHAEL J. SHIRA, 1194
BRIGADIER GENERAL EMMETT R. TITSHAW, JR., 1140

To be brigadier general

COLONEL DAVID S. ANGLE, 1866
COLONEL THOMAS M. BOTCHIE, 1605
COLONEL RICHARD W. BURRIS, 9523
COLONEL GARRY C. DEAN, 9894
COLONEL MICHAEL J. DORNBUSH, 4994
COLONEL KATHLEEN E. FICK, 3666
COLONEL EDWARD R. FLORA, 6867
COLONEL JAMES H. GWIN, 5831
COLONEL SCOTT B. HARRISON, 3748
COLONEL DAVID M. HOPPER, 8083

COLONEL HOWARD P. HUNT III, 2619
COLONEL CYNTHIA N. KIRKLAND, 3880
COLONEL JOHN M. MOTLEY, JR., 2694
COLONEL GERALD C. OLESEN, 3432
COLONEL ALAN W. PALMER, 0889
COLONEL MICHAEL L. PEPLINSKI, 9509
COLONEL ESTHER A. RADA, 9001
COLONEL ALEX D. ROBERTS, 7680

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL GREGORY A. BISCONE, 7315
COLONEL EDWARD L. BOLTON, JR., 2484
COLONEL JOSEPH D. BROWN IV, 4212
COLONEL GREGORY L. BRUNDIDGE, 7660
COLONEL TIMOTHY A. BYERS, 3484
COLONEL MICHAEL W. CALLAN, 8238
COLONEL DANIEL R. EAGLE, 0734
COLONEL DAVID S. FADOK, 5536
COLONEL CRAIG A. FRANKLIN, 5281
COLONEL DAVID L. GOLDFEIN, 0354
COLONEL FRANCIS L. HENDRICKS, 9923
COLONEL JOHN W. HESTERMAN III, 2593
COLONEL JAMES W. HYATT, 8335
COLONEL JOHN E. HYTEN, 3025
COLONEL MICHELLE D. JOHNSON, 7070
COLONEL RICHARD C. JOHNSTON, 2144
COLONEL JOSEPH A. LANNI, 0597
COLONEL KENNETH D. MERCHANT, 4532
COLONEL MICHAEL R. MOELLER, 5228
COLONEL HARRY D. POLUMBO, 6801
COLONEL JOHN D. POSNER, 6335
COLONEL JAMES O. POSS, 4130
COLONEL MARK F. RAMSAY, 6705
COLONEL MARK O. SCHISSLER, 4113
COLONEL CHARLES K. SHUGG, 4948
COLONEL MARVIN T. SMOOT, JR., 6411
COLONEL ALFRED J. STEWART, 1247
COLONEL EVERETT H. THOMAS, 0760
COLONEL WILLIAM W. UHLE, JR., 9380
COLONEL DARTANIAN WARR, 4090
COLONEL BRETT T. WILLIAMS, 8154
COLONEL TOD D. WOLTERS, 1426

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL ROBERT P. FRENCH, 1355
BRIGADIER GENERAL DONALD J. GOLDHORN, 3543
BRIGADIER GENERAL RICHARD B. MOORHEAD, 6302
BRIGADIER GENERAL MARVIN W. PIERSON, 3373
BRIGADIER GENERAL STEWART A. REEVE, 3242
BRIGADIER GENERAL RANDALL E. SAYRE, 2290
BRIGADIER GENERAL THEODORE G. SHUEY, JR., 4807
BRIGADIER GENERAL THOMAS L. SINCLAIR, 7981
BRIGADIER GENERAL DAVID A. SPRYNCZYNATYK, 1827
BRIGADIER GENERAL STEPHEN F. VILLACORTA, 8901
BRIGADIER GENERAL GREGORY L. WAYT, 4702
BRIGADIER GENERAL JOHN J. WEEDEN, 7341
BRIGADIER GENERAL DEBORAH C. WHEELING, 9217

To be brigadier general

COLONEL RICKY G. ADAMS, 5879
COLONEL STEPHEN E. BOGLE, 2137
COLONEL BRENT M. BOYLES, 0459
COLONEL STEPHEN C. BURRITT, 5069
COLONEL ANDREW C. BURTON, 2840
COLONEL CAMERON A. CRAWFORD, 4478
COLONEL JOSEPH G. DEPAUL, 5800
COLONEL MARK C. DOW, 2704
COLONEL DOUGLAS B. EARHART, 0425
COLONEL WILLIAM L. ENYART, JR., 0507
COLONEL GLENN C. HAMMOND III, 5538
COLONEL DAVID L. HARRIS, 2553
COLONEL ROBERT A. HARRIS, 5261
COLONEL GRANT L. HAYDEN, 6277
COLONEL JOHN W. HELTZEL, 2860
COLONEL LEODIS T. JENNINGS, 0274
COLONEL LARRY D. KAY, 2871
COLONEL JEFF W. MATHIS III, 4869
COLONEL WENDELL B. MCLAIN, 3449
COLONEL TIMOTHY S. PHILLIPS, 8483
COLONEL JANET E. PHIPPS, 7694
COLONEL STANLEY R. PUTNAM, 9717
COLONEL RONALD J. RANDAZZO, 1097
COLONEL JOSEPH M. RICHIE, 7494
COLONEL KING E. SIDWELL, 5791
COLONEL EUGENE A. STOCKTON, 8157
COLONEL TIMOTHY L. SULLIVAN, 6483
COLONEL RICHARD E. SWAN, 7604
COLONEL JAMES H. TROGDON III, 8882
COLONEL JAMES D. TYRE, 5914
COLONEL TERRY L. WILEY, 0089

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. GUY L. SANDS-PINGOT, 0651

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MITCHELL L. BROWN, 0427

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

WALTER J. AUSTIN, 0917
KAREN F. LIKINS, 3963
KEITH C. SMITH, 1045

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, November 4, 2005:

DEPARTMENT OF STATE

JEFFREY THOMAS BERGNER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (LEGISLATIVE AFFAIRS).

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SHANA L. DALE, OF GEORGIA, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ORLANDO J. CABRERA, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

EXECUTIVE OFFICE OF THE PRESIDENT

KATHERINE BAICKER, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

MATTHEW SLAUGHTER, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

JAMES CALDWELL CASON, OF FLORIDA, TO BE AMBASSADOR TO THE REPUBLIC OF PARAGUAY.

DEPARTMENT OF JUSTICE

WAN J. KIM, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH DAVID K. ALMOND AND ENDING WITH JEFFREY SAINE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2005.

COAST GUARD NOMINATIONS BEGINNING WITH STEVEN J. ANDERSEN AND ENDING WITH VANN J. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

COAST GUARD NOMINATION OF LOUVENIA A. MCMILLAN TO BE LIEUTENANT.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH JOHN W. HUMPHREY, JR. AND ENDING WITH MARK H. PICKETT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 29, 2005.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH MELISSA M. FORD AND ENDING WITH JAMIE S. WASSER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 28, 2005.

EXTENSIONS OF REMARKS

RECOGNIZING KATHRYN VICCHIULLO OF BUSHNELL, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize Kathryn Ann Vicchiullo of Bushnell, Florida. A lifelong resident of Florida, Kathryn is a shining example of a woman who has returned to the community where she was raised to help it grow and prosper.

Following her graduation from South Sumter High School in 10th grade, Kathryn enrolled at Stetson University. At the age of 16, she was the youngest student ever enrolled at Stetson. Kathryn went on to receive her bachelor's degree with a triple major in English, Political Science and Russian.

After her graduation, Kathryn enrolled at Barry Law School, where she recently completed her first year of studies. On a hiatus from her legal studies, Kathryn has returned to South Sumter High School, where she is teaching English.

In addition to her stellar academic career, Kathryn spent much of her teenage years and vacations during college working for her parents' family restaurant, Mr. Goodburger. When not teaching at South Sumter, Kathryn has studied to become a certified financial planner, and worked to put herself through law school. I am also proud to note that this weekend, Kathryn will marry Shawn Seufert in Howey-In-The-Hills, Florida and start the next stage of her life.

Mr. Speaker, it is women like Kathryn who will help Florida's 5th Congressional District prosper and grow into the future. Her success and hard work should serve as an inspiration to young men and women in Bushnell and throughout Florida.

* * *

HONORING THE LIFE OF "SKITCH" HENDERSON

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2005

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise to pay tribute to a great friend and a gentleman who gave the gift of music freely, enthusiastically, and successfully throughout his life: my friend Lyle Russell Cedric "Skitch" Henderson. Skitch passed away on November 1 at his home in New Milford at 87.

Skitch was born in England, and moved to the United States in the 1930's. In the early years, he eked out a living as pianist, playing vaudeville and movie music in Minnesota and Montana road houses. His big break came in 1937 when he filled in for an ailing accompanist for an MGM promotional tour featuring Judy Garland and Mickey Rooney. When the tour wrapped up in Chicago, he used the original pianist's ticket and went to Hollywood. There he met Bob Hope and played piano for Bob on the Pepsodent Show. He became friends with Frank Sinatra and Bing Crosby and lent them his musical expertise. He continued on to win a Grammy award as a conductor. His many remarkable accomplishments reflect his diverse talents and character.

During World War II, Skitch like many others put his life on hold for the greater cause. He flew both the Royal Air Force and, after becoming an American citizen, the United States Army Air Corps. This fostered Skitch's love for airplanes and flying, which became a lifelong passion.

Skitch may be best known from his days as the bandleader for Steve Allen's "Tonight Show," which brought Skitch into the nation's living rooms every night. Skitch not only served as bandleader for Allen, but for Jack Paar and Johnny Carson as well, reflecting his rich personality and breathe of talents.

Not resting on his laurels, Skitch founded the New York Pops in 1983. He wanted to share his passion for music by bringing the more accessible symphonic pops fare to a broader audience. He led free New York Pops concerts in the city's parks each summer, so that people of all backgrounds could experience the majesty of hearing a world-class orchestra perform live. The New York Pops is now the largest independent symphonic pops orchestra in the United States.

Beyond his career as a performer, Skitch helped thousands of New York City's school children gain new possibilities in life through music. He personally visited classrooms throughout the city to encourage children in a love of music and learning. Recently, he was appointed to be a distinguished Professor of Music at Western Connecticut State University and only a few weeks ago, with that twinkle in his eye, excitedly shared with me his vision of this great opportunity to develop the talents of local students and mold them into a first rate orchestra.

I extend my heartfelt condolences to Skitch's wife Ruth. The couple married on February 7, 1958 and since then, they have not only been partners in marriage, but Ruth has been a partner in Skitch's many endeavors and is currently President of the New York Pops.

Skitch Henderson brought music, beauty, and hope to millions. It is my privilege to rise to honor him for enriching the lives of people of all ages over many decades throughout America. Few leave such a magnificent legacy. A life well lived, my friend!

* * *

TRIBUTE TO JOHN E. TAYLOR

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2005

Mr. VAN HOLLEN. Mr. Speaker, it is with great pleasure that I rise to commend John E. Taylor for his dedicated service to the National Archives. Mr. Taylor has worked for the National Archives since 1946. Throughout those years, Mr. Taylor has been acclaimed by researchers worldwide for his extraordinary grasp of history and ability to locate pertinent documents.

Mr. Taylor specializes in World War II documents and records of the Office of Strategic Services. Mr. Taylor's colleagues praise him as one of the most knowledgeable and generous archivists, known for his sound advice and resourceful assistance to authors, scholars and historians.

Throughout his illustrious career, Mr. Taylor has been honored by groups all over the world. In 1997 Mr. Taylor was honored by the Japanese Embassy for helping Japanese historians and journalists for the previous forty years. In 2003 the American Jewish Historical Society awarded Mr. Taylor its first "Distinguished Archivist Award" for his lifetime of work as an archivist. He has also received numerous honors from the National Archives itself. The National Archives has a special John E. Taylor Collection of books on espionage and intelligence which largely consists of works with which Mr. Taylor provided critical assistance.

Mr. Taylor is truly an invaluable resource. His service at the National Archives is legendary, and he will be greatly missed as he enters retirement. I applaud Mr. Taylor for his outstanding achievements and dedication to his work and wish him an enjoyable and fulfilling retirement.

* * *

IN RECOGNITION OF THE PASSING OF REVEREND HOLLICE T. WILLIAMS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2005

Mr. MILLER of Florida. Mr. Speaker, it is with sadness that I rise today to note the passing of a man whose legacy will forever be remembered. In 1970, Reverend Hollice T. Williams became the first black city councilman in Pensacola, a city in my district in Northwest Florida.

For more than twelve years, Rev. Williams served on the city council, re-elected six times to the council. However, his service to Northwest Florida extended far beyond elected office. For nearly 50 years, Rev. Williams

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

worked at the local YMCA, eventually becoming executive director in 1969. Through his different positions at the YMCA, he became known as a man with a genuine sense of caring who fostered that sense into those with whom he came into contact.

The Reverend Hollice Williams was also known in areas of the community as he continuously addressed civic issues for the black community as well as the faith-based community. His love for God was readily apparent in his conduct for individuals and groups. He put in long hours for youth groups throughout the area, sang in the choir at Emanuel Baptist Church, and was the pastor at Mount Lily Baptist Church for nearly ten years at the end of his working career. While suffering a stroke two years ago may have slowed the Reverend's activities, the lessons he had instilled and the inspiration he had brought to those around him continued to thrive.

Mr. Speaker, on behalf of the United States Congress, I would like to offer my sincere condolences to the family of Reverend Williams. They, along with their community, have suffered a great loss. Reverend Hollice T. Williams served as a model for so many, and I am confident that many will remember him fondly and model their actions in life on what he showed them through his life.

EMSLEY TAYLOR JACKSON MAKES HER MARK ON THE WORLD

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2005

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate Mr. Morgan Jackson and his wife Shawn on the birth of their first child, Emsley Taylor Jackson. Emsley was born on Tuesday, October 25, 2005 and weighed 10 pounds. Faye joins me in wishing Morgan and Shawn great happiness during this very special time in their lives.

As a father of three, I know the immeasurable pride and rewarding challenges that children bring into your life. Their innocence keeps you young-at-heart. Through their inquiring minds and wide-eyed wonder, they will teach you just as you teach them, and show you the world in a fresh, new way. A little miracle, a new baby holds all the potential of what human beings can achieve.

I welcome young Emsley into the world and wish Morgan and Shawn all the best as they begin guiding her through life.

INTRODUCTION OF THE ANIMAL ENTERPRISE TERRORISM ACT OF 2005

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2005

Mr. PETRI. Mr. Speaker, today, I am introducing the Animal Enterprise Terrorism Act of 2005. This legislation would provide federal authorities with the necessary tools to help prevent and better investigate and prosecute eco-terror cases.

Between January of 1990 and June of 2004, extremist movements such as the Animal Liberation Front (ALF), the Earth Liberation Front (ELF), and the Stop Huntington Animal Cruelty (SHAC) committed more than 1,100 acts of terrorism causing more than $120 million in damages. The FBI considers these extremists groups among its most serious domestic threats.

Animal rights extremists advance their cause through "direct action" which includes death threats, vandalism, animal releases, and bombings. Their actions are calculated to aggressively intimidate and harass those identified as targets. Traditional targets include research and biomedical laboratories, fur farms, and restaurants. These extremists have also turned to targeting companies that do business or have a financial interest in an animal enterprise.

In my own state of Wisconsin, mink farmers and researchers at the Wisconsin National Primate Research Center have experienced their own fair share of intimidation, harassment, and vandalism at the hands of animal rights extremists.

Current federal law is inadequate to address the threats posed by violent acts committed by these animal rights extremists. They have recognized the limits and ambiguities in our current statutes, such as the Animal Enterprise Protection Act, and have tailored their campaign to exploit them.

Mr. Speaker, the Animal Enterprise Terrorism Act of 2005 would address gaps in the law that keep authorities from using it in the most effective manner possible. The bill provides for penalties for intentional economic disruption or damage and for intentionally causing bodily harm or placing a person in reasonable fear of death or bodily harm.

It also specifically addresses the "tertiary targeting" tactic employed by these extremists by prohibiting intentional damage of property belonging to a person or organization with ties to an animal enterprise.

Enactment of this legislation will enhance the ability of law enforcement and the Justice Department to protect law-abiding American citizens from violence and the threat of violence posed by animal rights extremists.

FREEDOM FOR BLAS GIRALDO REYES RODRÍGUEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr Speaker, I rise today to speak about Blas Giraldo Reyes Rodriguez, a political prisoner in totalitarian Cuba.

Mr. Reyes Rodríguez is an opposition activist and independent librarian in totalitarian Cuba. His life is dedicated to the proposition that the men and women of Cuba must be free: free to learn, free to worship, free to elect their leaders, free to enjoy their inalienable human rights. Independent librarians in Cuba, such as the one operated by Mr. Reyes Rodríguez, provide the indispensable service of circulating truth at a time when the tyrannical regime provides only propaganda. These heroic librarians often circulate the great works of anti-totalitarian literature, including the important writings of Václav Havel and Dr. Martin Luther King. Literature is a great danger to totalitarian regimes: books often provide the truth that tyrants seek to hide.

Unfortunately, In March 2003, as part of Castro's condemnable crackdown on peaceful pro-democracy activists, Mr. Reyes Rodríguez was arrested. In a sham trial, he was sentenced to 25 years in the totalitarian gulag.

Amnesty International reports that he is suffering from serious medical concerns in the gulag. According to the U.S. Department of State's Country Reports on Human Rights Practices for 2003:

> In early August, officers of the Ministry of the Interior threatened to arrest the wife of prisoner Blas Giraldo Reyes Rodríguez if she continued to receive activists who visited her to express sympathy for the jailing of her husband. Police told Isel de las Mercedes Acosta Obregon that they would try her for violating the Law to Protect National Independence and the Economy (Law 88) (see Section 2.a.) if she did not cease "counterrevolutionary activities."

Mr. Reyes Rodríguez has also been named an honorary member of Sydney PEN, an organization of writers devoted to emphasizing the role of literature in the development of mutual understanding and world culture; to fighting for freedom of expression; and to acting as a powerful voice on behalf of writers harassed, imprisoned and sometimes killed for their views.

Mr. Speaker, let me be very clear, Mr. Reyes Rodríguez is languishing in an infernal gulag because he believes in freedom, truth, democracy, and human rights. His family is being constantly threatened because of these "dangerous" beliefs. My colleagues, we must demand the immediate and unconditional release of Blas Giraldo Reyes Rodriguez and every political prisoner in totalitarian Cuba.

PERSONAL EXPLANATION

HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2005

Mr. SHADEGG. Mr. Speaker, on Friday, October 28, 2005, I had an out of town engagement and missed rollcall votes. I ask that my absence be excused, and that the CONGRESSIONAL RECORD show that had I been present:

For rollcall no. 556, I would have voted "aye."

Again and again, Iranian government's policies have shown utter disrespect for international law, oppressed the Iranian people, and facilitated international terrorism.

President Mahmoud Ahmadinejad's comments on October 26, 2005 in support of annihilating Israel reaffirm the necessity of strong American and United Nations policies towards Iran. Knowing of Iran's desire to develop nuclear capabilities and intentions to use them against Israel, we must, in the strongest terms possible, condemn President Ahmadinejad's statements and continue working towards a freer and more stable Middle East.

HONORING THE 20TH ANNIVERSARY OF THE GEORGE MASON UNIVERSITY SCHOOL OF INFORMATION AND ENGINEERING

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to commemorate the 20th anniversary of George Mason University's School of Information Technology and Engineering.

2005 is a year of great significance for the School of Information Technology and Engineering. On October 28, 2005, George Mason University invited alumni and friends to join in celebrating the school's many accomplishments and its exciting plans for the future. This event also served as the commencement of the school's first-ever fund-raising campaign, the "2010 Campaign." Through this campaign, George Mason aims to raise more than $20 million in private funds by June 2010. This funding will enable the School of Information Technology and Engineering to continue its path of national prominence and leadership and to create new programs in the area of information technology in the biosciences including bio-informatics, bio-technology, and bio-engineering.

Led by Dean Lloyd Griffiths, George Mason's School of Information Technology and Engineering is the first engineering school in the United States to focus on information technology rather than the traditional engineering science, and is also the first engineering school to offer a doctoral program in information technology. It was also one of the first engineering schools in the country to be named as a Center of Academic Excellence in Information Assurance Education by the National Security Agency and the White House Complex. Additional research areas of expertise within the School of Information Technology and Engineering include genetic algorithms, robotics, learning agents, air transportation, infrastructure protection, and data visualization.

Indeed, while many other colleges are experiencing a decrease in engineering enrollments, student enrollment at George Mason's School of Information Technology and Engineering continues to grow. To compliment the increase in enrollment, George Mason University has committed to raising the quality of the program to an even greater degree by making changes such as hiring a substantial number of new faculty members, leveraging research and donor funding, and enhancing its participation in high school mentorship programs, among others.

Mr. Speaker, I ask my colleagues to join me in commending and congratulating George Mason University's School of Information Technology and Engineering on 20 years of excellence. I look forward to applauding its continued growth and success for many years to come.

RECOGNIZING THE CONTRIBUTIONS OF EDITH ROBLES

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2005

Mr. SOLIS. Mr. Speaker, today I rise to recognize Edith Rocio Robles, a dedicated and intelligent woman whom I was fortunate to have served as my Communications Director from September 2001 through August 2005. During her tenure in my office I greatly valued Edith's strong communication skills.

Edith joined my office in 2001 as my Press Secretary. Edith quickly assumed her role as Press Secretary. Edith's strong public relations skills and knowledge of the press, particularly Spanish media, made her a valuable member of my staff and gained her the admiration of her colleagues. In 2002, I promoted Edith to the role of Communications Director in recognition of her hard work and invaluable help to my office.

As a grass-roots oriented Member of Congress, I take great pride in my office's extensive efforts to communicate with my constituents in the 32nd Congressional District about how the Federal Government can be of assistance to them and about the work I'm doing in Congress to improve their lives. As Communications Director, Edith played a critical role in this effort, strengthening my office's working relationships with members of the press and local community activists and overseeing my office's mail outreach program.

While I am sad to see Edith leave, I am confident that the future will bring her great success. I wish Edith and her family good health and wishes. I join my staff in Washington, DC, El Monte and East Los Angeles offices in wishing Edith the best of luck in all of her future endeavors. Buena suerte, Edith!

IN MEMORY OF RICHARD E. SMALLEY

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2005

Mr. HONDA. Mr. Speaker, I rise today to honor the memory of one of our nation's greatest minds. Last week, the scientific world and the nanotechnology community in particular lost a giant. Dr. Richard Smalley, the Nobel Prize-winning nanotechnology researcher, died after a long battle with cancer at age 62. Professor Smalley shared the Nobel Prize for Chemistry in 1996 for discovering the C_{60} molecule, a soccer ball-shaped form of carbon called buckminsterfullerene.

A professor in the physics and chemistry departments at Rice University, he was the founding director of the Center for Nanoscale Science and Technology at Rice and was director of the Carbon Nanotechnology Laboratory.

It is hard to overstate the role Dr. Smalley played in founding and fostering the development of nanotechnology, one of the most important and exciting new areas of scientific inquiry to arise in the past quarter century. The discovery of fullerenes is one of the earliest and most influential discoveries in the development of nanotechnology. Dr. James Heath, one of his former graduate students on the buckyball discovery who has become a leading nanotechnology researcher himself, described Dr. Smalley as "a Moses for the field. Without a Moses, there's no trip to the promised land."

Dr. Smalley was a key player in the development of the United States' National Nanotechnology Initiative, launched in 2000. His testimony on Capitol Hill, where he spoke about the promise of nanotechnology for treating cancer and other diseases even as he battled the disease himself, made a deep impression on policymakers.

In recent years, Dr. Smalley was an ardent supporter of commercial development of nanotechnology, helping to found Carbon Nanotechnologies Inc. to make sure his discoveries made it to the marketplace where they could benefit society. He was also a scientific adviser to biotech startup C Sixty, which is investigating the use of fullerenes for biopharmaceutical applications.

In 2002, Dr. Smalley embarked upon a crusade to promote the use of nanotechnology to solve what he described as the No. 1 problem facing humanity in the 21st century—the need for cheap, clean energy. Smalley crisscrossed the country, gave dozens of keynote addresses, testified before Congress and met with countless government, academic and industrial leaders. Some of his friends and colleagues have said that they thought he fought so hard against his disease so that he could one day see nanotechnology deliver the societal benefits in clean energy that he so passionately believed in.

Citizens of the world were fortunate to have Rick Smalley, and will certainly benefit from his discoveries. We owe it to him to continue his efforts to use nanotechnology to solve the need for cheap, clean energy. As ranking member of the Science Committee's Energy Subcommittee, I intend to do what I can to honor Dr. Smalley's memory and continue his good work.

IN HONOR OF THE FRIENDSHIP FOUNDATION OF AMERICAN VIETNAMESE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Friendship Foundation of American Vietnamese, as leaders and members of the Foundation unite with the Cleveland community in celebration of the grand opening of the Sai Gon Plaza Community Center.

The Community Center, located at the intersection of West 54th and Detroit Avenue in Cleveland in Ohio's 10th Congressional District, was made possible through the determination, conviction and energy of its founder, Ms. Gia Hoa Ryan, who also serves as the executive director of the Friendship Foundation of American Vietnamese.

The Sai Gon Plaza Community Center promises to exist as a vital source of Vietnamese culture and Asian culture, wherein a strong foundation of cultural preservation and intercultural exchange is established. This Center, reflecting the rich cultural diversity of Cleveland, will unite citizens of Asian heritage and will serve as a cultural gathering place for people from all international backgrounds. Also included as part of the Center will be a dedication to the people and neighborhoods surrounding the Center. The Center will also showcase a museum and exhibition center, which will be home to the Asian-American Hall of Fame.

Mr. Speaker and Colleagues, please join me in honor and recognition of Ms. Gia Hoa Ryan, Executive Director of the Friendship Foundation of American Vietnamese. Ms. Ryan's tireless work and focused vision, supported by the work and efforts of countless members of Cleveland's Vietnamese community and many others, have created a Community Center where bridges of culture will transcend language, time and distance, preserving and promoting the ancient cultural and historical traditions of Vietnamese culture—a culture that spirals back throughout the centuries, connecting the old world to the new, spanning oceans and borders—from Vietnam to America.

HONORING THE SUSSEX COUNTY VETERANS MEMORIAL

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2005

Mr. GARRETT of New Jersey. Mr. Speaker, I wish to bring attention and pay tribute to Sussex County, New Jersey, for their efforts to recognize the heroic feats of our region. In the historic downtown square of Newton, New Jersey, a 34-inch-diameter cast bell is engraved with the words "Sussex County Veterans Memorial 2005." This memorial is long overdue, but truly represents the liberty, freedom and democracy our brave men and women in the armed forces have fought for. What better time to present this memorial than on the occasion when our Nation pays our respects to our defenders of liberty on Veterans Day.

Defending our country by serving in the armed forces is one of the most commendable achievements and deserves our utmost gratitude and respect. America's armed forces have time and again fought to protect our homeland and bring freedom and prosperity to the entire world.

We must never forget the sacrifices of these men and women and every effort must be made to ensure that our veterans and all they fought for are never forgotten. The Sussex County Veterans Memorial will remind all Americans of the monumental accomplishments our soldiers have made throughout history. They will be honored, admired and remembered forever.

It is with extreme reverence that I offer my sincerest gratitude to the veterans of Sussex County, New Jersey.

A TRIBUTE TO MRS. BLANCHE SPARROW RIVERS IN CELEBRATION OF HER 100TH BIRTHDAY

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2005

Mr. BUTTERFIELD. Mr. Speaker, I rise today to pay tribute to one of my most senior constituents, Mrs. Blanche Sparrow Rivers, who will be celebrating her 100th birthday on November 15, 2005.

Mrs. Rivers, is the third of five children born to Henry Clay and Hattie Brown Sparrow. Since the New Bern school system only offered 2 years of high school, Mrs. Rivers' father sent her to Durham, North Carolina, to the National Religious Training School where she matriculated to Shaw University in Raleigh, North Carolina. In 1927, Mrs. Rivers received her Bachelor of Arts Degree in English from Shaw University. She went on to teach English in the New Bern public school system for 24 years until her retirement in 1951. Mr. Speaker, I am certain that Mrs. Rivers can take credit for shaping many young minds and is responsible for directing the paths of many of my constituents who have grown into productive upstanding citizens.

In June 1932, Blanche Sparrow married Mr. Bishop Singleton Rivers, and in July 1935, Barbara Lucille Rivers was born. Mrs. Rivers is a charter member of the Theta Beta Omega Chapter of Alpha Kappa Alpha Sorority. She is also a faithful member of the St. Peter's African Methodist Episcopal Zion Church, which her father helped build. She continues to serve as a Captain for the Annual Fundraising Team.

Mrs. Rivers has five grandchildren, Michael, Lisa, Leander, Gary, and Marc, and five great-grandchildren, Morgan, Kristen, Marissa, Kaci and Kori—listed in order of the most senior. She is a beloved member of the community and church. Mrs. Rivers still resides in New Bern with her daughter, Barbara.

Mr. Speaker, on behalf of my Congressional Colleagues and the more than 660,000 constituents whom I represent, I extend my very best wishes to Mrs. Blanche Sparrow Rivers as she celebrates this tremendous milestone. I ask my Colleagues to rise and join me in wishing Mrs. Blanche Sparrow Rivers a Happy 100th Birthday.

RECOGNIZING SOLANO COUNTY AS ONE OF THE 100 BEST COMMUNITIES FOR YOUNG PEOPLE

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise to recognize Solano County for its selection as one of the 100 Best Communities for Young People by America's Promise, the Alliance for Youth.

I am proud that this honor has been bestowed upon our community, but I am by no means surprised. Everyday, we in Solano County are visibly reminded of the commitment of the government and people of Solano County to the health and safety of our children. I want to congratulate the many dedicated parties who have worked so diligently to make Solano County one of the top communities in our country for young people.

Solano County is poised to become the first county in California with health care coverage for 100% of its children. Solano County has been an excellent steward of its share of Tobacco Master Settlement agreement funds, ensuring that it is spent on effective health services.

Solano County's annual Children's Report Card is an effective tool for government and non-profit organizations to continually re-assess the needs of our youth. Clearly, Solano County is getting it right when it comes to kids.

Organizations such as the Children's Network, First 5 Solano, the Child Care Planning Council, the Family Resource Centers, the Solano Coalition for Better Health, the Solano County Board of Supervisors and the Solano County Department of Health and Social Services, as well as countless others, deserve credit for this distinction.

Again, I commend all of the people and organizations that continue to work tirelessly to make Solano County one of the 100 Best Communities for Young People.

TRIBUTE TO THE REVEREND JAMES H. BILLINGTON OF SAN MATEO, CALIFORNIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2005

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to the Reverend James H. Billington. For the past 6 years, Rev. Billington has been the Rector of St. Matthew's Episcopal Church in San Mateo, California, in my Congressional district, and one of the largest and most important parishes in the State of California. After filling his spiritual calling on the West Coast, Fr. Billington and his family have decided to return to their roots on the East Coast. Though this will be a loss both to his congregation and to our community, I wish Fr. Billington well in his future endeavors, and I know he will be a tremendous asset to whatever church family or organization he joins next.

Fr. Billington had a remarkably successful tenure at St. Matthew's. From a spiritual perspective, he led a passionate effort to strengthen Sunday School programs for church youth, increased the number and variety of worship services, and was a constant source of love and compassion to his elderly parishioners. He expanded ecumenical outreach by allowing a local Hispanic Pentecostal congregation to use St. Matthew's for their own services. Through his work with the Mills Health Center, he integrated healing services into the church calendar for cancer patients and opened the church during business hours for hospital staff.

Mr. Speaker, Fr. Billington was also very successful in matters of church administration. Despite a substantial increase in unemployment among his parishioners from Silicon Valley, annual giving increased by 37 percent. Through his solid leadership and strict fiscal policies, the church was able to completely retire a long-standing debt that Fr. Billington had inherited when he assumed leadership of the parish. In addition, the historic physical structure of the church was improved through major restorations to the stained glass windows and the organ, and the St. Matthew's Day School was restored to its earlier prominence. To the delight of his parishioners, Fr. Billington restored a previously condemned, church-owned historic landmark building into a community center for contemplative outreach.

An inspired church leader, Fr. Billington is also a gifted intellectual and dedicated humanitarian. His path to the priesthood began in earnest with his enrollment in the Episcopal Divinity School from which he graduated in 1996 with a Master of Divinity degree. Prior to this, he received a BA and an MBA from Harvard University. Before entering the priesthood, Fr. Billington earned several accolades for humanitarian work. He was awarded the Lyndhurst Prize in 1985—an annual award given to only five Americans for outstanding humanitarian contributions. From 1984 to 1986, Fr. Billington served as Director of the Appalachia Habitat for Humanity. In recognition of his extraordinary leadership, his chapter was named a model chapter by the founder, Millard Fuller.

Mr. Speaker, it has been a great pleasure for me to work with Fr. Billington on various community events and to become acquainted on a personal level with his family. His lovely wife Julia is currently a respected physician at Mills Health Center. She previously served as an Associate Professor of Medicine at Harvard Medical School. Julia's dedication to the San Mateo community mirrors that of her husband's. The two of them have worked together to take on many important projects, including a mission to provide free medical care to those in need. The Billingtons are the happy and proud parents of four boys: James, Adam, Jonathan and Joshua.

Fr. Billington has been an integral part of interfaith efforts that have greatly benefited my congressional district and beyond. He has been aptly described as a true community leader, an outstanding rector, and an all-around humanitarian. After 6 years of tireless service to St. Matthews and the community, Fr. Billington will be deeply missed. His deep commitment and dedication to the Episcopal Church earned him the highest esteem and trust of all whose lives he touched. His spiritual leadership has brought joy, peace and comfort to his parishioners. His eloquent sermons were an inspiration to all. By engaging his wry sense of humor, he has been able to simplify complex religious issues for his parishioners.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Fr. Billington for his contributions and dedication to public service. I wish him and his family many more years of richly deserved good health and happiness.

HONORING THE 250th ANNIVERSARY OF THE UNION UNITED CHURCH OF CHRIST

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2005

Mr. DENT. Mr. Speaker, I rise today to honor the 250th anniversary of the Union United Church of Christ of Neffs, Pennsylvania and to pay tribute to the many contributions its congregation has made to the cultural fabric of the Lehigh Valley.

Established in 1755 by immigrant farmers and craftsmen, the first Union United Church of Christ was constructed on a 100–acre plot of land donated by the Schlosser family of Neffs. As the predominant language in the area, all services at Union Church were conducted in German until 1920 when English began to be incorporated.

Shortly after the church's formation in 1755, America went to war with Britain to gain its independence. Reflecting its role as an important element of the Lehigh Valley's cultural history, several Revolutionary War soldiers from the area are buried in Union Church's old cemetery, including Colonel Stephen Balliet, who commanded American battalions at the battles of Brandywine and Germantown.

In 1797, a new church was built to replace the original log structure that the congregation had been using since 1755. This building, known fondly as "Scrub Oak Church" due to the large number of oak trees in the surrounding hills, later housed the church's Sunday School, which was organized in 1846.

The construction of the congregation's current home, a striking red brick church built in the colonial style of 18th Century England, was completed in 1871 at a price of just over $35,000.00. A tribute to its wonderful design and preservation, the Union Church is one of the most recognizable and beautiful structures in Lehigh County.

To commemorate their 250th Anniversary, members of Union Church have conducted a year-long celebration that has included a musical program entitled "250 Christmases at Neffs", a series of German heritage events, and an organ concert. While the congregation spent much of the last year honoring their past and celebrating their present, it was their involvement in building a family's future that exemplifies the positive impact this church has always had on life in the Lehigh Valley.

In September 2004, members of Union Church began working with Habitat for Humanity of the Lehigh Valley to renovate the home of a mother and her four sons living in nearby Allentown, Pennsylvania. During a dedication ceremony on October 16, 2005, the amazing volunteers from Union Church welcomed this family to their newly renovated home and presented them with a check for the first month's mortgage, a new lawnmower, and numerous other housewarming gifts provided by the congregation.

Tomorrow, November 5, 2005, members of the Union Church and the local community will gather for a banquet at the Emerald Fire Company to mark the conclusion of their year-long Anniversary celebration.

Mr. Speaker, I ask that my colleagues join me today in recognizing the anniversary of the Union United Church of Christ of Neffs, Pennsylvania.

BASE REALIGNMENT AND CLOSURE COMMISSION RECOMMENDATIONS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2005

Mr. GALLEGLY. Mr. Speaker, I rise today in support of this resolution and in opposition to the Base Realignment and Closure Commission recommendations.

I recognize the need to streamline the military in order to save tax dollars, increase military effectiveness, and protect our troops that are serving across the world. I agree that we should close bases and realign functions that have outlived their usefulness. However, I support this resolution because the recommendations made by the BRAC Commission for Naval Air Station Pt. Mugu in my district do not serve these goals.

The BRAC Commission recommended moving specialized jobs on a target range from an oceanfront location at Naval Air Station Point Mugu in Ventura, CA to China Lake Naval Weapons Station, which is 150 miles inland in the high desert. This would necessitate the moving of flights and technicians back toward the ocean each time they are needed. Relocation of these flights and the technicians will increase response times to the range, reduce on-range time, and increase operating costs.

Furthermore, I've been told by a number of my constituents, the civilian scientists and technicians at Naval Air Station Pt. Mugu, that they do not wish to move from the ocean to the high desert. This would result in a tremendous loss of intellectual capital that would add to the cost and timetable of relocation as new scientists and technicians would need to be found, trained, and given the proper security reviews. Not only does this not appear to save money and increase efficiency, I am concerned that it will negatively impact military readiness.

This recommendation is forecasted to save a mere $6 million over twenty years. Given the fact that the figures provided by the Department of Defense have been consistently inaccurate throughout this process, I question whether it will be even this much. Furthermore, the negligible savings from these recommendations do not take into account the additional non-military costs incurred by communities due to unemployment benefits and other social welfare programs necessary to help those who lose jobs because of the base closures. This could end up costing the Federal Government more money rather than it saves.

SENATE—*Monday, November 7, 2005*

The Senate met at 1 p.m. and was called to order by the Honorable JEFF SESSIONS, a Senator from the State of Alabama.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, give us today Your strength for our weakness. We need Your power for our helplessness. We need Your wisdom for our ignorance. We need Your purity for our sins. We need Your love for our indifference. We need Your presence for our loneliness.

Empower our Senators to begin to solve the problems that beset our Nation. Grant that at every decision crossroad they will receive the direction of Your spirit.

Remind us all that we need not face life alone, for You have promised to always be with us.

And, Lord, comfort those whose lives have been devastated by the Indiana tornado.

You are our strength for today and our hope for tomorrow.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF SESSIONS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, November 7, 2005.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF SESSIONS, a Senator from the State of Alabama, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. SESSIONS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this afternoon, we will have a period for the transaction of morning business until 2 p.m. At 2 p.m. today, we will resume consideration of the Department of Defense authorization bill. On Friday, we turned to the Defense bill under the provisions of the earlier consent agreement. We had six amendments offered, with one of those being adopted by voice vote. We expect further amendments and debate during today's session and, as we announced Friday, we will vote at 5:30 p.m. in relation to a Defense authorization amendment. The chairman and ranking member will be here throughout the afternoon today, and we will alert all Senators when that 5:30 p.m. rollcall vote is locked in. We expect to finish the Defense authorization bill on Tuesday or possibly Wednesday of this week, with rollcall votes each day.

This week, we will also consider any of the available appropriations conference reports. The conference report to accompany the Foreign Operations bill is at the desk, and we hope to schedule that measure either today or tomorrow. We look forward to another full week of business before completing our work prior to Thanksgiving.

SUDAN VICE PRESIDENT

Mr. FRIST. Mr. President, later this afternoon, I have the honor of hosting Sudan's First Vice President, Salva Kiir, in the U.S. Capitol. I have come to the floor many times to speak on Sudan, having gone to that country just about every year for the last 7 or 8 years, having spent most of that time in southern Sudan. I look forward to being with and hosting Salva Kiir, who is a founding member of the SPLM, the Sudan People's Liberation Movement.

In January of this year, the SPLM and the Sudanese Government in Khartoum signed the Comprehensive Peace Agreement, bringing an end to 21 years of a brutal civil war, a civil war that has destroyed much of that country, especially in the south.

When I first started going to Sudan, literally there was no hospital in southern Sudan, and the one hospital that was eventually reopened was a hospital that had been closed about 18 years previously, with landmines placed all around that hospital. It destroyed health care there, obviously, but it had destroyed commerce, any touch of humanity, and had driven the entire southern population out of villages, dispersing them, with 5 million people displaced and about 2 million people who died in that civil war.

In June of this year, longtime SPLM chairman and a very close friend of mine, Dr. John Garang, went back to Khartoum for the first time in 21 years. It was a momentous time. At that time, he was sworn in as First Vice President of Sudan. Up until that time, he had always been in southern Sudan. It was a historic moment not that long ago, cheered by millions and millions of Sudanese.

Tragically, 1 month later, on July 30, the helicopter that was carrying Dr. Garang and his passengers crashed, a sudden crash. Why it crashed nobody knows.

Salva Kiir replaced Dr. Garang as First Vice President, and he promises to carry forward this peace process, which is challenging, but it can be accomplished.

His predecessor had worked very hard over many years to take that country to the point of peace. Under that peace agreement, Sudan enters a 6-year interim period, and 4 years into that, at the 4-year mark, nationwide elections will be held at the provincial and national levels. The interim period will culminate with a vote by the people in southern Sudan to decide their political future.

It is a fragile moment for Sudan, but it is one for great hope.

I had gotten involved and worked very hard with Dr. Garang and other leaders of the SPLA and SPLM. I had the opportunity to meet with Dr. Garang many times. I was hosted last August at his home in a place called New Site in southern Sudan, where I spent several days with Dr. Garang and his wife.

This June, not that long ago, I had the opportunity to host Dr. Garang in my Capitol office. During that meeting, he emphasized to me, looking me directly in the eye, that for the peace to hold, both parties must fulfill their obligations. He stressed that continued pressure from the United States is absolutely critical to ensure that these obligations are met.

The civil war and its aftermath have created a staggering humanitarian crisis. I mentioned 5 million people displaced from their homes and over 2 million people have died. That subjects

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the country to a famine and deterioration and destruction of health care systems and education infrastructure. International assistance in education, in building of roads, in the infrastructure of health care can help show a traumatized nation, after 21 years of civil war, that peace is the only way forward.

As I mentioned, this is a critical moment for Sudan. Many southerners have expressed concern about the unfair distribution and domination of key Cabinet posts by the ruling party. Soldiers from southern Sudan are still waiting for a decision regarding the formation of what are called Joint Integrated Units, with troops from the north and the south participating together, side by side. And violence against civilians in southern Sudan is slowing down, hindering humanitarian and reconstruction efforts in this war-ravaged region of the country.

The road forward is not going to be easy. In the best of worlds, it is not going to be easy. Millions have lost their lives in this 21 years of struggle. But the days, weeks, and months ahead do hold great promise not only for the north and the south but for the entire country.

During our meeting this afternoon, I hope to hear Salva Kiir's assessment of the peace process and his suggestions, his counsel, his recommendations on how we in this body and the United States can help.

I also hope to discuss the deteriorating situation in Sudan's western region, Darfur. Last week on the floor, I summarized again the deterioration of what is happening in that Darfur region. I also had the opportunity to visit, a little over a year ago, the country west of Darfur, Chad, where there are so many refugees today.

In the past few weeks, we have witnessed a serious escalation in violence among the Jingaweit militias who are supported by government forces. They are ravaging villages, they are ravaging these refugee camps and attacking—and these are the descriptions we continue to get—attacking civilians, attacking humanitarian groups, and attacking the African Union peacekeeping forces.

The recent split among the leadership of Darfur's main rebel group further threatens to undermine the peace talks that are scheduled to resume in the Nigerian capital on November 21, a couple of weeks from now.

It is imperative that all parties bring the violence to a halt. Only peaceful negotiations and dialog ultimately are going to bring true resolution. The Comprehensive Peace Agreement shows that it can be done.

Before his death, Dr. Garang told a hopeful country that the peace agreement between the north and the south—and these are his words—will change Sudan forever and engulf the country in a democratic and fundamental transformation." And he is right.

It is now First Vice President Kiir's great challenge and opportunity to carry forward that torch and lead his country toward that permanent and lasting peace.

I look forward to our discussion this afternoon. On behalf of the American people, I offer our hope and our optimism to the First Vice President and to the people of Sudan.

Mr. President, I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 2 p.m., with the time equally divided between the majority and the minority.

The Senator from New Mexico.

INDEPENDENT COMMISSION ON DETAINEE TREATMENT

Mr. BINGAMAN. Mr. President, I rise to speak in support of Senator LEVIN's amendment to create an independent commission to investigate the policies and practices relating to the treatment of what we have come to call detainees but what are, in fact, prisoners being held by the Government.

I am proud to be a cosponsor of that important amendment. I urge my colleagues to support it as well.

Let me say a word, initially, about the use of language. We sometimes use language without focusing on the implications of that language. Unfortunately, in the case of this discussion, we have fallen into the practice of referring to these individuals at Guantanamo and elsewhere as "detainees." Of course, the suggestion that someone is being detained is a lot less onerous or implies a lot less of a taking of that person's freedom than the phrase "being imprisoned." The truth is, these individuals are being imprisoned.

The amendment that Senator LEVIN has offered would have an independent commission evaluate the current practice of indefinitely imprisoning individuals at Guantanamo without ever charging them with a crime in either Federal court or under a competent military tribunal.

This commission would then report back to Congress and give us recommendations on whether we should change existing law or change policy on this set of important issues. The current practice of holding detainees or prisoners indefinitely, without affording them basic due process rights, has been widely criticized in this country and throughout the world. For a country such as ours that has consistently advocated for the rule of law, the policies of the current administration are nothing short of a major embarrassment.

Since September 11 of 2001, the administration has asserted extraordinary new powers with respect to the imprisoning of individuals suspected of being involved in terrorism. The President has argued that the Government has the authority to indefinitely imprison any person that he, the President, determines to be an "enemy combatant." They have that authority whether or not the person is a U.S. citizen. Of course, our Government has also forcefully opposed any judicial review of the President's determination in that regard.

There are over 500 people who are currently being imprisoned in Guantanamo. Many of these individuals have been held for over 3 years without being afforded the ability to challenge the basis for their detention. The administration has developed a new category of detainee, the "unlawful enemy combatant," and they have argued that neither the laws of war nor traditional criminal laws apply to these individuals. In essence, we have created a new type of prisoner who is unable to seek the protections of the Geneva Conventions or to take advantage of the rights afforded to individuals in this country under our criminal justice system or under the criminal justice system that applies in our military. Under the current procedures, every Guantanamo prisoner is reviewed by a combatant status review tribunal to determine whether the Department of Defense believes that individual is an "enemy combatant." If a person is found to be an enemy combatant, they may be held indefinitely, although they are entitled to go before an administrative review board once a year to prove that they are no longer a threat. Of the approximately 500 prisoners at Guantanamo, 4 individuals have been charged to date. The remaining 496 or so have not been charged.

Serious concerns have been raised with regard to the rights we are affording these prisoners under the current procedures for processing the prisoners. I have repeatedly raised concerns regarding this approach. I believe that it challenges our historic commitment to the rule of law. I have never advocated that the Department of Defense release these prisoners but, rather, have said that they should be tried in the criminal justice system or they should be tried in the military justice system, but they should be tried somewhere and be given an opportunity to challenge the basis for their detention. I believe it is appropriate to ensure that they do not indefinitely remain in a state of legal limbo and are afforded basic due process rights that allow them to assert their innocence.

Last week, on November 1, there was an article in The Washington Post that highlighted some of the problems that occur when people are imprisoned indefinitely without recourse to any viable legal process. According to the article, there have been 36 attempted suicides at Guantanamo. Clearly, when people are desperate and have no hope, they turn to drastic measures. I ask unanimous consent that article be printed in the RECORD following my comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. I strongly believe that due process rights of some sort are at the bedrock of American values and they should not be discarded lightly, due process rights that apply even to individuals who are not citizens of this country. It is disappointing that in the eyes of the world, the United States has drifted from its longstanding adherence to the rule of law. In my view, we have an obligation to the American people to confront these difficult issues, and I believe Congress needs to act in that regard.

Establishing this independent commission to look into these prisoner issues is an important first step. There have been multiple abuse scandals over the last couple of years that have hurt our image abroad and tainted the image of a vast majority of our soldiers who serve with honor and distinction. Now the European Union is investigating news reports that the CIA is holding suspected terrorists in Soviet-era detention facilities in eastern European countries. This is a troublesome development considering the widespread reports that our own Vice President continues to urge that bipartisan legislation passed in this Senate that would prohibit the CIA from using interrogation techniques that amount to cruel and inhuman treatment in these types of facilities be deleted from legislation on its way to the President.

Our own President is in the very awkward position. During his current trip to Latin America, I saw him on television this morning trying to assure our allies in that region that the U.S. policy does not contemplate torture of prisoners. That is a sad day when we are having to publicly reassure our allies of something as basic as that.

It is time that we seriously investigated these issues and came up with policies that the American people feel comfortable with, policies that are consistent with our Constitution and with the values of the American people.

I yield the floor.

EXHIBIT 1

GUANTANAMO DESPERATION SEEN IN SUICIDE ATTEMPTS

(By Josh White)

[From the Washington Post, Nov. 1, 2005]

Jumah Dossari had to visit the restroom, so the detainee made a quick joke with his American lawyer before military police guards escorted him to a nearby cell with a toilet. The U.S. military prison at Guantanamo Bay, Cuba, had taken quite a toll on Dossari over the past four years, but his attorney, who was there to discuss Dossari's federal court case, noted his good spirits and thought nothing of his bathroom break.

Minutes later, when Dossari did not return, Joshua Colangelo-Bryan knocked on the cell door, calling out his client's name. When he did not hear a response, Colangelo-Bryan stepped inside and saw a three-foot pool of blood on the floor. Numb, the lawyer looked up to see Dossari hanging unconscious from a noose tied to the ceiling, his eyes rolled back, his tongue and lips bulging, blood pouring from a gash in his right arm.

Dossari's suicide attempt two weeks ago is believed to be the first such event witnessed by an outsider at the prison, and one of several signs that lawyers and human rights advocates contend point to growing desperation among the more than 500 detainees there. Lawyers believe Dossari, who has been in solitary confinement for nearly two years, timed his suicide attempt so that someone other than his guards would witness it, a cry for help meant to reach beyond the base's walls.

Two dozen Guantanamo Bay detainees are currently being force-fed in response to a lengthy hunger strike, and the detainees' lawyers estimate there are dozens more who have not eaten since August. Military officials say there are 27 hunger strikers at Guantanamo Bay, all of whom are clinically stable, closely monitored by medical personnel and receiving proper nutrition.

The hunger strikers are protesting their lengthy confinements in the island prison, where some have been kept for nearly four years and most have never been charged with a crime. The most recent hunger strike came after detention officials allegedly failed to honor promises made during a previous hunger strike.

Military authorities do not publicly discuss individual detainees and declined to comment on Dossari. Lt. Col. Jeremy Martin, spokesman for Joint Task Force Guantanamo, said yesterday that there have been a total of 36 suicide attempts by 22 different detainees, including three in the past 20 months. Martin said all detainees are treated humanely and "any threat of injury or suicide" is taken seriously.

He added that rapid intervention in suicide attempts has prevented deaths. No detainee has died at the military prison, he said.

The protests come amid rising international concern about the treatment of detainees at Guantanamo Bay. Human rights organizations and the United Nations have complained about the lack of access to the detainees and voiced concern about allegations of physical and psychological abuse, including prolonged solitary confinement.

U.S. officials are trying to return many of the detainees to their home countries, but the process has been fraught with delays and diplomatic wrangling.

Three U.N. experts said yesterday that they would not accept a U.S. government invitation to tour Guantanamo unless they are granted private access to detainees, a concession the U.S. has not been willing to make, citing the ongoing war on terror and security concerns. Last week, the United States invited the U.N. representatives on torture and arbitrary detention to the facility, and the experts said yesterday that they hope to visit in early December. But they described their demand for access to the detainees as "non-negotiable."

"They said they have nothing to hide," Manfred Nowak, U.N. special rapporteur on torture, said yesterday at a news conference in New York. "If they have nothing to hide, why should we not be able to talk to detainees in private?"

Colangelo-Bryan said he fears that many detainees would rather die than be held indefinitely. He said he was shocked but not surprised by Dossari's Oct. 15 suicide attempt, given his "horrible ordeal."

He said he knows only that medical personnel apparently were able to revive Dossari, he had surgery and is in stable condition.

Detainees "see it as the only means they have of exercising control over their lives," Colangelo-Bryan said in publicly describing the incident for the first time. "Their only means of effective protest are to harm themselves, either by hunger strike or doing something like this."

Martin said claims that hunger strikers are near death are "absolutely false." He said the latest protest began on Aug. 8 and at one point had 131 participants but is now much smaller.

"This technique, hunger striking, is consistent with the al Qaeda training, and reflects the detainees' attempts to elicit media attention and bring pressure on the United States government," Martin said. The military also has long argued that terrorist groups have instructed fighters to invent claims of abuse if incarcerated.

Dossari has told Colangelo-Bryan that he has endured abuse and mistreatment on par with some of the worst offenses discovered at any U.S. detention facility over the past four years. In declassified notes recording the meetings, Dossari describes abuse and torture that stretches back to his arrest in Pakistan in December 2001, through the time he was turned over to U.S. forces in Kandahar, Afghanistan, and ultimately to his stay in Guantanamo Bay.

Dossari, 26, said U.S. troops have put out cigarettes on his skin, threatened to kill him and severely beat him. He told his lawyer that he saw U.S. Marines at Kandahar "using pages of the Koran to shine their boots," and was brutalized at Guantanamo Bay by Immediate Response Force guards who videotaped themselves attacking him.

The military says the IRF squads are sent into cells to quell disturbances.

Dossari told his lawyers that he had been wrapped in Israeli and U.S. flags during interrogations—a tactic recounted in FBI allegations of abuse at Guantanamo—and said interrogators threatened to send him to countries where he would be tortured.

Dossari maintains that he is not connected to terrorism and does not hate the United States. A fellow detainee said that he saw Dossari at an al Qaeda training camp, his lawyer said.

Colangelo-Bryan is a private New York lawyer with the Center for Constitutional Rights, which represents some of the detainees. The group plans a "Fast for Justice" rally today in Washington to bring attention to the Guantanamo Bay hunger strike.

Colangelo-Bryan said Dossari has tried to commit suicide before. Prolonged solitary confinement has given him almost no contact with others and access to only a Koran and his legal papers.

"In March, he looked at me in the eye and said, 'How can I keep myself from going crazy?'" Colangelo-Bryan said.

Mr. BINGAMAN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. SESSIONS. Madam President, I would like to make some general comments about our Defense bill and where we are, so I ask the chairman whether that should be in morning business?

Mr. WARNER. Yes. I thank my distinguished colleague, who is a very valued member of our committee. We are anxious this afternoon to pursue amendments. I will review at an appropriate time what we have achieved so far and what we have planned for the day. But it would be the managers' preference that as you speak to the bill, you do so in morning business because we are on a rather tight time constraint. I thank the Senator for his courtesy.

Mr. SESSIONS. I thank the chairman.

Madam President, I ask unanimous consent I be allowed to speak for up to 5 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE AUTHORIZATION BILL AND IRAQ

Mr. SESSIONS. Madam President, I believe we have a very fine Armed Services Committee. I have now been honored to serve on that committee for a number of years. With regard to this year's authorization bill, we have had 35 hearings in the committee or subcommittee. We have undertaken to deal with complex issues facing our military. The chairman and our committee have responded repeatedly to the requests of Democratic Senators to conduct a plethora of hearings dealing with any problems they can find, such as prisoner issues and that kind of thing. We have also conducted those in the Judiciary Committee, in the Intelligence Committee, in the House committees also. We have done quite a lot, frankly, as we have gone forward.

I think it is time for us to give the highest priority, however, to assisting our men and women in uniform, men and women we have sent in harm's way to execute the policy of the United States of America—a policy that was adopted by the House of Representatives, a policy that was adopted by more than a three-fourths vote of this body. A majority of both parties voted to adopt these policies to execute force, to remove Saddam Hussein unless he complied with the U.N. resolutions, and to otherwise carry out our roles and responsibilities.

We have done that, but we need to focus on how to help those soldiers we have sent be successful in creating a good and stable and democratic government in Iraq. It is important for us, it is important for the world, and, most of all, it is important for the people there who have suffered the greatest oppression for so many years.

I think our committees have served well. I think we have worked at these issues well. We have now prepared a bill, a legislation piece, that will empower our military to be able to do their job better. I could not be more pleased than to serve under Chairman WARNER and his leadership in the committee. He works collegially with all members of the Senate in our committee to move legislation along effectively. He has worked hard to get this bill where it is today. Without strong leadership, frankly, I am not sure we would be here today.

We have passed the Defense appropriations bill, but we have not passed the Defense authorization bill. It would be unfortunate if we were not able to do so this year. Hopefully, if our colleagues will cooperate, if they have an amendment and bring it down and present it, they will be able to have all the amendments that have been promised, and we can get something done. We certainly do not need to delay or drag these matters out.

I think this issue of our involvement in Iraq needs to be recalled a bit—how we came to vote. They say—some do—there were lies that led us into this war. But all of us talked about this possible conflict for months—months. We knew it was coming. The President talked about it. We talked about it openly on the floor.

In fact, in the 1990s, when President Clinton was President, we voted and established a policy for the United States of America. That policy was that we would effect a regime change in Iraq. And up until these hostilities occurred—for years—American and British planes, enforcing the no-fly zones to keep Saddam Hussein from oppressing the Kurds and the Shiites, flew missions over Iraq, and were fired upon, sometimes on a daily if not weekly basis.

We dropped bombs and missiles on them in retaliation, regularly, for years. In fact, we were in a state of hostility because Saddam Hussein had failed to comply with the agreements he made with the United Nations in 1991 when he was kicked out of Kuwait after he had invaded his neighbor—a peaceful, decent member of the world community.

He attacked them to seize their oil and to increase his power. We had to create a world coalition to give him a demand to remove himself from Kuwait. He refused to do so, and GEN Norman Schwarzkopf led the coalition forces that defeated his army and removed him from Kuwait. He made agreements so we would not continue marching on to Baghdad to get our hands around his neck. He made these commitments to the U.N. and agreements were reached. He did not comply with them. He was in violation of 16 different resolutions of the United Nations.

So all that was there. Also, 9/11 had occurred. And we knew he was violating the Oil-for-Food Program—a program that was set up to allow him to sell oil, which was being embargoed because of his violation of the rules and regulations of the U.N., and it allowed him to do that if the money would be utilized to take care of food and medicines for the people of Iraq because we wanted to help them.

I have been to Iraq three times. I know the chairman has been there numerous times. You can see the palaces he built with that money that was supposed to feed his people. We know he was reconstituting his military. He declared he had been the victor in that war, not the loser. It was clear he was reconstituting his military power because he desired and had not given up his fantasy ambition to dominate the Middle East.

These were the forces that were at work. These were strategic realities that occurred at that time. The Economist magazine wrote an editorial not long before we voted, and it talked about how the embargo was failing, how, in fact, the embargo was really hurting the people of Iraq more than it was hurting Saddam Hussein, but that it was falling apart; that Saddam Hussein had a systematic plan to break the embargo, and nations, such as France and others, were working behind the scenes to undermine the effect of that embargo, and that if we did not do something pretty soon, he would be unleashed again. They said the question simply is, Do we turn him loose or do we go to war? Our vote is to go to war, said the London-based Economist magazine.

So those are the decisions we were dealing with. Every intelligence agency in the world concluded that Saddam Hussein had weapons of mass destruction. I am not aware of any that did not believe he had some. Certainly, that is what the President of the United States was told. Certainly, that is what the Members of the Senate were told.

But the more troubling, deeper, strategic imperative, to deal with Saddam Hussein, was what galvanized the attention of the President and, I think, of the Senate. When I looked at my remarks from the time I had discussed my decision to support a war in Iraq, I hardly mentioned weapons of mass destruction.

It was this idea—that Saddam Hussein had not been faithful to his agreements, that he was determined to get out of those agreements, that he was determined to reconstitute his military, that he could be a threat to the region and that he could easily, and we thought he did, have weapons of mass destruction that he would use. We know he used a weapon of mass destruction, poison gas, against his own people, the Kurds. We know he used it. So it would have been unthinkable to think he had none at the time. Whatever happened to it, I don't know.

We made a commitment in this Nation to remove Saddam Hussein, and that has been done. We have had two elections in Iraq toward establishing a democratic government. For that, I am most proud and hopeful that this new election in December, which will create a new permanent government, will help further to demonstrate the confidence the Iraqi people have in that government and make attacks upon it even more difficult to sustain and defend.

I ask my colleagues to remember this one thing—it is still a dangerous place there. Our soldiers are there because we sent them. We asked them to go there to execute the policy we in the Senate voted for. We ought not do things and say things out of political anger or partisanship that are exaggerated, unfair to the President or our troops and how they conduct themselves, that puts their lives more at risk and makes their job more difficult.

I am pleased that this authorization bill came out of Chairman WARNER's committee unanimously with a bipartisan vote. As we go forward with it, we will improve the quality of our military, their effectiveness, and help execute more effectively the policies we have established.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I thank our distinguished colleague. He has taken an active role in a number of issues and that, together with his work on the Judiciary Committee, gives him a special insight into the issue of detainee matters.

The distinguished ranking member has arrived. I had hoped that Senator CORNYN could speak for 15 to 20 minutes, if that is agreeable, and then following that, perhaps the Senator from Michigan and I will have some matters to address the Senate on. For the benefit of all Members, the bill is open for amendment at this time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, that certainly is fine with me. I always welcome the opportunity to hear from our colleagues. I understand there are a number of amendments on the side of the Senator from Virginia that may be ready to go this afternoon. We believe we have one that will be ready at 4:30.

Mr. WARNER. I thank my distinguished colleague. I say, with a sense of modesty, that we are making good progress on the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. CORNYN. Madam President, I thank the chairman and distinguished ranking member of the Armed Services Committee. It is more with sadness than in anger that I rise to respond to recent allegations made by some Democrats that the Bush administration "manufactured and manipulated intelligence in order to sell the war in Iraq." War is serious business. I don't need to remind my colleagues that more than 2,000 Americans have sacrificed their lives fighting to liberate the Iraqi people, and many brave Texans are among them,

Today, Iraq represents the central front in the global war on terror. Yet we have even seen the sad occasion of having sustained 2,000 deaths of America's fighting men and women in Iraq spark an ill-advised and premature call for withdrawal of our troops by the angry antiwar left. That call has been picked up, in part, if not in whole, by some politicians seeking to capitalize on that anger. But merely venting anger without proposing alternative solutions is not the work of serious people. It is a sad commentary on our public discourse when politicians seek to use the sacrifice of our men and women in uniform to advance a political agenda.

While the critics focused on 2,000 Americans killed in action in Iraq, another important number to remember is 3,000—the number of innocent Americans killed on September 11. Is there any doubt that if we pulled out of Iraq prematurely without stabilizing security, without building the necessary infrastructure, and without allowing Iraqis to build successful democratic institutions as they are doing, that 9/11 would be repeated over and over and over again by an enemy that would continue to target innocent civilians in pursuit of their perverse ideology? If Iraq descends into civil war or is overrun by terrorists, if Iraq becomes a place where terrorists recruit, train, and export terror with impunity, how long do the critics believe it would take until we would be hit again on our own soil?

The war on terrorism is a war we must win. The stakes are too high to use the war on terror as a political football. If there is any doubt about the enemy and their goals, all one needs to do is read the letter from Osama bin Laden's chief deputy, Zawahiri, his chief lieutenant in Iraq. Zawahiri clearly describes al-Qaida's vision of establishing an Islamic caliphate that would rule the Middle East and eventually the world. It would also, not incidentally, include the destruction of our best ally in the Middle East, the state of Israel.

Although we are making progress in Iraq, as we saw most recently during the successful referendum on the constitution, there is obviously more work that needs to be done. We know that our troops have the will to win. I am concerned that there are some here at home and even in the Senate who do not share this same resolve because they stubbornly refuse to learn the lessons of 9/11.

The latest accusation by some in the Democratic leadership, that the administration has manipulated intelligence and has exaggerated the threat, is nothing more than an effort to use the war in Iraq for political gain. That is shameful. It devalues the sacrifice our men and women are making on the battlefield every day. It places at risk everything that Americans have sacrificed on behalf of the cause of liberty here and abroad. Do the critics need to be reminded that it was a few years ago when Democrats joined Republicans in a bipartisan acknowledgment that Saddam Hussein posed a threat to the world?

In fact, it was the Senate, in 1998, that unanimously passed the Iraq Liberation Act that called for the United States to support efforts to overthrow that terrible dictator. It was President Clinton who so eloquently described the threat posed by Saddam Hussein and the consequences of inaction when he said:

> The hard fact is that so long as Saddam remains in power, he threatens the well-being of his people, the peace of the region, the security of the world. The best way to end that threat once and for all is with the new Iraqi government, a government ready to live at peace with its neighbors, a government that respects the rights of its people.

President Clinton went on to say:

> Heavy as they are, the costs of action must be weighed against the price of inaction. If Saddam defies the world and we fail to respond, we will face a far greater threat in the future. Saddam will strike again at his neighbors; he will make war against his own people. And mark my words, he will develop weapons of mass destruction. He did will deploy them, and he will use them.

President Clinton was correct in that assessment made in 1998. We are fortunate that today Saddam Hussein is no longer a threat to the region or to the world due to the bipartisan vote of the Congress to authorize the use of force to remove Saddam Hussein in October of 2002. It was a bipartisan vote of the Senate that authorized that use of force.

Today, the political dynamics have changed. For their own cynical reasons, some Democrats have charged that the Bush administration has somehow manipulated intelligence to justify the war in Iraq. These same individuals are calling for yet another investigation to somehow justify their patently false claims. I remind my colleagues that this issue has been investigated not only by the Senate Select Committee on Intelligence but the bipartisan Silberman-Robb Commission. Of course, the results of both investigations do not support the charges of manipulation, so we hear yet another call for another investigation. Wishing that the results were different cannot make it so. What do they propose? To initiate investigation after investigation until somehow they manage to will into existence the results they have been hoping for, I imagine.

I wish to ask my colleagues, did President Clinton lie when he discussed the intelligence that led him to support the forced ouster of Saddam Hussein? Did he manipulate intelligence to justify his bombing in Iraq? Or did he rely upon the same intelligence that this administration and this Congress and our allies did when they came to the same conclusion that Saddam was a threat to the region and to the world? Are there Senators who today would renounce their vote to remove Saddam by force in October of 2002? Out of the bipartisan 77 who voted to authorize the use of force to remove Saddam Hussein, I have only learned of two who have said they regret that vote and would renounce it.

Before the war, a leading Democrat—in fact, the Democratic leader—clearly stated his position in Iraq. As of this morning, his quotation was still on his Senate Web site. It says:

> What is my position on Iraq? Saddam Hussein is an evil dictator who presents a serious threat to international peace and security. Under Saddam's rule, Iraq has engaged in far-reaching human rights abuses, been a state sponsor of terrorism, and has long sought to obtain and develop weapons of mass destruction.

I agree with this statement on the Web site of Senator REID of today, November 7, 2005. But today we are told by the same Democratic leader that somehow this administration was responsible for manipulating intelligence to authorize the war in Iraq when, in fact, he took the same position at the time that force was used. At least his Web site takes that same position today.

For the record, I would like to read the conclusions of the Intelligence Committee investigation and the Silberman-Robb investigation so there will be no doubt that the Bush administration did not manipulate intelligence to justify this war. The Intelligence Committee report, which was supported by both Democrats and Republicans, states the following:

> The Committee did not find any evidence that Administration officials attempted to coerce, influence, or pressure analysts to change their judgments related to Iraq's weapons of mass destruction capabilities.

Likewise, the Silberman-Robb Commission, a bipartisan commission appointed to look into our intelligence failures, concluded:

> The Intelligence Community did not make or change any analytic judgments in response to political pressure to reach a particular conclusion, but the pervasive conventional wisdom that Saddam retained WMD affected the analytic process.

Madam President, this much is clear. No one attempted to manipulate intelligence leading up to the war in Iraq—not President Clinton, not Members of the Senate, not this administration, all of whom, based upon the same intelligence, concluded that Saddam represented an imminent threat to the national security of the United States. Instead, we found that while some of our intelligence was wrong on Hussein, it was obvious, and it is obvious today, that he was a threat to the civilized world.

I believe all of this crystallizes into a question about how doubts are resolved in a dangerous and uncertain world. Do we resolve doubts in favor of a tyrant who has used weapons of mass destruction on his own people, who demonstrated an interest in acquiring nuclear weapons, who refused to cooperate with weapons inspectors after 17 Security Council resolutions ordered him to do so, and who at last count murdered at least 400,000 of his own people who are lying in mass graves?

Giving Saddam Hussein the benefit of the doubt would have been a crazy and irresponsible thing to do. Of course, the 77 Senators who voted for the use of force against Saddam in October 2002 weren't buying that Saddam was some harmless individual then.

So why now? Sure, we need better intelligence and we have undertaken substantial and meaningful intelligence reform to remedy the defects. Intelligence by its very nature is never certain, but we are restructuring our intelligence community to ensure the President of our country, whether he be Democrat or Republican, gets the most accurate intelligence available.

Meanwhile, I hope the Members of this body who have politicized this issue by making false allegations of manipulation of intelligence would realize that their allegations only serve to divide the American people and to dishonor the sacrifice of our brave men and women in uniform and undermine critical American resolve to finish the important work that we are about in Iraq.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent to speak as if in morning business but on the amendment before us.

Mr. WARNER. Madam President, we have certainly no objection to that. At this juncture in the bill, it does not impair our ability to manage. I ask the Senator to please proceed.

Mr. ROCKEFELLER. I thank, as always, the distinguished senior Senator from the State of Virginia.

TREATMENT OF DETAINEES

Mr. ROCKEFELLER. Mr. President, I commend Senator LEVIN and others for their leadership in proposing this amendment. I am proud to be an original cosponsor of the amendment based on the belief that a comprehensive, objective, and independent investigation into the collection of intelligence through the detention, interrogation, and rendition of prisoners is long overdue. While I am a strong supporter of the amendment, I regret greatly the fact that we have been forced to seek the creation of a national commission on such a critically important matter that falls squarely within the oversight responsibility of the Congress. Unfortunately, Congress's unwillingness to carry out these oversight duties in the past year has left us with no remaining alternative but to seek the creation of a national commission.

Why do I say this? The collection of intelligence through interrogation and rendition is an extremely important part of our counterterrorism effort. The interrogation of captured terrorists and insurgents is, in fact, one of the most important of intelligence tools. We must ensure that those interrogations are carried out in a proper and effective manner. This tool, as with all others, must be applied within the bounds of our laws and our own national moral framework, and it must be subject to the same scrutiny and congressional oversight as every other aspect of intelligence. This, unfortunately, has not been the case.

Despite the critical importance of interrogation-derived intelligence and the growing controversy surrounding retention, interrogation, and rendition policies and practices, the Congress has largely ignored the issue, holding a limited number of hearings that have provided limited insight.

More disturbing, the Senate Intelligence Committee, the Senate committee charged with overseeing U.S. intelligence programs and the only one with jurisdiction to investigate all aspects of this issue, is sitting on the sidelines and effectively abdicating its oversight responsibility to media investigative reporters.

As the Intelligence Committee's vice chairman, I have been pushing for the past 10 months for a formal investigation into the legal and operational questions at the heart of the detention interrogation controversy, as has my colleague from the State of Michigan, Senator LEVIN.

My proposal that the Intelligence Committee conduct an investigation into this matter was rejected. A decision was made that the Intelligence Committee, as it is charged to do, would not formally examine the legal and operational aspects of our detention and interrogation program despite compelling and disturbing evidence that serious, possibly criminal, abuses had occurred.

Now, this decision is particularly curious given the litany of investigations carried out by the Intelligence Committee in the past. In recent years, our committee has produced detailed investigative reports into prewar intelligence on Iraq, technology transfer to China, the bombing of the USS *Cole*, and the shooting down of the missionary plane in Peru, and on and on. In fact, on July 30, 1999, a few years before he became our current chairman, Senator PAT ROBERTS wrote to then-Chairman RICHARD SHELBY and Vice Chairman Bob Kerrey requesting an investigation into the intelligence related to the downing of CDR Michael Scott Speicher's F–18 plane in the early stages of the Persian Gulf war.

The committee responded favorably to Senator ROBERTS' request, conducted the investigation, and produced a report. Each of the committee reports was produced as a result of formally authorized investigations, and each was a constructive contribution to understanding not just how and why intelligence failures occur but what action should be taken to avoid them in the future. Our unanimously approved first phase of our Iraq report last July, which was the weapons of mass destruction aspect, was a rather thorough and devastating critique of the collection and analytical failings of our intelligence community prior to the war that has provided, frankly, a very critical momentum to an intelligence reform movement that was already gathering steam and ended up in the passage of landmark legislation in December, which most people would have said a couple of months earlier was not possible. Yet when presented with a similar set of compelling reports on how the United States detains and interrogates prisoners, the majority on the committee has prevented us from pursuing an investigation.

Why? Well over a year has passed since the appearance of photographs graphically portraying the abuse of Iraqi prisoners at Abu Ghraib prison. As my colleagues know, these images and other reports of abuse provided a powerful propaganda tool to our terrorist enemies. Since then we have seen a steady stream of accusations relating to the way the U.S. military and intelligence agencies treat individuals in their custody. Allegations of mistreatment have surfaced wherever the United States holds prisoners overseas—across Iraq, Afghanistan, and at Guantanamo Bay, Cuba.

Troubling new revelations have become an almost daily occurrence, with a disturbing number of these instances resulting in prisoner deaths. At least 26 prisoners have died in American custody, and the unsettling charge has been leveled against the United States that we are exporting torture through rendition practices that lack accountability.

Who can honestly say that these events and allegations are not serious enough to warrant an Intelligence Committee investigation? My good friend and chairman of the Senate Armed Services Committee, Senator JOHN WARNER, believed such an investigation was needed back in February of this year, and at the February 18 open Intelligence Committee hearing on worldwide threats, which we do once a year, Senator WARNER remarked:

> And there's an issue out here, I say to my distinguished chairman and ranking member and colleagues on the committee, which I think we've got to address both in my committee and in this committee, and that is the manner in which we gain intelligence from those that are captured, either on the battlefield or in other areas.

My hope was that sort of congressional inquiry referenced by Senator WARNER back in February would have become a reality.

The Armed Services Committee and the Intelligence Committee with their respective oversight of the military and intelligence communities could have provided the sort of complementary reviews into troubling allegations swirling around our interrogation of prisoners in Afghanistan, Iraq, and, as I said, Guantanamo Bay. Regrettably, our efforts and those of Senator LEVIN to authorize and conduct such an investigation have not succeeded. We are now, therefore, left by default with the remaining option of turning over this responsibility to a national commission to carry it out.

If the Senate oversight committees are either unwilling or unable to tackle the tough but necessary questions associated with detention, interrogation, and rendition of prisoners, then we should step aside, if we have to, regrettably, and let the work be done by those unfettered by other considerations.

I am confident that this new national commission, like the 9/11 Commission, and the Weapons of Mass Destruction Commission before it, will provide the sort of comprehensive review of U.S. policy and practices relating to the treatment of detainees that has been absent so far.

Our amendment calls for a 12-month investigation in which all aspects of all of this must be looked at. More specifically, the 10-person commission will examine and report upon the policies and practices of the United States relating to the treatment of individuals detained since September 11, 2001. The commission will also be tasked to evaluate causes and factors that have contributed to the alleged mistreatment of detainees, including an assessment of either those directly or indirectly responsible for the mistreatment.

I am worried about the legal aspects of our underpinning, and I will more or less close with this: On May 18, 2005, the Central Intelligence Agency issued a statement that "CIA policies on interrogation have always followed legal guidance from the Department of Justice." That may or may not be so, but was that legal guidance supportable? That is what you have to ask. Was it supportable? Was it factual?

A lengthy legal opinion on the Department of Justice interrogation practices, which had been issued in secret, in August, 2002, was quickly repudiated by the White House when it became public in June of 2004 and was then superseded by a public Justice Department legal opinion in December of 2004.

As that episode shows, secret interpretations of the law beyond the oversight of the Congress are an invitation to potentially great error.

What supporting roles do the CIA and FBI play in the interrogation of suspects of military-run prisons and how are their activities coordinated? It has been publicly reported that the CIA requested that a number of prisoners held in Iraq not be registered and be kept from international inspection; therefore, the so-called ghost detainees.

More recently, it has come to light that FBI officials lodged strenuous complaints about what they considered to be the mistreatment of prisoners held at Guantanamo Bay. These reports and others strongly suggest that different agencies are operating under different sets of rules, or they are not coordinated. This is a recipe for disaster which will come back to haunt us one of these days.

The commission will also review policies regarding the controversial practice of the United States of rendering detainees to foreign governments for interrogation.

Our practice of contracting out to foreign governments the interrogation of detainees is, to this Senator, particularly troubling. There have been numerous reports of individuals turned over by the United States to a foreign government for interrogation allegedly being tortured.

In addition to the ethical and legal considerations associated with this practice, the veracity of the information gained from these and other detainees is called into question if these statements were made under physical coercion. Therefore, it is important that we have a thorough evaluation of the current policy guidelines and field directives for when it is appropriate to render a detainee to another country and what intelligence is gained from such a practice.

More specifically, we must examine the validity of assurances that the

United States is given when detainees are rendered to other countries that they will not be tortured.

The PRESIDING OFFICER (Mr. COBURN). The Senator's time has expired.

Mr. ROCKEFELLER. I hope my colleagues will support the amendment. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I do have the privilege of being an ex officio member of the Intelligence Committee. I served 8 years on that committee, and my concluding years was as ranking member. I have a very high respect for that committee and find, from my participation, together with others on it, under the leadership of Chairman ROBERTS and Senator ROCKEFELLER, that the committee does a very good job.

Mr. President, I wish to speak in opposition about this question of the need for this country to establish an independent commission to investigate the detention and interrogation operations conducted by the Department of Defense and other elements of the Government in conjunction with the war on terrorism.

Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDEPENDENT COMMISSION TO INVESTIGATE DETENTION AND INTERROGATION OPERATIONS

Mr. WARNER. Mr. President, in my judgment, a further investigation is simply unnecessary. The Department of Defense has conducted 12 major investigations. Over 400 criminal investigations and hundreds more informal investigations have been or are being conducted to determine the responsibility and, if appropriate, culpability and accountability.

The combined investigations are unprecedented in scope. The CIA and the Department of Justice are also conducting investigations into the actions of their employees related to detention and interrogation activities.

Responsibility and accountability have been assessed. Over 400 criminal investigations have been conducted and 168 remain open; 95 military personnel have been criminally charged with misconduct, and 75 have been convicted to date. In addition, 177 military personnel have been administratively disciplined. Almost 20 percent of those disciplined have been officers.

Congress has held 30 open hearings, received over 40 closed briefings, and countless staff briefings. The Department has been very forthcoming, providing complete investigations that include over 2,800 interviews and over 16,000 pages of related documents.

The combined investigations have made 442 recommendations, over 300 of which have been implemented, and the rest are in progress, including standardization policy and procedures for detention and interrogation operations, revising policies regarding the International Committee of the Red Cross visits and reports, improved training and clear policy guidance for interagency detention activities.

Investigations have universally concluded that there was no policy of abuse and that no policy led to abuse. As the Schlesinger report stated—that was a commission established by the Secretary of Defense, indeed at the urging of the Congress and our committee, but it was Secretary Schlesinger and Secretary Harold Brown, both former Secretaries of Defense, one a Republican and one a Democrat, men who have had extraordinary reputations throughout their lives. I feel that was one of the major landmark investigations connected with this ongoing problem. They stated:

> No approved procedures call for or allow the kind of abuse that, in fact, occurred. There is no evidence of a policy of abuse promulgated by senior officials or military authorities.

Any discussion of detainee abuse must be kept in perspective. Substantiated cases of abusive conduct by DOD personnel are small in comparison to the 70,000 persons who have been detained and the hundreds of thousands of interrogations that have been conducted humanely, safely, and effectively over the past 4 years.

An independent commission would send potentially the wrong message to our Armed Forces of our lack of confidence in their conduct and would seriously undermine ongoing intelligence-gathering activities.

On a daily basis, we collect intelligence from detainees that provides valuable information to our troops in the field, whether it is Iraq or Afghanistan or other farflung posts. Simply put, this information saves American lives, certainly of the men and women in uniform, and I firmly believe it has helped prevent further serious attack, such as 9/11, on our Nation.

The investigative process has reassured the American people, strengthened the Armed Forces, and demonstrated to the world that we are a nation of laws. Last month, 90 Senators voted in the affirmative for an amendment that required civilized treatment of prisoners at detention facilities. That is the McCain amendment, and I have been a partner with him in the very initiation of those efforts.

The amendment banned cruel, inhumane, and degrading treatment. That vote sent a strong signal. Who among us was not affected when Senator MCCAIN said that he and fellow prisoners in Hanoi knew and took great strength from the belief that "we were different from our enemies, that we were better than they, that we, if the roles were reversed, would not disgrace ourselves by committing or countenancing such mistreatment of them."

Move on we must to win this war in Iraq and Afghanistan. Replaying these dreadful and inexcusable instances again in public forum will bring no remarkable insights and no lessons learned, nor will it do anything to reduce the fighting. It will, in fact, draw resources from the war effort by placing a heavy burden on senior commanders and key civilian leaders.

The Committee on Armed Services held over half a dozen hearings on this issue. We still have these matters under review. Still, the question of accountability remains, but we have to wait until there is a conclusion of more of the military cases before I think we probably will do our final work on this chapter, a chapter that I characterize—that is Abu Ghraib—as one of the most serious I ever witnessed in my many years of public service, either in the Pentagon or in the Senate as a member of the Armed Services Committee.

Mr. President, I see the distinguished Senator from Georgia. For that purpose, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, on behalf of Senator PRYOR, Senator ISAKSON, and myself, I rise to call up amendment No. 2433 to S. 1042 and request that Senator LANDRIEU be added as a cosponsor. I believe the amendment is at the desk.

The PRESIDING OFFICER. The Senator should be advised that the bill is not currently pending.

Mr. WARNER. Mr. President, on that point, I suggest that we now go to the bill. I believe there is a pending amendment which requires a UC to be laid aside; am I not correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I so ask at this time.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006—Resumed

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1042) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

> Nelson (FL) amendment No. 2424, to repeat the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.
>
> Allard amendment No. 2423, to authorize a program to provide health, medical, and life

insurance benefits to workers at the Rocky Flats Environmental Technology site, Colorado, would otherwise fail to qualify for such benefits because of an early physical completion date.

Reed (for Levin/Reed) amendment No. 2427, to make available, with an offset, an additional $50,000,000 for Operation and Maintenance for Cooperative Threat Reduction.

Levin amendment No. 2430, to establish a national commission on policies and practices on the treatment of detainees since September 11, 2001.

Inhofe amendment No. 2432, relating to the partnership security capacity of foreign military and security forces and security and stabilization assistance.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The Senator from Georgia is recognized.

AMENDMENT NO. 2433

Mr. CHAMBLISS. Mr. President, I call up amendment No. 2433, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for himself, Mr. ISAKSON, and Mr. PRYOR, proposes an amendment numbered 2433.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods)

At the end of subtitle C of title V, add the following:

SEC. 538. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY MEMBERS OF THE READY RESERVE ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.

(a) REDUCED ELIGIBILITY AGE.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) has attained the eligibility age applicable under subsection (f) to that person;"; and

(2) by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (2), the eligibility age for purposes of subsection (a)(1) is 60 years of age.

"(2)(A) In the case of a person who as a member of the Ready Reserve serves on active duty or performs active service described in subparagraph (B) after September 11, 2001, the eligibility age for purposes of subsection (a)(1) shall be reduced below 60 years of age by three months for each aggregate of 90 days on which such person so performs in any fiscal year after such date, subject to subparagraph (C). A day of duty may be included in only one aggregate of 90 days for purposes of this subparagraph.

"(B)(i) Service on active duty described in this subparagraph is service on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of this title in support of a contingency operation. Such service does not include service on active duty pursuant to a call or order to active duty under section 12310 of this title.

"(ii) Active service described in this subparagraph is service under a call to active service authorized by the President or the Secretary of Defense under section 502(f) of title 32 for purposes of responding to a national emergency declared by the President or supported by Federal funds.

"(C) The eligibility age for purposes of subsection (a)(1) may not be reduced below 50 years of age for any person under subparagraph (A).".

(b) CONTINUATION OF AGE 60 AS MINIMUM AGE FOR ELIGIBILITY OF NON-REGULAR SERVICE RETIREES FOR HEALTH CARE.—Section 1074(b) of such title is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) does not apply to a member or former member entitled to retired pay for non-regular service under chapter 1223 of this title who is under 60 years of age.".

(c) ADMINISTRATION OF RELATED PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title 10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

(d) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall take effect as of September 11, 2001, and shall apply with respect to applications for retired pay that are submitted under section 12731(a) of title 10, United States Code, on or after the date of the enactment of this Act.

Mr. CHAMBLISS. Mr. President, I ask that Senator LANDRIEU be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. First, Mr. President, I wish to thank the chairman of the committee, as well as the ranking member, Senator WARNER and Senator LEVIN, for their great leadership on this bill. This has been a difficult process we have gone through, having spent, I guess, a week and a half at one point in time and having to suspend further proceedings and now we are back on it. In my opinion, all the work in this body is certainly very critical to the Nation itself, but there is no more important legislation we take up every year than the Defense authorization bill. When we are a nation at war, as we are right now, there certainly is no more important legislation to show support by this body, by the House, and by the American people to our men and women in uniform by making sure that we provide quality of life issues for them, whether it is pay raises, looking after their families, or making sure they have better than adequate housing, but to also say to them that we are going to provide you with the best weapons available in the world today, that we are going to provide you with the best training in the world today to make sure that you remain the strongest military in the world, and as you fight for freedom and democracy on foreign soil, as our men and women are doing today, that they know and understand, without any hesitation, the American people and the Members of Congress stand firmly behind the work they are doing.

I wish to preface my comments with regard to this particular amendment by stating something with which no Member of the Senate would disagree, and that is that the way our Nation uses the Reserve components of the U.S. military has fundamentally changed over the last 15 years.

Several of my colleagues already alluded to this fact during discussion of TRICARE coverage for reservists earlier this year. I support that legislation and commend my colleagues, specifically Senator GRAHAM from South Carolina and Senator CLINTON from New York, for their perseverance on this issue of providing TRICARE for Guard and Reserve members.

Over the last decade and a half, the Reserve components have changed from a force in reserve to an absolutely essential component of the war fight in almost every operation the military engages and in every career field represented in the Army, Navy, Air Force, and Marine Corps.

The Reserve components are now, and continue to become, a true operational Reserve that our military cannot operate without. This is reflected primarily in the rate of deployments and mobilizations of the Reserve components.

The contribution of the Reserve components has increased over 60 times from the pre-Desert Shield/Desert Storm time period to the present. From the post-Desert Storm period, from between 1993 and 1997 to the present, the Reserve contribution has increased between 5 and 10 times, depending on which year you consider. The same trends are illustrated if you look at the number of support days reservists have performed over the last 20 years. The trend over the last 5 years is exponential.

My point, which cannot be any more clear, is that the way we are using the Guard and Reserve has fundamentally changed. Based on this fact, I think it is only appropriate to consider that the way we compensate and reward our reservists needs to change.

Another important factor to be considered is the current recruiting trends for the National Guard and Reserve.

The overall trend in Reserve component recruiting is negative. In fiscal year 2005, the Army and Air National Guard, the Army Reserve and the Navy Reserve, all did not meet their enlisted recruiting goals. In fiscal year 2002, the Army National Guard exceeded its goal by recruiting 104 percent of its objective, but in fiscal year 2003 and fiscal year 2004 that number dropped to 87 percent. It now stands at 80 percent. A similar story can be told for the Army Reserve where it exceeded its goal for fiscal year 2002 with 108 percent of its objective only to see that percentage drop to 84 percent for fiscal year 2005. Although not a crisis yet, these trends are definitely a cause for concern.

Retention numbers for the Guard and Reserve are holding fairly steady for now. However, I do not believe anyone expects the retention rate to hold steady if we keep using our Reserves at the current rate. I believe the current rate at which we are using reservists, as well as current recruiting trends, necessitates that we reexamine the way we manage the Reserve.

As the former chairman of the Armed Services Committee, Subcommittee on Personnel, and the current cochairman of the Senate Reserve Caucus, this is an issue with which I have wrestled considerably and want to be sure that we account for as we provide oversight of the personnel policies of the Department of Defense.

The Department of Defense has made changes in this area by improving the process of training and equipping the Reserve and supporting changes in personnel policies that improve quality of life for members of the Reserve. However, with the possible exception of the TRICARE issue, these changes have been at the margins. The amendment I am calling up today makes what I believe is a relatively minor adjustment to the Reserve retirement system. My amendment would lower the age at which a reservist can receive their retirement annuity by 3 months, counting down from age 60, for every 90 days a reservist spends on active duty during a fiscal year. Any service credited under my amendment would have to be served in support of a designated contingency operation. This amendment specifically rewards the members of the Guard and Reserve who have been called or ordered to active duty, had their civilian lives interrupted for an extended period of time, and in many cases placed themselves in harm's way in defense of their country.

Currently, the average reservist, if they collect any retirement pay at all, receives a small fraction of the annuity that an Active-Duty member receives. If this amendment becomes law, that percentage will rise slightly but in no way will this amendment result in a major change with large financial implications.

I do not have a formal CBO estimate for the current version of my amendment. However, based on CBO scoring for an earlier version, I suggest that the cost of this amendment will be approximately $300 million over 5 years.

There have been several other bills and amendments related to Reserve retirement introduced in Congress and for the sake of comparison, I believe my amendment provides the right incentives and rewards, and it is also the least costly alternative which has been offered so far.

I think it is very important that we strike a balance between the Active-Duty forces and the Reserve component with respect to compensation, quality of life, and other assets and incentives that we offer for people coming into Active-Duty service. I know and understand that we can never totally equalize the benefits to the Active Duty along with those of the Guard and Reserve for the simple sake that if somebody joins the Active Duty, they need to be incentivized to come in and do the work that they are assigned to do knowing that they will be compensated in a way that has been provided for them for decades relative to retirement in this case. We cannot do that with the Guard and Reserve, but we do need to provide more incentives to do something about these drastic reenlistment, as well as enlistment, numbers that I alluded to earlier in my comments.

One way I think we can certainly do that, from a retirement standpoint, is to provide some small incentive to our reservists and our Guard men and women so that they will be somewhat comparable, though never totally comparable, to the Active-Duty members. I believe this amendment is significant and important because it recognizes the increased contribution our reservists are making, rewards them for the service in support of the global war on terrorism, and provides reservists in the middle of their careers with an incentive to stay on board.

I have received some very good feedback from the Department of Defense on this amendment because, first, it incentivizes voluntarism. Secondly, it provides a motivation for retention. Thirdly, it is relatively low cost.

The Reserve Officers Association of America, the National Guard Association of the United States, and the Reserve Enlisted Association also support this amendment and see it as an important, responsible step forward in support of our reservists.

There is no more important issue facing the Senate Armed Services Committee than how we treat our men and women in uniform and their families. It is my hope that as we proceed with this bill over this week, and as the committee entertains legislation and policy changes in the coming months, that we keep the people at the receiving end of our decisions and deliberations foremost in our minds.

We will continue to include the members of the Reserve components in those deliberations and ensure that the Senate adopts policies that work to their advantage that are fiscally responsible and that recognize the significant changes that have taken place in the Reserve over the past decade and a half.

I close by saying, again, that without the leadership of Senators WARNER and LEVIN, we simply would not be providing the compensation, nor the incentives, that we have in place today to the members of the Guard and the Reserve. I thank them for not just their great leadership but their cooperation in working through these very difficult issues, a lot of which are driven strictly by budget. That is what makes it particularly difficult when we have to talk about providing incentives like compensation versus buying weapons systems. It makes it very difficult, and to their credit they have provided the great leadership that is necessary to make sure that we continue to be in a position to be the strongest military in the world. And we are because our men and women who volunteer for that military, whether it is Active Duty or Guard or Reserve, are the very finest young men and women America has to offer.

I ask my colleagues to support the amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Georgia. We are studying this amendment very carefully. I am anxious to get the views of my distinguished colleague, the ranking member, and his group.

As I listened carefully to the Senator's remarks, I was reminded by my own experience—I had a very modest career in the military—I think I spent a total of 14 years in the Marine Corps Reserve and witnessed and participated in a callup of the Reserves in connection with the war in Korea. I recall very vividly that war hit us out of the blue in the summer of 1950. The then-Secretary of Defense, Louis Johnson, under President Truman, was cutting and slashing the military right and left. It was down to the raw bone. Suddenly this war engulfed the United States and there were thoughts in the beginning that it would be fairly simple to end the war.

I remember MacArthur was commander in chief of the forces at that time, and he made a famous statement—I think it was in late September or October—that this war will be over and everybody will be home by Christmas.

Well, that was the fall of 1950, and action did not end until 1953, which had many names from the "forgotten war" to a "police action," but it did cause over 50,000 casualties.

The point I wish to make is I witnessed with my own eyes the Reserves being brought in. I was with a group that was called up on 30 days' notice. Most of them had been in World War II. I had brief service at the end of World War II in the Navy. We were all basically former World War II veterans and just beginning to reestablish ourselves. It was only an interval of about 4 years since most had been released then in 1946 and, whammo, in 30 days we were in it.

At first I remember in the training detachments down in Quantico there was a decided feeling among the old regulars of the Marine Corps that we were second-class citizens, but once our folks hit the battlefield, whether it was on the ground or in the air—I was assigned to an air unit as a ground officer—Reserve pilots flew right along with the regular pilots, and one could not tell the difference. They pulled equal missions together, took equal risks. I do not know how the casualties bear out, but I know a lot—not a lot, but a number of our Reserve squadron lost their lives, wounded.

So I say to the Senator, as I listened, I thought back of those days and how in the ensuing years that was the first time in the Korean War that we really involved the number of Reserves that were needed, and our regular forces then, not unlike now, had been pared down in numbers. As a consequence, today I believe 60 percent of the persons serving in Iraq are Reserves at this very moment. I use the term "reserves" to apply to the Guard as well. So they are full partners.

Then, fast forwarding, I remember serving in the Pentagon during Vietnam, and we decided to have, under the leadership of an extraordinary Secretary of Defense, Melvin Laird, the concept of a total force; in other words, whether one is Guard, Reserve, or regular, they are a total force. The total force concept moved on through the years.

I think the Senator is right on target. If the Senator will bear with us a little bit, we are trying to determine exactly how we are going to treat this amendment. At the moment I am very impressed with the Senator's objective. I ask forgiveness for taking the time of the Senate to dwell on what I actually saw years ago and have seen, as the Senator has, on our visits to Iraq, one cannot distinguish between the Guard and the Reserves. They are all amalgamated into the regulars. Actually, many Guard and Reserve units are functioning as units, somewhat augmented, I suppose, with some regular officers, and vice versa some of the regular units are augmented with the Reserve and Guard officers. But it certainly is a total force and a magnificent force we have serving today.

The Senator is right, all of these trends with regard to personnel, they begin to—it is like the awakening of the dawn. The sun does not break through, and one begins to wonder what about this cloud cover, and there is some cloud cover associated with the recent statistics regarding the introduction of new Guard and Reserve persons.

I will say I think the retention has been pretty good in many areas of our Guard and Reserves, but nevertheless we need an inducement. I think this amendment has the beginnings of something that is very important.

The Senator is a valued member of our committee. The Senator fought hard for this one. Give us a little time to work it around.

Mr. CHAMBLISS. If the Senator will yield very briefly. I say the passion that the Senator from Virginia has relative to the men and women in our Armed Forces has been exhibited in our committee time and again. It is pretty obvious to see why. It is because of men and women like the Senator who have served in the Guard and Reserve over the last 50 years that we now truly are a blended force. We are a force of military men and women when it comes time to join hands and go to the fight. It truly is a seamless integration between the Active Duty and the Reserve and the Guard today in Iraq. That is why I think it is very important.

I thank the Senator for his comments and his leadership.

Mr. WARNER. Mr. President, just to add a note, the Senator touched on this, but we cannot and do not—and I do not think this will—erode the base of pay and benefits given to the regular force. Those individuals have committed to a career in the military. In a career of 20 years, they will move 10 or 12 times. On the other hand, the reservist is at home, most of them, in a status where there is an ever-present risk of being called up. For that, I think they should be given some special recognition.

I believe the Senator has that embraced in these valuable ideas that the Senator has in this amendment.

That is because they are ready to respond and they have to, not just move on a set of orders, but they have to try to keep their families in place in their homes; they have to try to work out some relationship with their employers so they can go back. They have a whole set of problems that are quite different than those in the regulars.

I do not think in any way this legislation encroaches on the important category of benefits for the regular forces, but does things that recognize the importance of the Guard and Reserve.

I see another distinguished colleague on the floor.

Mr. LEVIN. If the Senator will yield, I say to the Senator from Maine I will be very brief because the Senator is waiting, but I want to comment on the amendment that has been offered by the Senator from Georgia.

First, I commend him for offering this amendment. It is a very fair amendment. It is a very balanced amendment. It takes on a very important subject and deals with it very forthrightly, which is the fact that our Reserve Forces are called upon more and more now and are put under greater demands, and there is a lot of pressure and a lot of stress now.

We do not require our Active-Duty Forces to wait until they are 60. After they get their 20 years in, they are eligible for retirement. What the amendment of the Senator does, as I understand it, is to credit the Reserve personnel for 90 days of mobilized active-duty service toward—it allows them to gain 3 months reduction from the current requirement that they be 60 years of age.

It is a very important amendment. It addresses an inequity that we have, which is we require our Reserve Forces, even after they have been mobilized, even if they are mobilized year after year, not to get any credit for that active-duty service the way our regulars do.

I commend the Senator. It is a very fair amendment. It has a lesser cost than the one that was opposed by the Department of Defense last year. I hope the Department of Defense will not oppose the Senator's amendment. We have not received a statement from the Department of Defense yet, but I hope, even though they opposed the amendment last year, they will not oppose the amendment of the Senator from Georgia.

It is a worthy amendment. It has bipartisan support. As I understand, in addition to his colleague from Georgia, Senators LANDRIEU and PRYOR are cosponsors. We very much support his effort.

Mr. WARNER. Mr. President, if I might add, last year an amendment somewhat similar to this, but considerably more extreme in its reach, was considered by the Senate. At that time I, along with others, established the Commission on the National Guard and Reserve. It was included in our Defense Authorization Act. That commission is now in operation. As a matter of fact, the distinguished Senator from Georgia and I attended the opening meeting here just days ago. It has an extraordinary list of members. I ask unanimous consent to have a fact sheet and a list of membership printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMISSION ON THE NATIONAL GUARD AND RESERVES FACT SHEET

MISSION

The independent Commission on the National Guard and Reserves is charged by Congress to recommend any needed changes in law and policy to ensure that the Guard and Reserves are organized, trained, equipped, compensated, and supported to best meet the national security requirements of the United States. The Commission was established by the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005.

KEY ISSUES REQUIRING REVIEW

Among the questions the Commission will address:

Roles and Missions—What are the appropriate roles and purposes of the Guard and Reserves in meeting the national security needs of the United States?

Capabilities—How can reserve components and personnel best be used to support Armed Forces operations and achievement of national security objectives, including homeland defense, while at the same time meeting disaster response objectives?

Operational Support—How effective is the Department of Defense implementation plan for the new "Operational Support" personnel accounting category which has been developed to account properly for reserve members on active duty in support of total force missions?

Organization and Structure—How effective are the current organization and structure of the Guard and Reserves? Are Department of Defense and individual service plans for the future organization and structure of the Guard and Reserves adequate?

Training—Are the current organization and funding of training adequate? What changes are needed to achieve training objectives and operational readiness?

Readiness—How effective are policies and programs for achieving operational readiness—troops trained and equipment on hand, maintained, and functioning—as well as personnel readiness, including medical and family readiness?

Personnel Compensation and Benefits—Are compensation and benefits, including the availability of health care benefits and health insurance, appropriate and adequate? For both regular and reserve components of the Armed Forces, what are the likely effects of proposed compensation and benefit changes? What are feasible options for improving compensation and benefits, particularly in regard to cost-effectiveness and any foreseeable effects on readiness, recruitment, and retention of personnel?

Career Paths—How effective are traditional military career paths? Are there alternative career paths that could enhance professional development and help move personnel toward a continuum of service?

Funding—How adequate is the funding provided for equipment and personnel in both active duty and reserve military personnel accounts? How can funding best be provided?

Other—What other issues relevant to the purposes of the Commission will be included in its assessment?

COMMISSIONERS

As specified in the authorizing legislation, 13 Commission members were appointed by the chairs and ranking minority members of the House and Senate Armed Services Committees and the Secretary of Defense. Appointed are:

Arnold L. Punaro, Chairman—Chairman Punaro is a retired Marine Corps major general who served as Commanding General of the 4th Marine Division (1997–2000) and Director of Reserve Affairs at Headquarters Marine Corps during the post–9/11 peak reserve mobilization periods. Following active duty service in Vietnam, he was mobilized three times: for Operation Desert Shield in the first Gulf War, to command Joint Task Force Provide Promise (Fwd) in Bosnia and Macedonia, and for Operation Iraqi Freedom in 2003. He worked on Capitol Hill for 24 years for Senator Sam Nunn and served as his Staff Director of the Senate Armed Services Committee for 14 years. He is currently Executive Vice President of Science Applications International Corporation.

William L. Ball, III—Commissioner Ball is currently Chairman of the Board of Trustees of the Asia Foundation, an international NGO operating in 18 Asian countries. He served in the Navy for six years followed by 10 years service on the U.S. Senate staff for Senators Herman Talmadge and John Tower. He joined the Reagan Administration in 1985, serving as Assistant Secretary of State for Legislative Affairs, Assistant to the President for Legislative Affairs at the White House, and Secretary of the Navy in 1988–1989.

Les Brownlee—Commissioner Brownlee was confirmed as the Under Secretary of the Army in November 2004 and served concurrently as the Acting Secretary of the Army from May 2003 to November 2004. He was appointed by both Senators Strom Thurmond and John Warner to serve as the Staff Director of the Senate Armed Services Committee. He is retired from the United States Army and served two tours in Vietnam. He is currently President of Les Brownlee & Associates LLC.

Rhett Dawson—Commissioner Dawson is currently President and CEO of the Information Technology Industry Council. He is the former Senior Vice President, Law and Public Policy, for the Potomac Electric Power Company. During the last two years of the Reagan Administration, he was an Assistant to the President for Operations. He also served as Staff Director of the Senate Armed Services Committee. He served on active duty as a ROTC-commissioned Army officer from 1969 to 1972.

Larry K. Eckles—Commissioner Eckles retired as the Assistant Division Commander for the 35th Infantry Division, headquartered at Fort Leavenworth, Kansas, after 37 years of service. He retired with over 31 years of full-time civil service employment with the Nebraska Army National Guard and has served in numerous positions at state headquarters including Chief of Staff of the Nebraska Army National Guard, battalion commander, and Director of Personnel.

John (Jack) M. Keane—Commissioner Keane is Senior Managing Director and cofounder of Keane Advisors, a consulting and private equity firm. He is a director of MetLife, General Dynamics, and Allied Barton Security. He served as the 29th Vice Chief of Staff of the Army, retiring after 37 years of service. General Keane was a career paratrooper and a combat veteran, who was decorated for valor. He commanded the famed 101st Airborne Division and the legendary 18th Airborne Corps.

Patricia L. Lewis—Commissioner Lewis served over 28 years with the federal government, including service with the Senate Armed Services Committee for Chairmen John Warner, Sam Nunn, and Scoop Jackson. Ms. Lewis began her federal career in 1975 with the Department of the Navy and has held positions in Naval Sea Systems Command, the Office of the Navy Comptroller, and in the Office of the Secretary of Defense. She is currently a partner with Monfort-Lewis, LLC.

Clinton (Dan) McKinnon—Commissioner McKinnon was founder, Chairman and CEO of North American Airlines. He undertook special projects for the Director of Central Intelligence and also served as Chairman of the Civil Aeronautics Board, during which time he implemented airline deregulation. He has owned radio stations in San Diego. Early in his career, he spent four years in the United States Navy as an aviator where he set, and holds, the U.S. Navy helicopter peacetime air/sea record of 62 saves.

Wade D. Rowley—Commissioner Rowley is currently a Military Border Infrastructure Construction Consultant with the Department of Homeland Security, U.S. Customs and Border Protection. He served over 23 years with the California Army National Guard and Army Reserves. His last military assignment was with the California Army National Guard, where he served as an Engineer Officer, Company Commander, and Facility Commander for the California National Guard Counterdrug Task Force in support of the U.S. Border Patrol.

James E. Sherrard, III—Commissioner Sherrard served as Chief of Air Force Reserve, Headquarters USAF, Washington, DC and Commander, Air Force Reserve Command, Robins AFB, Georgia from 1998 to 2004. He is a retired lieutenant general with more than 38 years of commissioned service in the United States Air Force. As Chief of Air Force Reserve and Commander, Air Force Reserve Command, he was responsible for organizing, training, and equipping more than 79,000 military and civil service personnel required to support operations and combat readiness training for 36 flying wings, 14 detached groups, 13 Air Force Reserve installations, three Numbered Air Forces, and the Air Reserve Personnel Center (ARPC). As Chief of Air Force Reserve, he directed and oversaw the mobilization of Air Force Reserve personnel in support of military operations in Kosovo, Afghanistan, and Iraq. During his career, General Sherrard commanded an airlift group, two Air Force Reserve installations, two wings, and two Numbered Air Forces.

Donald L. Stockton—Commissioner Stockton currently owns and operates the Marshfield Drayage Company in Missouri. He is a retired lieutenant colonel from the U.S. Air Force Reserves where he served nearly 30 years. His last command was with the 934th Maintenance Squadron, a subordinate unit of the 934th Airlift Wing, Air Force Reserve, in Minneapolis where he was responsible for the unit's C-130E aircraft and training of some 175 reservists.

E. Gordon Stump—Commissioner Stump retired in January 2003 from his position of Adjutant General and the Director of Military and Veterans Affairs in Michigan after serving for 12 years. He commanded and directed a total of 157 Army and Air National Guard units, two Veterans Nursing Homes, and 12 Veterans Service Organizations. His prior assignments included Squadron Commander 107th TFS and Commander and Deputy Commander of the Headquarters Michigan Air National Guard. He flew 241 combat missions over North and South Vietnam. He also deployed to South Korea during the Pueblo Crisis. He served as President of the National Guard Association of the United States and as a member of the Reserve Forces Policy Board. Prior to his assignment as Adjutant General, he was Vice President of Automotive Engineering for Uniroyal Goodrich Tire Co. He is currently President of Strategic Defense Associates, LLC.

J. Stanton Thompson—Commissioner Thompson is currently an Executive Director for the U.S. Department of Agriculture's Farm Service Agency. He is a retired naval rear admiral with over 35 years of military service. He is the former Special Assistant for Reserve Matters to the Commander, U.S. NORTHCOM and North American Aerospace Command. He also served as a principal advisor to the commander for maritime homeland defense. During his recall to active duty, he provided active duty support to Operation Desert Shield/Desert Storm.

TIMETABLE AND ACTIVITIES

December 2005—First formal meeting of the Commission

March 2006—Ninety-day report to include strategic work plan, discussion of planned activities, and any initial findings, submitted to the House and Senate Armed Services Committees and the Secretary of Defense

December 2006—Final report of Commission to include recommended reforms in legislation and Defense Department policies, submitted to the House and Senate Armed Services Committees and the Secretary of Defense

March 2007—Commission terminated.

Mr. WARNER. They have begun their work and they will examine issues related to your amendment and to other structural missions and compensation of the Guard and Reserve Forces in the coming years.

I do not believe this commission, which is underway, should be used as a deterrent for the Senate to consider at this time the Senator's amendment. I point out that the subject he raised, that is intrinsic to this amendment, is under careful study by an extraordinary group of individuals appointed by myself, Senator LEVIN, our leaders, and others. That will be part of the RECORD.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, the Senator from Maine has an amendment. It is one of the 12 amendments we have under the unanimous consent agreement. There is a time limit on it, of which the Senator is aware.

The PRESIDING OFFICER. The Senator from Maine is recognized.

AMENDMENT NO. 2436

Ms. SNOWE. Mr. President, pursuant to the pending unanimous consent agreement, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. SNOWE], for herself and Ms. COLLINS, Ms. LANDRIEU, Mr. WYDEN, and Mr. CORZINE, proposes an amendment numbered 2436.

Ms. SNOWE. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Defense, subject to a national security exception, to offer to transfer to local redevelopment authorities for no consideration real property and personal property located at military installations that are closed or realigned as part of the 2005 round of defense base closure and realignment)

At the end of subtitle D of title XXVIII of division B, add the following:

SEC. 2887. TRANSFER TO REDEVELOPMENT AUTHORITIES WITHOUT CONSIDERATION OF PROPERTY LOCATED AT MILITARY INSTALLATIONS CLOSED OR REALIGNED UNDER 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) OPTION ON TRANSFER OF REAL PROPERTY AND FACILITIES.—Paragraph (2)(C) of section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by inserting "(i)" after "(C)"; and

(2) by adding at the end the following new clause:

"(ii)(I) Except as provided in subclause (II), in the case of any real property or facilities located at an installation for which the date of approval of closure or realignment is after January 1, 2005, including property or facilities that would otherwise be transferred to a military department or other entity within the Department of Defense or the Coast Guard under clause (i), or would otherwise be transferred to another Federal agency—

"(aa) the Secretary shall instead offer to transfer such property or facilities to the redevelopment authority with respect to such installation; and

"(bb) if the redevelopment authority accepts the offer, transfer such property or facilities to the redevelopment authority, without consideration, subject to the provisions of paragraph (4).

"(II) The requirement under subclause (I) shall not apply—

"(aa) to a transfer of property or facilities to a military department or other entity within the Department of Defense or the Coast Guard under clause (i), or to the Department of Homeland Security, if the Secretary of Defense determines that such transfer is necessary in the national security interest of the United States; or

"(bb) to a transfer of property or facilities to an Indian tribe or tribal organization pursuant to section 105(f)(3) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(f)(3)).".

(b) OPTION ON TRANSFER OF PERSONAL PROPERTY.—Paragraph (3) of such section is amended—

(1) in subparagraph (C)(i), by striking "subparagraphs (E) and (F)" and inserting "subparagraphs (F) and (G)";

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(3) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) In the case of any personal property located at an installation for which the date of approval of closure or realignment is after January 1, 2005, including property that is determined pursuant to the inventory under subparagraph (A)(i) to be excess property that would otherwise be transferred to another Federal agency under subchapter II of chapter 5 of title 40, United States Code, pursuant to the authority in paragraph (1)(A)—

"(i) the Secretary shall, unless the Secretary determines that a transfer of such property to a military department or other entity within the Department of Defense or the Coast Guard, or to the Department of Homeland Security, is necessary in the national security interest of the United States, instead offer to transfer such property to the redevelopment authority with respect to such installation; and

"(ii) if the redevelopment authority accepts the offer, transfer such property to the redevelopment authority, without consideration, subject to the provisions of paragraph (4).".

(c) ECONOMIC REDEVELOPMENT.—Paragraph (4)(A) of such section is amended by striking "purposes of job generation" and inserting "purposes of economic redevelopment or job generation".

(d) CONFORMING CHANGE.—Paragraph (4)(B) of such section is amended—

(1) by striking "shall seek" and all that follows through "with respect to the installation" and inserting the following: "may not obtain consideration in connection with any transfer under this paragraph of property located at the installation. The redevelopment authority to which such property is transferred shall";

(2) in clause (i), by striking "agrees" and inserting "agree"; and

(3) in clause (ii)—

(A) by striking "executes" and inserting "execute"; and

(B) by striking "accepts" and inserting "accept".

Ms. SNOWE. Mr. President, in August the Base Realignment and Closure Commission issued its fifth round of base closures since 1988. Soon the Department of Defense will begin implementing the BRAC report, undoubtedly having a direct and lasting impact on States across this country, including my own State of Maine. I rise today as a congressional veteran of all five previous base-closing rounds to introduce this amendment along with my colleague from Maine, Senator COLLINS. It is as well being cosponsored by Senators CORZINE, WYDEN, and LANDRIEU, and endorsed by the Association of Defense Communities, to place the communities that are directly affected by base closures in this recent round in the driver's seat with respect to the critical economic development decisions our base-closing communities are going to be confronting, and not placing the Department of Defense in control of their economic development and their economic futures.

Our amendment would require that, when making determinations concerning the transfer of property and installations, the Secretary of Defense must offer that property first to the local redevelopment authority, or the LRA, that represents the community and is required to be established under the law. If the LRA accepts the offer, the Secretary is required to transfer the property to the LRA free of cost.

Incredibly, the Defense Base Closure and Realignment Act now provides for the first time in any base-closing round the Secretary shall seek fair market value in the case of an economic development conveyance through which the Secretary transfers product to affected communities for economic development purposes. In short, the law now says the first order of business is for the Department of Defense to receive fair market value, no matter the cost in economic development, no matter the cost to the communities themselves.

What kind of a perverse situation do we have, when the taxpayers and communities are facing closures or realignments and they are now confronted with a triple burden? They have already contributed mightily toward the cost of Iraq—more than $200 billion, $28.5 billion of which was spent on redevelopment efforts in that country. Now their facilities are being realigned or closed and now the statute is requiring of them, if you want this property for economic recovery, for economic development—because now they are reeling from the impact of a base closure—you will be required as a community or communities to buy it back from the Department of Defense at fair market value. That obviously is going to cost millions upon millions of dollars to these communities that are already reeling from the economic impact as a result of base closure.

It is no wonder communities are going to feel slighted and, indeed, abandoned by those they have supported for so long. Is this the message we want to send, that we are going to make the recovery process Defense Department centered and not community centered?

As I said earlier, I have been a veteran of five previous base-closing rounds when they first started in 1988. I have been through every one of those rounds. It has always been, What can we do to mitigate the economic impact on the communities directly affected by base closures? But now, regrettably, we are seeing a reversal in that approach under the current statute. Now we are saying the U.S. Defense Department is better equipped to move the development decisions in the Department as opposed to concentrating and allowing the communities to make those decisions.

Are we to believe the Department of Defense is better equipped to make decisions as to which property transfers will be most beneficial to a community's economic development, that the Department of Defense has a greater understanding of the individual challenges confronted by our towns and communities in the aftermath of base closures than the towns and communities themselves?

I suggest such a notion is on its face absurd. Indeed, it is so preposterous I can hardly believe we are standing here today to offer this amendment, that we are in a situation that we have to offer this amendment. Why would we continue to require the economic future of our BRAC-affected communities to be determined by the highest bidder the Defense Department can identify?

So it is going to be the Defense Department that is going to be driving the sale, the transfer, and the future economic plans of a particular community and not the communities themselves. It contradicts the purpose of what we need to do as a result of the base closures. In fact, in the aftermath of decisions that were made by the Base Realignment and Closure Commission, I had the opportunity to speak with one of the commissioners, who said one of the purposes in making this decision—regrettably, on Brunswick—was the fact that we wanted to put the communities in the driver's seat. We wanted the communities to be able to dictate their own future economic destiny, not the Department of Defense, because the original decision was a proposal for realignment, and they recognized they could close the facility, the Navy could take the personnel and transfer the squadrons to Florida and keep the facility and hold the communities hostage to an idle facility that would not generate jobs. So they decided to allow the communities to make those decisions.

They made the decision, regrettably, to close the facility, but because they wanted the community to be able to take charge of its own future economic destiny and be able to dictate what the use of that abandoned base would be. So it makes no sense now to discover that we have in statute where it says the Department of Defense is going to require, is going to insist on fair market value for transferring these properties to the community. Ultimately, obviously, the Defense Department is going to be looking for the highest bidder. Ultimately the Defense Department could potentially dictate the use of those facilities, even if it contravenes the interest, the position, and the decisions by the local communities in terms of how they want to use that facility.

What happens if the Federal Government's idea of opportunity is a Federal prison or an oil refinery that a community strongly opposes? Legislation has already been introduced in the House which, if enacted, could impose oil refineries on these communities. In fact, it has been part of their Energy bill in the House of Representatives.

Ultimately, under current statutes, these decisions would rest not with the State, not with the town, or the city, but with the Department of Defense. Rather, we ought to look at the model established in the State of Maine by the success achieved after I secured a free transfer of land of the former Loring Air Force Base in Limestone, ME, that was closed in the 1991 round and subsequently closed its doors in 1994 as a result of that 1991 round.

At the height of its activity, the Loring Air Force Base augmented the native population of Aroostook County by 10,000 individuals. Today the community is only now beginning to see progress in recovering from its prior base closing loss, replacing 1,100 lost civilian jobs with 1,400 new civilian jobs. I could not imagine where we would be today if not for the free land transfer. Can you imagine if they cannot have the ability to make decisions about their future without being handicapped about paying fair market value for this property? It would have handicapped them from making the kind of decisions to allow them to move forward, if they were first required to pay for this property to the Department of Defense.

It was bad enough they lost the base. It was bad enough they lost 10,000 people who were located on that base.

I might add 10,000 is larger than many of the communities in the State of Maine.

Thousands of jobs depended on that base.

And we now say to the community, Well, sorry. You are now going to have to pay fair market value to get it back. With the current base-closing round, America faces 22 major base closures and 33 alignments. Outside Maine, leaders and residents in States such as California, Georgia, Indiana, Kansas, Michigan, Mississippi, Texas, Utah, Oregon, New Jersey, Virginia, Pennsylvania, Alaska, Wisconsin, and New Mexico will face considerable challenges as they attempt to successfully transition local economies following base closures and realignments.

In fact, according to the data contained in the 2005 base-closing round, almost 33,000 civilian jobs will be lost in base closures and realignments.

The Naval air station had a $211 million direct impact on the local economy in 2004. But now the communities surrounding the air station are expected to directly lose 3,275 military and civilian jobs, as well as indirectly losing another 2,590 jobs, for a total of 5,865 jobs, or 15 percent of this labor market. While there are only 32,000 people who live in Brunswick and the neighboring town of Topsham combined, such a significant loss will cause a catastrophic unemployment increase in the area to an incredible 15 percent.

These communities need tools, not obstacles.

For those of you who are confronting the base-closure process for the first time, I can assure you that this will undoubtedly have a substantial and detrimental impact on these communities.

In the final analysis, the base-closing act, as it stands today, places a very difficult burden on the community because it places an inappropriately high priority on the Secretary of Defense to obtain fair market value at the expense of the best interests of the community's economic recovery.

I know you will hear opponents in the Department of Defense make its arguments. They will say, Well, suppose the community doesn't want to accept the property for any reason. Of course.

our amendment says if the community doesn't want it, and it would be mutually beneficial to the community and the Department of Defense to have the property transferred through another channel, the community need only to refuse the offer process.

Similarly, the amendment would not require that the community request or accept all the property at an installation in order to receive any portion of that property.

The Department of Defense will also say we need the funds we would recoup from selling property at fair market value to contribute to the account used for closing or realigning military installations or environmental restoration and mitigation.

The Department of Defense may also claim that it requires the proceeds for the sale of closed base property in order to pay for that property's cleanup and redevelopment. However, history tells us that this is absolutely not the case. In fact, according to the January 2004 GAO report, over the previous four base-closing rounds, proceeds from land transfers account for only 2.6 percent of the Department of Defense budget for cleanup, redevelopment, closure, and realignment costs.

Selling off closed base property is clearly not necessary to these efforts and are certainly unwarranted when one considers the harm that it can cause to these communities that it purports to help.

Finally, it is critical to know that this amendment also incorporates the safeguards currently applicable to these economic conveyances to ensure the integrity of these types of transfers.

For instance, a property conveyance can only be provided to an LRA for economic development or job generation. Moreover, once the property is transferred to an LRA, the proceeds from the sale or lease of the property within the next 7 years must be spent in support of economic redevelopment of the installation.

That is an important point because that would mean that it could reduce the Federal expenditures and environmental mitigation or other expenditures that are required and are associated with the closure of military installations.

In addition, this amendment retains safeguard provisions currently contained in the BRAC Act to ensure the integrity of a transfer to a community.

For instance, it retains the provisions covered under the Comprehensive Environmental Response and Liability Act of 1980 to ensure that the property will be environmentally restored.

The amendment also includes an exception that protects the ability of the Secretary of Defense to make transfers necessary for our national security.

I hope that we can work with my colleagues in addressing these issues with this amendment. I certainly will invite the chairman of the committee and members of the committee to critically think about the impact of the current statute on those communities that will be directly affected by base closures.

Are we intending the Department of Defense to be the economic developer for these communities, for my communities in Maine, for Brunswick and Topsham that will not be able to plan for their economic futures and their economic well-being? They want to be able to dictate those choices. Are we now saying we are going to hamstring them where we say it will require fair market value for the property of the closed installation? Ultimately, they are going to be at the mercy of the Defense Department.

The Defense Department is going to say we are going to sell it to the highest bidder, and it is one of several options under the statute. The Department of Defense could sell it at auction to the highest bidder. It could sell to a private entity, to an LRA. It could do a number of various things under the statute.

In the final analysis, they could override the interests of the community, not to mention the fact that it will require the community to pay fair market value.

This is the first time for this to occur under the base-closing statute. This is the fifth round. In the four previous rounds, this was not the case.

I hope that we will reverse this course because it will have an enormous impact on my communities in Maine and the 22 other States across this country that will be in similar positions.

I hope we can work through these issues.

I implore my colleagues to support this amendment on behalf of the base-closing communities, those directly impacted by the devastating loss of a military installation that will cost hundreds of millions of dollars, the thousands of jobs in my communities in the State of Maine and communities and taxpayers across this country who continue to spend hundreds of billions, $30 billion of which we are spending on the reconstruction of Iraq.

We have even closed bases in order to finance not only the war but the expenditures within the Pentagon. And now we are saying to communities, You are going to pay a price for a third time. We are going to make you pay for those closed installations if you want to develop them. You are going to have to pay fair market value.

I submit that is unacceptable, it is unreasonable, and it is not fair to the communities that are directly on the line.

To dispel any misconceptions, let me clarify the goals of the amendment and what it would and would not do.

If there is property that a community does not want, or it would be mutually beneficial to the community and the DoD to have the property transfer through other channels, the community need only refuse the offer of property. Similarly, the amendment would not require that the community request or accept all of the property at an installation in order to receive any portion of that property.

Moreover, it is critical to note that, while it is true that the revenue that the DoD receives from selling installation property goes into accounts that are used for such purposes as closing or realigning military installations, or environmental restoration and mitigation, this amendment would not significantly deplete those funds to the detriment of affected communities.

The fact remains, the BRAC account has historically been funded primarily with congressional appropriations from the general treasury, rather than proceeds from property sales and leases. While the DoD may point to a few isolated examples where it recently obtained a large amount of money in return for a property transfer—for instance for transfers in places like Orange County, CA—those isolated examples are not indicative of what it can be expected to receive elsewhere in the Nation, where property values are considerably lower.

According to the BRAC Report, there have been a total of 97 base and 5 installation closures categorized by DoD as "major" as a result of the 1988 through 1995 processes. In addition, the DoD has stated that there were 55 "major" realignments and at least 235 smaller-sized closures and realignments as a result of past actions.

Yet, a January 2005 Government Accountability Office report found that DoD's total land sales and related revenue was only about $595 million for the prior four base rounds combined. The $595 million is minimal in comparison to the approximately $23 billion Congress appropriated to the BRAC accounts for the four prior BRAC rounds. In fact, the revenue from sales only represented about 2.6 percent of those accounts.

Furthermore, that $595 million figure is dwarfed by the amount that the DoD has saved as a result of BRAC closures—about $28.9 billion in net savings through fiscal year 2003 from the prior four closure rounds, according to GAO, and a projected $7 billion annually thereafter. And these are net savings, that already take into account BRAC implementation cost! Unlike these BRAC savings, which accrue to taxpayers across the Nation, the negative impacts of base closures are disproportionately and unfairly borne by the communities where bases have closed.

This amendment also incorporates the safeguards currently applicable to EDCs to ensure the integrity of these types of transfers. For instance, the property conveyances could only be provided to an LRA for economic redevelopment or job generation. Moreover, once the property is transferred to an LRA, the proceeds from a sale or lease of the property, within the next 7 years, must be spent in support of economic redevelopment for the installation.

I have not been informed of any abuses that these safeguards would not address, and from what I understand, the DoD tracks and audits such transactions to ensure compliance. If further oversight is necessary, I would not oppose it.

Some would contend that local towns and communities would not be best served by their own, unsupervised redevelopment efforts. In response, I ask, are we saying that the United States Department of Defense is better equipped to make decisions as to which property transfers will be most beneficial to an individual community's economic development? That the DoD has a greater understanding of the individual challenges faced by our towns and cities in the aftermath of base closures than the towns and cities themselves?

I would suggest that such a notion is, on its face, absurd. So why would we continue to require the economic future of our BRAC-affected communities to be determined by the highest bidder the Department of Defense can identify?

Rather, we should look to the model established in my own State, by the success achieved at the site of the former Loring Air Force Base in Limestone, ME, closed in 1994 as a result of a BRAC round. At the height of its activity, the Loring Air Force Base augmented the native population of Aroostook County by 10,000 individuals. That is why I worked tirelessly to ensure that the base was transferred to the community's redevelopment authority for free.

And I can tell you firsthand that the redevelopment of Loring—replacing the 1,100 lost civilian jobs with 1,400 new civilian jobs—would not have been as successful, if the community had not been placed in charge of its own redevelopment and had not received the majority of the installation property for free as an indispensable redevelopment tool.

I am open to continuing to work with my colleagues on any reasonable concerns about this amendment, but would emphasize the importance of passing it now. Should additional reasonable changes be necessary, we can always address those issues through future legislation—but we should not lose this opportunity to enact meaningful and necessary change.

I implore my colleagues to support this amendment on behalf of the BRAC affected communities across our Nation, who continue to contribute to the Iraqi war and reconstruction efforts, while simultaneously struggling to convince our Government to support their economic recovery, right here at home.

I reserve the remainder of my time.

Mr. WARNER. Mr. President, first, I wish to recognize our distinguished colleague from Maine, former member of the Armed Services Committee. We deeply regret that the Senator moved on, but she is now on the Tax Committee. As someone said, that is where the money is.

It is with great reluctance that I say to my good friend that we will have to very strongly oppose this. She makes an equitable argument, persuasive argument. But we have to take a look at the broad picture.

This is the fifth BRAC round. When the original legislation was written, there was quite an analysis put into that bill as to what happens to the properties if the BRAC Commission declares it to be closed. That framework of laws has guided four previous BRAC Commissions.

Let us step back and think. While this particular base, Brunswick—and I know it well, having been Secretary of the Navy—served the Nation magnificently, I was somewhat surprised to see it was closed, but the decision was made. And believe me, BRAC also hit my State severely. The decision was made to close it. That is over. We can't repeal that. But this base property does not just belong to the citizens of Maine but all Americans. It is Federal property. As such, it is owned by all Americans. All Americans, through their tax collections, provided the funds to improve this base over the years and to maintain the base.

We have to be careful as the BRAC Commission lays down a matrix of closure adjustments all over America. In some instances, some communities would benefit enormously. Mind you, this bill governs BRAC decisions, wherever it was in the United States of America on BRAC round 5, the one currently being administered.

When Congress enacted the first BRAC law, they very carefully assessed that there would be so many different locations, different circumstances that we had to put down a series of steps that the BRAC Commission and subsequently those that are entrusted with the closing—namely, the DOD—must follow by law.

For example, when a facility such as this is closed, the first thing to determine is, is there another military operation that could utilize this base? This was primarily a Naval base. It could well be needed by the Army or other departments of the military. That is the first thing. Are there other DOD missions? Second, other Federal agencies are constantly relocating and reestablishing areas. The Federal Government is disbursing a lot of it out of Washington. Could not this property, owned by all citizens of America, be utilized by another Federal agency?

It is rather interesting. Through the years, there has crept in a doctrine that the next priority should be, for example, maybe the Indian tribes. Oftentimes, there are agreements that go back years and years regarding Federal property that was once occupied by the Indians. Sometimes it might revert to the Indians. Maybe the Senator would seek to advise the Senate. I understand that the Senator recently amended the amendment to protect the interests of the Indians. But the Indians are only one small segment. A number of base installations, through the 16 years of BRAC, have been provided as shelters for the homeless.

Then we move down to the public benefit conveyances. Sometimes it was determined that these Federal facilities should be transferred to local transportation or to airport authorities or veterans centers.

In other words, there is another whole category of not quasi-Federal but certainly uses paralleling what the Federal Government provides people—that whole category.

Then they have economic redevelopment conveyances; again, as the Senator said, either at fair market value or DOD can determine certain circumstances so they could follow the very narrow provisions of the Senator's bill, turn it over to the local LRA. That is established maybe at no cost.

It is important that we don't take a carefully crafted, a carefully time-tested framework of laws regarding how the properties are to be used following a closure and suddenly wipe it off the books.

There are a number of old deeds. For example, one installation I have—Fort Monroe, which has been in business for a very long time—under the deed, if BRAC were to close it—and indeed this time BRAC did close it—then it reverts to certain community interests.

This amendment, as I read it, would wipe out that deed.

I am not speaking from a selfish point of view. I am simply saying that there are other Senators who should very quickly, if they are inclined to support Senator SNOWE's amendment, check with your local State to make sure that if you are affected by this round, the fifth round of BRAC, there may be some old deeds, conveyances, and agreements, with a facility having been closed in your State, as to how that facility then reverts to other interests.

This is not a very simple thing. You pull at the heartstrings when you talk about, yes, Maine can use it. I don't doubt that Maine can use it. It is a first-class facility. But it belongs to the taxpayers. They have paid for the construction of it. They have paid for years and years of maintenance.

I suggest the framework of laws which has been in existence these 16 years remain intact and this closure be conducted in a manner consistent with the closures that have taken place in the several States represented in this Senate over a period of some 16 years.

I yield the floor.

The PRESIDING OFFICER (Mr. BURR). The Senator from Michigan.

Mr. LEVIN. I, too, must reluctantly oppose this amendment. I have come through significant base closings in my State and am going through them right now. I know exactly what the Senator from Maine is referring to.

There are many occasions when land needs to be granted to a local economic redevelopment authority at no cost. There are many cases like that, but there are other uses that have to come first that she would not allow for, including such things as parks or schools, conveyances for those public purposes which it seems to me must come first if we are using Federal property and deciding what to do with Federal property. In terms of the priority list, it seems to me public purposes such as parks and schools should have priority over the economic redevelopment, as desirable as that can be.

But there is another problem with that amendment, and that is it does not provide discretion. It makes it mandatory that the land always go free to a local reuse even though that land may have tremendous value and the proceeds we have been able to obtain, which are not great, nonetheless have been there to help us clean up property which we want to turn over to local governments. We have huge cleanup costs. We have been able to obtain money for the resale of land. That money has gone into the cleanup of these bases before they are turned back to the local authority.

I have nothing but understanding for the Senator from Maine in the situation she and her State face. We have a number of facilities which have been realigned in my home State which have value. In one case, we have a property where a buyer is willing to purchase it if we could get the military to negotiate with that purchaser. That would be money which would come to the Federal Treasury. The buyer is willing to pay to the Federal Treasury. Instead, the Air Force prefers to auction the property. The question is whether, under all the circumstances that exist, it is fairer to auction that property or to negotiate with a private buyer with whom the Government had long been negotiating.

Without getting into that issue as to which is fairer—an auction or a negotiated sale—neither one of them would be permitted under the amendment of the Senator from Maine. It would have to go for nothing to somebody even though you have a buyer out there who wants to pay for it. We should not take such an absolute position on the disposition of these properties. There will be occasions—and I happen to agree with the Senator from Maine—where property should be turned over to a local development or redevelopment authority for free. That is true. But there are also occasions where the property has tremendous value, where the Government, as our dear friend from Virginia has said, has invested an awful lot of money in this base and where it has great value and where those dollars are needed in the Treasury, in part to pay for the cleanup of property before it is turned over for any other use. I don't see why we would want to write an absolute rule into the law which says that the property must be given away to a local reuse authority rather than there should be an effort made to obtain fair compensation for it. It does not say that there always must be compensation; it says that there will be an effort to seek fair compensation. There are certain ways of building discretion and flexibility into that.

We have another situation where we have a significant piece of property that will be available as a result of this last round of base closures. This property has immense value. I don't know that we can come close to equating it to the Presidio in San Francisco, but it has, nonetheless, immense value. The question is, What will the military do with this property? It is my belief that the military should keep it because part of the base that was kept open and not realigned needs the property for its own use. But the military may decide it does not need that property. It may decide that property is expendable and can be surplused. Then what?

Under the Senator's amendment, extraordinarily valuable property which any developer would like to get their hands on and pay for it and pay the National Treasury money for must go for nothing to a local redevelopment authority. We cannot get any financial benefit from that land no matter how valuable if it goes to a local redevelopment authority.

That is too rigid. That is too inflexible and deprives the Federal Treasury of desperately needed money, including money for cleanup. We have a huge cleanup bill for these properties. We cannot simply give away the opportunity to recoup some funds for the Federal Treasury from highly valuable land.

I have lost a lot of bases in my home State. All three of our Strategic Air Command bases have been closed. We have lost other facilities, as well. I know firsthand what a complicated process this is. I do know, as the Senator from Maine says, there are occasions when property under all the circumstances should go to a local redevelopment agency without reimbursement to the Government, but there are other occasions when land is extraordinarily valuable and when people are willing to pay for that land where, if it is not going to go for a public use and it will be put up for private redevelopment, there should be some recouping to the National Treasury.

I am afraid this is too rigid, and I cannot support it.

Mr. WARNER. Mr. President, the Senator talks about cleanup, but over the years $1.4 billion has been recouped by the Department of Defense. That money simply goes to the Treasury to an account earmarked for precisely what the Senator from Michigan said, for cleanup and other expenses.

Again, the Federal taxpayers who once owned the land now do not have to add additional burdens out of their pockets for cleanup as a consequence of this existing framework of laws that has been there for 16 years that enable some properties to bring about money for the Federal Government, but it goes precisely into that account for the cleanup, to save Federal taxpayers the added burden of cleanup expenses. The Senator made a key point.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. How much time remains?

The PRESIDING OFFICER. The Senator from Maine has 11½ minutes remaining.

Ms. SNOWE. I respond to several of the issues raised by the chairman and ranking member of the Committee on Armed Services. It is important. We have to establish the fact that this is the first time we are applying the statute in this fashion. It is the first time this statutory language is applying to a base-closing round that allows the Department of Defense to establish and impose fair market value for the use of this property as opposed to transferring it for free to a local redevelopment authority. This is not some special interest authority. These are local communities, State officials who have a genuine interest in the future of their communities, whereas the Department of Defense is interested in a one-time sale.

I hope we would respect the interests of the community that is directly affected. After all, they are the ones who are disproportionately bearing the burden of the base closure. Why isn't it that they wouldn't have a direct interest in shaping it?

This is the first time this statute is going to apply to a base-closing round. Is it fair, at a time we are asking our citizens, our constituents, to pay $200 billion for the reconstruction of Iraq, losing your bases, and then we are saying, If you want them back and you want that property, you pay for it?

We have had four previous base-closing rounds. We had 97 major base closures. Then we had 235 smaller sized closures and 55 major realignments. And we never asked for fair market value. We have never said the Department of Defense was in the business of economic development. We said they were in the business of national security and running the defense of our country and wars, not being real estate developers. Do they have an interest of where the future is going to go in Brunswick and Topsham, ME? I say not.

At Loring Air Force Base, it worked out very well. They had a compatible relationship with the Defense Department. We have a defense agency there which is great. We have Job Corps there. We have private sector entities. We didn't disregard public benefits or the public agencies. In fact, the DOD, under this statute, does not have to consider, does not have to transfer to any public agency, could consider transferring some of this property to another public agency but does not have to. It is no different from the LRA. This is wrong. This is contravening the intent.

The chairman raises the question about deeds. Reversion will stand as it is. It will not revert back to the owner, as the Congressional Research Service said, to the original owner. This language will not do anything to reverse that in any way. I make that clear.

We are moving in an entirely different track. All of America will benefit from the savings, but not all of America is going to bear the disproportionate burden of the base closure. For the Department of Defense now to say we are going to take charge and hold these communities, such as Brunswick and Topsham, hostage to the decisions that are made by the Department of Defense and how they will use that property, frankly, I find it rather surprising, dismaying, and disappointing we are at this point, and I have been through all five base-closing rounds. I have been through it all.

We talk about environmental cleanup. Supposedly, according to the Department of Defense, they have a net savings of $28 billion. They should have been able to clean up all of the bases by now.

Under my legislation, what it would allow is that the LRAs for the next several years, for any money they made, would go back to the installation for job generation and for helping to clean up so it can mitigate the Federal costs for environmental litigation, which, by the way, the Department of Defense is not doing a very good job of in other installations. That is a serious concern. They have diverted those proceeds for purposes other than those for which they were intended.

That is the issue. They have had a net savings, according to their numbers, of $28 billion, but they have not used it for what it was intended, which was to clean up other facilities from the four base-closing rounds. They have not done it, so the local communities would be in control, be able to help dictate their futures, so we do not have the Department of Defense saying: Well, you better take this or else—or else you get nothing.

I do not think that is fair. I do not think that is fair to communities that have embraced the military for generations. At a time in which we are exacting a great cost from our constituents and taxpayers, with more than $200 billion in Iraq—supplemental upon supplemental, reconstruction, schools, security, sewage systems, power—we are saying now to communities that have just lost their bases:

Oh, by the way, you are going to have to pay hundreds of millions of dollars if you want it back and if you want to generate jobs.

Now, tell that to my communities, which are going to lose more than 5,000 jobs, that if they want to create jobs, they are going to have to pay hundreds of millions of dollars before they can start that process. If they don't, the Department of Defense is going to tell them how their future is going to go. They will tell them whether they want an oil refinery because they are not going to have any choice. I cannot imagine that is the direction we want to take with this statute.

It has worked very well in the past. As I have said, for hundreds and hundreds of base closures, it has worked well. It worked very well for the former Loring Air Force Base. There has been a very compatible relationship up there that has been a success, but that is because I was able to secure a free transfer for facilities like Loring back in 1991 so they could start with the tools they needed to help shape their future. It has worked. Allow that process to work. It has been demonstrated it can work. But let's not create another obstacle by now having the Department of Defense in the business of developing real estate. I think it is a very unfortunate direction.

I hope my colleagues will support this amendment, support what is right for the communities that are going to bear a tremendous burden, and allow this process to work. It is in the best interests of the communities and in the best interests of this country.

Mr. President, I yield the floor.

Ms. COLLINS. Mr. President, I rise in support today of this amendment offered by my colleague from Maine and myself to the fiscal year 2006 Defense/Authorization Bill.

Our amendment focuses on one goal, to provide the communities that are losing bases through the BRAC another opportunity to control their future redevelopment, recovery, and economic well-being.

The "no-cost conveyance" amendment that we have proposed would modify the BRAC Act to give the affected communities the "right of first refusal" with respect to the transfer of property on the base. Specifically, it would require that when making determinations concerning the transfer of property at a base, the Secretary of Defense must first offer that property to the community through its redevelopment authority. If the redevelopment authority accepts, the Secretary is required to transfer the property to the community at no cost.

This legislation provides for an important exception in the case of national security, in order to allow the Secretary to transfer the property to a military service or other entity within the Department of Defense, the Coast Guard, or the Department of Homeland Security, if such action is necessary in the national security interest of the United States.

I support this amendment because I know personally what the true impact of a devastating base closure can cause to a close-knit community. I grew up just 10 miles from the now-closed Loring Air Force Base. After the base shut its doors in 1994, tens of thousands of people left northern Maine and moved away because of the limited opportunities available to them once the Air Force left town.

Given the rural area of the former Air Force base, the fact that the base was eventually transferred to the community at no cost was critically important to spurring economic growth in an area that had just been devastated by the loss of thousands of jobs overnight.

The collateral damage of the base's closure went far beyond active duty military personnel and their families. It also affected many small business owners who were forced to close their businesses and leave the area permanently. When a base closes, the need to attract new economic development is even more difficult and compounded by the fact that supporting professionals have already left the area. The resulting job losses and their impact on the local economy further highlight the need for providing the option of no-cost conveyance at a time when many areas can ill-afford to spend millions of dollars to purchase vacant buildings.

Much like a decade ago, the Midcoast region of Maine is now suffering the same devastating fate through the closure of the last active duty airfield north of New Jersey, the Brunswick Naval Air Station. Not only will this region lose 2,667 active duty personnel, 5,704 Navy family members, 715 civilian jobs, and an additional 1,300 drilling reservists who contribute to the local economy each month, but also the community will have to pay the Department of Defense fair market value for the base's property.

Communities affected by a large base closure are already reeling from the economic loss of the military as its neighbor, and to add the hardship of forcing the same community to pay the Department for vacating the area is essentially a "double closure."

This amendment is not just to assist a base closing in my home State of

Maine, but it is to help all bases affected across the country. I urge all of my colleagues to support this amendment, and in doing so support the communities nationwide that are experiencing the far-reaching ramifications of closure or realignment due to the recent base closing round by the Department of Defense.

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that at 5:30 today, the Senate proceed to a vote in relation to the Allard amendment No. 2423, with no amendments in order to that amendment prior to the vote. My understanding is this request has been cleared on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, the bill is open for further amendment, as Senator LEVIN and I are here.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

AMENDMENT NO. 2430

Mr. LEVIN. Mr. President, very briefly, on the question of the independent commission, my good friend from Virginia rattled off a bunch of statistics as to how many investigations have taken place, how many hearings have been held, how many witnesses have been interviewed, with something like 12 major investigations. We have had 40 closed hearings, I think he said, 30 open hearings, and 16,000 pages of documents have been obtained.

As I thought was going to happen, those kinds of numbers were going to be utilized. The problem is, they are not particularly relevant to the point which this commission amendment seeks to address, which is there are huge gaps in these investigations. There could be 20 hearings or 50 hearings or 100 hearings, but these investigations have not gotten to 5 major points, such as, What is the role of the intelligence community?

The people who have done the investigating have said they have not gotten to that point, they have not reached that issue. The CIA has not cooperated with them. So we have that huge gap in the investigations that have taken place so far. Are there secret prisons around the world being maintained? What about the ghost detainees? There is not a week that goes by that we are not reading about an issue that relates to the intelligence community, particularly the CIA's role in terms of interrogating detainees. Yet that is an almost complete blank slate.

All of those investigations which have been made, which the Senator from Virginia referred to, have said: Well, we have not gotten into that issue. We were not allowed to get into that issue.

Another major area is the U.S. Government policy on rendition. We have not had any investigation on that.

Another major area is the role of contractors. We have not had any investigation on that.

Another major area is the legality of the interrogation techniques, particularly the two major documents setting forth the techniques which were going to be used, the so-called second Bybee memo and the memo from Mr. Yoo to the Department of Defense general counsel, Mr. Haynes. We have not gotten there. So there has been no investigation of the legality of the interrogation techniques permitted by the Office of Legal Counsel's memos to which I have just referred. And there are a number of outstanding document requests which have been flatout denied relative to what happened at Guantanamo.

Now, it does not make any difference how many hearings have been held—as long as you have those gaps which are greater than the amount covered, you have not had a thorough investigation, or anything close, of detainee abuses and these so-called secret prisons around the world which are allegedly maintained. That is the point. That is why you need an independent commission. You cannot sweep this under the rug. It is going to pop up again. There is going to be another captain who is going to show up—and my friend from Virginia met with this captain. This is a letter to Senator MCCAIN from Captain Fishback, who is in a parachute infantry regiment in the 82nd Airborne Division at Fort Bragg, talking about the way intelligence personnel were used to give directions to soften up detainees. But we have had no investigation of intelligence.

So you have an honorable member of the U.S. military, CPT Ian Fishback. I had a personal conversation with this captain where he described to me what I just said, that there were directions from the intelligence community to soften up detainees. He says:

> Instead of resolving my concerns, the approach for clarification process leaves me deeply troubled.

This is a letter to Senator MCCAIN. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 28, 2005]

A MATTER OF HONOR

DEAR SENATOR MCCAIN: I am a graduate of West Point currently serving as a Captain in the U.S. Army Infantry. I have served two combat tours with the 82nd Airborne Division, one each in Afghanistan and Iraq. While I served in the Global War on Terror, the actions and statements of my leadership led me to believe that United States policy did not require application of the Geneva Conventions in Afghanistan or Iraq. On 7 May 2004, Secretary of Defense Rumsfeld's testimony that the United States followed the Geneva Conventions in Iraq and the "spirit" of the Geneva Conventions in Afghanistan prompted me to begin an approach for clarification. For 17 months, I tried to determine what specific standards governed the treatment of detainees by consulting my chain of command through battalion commander, multiple JAG lawyers, multiple Democrat and Republican Congressmen and their aides, the Ft. Bragg Inspector General's office, multiple government reports, the Secretary of the Army and multiple general officers, a professional interrogator at Guantanamo Bay, the deputy head of the department at West Point responsible for teaching Just War Theory and Law of Land Warfare, and numerous peers who I regard as honorable and intelligent men.

Instead of resolving my concerns, the approach for clarification process leaves me deeply troubled. Despite my efforts, I have been unable to get clear, consistent answers from my leadership about what constitutes lawful and humane treatment of detainees. I am certain that this confusion contributed to a wide range of abuses including death threats, beatings, broken bones, murder, exposure to elements, extreme forced physical exertion, hostage-taking, stripping, sleep deprivation and degrading treatment. I and troops under my command witnessed some of these abuses in both Afghanistan and Iraq.

This is a tragedy. I can remember, as a cadet at West Point, resolving to ensure that my men would never commit a dishonorable act; that I would protect them from that type of burden. It absolutely breaks my heart that I have failed some of them in this regard.

That is in the past and there is nothing we can do about it now. But, we can learn from our mistakes and ensure that this does not happen again. Take a major step in that direction; eliminate the confusion. My approach for clarification provides clear evidence that confusion over standards was a major contributor to the prisoner abuse. We owe our soldiers better than this. Give them a clear standard that is in accordance with the bedrock principles of our Nation.

Some do not see the need for this work. Some argue that since our actions are not as horrifying as Al Qaeda's, we should not be concerned. When did Al Qaeda become any type of standard by which we measure the morality of the United States? We are America, and our actions should be held to a higher standard, the ideals expressed in documents such as the Declaration of Independence and the Constitution.

Others argue that clear standards will limit the President's ability to wage the War on Terror. Since clear standards only limit interrogation techniques, it is reasonable for me to assume that supporters of this argument desire to use coercion to acquire information from detainees. This is morally inconsistent with the Constitution and justice in war. It is unacceptable.

Both of these arguments stem from the larger question, the most important question that this generation will answer. Do we sacrifice our ideals in order to preserve security? Terrorism inspires fear and suppresses ideals like freedom and individual rights. Overcoming the fear posed by terrorist threats is a tremendous test of our courage. Will we confront danger and adversity in order to preserve our ideals, or will our courage and commitment to individual rights wither at the prospect of sacrifice? My response is simple. If we abandon our ideals in the face of adversity and aggression, then those ideals were never really in our possession. I would rather die fighting than give up even the smallest part of the idea that is "America."

Once again, I strongly urge you to do justice to your men and women in uniform. Give them clear standards of conduct that reflect the ideals they risk their lives for.

With the Utmost Respect,

Capt. Ian Fishback,
1st Battalion, 504th Parachute Infantry Regiment, 82nd Airborne Division, Fort Bragg, NC.

Mr. LEVIN. He sets forth what has happened here in terms of abuses and how it hurts our military. It hurts him. It is not just hurting our honor, it makes their lives more dangerous in case they are ever captured. And he ends by saying:

> If we abandon our ideals in the face of adversity and aggression, then those ideals were never really in our possession. I would rather die fighting than give up even the smallest part of the idea that is "America."

Now, that is a member of the U.S. military.

We cannot sweep this under the rug. The investigations so far have swept critical issues under the rug. They are going to surface sooner or later. Better to have an independent commission take a look at them, get it away from any partisanship, and have a commission the way the 9/11 Commission was appointed, with five Democratic appointees, five Republican appointees, and have the President appoint the chairman of the commission.

But we owe it to the Captain Fishbacks of this world. We owe it to all the men and women who serve so honorably, which is 99 percent, probably 99.9 percent, of our military. We owe it to them to protect them. One way to protect them is to make sure we have a thorough investigation, without these major gaps, as to what went wrong.

Mr. President, I ask unanimous consent that additional material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Gaps in the DoD Detainee Abuse Reviews

The carefully-carved out mandates of the nearly a dozen reviews have left significant gaps and critical issues unexamined.

1. Role of CIA: Limited or no cooperation from CIA with investigations.

2. Rendition: No investigation into practice of rendering prisoners to foreign countries for interrogation.

3. Contractors: Insufficient information on role of contractors in interrogations and detainee abuse.

4. Special Operations Forces: Allegations of abuses by Special Operations Forces remain unexamined.

5. Legality of Interrogation Techniques: Investigations have avoided looking at the legality of the interrogation techniques that may have been authorized by DoD officials and others.

6. Key Documents Missing: Key policy and legal documents from the Defense and Justice Departments not provided to Congress.

[From the Washington Post, Nov. 2, 2005]

CIA Holds Terror Suspects in Secret Prisons

(By Dana Priest)

The CIA has been hiding and interrogating some of its most important al Qaeda captives at a Soviet-era compound in Eastern Europe, according to U.S. and foreign officials familiar with the arrangement.

The secret facility is part of a covert prison system set up by the CIA nearly four years ago that at various times has included sites in eight countries, including Thailand, Afghanistan and several democracies in Eastern Europe, as well as a small center at the Guantanamo Bay prison in Cuba, according to current and former intelligence officials and diplomats from three continents.

The hidden global internment network is a central element in the CIA's unconventional war on terrorism. It depends on the cooperation of foreign intelligence services, and on keeping even basic information about the system secret from the public, foreign officials and nearly all members of Congress charged with overseeing the CIA's covert actions.

The existence and locations of the facilities—referred to as "black sites" in classified White House, CIA, Justice Department and congressional documents—are known to only a handful of officials in the United States and, usually, only to the President and a few top intelligence officers in each host country.

The CIA and the White House, citing national security concerns and the value of the program, have dissuaded Congress from demanding that the agency answer questions in open testimony about the conditions under which captives are held. Virtually nothing is known about who is kept in the facilities, what interrogation methods are employed with them, or how decisions are made about whether they should be detained or for how long.

While the Defense Department has produced volumes of public reports and testimony about its detention practices and rules after the abuse scandals at Iraq's Abu Ghraib prison and at Guantanamo Bay, the CIA has not even acknowledged the existence of its black sites. To do so, say officials familiar with the program, could open the U.S. government to legal challenges, particularly in foreign courts, and increase the risk of political condemnation at home and abroad.

But the revelations of widespread prisoner abuse in Afghanistan and Iraq by the U.S. military—which operates under published rules and transparent oversight of Congress—have increased concern among lawmakers, foreign governments and human rights groups about the opaque CIA system. Those concerns escalated last month, when Vice President Cheney and CIA Director Porter J. Goss asked Congress to exempt CIA employees from legislation already endorsed by 90 Senators that would bar cruel and degrading treatment of any prisoner in U.S. custody.

Although the CIA will not acknowledge details of its system, intelligence officials defend the agency's approach, arguing that the successful defense of the country requires that the agency be empowered to hold and interrogate suspected terrorists for as long as necessary and without restrictions imposed by the U.S. legal system or even by the military tribunals established for prisoners held at Guantanamo Bay.

The Washington Post is not publishing the names of the Eastern European countries involved in the covert program, at the request of senior U.S. officials. They argued that the disclosure might disrupt counterterrorism efforts in those countries and elsewhere and could make them targets of possible terrorist retaliation.

The secret detention system was conceived in the chaotic and anxious first months after the Sept. 11, 2001, attacks, when the working assumption was that a second strike was imminent.

Since then, the arrangement has been increasingly debated within the CIA, where considerable concern lingers about the legality, morality and practicality of holding even unrepentant terrorists in such isolation and secrecy, perhaps for the duration of their lives. Mid-level and senior CIA officers began arguing two years ago that the system was unsustainable and diverted the agency from its unique espionage mission.

"We never sat down, as far as I know, and came up with a grand strategy," said one former senior intelligence officer who is familiar with the program but not the location of the prisons. "Everything was very reactive. That's how you get to a situation where you pick people up, send them into a netherworld and don't say, 'What are we going to do with them afterwards?'"

It is illegal for the government to hold prisoners in such isolation in secret prisons in the United States, which is why the CIA placed them overseas, according to several former and current intelligence officials and other U.S. government officials. Legal experts and intelligence officials said that the CIA's internment practices also would be considered illegal under the laws of several host countries, where detainees have rights to have a lawyer or to mount a defense against allegations of wrongdoing.

Host countries have signed the U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as has the United States. Yet CIA interrogators in the overseas sites are permitted to use the CIA's approved "Enhanced Interrogation Techniques," some of which are prohibited by the U.N. convention and by U.S. military law. They include tactics such as "waterboarding," in which a prisoner is made to believe he or she is drowning.

Some detainees apprehended by the CIA and transferred to foreign intelligence agencies have alleged after their release that they were tortured, although it is unclear whether CIA personnel played a role in the alleged abuse. Given the secrecy surrounding CIA detentions, such accusations have heightened concerns among foreign governments and human rights groups about CIA detention and interrogation practices.

The contours of the CIA's detention program have emerged in bits and pieces over the past two years. Parliaments in Canada, Italy, France, Sweden and the Netherlands have opened inquiries into alleged CIA operations that secretly captured their citizens or legal residents and transferred them to the agency's prisons.

More than 100 suspected terrorists have been sent by the CIA into the covert system, according to current and former U.S. intelligence officials and foreign sources. This figure, a rough estimate based on information from sources who said their knowledge of the numbers was incomplete, does not include prisoners picked up in Iraq.

The detainees break down roughly into two classes, the sources said.

About 30 are considered major terrorism suspects and have been held under the highest level of secrecy at black sites financed by the CIA and managed by agency personnel, including those in Eastern Europe and elsewhere, according to current and former intelligence officers and two other U.S. government officials. Two locations in this category—in Thailand and on the grounds of the military prison at Guantanamo Bay—were closed in 2003 and 2004, respectively.

A second tier—which these sources believe includes more than 70 detainees—is a group considered less important, with less direct involvement in terrorism and having limited intelligence value. These prisoners, some of whom were originally taken to black sites, are delivered to intelligence services in Egypt, Jordan, Morocco, Afghanistan and other countries, a process sometimes known as "rendition." While the first-tier black sites are run by CIA officers, the jails in these countries are operated by the host nations, with CIA financial assistance and, sometimes, direction.

Morocco, Egypt and Jordan have said that they do not torture detainees, although years of State Department human rights reports accuse all three of chronic prisoner abuse.

The top 30 al Qaeda prisoners exist in complete isolation from the outside world. Kept in dark, sometimes underground cells, they have no recognized legal rights, and no one outside the CIA is allowed to talk with or even see them, or to otherwise verify their well-being, said current and former and U.S. and foreign government and intelligence officials.

Most of the facilities were built and are maintained with congressionally appropriated funds, but the White House has refused to allow the CIA to brief anyone except the House and Senate intelligence committees' chairmen and vice chairmen on the program's generalities.

The Eastern European countries that the CIA has persuaded to hide al Qaeda captives are democracies that have embraced the rule of law and individual rights after decades of Soviet domination. Each has been trying to cleanse its intelligence services of operatives who have worked on behalf of others—mainly Russia and organized crime.

ORIGINS OF THE BLACK SITES

The idea of holding terrorists outside the U.S. legal system was not under consideration before Sept. 11, 2001, not even for Osama bin Laden, according to former government officials. The plan was to bring bin Laden and his top associates into the U.S. justice system for trial or to send them to foreign countries where they would be tried.

"The issue of detaining and interrogating people was never, ever discussed," said a former senior intelligence officer who worked in the CIA's Counterterrorist Center, or CTC, during that period. "It was against the culture and they believed information was best gleaned by other means."

On the day of the attacks, the CIA already had a list of what it called High-Value Targets from the al Qaeda structure, and as the World Trade Center and Pentagon attack plots were unraveled, more names were added to the list. The question of what to do with these people surfaced quickly.

The CTC's chief of operations argued for creating hit teams of case officers and CIA paramilitaries that would covertly infiltrate countries in the Middle East, Africa and even Europe to assassinate people on the list, one by one.

But many CIA officers believed that the al Qaeda leaders would be worth keeping alive to interrogate about their network and other plots. Some officers worried that the CIA would not be very adept at assassination.

"We'd probably shoot ourselves," another former senior CIA official said.

The agency set up prisons under its covert action authority. Under U.S. law, only the president can authorize a covert action, by signing a document called a presidential finding. Findings must not break U.S. law and are reviewed and approved by CIA, Justice Department and White House legal advisers.

Six days after the Sept. 11 attacks, President Bush signed a sweeping finding that gave the CIA broad authorization to disrupt terrorist activity, including permission to kill, capture and detain members of al Qaeda anywhere in the world.

It could not be determined whether Bush approved a separate finding for the black-sites program, but the consensus among current and former intelligence and other government officials interviewed for this article is that he did not have to.

Rather, they believe that the CIA general counsel's office acted within the parameters of the Sept. 17 finding. The black-site program was approved by a small circle of White House and Justice Department lawyers and officials, according to several former and current U.S. government and intelligence officials.

DEALS WITH 2 COUNTRIES

Among the first steps was to figure out where the CIA could secretly hold the captives. One early idea was to keep them on ships in international waters, but that was discarded for security and logistics reasons.

CIA officers also searched for a setting like Alcatraz Island. They considered the virtually unvisited islands in Lake Kariba in Zambia, which were edged with craggy cliffs and covered in woods. But poor sanitary conditions could easily lead to fatal diseases, they decided, and besides, they wondered, could the Zambians be trusted with such a secret?

Still without a long-term solution, the CIA began sending suspects it captured in the first month or so after Sept. 11 to its longtime partners, the intelligence services of Egypt and Jordan.

A month later, the CIA found itself with hundreds of prisoners who were captured on battlefields in Afghanistan. A short-term solution was improvised. The agency shoved its highest-value prisoners into metal shipping containers set up on a corner of the Bagram Air Base, which was surrounded with a triple perimeter of concertina-wire fencing. Most prisoners were left in the hands of the Northern Alliance, U.S.-supported opposition forces who were fighting the Taliban.

"I remember asking: What are we going to do with these people?" said a senior CIA officer. "I kept saying, where's the help? We've got to bring in some help. We can't be jailers—our job is to find Osama."

Then came grisly reports, in the winter of 2001, that prisoners kept by allied Afghan generals in cargo containers had died of asphyxiation. The CIA asked Congress for, and was quickly granted, tens of millions of dollars to establish a larger, long-term system in Afghanistan, parts of which would be used for CIA prisoners.

The largest CIA prison in Afghanistan was code-named the Salt Pit. It was also the CIA's substation and was first housed in an old brick factory outside Kabul. In November 2002, an inexperienced CIA case officer allegedly ordered guards to strip naked an uncooperative young detainee, chain him to the concrete floor and leave him there overnight without blankets. He froze to death, according to four U.S. government officials. The CIA officer has not been charged in the death.

The Salt Pit was protected by surveillance cameras and tough Afghan guards, but the road leading to it was not safe to travel and the jail was eventually moved inside Bagram Air Base. It has since been relocated off the base.

By mid-2002, the CIA had worked out secret black-site deals with two countries, including Thailand and one Eastern European nation, current and former officials said. An estimated $100 million was tucked inside the classified annex of the first supplemental Afghanistan appropriation.

Then the CIA captured its first big detainee in March 28, 2002. Pakistani forces took Abu Zubaida, al Qaeda's operations chief, into custody and the CIA whisked him to the new black site in Thailand, which included underground interrogation cells, said several former and current intelligence officials. Six months later, Sept. 11 planner Ramzi Binalshibh was also captured in Pakistan and flown to Thailand.

But after published reports revealed the existence of the site in June 2003, Thai officials insisted the CIA shut it down, and the two terrorists were moved elsewhere, according to former government officials involved in the matter. Work between the two countries on counterterrorism has been lukewarm ever since.

In late 2002 or early 2003, the CIA brokered deals with other countries to establish black-site prisons. One of these sites—which sources said they believed to be the CIA's biggest facility now—became particularly important when the agency realized it would have a growing number of prisoners and a shrinking number of prisons.

Thailand was closed, and sometime in 2004 the CIA decided it had to give up its small site at Guantanamo Bay. The CIA had planned to convert that into a state-of-the-art facility, operated independently of the military. The CIA pulled out when U.S. courts began to exercise greater control over the military detainees, and agency officials feared judges would soon extend the same type of supervision over their detainees.

In hindsight, say some former and current intelligence officials, the CIA's problems were exacerbated by another decision made within the Counterterrorist Center at Langley.

The CIA program's original scope was to hide and interrogate the two dozen or so al Qaeda leaders believed to be directly responsible for the Sept. 11 attacks, or who posed an imminent threat, or had knowledge of the larger al Qaeda network. But as the volume of leads pouring into the CTC from abroad increased, and the capacity of its paramilitary group to seize suspects grew, the CIA began apprehending more people whose intelligence value and links to terrorism were less certain, according to four current and former officials.

The original standard for consigning suspects to the invisible universe was lowered or ignored, they said. "They've got many, many more who don't reach any threshold," one intelligence official said.

Several former and current intelligence officials, as well as several other U.S. government officials with knowledge of the program, express frustration that the White House and the leaders of the intelligence community have not made it a priority to decide whether the secret interment program should continue in its current form, or be replaced by some other approach.

Meanwhile, the debate over the wisdom of the program continues among CIA officers, some of whom also argue that the secrecy surrounding the program is not sustainable.

"It's just a horrible burden," said the intelligence officials.

ACCOUNTABILITY OF SENIOR-LEVEL OFFICERS

Name	Investigative findings	Accountability
Overall	Schlesinger Panel. "[T]he abuses were not just the failure of some individuals to follow known standards, and they are more than the failure of a few leaders to enforce proper discipline. There is both institutional and personal responsibility at higher levels."	No action taken.
Lt. General Ricardo Sanchez, Commander, CJTF–7	Jones Report. Findings included. CJTF–7 policies memos "led indirectly to some of the non-violent and non-sexual abuse." Sanchez "failed to ensure proper staff oversight of detention operations." Schlesinger Panel Report: LTG Sanchez established "confused command relationship" at Abu Gharib.	Army Inspector General finds allegations of dereliction of duty improperly communicating interrogation policies to be unsubstantiated. Rejects 15 findings from the reports of Generals Kern and Jones and the Schlesinger Panel.
Maj. Gen. Walter Wojdakowski, Deputy Commander, CJTF–7	Jones Report: MG Wojdakowski "failed to ensure proper staff oversight of detention and interrogation operations." Schlesinger Panel Report: MG Wojdakowski "failed to initiate action to request additional military police for detention operations after it became clear that there were insufficient assets in Iraq."	Army Inspector General finds allegation of dereliction of duty to be unsubstantiated. Rejects 10 findings in reports of Generals Kern and Jones and of the Schlesinger Panel.
Maj. Gen. Barbara Fast, C/J–2, Director for Intelligence, CJTF–7.	Schlesinger Panel Report: MG Fast "failed to advise the commander properly on directives and policies needed for the operation of the [Joint Interrogation and Detention Center], for interrogation techniques and for appropriately monitoring the activities of Other Government Agencies (OGAs)" in Iraq.	Army IG finds allegation of dereliction of duty to be unsubstantiated, rejecting findings in reports of Generals Kern and Jones and of the Schlesinger Panel.
Maj. Gen. Geoffrey Miller, Commander, JTF–GTMO	Schmidt-Furlow Report. Found that "the creative, aggressive, and persistent interrogation of [Detainee 063] resulted in the cumulative effect being degrading and abusive treatment." MG Miller "failed to monitor the interrogation and exercise commander discretion by placing limits on the application of otherwise authorized techniques and approaches used in that interrogation." Recommendation: MG Miller "should be held accountable for failing to supervise the interrogation of ISN 063 and should be admonished for that failure."	General Craddock, Commander, U.S. Southern Command disapproves the recommendation MG Miller be held accountable saying the interrogation "did not result in any violation of any U.S. law or policy, and the degree of supervision provided by MG Miller does not warrant admonishment under the circumstances." General Craddock forwards report to Army IG for review and action as appropriate.

Mr. LEVIN. Mr. President, I yield the floor. I believe the Senator from Iowa is ready, in case the Senator from Virginia is ready to have his amendment offered.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first I want to clarify one thing. The distinguished Senator from Michigan, as the ranking member of our committee, participated in all of the hearings of the Armed Services Committee. There were many hearings on the issue of the detainees, Abu Ghraib. Then we went through the series of analyses by the Army inspector general. And on and on we went.

I do hope when he made a reference to sweeping things under the rug—I do not think our committee ever tried to sweep anything under the rug.

Mr. LEVIN. I thank my good friend from Virginia. What our committee has done is held some hearings. They are important hearings. They are valuable hearings. They have not covered five critical areas. Those areas have to be brought to the surface. As to those areas, I am not saying the chairman or our committee has swept them under the rug. We have allowed those issues to be unaddressed.

Mr. WARNER. Mr. President, I say to the Senator, when you use the term "we," let's be more specific. You mean the Congress in its various oversight capacities? Maybe the Intelligence Committee, which basically has primary jurisdiction over intelligence issues, like you point out the intelligence aspects of this? The Foreign Relations Committee has held hearings on this issue. Indeed, the Defense Appropriations Subcommittee has held some hearings. So I judge that the "we" you refer to is the broad responsibilities of the several committees in the Congress?

Mr. LEVIN. I thank my good friend for that clarification. The "we" applies to the Congress. We, the Congress, have oversight responsibility. We have not carried it out. There are at least five major areas where we have failed to carry it out. We have to address those areas. We have been unable to do so. I see no evidence that we will. Therefore, the only way we can do this is with an outside, independent, 9/11-type panel.

But I was not in any way suggesting that any one committee has been the source of this failure. It is all of the Congress together, which, obviously, is in the control of the Republican majority. That is a fact. But, nonetheless, we as a Congress have not carried out the oversight responsibility which our troops deserve.

I hope I have assured my friend.

Mr. WARNER. Thank you, Mr. President. I just wanted to make certain.

Mr. LEVIN. I did not mean in any way to impugn—

Mr. WARNER. In our committee, you have sat side by side through almost every minute of the many hours of hearings we have had on this subject. While there may be areas which our committee may yet probe on this matter—as a matter of fact, I do not think the whole series of hearings we have had has come to a conclusion. We still have the issue of the overall accountability. So there may be some point in time—but I have always felt we should allow more of the court-martial and various Uniform Code of Military Justice prosecutions, which are underway, to be completed. I will be discussing that further with the Senator. But I just did not want it indicated that our committee had brushed anything under the table.

Mr. LEVIN. I thank my friend again. I would say of all the committees I know of, our committee, the Armed Services Committee, have carried out their responsibilities better than other committees. I wish to give credit where credit is due—to our chairman. I do not know of any more honorable, decent, hard-working, fair person in this body or any body in which I have ever served.

We have still, overall, as a Congress, failed in five major areas to look at the way in which detainees have been handled. That failure is going to come back to haunt our troops, and it is haunting our Nation right now. But I surely did not mean in any way to single out our committee as being the source of that failure. But we are part of a larger failure in terms of the whole Congress failing to carry out its oversight responsibility.

Now, Mr. President, I wonder if my friend would accept a unanimous consent request that the time we have just taken on this subject be in morning business rather than deducted from the time on this amendment, given the interest in it.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who yields time?

Mr. WARNER. Mr. President, I see our distinguished colleague from Iowa has taken the floor on a matter relating to the bill.

I yield the floor.

Mr. LEVIN. Will the Senator yield for a unanimous consent request?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that there be 5 minutes provided to Senator SALAZAR prior to the vote at 5:30.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa.

AMENDMENT NO. 2438

Mr. HARKIN. Mr. President, I ask unanimous consent that the pending amendment be laid aside, and I call up an amendment I have pending at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. DORGAN, proposes an amendment numbered 2438.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Relating to the American Forces Network)

At the end of subtitle A of title IX, add the following:

SEC. 903. AMERICAN FORCES NETWORK.

(a) MISSION.—The American Forces Network (AFN) shall provide members of the Armed Forces, civilian employees of the Department of Defense, and their families stationed outside the continental United States and at sea with the same type and quality of American radio and television news, information, sports, and entertainment as is available in the continental United States.

(b) POLITICAL PROGRAMMING.—

(1) FAIRNESS AND BALANCE.—All political programming of the American Forces Network shall be characterized by its fairness and balance.

(2) FREE FLOW OF PROGRAMMING.—The American Forces Network shall provide in its programming a free flow of political programming from United States commercial and public radio and television stations.

(c) OMBUDSMAN OF THE AMERICAN FORCES NETWORK.—

(1) ESTABLISHMENT.—There is hereby established the Office of the Ombudsman of the American Forces Network.

(2) HEAD OF OFFICE.—

(A) OMBUDSMAN.—The head of the Office of the Ombudsman of the American Forces Network shall be the Ombudsman of the American Forces Network (in this subsection referred to as the "Ombudsman"), who shall be appointed by the Secretary of Defense.

(B) QUALIFICATIONS.—Any individual nominated for appointment to the position of Ombudsman shall have recognized expertise in the field of mass communications, print media, or broadcast media.

(C) PART-TIME STATUS.—The position of Ombudsman shall be a part-time position.

(D) TERM.—The term of office of the Ombudsman shall be five years.

(E) REMOVAL.—The Ombudsman may be removed from office by the Secretary only for malfeasance.

(3) DUTIES.—

(A) IN GENERAL.—The Ombudsman shall ensure that the American Forces Network adheres to the standards and practices of the Network in its programming.

(B) PARTICULAR DUTIES.—In carrying out the duties of the Ombudsman under this paragraph, the Ombudsman shall—

(i) initiate and conduct, with such frequency as the Ombudsman considers appropriate, reviews of the integrity, fairness, and balance of the programming of the American Forces Network;

(ii) initiate and conduct, upon the request of Congress or members of the audience of the American Forces Network, reviews of the programming of the Network;

(iii) identify, pursuant to reviews under clause (i) or (ii) or otherwise, circumstances in which the American Forces Network has not adhered to the standards and practices of the Network in its programming, including circumstances in which the programming of the Network lacked integrity, fairness, or balance; and

(iv) make recommendations to the American Forces Network on means of correcting the lack of adherence identified pursuant to clause (iii).

(C) LIMITATION.—In carrying out the duties of the Ombudsman under this paragraph, the Ombudsman may not engage in any pre-broadcast censorship or pre-broadcast review of the programming of the American Forces Network.

(4) RESOURCES.—The Secretary of Defense shall provide the Office of the Ombudsman of the American Forces Network such personnel and other resources as the Secretary and the Ombudsman jointly determine appropriate to permit the Ombudsman to carry out the duties of the Ombudsman under paragraph (3).

(5) INDEPENDENCE.—The Secretary shall take appropriate actions to ensure the complete independence of the Ombudsman and the Office of the Ombudsman of the American Forces Network within the Department of Defense.

(6) ANNUAL REPORTS.—

(A) IN GENERAL.—The Ombudsman shall submit to the Secretary of Defense and the congressional defense committees each year a report on the activities of the Office of the Ombudsman of the American Forces Network during the preceding year.

(B) AVAILABILITY TO PUBLIC.—The Ombudsman shall make available to the public each report submitted under subparagraph (A) through the Internet website of the Office of the Ombudsman of the American Forces Network and by such other means as the Ombudsman considers appropriate.

Mr. HARKIN. Mr. President, I ask the Chair to notify this Senator when I have spoken for 15 minutes.

This amendment, offered by me, Senator DORGAN, and a number of others, addresses the problem of the extreme imbalance of political programming on American Forces Radio. As my colleagues know, for American servicemembers and their families stationed in more than 177 countries and territories around the world, as well as for Department of Defense civilians and their families, American Forces Radio is intended to broadcast a "touch of home" programming that reflects a cross section of what is widely available to stateside audiences. Making U.S. entertainment and news programming available to American servicemembers wherever they are located is important for their morale and to keep them informed. But in order to accomplish this, American Forces Radio needs to provide a wide variety of programming and views. Unfortunately, in recent years, it has failed to do so, in violation of its own guidelines.

The amendment Senator DORGAN and I are offering is designed to address this imbalance. The Department of Defense directive 5120.20R states that: American Forces Radio and Television Services Broadcast Center shall provide a free flow of political programming from U.S. commercial and public networks. It shall maintain the same equal opportunities balance offered by these sources. Outlets should make extensive use of such programming.

That is what is in their directive. It also requires "reasonable opportunities for the presentation of conflicting views on important controversial public issues."

That is what we would expect. We would expect that our Armed Forces personnel would have reasonable opportunities to hear the presentation of conflicting views on public issues. Yet in spite of these clear guidelines, the programming offered by American Forces Radio is anything but balanced. Instead, American Forces Radio carries the shows of noted conservatives such as Rush Limbaugh, Dr. Laura Schlesinger, and James Dobson, to the near total exclusion of any progressive talk radio hosts.

On American Forces Radio's talk radio service, 85 percent of the short commentary or talk radio programming with political content is conservative—Mark Merrill, James Dobson, Dr. Laura, and Rush Limbaugh. Only 15 percent is progressive—Jim Hightower and Dave Ross. Here is what it comes down to in hours: More than 10 hours a week of conservative talk radio compared to less than 2 hours of progressive talk radio and commentary.

Mind you, when I said "offered," this is what is offered. The 33 American Forces Radio outlets around the world are offered 85 percent, more than 10 hours of conservative talk radio, and 15 percent, less than 2 hours, of progressive talk radio. Now it gets worse. Again, what I mentioned is what is just offered to the American Forces stations. The programming that is actually used by local stations is even more unbalanced. Of the 33 local stations around the globe, 177 countries and territories that our Armed Forces personnel listen to, 100 percent of what they actually get the chance to listen to is conservative talk radio, 100 percent; zero percent of progressive talk radio. Less than 2 hours of progressive talk radio is what is offered. What they actually get is nothing on the progressive side. But they get 100 percent of Rush Limbaugh, 2,460 minutes a week; Dr. Laura, 1,245 minutes a week; and James Dobson, 60 minutes a week.

That is balanced? That is fair? That is not balanced. That is monopoly. This is propagandizing our troops.

This is wrong. The amendment Senator DORGAN and I are offering, along with Senators OBAMA, DODD, MIKULSKI, LAUTENBERG, KENNEDY, and DAYTON addresses this imbalance in two simple ways. First, it will codify the American Forces Network's obligation to provide political programming that is fair and balanced. What I read before was just a DOD directive. It has no force or effect of law. It says it should be balanced, should provide equal opportunities. We need to make this law. That is what our amendment does. It codifies the directive.

Secondly, it establishes an independent office of the ombudsman to address imbalances, to report annually on whether American Forces Radio is satisfying its mandate to provide fair and balanced political programming.

What this amendment does not do is prescribe specific content or programming. That is not the role of the Senate. But I believe we do have an obligation as Senators to all of our constituents to make the network's talk radio programming representative of the diversity of opinion in America.

While I generally do not agree with Rush Limbaugh's commentaries—I am sure that comes as no surprise to anyone—I do not object to the fact that they are run on the American Forces Network. I have never called for American Forces Radio to pull the commentaries of Rush Limbaugh or any other conservatives from its talk radio service.

On last year's defense authorization bill, we offered an amendment that simply asked that DOD develop appropriate methods of oversight to ensure the network provided fair and balanced political programming. This year, since they haven't done it, we want to codify it. But last year when I pointed out the imbalance in programming—100 percent conservative talk radio, Rush Limbaugh and Dr. Laura Schlesinger, James Dobson: zero for progressives—Rush Limbaugh went ballistic on his radio show: Senator HARKIN is now trying to take me off the air. He said I wanted to deny the troops the opportunity to hear him. He went on and on. I had other reporters and press people ask me about it.

I said: Typical of Rush Limbaugh. He doesn't understand what is happening. He wouldn't know the truth if it hit him in the face. I said: All I'm asking for is balance on taxpayer-funded radio. What Rush Limbaugh wants is monopoly. To him, to have someone oppose him and get equal time might be the same as, in his mind, taking him off the air. That is probably the way he thinks.

But I have never called for taking him off the air. I just think there ought to be some opposing views, representative of the diversity of opinion in America. I take issue with the fact that there is no commentary broadcast on this network that would even begin to balance the extreme views that Rush Limbaugh routinely expresses on his program. And where there is no alternative viewpoint, where there is no balance, what you are left with is one-sided propaganda. And that is not what we want on American Forces Radio. The men and women of our Armed Forces deserve and expect balance, not thinly disguised propaganda.

What I object to is that Rush Limbaugh is on all week, and our troops get to hear him, but they don't get to hear any viewpoints from the other side of the political spectrum.

Let's talk about one specific case in point, the scandal at Abu Ghraib. We all know what happened there. I don't need to remind anybody of the pictures, the torture, the shame and disgrace it brought upon our country. We know what happened just a couple weeks ago with the McCain amendment: 90 to 9, we voted to insist that our Armed Forces and others follow the Army Field Manual on Interrogations; that we will not condone torture, we will not condone the type of thing that we saw at Abu Ghraib. Ninety to nine on the Senate floor.

Here is what Rush Limbaugh had to say about Abu Ghraib: He called it—these are his words, not mine—"a fraternity prank." He likened it to a fraternity prank. He dubbed the humiliation of inmates "a brilliant maneuver, no different than what happens at the skull and bones initiation at Yale." This is Rush Limbaugh talking about Abu Ghraib. He described the images of torture as "pictures of homoerotism that looked like standard, good-old American pornography." That is Rush Limbaugh talking to our troops 100 percent of the time. He said of the pictures at Abu Ghraib—this is a quote from Rush Limbaugh—"if you take these pictures and bring them back and have them taken in an American city and put on an American Web site, they might win a video award from the pornography industry."

I ask, does this represent the views and attitudes of the average American citizen? It may represent a few, but I think the vote in the Senate more accurately reflects the views of the American citizens. Ninety Senators, Republicans and Democrats, conservatives, liberals, and everybody in between, basically said on the McCain amendment, no, we don't want to have what happened at Abu Ghraib ever happen again. We don't want to be engaged in torturing prisoners or detainees.

Now, it is in the newspapers that even Vice President CHENEY is fighting the McCain amendment. Maybe Vice President CHENEY and Rush Limbaugh feel that way, but I don't think too many other Americans do. That is why we had a 90-to-9 vote here. Yet what do our Armed Forces personnel and DoD civilians hear when they tune in the radio from their assignments around the world? They hear Rush Limbaugh telling them it is a prank, a brilliant maneuver, good-old American pornography. That is what they are hearing.

So what are our troops to think? Are they to think, that is Rush Limbaugh and that is what we hear so, therefore, that must represent what the American people back home feel about this? Maybe it wasn't so bad after all.

That is why we need some opposing views on American Forces Radio. Our troops need to hear the other side of the story to get a balance. I have never said take Rush Limbaugh off. But the network does need someone to give the other side of the story.

Again, that is what this amendment does. It codifies it. Again, 16 months ago, the Senate adopted a sense-of-the-Senate amendment I offered calling on the Secretary of Defense to ensure that the policies of fairness and balance of American Forces Radio were being fully implemented and to develop appropriate methods of oversight to ensure they were followed. That was last year.

Sixteen months later, the Department of Defense has made no progress in balancing out the more than 62 hours a week of conservative programming broadcast on the 33 American Forces Radio stations, compared to zero of progressive. 16 months later, after this Senate adopted a sense-of-the-Senate resolution saying it ought to be fair and balanced.

On October 19, just a few weeks ago, I and 12 of my colleagues sent a letter to Secretary Rumsfeld expressing our concern, once again, with the utter failure to address the lack of political balance.

Sixteen months later, no progress. As I said, we wrote this letter to the Secretary of Defense on October 19. On Thursday of last week, we received a letter from the Deputy Assistant Secretary for Public Affairs, Mr. Lawrence Di Rita. It says:

> The network plans to offer the show of one progressive talk radio host Ed Schultz.

The letter makes absolutely no representations as to how soon or when it plans to offer Mr. Schultz's show on the network.

"Offer," it said "offer." They didn't say they would ensure the broadcast. They said they are going to offer it.

As I pointed out earlier, they offer 15 percent per week of progressive talk radio, less than 2 hours, and guess what. None of the AFR stations carry that paltry amount. Not one of their stations out of 33 around the world, even bothers to broadcast any portion of those two hours.

Let me note that in response to a letter Senator DORGAN and I sent to the Department earlier this year, Deputy Assistant Secretary Allison Barber replied that DoD "recognizes that the domestic political talk market has grown more diverse and that the time has come to consider expanding the AFN choices."

I respectfully disagree with Deputy Assistant Secretary Barber. It is not that the time has come to consider expanding the choices. We are long past the time for that. The time has come for the DoD to act on expanding and broadening the political discourse on American Forces Radio. There is no reason our servicemembers should receive 10 hours—more than 10 hours—of rightwing conservative talk radio and absolutely zero hours, zero minutes, zero seconds of progressive talk radio. They need competing views.

As I said, that was part of the mandate so our troops would have the ability to get a wide variety of programming to keep them informed, a cross-section of what is widely available to stateside audiences. That is what they should have.

I suppose after my talk today old Limbaugh will come on the radio again blasting me, saying HARKIN wants to take him off the air, wants Congress to tell the radio networks what to carry. I can hear him now talking about it. He got it wrong last year; there is no reason why he would probably get it right this year—correct, I should say; he gets everything right but never gets it correct. Leave Limbaugh on there, but give someone else equal time. I would like to see Ed Schultz have as much time as Rush Limbaugh. Why not? Ed Schultz is entertaining. He has a viewpoint. It is more progressive, obviously, than Rush Limbaugh's, but there is no doubt he is doing well. In fact, I found that in almost every market where Ed Schultz went up against Rush Limbaugh, more people listened to Ed Schultz than listened to Rush Limbaugh.

Oh, now maybe the scales are falling from my eyes. Maybe now I see why Rush Limbaugh doesn't want Ed Schultz on Armed Forces Radio. Our servicemen might tune him out and decide they would like to listen to Ed Schultz more than they would listen to him.

Our amendment is needed because it codifies that fairness and balance on taxpayer-funded radio is an obligation, and sets up an ombudsman to help ensure that goal. That is not unique. We have ombudsmen in other things. We have ombudsmen for both of the other two major federally funded broadcasting agencies. The Corporation for Public Broadcasting and the Broadcasting Board of Governors—that is the Voice of America—have statutory language providing for diversity and balance in their programming and both the Corporation for Public Broadcasting and National Public Radio have an ombudsman in place.

I fully intend, when the Secretary of Defense comes up for his appropriations hearing next year—I happen to be on the Appropriations Committee. I happen to sit on the Defense Appropriations Subcommittee, and I intend to ask him these questions. Why do they think this is fair? Do they think this represents balance, a fair representation of the diversity of American thought? Or do they feel it ought to be more balanced, and if so, let's get on the stick.

I am saying to the Secretary of Defense, time for consideration is past. Move, move now. There is a lot of progressive talk radio in America that gives an opposite view of Rush Limbaugh or Dr. Laura or James Dobson. Get them on there. Let's even the pie. That is all we are asking for—fairness.

Mr. President, I reserve the remainder of my time under my regular time of 15 minutes for other Senators to speak, and I thank the Senator from Virginia for his kindness.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we are going to take this amendment and study it. Senator INHOFE, who is quite interested in this subject, is unable to be here at this time, but tomorrow we will have further opportunity to debate it.

I am advised that the Department does not try to manage these programming agendas in such a way as to exclude, I am told, any particular political bent or bias. Rather they go out and use nationally known and presumably credible organizations that establish ratings and select programs which have very high ratings. In other words, people want to listen to them.

That is the procedure, as I understand it, that is being followed by the Department. I think Mr. Di Rita, who was trusted with this recently, made a statement to the effect that is the process. I will read from at this juncture a letter to Senator LEVIN from Lawrence Di Rita, Principal Deputy Assistant Secretary of Defense for Public Affairs. It says:

> Thank you for your October 19th letter to Secretary Rumsfeld concerning the radio programming distributed by the Armed Forces Radio and Television Services on its American Armed Forces Network.
>
> The [Armed Forces Radio] attempts to make available to forces stationed overseas a breadth of programming that reflects the quality and diversity that would be available to servicemembers and their families if they were in the United States.
>
> AFRTS provides 105,000 hours of programming choices per year to programmers at 33 stations around the world.

I understand we have 33 stations geographically around the world so that the beam can reach even the most remote of men and women in the Armed Forces. I am paraphrasing my own thoughts at this time. They are the ones, the 33 stations, that make pretty much the decision as to their region and the consumer interest among the uniform people in certain programs. So they provide 105,000 hours of programming at 33 stations around the world.

> Programmers at individual stations choose from the . . . mix of content they wish to air on their multiple broadcast channels.

So there is a mix of Armed Forces Radio and Television Services programming, and then each of the 33 has a certain degree of autonomy. They go into that list and pick those programs they think their listeners will enjoy and utilize.

> I am advised that the Armed Forces Radio and Television Service managers are updating the programming mix and have decided to include additional programs, including the Ed Schultz Show, that apparently meet the criteria for that [Armed Forces Radio and Television Service] managers apply to such decisions.
>
> As is the practice, these programs will be made available to local [Armed Forces Radio and Television Service] programmers. Local programmers decide which programs are broadcast. These programmers typically are military or civil servants who have the best insights into the interests and preferences of their local audiences.
>
> [Armed Forces Radio and Television Service] managers will continue to monitor the programming mix and do their best to provide a broad, high quality range of choices for local station managers.

I think the Senator's points are well taken, but it appears that this system is working well at the moment. But I judge the Senator has views to the contrary. The Senator from Iowa can respond on my time.

Mr. HARKIN. Mr. President, I say to my friend from Virginia, he is a very thoughtful individual. I know he is fair and always has been fair. To air commentary of the nature I discussed earlier—that which Mr. Limbaugh made about Abu Ghraib—with absolutely no counterbalance or rebuttal, sends entirely the wrong message to our troops.

Last year when we had the sense-of-the-Senate resolution—this was posted on CNN.com; they carried an article on it—Deputy Assistant Secretary of Defense Allison Barber said:

> It's not about conservative or liberal, it is about the full selection of radio programming based on popularity——

Here in the States. That is ratings.

> Still, Howard Stern has millions of fans, and his show is not sent to the troops.

Barber explains:

> His issue is one of content that is not appropriate.

They say it is popularity, but then they decide whether it is appropriate.

Are we to believe that the Abu Ghraib comments by Mr. Limbaugh are excusable because of the high ratings his show receives? I partially agree with the Deputy Assistant Secretary's statement. It appears that content is sometimes a factor in deciding which commentaries to run on American Forces Radio. At the same time, I also agree with the directive DoD already has in place. There should be fairness and balance in political programming on American Forces Radio. To use commercial market share ratings as an excuse not to offer fair and balanced programming will no longer suffice. When there are 33 stations around the globe, and they do not even carry 1 minute of an alternative to Rush Limbaugh, that has to say something. That it is not just ratings. Something else is going on there.

One would think that at least they would carry the 15 percent that is offered. They do not even carry that, if the Senator knows what I mean. The 33 stations around the world were offered 15 percent progressive talk radio a week. They are offered it, but they do not carry any of it. So something is going on out there. I do not know what it is, but something is.

Mr. WARNER. I certainly do not want the Senator to feel that we are trying to control these stations in such a manner as to preclude members of the Armed Forces and their families from having an opportunity to hear opinions that differ. So in the course of the evening, I and others will look into this. We thank our friend from Iowa.

Mr. HARKIN. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Would the Senator from Iowa yield 1 minute to me?

Mr. HARKIN. I yielded the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Iowa has 13 minutes 6 seconds remaining.

Mr. HARKIN. I thought I had 14 minutes 30 seconds.

Mr. President, I ask unanimous consent to speak as in morning business. There is no one else on the floor, so I do not want to use up my time. I ask unanimous consent for up to 10 minutes in morning business so I may yield some time to whoever wants it.

The PRESIDING OFFICER. Is there objection?

The Senator from Virginia.

Mr. WARNER. Mr. President, I do not object, but we do have a 5-minute request from the other side of the aisle. I say to my distinguished colleague. We have the proponents of the amendment of the Senator from Colorado and others. I ask unanimous consent that the proponents of the amendment and those in opposition have at least 5 minutes each in addition to that. So that is 15. That would leave time for further debate by others on this amendment. So I would say at the hour of 5:15 that 5 minutes be allocated to Senator SALAZAR; is that correct?

Mr. LEVIN. That is correct.

Mr. WARNER. To be followed by Senator ALLARD, to be followed by those of us who oppose the Allard amendment.

The PRESIDING OFFICER. Is there objection to the request made by Senator WARNER?

Without objection, it is so ordered.

Is there objection to the unanimous consent request by Senator HARKIN that he be allowed to speak as in morning business until 5:15?

Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. I thank the Senator from Virginia. If anyone shows up to talk on something else, I will obviously yield the floor. But I would yield to the distinguished minority ranking member of the committee whatever time he desires.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my friend from Iowa. I support his amendment. It simply would codify provisions in a directive. It puts some force behind what is already supposed to be in regulation, which is that there be fair and balanced political programming for the Armed Forces network radio broadcast. That is what the Harkin amendment does. It does not do the allocation. It does not make a judgment. It simply says we have to put some stronger teeth behind a regulation because we are talking about political programming. We have to be certain that political programming is fair and balanced. That is what the regulation states it is supposed to be already and just simply codifying it means Congress believes that is essential, as well as in addition to that it establishes an ombudsman to make sure the Armed Forces network adheres to its own programming standards and practices. I think that is a fair request, and I support the amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. I will just take a couple more minutes and then I will yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. As long as there is no one else in the Chamber—if anyone comes here, I would yield the floor to whoever would want it.

Let me go through again what this amendment does for Senators who may be watching from their offices. The ombudsman would be appointed by the Secretary of Defense for a term of 5 years. They could not engage in any prebroadcast censorship. The ombudsman would conduct regular reviews of the integrity, balance, and fairness of American forces radio programming. It would respond to programming issues raised by AFR's audience regarding the network's programming and refer complaints to American forces radio management for response. The ombudsman would make suggestions to American forces radio management regarding ways to correct imbalances, and the ombudsman would prepare and present an annual report to the Secretary of Defense and Congress on whether American Forces Radio is satisfying its mandate to provide fair and balanced political programming.

So that is what the ombudsman basically would do under our amendment, not censor or anything like that. Basically, he would take complaints, pass it on to management, issue a report to us every year on whether the programming is fair and balanced, and any other comments and criticisms that may come into the ombudsman's office. So that is basically the amendment.

I have had my say on it. I think it is pretty clear. I thank the Senator from Michigan for his support. I hope all Senators could support this amendment. As the Senator from Michigan said, it just codifies what is basically a directive right now. It just makes it more clear to DOD, from the Secretary of Defense on down, that we mean it when we say it has to be fair and balanced. We do not mean to take anyone off the air or shut anyone up, but we do mean to have it fair and balanced to represent the diversity of views of America.

Not all Americans agree with Rush Limbaugh. Not all Americans agree with Ed Schultz or Jim Hightower or me or anyone else, but we do have diversity. That is what is so wonderful about our country. That is what we are proud of as Americans, that we are able to speak our minds and have our opinions heard and we do not have any censorship. Since we do not have it here, we should not have it on the American Forces Radio network, either.

I believe having served myself for a long time in the military, as I know the Senator from Virginia has, too, our troops are well educated. They are smarter today than they ever were even when I was in the military. They know how to listen to one side or the other, and they should have that opportunity. That is all we are asking for.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. At this time, the Senator from Alabama will speak to the Allard amendment, which is the subject of a vote in 20 minutes. I give him 5 minutes, plus 2 or 3 other minutes. I thought he was right behind me.

The Allard amendment is rather a technical one. It requires our colleagues to be informed on this amendment. I am opposed to it, but I was asked to provide to the Senator from Alabama the time needed to speak to this amendment.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 2423

Mr. SESSIONS. Mr. President, I thank Chairman WARNER. I chair the Subcommittee on Strategic Forces of the Armed Services Committee. This matter is under our subcommittee's oversight area. I have great respect for Senator ALLARD, who is proposing the amendment. He chaired the same subcommittee. He is very much loyal to his workers in Colorado. He is very much determined they get everything that he can get them, and I think maybe a little more than they would be entitled to under a fair reading of the statute and the contract that is involved.

Therefore, with the greatest respect to Senator ALLARD and others who may be supporting this amendment, I would oppose it. It reaches into a relationship between the contractor employees who are performing the cleanup at Rocky Flats and their employer, who is a company called Kaiser Hill. Kaiser Hill won the contract with the Department of Energy to perform cleanup work, and this deals with their relationship with their employees, not Government employees but employees for Kaiser Hill. How would it amend those terms of that agreement between Kaiser Hill and its private employees? The amendment directs the U.S: Secretary of Energy to instruct Kaiser Hill to grant retirement and health benefits to employees that those employees would have earned if the cleanup had taken longer than it actually did. So that is why, of course, the Department of Energy opposes it.

They have looked at this very carefully. They have indicated they would be open to some sort of discussion about what might be done. I have also indicated that to those who support this amendment but have not heard back from them.

So I believe the amendment as drafted is overreaching, and the Department of Energy objects to it. It is just not good policy for our Government. The cleanup did not take as long as some people projected, but everyone knew the cleanup was going to be accelerated and would end. It was not a limitless timeframe. Rocky Flats is not there anymore. It has been cleaned up. There is empty space. The workers have all been disbursed and gone to other jobs.

I would just note that many Government contracts complete early or they do not run as long as anticipated. So we cannot start down the road of altering the benefits of contract workers when something happens good for the Government because the matter proceeded along and was able to be completed sooner than expected, although it was accelerated and everybody knew it was going to complete and complete sooner than many had projected.

One of the things that every employee has, and this is important to note, every employee has been given a 1-year acceleration of the time and grade they get credit for, the time in service. The collective bargaining that went on as this contract moved forward, and everybody knew the contract would be completed early, they had a collective bargaining process, and they met with the steelworkers and others and they agreed that they would take a $4,200 basic payment because they were completing the work sooner, as an incentive or a thank-you for good work done. That was done, and they received that.

So, again, this amendment would alter the freely entered-into agreement between these workers and Kaiser Hill concerning the early completion.

Now, most of the Kaiser Hill employees were covered under the collective bargaining agreements which anticipated there would be staggered layoffs as the completion of the cleanup neared. Union workers negotiated substantial benefits such as lump-sum incentive payments in addition to providing for early and regular retirement benefits and an extra year in service.

The Senate has recently conducted its debate on budget reconciliation. There has been a lot of debate and consideration about the fiscal situation in which this country finds itself. There was a debate about hard choices that we face as a Nation so we do not burden our children or grandchildren with financial obligations that, in retrospect, we cannot afford.

If we were a private company, I ask my colleagues, would we say we could tell our stockholders that we paid more than we were supposed to pay for a cleanup? I think we are concerned about this mainly because we feel as governmental representatives, sometimes we ought to go further and do more. I know my colleague Senator ALLARD strongly believes we ought to do more and be generous.

I do join him in commending the workers at Rocky Flats for what has been achieved. The cleanup is done and workers have moved on to other jobs and other employers. I cannot support, however, taking this unprecedented step—at least unprecedented to my knowledge—that is embodied in this amendment. It is contrary to good, sound fiscal policy, good governmental policy. It is noble to want a job to be recognized and people to be paid fairly for it. But military bases close around the country all the time. Awards for contracts for aircraft and ships get terminated. Sometimes they complete them sooner than expected. People do not expect to be paid forever. Agreements were reached, as I said, to make sure people would be generously compensated as a result of this early closing.

I urge my colleagues, as difficult as they may find it, to vote "no" on this amendment. I think it would be the right thing for the country.

Mr. WARNER. Will the Chair advise the managers with regard to the remaining time?

The PRESIDING OFFICER. The Senator from Colorado, Senator ALLARD, controls 5 minutes. The Senator from Colorado, Senator SALAZAR, has been granted 5 minutes under a unanimous consent agreement.

Mr. WARNER. Basically there is 2 minutes left?

The PRESIDING OFFICER. There is 2 minutes remaining in opposition to the amendment.

Mr. WARNER. My colleague from Alabama has basically stated the case. But I must say this is a unique amendment among those I have encountered. You could induce laborers to have a slowdown at work so as not to finish it and so attenuate this right or some other benefit, while at the same time they were taking inducements for expediting the work.

I commend my good friend from Colorado. I know he fights hard for his constituents. But were we to see this type of precedent distributed to other situations in Government contracting across America, we would be opening up a very interesting line of arguments by a number of contractors and employees. So regrettably I have to oppose the amendment of my good friend from Colorado.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. ALLARD. Mr. President, I will talk about my amendment for a moment or two, but before I do, I have some cosponsors I would like to add to the amendment: Senators SALAZAR, DEMINT, ALEXANDER, and CANTWELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I will take a little time to lay out the history of the cleanup of Rocky Flats after it was decided to close the facility. It was a nuclear production facility that produced plutonium triggers which were used for nuclear weaponry. When I first got involved in this issue, the plan called for 60 years to clean up Rocky Flats, costing somewhere around $35 billion.

In 1999, we were able to reach an agreement with the Department of Energy and the contractor that for $7 billion, we could have it cleaned up in 6 years. So here we are in 2005 and we have cleaned up the facility 14 months ahead of what anybody ever imagined.

When we first came up, everybody was snickering and saying that would not happen. But we did a key thing; we put incentives in the contract which encouraged various members of the workforce, including the contractors, to get the job done on time. In this case they got it done ahead of time and ended up saving lots of money.

This means we are cleaned up 14 months ahead of time. That means probably close to $500 to $600 million in savings because we are not going to have to pay for it next year. As a result of this early cleanup we are going to have about 70 workers out at Rocky Flats who are going to get cut short on their health insurance benefits and cut short on their life insurance. It is very difficult to try to get insurance after you have been working around a nuclear facility for 15, 16, 17, or 18 years.

Insurance companies don't like to insure them, and if you do get insurance, at least it is very expensive. It seems to me it is a matter of fairness to take care of these 70 workers.

The reason it is important to other cleanup sites around the country, and this is where I think the Department of Energy is shortsighted—if you put in incentive contracts to get cleanup at these other sites around the country, getting them done on time or even early, as we did in Colorado, if you treat the workers fairly, I think the workforce at those cleanup sites will be willing to step in and participate in the early cleanup efforts.

The purpose of my amendment is to take care of the 70 or so workers who got shortchanged because of early closure at Rocky Flats. But more importantly, I want to see cleanup of these nuclear facilities all over the country. There are a number of States that are going to be impacted. A lot of us want to see these sites cleaned up for various reasons, not the least of which is to make sure we have environmental cleanup so we have a better environment in which to live here in the United States.

I urge my colleagues to join me in this particular amendment. I think it is very important. Let me take a couple of examples. Workers such as Doug Woodard and Leo Chavez now find themselves with either severely reduced benefits or no benefits at all. Doug started work at Rocky Flats all the way back in 1982 and then was responsible for monitoring radiation contamination at the site. He missed qualifying for the medical benefits by less than 2 months.

For Leo Chavez, who worked at Rocky Flats for 17 years, DOE's treatment was even worse. The Department of Energy thanked him for his service and showed him to the door 6 working days before he qualified for lifetime medical benefits. Let me repeat that. That was 6 days before he qualified for medical benefits. Yet his workers, then other workers at the plant, walked away with those benefits. It seems to me it is a matter of fairness.

The Department of Energy has made the point they do not want to set any precedent. In this particular amendment, we have narrowed it down to the time length and when they qualify. We have narrowed it down to these workers at Rocky Flats.

I believe this is an important amendment if you want to see rapid cleanup occur at these nuclear sites because the workers have to buy into the program. If they do not buy into the program, then you are not going to have early cleanup.

I understand my colleague from Colorado, Senator SALAZAR, might be down to the floor. I want to take this opportunity, before my time runs out, to thank him for his work and effort. I thank Senator CANTWELL and other Members of the Senate who have agreed to cosponsor this amendment because they have situations in their States similar to ours in Colorado.

We all look forward to getting early cleanup, and hopefully the cleanup at Rocky Flats will set an example for the rest of the country. The faster we have cleanup, the less money the American taxpayers will have to pay. That is the bottom line. We are required to get this cleanup done. If we can do it and save taxpayer dollars, we need to do that. In this case, from the original plan it saves billions upon billions of dollars. Then we modified the plan, and it is well over $500 million we are going to save. We need to encourage this to happen throughout the country. I am proud of the workers at Rocky Flats. It wouldn't have happened without their dedication and effort. We need to make sure every worker at Rocky Flats will walk away from this cleanup being proud and feeling they were treated fairly.

I urge my colleagues, again, to join us in righting a wrong that I think has been perpetrated by the Department of Energy.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLARD. Mr. President, may I be recognized for an additional cosponsor, and that is Senator GRAHAM.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the junior Senator from Colorado is recognized for 5 minutes.

Mr. SALAZAR. Mr. President, in a few minutes my colleagues here in the Senate will be voting on an amendment sponsored by Senator WAYNE ALLARD and myself, amendment No. 2423. I am here to speak for a few minutes to urge my colleagues to support the amendment.

This is an important amendment that recognizes the great work the employees at Rocky Flats have been doing on behalf of our Nation for a long time. When Rocky Flats was first proposed to be cleaned up, as the place where plutonium triggers were being manufactured for the United States of America and for national security, it was contemplated that we were undertaking a project that would take many years. Some had suggested it would take as long as 60 years to clean up Rocky Flats at a cost of $35 billion. Yet when all was said and done, because of the great work of both Democratic and Republican administrations, and these dedicated workers, we were able to accomplish the task in just over 5 years as opposed to 60 years and at a cost of $7 billion as opposed to $35 billion.

It was anticipated at the time when the contracts were executed that the cleanup in no way, shape, or form would ever be accomplished any earlier than December 15 of 2006. Yet because of the great work that has been done, the work has now been finished. It is unfair, from my point of view, to penalize the employees who performed this great work on behalf of our national security in this cleanup by simply not providing them with the benefits that had been anticipated with a December 15, 2006 termination date for this contract.

What this amendment will do is provide up to $15 million for the life and health insurance benefits for these employees. These men and women were exposed to radioactive elements and other toxic compounds that we are still trying to identify, and in amounts that even today we can only guess at. We do not know what they were exposed to, how much, or when they were exposed to these radioactive materials. We know for sure many have suffered serious illnesses and many have died as a result of these exposures.

Under the current employment contract, these workers would become eligible for full retirement benefits, including health benefits and life insurance benefits, if the work had been completed on December 15 of 2006. But because the work was completed before that time, these employees will not be eligible for these benefits unless we correct an inequity with the amendment that has been proposed. The extraordinary efforts of these employees at Rocky Flats who worked long hours under very difficult conditions must be recognized by providing them with these benefits.

We believe these workers are entitled to receive these benefits because the cleanup of Rocky Flats, which was expected to be completed by December 15, 2006, has now been completed. We believe it is important that we recognize the employees at Rocky Flats who, at significant sacrifice to themselves and their families, created an opportunity for this Nation to learn how we can clean up our Department of Energy facilities.

In sum, what I would say to my colleagues here in the Senate is that what we have done at Rocky Flats, through the cleanup effort there, is to demonstrate to the Nation how we can move forward in an expedited fashion and clean up contaminated sites such as the one we had at Rocky Flats. I am grateful for the work of my colleague from Colorado, Senator ALLARD, who has been leading our joint efforts on this amendment. At the end of the day, we hope all of our colleagues will recognize that these employees have done a very valuable job for our national security.

I urge my colleagues to vote in support of this amendment.

I yield the floor.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Arizona (Mr. McCAIN).

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from North Dakota (Mr. DORGAN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 53, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—38

Alexander
Allard
Baucus
Bingaman
Bond
Boxer
Burns
Cantwell
Conrad
Craig
Crapo
Dayton
DeMint
DeWine
Domenici
Durbin
Feingold
Feinstein
Graham
Harkin
Jeffords
Johnson
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Lieberman
Mikulski
Murkowski
Murray
Obama
Pryor
Salazar
Sarbanes
Specter
Talent
Wyden

NAYS—53

Akaka
Allen
Bennett
Brownback
Bunning
Burr
Byrd
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Cornyn
Dodd
Dole
Ensign
Enzi
Frist
Grassley
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Levin
Lincoln
Lott
Lugar
Martinez
McConnell
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—9

Bayh
Biden
Corzine
Dorgan
Hatch
Inouye
Kennedy
McCain
Stabenow

The amendment (No. 2423) was rejected.

Mr. WARNER. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, my understanding is that the majority leader and minority leader have determined that we will not have further votes tonight, but I advise colleagues we have a number of amendments which are almost completed and ready for a vote tomorrow. We anticipate—and I will, hopefully, be joined by my ranking member here—we can, during the course of business tomorrow, hear out the remainder of the amendments. I would hope so.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if we could get a list of pending amendments made, unless the chairman has already done that, as to what amendments are already pending and how much time is left on those amendments.

Mr. WARNER. Mr. President, my understanding is that the clerk will require a period of time within which to compile this list.

MORNING BUSINESS

Mr. WARNER. Given that, Mr. President, I suggest that this bill now be laid aside, and I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. WARNER. Mr. President, informally, I have been advised that tomorrow morning, in all likelihood, there will be a period for morning business, and that this bill will be brought up somewhere in the area of around 11 o'clock in the morning. So again, I am joined by my colleague from Michigan in urging Senators to complete the remainder of the debate time, an hour being given to each amendment. There are several amendments which have been debated in part. We will provide for the RECORD tonight the list of those amendments and the time remaining. Quite frankly, I am of the opinion we will have been able to have had the full hour of debate on all of the 12 amendments each side has had by the close of business tomorrow.

Now, "close of business" leaves a little bit to definition. We will certainly receive some recommendations from our joint leadership, but I would hope we could complete this bill tomorrow night.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Well, Mr. President, if the chairman will yield, that may be optimistic, but I think we are making progress. I will work overnight—I know the chairman will—to try to line up speakers to complete the pending amendments so we can at least have, hopefully, one vote before the caucuses tomorrow, regardless of what hour we start. I am going to try to line up some speakers to complete at least one of these amendments before the caucuses.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I might suggest the Harkin amendment, which was debated very thoroughly today. The Senator from Oklahoma, Mr. INHOFE, desires to speak to that amendment and might possibly have an amendment in the second degree. So that one, in all likelihood, could be concluded. The Chambliss amendment is another amendment that I think will not require a great deal of further debate. It is a very strong amendment. It appears to me at this point to be one which I will recommend colleagues support.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I understand there may be a second-degree amendment to the Chambliss amendment.

Mr. WARNER. Coming from your side?

Mr. LEVIN. That is my understanding. There may be such an amendment, a second-degree amendment. But I would agree with you in identifying the Harkin amendment as a good prospect for completion tomorrow morning. We do have a speaker on our side—at least one—and I am going to try to line that speaker up for the morning.

Mr. WARNER. Well, then, let's work together with a priority to try to have that done.

Mr. President, at this time, my understanding is the parliamentary situation is the bill is no longer before the Senate, to be brought up again tomorrow morning, and that at this point we are in morning business; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Mr. President, seeing no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTEGRITY IN PROFESSIONAL SPORTS ACT

Mr. GRASSLEY. Mr. President, I am pleased to join my colleagues Senator BUNNING, Senator McCAIN, Senator STEVENS and Senator ROCKEFELLER, as a cosponsor of the Integrity in Professional Sports Act. While it is unfortunate that it has come to this, it is becoming abundantly clear that Major League Baseball and other professional leagues are still more concerned about protecting their own collective bargaining rights than cleaning up their sport.

I have said it before and I will say it again. The abuse of illegal steroids by professional athletes is inexcusable and has no place in competition at any level. Unfortunately, this has become a problem that we can no longer afford to ignore. The most recent studies indicate that possibly up to five to seven percent of students, even as young as middle school, have admitted to using steroids. This is an alarming statistic. If Major League Baseball won't step up to the plate on this issue, we will do it for them.

Every day, millions of young people in this country dream of one day playing ball in the big leagues. When superstar athletes, with their multi-million dollar contracts and lucrative endorsements are seen using steroids to improve their performance, it should come as no surprise that many young athletes would choose to use steroids to improve their own performance.

Professional athletes must be held to a higher standard when it comes to illegal substances such as steroids. Like it or not, young people look up to professional athletes as role models. The Integrity in Professional Sports Act will require all professional sports leagues to adopt a unified standard for testing as well as tougher penalties for any athlete found in violation of these standards. Unlike testing today, this act will require athletes to test during the off-season and frequently during their season of play. Athletes will face severe penalties for a positive test: a two-year ban for the first offense and a lifetime ban for the second.

I have little doubt that this act will aid in the effort to rid professional sports of these dangerous substances and bring integrity back to the game. We must send a strong message to professional athletes. If you choose to cheat and use illegal steroids, you risk ending your career. In turn, our young people will hopefully get the message that using steroids to improve athletic performance is absolutely the wrong way to go.

While this bill specifically addresses professional athletics, the importance of stopping steroid abuse extends well beyond the track, baseball diamond, or football field. We must continue to focus on the health and future of our children. I encourage my colleagues to join in support of this legislation to set the standard for fair competition.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On July 1999, in Palm Springs, CA, Steven Cagle and a companion were attacked by Randy Reyes and Juan Rios in a Carrow's Restaurant. It is believed that the beating was motivated by the victims' sexual orientation. Cagle stated that it was inhumane and, " For no other reason than I am a gay man." Prosecutors are calling this a hate crime and are asking for the maximum sentence.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

MEDICARE BAD DEBT POLICY

Mrs. LINCOLN. Mr. President, I rise today with my distinguished colleague from Idaho, Senator CRAPO, to discuss the change in Medicare bad debt policy as proposed in the budget reconciliation bill. I feel there is a need to differentiate between debt owed by individuals and debt owed by States. The sponsors of this policy argue that it will encourage skilled nursing facilities to be more efficient in the collection of bad debt. However, how can the facility be more efficient if the State simply refuses to pay the Medicare copayments through its Medicaid program? This body should examine the root of this problem before implementing the bad debt policy in this bill. It is my hope that the conference committee considers this when examining this policy.

Mr. CRAPO. Senator LINCOLN makes a good point. While I support the Finance Committee's goal of encouraging accountability and incentivizing the collection of Medicare bad debt by skilled nursing facilities, I do see the need to differentiate between debt owed by individuals and debt owed by States. I believe this conference should consider this point as well.

LIVE 8 CHARITY CONCERT IN PHILADELPHIA

Mr. SPECTER. Mr. President, I would like to acknowledge the tremendous work accomplished by Larry Magid and his staff at Electric Factory Concerts, who produced the original LIVE AID concert in Philadelphia's JFK Stadium in 1985, which raised awareness of poverty around the world.

On July 2, 2005, Larry Magid and his staff, including Adam Spivak, John Stevenson and Jim Sutcliffe, were instrumental in producing the U.S. portion of LIVE 8 which was held in Philadelphia on the Benjamin Franklin Parkway.

This concert, which was attended by over 1 million people, was part of eight other concerts on the same night in nine different countries including the U.K., Japan, Russia, South Africa, Canada, Germany, France, and Italy.

I again would like to commend Electric Factory Concerts for their success in helping to raise awareness of the global poverty epidemic, and they are to be commended for their efforts in this worthwhile undertaking.

ADDITIONAL STATEMENTS

RECOGNIZING EBONY MAGAZINE

• Mrs. BOXER. Mr. President, I am very pleased to take a few moments to recognize Ebony magazine as this venerable publication celebrates its 60th anniversary.

In 1945, at a time when segregation was the law of the land, an outlet for the positive portrayal of Black life in American popular culture was long overdue. With the birth of Ebony, Publisher John H. Johnson forced the world to consider real African Americans, including their diverse success stories. These same stories, which filled each month's edition of Ebony, gave African Americans a deeper sense of pride in their heritage and their growing prosperity.

Ebony also provided millions with a rich, firsthand account of key moments in the struggle for civil rights. Whether it was a sit-in at a lunch counter in the South or the historic March on Washington, the intrepid journalists and photographers of Ebony were present to bear witness and to report the news through a prism different from the mainstream press. In fact, it was an Ebony photographer who captured the now iconic photo of a grieving Coretta Scott King, with one of her children, at the funeral of Rev. Dr. Martin Luther King, Jr. Not only did this photograph capture the emotions of a nation, but it resulted in the first Pulitzer Prize awarded to an African-American man.

Since Ebony was founded 60 years ago, its circulation has grown from 25,000 per issue to 1.7 million per issue, and its readership has increased from 125,000 per issue to more than 12.5 million per issue. Although it has had the largest circulation of any publication targeted to African-Americans for the duration of its existence, Ebony is much more than a magazine. As just one example, its annual fashion extravaganza, Fashion Fair, has raised more than $58 million in its 48-year history for various charities, has provided an outlet for hundreds of talented clothing designers, and created work opportunities for African-American models, as well as spawned a line of cosmetics for women of color.

I invite my colleagues to join me, and the millions of Americans who have been touched, inspired, and influenced by Ebony Magazine in celebrating the 60th anniversary of this great publication.•

RECOGNITION OF THE KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM

• Mr. BUNNING. Mr. President. I pay tribute to the Kentucky Community and Technical College System of Versailles, KY for their hurricane disaster relief efforts. KCTCS has opened their doors to the displaced student victims of Hurricane Katrina through Operation Rebuilding Lives.

The KCTCS statewide system of 16 colleges on 65 campuses has adopted emergency policies offering displaced students greater accessibility to financial aid. scholarship opportunities, and online course sessions. In addition, all KCTCS colleges have sponsored hurricane relief fundraising events ranging from blood drives to relief supply donation drives.

I ask my fellow colleagues to join me in thanking the Kentucky Community and Technical College System for their efforts. Their commitment to providing relief assistance to the displaced students of Hurricane Katrina is admirable and I commend the KCTCS for the Operation Rebuilding Lives initiative.•

TRIBUTE TO ARTIST R.C. GORMAN

• Mr. DOMENICI. Mr. President. I pay tribute to not only a fine individual. but an amazing artist. R.C. Gorman, who passed away on November 3 at the age of 74. R.C. Gorman was an artist appreciated not only by New Mexicans, but he was also well respected nationwide and internationally.

Rudolph Carl Gorman was born in 1931 in Chinle, AZ. As the son of Navajo Code Talker Carl Gorman, he grew up on the Navajo reservation surrounded by the unique culture of the Navajo people. Gorman is best known for his paintings, sculptures, and lithographs of American Indian women wrapped in blankets.

A long time resident of Taos, NM, R.C. Gorman's work became a fixture of Southwestern style of art. In his life, he had more than 20 one-man shows. A distinctive exhibition for Gorman was the "Masterworks from the Museum of the American Indian" held at New York's Metropolitan Museum of Art. This exhibit was particularly unique, because R.C. Gorman was the only living artist represented.

When I pay tribute to individuals, it is important for me to make sure I am appropriately expressing who they were and the contributions they made during their time with us. I don't believe I can state it better than R.C. Gorman himself in his book, The Radiance of My People. He wrote, "If I am remembered at all, I'd be very surprised and amused. I don't really think about it or worry about it. But I suppose I would like to be remembered that I was an earnest worker. That I cared. That I know anyone can get what they want if they work hard enough. After all, I'm just a little boy from the reservation who used to herd sheep at Black Mountain."

I extend my thoughts and prayers to his family and friends at this time. It is my hope, that they remember the great impact he made during his time with us from his work that inspired us to his friendship that endeared us. I express to them my deepest sympathy.

It is a great loss to the State of New Mexico and the Nation. I know myself and many people will miss his spirited personality and he will always have a place in our heart.•

INDIANA SERVICE LEADERS SUMMIT

• Mr. BAYH. Mr. President. I rise today to tell you about the extraordinary young Hoosiers I met last month in Indianapolis. On October 22, National Make A Difference Day, I hosted my third annual Indiana Service Leaders Summit to honor high school students from across the State for their service and hopefully to inspire them to continue serving their communities throughout their lives.

In their schools and their communities, the young men and women I met truly have answered the call to service. Some of them helped build homes, some tutored and mentored younger students, and others raised money to support cancer research or fed the hungry. Several of the young men and women started service clubs on their own to address the problems in their schools and communities. Each one of the students I met spent hours making a difference and together they have impacted the lives of countless Hoosiers. I was honored to have the opportunity to meet and speak with them. It was impressive and inspiring to learn about the many causes they support.

Robert F. Kennedy once said. "Some men see things as they are and say 'Why?' I dream of things that never were and say, 'Why not?'" Each one of these young men and women have already asked themselves "Why not?" and have worked to make positive changes in their communities. They represent a new generation of promise with the potential to make a real difference across Indiana and the Nation.

During the summit, which was cohosted by Indiana University Purdue University Indianapolis. the students heard from Hoosier leaders who have chosen to dedicate their lives to serving others. The speakers highlighted the five pillars of successful service: inspiration. organization. dedication. evaluation. and reflection. Following the speeches. the students and I prepared more than 1,000 care packages with the assistance of the Salvation Army that will be sent to Hoosier troops serving in Iraq and Afghanistan. The students then divided into groups and participated in service activities at different sites throughout Indianapolis.

I would like to thank each one of the following individuals for participating in the summit and for their service to their communities: Bradley Albachten, Amy Altemeyer. Joanna Barnett, Jessica Barnett. Chelsea Rae Baugher, Jessica Beckner, Kirsten Bedell, Marc Bergman, Erin Bess. Kortney Bogue, Kaitlin Bohlander, Kelly Bolt, Patrick Borders. Nicholas Brancolini. Emily Brunton, Neil Burk. Jessica Burton, Rohini Chatterjee, Danielle Clark, Desmon Clark, Timothy Cleaver, Nathan A. Click, Sean Cody, Lindsay Conner, John Copeland, James Corn. Michelle Cotlar. Aaron Desonia. Rachel M. Dragoo, Nicholas Eastrada, Andrew Fleenes. Ryan Gambill. Chrisopher Gibson, Brooke Gilbert. Jaime Gingerich, Annie Girdler, Char Glassley. Joseph David Goepfrich, Andy Goldblatt, Mark Halstead, Christin Hammond, Stacey Havlin. Madison Head, Ryan Heap, Katelyn Heighway, Chavonne Henderson, Erin Hendricks, Denise Hickman. Jennifer Hildenbrand, Heather Howard, Dustin Hull, Joel Hungate, Kelsey Jagoda. Bart Jarvis. Casey Jedrzejczak, James Jessen. Raymond Jones, Whitney Jones. Kristopher Kast. Daniel Kent, Caitlin Keusch. Emily Keusch, Sarah Knoth, Marsha Krisenko. Mirissa Krukowski. Blaine Kubit. Lacy Lane, Laura Linnemeier, Ranita Madison, Diane Matacale, T.J. McCan. Amber McCan, Katie McDaniel, Kala McKinney. Saralyn McKinnon-Crowley, Catherine McManus. Julie Mennel, Emma Meyer. John Miller. Bryan Miller, Michelle Miller, Brittanty Moser, Alicia Moser, Ashleigh Neal, Joseph O'Brien, Brittany Oliver. Ajay Patwari, Lisa Pluckebaum, Sarah Pine, Caleb Pope, Lauren Proffitt, Katie Rice. Ronald Richter Jr., Audra Roach, Brad Robertson, Ashley Robinson, Victoria Roby. Elisabeth Rudolph. Drew Schuster. Ben Scott. Gabrielle Seo, Kelsey Septoski. Nicholas Shepherd, Marisha Sherrard. Naina Singh, Corrina Smith. Amy Leigh Stark, Kristen Steele, Faye Stokes. Pamee Thao, Tara Thornburg, Rebecca Throwbridge, Abby Tueher. Keith A. Turner Jr., Martha Vance. Kaylee Vannatta, Zac Warren. Benjamin Waterman, Christina Weintraut. Rachel Werner, James Macklem Weston, Preston Wheelock. Renee White. Lauren Wilkins, Britne Wimmer. Tyler Witt, Josh Worch, Jerica Yingling. Taryn Paige Zubel.

I would also like to take a moment to express my gratitude to the Indiana University Purdue University Indianapolis students who took part in the summit as well. They are role models to younger students and I am proud to recognize their achievements.

I would like to thank each of the following IUPUI students for their participation: Katy Altman, Natasha

Arora, Christopher Baire, Jennifer Behzadi, Alisha Borcherding, Michael Burk, Byron Clark, Brandy Cline, Rachel Dickinson, Una Dragic, Neal Foreman, Christine Furey, Andrea Guinn, Will Hartzell-Baird, Tiffany Holcey, Mallery Hornsby, Jayna Kadel, Jeffrey Mattingly, Andrew Oertel, Irina Perelmuter, Jayme Plude, Emily Puntenney, Rebecca Salley, Eddie Shmukler, Anita Sivam, Laura Sutton, Heather Teach, Lygia Vernon.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ENROLLED BILL SIGNED

At 11:37 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following bill:

H.R. 2744. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1969. A bill to express the sense of the Senate regarding Medicaid reconciliation legislation to be reported by a conference committee during the 109th Congress.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4541. A communication from the Secretary of Transportation transmitting, pursuant to law, a report relative to the review of all complaints received by air carriers alleging discrimination on the basis of disability; to the Committee on Commerce, Science and Transportation.

EC–4542. A communication from the Secretary of Transportation transmitting, pursuant to law, a report entitled "The National Initiative for Increasing Safety Belt Use, Buckle Up America Campaign"; to the Committee on Commerce, Science, and Transportation.

EC–4543. A communication from the Senior Counsel, Office of the Chief Counsel for Import Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Procedures for Conducting Five-year ('Sunset') Reviews of Antidumping and Countervailing Duty Orders" (RIN0625–AA69) received on October 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4544. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Biennial Report to Congress on the Administration of the Coastal Zone Management Act by the Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration for fiscal years 2002 and 2003; to the Committee on Commerce, Science and Transportation.

EC–4545. A communication from the Secretary, Federal Trade Commission, transmitting, the Annual Report to Congress for FY 2003 and 2004, pursuant to The Do Not Call Implementation Act, on implementation of the National Do Not Call Registry; to the Committee on Commerce, Science, and Transportation.

EC–4546. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments" (I.D. No. 093005A) received on October 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4547. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Apportion Amounts of the Reserve to Certain Target Species in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 120303A) received on October 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4548. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska" (I.D. No. 091505B) received on October 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4549. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 091605F) received on October 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4550. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Pollock in Statistical Area 630 of the Gulf of Alaska" (I.D. No. 091505A) received on October 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4551. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 091205A) received on October 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4552. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Goldendale, Washington; Port Angeles, Washington; and Ty Ty, Georgia)" (MB Docket Nos. 05–8, 05–11, 05–12) received on October 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4553. A communication from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems" (ET Docket No. 00–258) received on October 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4554. A communication from the Attorney-advisor, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Application Fee Increase for Administrative Waivers of the Coastwise Trade Laws" (RIN2133–AB50) received on November 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4555. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (6); Amdt. No. 3136" ((RIN2120–AA65)(2005–0029)) received on November 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4556. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (74); Amdt. No. 3137" ((RIN2120–AA65)(2005–0030)) received on November 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4557. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Jet Routes J–8, J–18, J–19, J–58, J–76, J–104, and J–244; and VOR Federal Airways V–60, V–190, V–263, and V–611; Las Vegas, NM" ((RIN2120–AA66)(2005–0233)) received on November 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4558. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Legal Description of Class D and Class E Airspace; Topeka, Forbes Field, KS" ((RIN2120–AA66)(2005–0231)) received on November 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4559. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace: Dodge City, KS" ((RIN2120–AA66)(2005–0232)) received on November 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4560. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F27 Mark 050 Airplanes" ((RIN2120–AA64)(2005–0493)) received on November 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4561. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce Corporation Models 250–C28 –C–28B, and –C28C Turboshaft Engines" ((RIN2120–AA64)(2005–0494)) received on November 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4562. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300–301, –321, –322, –341, and –342 Airplanes; and Model A340–200 and A340–300 Series Airplanes" ((RIN2120–AA64)(2005–0495)) received on November 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4563. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model ATP Airplanes" ((RIN2120–AA64)(2005–0496)) received on November 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4564. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model ATP Airplanes" ((RIN2120–AA64)(2005–0497)) received on November 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4565. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767–200, –300, and –300F Series Airplanes" ((RIN2120–AA64)(2005–0498)) received on November 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4566. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Emerald Ash Borer; Quarantined Areas" (APHIS Docket No. 05–067–1) received on November 1, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4567. A communication from the Secretary of Health and Human Services, transmitting, the report of a draft bill entitled "Pandemic Flu Countermeasure Liability Protection Act of 2005"; to the Committee on Health, Education, Labor, and Pensions.

EC–4568. A communication from the Administrator, Office of Workforce Security, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Allocation of Costs of Assessing and Collecting State Taxes that are Collected in Conjunction with the State Unemployment Compensation Tax" (TEGL 6–05) received on November 2, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4569. A communication from the Assistant Secretary, Policy Management and Budget, Department of the Interior, transmitting, pursuant to law, a report on the results and conclusions of environmental investigations of areas of Naval Oil Shale Reserve Number 3, and an estimate of the total costs necessary to address the site's environmental conditions; to the Committee on Energy and Natural Resources.

EC–4570. A communication from the Federal Register, Certifying Officer, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Government Participation in the Automated Clearing House" (RIN1510–AB04) received on November 1, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–4571. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Part 333—Extension of Powers" (RIN3064–AC94) received on November 2, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–4572. A communication from the Chief Financial Officer, Office of Special Counsel, transmitting, pursuant to law, the fiscal year 2004 report relative to the Buy American Act; to the Committee on Homeland Security and Governmental Affairs.

EC–4573. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of major defense equipment and defense articles in the amount of $100,000,000 or more to Canada (modernization of CF–18 aircraft); to the Committee on Foreign Relations.

EC–4574. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice on Nonresident Alien's Filing Requirement for U.S. Source Wages" (Notice 2005–77) received on November 1, 2005; to the Committee on Finance.

EC–4575. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice on Withholding on Wages of Nonresident Alien Employees Performing Services within the United States" (Notice 2005–76) received on November 1, 2005; to the Committee on Finance.

EC–4576. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "REMIC NOLs" (Rev. Rul. 2005–68) received on November 1, 2005; to the Committee on Finance.

EC–4577. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual Inflation Adjustment Revenue Procedure" (Rev. Proc. 2005–70) received on November 1, 2005; to the Committee on Finance.

EC–4578. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice: Excise Tax Changes Under SAFETEA and the Energy Act; Dye Injection" (Notice 2005–80) received on November 1, 2005 to the Committee on Finance.

EC–4579. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement Providing a Settlement Initiative Under Which Taxpayers and the IRS May Resolve a Group of 21 Abusive Tax Transactions" (Announcement 2005–80) received on November 1, 2005 to the Committee on Finance.

EC–4580. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disaster Relief—Minimum Funding" (Notice 2005–84) received on November 1, 2005; to the Committee on Finance.

EC–4581. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "South Asia Earthquake Occurring on October 8, 2005, Designated as a Qualified Disaster Under Section 139 of the Internal Revenue Code" (Notice 2005–78) received on November 1, 2005; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Indian Affairs, without amendment:

H.R. 680. A bill to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes (Rept No. 109–175).

By Mr. LUGAR, from the Committee on Foreign Relations, with amendments:

S. 1315. A bill to require a report on progress toward the Millennium Development Goals, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. CANTWELL:

S. 1965. A bill to authorize the Secretary of the Interior to convey certain buildings and lands of the Yakima Project, Washington, to the Yakima-Tieton Irrigation District; to the Committee on Energy and Natural Resources.

By Mrs. DOLE:

S. 1966. A bill to establish a pilot program to provide grants to encourage eligible institutions of higher education to establish and operate pregnant and parenting student services offices for pregnant students, parenting students, prospective parenting students who are anticipating a birth or adoption, and students who are placing or have placed a child for adoption; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 1967. A bill to amend title 18, United States Code, with respect to certain activities of the Secret Service, and for other purposes; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. LEAHY, and Mr. CORNYN):

S. 1968. A bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; to the Committee on the Judiciary

By Mr. BAUCUS:

S. 1969. A bill to express the sense of the Senate regarding Medicaid reconciliation legislation to be reported by a conference committee during the 109th Congress; read the first time.

By Mr. COBURN (for himself, Mr. FRIST, and Mr. ALEXANDER):

S. 1970. A bill to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 1971. A bill to designate certain National Forest System lands in the Pike and San Isabel National Forests and certain lands in the Royal Gorge Resource Area of the Bureau of Land Management in the State of Colorado as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM:

S. 1972. A bill to require Members of Congress and legislative branch employees to report all contact with officials and representatives of countries designated as state sponsors of terrorism; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 103

At the request of Mr. TALENT, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Louisiana (Mr. VITTER) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 632

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 632, a bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes.

S. 639

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 639, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 years of age to 55 years of age.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1238

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1238, a bill to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and for other purposes.

S. 1430

At the request of Mr. DEWINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1430, a bill to provide loan forgiveness to social workers who work for child protective agencies.

S. 1462

At the request of Mr. BROWNBACK, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1462, a bill to promote peace and accountability in Sudan, and for other purposes.

S. 1512

At the request of Mr. SARBANES, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1512, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 1531

At the request of Mr. ENZI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1531, a bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 1699

At the request of Mr. SPECTER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1699, a bill to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

S. 1768

At the request of Mr. SPECTER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1768, a bill to permit the televising of Supreme Court proceedings.

S. 1791

At the request of Mr. SMITH, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1891

At the request of Ms. MURKOWSKI, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1891, a bill to authorize the leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain, and for other purposes.

S. 1926

At the request of Mr. INHOFE, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1926, a bill to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

S. 1947

At the request of Mr. SUNUNU, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1947, a bill to amend chapter 21 of title 38, United States Code, to enhance adaptive housing assistance for disabled veterans.

S. 1958

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1958, a bill to authorize the Attorney General to establish and carry out a program, known as the Northern Border Prosecution Initiative, to provide funds to northern border States to reimburse county and municipal governments for costs associated with certain criminal activities, and for other purposes.

S. 1960

At the request of Mr. BUNNING, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1960, a bill to protect the health and safety of all athletes, to promote the integrity of professional sports by establishing minimum standards for the testing of steroids and other performance-enhancing substances and methods by professional sports leagues, and for other purposes.

S. CON. RES. 55

At the request of Mr. CRAIG, the names of the Senator from Mississippi (Mr. LOTT), the Senator from North Dakota (Mr. CONRAD) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. Con. Res. 55, a concurrent resolution expressing the sense of the Congress regarding the conditions for the United States to become a signatory to any multilateral agreement on trade resulting from the World Trade Organization's Doha Development Agenda Round.

S. RES. 180

At the request of Mr. SCHUMER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Res. 180, a resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families.

S. RES. 219

At the request of Mrs. FEINSTEIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. Res. 219, a resolution designating March 8, 2006, as "Endangered Species Day", and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

S. RES. 294

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 294, a resolution expressing the sense of the Senate on the retention of the Federal tax deduction for State and local taxes paid.

S. RES. 299

At the request of Ms. LANDRIEU, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. Res. 299, a resolution to express support for the goals of National Adoption Month by promoting national awareness of adoption, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children.

AMENDMENT NO. 1425

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of amendment No. 1425 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2348

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 2348 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2383

At the request of Mr. BAUCUS, the names of the Senator from Rhode Island (Mr. REED) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 2383 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2410

At the request of Mr. BAUCUS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 2410 intended to be proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2423

At the request of Mr. ALLARD, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from South Carolina (Mr. DEMINT), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Washington (Ms. CANTWELL) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of amendment No. 2423 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2424

At the request of Mr. NELSON of Florida, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from Iowa (Mr. HARKIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New York (Mrs. CLINTON), the Senator from Arkansas (Mrs. LINCOLN), the Senator from South Dakota (Mr. THUNE), the Senator from Delaware (Mr. BIDEN), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. LEAHY) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 2424 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. LEAHY, and Mr. CORNYN):

S. 1968. A bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I rise today to introduce the Court Security Improvement Act of 2005. This bill is in direct response to the tragic events that occurred in Chicago on February 28, 2005. On that day, the husband and aged mother of Judge Joan Lefkow were shot and killed in their own home. The perpetrator, as described by Judge Lefkow, was an angry litigant. These attacks on Federal judges are not as isolated as one might think. Federal judges receive on average 700 inappropriate communications or threats each year, and three Federal judges have been assassinated in the last 25 years.

Shortly after the Lefkow murders, on March 14, 2005, I wrote to the Director of the United States Marshals Service to find out what security measures were in place and what additional measures could be instituted, particularly off-site security measures, following this terrible tragedy.

On March 14, 2005, Assistant Attorney General William E. Moschella responded on behalf of the U.S. Marshals Service, stating that Attorney General Gonzales and Director Reyna are reviewing all aspects of judicial security, both at judicial facilities and off-site, but no specifics were offered, and no specifics have yet to be received.

On April 5, 2005, the Judicial Conference of the United States wrote to the President about the issue. Stating that "attacks such as these strike at the core of our system of government," the Judicial Conference asked that immediate actions be taken to improve judicial security, particularly outside of the courthouse. On May 6, 2005, I met with Third Circuit Judge Jane Roth, who chairs the Committee on Facilities and Securities for the Judicial Conference, to discuss security issues.

Congress quickly responded and passed the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, which was enacted on May 11, 2005. The Act provided $11.9 million to the U.S. Marshals Service for "increased judicial security outside of courthouse facilities, including priority consideration of home detection systems in the homes of Federal judges," and as a result home intrusion detection systems will soon be available to every Federal judge who wants one. But we must do more.

On May 18, 2005, I chaired a full Judiciary Committee hearing entitled "Protecting the Judiciary at Home and in the Courthouse" and it is evident from this hearing that much more needs to be done in the area of judicial security. The responsibility of protecting our Federal judiciary and the halls of justice rests primarily with the U.S. Marshals Service, but we heard compelling testimony that coordination and cooperation is sorely lacking between the Federal judiciary and the agency principally charged with its protection.

Not only does the U.S. Marshals Service arrogantly fail to coordinate and cooperate with the Federal judiciary, serious questions were raised regarding the efficacy of its existing security programs. For example, a report issued by the Inspector General of the Department of Justice in March 2004 found that the U.S. Marshals Service's threat assessments are "untimely and of questionable validity," and that the U.S. Marshals Service has "limited capability to collect and share intelligence, and lacks adequate standards for determining appropriate protective measures."

This legislation would enhance judicial security in several respects. The legislation would statutorily require the U.S. Marshals Service to cooperate and coordinate with the Judicial Conference regarding judicial security on a continuing basis. The legislation also would provide new criminal sanctions on individuals who harass or intimidate judges either by filing false or malicious liens against judges or by knowingly posting personal information regarding Federal judges on the Internet with the intent that such information be used to harm them. The legislation would extend the Judicial Conference's authority to redact sensitive personal information from judges' financial disclosure forms so that such information cannot be used for harassment or intimidation purposes.

The rampage in Atlanta reminds us that the issue of judicial security is no less of a compelling problem for State and local courts, where approximately 32,000 State and local court judges sit compared to approximately 2,400 Federal judges. This legislation would address these State and local issues by authorizing grants for court security and witness protection.

In conclusion, there is no doubt that the rule of law is the backbone of our civilized society. The ability of the judiciary to determine the rule of law without fear or favor is an indispensable prerequisite to our democratic society. Our judges' personal security, along with judicial independence, must be safeguarded at all costs, and I believe this bill is an important step toward providing those safeguards.

Mr. LEAHY. Mr. President, last May, the Judiciary Committee heard the courageous testimony of Judge Joan Lefkow of Chicago. She is the Federal judge whose mother and husband were murdered in their home. The tragedy that befell Judge Lefkow and her family is a terrible reminder not only of the vulnerable position of our judges and their families, but of the critical importance of protecting judges where they work and where they and their families live. We cannot tolerate and no one should excuse or justify—violence or the threat of violence against our judges. I was appalled earlier this year when right-wing activists compared judges to terrorists and the KKK and threatened them with punishment for decisions they did not like, even quoting Joseph Stalin's violent answer to anyone who opposed his totalitarianism by urging the formula of "No man. No problem." Stalin killed those with whom he disagreed. This rhetoric can only foster unacceptable violence against Judges and it must stop, for the sake of our Judges and the independence of the judiciary. We ought to be protecting judges physically and institutionally rather than taking rhetorical pot shots that put judges in real danger and that attack the very independence of our federal judiciary.

When I chaired the Judiciary Committee in 2001, one of the first things I did was push for passage of the Judicial Protection Act, which toughened criminal penalties for assaults against judges and their families. We enacted it. We were right to do so. Protecting our judges and Federal law enforcement officers should be a top priority for us.

Today, in order to meet the continuing challenges of keeping our judges, our Courts, and the rest of the Federal judiciary safe, Chairman SPECTER and I are introducing the Court Security Improvement Act of 2005 ("CSIA"). CSIA responds to requests by the judiciary for a greater voice in working with the United States Marshals Service to determine their security needs. It strengthens and expands protections for judges and their families against the misuse of their personal information by those who intend to threaten them. It enacts new criminal penalties for the mis-use of restricted personal information to seriously harm or threaten to seriously harm judges, their families or other individuals performing official duties. It also enacts criminal penalties for threatening judges and federal law enforcement officials by the malicious filing of false liens, provides increased protections for witnesses, and makes available new resources for state courts to improve security for state and local court systems.

I appreciate the work of Chairman SPECTER on this important bill and, in particular, for including an extension of life insurance benefits to bankruptcy, magistrate and territorial judges, as well as health insurance for surviving spouses and families of federal judges.

We must better protect the dedicated women and men throughout the Judiciary in this country who do a tremendous job under challenging circumstances. They are hard-working public servants who are too often maligned and unfairly disparaged. We owe it to them and to our democracy to find ways to make sure that tragedies like those that befell Judge Lefkow are not repeated, and to ensure that Judges and their families have the peace of mind necessary to do their vital and difficult jobs.

Mr. CORNYN. Mr. President, I rise today to speak in favor of the Court Security Improvement Act of 2005, of which I am an original cosponsor. I want to commend Senator SPECTER and the other cosponsors of this bill for tackling the critical issue of judicial and courthouse security.

Our democracy depends on the dedication of public servants, including the men and women of the judiciary—from the trial courts to the appellate courts—who daily preside over important and difficult issues. They faithfully carry out their duties and diligently work to support the administration of justice. We must do all that we can to provide adequate security to these dedicated men and women who sometimes are targeted for violence or harassment because of the position they hold.

Unfortunately, episodes of courthouse violence in this country are on the rise, including in my home State of Texas. I was a judge for 13 years and have a number of close personal friends who still serve on the bench today. I am outraged by acts of courthouse violence. I personally know judges and their families who have been victims of violence, and I have grieved with those families.

Acts of violence against judges are unacceptable and reflect a distortion of the role of the judiciary. Judges are impartial umpires of the law—they simply call the balls and strikes—and they cannot help but disappoint people. However, it is unacceptable for judges, courthouse personnel or other law enforcement officials to face threats and violence for doing nothing more than faithfully carrying out their professional duties.

The Senate Judiciary Committee has examined issues related to courthouse security at a recent hearing. At this hearing, the Judicial Conference raised several important issues, including its working relationship with the United States Marshals Service, the need to protect judges outside of the courthouse, and common instances of intimidation and harassment directed at judges.

This hearing and these issues provide the foundation for this bill. Let me discuss a few of the security improvements made by this bill.

The U.S. Marshals Service has primary responsibility for providing security to the judiciary. However, the Judicial Conference testified that they are not consulted when decisions, which directly implicate their security, are made. The Marshal's Service should willingly coordinate and communicate with the judiciary on security concerns. This legislation would codify this commonsense idea and keep the judiciary informed of, and allow them to provide suggestions for, decisions regarding their security.

This bill also addresses a relatively recent problem that poses a particular danger to public officials. Personal information, such as home addresses and phone numbers, of Federal officials when posted on the Internet can be readily accessed and used to intimidate or harm them. Recently, personal information of Federal judges have been posted on the Internet and used to facilitate threats against them. This bill would punish those who, with the intent to harm, post restricted information of public officials, or of their immediate family, on the Internet.

Additionally, members of the Federal judiciary have been targets of intimidation or harassment by some who file false liens against the real or personal property of a judge who has presided over a criminal or civil case, or who has otherwise acted against the interests of a litigant. This provision would make it a crime to knowingly file a false lien against the property of a Federal judge or law enforcement officer on the basis of their official status.

Finally, and importantly, this bill authorizes Federal grants to be made available to State courts to improve security for State and local court systems. We must comprehensively approach this problem by providing funding to State courts to update their security while standing by to swiftly and severely punish those who cause or attempt to cause harm to anyone within the courts.

It is important for us to do all we can to protect the men and women who make up our judicial system because they are essential to the proper administration of justice. I urge my colleagues to support this measure.

I yield the floor.

By Mr. SANTORUM:

S. 972. A bill to require Members of Congress and legislative branch employees to report all contact with officials and representatives of countries designated as state sponsors of terrorism; to the Committee on Homeland Security and Governmental Affairs.

Mr. SANTORUM. Mr. President, I rise today to offer remarks about a bill I introduced earlier today, the Terrorist Lobby Disclosure Act of 2005.

My legislation is simple, straightforward and necessary. Because the United States is actively involved in the global war on terror, we must be vigilant in fighting this war on all fronts. This means supplying our men and women of the Armed Forces with equipment and materiel to conduct military operations. It means providing our intelligence community with the resources it needs to make inroads against terrorist organizations and to better safeguard Americans against nations and groups that hate our way of life. It means devoting the time and resources to ensure the safety of our borders, ports and airports. Finally, it means providing transparency in dealing with those nations defined by our government as "state sponsors of terrorism."

According to the Department of State, Iran, Syria, Libya, Cuba, North Korea, and Sudan are the six governments that the U.S. Secretary of State has designated as state sponsors of international terrorism. These are governments that engage directly in terrorist activity themselves; support terrorist groups by providing funding, arms, or other material support; or provide training, logistical support, sanctuary, or diplomatic facilities. These states are the worst of the worst when it comes to fighting the global war on terror.

My bill requires Members of Congress and employees of the legislative branch to disclose, on a quarterly basis, any contacts with representatives or officials of governments that have been designated as state sponsors of international terrorism. The contacts must be reported to the U.S. Department of State, Secretary of the Senate, and Clerk of the House of Representatives. My bill makes sure that the congressional committees of oversight are also duly informed of these contacts. Let me be clear, my bill does not prohibit these contacts. Rather, with men and women serving in harm's way in the global war on terror, it simply requires disclosure and transparency in the conduct of their official duties.

As we commit final resources and valuable human capital to prosecute the global war on terror, we ought to know if members of our own government are meeting with individuals who are representatives of terrorist nations. The American people deserve to know if there are contacts happening with representatives of these regimes—regimes that are actively opposed to America.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2433. Mr. CHAMBLISS (for himself, Mr. Isakson, Mr. Pryor, and Ms. Landrieu) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SA 2434. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2435. Mr. KOHL (for himself and Mr. Jeffords) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2436. Ms. SNOWE (for herself, Ms. Collins, Ms. Landrieu, Mr. Wyden, and Mr. Corzine) proposed an amendment to the bill S. 1042, supra.

SA 2437. Mr. CRAIG (for himself, Mr. Roberts, Mr. Brownback, and Ms. Mikulski) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2438. Mr. HARKIN (for himself and Mr. Dorgan) proposed an amendment to the bill S. 1042, supra.

TEXT OF AMENDMENTS

SA 2433. Mr. CHAMBLISS (for himself, Mr. Isakson, Mr. Pryor, and Ms. Landrieu) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title V, add the following:

SEC. 538. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY MEMBERS OF THE READY RESERVE ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.

(a) Reduced Eligibility Age.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) has attained the eligibility age applicable under subsection (f) to that person;"; and

(2) by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (2), the eligibility age for purposes of subsection (a)(1) is 60 years of age.

"(2)(A) In the case of a person who as a member of the Ready Reserve serves on active duty or performs active service described in subparagraph (B) after September 11, 2001, the eligibility age for purposes of subsection (a)(1) shall be reduced below 60 years of age by three months for each aggregate of 90 days on which such person so performs in any fiscal year after such date, subject to subparagraph (C). A day of duty may be included in only one aggregate of 90 days for purposes of this subparagraph.

"(B)(i) Service on active duty described in this subparagraph is service on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of this title in support of a contingency operation. Such service does not include service on active duty pursuant to a call or order to active duty under section 12310 of this title.

"(ii) Active service described in this subparagraph is service under a call to active service authorized by the President or the Secretary of Defense under section 502(f) of title 32 for purposes of responding to a national emergency declared by the President or supported by Federal funds.

"(C) The eligibility age for purposes of subsection (a)(1) may not be reduced below 50 years of age for any person under subparagraph (A).".

(b) Continuation of Age 60 as Minimum Age for Eligibility of Non-Regular Service Retirees for Health Care.—Section 1074(b) of such title is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) does not apply to a member or former member entitled to retired pay for non-regular service under chapter 1223 of this title who is under 60 years of age.".

(c) Administration of Related Provisions of Law or Policy.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title

10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

(d) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall take effect as of September 11, 2001, and shall apply with respect to applications for retired pay that are submitted under section 12731(a) of title 10, United States Code, on or after the date of the enactment of this Act.

SA 2434. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EXTENSION OF ELIGIBILITY FOR SSI FOR CERTAIN INDIVIDUALS IN FAMILIES THAT INCLUDE MEMBERS OF THE RESERVE AND NATIONAL GUARD.

Section 1631(j)(1)(B) of the Social Security Act (42 U.S.C. 1383(j)(1)(B)) is amended by inserting "(24 consecutive months, in the case of such an individual whose ineligibility for benefits under or pursuant to both such sections is a result of being called to active duty pursuant to section 12301(d) or 12302 of title 10, United States Code, or section 502(f) of title 32, United States Code)" after "for a period of 12 consecutive months".

SA 2435. Mr. KOHL (for himself and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

SEC. ___. STRATEGIC REFINERY RESERVE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Energy shall establish and operate a Strategic Refinery Reserve (referred to in this section as the "Reserve") in the United States.

(2) AUTHORITIES.—To carry out this subsection, the Secretary of Energy may contract for—

(A) the construction or operation of new refineries; or

(B) the acquisition or reopening of closed refineries.

(b) OPERATION.—The Secretary of Energy shall operate the Reserve—

(1) to provide petroleum products to—

(A) the Federal Government (including the Department of Defense); and

(B) any State governments and political subdivisions of States that opt to purchase refined petroleum products from the Reserve; and

(2) to provide petroleum products to the general public during any period described in subsection (c).

(c) EMERGENCY PERIODS.—The Secretary of Energy shall make petroleum products from the Reserve available under subsection (b)(2) only if the President determines that—

(1) there is a severe energy supply interruption within the meaning of the term under section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202); or

(2)(A) there is a regional petroleum product supply shortage of significant scope and duration; and

(B) action taken under subsection (b)(2) would directly and significantly assist in reducing the adverse impact of the shortage.

(d) LOCATIONS.—In determining the location of a refinery for inclusion in the Reserve, the Secretary of Energy shall take into account—

(1) the impact of the refinery on the local community, as determined after requesting and reviewing any comments from State and local governments and the public;

(2) regional vulnerability to—

(A) natural disasters; and

(B) terrorist attacks;

(3) the proximity of the refinery to the Reserve;

(4) the accessibility of the refinery to energy infrastructure and Federal facilities (including facilities under the jurisdiction of the Department of Defense);

(5) the need to minimize adverse public health and environmental impacts; and

(6) the energy needs of the Federal Government (including the Department of Defense).

(e) INCREASED CAPACITY.—The Secretary of Energy shall ensure that refineries in the Reserve are designed to provide a rapid increase in production capacity during periods described in subsection (c).

(f) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a plan for the establishment and operation of the Reserve under this section.

(2) REQUIREMENTS.—The plan required under paragraph (1) shall—

(A)(i)(I) provide for, within 2 years after the date of enactment of this Act, a capacity within the Reserve equal to 5 percent of the total United States daily demand for gasoline, diesel, and aviation fuel; and

(II) provide for a capacity within the Reserve such that not less than 75 percent of the gasoline and diesel fuel produced by the Reserve contain an average of 10 percent renewable fuel (as that term is defined in 211(o)(1)(C) of the Clean Air Act (42 U.S.C. 7545(o)(1)(C)); or

(ii) if the Secretary of Energy finds that achieving the capacity described in either subclause (I) or (II) of clause (i) is not feasible within 2 years, include—

(I) an explanation from the Secretary of Energy of the reasons why achieving the capacity within the timeframe is not feasible; and

(II) provisions for achieving the required capacity as soon as practicable; and

(B) provide for adequate delivery systems capable of providing Reserve product to the entities described in subsection (b)(1).

(g) COORDINATION.—The Secretary of Energy shall carry out this section in coordination with the Secretary of Defense.

(h) COMPLIANCE WITH FEDERAL ENVIRONMENTAL REQUIREMENTS.—Nothing in this section affects any requirement to comply with Federal or State environmental or other laws.

SEC. . REPORTS ON REFINERY CLOSURES.

(a) REPORTS TO SECRETARY OF ENERGY.—

(1) IN GENERAL.—Not later than 180 days before permanently closing a refinery in the United States, the owner or operator of the refinery shall provide to the Secretary of Energy notice of the closing.

(2) REQUIREMENTS.—The notice required under paragraph (1) with respect to a refinery to be closed shall include an explanation of the reasons for the closing of the refinery.

(b) REPORTS TO CONGRESS.—The Secretary of Energy shall, in consultation with the Secretary of Defense, the Administrator of the Environmental Protection Agency, and the Federal Trade Commission and as soon as practicable after receipt of a report under subsection (a), submit to Congress—

(1) the report; and

(2) an analysis of the effects of the proposed closing covered by the report on—

(A) in accordance with the Clean Air Act (42 U.S.C. 7401 et seq.), supplies of clean fuel;

(B) petroleum product prices;

(C) competition in the refining industry;

(D) the national economy;

(E) regional economies;

(F) regional supplies of refined petroleum products;

(G) the supply of fuel to the Department of Defense; and

(H) energy security.

SA 2436. Ms. SNOWE (for herself, Ms. COLLINS, Ms. LANDRIEU, Mr. WYDEN and Mr. CORZINE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title XXVIII of division B, add the following:

SEC. 2887. TRANSFER TO REDEVELOPMENT AUTHORITIES WITHOUT CONSIDERATION OF PROPERTY LOCATED AT MILITARY INSTALLATIONS CLOSED OR REALIGNED UNDER 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) OPTION ON TRANSFER OF REAL PROPERTY AND FACILITIES.—Paragraph (2)(C) of section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) by inserting "(i)" after "(C)"; and

(2) by adding at the end the following new clause:

"(ii)(I) Except as provided in subclause (II), in the case of any real property or facilities located at an installation for which the date of approval of closure or realignment is after January 1, 2005, including property or facilities that would otherwise be transferred to a military department or other entity within the Department of Defense or the Coast Guard under clause (i), or would otherwise be transferred to another Federal agency—

"(aa) the Secretary shall instead offer to transfer such property or facilities to the redevelopment authority with respect to such installation; and

"(bb) if the redevelopment authority accepts the offer, transfer such property or facilities to the redevelopment authority, without consideration, subject to the provisions of paragraph (4).

"(II) The requirement under subclause (I) shall not apply—

"(aa) to a transfer of property or facilities to a military department or other entity within the Department of Defense or the

Coast Guard under clause (i), or to the Department of Homeland Security, if the Secretary of Defense determines that such transfer is necessary in the national security interest of the United States; or

"(bb) to a transfer of property or facilities to an Indian tribe or tribal organization pursuant to section 105(f)(3) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(f)(3)).".

(b) Option on Transfer of Personal Property.—Paragraph (3) of such section is amended—

(1) in subparagraph (C)(i), by striking "subparagraphs (E) and (F)" and inserting "subparagraphs (F) and (G)";

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(3) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) In the case of any personal property located at an installation for which the date of approval of closure or realignment is after January 1, 2005, including property that is determined pursuant to the inventory under subparagraph (A)(i) to be excess property that would otherwise be transferred to another Federal agency under subchapter II of chapter 5 of title 40, United States Code, pursuant to the authority in paragraph (1)(A)—

"(i) the Secretary shall, unless the Secretary determines that a transfer of such property to a military department or other entity within the Department of Defense or the Coast Guard, or to the Department of Homeland Security, is necessary in the national security interest of the United States, instead offer to transfer such property to the redevelopment authority with respect to such installation; and

"(ii) if the redevelopment authority accepts the offer, transfer such property to the redevelopment authority, without consideration, subject to the provisions of paragraph (4).".

(c) Economic Redevelopment.—Paragraph (4)(A) of such section is amended by striking "purposes of job generation" and inserting "purposes of economic redevelopment or job generation".

(d) Conforming Change.—Paragraph (4)(B) of such section is amended—

(1) by striking "shall seek" and all that follows through "with respect to the installation" and inserting the following: "may not obtain consideration in connection with any transfer under this paragraph of property located at the installation. The redevelopment authority to which such property is transferred shall";

(2) in clause (i), by striking "agrees" and inserting "agree"; and

(3) in clause (ii)—

(A) by striking "executes" and inserting "execute"; and

(B) by striking "accepts" and inserting "accept".

SA 2437. Mr. CRAIG (for himself, Mr. ROBERTS, Mr. BROWNBACK, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION ___. DENIAL OF CERTAIN BURIAL-RELATED BENEFITS FOR INDIVIDUALS WHO COMMITTED A CAPITAL OFFENSE.

(a) Prohibition Against Interment in National Cemetery.—Section 2411 of title 38, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking " for which the person was sentenced to death or life imprisonment"; and

(B) in paragraph (2), by striking " for which the person was sentenced to death or life imprisonment without parole"; and

(2) in subsection (d)—

(A) in paragraph (1), by striking "the death penalty or life imprisonment" and inserting "a life sentence or the death penalty"; and

(B) in paragraph (2), by striking "the death penalty or life imprisonment without parole may be imposed" and inserting "a life sentence or the death penalty may be imposed".

(b) Denial of Certain Burial-Related Benefits.—Section 985 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "who has been convicted of a capital offense under Federal or State law for which the person was sentenced to death or life imprisonment without parole." and inserting "described in section 2411(b) of title 38.";

(2) in subsection (b), by striking "convicted of a capital offense under Federal law" and inserting "described in section 2411(b) of title 38"; and

(3) by amending subsection (c) to read as follows:

"(c) Definition.—In this section, the term 'burial' includes inurement.".

(c) Denial of Funeral Honors.—Section 1491(h) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking " means a decedent who—" and inserting the following: "—

"(1) means a decedent who—";

(3) in subparagraph (B), as redesignated, by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(2) does not include any person described in section 2411(b) of title 38.".

(d) Rulemaking.—

(1) Department of Defense.—The Secretary of Defense shall prescribe regulations to ensure that a person is not interred in any military cemetery under the authority of the Secretary or provided funeral honors under section 1491 of title 10, United States Code, unless a good faith effort has been made to determine whether such person is described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment or honors under Federal law.

(2) Department of Veterans Affairs.—The Secretary of Veterans Affairs shall prescribe regulations to ensure that a person is not interred in any cemetery in the National Cemetery System unless a good faith effort has been made to determine whether such person is described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment under Federal law.

SA 2438. Mr. HARKIN (for himself, and Mr. DORGAN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 903. AMERICAN FORCES NETWORK.

(a) Mission.—The American Forces Network (AFN) shall provide members of the Armed Forces, civilian employees of the Department of Defense, and their families stationed outside the continental United States and at sea with the same type and quality of American radio and television news, information, sports, and entertainment as is available in the continental United States.

(b) Political Programming.—

(1) Fairness and balance.—All political programming of the American Forces Network shall be characterized by its fairness and balance.

(2) Free flow of programming.—The American Forces Network shall provide in its programming a free flow of political programming from United States commercial and public radio and television stations.

(c) Ombudsman of the American Forces Network.—

(1) Establishment.—There is hereby established the Office of the Ombudsman of the American Forces Network.

(2) Head of office.—

(A) Ombudsman.—The head of the Office of the Ombudsman of the American Forces Network shall be the Ombudsman of the American Forces Network (in this subsection referred to as the "Ombudsman"), who shall be appointed by the Secretary of Defense.

(B) Qualifications.—Any individual nominated for appointment to the position of Ombudsman shall have recognized expertise in the field of mass communications, print media, or broadcast media.

(C) Part-time status.—The position of Ombudsman shall be a part-time position.

(D) Term.—The term of office of the Ombudsman shall be five years.

(E) Removal.—The Ombudsman may be removed from office by the Secretary only for malfeasance.

(3) Duties.—

(A) In general.—The Ombudsman shall ensure that the American Forces Network adheres to the standards and practices of the Network in its programming.

(B) Particular duties.—In carrying out the duties of the Ombudsman under this paragraph, the Ombudsman shall—

(i) initiate and conduct, with such frequency as the Ombudsman considers appropriate, reviews of the integrity, fairness, and balance of the programming of the American Forces Network;

(ii) initiate and conduct, upon the request of Congress or members of the audience of the American Forces Network, reviews of the programming of the Network;

(iii) identify, pursuant to reviews under clause (i) or (ii) or otherwise, circumstances in which the American Forces Network has not adhered to the standards and practices of the Network in its programming, including circumstances in which the programming of the Network lacked integrity, fairness, or balance; and

(iv) make recommendations to the American Forces Network on means of correcting the lack of adherence identified pursuant to clause (iii).

(C) Limitation.—In carrying out the duties of the Ombudsman under this paragraph, the Ombudsman may not engage in any pre-broadcast censorship or pre-broadcast review of the programming of the American Forces Network.

(4) RESOURCES.—The Secretary of Defense shall provide the Office of the Ombudsman of the American Forces Network such personnel and other resources as the Secretary and the Ombudsman jointly determine appropriate to permit the Ombudsman to carry out the duties of the Ombudsman under paragraph (3).

(5) INDEPENDENCE.—The Secretary shall take appropriate actions to ensure the complete independence of the Ombudsman and the Office of the Ombudsman of the American Forces Network within the Department of Defense.

(6) ANNUAL REPORTS.—

(A) IN GENERAL.—The Ombudsman shall submit to the Secretary of Defense and the congressional defense committees each year a report on the activities of the Office of the Ombudsman of the American Forces Network during the preceding year.

(B) AVAILABILITY TO PUBLIC.—The Ombudsman shall make available to the public each report submitted under subparagraph (A) through the Internet website of the Office of the Ombudsman of the American Forces Network and by such other means as the Ombudsman considers appropriate.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Tuesday, November 15th, 2005, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 431, a bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States, S. 505, a bill to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area, S. 1288, a bill to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System, S. 1544, a bill to establish the Northern Plains National Heritage Area in the State of North Dakota, and for other purposes, S. Con. Res. 60, a concurrent resolution designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum, S. 748 and H.R. 1084, bills to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and for other purposes, and H.R. 2107, to amend Public Law 104–329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC. 20510–6150.

For further information, please contact Tom Lillie at (202) 224–5161 or Brian Carlstrom at (202) 224–6293.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. SNOWE. Mr. President, the Chair wishes to inform Members that the Committee on Small Business and Entrepreneurship will hold a public hearing entitled, "Strengthening Hurricane Recovery Efforts for Small Businesses" on Tuesday, November 8, 2005, at 10 a.m., in room 428A Russell Senate Office Building.

The Chair urges every Member to attend.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the hearing before the Committee on Energy and Natural Resources previously scheduled for November 3, 2005, has been rescheduled.

The hearing will take place on Thursday, November 10, 2005 at 10:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of:

Jeffrey D. Jarrett, of Pennsylvania, to be Assistant Secretary for Fossil Energy, Department of Energy;

Edward F. Sproat, III, of Pennsylvania, to be Director, Office of Civilian Radioactive Waste Management, Department of Energy.

For further information, please contact Judy Pensabene of the Committee staff at (202) 224–1327.

PRIVILEGES OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that MAJ Alison Thompson, a marine fellow on Senator DOLE's staff, be granted floor privileges for the duration of the consideration of S. 1042.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Saxby Chambliss:									
Russia	Rubles		1,363.00						1,363.00
Poland	Zloty		730.00						730.00
Hungary	Forint		392.00						392.00
Jordan	Dinar		612.00						612.00
Ireland	Euro		631.00						631.00
Teresa Ervin:									
Russia	Rubles		1,363.00						1,363.00
Poland	Zloty		730.00						730.00
Hungary	Forint		392.00						392.00
Jordan	Dinar		612.00						612.00
Ireland	Euro		631.00						631.00
Hayden Milberg:									
Russia	Rubles		1,363.00						1,363.00
Poland	Zloty		730.00						730.00
Hungary	Forint		392.00						392.00
Jordan	Dinar		493.00						493.00
Ireland	Euro		631.00						631.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2005—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Martha Scott Poindexter:									
Russia	Rubles		1,363.00						1,363.00
Poland	Zloty		730.00						730.00
Hungary	Forint		392.00						392.00
Jordan	Dinar		493.00						493.00
Ireland	Euro		631.00						631.00
Total			14,674.00						14,674.00

SAXBY CHAMBLISS,
Chairman, Committee on Agriculture, Nutrition and Forestry, Oct. 12, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
Italy	Dollar		294.76						294.76
Kuwait	Dollar		788.00						788.00
Turkey	Dollar		472.00						472.00
Portugal	Euro		317.71						317.71
Sid Ashworth:									
Italy	Dollar		294.76						294.76
Kuwait	Dollar		788.00						788.00
Turkey	Dollar		472.00						472.00
Portugal	Euro		317.71						317.71
Brian Wilson:									
Italy	Dollar		294.76						294.76
Kuwait	Dollar		788.00						788.00
Turkey	Dollar		472.00						472.00
Portugal	Euro		317.71						317.71
Alycia Farrell:									
United States	Dollar				5,347.99				5,347.99
Ireland	Dollar		806.00				257.00		1,063.00
Senator Tom Harkin:									
United States	Dollar				7,336.69				7,336.69
Slovenia	Tolar		1,342.80		731.85		521.14		2,595.79
Pakistan	Rupee		1,191.00				946.34		2,137.34
Afghanistan	Afghani						7.37		7.37
Brian Ahlberg:									
United States	Dollar				7,336.69				7,336.69
Slovenia	Tolar		905.00		731.86		521.13		2,157.99
Pakistan	Rupee		841.00				946.34		1,787.34
Afghanistan	Afghani						7.38		7.38
Charlie Houy:									
United States	Dollar				5,546.00				5,546.00
Japan	Yen		408.00						408.00
Betsy Schmid:									
United States	Dollar				5,546.00				5,546.00
Japan	Yen		408.00						408.00
Allen Cutler:									
United States	Dollar				6,539.00				6,539.00
France	Euro		294.00						294.00
Switzerland	Franc		736.00						736.00
Katherine Hennessey:									
United States	Dollar				6,741.11				6,741.11
Poland	Zloty		1,149.00						1,149.00
Norway	Kroner		716.00						716.00
Paul C. Grove:									
United States	Dollar				2,435.15				2,435.15
Colombia	Peso		468.00						468.00
Bolivia	Boliviano		451.00						451.00
Thomas Hawkins:									
United States	Dollar				2,435.15				2,435.15
Colombia	Peso		468.00						468.00
Bolivia	Boliviano		451.00						451.00
Katherine Eltrich:									
United States	Dollar				6,895.00				6,895.00
India	Rupee		2,326.00						2,326.00
Timothy Rieser:									
United States	Dollar				7,245.00				7,245.00
Nepal	Dollar		230.00				70.00		300.00
Total			18,808.21		64,867.49		3,276.70		86,952.40

THAD COCHRAN,
Chairman, Committee on Appropriations, Oct. 18, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John McCain:									
Italy	Euro		235.28						235.28
Senator Lindsey O. Graham:									
Italy	Euro		301.22						301.22

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2005—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard H. Fontaine, Jr.:									
Italy	Euro		950.82						950.82
Senator Carl Levin:									
United States	Dollar				8,924.42				8,924.42
Jordan	Dinar		256.60						256.60
Richard D. DeBobes:									
United States	Dollar				6,865.71				6,865.71
Jordan	Dinar		255.19						255.19
Daniel J. Cox, Jr.:									
United States	Dollar				6,865.71				6,865.71
Jordan	Dinar		279.23						279.23
Evelyn N. Farkas:									
United States	Dollar				6,443.15				6,443.15
Indonesia	Rupiah		503.63						503.63
Senator Susan M. Collins:									
Canada	Dollar		40.00						40.00
Senator Lindsey O. Graham:									
Canada	Dollar		83.00						83.00
Richard H. Fontaine, Jr.:									
Canada	Dollar		80.00						80.00
Senator Hillary Clinton:									
Canada	Dollar		24.31						24.31
Huma M. Abedin:									
Canada	Dollar		10.00						10.00
Senator John Warner:									
Kuwait	Dollar		688.00						688.00
Turkey	Dollar		372.00						372.00
Portugal	Euro		267.71						267.71
Charles S. Abell:									
Italy	Dollar		194.76						194.76
Kuwait	Dollar		688.00						688.00
Turkey	Dollar		372.00						372.00
Portugal	Euro		267.71						267.71
Total			5,869.46		29,098.99		0.00		34,968.45

JOHN W. WARNER,
Chairman, Committee on Armed Services, Oct. 26, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby:									
United States	Dollar				6,127.00				6,127.00
United Kingdom	Pound		1,116.00						1,116.00
Walter E. Fischer:									
United States	Dollar				6,127.00				6,127.00
United Kingdom	Pound		1,015.00						1,015.00
Steven B. Harris:									
United States	Dollar				6,127.00				6,127.00
United Kingdom	Pound		682.00						682.00
Total			2,813.00		18,381.00		0.00		21,194.00

RICHARD C. SHELBY,
Chairman, Committee on Banking, Housing, and Urban Affairs, Sept. 26, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Maureen O'Neill:									
Japan	Yen		841.00						841.00
Korea	Won		716.00						716.00
China	Yuan		1,014.00						1,014.00
Hong Kong	Dollar		1,112.00						1,112.00
United States	Dollar				8,577.11				8,577.11
					270.62				270.62
Jennifer Pollom:									
Japan	Yen		946.00						946.00
Korea	Won		716.00						716.00
China	Yuan		1,280.00						1,280.00
Hong Kong	Dollar		1,233.00						1,233.00
United States	Dollar				8,546.11				8,546.11
					270.62				270.62
Scott B. Gudes:									
Poland	Zlotys		1,149.00						1,149.00
Norway	Kroners		716.00						716.00
United States	Dollar				6,797.11				6,797.11
Daniel Brandt:									
Slovakia	Koruna		429.00						429.00
Slovenia	Tolar		520.00						520.00
United States	Dollar				5,553.54				5,553.54
Allison Parent:									
Slovakia	Koruna		429.00						429.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2005—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Slovenia	Tolar		780.00						780.00
United States	Dollar				5,573.61				5,573.61
Total			11,881.00		35,588.72				47,469.72

JUDD GREGG,
Chairman, Committee on Budget, Oct. 13, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Floyd DesChamps:									
Germany	Euro		983.00						983.00
Belgium	Euro		370.00						370.00
United States	Dollar				6,639.41				6,639.41
Ryan Breitenbach:									
China	Yuan		2,594.00						2,594.00
United States	Dollar				5,724.42				5,724.42
Total			3,947.00		2,363.83				16,310.83

TED STEVENS,
Chairman, Committee on Commerce, Science and Transportation, Sept. 30, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Raymond Shepherd:									
United States	Dollar				1,039.05				1,039.05
Russia	Rouble		3,528.20						3,528.20
Brian White:									
United States	Dollar				1,039.05				1,039.05
Russia	Rouble		3,507.20						3,507.20
Laura Stuber:									
United States	Dollar				1,039.05				1,039.05
Russia	Rouble		3,572.20						3,572.20
Raymond Shepherd:									
United States	Dollar				2,414.89				2,414.89
Japan	Yen		816.00						816.00
China	Yuan		2,385.14						2,385.14
Brian White:									
United States	Dollar				2,434.89				2,434.89
Japan	Yen		816.00						816.00
China	Yuan		2,385.14						2,385.14
Kathleen Kraninger:									
United States	Dollar				2,562.89				2,562.89
Japan	Yen		816.00						816.00
China	Yuan		2,385.14						2,385.14
Total			20,211.02		10,529.82				30,740.84

SUSAN M. COLLINS,
Chairman, Committee on Homeland Security and Governmental Affairs Committee, Oct. 21, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph R. Biden, Jr.:									
Italy	Euro		331.70						331.70
Senator Norm Coleman:									
Brazil	Real		408.14						408.14
Uruguay	Peso		143.00						143.00
Chile	Peso		298.00						298.00
Senator Chuck Hagel:									
Italy	Euro		480.00						480.00
Russia	Rouble		1,163.00						1,163.00
Bulgaria	Dinar		360.00						360.00
United States	Dollar				5,816.00		50.00		5,866.00
Senator John Kerry:									
France	Euro		760.00				242.03		1,002.03
Kuwait	Dinar		788.00						788.00
United States	Dollar				9,339.77				9,339.77
Senator Richard Lugar:									
Russia	Rouble		956.00						956.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2005—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ukraine	Hryvnia		1,484.00						1,484.00
United Kingdom	Pound		231.00						231.00
United States	Dollar				3,125.08				3,125.08
Senator Mel Martinez:									
Brazil	Real		408.14						408.14
Uruguay	Peso		143.00						143.00
Chile	Peso		298.00						298.00
Senator Barack Obama:									
Russia	Rouble		956.00						956.00
Ukraine	Hryvnia		1,484.00						1,484.00
Azerbaijan	Manat		856.00						856.00
United Kingdom	Pound		231.00						231.00
United States	Dollar				5,522.18				5,522.18
Jonah Blank:									
Indonesia	Dollar		1,022.00						1,022.00
Sri Lanka	Dollar		864.00						864.00
Maldives	Dollar		496.00						496.00
United Kingdom	Dollar		444.00						444.00
United States	Dollar				10,263.17				10,263.17
Andrew J. Fisher:									
Russia	Dollar		1,434.00						1,434.00
Ukraine	Dollar		1,484.00						1,484.00
Azerbaijan	Dollar		856.00						856.00
United Kingdom	Dollar		231.00						231.00
United States	Dollar				5,614.18				5,614.18
Jessica Fugate:									
Serbia and Montenegro	Dollar		1,250.00						1,250.00
United States	Dollar				5,570.49				5,570.49
Robert Gibbs:									
Russia	Rouble		956.00						956.00
Ukraine	Hryvnia		1,484.00						1,484.00
Azerbaijan	Manat		856.00						856.00
United Kingdom	Pound		231.00						231.00
United States	Dollar				5,614.18				5,614.18
Frank Jannuzi:									
China	Yuan		1,164.00						1,164.00
Mongolia	Dollar		902.00						902.00
Korea	Won		716.00						716.00
Thailand	Baht		1,160.00		152.46		283.53		1,595.99
United States	Dollar				7,128.76				7,128.76
Chris Ann Keehner:									
Canada	Dollar		1,355.00						1,355.00
United States	Dollar				452.53				452.53
Mark Lippert:									
Russia	Rouble		956.00						956.00
Ukraine	Hryvnia		1,484.00						1,484.00
Azerbaijan	Manat		856.00						856.00
United Kingdom	Pound		494.00						494.00
United States	Dollar				5,635.18				5,635.18
Thomas C. Moore:									
Ukraine	Hryvnia		742.00						742.00
Azerbaijan	Manat		856.00						856.00
United Kingdom	Pound		494.00						494.00
United States	Dollar				6,982.65				6,982.65
Kenneth A. Myers, Jr.:									
Ireland	Euro		230.00						230.00
Russia	Rouble		956.00						956.00
Ukraine	Hryvnia		1,484.00						1,484.00
United Kingdom	Pound		231.00						231.00
United States	Dollar				5,582.49				5,582.49
Kenneth A. Myers, III:									
Ireland	Euro		230.00						230.00
Russia	Rouble		956.00						956.00
Ukraine	Hryvnia		1,484.00						1,484.00
Azerbaijan	Manat		856.00						856.00
United Kingdom	Pound		231.00						231.00
United States	Dollar				5,562.49				5,562.49
Laura Parker:									
Brazil	Real		408.14						408.14
Uruguay	Peso		143.00						143.00
Chile	Peso		298.00						298.00
Rexon Ryu:									
Italy	Euro		500.00						500.00
Russia	Rouble		1,164.00						1,164.00
Bulgaria	Dinar		360.00						360.00
United States	Dollar				5,816.00		50.00		5,866.00
Ken Savit:									
Israel	Dollar		1,755.00						1,755.00
United States	Dollar				794.55				794.55
Jennifer Simon:									
Switzerland	Franc		1,404.00						1,404.00
United States	Dollar				6,718.22				6,718.22
Puneet Talwar:									
Israel	Dollar		1,730.00						1,730.00
United States	Dollar		6,582.70						6,582.70
Caroline Tess:									
Switzerland	Dollar		1,004.00						1,004.00
United States	Dollar				6,718.22				6,718.22
Tomicah Tillemann:									
Kosovo	Euro		1,095.00						1,095.00
Serbia and Montenegro	Dinar		1,150.00						1,150.00
United States	Dollar				5,589.50				5,589.50
Lorianne Woodrow-Moss:									
Brazil	Real		408.14						408.14
Uruguay	Peso		143.00						143.00
Chile	Peso		298.00						298.00
Total			59,666.96		107,998.10		625.56		168,059.62

RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations, Oct. 18, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Burr:									
Russia	Rubles		1,363.00						1,363.00
Poland	Zloty		730.00						730.00
Hungary	Forint		392.00						392.00
Jordan	Dinar		612.00						612.00
Ireland	Euro		631.00						631.00
Total			3,728.00						3,728.00

MICHAEL B. ENZI,
Chairman, Committee on Health, Education, Labor, and Pensions, Sept. 26, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Evan Gottesman	Dollar				8,025.00				8,025.00
			1,137.00						1,137.00
Eric Rosenbach	Dollar				8,460.00				8,460.00
			1,082.00						1,082.00
John Andrews	Dollar				4,895.44				4,895.44
			1,207.00						1,207.00
Todd Rosenblum	Dollar				8,060.27				8,060.27
			2,568.00						2,568.00
John Maguire	Dollar				8,060.27				8,060.27
			2,005.04						2,005.04
Jennifer Wagner	Dollar				8,060.27				8,060.27
			2,210.18						2,210.18
Rebecca Farley	Dollar				6,634.23				6,634.23
			1,356.00						1,356.00
Darren Dick	Dollar				6,634.23				6,634.23
			1,356.00						1,356.00
Ericl Rosenbach	Dollar				6,443.15				6,443.15
			1,021.00						1,021.00
Thomas Corcoran	Dollar				6,443.15				6,443.15
			992.00						992.00
Randall Bookout	Dollar				5,050.82				5,050.82
			2,883.83						2,883.83
Michael Davidson	Dollar				5,050.82				5,050.82
			2,145.00						2,145.00
Senator Pat Roberts			3,728.00						3,728.00
John Andrews			812.00						812.00
Darren Dick			2,759.00						2,759.00
Senator John D. Rockefeller	Dollar				6,502.80				6,502.80
			835.00						835.00
Andrew Johnson	Dollar				6,502.80				6,502.80
			918.00						918.00
Thomas Auld	Dollar				6,502.80				6,502.80
			846.00						846.00
Lorenzo Goco	Dollar				6,196.11				6,196.11
			1,318.00						1,318.00
Matthew Pollard	Dollar				6,196.11				6,196.11
			1,208.00						1,208.00
Total			32,387.05		113,718.27				146,105.32

PAT ROBERTS,
Chairman, Committee on Intelligence for Travel. Oct. 12, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS, ADDENDUM 2ND QUARTER, FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384 – 22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ron Wyden			366.00						366.00
John Dickas			497.00						497.00
Josh Kardon			393.00						393.00
Total			1,256.00						1,256.00

PAT ROBERTS,
Chairman, Committee on Intelligence, Oct. 12, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
John Phillips:									
United States	Dollar				6,530.00				6,530.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2005—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
China	Yuan		1,548.00		800.00				2,348.00
Total			1,548.00		7,330.00				8,878.00

OLYMPIA J. SNOWE,
Chairman, Committee on Small Business & Entrepreneurship,
Sept. 22, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON CAUCUS ON INTERNATIONAL NARCOTICS CONTROL FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ted Brennan:									
United States	Dollar				786.15				786.15
Colombia	Peso		920.00						920.00
Total			920.00		786.15				1,706.15

CHARLES E. GRASSLEY,
Chairman, Committee on Caucus on International Narcotics Control,
Sept. 26, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jennifer Lowe:									
China	Yuan		979.00						979.00
Total			979.00		0.00		0.00		979.00

TED STEVENS,
President Pro Tempore, Sept. 20, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Janice Helwig:									
United States	Dollar				4,859.19				4,859.19
Austria	Euro		23,420.00						23,420.00
Benjamin L. Cardin, M.C.:									
United States	Dollar				5,206.30				5,206.30
Denmark	Kroner		410.00						410.00
Marlene Kaufmann:									
United States	Dollar				5,206.30				5,206.30
Denmark	Kroner		374.84						374.84
Chadwick R. Gore:									
United States	Dollar				4,822.92				4,822.92
Austria	Euro		868.83						868.83
Sean H. Woo:									
United States	Dollar				7,911.63				7,911.63
Republic of Korea	Won		1,260.00						1,260.00
Japan	Yen		716.00						716.00
Janice Helwig:									
Austria	Euro				3,826.86				3,826.86
Republic of Korea	Won		922.56						922.56
H. Knox Thames:									
United States	Dollar				330.34				330.34
Canada	Dollar		72.94						72.94
Erika Schlager:									
United States	Dollar				4,955.28				4,955.28
Czech Republic	Crown		1,981.73						1,981.73
Christopher H. Smith, M.C.:									
United States	Dollar				5,789.08				5,789.08
Romania	Lei		430.00						1,056.09
					6.09				
Dorothy Douglas Taft:									
United States	Dollar				5,789.08				5,789.08
Romania	Lei		592.00						592.00
Sean H. Woo:									
United States	Dollar				3,232.03				3,232.03
Spain	Euro		1,229.06						1,229.06
Ronald J. McNamara:									
United States	Dollar				3,802.03				3,802.03
Spain	Euro		1,131.06						1,131.06
H. Knox Thames:									
United States	Dollar				5,493.69				5,493.69

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2005—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Belgium	Euro		474.28						474.28
France	Euro		1,057.28						1,057.28
Spain	Euro		932.53						932.53
Janice Helwig:									
Austria	Euro				1,222.28				1,222.28
Spain	Euro		1,017.22						1,017.22
Elizabeth Pryor:									
United States	Dollar				5,110.25				5,110.25
Greece	Euro		487.50						487.50
Austria	Euro		1,006.60						1,006.60
Maureen Walsh:									
United States	Dollar				6,723.34				6,723.34
Thailand	Baht		285.00						285.00
Austria	Euro		411.34						411.34
Robert Hand:									
United States	Dollar				6,614.23				6,614.23
Albania	Lek		1,100.82						1,100.82
Kosovo	Euro		358.57						358.57
Bosnia & Herzegovin	Marka		617.06						617.06
Total			41,157.22		81,520.92				122,678.14

SAM BROWNBACK,
Chairman, Committee on Commission on Security and Cooperation in Europe,
July 28, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Rahul (Richard) Verma:									
United States	Dollar		0.00		3,447.97		0.00		3,447.97
Mali	Franc		414.00		343.30		0.00		757.30
Niger	Franc		446.00		5,670.00		270.39		6,323.39
Marcel Lettre II:									
United States	Dollar		0.00		3,447.97		0.00		3,447.97
Mali	Franc		424.00		343.30		0.00		767.30
Niger	Franc		446.00		5,670.00		207.39		6,323.39
Total			1,730.00		18,922.54		414.78		21,067.32

HARRY REID,
Democratic Leader, Oct. 21, 2005.

REMOVAL OF INJUNCTION OF SECRECY—PROTOCOL AMENDING THE TAX CONVENTION ON INHERITANCES WITH FRANCE, TREATY DOCUMENT NO. 109–7

Mr. SESSIONS. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on November 4, 2005, by the President of the United States: Protocol Amending the Tax Convention on Inheritances with France, Treaty Document No. 109–7; I further ask that the treaty be considered as having been read the first time, that it be referred, with accompanying papers to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith for the advice and consent of the Senate to ratification a Protocol Amending the Convention Between the United States of America and the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Estates, Inheritances, and Gifts, signed at Washington on November 24, 1978 (the "Convention"), signed at Washington on December 8, 2004 (the "Protocol"). Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol provides a pro rata unified credit to the estate of a French domiciliary for purposes of computing U.S. estate tax. It allows a limited U.S. "marital deduction" for certain estates if the surviving spouse is not a U.S. citizen. In addition, the Protocol expands the United States jurisdiction to tax its citizens and certain former citizens and long-term residents and makes other changes to the treaty to reflect more closely current U.S. tax-treaty policy.

I recommend that the Senate give early and favorable consideration to the Protocol and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *November 3, 2005.*

MEASURE READ THE FIRST TIME—S. 1969

Mr. SESSIONS. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1969) to express the sense of the Senate regarding Medicaid reconciliation legislation to be reported by a conference committee during the 109th Congress.

Mr. SESSIONS. I now ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read the next time on the next legislative day.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 432 and 433. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NATIONAL CREDIT UNION ADMINISTRATION

Rodney E. Hood, of North Carolina, to be a Member of the National Credit Union Administration Board for a term expiring April 10, 2009.

Gigi Hyland, of Virginia, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2011.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR TUESDAY, NOVEMBER 8, 2005

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, November 8. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business for up to an hour, with the first 30 minutes under the control of the majority leader or his designee, and the final 30 minutes under the control of the Democratic leader or his designee; further, that the Senate resume consideration of S. 1042, the Defense authorization bill. I further ask that at 12:30 p.m., the Senate stand in recess until 2:15 p.m. to accommodate the weekly policy lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Mr. President, tomorrow the Senate will continue its work on the Defense authorization bill. We will complete this important bill this week. We will also address any appropriations conference reports ready for action.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:21 p.m., adjourned until Tuesday, November 8, 2005, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate November 7, 2005:

POSTAL RATE COMMISSION

MARK D. ACTON, OF KENTUCKY, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2010, VICE DANA BRUCE COVINGTON, SR., TERM EXPIRED.

FEDERAL INSURANCE TRUST FUNDS

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

DEPARTMENT OF STATE

KRISTIE A. KENNEY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE PHILIPPINES.

ROBERT WEISBERG, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CONGO.

CONFIRMATIONS

Executive nominations confirmed by the Senate: Monday, November 7, 2005

NATIONAL CREDIT UNION ADMINISTRATION

RODNEY E. HOOD, OF NORTH CAROLINA, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING APRIL 10, 2009.

GIGI HYLAND, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING AUGUST 2, 2011.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Monday, November 7, 2005*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ADERHOLT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 7, 2005.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER) for 5 minutes.

FEDERAL SPENDING AND THE DEFICIT

Mr. DREIER. Mr. Speaker, as we all know this week, the House will consider very important legislation to reduce Federal spending, root out waste and fraud in government programs, and make a large dent in our Federal deficit. Along with cutting taxes and supporting job creation, making government more responsive is a critical part of our Republican agenda to keep our economy growing.

Mr. Speaker, the numbers are in. Our agenda is working for the American people. Despite the destruction caused by Hurricanes Katrina and Rita, the economy grew at a 3.8 percent GDP level last quarter. Now, that is ahead of the second quarter and certainly ahead of projections that we had in the wake of those hurricanes. Over the past 12 months, nearly 2 million new jobs have been created.

Because of tax cuts and a strong economy, Federal revenue increased by almost 15 percent last year, and the deficit fell by nearly $96 billion. Mr. Speaker, this happened not by raising taxes, but by cutting them and empowering America's entrepreneurs. In the face of such remarkable progress, we are not about to let up. We are moving forward with reforms that will save more than $50 billion over the next 5 years. This will help us reduce the deficit even further and support rebuilding along the gulf coast.

I commend the hard work done by all the committees who found significant savings in mandatory programs without altering benefits to those who are truly in need. While I am hoping for bipartisan support of this legislation, I fear that my colleagues on the other side of the aisle will stand in the way of restraint and reform. After all, my Democratic friends voted against our responsible budget. During the appropriations process, Mr. Speaker, they offered amendments that would have increased Federal spending by $61 billion.

While they measure compassion through spending, we demand results through reform. Mr. Speaker, mandatory spending needs to be reformed. Each year, the government funds critical programs at increasingly higher levels. But we have seen that automatic spending breeds unaccountable spending.

Consider Medicaid. As medicine has made rapid advances over the past two decades, Medicaid has not been updated. The program costs more, delivers less, and, as we all know, is beset with abuse. In 2002, the Department of Health and Human Services found that Medicaid was paying pharmacies $1.5 billion more than the cost of those drugs they were dispensing. In one case, Medicaid paid over $5,000 for a prescription that cost a pharmacy just $88.

Our reforms will save billions by giving States more flexibility, eliminating fraud and ensuring the system only serves the needy. It is also important to note that Medicaid will continue to grow in the years ahead. Right now, it grows at a rate of 7.3 percent. Under our plan, it will grow at 7 percent.

We are also zeroing in on other programs, Mr. Speaker, that can benefit from reforms. The food stamp program nearly doubled to $35 billion over the past 5 years. While funding will continue to grow, we are targeting savings of less than one-half of 1 percent. We will do this in part by extending the eligibility waiting period for noncitizens from 5 to 7 years.

Mr. Speaker, public benefits should not be a magnet for immigration. Over the past 5 years, Federal spending for child support administrative costs has increased by 29 percent while caseloads have declined by 8 percent. The Ways and Means Committee saves over $3 billion by splitting administrative costs 50/50 with the States, the same match that they use for other entitlement programs.

Mr. Speaker, our savings proposals are common sense and responsible, and they represent a very good and important start. In the months ahead, we will continue to work for ways to cut the deficit, eliminate waste and reduce discretionary spending. Because as Republicans, we are committed to growing our economy, not Federal spending.

Mr. Speaker, I look forward to what I know will be a lively debate on this issue as we bring our package for reform forward, and it will, I believe, when we implement this, help us in our quest to keep the economy growing and to reduce the Federal deficit. It is my hope, Mr. Speaker, that at the end of the day, we will be able to see bipartisan support for this very appealing, very attractive, very important package.

FEDERAL SPENDING AND THE DEFICIT

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Tennessee (Mr. TANNER) is recognized during morning hour debates for 5 minutes.

Mr. TANNER. Mr. Speaker, I came over here this morning because I am very concerned about our country. I am concerned about it because we are in a financial morass around here. I don't think that the powers that be in this town are leveling with the American people about just how bad the budget deficit and the debt of our country has become and how rapidly it has deteriorated from the 1990s when we had, arguably, a surplus, and we were digging ourselves out of previous debt.

I do not mean this to be political, because we are all Americans first and Democrats and Republicans second, and this is our country's balance sheet, it is not the Republican balance sheet, it is not the Democratic balance sheet, it is all of our balance sheet, particularly our children. In the last 4 years, our country has borrowed over $1.3 trillion. If that is not bad enough, it might interest you to know that 85 percent of that has come from foreign governments, foreigners, who are investing in the bills, notes and bonds of our country.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

China now owns almost $300 billion of our paper, and the Japanese own almost $700 billion. In Asia alone, we owe almost $1 trillion.

What does this mean to us? Well, it means that we are mortgaging our country to people who may not see the world as we see it. We are giving those countries leverage over us in the financial markets, so that we are potentially in danger of losing our economic freedom to people who own our debt and who can therefore dictate the value of the dollar and all the things that go with that.

That said, this is an American problem. This is not the Republican's balance sheet, it is not the Democrat's balance sheet, it is all of our balance sheets.

In 2004, to put this in some kind of a context, our government borrowed $13,300 a second. Staggering. In the last 4 years, this administration and this Congress have borrowed more money from foreign interests than all 42 presidents in our history up to 2001. Can you imagine that? We have borrowed more money from foreigners in the last 4 years than all 42 presidents of this country up to 2001. We cannot continue to do what we are doing here without jeopardizing our economic freedom.

In a few minutes, you are going to hear from another Blue Dog, DENNIS CARDOZA, about our plan to try to stop this.

This whole budget process is broken. You are going to hear a lot of stuff this week about the reconciliation of the budget, and what they are going to say is we are cutting spending. But if you look at it, the reconciliation process will actually increase the deficit, not decrease it.

Until the leadership of this country, both here in Congress and the administration, levels with all of us and comes to the American people and says we have got a problem, and we have got to fix it and you have got to help, until they do that, it is just one Congressman saying A and another Congressman saying B, and people lose sight of what is going on here and think it is just another political argument.

Well, I am here this morning to tell you it is not a political argument. It is a dire necessity that we face up to the fact that we have a structural, continuing deficit. The President of the United States himself said we hope to cut the deficit in half in 5 years. That is like saying a doctor telling you I have got good news for you, I thought you were going to bleed to death in 6 months. It will take you 1½ years to bleed to death.

That is no solution to our problem. We have a structural deficit problem. We go in the red every year around here. We have got to completely, in my judgment and in the Blue Dog's judgment, take another look at the whole budget process and almost start from scratch, because I can tell you, folks, we are not doing any good the way we are going right now.

WHY ARE WE FIGHTING THE WAR ON TERROR?

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, 2 weeks ago, President Bush addressed a Virginia audience, vowing no letup in the war on terror. He acknowledged we have rocky roads ahead but we will not falter. The President said, "Tyrants and would-be tyrants have always claimed that murder is justified to serve their grand vision and they end up alienating decent people across the globe." And he said, "And tyrants and would-be tyrants have always claimed that free men and women are weak and decadent, until the day that free men and women defeat them."

Mr. Speaker, why did he say this? For what exactly are we fighting is the question. On Saturday, October 29, 2005, in India, explosions rocked two New Delhi markets, killing almost 60 people. Although Indian officials appeared hesitant to immediately place blame, Pakistan-based Islamic militants have been suspected in these bombings. Possibly, as some Indian analysts and newspapers have suggested, these are Pakistani-based groups fighting to wrest Kashmir from India.

Meanwhile, in Jakarta, Indonesia, that same day, seven assailants attacked a group of high school girls walking through a cocoa plantation on their way to class in Indonesia's tense province of Central Sulawesi, beheading three and seriously wounding a fourth. The girls were from a private Christian high school. Indonesia is the world's most populous Muslim nation. But Central Sulawesi has a roughly equal number of Muslims and Christians, and sectarian violence. The province witnessed such a bloodly war in 2001–2002 that killed around 1,000 people from both communities. At the time, beheadings, burnings and other atrocities were common.

Last week, a grateful Nation paid respects and laid to rest a woman who had the courage to practice her convictions, Rosa Parks. In great part, thanks to her understated fight for freedom, we can take for granted in this country our civil liberties. One of the most fundamental of these, of course, is the simple freedom to worship. However, the irony of our Nation being touched by such a peacefully resolute woman being an agent of change with nothing more than the word "no" the same weekend we witness these alternative, violent ways of objecting to our fellow man by these Islamic fundamentalist terrorist practices is not lost on me.

As did Rosa Parks, thousands of individuals today around the world want to practice their civil rights in the name of freedom of worship, perhaps in a faith not held by their nation's leaders. We want to practice Christianity, or Judaism, or Buddhism, or observe no religion at all, yet there are some people who just cannot stand this, who absolutely refuse to allow us this opportunity. The Web site www.persecution.org, a Web site that tracks human rights and persecution of people for choosing to simply practice their Christian faith, reported on October 6 that 53-year-old Pamilton Tadoa, a member of the Tabernakel Pentecostal Church in Indonesia, was shot in the head and killed in the area of Poso while he road his motorbike to school where he served as a treasurer. His death raised fears of a new Islamic crackdown on evangelicals in Indonesia, where 10,000 Christians died between 1998 and 2003 at the hands of extreme Islamic jihad warriors, according to human rights group Open Doors. About 1,000 churches were burned down by Islamic mobs, Open Door said in that report.

Some ask why are we at war? Why are we fighting this war on terror? Because this is how some people in the world continue to settle their differences. Our Nation faces angrily squabbling, fighting mad, groups and individuals who are diametrically opposed to one another, but it seldom rises to the level of bloodshed. We settle our differences at the ballot box, here in Congress, not with car bombs; through media exposure, not machete swipes. If one cannot see that continued civilization itself is in danger, I don't know what else can persuade you.

Twenty-six years ago last Friday, November 4, 1979, Islamic terrorists took hostages in Tehran. This is how some people in the world address disputes: They take hostages. They push old men in wheelchairs over ship rails into the sea, the Achille Lauro example. They behead little girls. They strap dynamite to their children and send these innocent children to detonate clusters of fellow innocent citizens. They bomb nightclubs, subways, pillars of commerce and symbols of freedom. As long as people reign who cannot live peacefully, the war on terror must press on for the safety of all of us.

FEDERAL SPENDING AND THE DEFICIT

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from California (Mr. CARDOZA) is recognized during morning hour debates for 5 minutes.

Mr. CARDOZA. Mr. Speaker, along with all 36 members of the fiscally conservative Blue Dog Coalition, I have a sign in front of my office that is updated daily to reflect America's national debt. Just 2 weeks ago, I was deeply dismayed to see that the national debt had reached $8 trillion. That is $27,000 for every man, woman and child in America. How did we dig ourselves into such a deep hole? The truth is the Republican leadership has created a credit card Congress that is recklessly selling out the future of America, our children and our grandchildren, and President Bush is the most fiscally irresponsible President in the history of America. On his watch, we have run up record deficits and added nearly $2.5 trillion to our national debt. In just 5 years in office, President Bush has borrowed more money from foreign sources than all 42 previous Presidents combined. Put together, the first 42 American Presidents borrowed a total of $1.01 trillion from other countries. President Bush has now borrowed $1.05 trillion from overseas and he still has 3 years to go.

I know that my Republican colleagues are as ashamed as I am that the United States is forced to borrow over $1 trillion from foreign nations to pay for our national priorities like reconstruction of the gulf coast and the war in Iraq. We owe it to the American people and future generations to roll up our sleeves and dig out of this mess now. So far, the Republican leadership has refused to reach across the aisle to fix this fiscal mess. The Republican reconciliation plan is a sham. It does nothing to fix the broken budget. In fact, it will make matters worse. By all accounts, the current proposal would add billions to the deficit in order to finance more reckless tax cuts for the most privileged Americans.

Who in their right mind, I ask you, could look at an $8 trillion debt and put forward a plan to make it bigger? It is time for a real strategy for fiscal responsibility. The budget process is broken. Anyone can see that. The Blue Dog Coalition has asked the President to convene an emergency bipartisan summit to address America's fiscal crisis. We have put forward a comprehensive 12-step plan to put America back on the path to fiscal responsibility. The Blue Dog 12-step plan is the only serious proposal on the table that would fix our Nation's budget woes and return America to fiscal solvency. Our plan is based on common sense, not party ideology. The Blue Dog 12-step plan includes both Democratic and Republican ideas. When it comes to fixing the budget, the American people deserve cooperation and not partisanship.

Our proposal includes commonsense reforms, such as reinstating the pay-as-you-go rules that we had here a few years ago and implementing discretionary spending caps. We have also urged for the establishment of a rainy day fund to cushion the financial blow of future national emergencies like we saw in the gulf coast recently. You just heard from my Blue Dog colleague, Mr. John Tanner from Tennessee, a leader in the fight for fiscal responsibility in Washington. He outlined for us all how bad the situation is. I strongly urge my colleagues in Congress to embrace real reform and to take immediate action to cure this national tragedy of the debt.

AVIAN INFLUENZA

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, the deadliest plague in human history was the influenza pandemic of 1918 which killed up to 100 million people around the world. While annual flu strains tend to spare young healthy adults, every few decades a strain arises that can kill people in the prime of life. In 1918, more than a quarter of all Americans fell ill. What started for millions around the globe as a runny nose and a sore throat developed into a gruesome, deadly virus. No war, no plague, no famine ever killed so many.

This year, brilliant medical detective work pieced together the genetic makeup of the 1918 virus. The origin was found to be avian influenza, the so-called bird flu.

The new mutant strain of bird flu spreading across Europe and Asia may turn out to be even deadlier than the 1918 virus. As we scramble to assemble plans and get vaccine, more birds infected and more human contact means more opportunity for the virus to mutate, perhaps triggering this next human pandemic.

Both the Centers for Disease Control and the World Health Organization consider another pandemic inevitable, whether triggered by this bird flu virus or the next.

The current proposed spending plan does finally address some measures to mediate the impact of future pandemics, but it overlooks the critical policy initiatives that could directly impact the threat at its source.

For example, avian influenza is not limited to Asia or Europe. There have been over a dozen outbreaks of low-grade avian influenza viruses in the United States just within the last 5 years. An outbreak of a high grade H5 virus in Pennsylvania in the eighties led to the death of more than 17 million birds. Nationwide surveys tracked the strains of that virus back to at least 48 live bird markets across five States. Each year more than 20 million birds of various species pass through at least 150 known storefront slaughter facilities in the northeast metropolitan areas alone, increasing the risk of human exposure and the persistence of these viruses. Most of these operations are not subjected to USDA food safety regulations. These live animal markets should be either eliminated or at a minimum brought within the USDA's existing food safety regulatory scheme.

The United Nations food and agriculture organization has implicated live animal transport as another prime culprit for the rapid spread of the virus across Southeast Asia. Yet transportation of birds reared for human consumption remains unregulated in much of the world and in the United States.

The cockfighting trade is another area under increasing scrutiny as a prime vehicle to spread the disease. We need a stronger Federal law against the transport of cockfighting birds across State and national borders. Gamecocks are not part of any testing program and there is a thriving trade in birds for use in this barbaric industry. The Animal Fighting Prohibition Enforcement Act of 2005 would increase penalties for violations of Federal animal fighting laws to help prevent illegal cockfighting. The Senate passed this bill unanimously in April, but the identical House bill has not yet been acted upon in the Judiciary Committee. The House and the Senate passed an identically worded felony cockfighting provision in the 2002 farm bill, but inexplicably this provision was gutted in conference. It is unconscionable that we would wait on enacting this felony provision. The House needs to act immediately to strengthen the law to diminish the risk of fighting birds as vectors for avian influenza.

The bird flu virus could also be imported to our shores via the trade in wild birds for pets. More than 400,000 live exotic birds are imported every year to the United States. The stress of confinement and long-distance transport critically weakens their immune system and makes them susceptible to respiratory viruses. The Centers for Disease Control and Prevention has already implemented a ban on the import of all birds and bird products from 13 predominantly Asian countries, but this ban should be extended to all nations as a precaution.

This is not the first time that animal diseases have crossed the species barrier to infect humans. The director of the Centers for Disease Control has noted that 11 of the last 12 emerging infectious diseases have likely arisen from animal sources, from SARS to AIDS. With a potentially even more virulent virus waiting in the wings, we must not only act now to soften the blow when a pandemic strikes, but we must attack the problem at its source, the human-animal interface.

We must end unsustainable agricultural practices, intensive confinement of birds raised for food, the cockfighting trade, live poultry markets, the importation of live birds as pets, and the unregulated transportation of birds in general. Millions of lives are at stake. Safe, simple, cost-effective solutions are within our power.

FEDERAL SPENDING AND THE DEFICIT

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Earlier, a gentleman from California rose to talk about how the economy was booming and how well the American people are doing with job creation and new prosperity. Unfortunately, it does not look like that for most people in my district. In fact, it really is not that way for most people in America. The combination of misplaced priorities and trade policies that export jobs and depress wages in this country have hurt Americans. In fact, last year, according to the IRS, 99 percent of Americans, all those who earn less than $350,000 a year, saw a decline in their real income. But I think the gentleman from California and the Republican leadership and the White House are looking at that 1 percent, who are doing phenomenally well. The tax cuts have been an incredible boon, over $120,000 per year in tax cuts for families who earn over $1.3 million a year. They are doing just great. Unfortunately, we are borrowing the money to give them the tax cuts and handing the bill to working families and their kids and their grandkids as we continue to reduce the tax burden on corporations and the wealthy.

He said, "Boy, the economy is booming." That is kind of interesting. Over the last 17 quarters, the GDP has grown at 2.8 percent, right around the rate of inflation, but in the last six business cycles, it grew at a rate of 40 percent more than that during recovery periods. He bragged about job growth. The United States only has 1.3 percent job growth, much of it in the public sector, under the watch of this administration, since March 2001, whereas in previous business cycles, job growth was closer to 9 percent over the same period, six times the rate of growth. Private sector job growth is only up 0.8 percent. Wage and salary income has also grown anemically. As I said earlier, 99 percent of families and working people in America saw their real incomes decline last year. One percent, $300,000 to $1.3 million, did pretty well. But the people over $1.3 million, they did phenomenally well.

So what is the answer of the Republicans this week? Cut benefits that might flow to that 99 percent of the people. Student loans for kids trying to learn and do better and have a better ability to earn in their adult lives and become more productive Americans. $14.3 billion in cuts for student loans, double the origination fee for student loans. That is a cut that needs to be made according to the Republican majority.

And then there are the cuts in long-term care, foster care. The family values side of the aisle over there wants to cut long-term care for struggling seniors and their families and foster care. That is extraordinary. And then, of course, they want to slash Medicaid. What they do not tell you is they are dumping that burden on our States who are already struggling. They are going to add to the 45 million people who are uninsured for health care in the United States of America through those cuts. But they say those cuts must be made. Why? Because they have become suddenly fiscally responsible after a 62 percent increase in the debt during the Bush administration and the Republican Congress over the last 5 years? No. Because they want to make room for more tax cuts because, as we heard earlier, trickledown is working great. Those people who earn $1.3 million with that extra 130,000 bucks a year in tax cuts, which are added to the deficit which all the rest of us will have to pay for, they are spending some of that money, some of it even in the United States of America. Sometimes they are hiring people to cut their lawns, or wash their boats. Yachts. They need that money. They need it more than the kid who wants to get a college education. They need it more than the family that is struggling to figure out how they are going to pay for long-term care for their seniors. They need it more than the kids who need foster care in this country. Those rich people need it more because they will trickle it down upon the rest of us.

So that is the game they are playing this week. They are going to pretend they are making tough cuts that need to be made. They won't take on the tough cuts. You want to talk about tough cuts? Let's do away with the stupid idea of going back to the Moon by borrowing $100 billion. We have already been there. Why do we want to borrow $100 billion to go to the Moon? How about Star Wars? The general in charge says, hey, it has better than a zero percent chance of working if anybody ever shoots a missile at us. Better than a zero percent chance at a cost of $100 billion, $10 billion a year ongoing. Farm subsidies for farmers who earn over $100,000 a year on corporate farms, we could save billions there. Not to mention if we just reinstated the rate of taxation for people who earn over $300,000 a year that they paid during the booming nineties, we would save $300 billion over the next 5 years. There is a better way to run this country and we are not hearing it from them.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 3 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 2 p.m.

PRAYER

The Reverend Michael J. O'Sullivan, St. Peter's Catholic Church, Washington, DC, offered the following prayer:

Almighty and eternal God, You have revealed Your glory to all Nations. God of power and might, wisdom and justice, through You, authority is rightly administered, laws are enacted, and judgment decreed.

We pray for the Members of the House of Representatives who are entrusted to guard our political welfare. May they be enabled by Your powerful protection to discharge their duties with honesty and ability. We likewise commend to Your unbounded mercy all citizens of the United States, that we may be blessed in the knowledge and strengthened through the observance of laws framed for our rule and governance.

May this Congress always seek to preserve peace, promote national happiness, and continue to bring us to the blessings of liberty and equality. May we this day go forward confident in the hope of Your abiding presence. We pray to You and thank You who are Lord and God. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

BORDER SECURITY—NOW

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, our brave men and women in the military are accompanied by other brave men and women who work hard to protect us. They are our border agents who guard our international boundaries, and they are now often serving in what amounts to a war zone.

In the fiscal year just ended, over 650 border agents reported being assaulted, the highest number since they began tracking these incidents in the 1990s. Compare that to last year's total of 354, and you have to wonder just how secure our borders are. Even with sensors and cameras and fences, that is not enough. Incidents have increased from San Diego to Nogales, Arizona to the banks of the Rio Grande in Texas. It is clear we are not getting the job done, and our efforts need to be strengthened.

If our agents have to dodge bullets, then who is controlling our borders? Homeland Security Secretary Chertoff said last week that when it comes to illegal immigration, time is not on our side. Mr. Speaker, Congress should take action now to secure our borders. Our Nation is not secure until our borders are secure. That is the necessary and first step to any immigration reform. H.R. 3693 is legislation that America needs now.

IMMIGRANT RIOTING IN FRANCE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, failure to integrate immigrants into a country's society is evident in the 11 days of rioting, looting, destruction, and lawlessness in France. With the 5 million Muslims in France, many of the youth feel disenfranchised and discriminated against by the French government. Some of these third-generation immigrants have turned to violence to get the attention of French authorities. Government buildings, private businesses, homes and over 1,300 cars have been burned.

It has been reported that some Muslim extremists are taking advantage of the riots and calling for jihad, or holy war. A French police official reportedly said that civil war is unfolding in France. France must find a better way to assimilate the Muslim population into its culture. USA Today states that French President Jacques Chirac must restore order to prevent a clash of civilizations that is one of the greatest threats of the 21st century.

The lesson for us to learn is that we must encourage immigrants to assimilate into America, or we too could face difficulties in the future. Immigrants have the responsibility to become Americans, and America has the responsibility to provide immigrants access to America and teach them to be Americans. That's just the way it is.

BUDGET RECONCILIATION

(Mr. OLVER asked and was given permission to address the House for 1 minute.)

Mr. OLVER. Mr. Speaker, the Budget Committee's reconciliation bill is a vicious example of misguided fiscal and social priorities. To pay for tax cuts that benefit almost exclusively those whose income is over $200,000 a year, the bill cuts assistance to families struggling to get by and pushes them right into poverty.

The bill guarantees that more foster children will grow up in poverty. $4.9 billion is slashed from child support services. As a result, single mothers and their children will not receive the support payments owed to them, and many of those children will grow up in poverty.

$844 million cut from food stamps will push another 300,000 children and adults in low-income and immigrant families below the poverty threshold. One in five children in this country already grow up in poverty. It is unconscionable to deliberately increase that number. For what? So that the wealthiest 3 percent of Americans can have another huge tax cut.

AMERICANS APPRECIATE FRANCE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Americans were saddened over the weekend to see rioters spread fire and violence across France with nearly 5,000 vehicles burned, stretching into the heart of Paris. As a person of French heritage, I am particularly shocked that 34 police officers are injured, including 10 wounded by gunshots. This outburst of violence is a chilling reminder that appeasement is a failed course which leads to greater violence.

I am particularly disappointed France did not show resolve in the Cold War as defenders of freedom actively defeated Communism, and I am disappointed France has not shown resolve in the global war on terrorism, as we resist terrorists from London to Baghdad to Bali. But our hearts and our heritage are with France, which we treasure as America's first ally. With resolve we can stop extremism at its source; peace can be restored.

In conclusion, God bless our troops, and we will never forget September 11.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

RECOGNIZING THE 40TH ANNIVERSARY OF THE SECOND VATICAN COUNCIL'S DECLARATION ON THE RELATION OF THE CHURCH TO NON-CHRISTIAN RELIGIONS

Mr. POE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 260) recognizing the 40th anniversary of the Second Vatican Council's Declaration on the Relation of the Church to Non-Christian Religions, Nostra Aetate, and the continuing need for mutual interreligious respect and dialogue, as amended.

The Clerk read as follows:

H. CON. RES. 260

Whereas 2005 marks the 40th anniversary of the promulgation of Nostra Aetate, the declaration on the relation of the Roman Catholic Church to non-Christian religions;

Whereas on October 28, 1965, after the overwhelmingly affirmative vote of the Second Vatican Council of the Roman Catholic Church, Pope Paul VI issued Nostra Aetate, which means "in our time";

Whereas Nostra Aetate affirmed the respect of the Roman Catholic Church for Hinduism, Buddhism, Islam, and Judaism, and exhorted Catholics to engage in "dialogue and collaboration with the followers of other religions";

Whereas Nostra Aetate made possible a new relationship between Catholics and Jews worldwide and opened a chapter in Jewish-Christian relations that is unprecedented in its closeness and warmth;

Whereas Nostra Aetate states that the Roman Catholic Church "decries hatred, persecution, displays of anti-Semitism, directed against Jews at any time and by anyone"; and

Whereas Nostra Aetate clearly states that "No foundation therefore remains for any theory or practice that leads to discrimination between man and man or people and people, so far as their human dignity and the rights flowing from it are concerned.": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the 40th anniversary of the Second Vatican Council's promulgation of Nostra Aetate, the declaration on the relation of the Roman Catholic Church to non-Christian religions;

(2) appreciates the role of the Holy See in combating religious intolerance and religious discrimination;

(3) encourages the United States to continue to serve in a leading role in combating anti-Semitism and other forms of religious intolerance and religious discrimination worldwide;

(4) acknowledges the role of Nostra Aetate in fostering interreligious dialogue and mutual respect, including, in particular, new relationships of collaboration and dialogue between Jews and Catholics since the issuance of Nostra Aetate; and

(5) requests the President to issue a proclamation recognizing the 40th anniversary of Nostra Aetate and the historic role of Nostra Aetate in fostering mutual interreligious respect and dialogue.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. POE) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. POE).

GENERAL LEAVE

Mr. POE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in many respects, the past 40 years have been immensely troubling and difficult ones. Indeed, they have been filled with intolerance, hatred, and genocide. Think of Rwanda. Think of Cambodia. We spend entirely too much time on the floor decrying unspeakable crimes and preparing our concrete responses.

Our own shores have witnessed terrorism on a massive scale. And while we have avoided massive destruction on the scale of the Second World War, or another Holocaust, just last month we saw a new Holocaust called for, in essence, by the head of state of a member of the United Nations.

There are certainly countervailing forces of good in the world, forces that are prepared to deal one way or another with hate and the consequences. One way to deal with the forces of hate is to prepare to meet them on the battlefield or defeat them in shadowy wars carried out in the back alleys of far-off lands.

There is another path, the one we commemorate today: to foster understanding, indeed love, among diverse peoples and remove the roots of war from their hearts.

Forty years ago, Pope Pius VI issued a declaration entitled Nostra Aetate, "In Our Times." This constituted the Roman Catholic Church's statement expressing its respect for adherents of non-Christian religions and denouncing every form of bigotry directed against them. The groundbreaking statement contained extended discussions of Catholicism's relations with some of the major religions, especially Islam and Judaism, and most specifically concerning the charge of deicide leveled against Jews even in contemporary times. Further, it jump-started many rounds of respectful discussion among religious leaders and laypersons.

A few moments ago, I alluded to some of the horrors the world has witnessed in the past 40 years. In order to judge the impact of Nostra Aetate, we must ask ourselves how much worse a world without the gracious spirit of Nostra Aetate would have been. It would clearly have been a more dismal place.

I ask that all my colleagues join in this very important concurrent resolution originated by the gentleman from New Jersey (Mr. HOLT).

Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise with my friend from Texas to support this concurrent resolution. The document marked a historic milestone in the effort of the Roman Catholic Church to improve its relations with Jews and non-Christian religions and to launch a new, progressive, positive dialogue among them.

Mr. Speaker, in a world that is increasingly drawn together through economic, cultural and ties of all kinds, there simply is no place for bigotry, racism, religious hatred, intolerance, or prejudice. The document whose 40th anniversary we are recognizing makes that abundantly clear. And it is appropriate for us to reflect upon that at this time, recognizing also the important role of the Holy See in the fight against religious intolerance and discrimination, and I have appreciated the leadership that we have seen coming from the Vatican of late in this regard.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT), the author of today's resolution.

Mr. HOLT. Mr. Speaker, I thank the gentleman from Oregon for yielding me this time.

I rise to urge support of H. Con. Res. 260. I want to thank first my colleagues and friends, Chairman HYDE and Representative LANTOS. Both have been tremendously helpful in bringing this resolution forward. This resolution has the support of 65 bipartisan cosponsors here in the House. As my friend pointed out, it commemorates the 40th anniversary of Nostra Aetate, a hallmark declaration by the Roman Catholic Church on religious respect and interfaith relations, and it celebrates the historic relationship between Jews and Catholics and among other religions worldwide.

My resolution also calls for this country and this Congress to continue to condemn and combat anti-Semitism and all forms of religious hatred and bigotry around the world.

First a little bit of history, Mr. Speaker. This was initiated by Pope John XXIII through the Second Vatican Council, and Nostra Aetate then was issued by, Pope Paul VI, in October, 1965, 40 years ago, after a vote of 2,221 to 88 by the Catholic bishops.

□ 1415

It is a historic declaration, and we should remember its essential message: the need for interreligious dialogue and religious respect, and that is a message that is still vitally important today.

Seen from this perspective, today, the affirmations of this document may not seem so impressive. But those of us who remember back to that time, on a bit of reflection, will understand how monumental this statement was, how far it reached throughout the world, beyond the Catholic Church, beyond Christians. It was a paradigm shift in how religious people think about each other.

As my friend, the gentleman from Oregon said, in this day we certainly need a refresher course in how religious people can think about each other in a positive way.

Over the past 40 years, there has been noticeable progress. Nostra Aetate was written by Catholics for Catholics, but its impact has been felt by almost all people of faith in the world. Less than three pages in length, this document, that goes by the Latin words that mean "in our time," was a rare moment of self-check for Catholics. We all know how hard it is to look inside ourselves and find things that need to be improved, things that are wrong and need to be changed.

Nostra Aetate was a controversial document at the time. I am not sure that anyone knows all the internal politics that went into writing it, but even in the press at the time, it was known to be controversial.

Why should we be talking about it here in the House of Representatives? Why should we be talking about religion? Why should we be talking about a Roman Catholic document? Is it even appropriate here? Well, certainly not in a worshipful or a theological or an ecclesiastical way, but this is an important document in world history that says a lot to us as Americans.

Remember, there is much that we honor in our country's history. There is much genius that we see in our founding documents, in our Constitution. One of the greatest accomplishments of this country was to establish freedom of religion, freedom for religious belief and religious practice, and freedom from religion. That is rare, even today. It truly was a stroke of genius by our Founders. And, as so much, in our constitutional heritage it is still a work in progress.

Freedom of religion, freedom for religion, freedom from religion are concepts that are hard to incorporate into our lives. We are not talking about simple tolerance, but a recognition that if we are a nation conceived in liberty and dedicated to the proposition that all are created equal, then it is not enough just to recognize the right of each other to exist, but as a nation we achieve positive social and political good that comes from learning from and drawing on and building up each other. So it is indeed appropriate that we in this body, as we wrestle with the modern-day embodiment of the ideas of our Founders, that we recognize this historic document. It was a bold and courageous document.

Mr. Speaker, it is hard to face some obvious and unattractive blemishes that one might have. It is bold and courageous to say that another's fundamental faith and belief has validity, because that can only raise questions about the meaning of one's own belief. This was a courageous document.

Now, I speak as one who by affirmation, heritage, upbringing, and religious practice is neither Roman Catholic nor Jewish, but the change that this made in America certainly has improved my life and the life of every American. Anti-Semitism has been a poison that has from time to time surfaced in our country. Certainly, we see it on the rise in too many places around the world today. But this document put a check on the official sanction of religious intolerance, and it has led to a number of improvements.

Father John Pawlikowski, pointed out that this year Nosta Aetate has led to a cleansing of educational materials, and the removal of hateful and bigoted language that previously appeared. It has led to mutual recognition of the spiritual value of others' religious sacred writings of others; it has led to a fundamental rethinking of the relationship between the church and other religions, a process that is still under way.

It led to Pope John Paul's visit to the Auschwitz death camp when he spoke about the memory of the people whose sons and daughters were intended for total extermination. He said that it is not permissible for anyone to pass by the inscriptions there with indifference.

It led to his unprecedented visit to a synagogue in Rome in 1986, and to Pope John Paul's visit to the Holy Land, including Israel and Palestine. It led to a pivotal moment when he shook hands with Prime Minister Ehud Barak. It led to the moment when he walked across the plaza at the western wall and inserted his handwritten prayer expressing Christian regret for the wrongs done to the Jewish people.

This had reverberations all around the world and certainly here in the United States, the country built on the concept of liberty and religious freedom.

This morning on public radio, a young man presented his essay called "This I Believe." Eboo Patel is the founder and executive director of the Interfaith Youth Corps, a Chicago-based organization fostering the international interfaith youth movement. He pointed out that when he attended high school in the western suburbs of Chicago not many years ago, he, as a Hindu, ate lunch with a Jew, a Mormon, a Catholic, and a Lutheran. They were all devout to a degree, he said, but they never really talked about religion. They all knew that they had some differences in their permitted diets and certain times that they could not eat certain things. He was comfortable in his tolerance for the others.

But then he went on to talk about the most painful recollection of his life, which occurred when he allowed anti-Semitic comments about his friend to go unchallenged. He quoted the great American poet Gwendolyn Brooks: "We are each other's business; we are each other's harvest; we are each other's magnitude and bond."

He said, "I cannot go back in time and take away the suffering of my Jewish friend, but through action, I can prevent it from happening to others."

Martin Luther King in a different, but related, matter said, "Through the laws that we pass," such as we pass in this body, "we cannot change a person's heart. But," he said, "we can restrain the heartless."

Like Mr. Patel, none of us can go back, but we can look back and we can see the progress that has been made in the last 40 years to fulfill the spirit of Nostra Aetate; and we can continue every day to take action to ensure that it does not happen in our schools, in our communities, in our cities and towns.

Nostra Aetate was not empty sentimentality; it was historic, important, and effective. It made a difference in the history of the world. As Rabbi David Rosen, the Director of the American Jewish Committee's Interreligious Department, wrote, "Even if the effect of this transformation has not fully reached the rank and file around the world, its ramifications cannot be overestimated, and there is much to give thanks for on this anniversary. The anniversary 40 years ago at the end of October is well worth recognizing."

Nostra Aetate was the first statement on interreligious respect that had been issued in the 2,000-year history of the church. Rabbi Gary Bretton Granatoor, Director of Interfaith Affairs at the Anti-Defamation League, reminded the gentleman from California (Mr. LANTOS) and me that the pilgrimage out of the wilderness took 40 years from Egypt to Sinai to Canaan. He said that it is not surprising that in 40 years, we have not fully achieved the vision of Pope John XXIII around the world or here in this country, but we have made enormous progress. Nostra Aetate demanded that the church and all people of faith examine themselves anew in relation to other peoples of faith.

We need to ensure we carry this message of religious respect to all that we do here. We can learn the spirit of Nostra Aetate and take action to check religious bigotry, religious hatred and advance the American experiment—the American Dream—of a more perfect union, built not just on respect, but on an understanding that we are indeed a nation conceived in liberty, dedicated to the proposition that all are equal, and all have something to contribute to America's success.

Mr. BLUMENAUER. Mr. Speaker, I have no further speakers at this point. I would just conclude by welcoming also the resolution's expression of support for the United States to continue to lead the fight against anti-Semitism and other forms of religious and racial prejudice and discrimination, and that people of all faiths have a critical role to play in that matter.

Mr. Speaker, I yield back the balance of my time.

Mr. POE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Texas (Mr. POE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 260, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. POE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SENATOR PAUL SIMON WATER FOR THE POOR ACT OF 2005

Mr. POE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1973) to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senator Paul Simon Water for the Poor Act of 2005".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Water-related diseases are a human tragedy, killing up to five million people annually, preventing millions of people from leading healthy lives, and undermining development efforts.

(2) A child dies an average of every 15 seconds because of lack of access to safe water and adequate sanitation.

(3) In the poorest countries in the world, one out of five children dies from a preventable, water-related disease.

(4) Lack of access to safe drinking water, inadequate sanitation, and poor hygiene practices are directly responsible for the vast majority of diarrheal diseases which kill over two million children each year.

(5) At any given time, half of all people in the developing world are suffering from one

or more of the main diseases associated with inadequate provision of water supply and sanitation services.

(6) Over 1.1 billion people, one in every six people in the world, lack access to safe drinking water.

(7) Nearly 2.6 billion people, two in every five people in the world, lack access to basic sanitation services.

(8) Half of all schools in the world do not have access to safe drinking water and basic sanitation.

(9) Over the past 20 years, two billion people have gained access to safe drinking water and 600 million people have gained access to basic sanitation services.

(10) Access to safe water and sanitation and improved hygiene are significant factors in controlling the spread of disease in the developing world and positively affecting worker productivity and economic development.

(11) Increasing access to safe water and sanitation advances efforts toward other development objectives, such as fighting poverty and hunger, promoting primary education and gender equality, reducing child mortality, promoting environmental stability, improving the lives of slum dwellers, and strengthening national security.

(12) Providing safe supplies of water and sanitation and hygiene improvements would save millions of lives by reducing the prevalence of water-borne diseases, water-based diseases, water-privation diseases, and water-related vector diseases.

(13) Because women and girls in developing countries are often the carriers of water, lack of access to safe water and sanitation disproportionately affects women and limits women's opportunities at education, livelihood, and financial independence.

(14) Between 20 percent and 50 percent of existing water systems in developing countries are not operating or are operating poorly.

(15) In developing world water delivery systems, an average of 50 percent of all water is lost before it gets to the end-user.

(16) Every $1 invested in safe water and sanitation would yield an economic return of between $3 and $34, depending on the region.

(17) Developing sustainable financing mechanisms, such as pooling mechanisms and revolving funds, is necessary for the long-term viability of improved water and sanitation services.

(18) The annual level of investment needed to meet the water and sanitation needs of developing countries far exceeds the amount of Official Development Assistance (ODA) and spending by governments of developing countries, so facilitating and attracting greater public and private investment is essential.

(19) Meeting the water and sanitation needs of the lowest-income developing countries will require an increase in the resources available as grants from donor countries.

(20) The long-term sustainability of improved water and sanitation services can be advanced by promoting community level action and engagement with civil society.

(21) Target 10 of the United Nations Millennium Development Goals is to reduce by half the proportion of people without sustainable access to safe drinking water by 2015.

(22) The participants in the 2002 World Summit on Sustainable Development, held in Johannesburg, South Africa, including the United States, agreed to the Plan of Implementation of the World Summit on Sustainable Development which included an agreement to work to reduce by one-half "the proportion of people who are unable to reach or afford safe drinking water," and "the proportion of people without access to basic sanitation" by 2015.

(23) At the World Summit on Sustainable Development, the United States announced the Water for the Poor Initiative, committing $970 million for fiscal years 2003 through 2005 to improve sustainable management of fresh water resources and accelerate and expand international efforts to achieve the goal of cutting in half by 2015 the proportion of people who are unable to reach or to afford safe drinking water.

(24) United Nations General Assembly Resolution 58/217 (February 9, 2004) proclaimed "the period from 2005 to 2015 the International Decade for Action, 'Water for Life', to commence on World Water Day, 22 March 2005" for the purpose of increasing the focus of the international community on water-related issues at all levels and on the implementation of water-related programs and projects.

(25) Around the world, 263 river basins are shared by two or more countries, and many more basins and watersheds cross political or ethnic boundaries.

(26) Water scarcity can contribute to insecurity and conflict on subnational, national, and international levels, thus endangering the national security of the United States.

(27) Opportunities to manage water problems can be leveraged in ways to build confidence, trust, and peace between parties in conflict.

(28) Cooperative water management can help resolve conflicts caused by other problems and is often a crucial component in resolving such conflicts.

(29) Cooperative water management can help countries recover from conflict and, by promoting dialogue and cooperation among former parties in conflict, can help prevent the reemergence of conflict.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to increase the percentage of water and sanitation assistance targeted toward countries designated as high priority countries under section 6(f) of this Act;

(2) to ensure that water and sanitation assistance reflect an appropriate balance of grants, loans, contracts, investment insurance, loan guarantees, and other assistance to further ensure affordability and equity in the provision of access to safe water and sanitation for the very poor;

(3) to ensure that the targeting of water and sanitation assistance reflect an appropriate balance between urban, periurban, and rural areas to meet the purposes of assistance described in section 135 of the Foreign Assistance Act of 1961, as added by section 5(a) of this Act;

(4) to ensure that forms of water and sanitation assistance provided reflect the level of existing resources and markets for investment in water and sanitation within recipient countries;

(5) to ensure that water and sanitation assistance, to the extent possible, supports the poverty reduction strategies of recipient countries and, when appropriate, encourages the inclusion of water and sanitation within such poverty reduction strategies;

(6) to promote country and local ownership of safe water and sanitation programs, to the extent appropriate;

(7) to promote community-based approaches in the provision of affordable and equitable access to safe water and sanitation, including the involvement of civil society;

(8) to mobilize and leverage the financial and technical capacity of businesses, governments, nongovernmental organizations, and civil society in the form of public-private alliances;

(9) to encourage reforms and increase the capacity of foreign governments to formulate and implement policies that expand access to safe water and sanitation in an affordable, equitable, and sustainable manner, including integrated strategic planning; and

(10) to protect the supply and availability of safe water through sound environmental management, including preventing the destruction and degradation of ecosystems and watersheds.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) in order to make the most effective use of amounts of Official Development Assistance for water and sanitation and avoid waste and duplication, the United States should seek to establish innovative international coordination mechanisms based on best practices in other development sectors; and

(2) the United States should greatly increase the amount of Official Development Assistance made available to carry out section 135 of the Foreign Assistance Act of 1961, as added by section 5(a) of this Act.

SEC. 5. ASSISTANCE TO PROVIDE SAFE WATER AND SANITATION.

(a) IN GENERAL.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

"SEC. 135. ASSISTANCE TO PROVIDE SAFE WATER AND SANITATION.

"(a) PURPOSES.—The purposes of assistance authorized by this section are—

"(1) to promote good health, economic development, poverty reduction, women's empowerment, conflict prevention, and environmental sustainability by providing assistance to expand access to safe water and sanitation, promoting integrated water resource management, and improving hygiene for people around the world;

"(2) to seek to reduce by one-half from the baseline year 1990 the proportion of people who are unable to reach or afford safe drinking water and the proportion of people without access to basic sanitation by 2015;

"(3) to focus water and sanitation assistance toward the countries, locales, and people with the greatest need;

"(4) to promote affordability and equity in the provision of access to safe water and sanitation for the very poor, women, and other vulnerable populations;

"(5) to improve water efficiency through water demand management and reduction of unaccounted-for water;

"(6) to promote long-term sustainability in the affordable and equitable provision of access to safe water and sanitation through the creation of innovative financing mechanisms such as national revolving funds, and by strengthening the capacity of recipient governments and communities to formulate and implement policies that expand access to safe water and sanitation in a sustainable fashion, including integrated planning;

"(7) to secure the greatest amount of resources possible, encourage private investment in water and sanitation infrastructure and services, particularly in lower middle-income countries, without creating unsustainable debt for low-income countries or unaffordable water and sanitation costs for the very poor; and

"(8) to promote the capacity of recipient governments to provide affordable, equitable, and sustainable access to safe water and sanitation.

"(b) AUTHORIZATION.—To carry out the purposes of subsection (a), the President is authorized to furnish assistance for programs in developing countries to provide affordable and equitable access to safe water and sanitation.

"(c) ACTIVITIES SUPPORTED.—Assistance provided under subsection (b) shall, to the maximum extent practicable, be used to—

"(1) expand affordable and equitable access to safe water and sanitation for underserved populations;

"(2) support the design, construction, maintenance, upkeep, repair, and operation of water delivery and sanitation systems;

"(3) improve the safety and reliability of water supplies, including environmental management; and

"(4) improve the capacity of recipient governments and local communities, including capacity-building programs for improved water resource management.

"(d) LOCAL CURRENCY.—The President may use payments made in local currencies under an agreement made under title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.) to provide assistance under this section.".

(b) CONFORMING AMENDMENT.—Section 104(c) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704(c)) is amended by adding at the end the following new paragraph:

"(9) SAFE WATER AND SANITATION.—To provide assistance under section 135 of the Foreign Assistance Act of 1961 to promote good health, economic development, poverty reduction, women's empowerment, conflict prevention, and environmental sustainability by increasing affordable and equitable access to safe water and sanitation.".

SEC. 6. SAFE WATER AND SANITATION STRATEGY.

(a) STRATEGY.—The President, acting through the Secretary of State, shall develop a strategy to further the United States foreign assistance objective to provide affordable and equitable access to safe water and sanitation in developing countries, as described in section 135 of the Foreign Assistance Act of 1961, as added by section 5(a) of this Act.

(b) CONSULTATION.—The strategy required by subsection (a) shall be developed in consultation with the Administrator of the United States Agency for International Development, the heads of other appropriate Federal departments and agencies, international organizations, international financial institutions, recipient governments, United States and international nongovernmental organizations, indigenous civil society, and other appropriate entities.

(c) IMPLEMENTATION.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall implement the strategy required by subsection (a). The strategy may also be implemented in part by other Federal departments and agencies, as appropriate.

(d) CONSISTENT WITH SAFE WATER AND SANITATION POLICY.—The strategy required by subsection (a) shall be consistent with the policy stated in section 3 of this Act.

(e) CONTENT.—The strategy required by subsection (a) shall include—

(1) an assessment of the activities that have been carried out, or that are planned to be carried out, by all appropriate Federal departments and agencies to improve affordable and equitable access to safe water and sanitation in all countries that receive assistance from the United States;

(2) specific and measurable goals, benchmarks, and timetables to achieve the objective described in subsection (a);

(3) an assessment of the level of funding and other assistance for United States water and sanitation programs needed each year to achieve the goals, benchmarks, and timetables described in paragraph (2);

(4) methods to coordinate and integrate United States water and sanitation assistance programs with other United States development assistance programs to achieve the objective described in subsection (a);

(5) methods to better coordinate United States water and sanitation assistance programs with programs of other donor countries and entities to achieve the objective described in subsection (a); and

(6) an assessment of the commitment of governments of countries that receive assistance under section 135 of the Foreign Assistance Act of 1961, as added by section 5(a) of this Act, to policies or policy reforms that support affordable and equitable access by the people of such countries to safe water and sanitation.

(f) DESIGNATION OF HIGH PRIORITY COUNTRIES.—The strategy required by subsection (a) shall further include the designation of high priority countries for assistance under section 135 of the Foreign Assistance Act of 1961, as added by section 5(a) of this Act. This designation shall be made on the basis of—

(1) countries in which the need for increased access to safe water and sanitation is greatest; and

(2) countries in which assistance under such section can be expected to make the greatest difference in promoting good health, economic development, poverty reduction, women's empowerment, conflict prevention, and environmental sustainability.

(g) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that describes the strategy required by subsection (a).

(2) SUBSEQUENT REPORTS.—

(A) IN GENERAL.—Not less than once every year after the submission of the initial report under paragraph (1) until 2015, the Secretary of State shall submit to the appropriate congressional committees a report on the status of the implementation of the strategy, progress made in achieving the objective described in subsection (a), and any changes to the strategy since the date of the submission of the last report.

(B) ADDITIONAL INFORMATION.— Such reports shall include information on the amount of funds expended in each country or program, disaggregated by purpose of assistance, including information on capital investments, and the source of such funds by account.

(3) DEFINITION.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 7. MONITORING REQUIREMENT.

The Secretary of State and the Administrator of the United States Agency for International Development shall monitor the implementation of assistance under section 135 of the Foreign Assistance Act of 1961, as added by section 5(a) of this Act, to ensure that the assistance is reaching its intended targets and meeting the intended purposes of assistance.

SEC. 8. SENSE OF CONGRESS REGARDING DEVELOPMENT OF LOCAL CAPACITY.

It is the sense of Congress that the Secretary of State should expand current programs and develop new programs, as necessary, to train local water and sanitation managers and other officials of countries that receive assistance under section 135 of the Foreign Assistance Act of 1961, as added by section 5(a) of this Act.

SEC. 9. SENSE OF CONGRESS REGARDING ADDITIONAL WATER AND SANITATION PROGRAMS.

It is the sense of the Congress that—

(1) the United States should further support, as appropriate, water and sanitation activities of United Nations agencies, such as the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), and the United Nations Environment Programme (UNEP); and

(2) the Secretary of the Treasury should instruct each United States Executive Director at the multilateral development banks (within the meaning of section 1701(c) of the International Financial Institutions Act) to encourage the inclusion of water and sanitation programs as a critical element of their development assistance.

SEC. 10. REPORT REGARDING WATER FOR PEACE AND SECURITY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that United States programs to support and encourage efforts around the world to develop river basin, aquifer, and other watershed-wide mechanisms for governance and cooperation are critical components of long-term United States national security and should be expanded.

(b) REPORT.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on efforts that the United States is making to support and promote programs that develop river basin, aquifer, and other watershed-wide mechanisms for governance and cooperation.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal year 2006 and each subsequent fiscal year such sums as may be necessary to carry out this Act and the amendments made by this Act.

(b) OTHER AMOUNTS.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall be in addition to the amounts otherwise available to carry out this Act and the amendments made by this Act.

(c) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under section (a) are authorized to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. POE) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. POE).

GENERAL LEAVE

Mr. POE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1973.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, water-related illnesses claim the life of one child approximately every 8 to 15 seconds, killing an average of 3,000 to 5,000 children a day, and up to 5 million people annually. Mr. Speaker, the statistics are staggering. Approximately 1.1 billion people do not have access to safe water and 2.6 billion people lack access to basic sanitation.

According to the United Nations Task Force on Water and Sanitation, more than half the people in the developing world are suffering from one or more of the main diseases associated with inadequate provision of water supply and sanitation. These numbers, Mr. Speaker, indicate a humanitarian catastrophe that places global development and human security in peril.

Acknowledging the linkages between access to safe water and sanitation and other development sectors, the administration has taken some noteworthy actions in response to these challenges.

□ 1430

The Water for the Poor and Clean Water for People are initiatives totaling almost $1.5 billion combined. However, more needs to be done. Currently, improving access to safe water and sanitation is not a stated priority of the Foreign Assistance Act of 1961. In addition, the geographical distribution of funding for water programs does not correspond to the level of need for safe water and sanitation in particular countries.

Mr. Speaker, I want to take a moment to thank the gentleman from Oregon (Mr. BLUMENAUER) for his leadership in confronting global water challenges by introducing H.R. 1973. Specifically, this measure makes access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs. I am proud of the strong bipartisan cooperation reflected in the amended version of H.R. 1973 that we are discussing here today. I am confident that the changes made to the original text will greatly improve the coordination, quality, and effectiveness of U.S. foreign programs for water and sanitation.

I am also pleased that we have the chance to give recognition to the selfless work of a great public servant through the passage of this act. The late Senator Paul Simon of Illinois played a significant role in drawing the attention of the chairman and that of members of the House International Relations Committee to this issue. The United States Congress recognizes the valuable contributions made by Senator Simon in his book entitled, "Tapped Out: The Coming World Crisis in Water Scarcity and What We Can Do About It."

Senator Simon spent much of his life working to garner political support toward finding solutions to global water challenges. We hope that today his memory will be respectfully and appropriately honored and served through the passage of this act. The Senator Paul Simon Water For the Poor Act of 2005 authorizes assistance to promote increased access to safe water and sanitation for vulnerable populations in developing countries in an affordable and equitable way. H.R. 1973 amends the Foreign Assistance Act of 1961 by broadening the areas of development assistance objectives to include improved access to safe water and sanitation.

This act requires the Secretary of State to develop a strategy in consultation with the administrator of the U.S. Agency for International Development to carry out this objective. The strategy called for in this important legislation requires the Secretary of State to assess the adequacy of current activities, define measurable objectives as stipulated by this legislation and assess the level of funding needed to meet them, and improve the coordination and integration of water and sanitation programs provided by the United States with the water and sanitation assistance programs of other donor countries and institutions.

Also, this act requires the designation of high-priority countries in which the need for increased access to safe water and sanitation is greatest. This is critical to making sure that assistance is being targeted to reach those who are most in need.

H.R. 1973 recognizes the impact that lack of access to safe water and sanitation can have on peace and security. Over 260 river basins are shared by two or more countries. Water scarcity can sometimes further complicate long-standing conflicts. This is especially true in the Middle East where nations vie for control over water resources. This legislation will contribute to United States national security by supporting programs that foster cooperation over shared water resources, including river basins and aquifers.

Mr. Speaker, H.R. 1973 is an important step in defining a clear and coherent United States international water policy. This legislation will save lives and improve the quality of living for billions of people throughout the world.

Mr. Speaker, I strongly support the passage of H.R. 1973, the Senator Paul Simon Water for the Poor Act of 2005, and look forward to its immediate passage in the Senate where Senate Majority Leader BILL FRIST has introduced similar legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the strong and eloquent statement of my friend from Texas, his support for this legislation and over 100 of our colleagues on bipartisan legislation that seeks to make a difference, as my friend said. I would like to express my deep appreciation for Chairman HYDE's hard work and passion on this item that has helped us get to this point today.

This legislation may be coming up under suspension of the rules, but for over 2 billion people around the world without access to safe drinking water and basic sanitation, nothing could be more important for us to discuss here today. This is an opportunity for the House of Representatives to exert leadership on this too-often-overlooked, but critical, issue. Headlines today are devoted to the potential for a pandemic dealing with bird flu, and rightly so. But here and now, lack of access to water and sanitation is the number one killer around the world. We may take safe drinking water and sanitation for granted, but such is not the case for these hundreds of millions of people.

As my colleague said a moment ago, every 7 to 15 seconds, a child dies unnecessarily from waterborne disease. In the course of our brief discussion today, over 100 children will die unnecessarily. As a result of lack of access to safe drinking water, half the people in the world today who are sick, are sick unnecessarily because of this simple problem. This bill is an opportunity, not to create vast new programs and bet on new technology, but to refocus our foreign assistance efforts on a comprehensive, strategic series of investments. There are simple common-sense steps the world fully understands which will make a difference in people's lives, help transform their communities while building real local capacity for sustainable development.

Water and sanitation is crucial because it is a necessary part of every one of our foreign assistance objectives. Access to water empowers women and girls who in many places are unable to get an education or hold a job because they have to spend hours walking to fetch water for their families. They are at risk in many places of attack as they leave the village in search of safe water, and hours of dangerous toil means school is less likely or even impossible.

Safe water and sanitation makes people healthier and, therefore, more economically productive. Studies show at any given time the fact that half the people in the developing world being sick from water-related diseases, especially chronic diarrhea, saps their capacity to be economically productive.

We find that the economic benefits of investing in safe drinking water and sanitation is dramatic, up to $34 in increased economic productivity for every dollar invested. Poor countries with access to improved water and sanitation have enjoyed annual growth rates in their gross domestic product of 3.7 percent, while those without adequate investment saw their GDP grow at just one-tenth of 1 percent, almost 40 times greater for those with the adequate investment.

Poor people are already investing vast sums of money on unsafe water and access to water that comes via trucks. Investing in real water delivery systems will actually free up money for poor people to invest in their basic needs. There are even opportunities for microenterprise. In this way, these water investments can work the same as microfinance and debt relief combined.

Increasing access to safe drinking water and sanitation helps protect the environment, and not just for poor people in developing countries. Improving sanitation helps keep raw sewage from flowing into rivers and water sources. Protecting these natural resources helps keep water supplies clean and people healthier all around the world.

Safe water projects can empower communities, supporting them on their way to self-sufficiency. It builds the capacity for communities to design, build and maintain not just their water and sanitation systems; it can provide an inclusive process to bring together their governments with their citizens, the components of civil society to develop the needs for democracy and good government.

As my friend alluded to, water can help prevent conflict and violence as, across the world, efforts to cooperate over shared water resources can serve as an incentive to limit conflict and a starting point for efforts to resolve conflict.

Finally, the Copenhagen Consensus group of economists, a group that, frankly, is skeptical of much foreign aid, rates the investments in water and sanitation as some of the best and most effective investments in development, growth, and ending poverty. This is not an investment that is going to end up in some thug's Swiss bank account. It puts local people to work while it saves their children's lives.

The scope and immediacy of this crisis in water and sanitation around the world was center stage when I and a number of my colleagues from the House attended the World Summit on Sustainable Development in Johannesburg, South Africa in 2002. There, while we were debating water and its role in sustainability, we were able to visit some of the desperately poor instant slums that had sprung up around Johannesburg. We saw firsthand the need for water and sanitation being at the forefront of those people's needs and, again, examples of cost-effective mechanisms that made a difference. I think that was one of the reasons why the United States and 185 other countries committed to cutting in half the number of people in the world without access to safe drinking water and sanitation by 2015.

The cost of meeting this goal is not an investment that is beyond our capacity. It is less than Europeans spend on perfume each year or that Americans spend on elective cosmetic surgery. In order to put it in perspective, it is less than the cost of one takeout pizza per American family per year that will enable us to transform people's lives. Unfortunately, despite our good work, despite the consensus in 2002, despite the growing awareness of this problem, the world is not yet on track to meet that goal.

□ 1445

The United States has not yet developed a comprehensive strategy to make that happen. It is not that we are unaware or that we are on the sidelines. We are spending a huge amount of money already, and the House just approved doubling our current investment in aid last week.

We have a wide variety of programs across the whole of the Federal Government. There are programs in the Department of Agriculture, the Department of Defense, Interior, State, the African Development Foundation, the National Science Foundation, the U.S. Agency For International Development, the U.S. Trade and Development Agency, Centers For Disease Control, the Export-Import Bank, the Inter-American Foundation, the Overseas Private Investment Corporation, the Peace Corps, EPA, all have pieces of this puzzle. The problem is we have not brought them together in a comprehensive and thoughtful fashion. There is not enough coordination and strategic planning among the various programs.

Our current efforts are focused almost entirely on a very few places, most of the investment to be found in Afghanistan, Iraq, Jordan, the West Bank, and Gaza. I am not going to suggest at all that those investments are not worthwhile and important, but it is time that we refocus our efforts to make sure that we pay attention to areas of greatest need. For example, the lowest percentage of access to water and sanitation is in sub-Saharan Africa, and it gets only $7 million a year. The largest number of people without this access are in South and East Asia.

This legislation helps us take these many programs, give them the coordination and direction they need to make a difference.

The Paul Simon Water for the Poor Act establishes improving affordable and equitable access to water and sanitation as a major objective of our foreign policy. It directs the Secretary of State to develop a strategy with specific timetables, benchmarks and goals to bring together this vast array of programs that I mentioned to integrate water and sanitation into our development efforts and to meet our commitment that the United States and over 180 other countries made in Johannesburg.

It will ensure that water and sanitation is focused on the places with the greatest need, including efforts on building developing world capacity so that they do not remain dependent on our assistance over time. And it sets policy to assure that our assistance is as cost effective as it can be. That is one of the elements that came forward in our hearings. In talking to faith-based and other nongovernmental organizations, we learn there are a vast array of cost-effective mechanisms that will make a difference and will do it quickly.

I would also note that this bill would establish one of the Millennium Development Goals in U.S. law for the first time. This would be regarded as a very positive development around the world. Our efforts in this legislation are designed to provide our government, recipient governments and all their private-sector and NGO partners with the necessary tools and flexibility to increase access to safe drinking water and sanitation in an affordable and equitable way. It is the result of a long process that has included input from Members on both sides of the aisle, from NGOs, from faith-based organizations, environmental groups, engineering firms, water-related businesses, from the administration.

I am pleased and proud that our committee has been inclusive and thoughtful in bringing this together. I think it has the potential not just in healing some of the poorest countries around the world, but I think it is an example of the bipartisan cooperation that Members here are interested in.

As my colleague from Texas pointed out, this is a priority of Senate Majority Leader BILL FRIST. He has introduced legislation, along with the Democratic Leader HARRY REID. There is an opportunity here for the two Chambers to come together quickly to be able to put legislation on the President's desk before we adjourn this year, and it will have an impact that will be felt, as they say, around the world.

I have mentioned the support, leadership, and passion of our chairman, the gentleman from Illinois (Mr. HYDE). I appreciate ranking Democrat, the gentleman from California's (Mr. LANTOS) advice and counsel to me as I have been developing this legislation and moving it forward.

There are key staff members here: Lara Alameh, who has spent countless hours for the majority working with the gentleman from Illinois (Mr.

HYDE), moving this legislation forward, and I appreciate her personal commitment and engagement; Robin Roizman from the gentleman from California's (Mr. Lantos) staff; my friend and colleague, Judah Ariel, who has made this a critical part of his role in our office. I appreciate the people behind the scenes who have worked hard to give us a piece of legislation that we can move forward with confidence and expedition.

Finally, I am pleased that the gentleman from Illinois (Mr. HYDE) actually had the idea. I am sorry that I did not name this legislation after Senator Paul Simon. Senator Simon gave me a copy of his book "Tapped Out" on his last visit to Oregon, something that I cherish. And he was the type of bipartisan, thoughtful, results-oriented legislator that we all should want to emulate. This legislation will be a fitting memorial to his memory. I appreciate what has brought us to this day.

Mr. Speaker, I will submit in the RECORD an expanded list of the groups and organizations who have made the legislation possible, who have worked with the staff, who have worked to refine it, and who are raising the public awareness.

Mr. Speaker, I am pleased that we have reached this point today. I am pleased that in the last week I think it is safe to say there has been more attention spent on Capitol Hill on providing safe drinking water for the poor than there has probably been in years. I think it is time well spent. This legislation will move us in that direction, and I am pleased that we have it here before us today.

I would also like to thank the following groups for their support and assistance:

Mercy Corps, Water Advocates, Millennium Water Alliance, National Wildlife Federation, the Environmental Change and Security Program at the Woodrow Wilson International Center for Scholars, US Fund for UNICEF, Engineers Without Borders, National Audubon Society, American Council of Engineering Companies, Water Environment Federation, Water for People, American Council of Engineering Companies, Nature Conservancy, Public Citizen, American Refugee Committee, CARE USA, Food for the Hungry, the Institute for Sustainable Communities, Lifewater International, Oxfam America, Population Action International, Sister Cities International, WaterAid America, Waterlines, WaterPartners International, The Nature Conservancy, US-India PAC, Citizens for Global Solutions, and the Institute for MultiTrack Diplomacy.

Ms. LEE. Mr. Speaker, I rise in support of H.R. 1973, the Senator Paul Simon Water for the Poor Act of 2005.

I want to congratulate my colleague, Mr. BLUMENAUER for bringing this bill to the floor today, and I want to thank Chairman HYDE and the Ranking Member for their support of this important legislation.

Mr. Speaker, it is a sad fact that here in the United States many of us take clean, plentiful water for granted. According to the Environmental Protection Agency, we use on average about 90 gallons of water per person per day. We expect it to be immediately available for us to drink, to cook with, to shower, to wash our cars, to water our lawns, to fill our swimming pools, and to flush our toilets. Most of this water is needlessly wasted, and we must do more to reduce our usage. But for most people in the developing world, clean water is a precious commodity not to be wasted.

In Sub-Saharan Africa alone, the average person uses 3–5 gallons of water per day. That's why this bill is so important.

As a co-sponsor of H.R. 1973, I am a strong believer in providing clean water and sanitation systems for developing countries to protect public health and reduce the spread of water borne diseases.

According to a recent report by the United Nation's Children's Fund and the World Health Organization, 1.1 billion people worldwide still lack safe water and 2.6 billion have no sanitation. In Africa, only 58 percent of Africans live within 30 minutes walk of an improved water source and only 36 percent have access to a basic toilet.

In rural Africa, 19 percent of women spend more than one hour on each trip to fetch water, a back breaking and exhausting chore that often puts them at risk of abduction or rape, and robs them of other opportunities to work and learn.

Unsafe water, inadequate sanitation and poor hygiene habits play a major role in Africa's high child mortality rate. Each year, diarrhea kills over 700,000 children throughout the continent, and contributes to the problem of chronic malnutrition. Access to clean water is literally a life or death issue for many Africans.

By passing this bill today, we can take a significant step forward to improve access to clean water throughout Africa and the developing world. I want to again thank Mr. BLUMENAUER for his work on this bill, and for working with me to ensure that we receive appropriate reporting on the balance of funding going to urban, rural, and peri-urban communities.

I urge my colleagues to support this bill and send it to the other body for its swift approval.

Mr. REYES. Mr. Speaker, I rise today in strong support of H.R. 1973, the Water for the Poor Act of 2005, a much needed statement of Congress' concern for one of the world's most fundamental problems.

Mr. Speaker, according to the World Health Organization, one billion people around the world live without access to clean water, and 2.6 billion—40 percent of the world's population—cannot access basic sanitation. While the front pages of our newspapers recount the horrors of conflict and displacement and the risk of potential influenza pandemic, the silent epidemic of waterborne illness continues to sicken and kill around the world. Most of us here take having an unlimited supply of clean water for granted, but for billions of people the everyday question of water access means the difference between hope and misery, and even life and death.

If we make the commitment to help more people around the world gain access to potable water, we can help societies become more productive by making them healthier. We can ensure the education of more girls who had previously spent hours a day carrying water. And we can save the lives of children who would have died of easily preventable diseases before maturity.

Mr. Speaker, it is also important to point out in this context that some people struggle to access water right here in the United States. In my district of El Paso, Texas and along the entire United States-Mexico border, unincorporated and under-served settlements called colonias regularly lack access to clean and affordable water. As we pass H.R. 1973 today, I want to remind my colleagues that we must continue funding North American Development Bank programs, such as the Border Environment Infrastructure Fund (BEIF), that help finance essential services infrastructure on both sides of the border.

Mr. Speaker, I ask that all of my colleagues join me in supporting this important legislation.

Mr. LANTOS. Mr. Speaker, I commend my good friend and distinguished colleague, Congressman EARL BLUMENAUER, for his leadership on this critically important bill, of which I am proudly an original cosponsor.

I would also like to commend my dear colleague and friend, HENRY HYDE, Chairman of the House International Relations Committee, for his help in bringing the bill to the floor expeditiously.

Mr. Speaker, the entire world has witnessed time and again the unimaginable devastation that humanitarian disasters, such as Hurricanes Katrina and Wilma and the Pakistani earthquake, can wreak. They leave hundreds of thousands homeless and hungry, their lives in danger from water-borne diseases because of unsafe water and sanitation.

Unsafe water and poor sanitation are appallingly common in the developing world. Each year, more than 3 billion people suffer from water-related diseases, from which 3 to 4 million die—and most victims are children under five.

The Senator Paul Simon Water for the Poor Act seeks to address the 1.1 billion people lacking access to safe drinking water and the almost 2½ billion who have no access to basic sanitation. The legislation directs the Administration to make expanding access to safe water and sanitation a major policy objective in U.S. development efforts.

The bill authorizes new programs to make this policy a reality, including expanding affordable and equitable access to safe water and sanitation and improving the capacity of national and local governments and communities to effectively address their water and sanitation needs.

The bill also authorizes the Secretary of State to develop and implement a safe water and sanitation strategy, including the designation of high priority countries with the greatest water and sanitation needs. Finally, it urges the Administration to expand programs that promote trans-boundary cooperation on water issues.

Mr. Speaker, at nearly every meal, we think nothing of lifting a glass of cool drinking water and hardly notice its cooling effects. Unfortunately, our blessings are not shared by billions of our fellow human beings. In the interest of stability worldwide and in keeping with our core humanitarian values, the United States must do all within our power to ensure that people everywhere have access to safe water and sanitation.

I urge all my colleagues to support this critical legislation.

Ms. EDDIE BERNICE-JOHNSON of Texas. Mr. Speaker, I rise today to express my support for H.R. 1973. I want to commend the gentleman from Oregon for introducing this noteworthy piece of legislation, as it addresses one of the earth's most precious resources—water.

Water is essential for life. It is crucial for sustainable development, the preservation of our natural environment, and the alleviation of poverty and hunger. Water is indispensable for human health and well being.

Arguably one of the most underappreciated challenges facing humanity today is: the availability of clean, fresh water and adequate sanitation infrastructure.

It is practical to intertwine sanitation with water supply. In many instances, clean drinking water supplies cannot be secured without adequate attention to sanitation, as waste disposal remains one of the most serious sources of drinking water contamination.

A lack of fresh water and sanitation infrastructure create ideal conditions under which various water-borne diseases thrive. Water and sanitation-related diseases remain among the biggest killers, particularly among children. Across the globe, many millions of children die every year from water-borne diseases.

The poor are more vulnerable to ill-health than are the well-off. They lack adequate supplies of safe water and safe methods of waste disposal. Study after study has shown that when a community improves its water supply, hygiene and/or sanitation then health improves. Yet unfortunately, statistics reflect a terrible story.

According to the World Health Organization, forty percent of the world's 6 billion people have no acceptable means of sanitation, and more than 1 billion people draw their water from unsafe sources.

As an industrialized nation, the United States must be a leader in addressing this challenge. H.R. 1973 makes the provision of safe water and sanitation a stated goal of U.S. foreign assistance policy. It lends a practical hand to human development and dignity. This is a noble effort, and I proudly support it.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today In support of H.R. 1973, the Senator Paul Simon Water for the Poor Act. And I want to thank my colleague, the author of this legislation, the gentleman from Oregon (Mr. BLUMENAUER) for his leadership on this critical issue and for doing great honor to the name of one of my dear departed friends. The late Senator Paul Simon, my friend from Illinois, was one of our strongest proponents of the need for U.S. leadership in addressing the global water crisis. He considered his book on this topic, Tapped Out, one of the most important works of his life. Senator Simon stated: "In our world increasing numbers of people cannot assume they will be nourished and sustained, and within a few years, a water crisis of catastrophic proportions will explode on us—unless aroused citizens in this and other nations demand of their leadership actions reflecting vision, understanding, and courage."

If Senator Simon were with us today he would certainly point out the fact that globally, over 1 billion people lack adequate access to safe drinking water and over 2 billion have no access to proper sanitation. Five million people, mostly children, die unnecessarily from water-related diseases each year. This is not just a problem that affects other countries. Three of our fastest growing states—California, Texas, and Florida—are feeling the squeeze on water supplies and will soon face major difficulties unless we take action now. In Illinois and the other Great Lakes states, we are faced with challenging resource management issues as we seek to preserve and protect our nation's largest fresh water supply and the largest free-flowing supply of fresh water on earth.

Mr. Speaker, it is in Senator Simon's memory and because of the urgency of this issue, that I support the Water for the Poor Act. As Senator Simon wrote, "No other nation has the capabilities and resources to lead." Because water is a finite resource that is essential to all forms oflife, u.S. policies should seek to ensure that all people have access to clean water to meet their basic needs. Senator Simon's wife Patty Simon is working hard to carry on his legacy and this critically important mission and each member of this body should join in that critically important effort.

The Water for the Poor Act will help to increase access to safe water and sanitation worldwide in an affordable and equitable way. It expresses the policy that the United States needs to increase the amount of funds available for water and sanitation, supports innovative funding mechanisms, greater international coordination, and better integration of water and sanitation into other development efforts. Finally, it requires the development of a strategy to meet specific goals and benchmarks on the way to halving the percentage of people without access to safe water and sanitation.

At the 2002 World Summit on Sustainable Development in Johannesburg, the United States and 185 other countries agreed to the goal of cutting in half the percentage of people without access to safe water and basic sanitation in the world by 2015. The United States should lead in meeting and exceeding that goal. The Senator Paul Simon Water for the Poor Act is the best first step in that direction. I, again, thank and commend my colleague and all of the cosponsors of this important legislation. And I urge all of my colleagues to support H.R. 1973.

Mr. BLUMENAUER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. POE. Mr. Speaker, I want to thank the gentleman from Oregon (Mr. BLUMENAUER) for sponsoring this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Texas (Mr. POE) that the House suspend the rules and pass the bill, H.R. 1973, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BLUMENAUER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GYNECOLOGICAL RESOLUTION FOR ADVANCEMENT OF OVARIAN CANCER EDUCATION

Mr. UPTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 444) supporting the goals and ideals of National Ovarian Cancer Awareness Month, as amended.

The Clerk read as follows:

H. RES. 444

Resolved,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gynecological Resolution for Advancement of Ovarian Cancer Education".

SEC. 2. FINDINGS.

The Congress finds that—

(1) ovarian cancer is a serious and under-recognized threat to women's health;

(2) ovarian cancer is the fourth leading cause of cancer death among women living in the United States;

(3) ovarian cancer is very treatable when it is detected early, but the vast majority of cases are not diagnosed until the cancer has spread beyond the ovaries;

(4) only 19 percent of ovarian cancer cases in the United States are diagnosed in the early stages;

(5) in cases where ovarian cancer is detected before it has spread beyond the ovaries, more than 94 percent of women will survive longer than five years;

(6) many people do not know that ovarian cancer often presents with persistent symptoms such as abdominal pressure, bloating, discomfort, nausea, indigestion, constipation, diarrhea, frequent urination, abnormal bleeding, unusual fatigue, unexplained weight loss or gain, and shortness of breath;

(7) many people do not know that certain women are at higher risk for developing ovarian cancer if they have risk factors, including increasing age, a personal or family history of ovarian, breast, or colon cancer, and not having had children;

(8) raising public awareness of ovarian cancer by educating doctors and women about the disease will save lives;

(9) ovarian cancer research is needed to develop early detection tools, prevention methods, enhanced therapies, and a cure;

(10) there are still large gaps in knowledge on key scientific aspects of the disease;

(11) there is still no reliable and easy-to-administer screening test for ovarian cancer;

(12) President George W. Bush proclaimed September 2005 as National Ovarian Cancer Awareness Month; and

(13) during the month of September, the Ovarian Cancer National Alliance and its 46 State and regional groups held hundreds of events across the country to increase public awareness of the disease.

SEC. 3. SENSE OF CONGRESS.

The House of Representatives supports the goals and ideals of National Ovarian Cancer Awareness Month, and it is the sense of the House of Representatives that—

(1) awareness and early recognition of ovarian cancer symptoms are currently the best way to save women's lives; and

(2) ovarian cancer research should be well-funded so that a reliable screening test can be developed and a cure can be found.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 444.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 444, the Gynecological Resolution for Advancement of Ovarian Cancer Education, or "GRACE's Resolution." I would like to thank the gentleman from Texas (Mr. BARTON) and the gentleman from Georgia (Mr. DEAL) of the Energy and Commerce Committee, as well as the leadership, for bringing this bill directly to the floor today. I would also like to commend the author of this legislation our friend, Mr. HALL, for his work in Congress to improve health care for all Americans. I know that this is a very personal issue that hits so close to home for him, and I fully support him in his efforts.

It is an unfortunate fact that ovarian cancer affects one out of 57 women. In 2005, it is expected that more than 22,000 women will be diagnosed with the disease and an estimated 16,000 will die from it.

In my own State of Michigan, there are an average of 515 deaths per year from ovarian cancer and an average incidence rate of 760 people per year.

Ovarian cancer is the fourth leading cause of cancer death among women in the United States. Fifty percent of women diagnosed with ovarian cancer die from it within 5 years. However, if it is detected early, the disease, in fact, is very treatable. In cases where ovarian cancer is detected before it has spread beyond the ovaries, more than 90 percent of women will survive longer than 5 years. But sadly, only 19 percent of ovarian cancer cases in the United States are diagnosed in the early stages.

Unfortunately, ovarian cancer does not share the same positive statistics as other cancers. In the most recent report put out by the American Cancer Society, the Centers for Disease Control and Prevention, the National Cancer Institute, and the North American Association of Central Cancer Registries, there were many great developments in cancer trends. Among men, the incidence rates of all cancers were stable from 1995 through 2002. Among women, however, the rates increased by 0.3 percent annually from 1987 to 2002. However, death rates for men and women decreased 1.1 percent during that same period of time.

While death rates decreased for many cancers, they have stayed consistently high for ovarian cancer. As the National Cancer Institute statistics demonstrate, a woman's risk of dying from ovarian cancer is not less today than it was 10 years ago.

Education is the key to detecting this cancer early. Currently, 86 percent of women state that they have little to no knowledge of gynecological cancers. Forty-five percent of women are unaware of risk factors associated with developing a gynecologic cancer, and 47 percent are unable to name any symptoms of gynecological cancers. Perhaps most startling, 43 percent of women believe that they are not at risk of developing gynecological cancer. As the resolution states, "Awareness and early recognition of ovarian cancer symptoms are currently the best way to save women's lives."

Early detection of ovarian cancer is possible. In a national study done by Dr. Barbara Goff of ovarian cancer patients, 95 percent of women had experienced symptoms prior to their diagnosis. We need national awareness among the medical community and among women themselves that ovarian cancer is not a silent disease, the label that it was given many years ago. There are symptoms that can lead to early diagnosis when the disease is beatable and obviously then treatable.

Ovarian cancer often presents with persistent symptoms such as abdominal pressure, bloating, discomfort, nausea, indigestion, constipation, abnormal bleeding, unusual fatigue, unexplained weight loss or gain, and shortness of breath. There are also groups of women who are at higher risk of developing the disease. They include women of increasing age, women who have a personal or family history of ovarian, breast, or colon cancer, and women who have not had children.

Since these symptoms are so common, ovarian cancer is often a missed diagnosis. There are several reasons for patient-related delays in diagnosis, including a lack of pain, fear, and ignorance regarding cancer symptoms. Additionally, doctors often attribute the symptoms to stress, gastritis, irritable bowel syndrome, or depression. Thirty percent of women are treated first for another condition before they find out that they have ovarian cancer.

One of the reasons the survival rate for ovarian cancer remains low is that, so far, there is not a reliable test to detect the disease. Researchers have determined that the disease is related to the BRCA gene, and that women who inherit the BRCA 1 mutated gene have a 20 to 40 percent chance of developing ovarian cancer.

□ 1500

Family members diagnosed with ovarian cancer can get a blood test to determine if they have the BRCA-mutated gene.

Researchers around the country, as well as the National Cancer Institute, have been working towards a solution; but progress is slow. More ovarian cancer research is needed to develop early detection tools, prevention methods, enhanced therapies, and obviously a cure.

There are still large gaps in knowledge on key scientific aspects of the disease. For example, we still do not know if all ovarian cancers are the same disease. There is still no reliable and easy-to-administer screening test for ovarian cancer like the pap smear for cervical cancer or the mammogram for breast cancer. Healthy women have no alternative for screening but to be aware of the ovarian cancer symptoms.

Research on ovarian cancer is underfunded relative to the high mortality rate. In 2002, the National Cancer Institute allocated only about one-fifth as much money to ovarian cancer research, $93 million, as to breast cancer, $522 million, and one-third as much to prostate cancer, $278 million, two diseases whose mortality rates are proportionately lower than ovarian cancer.

I am heartened to see that we are battling these other diseases and winning the war over them. We need still to pay a lot of attention to the needs of ovarian cancer patients.

Once again, I would like to commend my friend from Texas (Mr. HALL) and all the other cosponsors for bringing this resolution to the floor today increasing our awareness of this deadly disease. I would encourage my colleagues to adopt this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I rise in support of this resolution, and I am glad we are doing so. My colleague has described what the major problem is.

We have a predicament. Early detection of ovarian cancers most often leads to treatment and successful treatment, while late diagnosis makes treatment exceptionally difficult.

We have today 80,000 women who are diagnosed with gynecological cancers and about a third or a little more with ovarian cancer; and every year about 27,000 women die from the gynecological cancers, and about half of those, a little more, from ovarian cancer.

We need very much to step up to the plate on this vital, vital need; and this resolution is important because it helps to call attention to this need.

I do want to point out the need also for us to go further than this. A number of us have been working for a number of years to provide some Federal resources behind our good intentions.

The bill, which is called Johanna's Law, would set aside some Federal moneys for a national public awareness campaign and also would provide grants to local entities and to national groups to help educate women, physicians, insurance companies, and everybody else about the need, the importance, and the feasibility of early detection of ovarian cancer.

I hope today will be another step towards not only recognition but also action. I congratulate the sponsors of this resolution and all who are talking in favor of it.

Mr. UPTON. Mr. Speaker, I yield 4½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Michigan for yielding, and I rise today in support of H. Res. 444, the Gynecological Resolution for Advancement of Ovarian Cancer Education, or Grace's Resolution, as the acronym goes. I would like to thank Chairman BARTON and Chairman DEAL of the Energy and Commerce Committee, as well as the leadership, for bringing the resolution to the floor today.

Mr. Speaker, in America, ovarian cancer is the fourth leading cause of cancer death in women. It afflicts one out of every 57 women, and more than 22,000 will be diagnosed with the disease in 2005. Out of these 22,000 women, more than 16,000 will die from the disease.

While Americans have made much progress toward decreasing the mortality rate for many other women's cancers, such as cervical, uterine and breast cancer, the numbers have remained stubbornly high for ovarian cancer. For example, the 5-year survival for breast cancer is 98 percent; uterine cancer, 96 percent; cervical cancer, 73 percent. Unfortunately, the ovarian cancer 5-year survival rate lags at 44 percent, Mr. Speaker.

If it is detected early, the disease is very treatable. In cases where ovarian cancer is detected before it has spread beyond the ovaries, more than 94 percent of women will survive longer than 5 years; but, unfortunately, only 19 percent of ovarian cancer cases in the United States are diagnosed in the early stages. Ovarian cancer has the highest mortality rate of all gynecological cancers. As the National Cancer Institute statistics demonstrate, a woman's risk of dying from ovarian cancer is not less today than it was 10 years ago.

The resolution on the floor today stresses the need for more ovarian cancer education. Education is the key to detecting this cancer early. Currently, 86 percent of women state that they have little to no knowledge of gynecologic cancers. Forty-five percent of women are unaware of risk factors associated with developing a GYN cancer, and 45 percent are unable to name any symptoms of gynecological cancers. Perhaps most startling, 43 percent of women believe that they are not at risk of developing gynecological cancer.

Fortunately, researchers have discovered several common symptoms of the disease; but, Mr. Speaker, unfortunately, ovarian cancer often first presents with little or no symptoms. Persistent symptoms such as abdominal pressure, bloating, discomfort, nausea, indigestion, constipation, abnormal bleeding, unusual fatigue, unexplained weight loss or gain, and shortness of breath usually occur and they increase over time; but these are all particularly late in the disease process.

There are also groups of women who are at higher risk of developing the disease. They include women over the age of 50, women who have a personal or a family history of ovarian, breast, or colon cancer and women who have had children after the age of 30 for the first time.

Ovarian cancer, however, is often a missed disease by patients and doctors alike. While a woman can have a mammography to detect breast cancer and they can have a pap smear to detect cervical cancer, there is currently no reliable, reasonably priced and readily accessible screening test for ovarian cancer. There are still large gaps in knowledge on key scientific aspects of the disease. At present, healthy women, their best alternative for screening is to be aware of ovarian cancer symptoms and to have an annual physical and pelvic exam done by their physician.

This resolution commends men and women across the country who are working to increase awareness of this disease. President Bush proclaimed September as National Ovarian Cancer Awareness Month; and during that month, 46 States and local groups held hundreds of events across the country to increase public awareness of the disease. It also stresses that ovarian cancer research should be well funded so that a reliable screening test can be developed and a cure can be found.

I especially want to thank the gentleman from Texas (Mr. HALL) for bringing the resolution to the floor today.

Mr. DEFAZIO. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 444. Grace Warren is our colleague and long-time legislative director to the gentleman from Texas (Mr. HALL). He is my friend, and she is my friend.

Grace's struggle and the struggle of her family and friends remind us that everyone can be touched by a woman's disease.

My college roommate, a great friend, a caring friend, Catholic Irish, young, blue-eyed girl, strong in her faith, a wonderful mother, devoted wife, lost her battle with ovarian cancer in 2001.

As the gentleman stated earlier, according to the Centers for Disease Control and Prevention, more than 22,000 women will be newly diagnosed with ovarian cancer in 2005. As the House considers H. Res. 444 today, approximately 44 women will die of ovarian cancer.

Despite being the fourth leading cause of cancer deaths among women, the battle against ovarian cancer is handicapped by a lack of public information, gaps in scientific knowledge, and an NIH research budget funding increase in 2005 that does not even keep up with inflation.

I come before my colleagues today because I strongly believe in research, and not only is this a colleague and friend, but as a nurse and cancer survivor I feel very strongly about this resolution. It makes it known that Congress recognizes the hopes and fears of ovarian cancer patients everywhere.

In all things, education is the key to our future. For the one woman in every 58 women in this country who is at risk of developing ovarian cancer in her lifetime, public awareness and early diagnosis are the keys to her survival.

The Members of this body work daily to ensure the health and well-being of the citizens who have chosen them to represent them. Surely, we can join together with the gentleman from Texas (Mr. HALL) to acknowledge the value of medical research, health education and public awareness of ovarian cancer in saving the lives of so many.

My prayers and best wishes go to Grace Warren, and I urge my colleagues to support this most worthy resolution.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

I think some of the statistics that have been spoken here on the floor do bear repeating because they are not widely known either in the medical community or among the citizenry of our country.

Ovarian cancer is more common than many believe. One out of 57 women will have an occurrence. It is expected that 22,200 will be diagnosed with the disease this year, again, something that is not widely known, near epidemic proportions here.

It is, as those speakers who preceded me have said, difficult to diagnose because of subtle symptoms, and they can be confused with other diseases.

It is key that we better inform the medical community, key that we begin to invest more money in research toward a test which could more reliably detect the cancer; and if we are successful there, we will dramatically increase survival rates. Early detection causes a dramatic chance in a woman's minimum 5-year survival possibility.

It is key that we invest in those areas, and we are not. Ovarian cancer is rather dramatically underfunded relative to its high mortality rate.

In 2004, the National Cancer Institute allocated only about 20 percent as much funding to ovarian cancer research as to breast cancer research, not that breast cancer should be minimized, but I think we should be investing more in both for humane purposes and for avoiding huge medical costs and complications as these diseases progress to more serious stages. Unfortunately, there was only about a third as much as was allocated to prostate cancer, again, not that we should reduce prostate cancer research, but we should increase ovarian cancer research and the others.

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These are investments we are making in the health and well-being of the American people. They ultimately will be not only lifesaving, but cost saving. They are good investments to make, even in tough economic and budgetary times.

So I am hopeful that the passage of this resolution will lead not only to more education among our populace, but more education in the medical community, better diagnostic tools and more money invested in research.

To paraphrase former Vice President Gore, this is not just a women's disease. Everyone has a grandmother or a mother. It is someone's spouse or sister or aunt or friend who are afflicted by this disease, and in that we all cannot feel their pain, but we understand how life changing or how horrible this disease can be for the individuals and for their families.

With that, I urge my colleagues to urge the resolution, and in the near future to support increases in funding for finding better ways to detect and cure this disease.

Mr. Speaker, I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. HALL), a member of the Energy and Commerce Committee and the sponsor of the legislation.

Mr. HALL. Mr. Speaker, I thank the chairman for yielding me time, and I thank the gentleman from Oregon for his kind and informative information.

I, of course, rise in support of H. Res. 444. I refer to it as "Grace's Resolution." It has been so referred to several times. I thank Chairman BARTON, Chairman DEAL, Ranking Member SHERROD BROWN and all the leadership for bringing this very important bill directly to the floor and the attention of all Members.

This fall, the American public has been engaged in quite a few public awareness campaigns for cancer related to women, including breast and cervical cancer. During September, the Nation also recognized Ovarian Cancer Awareness Month, and groups held hundreds of events across the country to increase public awareness of this terrible disease.

While it is heartening to see that Americans' risk of dying from cancer continues to decline every year, it is unfortunate that ovarian cancer does not follow this trend. In fact, the Ovarian Cancer Institute statistics demonstrate a woman's risk of dying from ovarian cancer is no less today than it was 10 years ago.

It is an unfortunate fact that ovarian cancer is the fourth leading cause of cancer death among women in the United States. Currently, 50 percent of the women diagnosed with ovarian cancer do not make it for 5 years. The disease is very treatable when detected early, but 81 percent of cases are diagnosed late, after the cancer has spread beyond the ovaries. There are still large gaps in knowledge on key aspects of the disease and there is not a reliable screening test that can help diagnose the disease at an earlier stage.

The resolution before the House today outlines common symptoms of the disease, including abdominal pressure, nausea, indigestion, unusual fatigue and unexplained weight loss or gain. Women are more at risk if they have a personal or family history of ovarian, breast or colon cancer, have not had children or are of increasing age.

The resolution supports further research to develop early detection tools, prevention methods, therapies and a cure. Unfortunately, funding for ovarian cancer research decreased from fiscal year 2003 to fiscal year 2004 by $7 million. Other than a $1 million decrease for prostrate cancer, no other cancer received a decrease in the same period.

As a Nation, we need to turn these grim statistics around. I would like to call on appropriators to adequately fund ovarian cancer research, and I would like to see the National Cancer Institute step up their efforts to find an early detection test.

I have a very personal interest in making ovarian cancer research a top priority. My long-time legislative director, Grace Warren, my friend, friend of my wife's, friend of our family's, is battling this terrible disease. Many on Capitol Hill have worked with Grace Warren and know that I have always referred to her as "Amazing Grace." Some even said that the Baptists had named a song about "Amazing Grace." I am not sure.

Grace was with me some 24 years, with Ray Roberts, my predecessor, 19 years, and I have always thought she worked for Mr. Rayburn, but I was afraid to ask her.

Grace devoted her entire career to Capitol Hill. She walked right off the high school stage on to Capitol Hill when she was 18 years old and has been here and given her life to it. Her specialty is health care policy, and all those who are familiar with the work of the Health Subcommittee on the Energy and Commerce Committee know Grace as both a policy expert and as a friend.

Grace's battle with ovarian cancer has been going on for 2 years now, and she has taken up the call for advocacy, even in retirement and as she undergoes treatment. She is working with South Carolina and national ovarian cancer awareness groups to bring this disease to the forefront of our attention and to call for affirmative action.

For Grace and all the women who fight this disease every day, I say to you that we will keep fighting. I ask my colleagues to support this goal and to support increased funding, and I ask all of those who know me to join in prayer for her recovery and recovery for those who suffer the same illness.

Mr. UPTON. Mr. Speaker, I have no further speakers and am prepared to yield back, with one brief comment to my friend from Texas.

I am sure that everybody here in this Chamber does know somebody who has suffered with ovarian cancer. Hopefully this bill, the "Grace Bill," will make it a few less down the road. We appreciate the gentleman's leadership and her continued charge for this legislation as well.

Mr. BURTON of Indiana. Mr. Speaker, I rise in strong support of House Resolution 444—a resolution I am proud to be a co-sponsor of—offered by my good friend Congressman RALPH HALL of Texas. H. Res. 444 is a straightforward bill which expresses the House of Representatives' support for the goals and ideals of National Ovarian Cancer Awareness Month.

Ovarian cancer is the deadliest of the gynecologic cancers, and it is the fourth leading cause of cancer death among women living in the United States. Currently, half the women diagnosed with ovarian cancer die within 5 years. This is a national tragedy, and what makes it even more tragic is the fact that many of those deaths could have been prevented if more women and their doctors knew the risk factors and recognized the early warning signs of ovarian cancer and other gynecological cancers.

When it is detected early, ovarian cancer is very treatable, unfortunately, as I mentioned, ovarian cancer is one of the most difficult cancers to diagnose because symptoms are sometimes subtle and maybe easily confused with those of other diseases. As a result, only 29 percent of ovarian cancer cases in the U.S. are diagnosed in the early stages. When the disease is detected before it has spread beyond the ovaries, more than 95 percent of women will survive longer than 5 years. But, in cases where the disease is not detected until it reaches the advanced stage, the 5-year survival rate plummets to a devastating 25 percent.

As there is still no reliable and easy-to-administer screening test for ovarian cancer, like the Pap smear for cervical cancer or the mammogram for breast cancer, early recognition of symptoms is clearly the best way to save a woman's live. Without increased education about ovarian cancer and recognition of women who are at higher risk for developing ovarian cancer, many women and their doctors will continue to ignore or misinterpret the symptoms of the disease.

Along with many of our colleagues, I know first-hand how terrible cancer can be and how easily this insidious disease can be misdiagnosed. I applaud Congressman HALL's tireless efforts to raise awareness of this terrible disease and I urge all of my colleagues to support this resolution.

I hope before this Congress adjourns for the year that we can follow-up this critically important legislation with a vote on Johanna's law, the Gynecologic Cancer Education Act—H.R. 1245. Johanna's law takes the logical next step by directing the Secretary of Health and Human Services to carry out a national campaign to increase the awareness and knowledge of women with respect to gynecologic cancers, which shall include: (1) Maintaining a supply of written materials to provide information to the public on gynecologic cancers; and (2) developing and placing public service announcements to encourage women to discuss their risks of gynecologic cancers with their physicians. The bill also requires the Secretary to award grants to nonprofit private entities to test different outreach and education strategies for increasing such awareness among women and health professionals.

With a national public service announcements campaign describing risk factors and symptoms and encouraging women to talk to their doctors about their risk of gynecological cancers, I am confident that we can increase early detection of these deadly cancers, and, when possible, help women reduce their risk of ever contracting them in the first place.

Any woman is at risk for developing a gynecologic cancer. We owe it to our mothers, our wives and our daughters to do all we can to both raise awareness of these terrible diseases and to fund the research necessary to stamp out this kind of cancer once and for all.

Mr. HONDA. Mr. Speaker, I rise today in strong support of the Gynecological Resolution for Advancement of Ovarian Cancer Education. Ovarian cancer, the deadliest of the gynecological cancers, is the fourth leading cause of cancer death among women in the U.S. About 25,000 women are diagnosed with ovarian cancer in the U.S. each year, and about 16,000 women die of ovarian cancer each year.

Early detection is the key to successful treatment of gynecologic cancers. The 5-year survival rates for the most common gynecologic cancers are 90 percent when diagnosed early, but drop to 50 percent or less for cancer diagnosed in later stages. However, the disease is difficult to detect in its early stages. Only about 29 percent of ovarian cancers are found before tumor growth spreads to tissues and organs beyond the ovaries.

Gynecologic cancers such as ovarian and endometrial cancer do not yet have a reliable screening test that can be used for the general population. Moreover, most women are still unaware of risk factors and the early symptoms of gynecologic cancers.

Women of color have worse outcomes in regard to ovarian cancer and other gynecological cancers. Better education and awareness, more funding for research, and addressing systemic problems within the health care system are essential to consider. Reducing cancer in minority and underserved populations is facilitated by the mobilization of professional and lay leaders in the community to address the specific cancer needs of that community as well as through coalition building among health-related, academic, and community organizations.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 444, Gynecological Resolution for Advancement of Ovarian Cancer Education. Unfortunately, ovarian cancer is a serious and under-recognized threat to women's health. According to recent studies: Ovarian cancer, the deadliest of the gynecologic cancers, is the fourth leading cause of cancer death among women living in the U.S. Ovarian cancer occurs in 1 out of 57 women. It is expected that 22,220 women will be diagnosed with the disease in 2005. An estimated 16,210 American women will die from ovarian cancer in 2005. All females are at risk for ovarian cancer.

Fortunately, ovarian cancer is very treatable when it is detected early, but the vast majority of cases are not diagnosed until the cancer has spread beyond the ovaries. Ovarian cancer may be difficult to diagnose because symptoms are sometimes subtle and may be easily confused with those of other diseases. In cases where ovarian cancer is detected before it has spread beyond the ovaries, more than 94 percent of women will survive longer than five years. Only 19 percent of ovarian cancer cases in the U.S. are diagnosed in the early stages. The chances for five-year survival for an advanced stage diagnosis is approximately 29 percent. The overall 5-year survival rate for all stages is 44 percent.

It is important that we create additional public awareness of ovarian cancer by educating doctors and women about the disease. By doing this we can save lives. Currently, studies show that most people do not know the symptoms of ovarian cancer. Many include, abdominal pressure, bloating, or discomfort; nausea, indigestion, or gas; constipation, diarrhea, or frequent urination; abnormal bleeding; unusual fatigue; unexplained weight loss or gain; shortness of breath. Symptoms are subtle, persistent, and usually increase over time. Early recognition of symptoms is the best way to save women's lives. Without increased education about ovarian cancer, many women and their doctors will continue to ignore or misinterpret the symptoms of the disease. Recognition of women who are at higher risk for developing ovarian cancer is also important. Risk factors include: increasing age, personal or family history of ovarian, breast, or colon cancer, and not bearing a child. Ninety percent of women diagnosed do not have a family history that puts them at a higher risk for ovarian cancer.

In closing let say that research on ovarian cancer is drastically under-funded relative to its high mortality rate. In 2002, the NCI allocated only about one-fifth as much money to ovarian cancer research ($93.5 million) as to breast cancer research ($522.6 million), and one-third as much as to prostate cancer research ($278.4 million), two diseases whose mortality rates are proportionally extremely lower than ovarian cancer.

Early detection of ovarian cancer is possible. In a national study done by Dr. Barbara Goff of ovarian cancer patients, 95 percent of women had experienced symptoms prior to their diagnosis. We need national awareness among the medical community and among women themselves that ovarian cancer is not a "silent disease" the label it was given years ago—there are symptoms that can lead to early diagnosis when the disease is beatable and treatable. Yet, each and every day women with this disease are treated for incorrect conditions in the pelvic and abdominal region, with a full 30 percent being treated for the incorrect condition before receiving the eventual diagnosis of ovarian cancer.

Ms. DELAURO. Mr. Speaker, I want to thank my colleague from Texas for his leadership on this important issue. Nineteen years ago, I learned for myself the deadly toll ovarian cancer can take. Back then, I knew little about these diseases. But then I was diagnosed with ovarian cancer during an unrelated doctor's visit. I was fortunate to have excellent doctors who detected the cancer by accident in Stage 1 and underwent radiation treatment for the next two-and-a-half months. I am proud to say that I have now been cancer-free for 19 years.

I was lucky—lucky that my life was given back to me. But of course, my life was changed at the same time. We all hope to see the day when cancer is prevented and no one has to go through what I and so many others have endured. When it comes to life and death, no one should have to depend on luck.

And frankly, we are asking 25,000 women a year to do just that. As we commemorate the first National Ovarian Cancer Awareness Month, we do so with the understanding that more than 25,000 women are diagnosed every year with ovarian cancer—1 out of every 57 women. 16,000 of those women will die simply because the disease is not detected until it has reached an advanced stage.

The tragedy of it all is that ovarian cancer can be cured if it is detected soon enough. When detected in the early stages, more than 94 percent of women survive longer than 5 years, and most are cured completely. The problem is simply that women have never had a reliable, accurate method of screening for ovarian cancer in the early stages.

But that may be changing. Today, researchers are on the cusp of a breakthrough, of giving real hope to women who might otherwise not be diagnosed until it is too late. And our investment in ovarian cancer research is paying dividends, which is why we must keep fighting to make sure that ovarian cancer grants at the National Institutes of Health are fully funded. With 25,000 lives on the line every year, we can ill afford any setbacks in our work to find potential screening tools and treatments for this deadly disease.

Mr. Speaker, providing hope to women across the country is what that investment is about—highlighting the need to make that hope a reality is what this resolution is about. It is my privilege to support it.

Mr. RUSH. Mr. Speaker, when the House considered H. Res. 444, a Gynecological Resolution for Advancement of Ovarian Cancer Education, I was unavoidably detained in my Chicago district. I would like to take this opportunity to express my support for this resolution, which has been sponsored by my good friend and colleague, RALPH HALL of Texas, to bring attention to a disease that has afflicted one of his long time staff members, Grace Warren.

That disease is ovarian cancer.

Mr. Speaker, ovarian cancer is the fourth leading cause of cancer mortality among women in the United States. Research has proven that early detection of the disease can improve the long term survival rates among those with the disease dramatically yet, unfortunately, there are few, if any, effective methods of early detection. As a result, often when the disease has been diagnosed, it is often far advanced.

While the mortality rates have decreased in the United States for other cancers, they have remained high for women with ovarian cancer. This is the result, in part, because the symptoms of the disease are not well understood and in part, because there are no reliable and reasonably priced screening tests to detect the disease in its early stages. Statistics from the Centers for Disease Control and Prevention indicate that more than 22,000 American women will be diagnosed with the disease this year, yet last year, the National Cancer Institute dedicated approximately one-fifth of the research dollars to ovarian cancer as it does to breast cancer.

Earlier this year, when Ralph advised me that he was sponsoring legislation to increase the awareness of ovarian cancer and to dedicate resources to research on its causes and cures, I agreed to cosponsor the legislation. Not only as a testament to Grace, and to the strength and courage which she has demonstrated while battling this devastating disease, but to all of the women in this country who are the victims of ovarian cancer and other gynecological cancers.

Mr. Speaker, I am pleased and proud that the House has passed this resolution overwhelmingly. It is my hope that the Senate will soon follow suit and pass similar legislation. Grace Warren, and the other victims of this disease, deserve no less.

Mr. UPTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and agree to the resolution, H. Res. 444, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. UPTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 22 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1832

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 32 minutes p.m.

CONFERENCE REPORT ON H.R. 2862, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. WOLF submitted the following conference report and statement on the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes:

CONFERENCE REPORT (H. REPT. 109-272)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2862) "making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $124,456,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 45 permanent positions and 46 full-time equivalent workyears and $11,821,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2005: Provided further, That not to exceed 26 permanent positions, 21 full-time equivalent workyears and $3,480,000 shall be expended for the Office of Legislative Affairs: Provided further, That not to exceed 17 permanent positions, 22 full-time equivalent workyears and $2,764,000 shall be expended for the Office of Public Affairs: Provided further, That the Offices of Legislative Affairs and Public Affairs may utilize, on a non-reimbursable basis details of career employees within the ceilings provided for the Office of Legislative Affairs and the Office of Public Affairs: Provided further, That not less than $500,000 shall be used to contract with an independent party to carry out a privacy assessment.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and Departmental direction, $125,000,000, to remain available until expended: Provided, That, of the funds available $10,000,000 is for the unified financial management system to be administered by the Unified Financial Management System Executive Council: Provided further, That of the funds provided, $20,000,000 is unavailable for obligation until the Department Chief Information Officer submits the plan described in section 110 of this title.

NARROWBAND COMMUNICATIONS/INTEGRATED WIRELESS NETWORK

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $90,000,000, to remain available until September 30, 2007: Provided, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: Provided further, That any transfer made under the preceding proviso shall be subject to section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $215,685,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $1,222,000,000, of which $45,000,000 shall be derived from prior year unobligated balances from funds previously appropriated, to remain available until expended: Provided, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System and for overseeing housing related to such detention: Provided further, That any unobligated balances available in prior years from the funds appropriated under the heading "Federal Prisoner Detention" shall be transferred to and merged with the appropriation under the heading "Detention Trustee" and shall be available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $68,801,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $11,000,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $661,959,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National

Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $6,333,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $144,451,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, not to exceed $116,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $28,451,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,600,000,000: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $20,000,000 shall remain available until expended: Provided further, That of the funds made available under this heading, $1,500,000 shall only be available to continue "Operation Streetsweeper".

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $214,402,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $214,402,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year 2006 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,320,000.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $793,031,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; of which $4,000,000 for information technology systems shall remain available until expended; and of which not less than $12,000,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service in United States courthouses and Federal buildings, $8,883,000, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, such sums as are necessary, to remain available until expended: Provided, That not to exceed $10,000,000 may be made available for construction of buildings for protected witness safesites: Provided further, That not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses: Provided further, That not to exceed $9,000,000 may be made available for the purchase, installation, maintenance and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,659,000: Provided, That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $21,468,000, to be derived from the Department of Justice Assets Forfeiture Fund.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $489,440,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,868 passenger motor vehicles, of which 3,039 will be for replacement only; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C, $5,728,737,000; of which not to exceed $150,000,000 shall remain available until expended; of which $2,288,897,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; and of which not to exceed $25,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, gang-related crime, cybercrime, and drug investigations: Provided, That not to exceed $205,000 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of Federally-owned buildings; and preliminary planning and design of projects: $37,608,000, to remain available until expended: Provided, That $15,108,000 shall be available for the planning, design, and construction of the Federal Bureau of Investigation Center for Integrated Training and Technology Transfer in Redstone Arsenal: Provided further, That $5,000,000 shall be available for a chemical and biological evidence handling and storage facility to be co-located with comparable facilities in existence for sample, handling and receipt of hazardous material by the Department of the Army: Provided further, That $10,000,000 shall be available for equipment and associated costs for a permanent central records complex in Frederick County, Virginia.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; and purchase of not to exceed 1,043 passenger motor vehicles, of which 937 will be for replacement only, for police-type use, $1,686,457,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including the purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed $40,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $923,613,000, of which not to exceed $1,000,000 shall be available for the payment of *attorneys' fees as provided by 18 U.S.C. 924(d)(2): and of which $10,000,000 shall remain available until expended: Provided. That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice. the records, or any portion thereof. of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further. That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1. 1994: Provided further. That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further. That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18. United States Code: Provided further. That no funds made available by this or any other Act may be used to transfer the functions, missions. or activities of the Bureau of Alcohol, Tobacco. Firearms and Explosives to other agencies or Departments in fiscal year 2006: Provided further. That no funds appropriated under this or any other Act with respect to any fiscal year may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol. Tobacco. Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18. United States Code. or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), to anyone other than a Federal. State. or local law enforcement agency or a prosecutor solely in connection with and for use in a bona fide criminal investigation or prosecution and then only such information as pertains to the geographic jurisdiction of the law enforcement agency requesting the disclosure and not for use in any civil action or proceeding other than an action or proceeding commenced by the Bureau of Alcohol, Tobacco. Firearms and Explosives, or a review of such an action or proceeding, to enforce the provisions of chapter 44 of such title, and all such data shall be immune from legal process and shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used. relied on, or disclosed in any manner. nor shall testimony or other evidence be permitted based upon such data. in any civil action pending on or filed after the effective date of this Act in any State (including the District of Columbia) or Federal court or in any administrative proceeding other than a proceeding commenced by the Bureau of Alcohol. Tobacco, Firearms and Explosives to enforce the provisions of that chapter. or a review of such an action or proceeding: except that this proviso shall not be construed to prevent the disclosure of statistical information concerning total production. importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title): Provided further. That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18. United States Code: Provided further. That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: Provided further. That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18. United States Code, or renewal of such a license due to a lack of business activity. provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986: Provided further. That of the amount provided under this heading. $5,000,000. to remain available until expended. shall be for the expenses necessary for site selection. architectural design. site preparation and the development of a total cost estimate for the construction of a permanent site for the National Center for Explosives Training and Research: Provided further, That any funds remaining shall be applied to the construction of the Center: Provided further, That the Director of the ATF, when considering site selection shall consider a site collocated with other law enforcement and Federal government entities that provide similar training and research.*

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary of the Federal Prison System for the administration. operation, and maintenance of Federal penal and correctional institutions. including purchase (not to exceed 768, of which 701 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments. $4,892,649,000: Provided. That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further. That the Director of the Federal Prison System. where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System. furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $50,000,000 shall remain available for necessary operations until September 30. 2007: Provided further, That. of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants. contracts and reimbursable agreements. and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980. for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

BUILDINGS AND FACILITIES

For planning. acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling. and equipping of such facilities for penal and correctional use. including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling. and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto. by contract or force account, $90,112,000. to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries. Incorporated, is hereby authorized to make such expenditures. within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments. without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,365,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced. including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement. protection. or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants. contracts. cooperative agreements, and other assistance for the prevention and prosecution of violence against women as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); $386,502,000, including amounts for administrative costs, to remain available until expended: Provided, That except as otherwise provided by law, not to exceed three percent of funds made available under this heading may be used for expenses related to evaluation, training and technical assistance: Provided further, That of the amount provided—

(1) $11,897,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) $2,287,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(3) $986,000 for grants for televised testimony. as authorized by Part N of the 1968 Act;

(4) $187,308,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

(A) $5,100,000 shall be for the National Institute of Justice for research and evaluation of violence against women;

(B) $10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, as authorized by the 1974 Act; and

(C) $15,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by Public Law 108–21;

(5) $63,075,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(6) $39,166,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295(a) of the 1994 Act;

(7) $4,958,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(8) $2,962,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;

(9) $9,054,000 to reduce violent crimes against women on campus, as authorized by section 1108(a) of Public Law 106–386;

(10) $39,220,000 for legal assistance for victims, as authorized by section 1201(c) of Public Law 106–386;

(11) $4,540,000 for enhancing protection for older and disabled women from domestic violence and sexual assault, as authorized by section 40802 of the 1994 Act;

(12) $13,894,000 for the safe havens for children pilot program, as authorized by section 1301(a) of Public Law 106–386; and

(13) $7,155,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402(a) of Public Law 106–386.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Missing Children's Assistance Act, including salaries and expenses in connection therewith, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21), the Justice for All Act of 2004 (Public Law 108–405), and the Victims of Crime Act of 1984, $233,233,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,142,707,000 (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account): Provided, That funding provided under this heading shall remain available until expended, as follows—

(1) $416,478,000 for the Edward Byrne Memorial Justice Assistance Grant program pursuant to the amendments made by section 201 of H.R. 3036 of the 108th Congress, as passed by the House of Representatives on March 30, 2004 (except that the special rules for Puerto Rico established pursuant to such amendments shall not apply for purposes of this Act), of which—

(A) $10,000,000 is for the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement; and

(B) $85,000,000 for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement, as authorized by section 401 of Public Law 104–294 (42 U.S.C. 13751 note);

(2) $405,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act;

(3) $30,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices;

(4) $191,704,000 for discretionary grants authorized by subpart 2 of part E, of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act;

(5) $10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386;

(6) $850,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(7) $10,000,000 for Drug Courts, as authorized by Part EE of the 1968 Act;

(8) $7,500,000 for a prescription drug monitoring program;

(9) $18,175,000 for prison rape prevention and prosecution programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79), of which $2,175,000 shall be transferred to the National Prison Rape Elimination Commission for authorized activities;

(10) $10,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by part S of the 1968 Act;

(11) $10,000,000 for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process;

(12) $1,000,000 for a capital litigation improvement grant program;

(13) $5,000,000 for a cannabis eradication program to be administered by the Drug Enforcement Administration;

(14) $22,000,000 for assistance to Indian tribes, of which—

(A) $9,000,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act;

(B) $8,000,000 shall be available for the Tribal Courts Initiative; and

(C) $5,000,000 shall be available for demonstration projects on alcohol and crime in Indian Country; and

(15) $5,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act:

Provided, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $50,000,000, to remain available until September 30, 2007, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government engaged in the investigation and prosecution of violent and gang-related crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act: Provided further, That of the funds appropriated for the Executive Office for Weed and Seed, not to exceed $2,000,000 shall be directed for comprehensive community development training and technical assistance.

COMMUNITY ORIENTED POLICING SERVICES

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (including administrative costs), $478,300,000, to remain available until expended: Provided, That of the funds under this heading, not to exceed $2,575,000 shall be available for the Office of Justice Programs for reimbursable services associated with programs administered by the Community Oriented Policing Services Office: Provided further, That section 1703(b) and (c) of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act") shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.): Provided further, That up to $34,000,000 of balances made available as a result of prior year deobligations may be obligated for program management and administration, of which $5,000,000 shall be available for transfer to the National Institute of Standards and Technology: Provided further, That any balances made available as a result of prior year deobligations in excess of $34,000,000 shall only be obligated in accordance with section 605 of this Act. Of the amounts provided—

(1) $30,000,000 is for the matching grant program for law enforcement armor vests as authorized by section 2501 of part Y of the 1968 Act, of which not to exceed $3,000,000 may be for the National Institute of Justice to test and evaluate vests;

(2) $63,590,000 is for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in "drug hot spots";

(3) $139,904,000 is for a law enforcement technologies and interoperable communications program;

(4) $10,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(5) $5,000,000 is for an offender re-entry program;

(6) $108,531,000 is for a DNA analysis and capacity enhancement program, and for other State, local and Federal forensic activities, of which $4,000,000 shall be for grant programs as authorized by sections 412 and 413 of Public Law 108–405;

(7) $15,000,000 is for law enforcement assistance to Indian tribes;

(8) $40,000,000 for a national program to reduce gang violence;

(9) $4,000,000 is for training and technical assistance;

(10) $18,500,000 is for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act (42 U.S.C. 3797j et seq.);

(11) $28,775,000 is for grants, contracts and other assistance to States under section 102(b) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601); and

(12) $15,000,000 is for Project Safe Neighborhoods, of which $4,500,000 is for the National District Attorneys Association to conduct prosecutorial training by the National Advocacy Center.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the Act"), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $342,739,000, to remain available until expended, as follows—

(1) $712,000 for concentration of Federal efforts, as authorized by section 204 of the Act;

(2) $80,000,000 for State and local programs authorized by section 221 of the Act, including training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(3) $106,027,000 for demonstration projects, as authorized by sections 261 and 262 of the Act;

(4) $10,000,000 for juvenile mentoring programs;

(5) $65,000,000 for delinquency prevention, as authorized by section 505 of the Act, of which—

(A) $10,000,000 shall be for the Tribal Youth Program;

(B) $25,000,000 shall be for a gang resistance education and training program; and

(C) $25,000,000 shall be for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(6) $1,000,000 for Project Childsafe;

(7) $15,000,000 for the Secure Our Schools Act as authorized by Public Law 106–386;

(8) $15,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(9) $50,000,000 for the Juvenile Accountability Block Grants program as authorized by Public Law 107–273 and Guam shall be considered a State:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: Provided further, That not more than 2 percent of each amount may be used for training and technical assistance: Provided further, That the previous two provisos shall not apply to demonstration projects, as authorized by sections 261 and 262 of the Act: Provided further, That section 702(a) of Public Law 88–352 shall apply to any grants for World Vision, described in H. Rpt. 108–792 and the statement of managers accompanying this Act, and awarded by the Attorney General.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $4,884,000, to remain available until expended for payments as authorized by section 1201(b) of said Act; and $4,064,000 for educational assistance, as authorized by section 1212 of the 1968 Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $60,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 102. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 105. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section: Provided further, That none of the funds appropriated to "Buildings and Facilities, Federal Prison System" in this or any other Act may be transferred to "Salaries and Expenses, Federal Prison System", or any other Department of Justice account, unless the President certifies that such a transfer is necessary to the national security interests of the United States, and such authority shall not be delegated, and shall be subject to section 605 of this Act.

SEC. 106. The Attorney General is authorized to extend through September 30, 2007, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

SEC. 107. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation initiated by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 108. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 109. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 110. Within the funds provided under "Justice Information Sharing Technology", the Attorney General shall establish an investment review board, which the Deputy Attorney General shall head: Provided, That within 90 days of enactment of this Act, the Department shall submit a plan that outlines the governance structure and membership of the board: Provided further, That the Department shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, within 90 days of enactment of this Act, the project criteria that will initiate the board's oversight, to include a listing of all projects to be reviewed during fiscal year 2006.

SEC. 111. Section 3151(b) of title 5, United States Code, is amended by—

(1) striking paragraph (2)(A) and (B);

(2) in paragraph (1) by striking "(1)"; and

(3) redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

SEC. 112. Within the funds provided for the Drug Enforcement Administration, the Attorney General shall establish a Methamphetamine Task Force within the Drug Enforcement Administration which shall be responsible for improving and targeting the Federal Government's policies with respect to the production and trafficking of methamphetamine: Provided, That within 90 days of enactment of this Act, the Drug Enforcement Administration shall submit a plan that outlines the governance structure and membership of the task force: Provided further, That within 120 days the Drug Enforcement Administration shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives the membership of the task force and powers established for the task force.

SEC. 113. (a) Section 4(a) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15603(a)) is amended—

(1) in paragraph (5), by inserting ", except as authorized in paragraph (7)" before the period at the end; and

(2) by adding at the end the following new paragraph:

"(7) REPORTING ON CHILD ABUSE AND NEGLECT.—Nothing in sections 304 or 812 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3735, 3789g) or any other provision of law, including paragraph (5), shall prevent the Bureau (including its agents), in carrying out the review and analysis under paragraph (1), from reporting to the designated public officials such information (and only such information) regarding child abuse or child neglect with respect to which the statutes or regulations of a State (or a political subdivision thereof) require prompt reporting.".

(b) Section 7(d)(3)(A) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606(d)(3)(A)) is amended by striking "2 years" and inserting "3 years".

SEC. 114. The Attorney General shall waive the matching requirement for the purchase of bulletproof vests of the Bulletproof Vest Partnership Grant Act of 1998 for any law enforcement agency that purchased defective Zylon-based body armor with Federal funds pursuant to such Act between October 1, 1998, and September 30, 2005, and seeks to replace that Zylon-based body armor, provided that the law enforcement agency can present documentation to prove the purchase of Zylon-based body armor with funds awarded to it under such Act.

This title may be cited as the "Department of Justice Appropriations Act, 2006".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $44,779,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $124,000 shall be available for official reception and representation expenses: Provided further, That not less than $2,000,000 provided under this heading shall be for expenses authorized by 19 U.S.C. 2451 and 1677b(c): Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That negotiations shall be conducted *within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210.*

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $62,752,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $406,925,000, to remain available until September 30, 2007, of which $8,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That $47,434,000 shall be for Manufacturing and Services; $39,815,000 shall be for Market Access and Compliance; $62,134,000 shall be for the Import Administration of which not less than $3,000,000 is for the Office of China Compliance; $231,722,000 shall be for the United States and Foreign Commercial Service; and $25,820,000 shall be for Executive Direction and Administration: Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: Provided further, That the International Trade Administration shall be exempt from the requirements of Circular A–25 (or any successor administrative regulation or policy) issued by the Office of Management and Budget: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $76,000,000, to remain available until expended, of which $14,767,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $253,985,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,075,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $30,024,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $80,304,000, to remain available until September 30, 2007.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $198,029,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses related to the 2010 decennial census, $453,596,000, to remain available until September 30, 2007.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $160,612,000, to remain available until September 30, 2007: Provided, That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of Census data on race identification that does not include "some other race" as a category.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $18,068,000, to remain available until September 30, 2007: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants authorized by section 392 of the Communications Act of 1934, $22,000,000, to remain available until expended as authorized by section 391 of the Act: Provided, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,683,086,000, to remain available until expended: Provided, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2006, so as to result in a fiscal year 2006 appropriation from the general fund estimated at $0: Provided further, That during fiscal year 2006, should the total amount of offsetting fee collections be less than $1,683,086,000, this amount shall be reduced accordingly: Provided further, That not less than 657 full-time equivalents, 690 positions and $85,017,000 shall be for the examination of trademark applications; and not less than 5,810 full-time equivalents, 6,241 positions and $906,142,000 shall be for the examination and searching of patent applications: Provided further, That not more than 265 full-time equivalents, 272 positions and $37,490,000 shall be for the Office of the General Counsel: Provided further, That not more than 82 full-time equivalents, 83 positions and $25,393,000 shall be for the Office of the Administrator for External Affairs: Provided further, That any deviation from the full-time equivalent, position, and funding designations set forth in the preceding four provisos shall be subject to the procedures set forth in section 605 of this Act: Provided further, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2006 for official reception and representation expenses: Provided further, That notwithstanding *section 1353 of title 31, United States Code, no employee of the United States Patent and Trademark Office may accept payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Office, or represents a person or corporation subject to regulation by the Office, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986: Provided further, That in fiscal year 2006, from the amounts made available for "Salaries and Expenses" for the United States Patent and Trademark Office (PTO), the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the PTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all PTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts.*

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology Office of Technology Policy, $6,000,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $399,869,000, to remain available until expended, of which not to exceed $1,300,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, $106,000,000, to remain available until expended.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $80,000,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $175,898,000, to remain available until expended: Provided, That beginning in fiscal year 2007 and for each fiscal year thereafter, the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, 10 United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multiyear program cost of more than $5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $2,763,222,000, to remain available until September 30, 2007, except for funds provided for cooperative enforcement which shall remain available until September 30, 2008: Provided, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition $67,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That of the $2,833,222,000 provided for in direct obligations under this heading $2,763,222,000 is appropriated from the General Fund and $70,000,000 is provided by transfer: Provided further, That no general administrative charge shall be applied against an assigned activity included in this Act or the report accompanying this Act: Provided further, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $179,036,000: Provided further, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed $34,000,000: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 605 of this Act: Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000, unless funds provided for "Coastal Zone Management Grants" exceed funds provided in the previous fiscal year: Provided further, That if funds provided for "Coastal Zone Management Grants" exceed funds provided in the previous fiscal year, then no State shall receive more than 5 percent or less than 1 percent of the additional funds: Provided further, That the personnel management demonstration project established at the National Oceanic and Atmospheric Administration pursuant to 5 U.S.C. 4703 may be expanded by 3,500 full-time positions to include up to 6,925 full-time positions and may be extended indefinitely: Provided further, That the Administrator of the National Oceanic and Atmospheric Administration may engage in formal and informal education activities, including primary and secondary education, related to the agency's mission goals: Provided further, That, in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 611 et seq.), within funds appropriated under this heading, $2,000,000 shall remain available until expended, for the cost of loans under section 211(e) of title II of Division C of Public Law 105-277, such loans to have terms of up to 30 years and to be available for use in any of the Bering Sea and Aleutian Islands fisheries.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $1,124,278,000, to remain available until September 30, 2008, except funds provided for construction of facilities which shall remain available until expended: Provided, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: Provided further, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 605 of this Act: Provided further, That beginning in fiscal year 2007 and for each fiscal year thereafter, the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, 10 United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition and construction program having a total multiyear program cost of more than $5,000,000 and an estimate of the budgetary requirements for each such program for each of the five subsequent fiscal years: Provided further, That subject to amounts provided in advance in appropriations Acts, the Secretary of Commerce is authorized to enter into a lease with The Regents of the University of California for land at the San Diego Campus in La Jolla for a term not less than 55 years: Provided further, That funds appropriated for the construction of the National Oceanic and Atmospheric Administration Pacific Regional Center are an additional increment in the incremental funding planned for the Center, and may be expended incrementally, through multi-year contracts for construction and related activities, provided that obligations under any such multi-year contract shall be subject to the availability of appropriations.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $67,500,000.

COASTAL ZONE MANAGEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the "Operations, Research, and Facilities" account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

For the costs of direct loans, $287,000, as authorized by the Merchant Marine Act of 1936: Provided, That such costs, including the cost of modifying such loans, shall be as defined in the Federal Credit Reform Act of 1990: Provided further, That these funds are only available to subsidize gross obligations for the principal amount of direct loans not to exceed $5,000,000 for Individual Fishing Quota loans, and not to exceed

$59,000,000 for traditional direct loans, of which $19,000,000 may be used for direct loans to the United States menhaden fishery: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

OTHER

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $47,466,000: Provided, That not to exceed 11 full-time equivalents and $1,490,000 shall be expended for the legislative affairs function of the Department.

UNITED STATES TRAVEL AND TOURISM PROMOTION

For necessary expenses of the United States Travel and Tourism Promotion Program, as authorized by section 210 of Public Law 108–7, for programs promoting travel to the United States including grants, contracts, cooperative agreements and related costs, $4,000,000, to remain available until September 30, 2007.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $22,758,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any other Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act: Provided further, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

SEC. 204. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 205. Funds made available for salaries and administrative expenses to administer the Emergency Steel Loan Guarantee Program in section 211(b) of Public Law 108–199 shall remain available until expended: Provided, That section 101(k) of the Emergency Steel Loan Guarantee Act of 1999 (Public Law 106–51; 15 U.S.C. 1841 note) is amended by striking "2005" and inserting "2007".

SEC. 206. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to register, issue, transfer, or enforce any trademark of the phrase "Last Best Place".

SEC. 207. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the "National Institute of Standards and Technology, Construction of Research Facilities", $8,000,000 is for a cooperative agreement with the Medical University of South Carolina; $20,000,000 is for the National Formulation Science Laboratory at the University of Southern Mississippi; $20,000,000 is for the University of Mississippi Research Park; $5,000,000 is for the Alabama State University Science and Education Building; $8,000,000 is for Tuscaloosa, Alabama, revitalization; $20,000,000 is for the Biomedical Research Center at the University of Alabama at Birmingham; $3,000,000 is for the Institute for Security Technology Studies; $1,000,000 is for the Thayer School of Engineering; $12,000,000 is for the WVHTCF Research Facility; and $30,000,000 is for the University of Alabama for the design and construction of the Science and Engineering Center.

SEC. 208. Of the amount available from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries", $7,000,000 shall be provided to the Alaska Fisheries Marketing Board. $5,000,000 shall be available to the Southern Shrimp Alliance for its "Wild American Shrimp Marketing Program".

SEC. 209. Of the amounts made available under the heading "Procurement, Acquisition and Construction, National Oceanic and Atmospheric Administration", $27,000,000 shall be transferred to the National Aeronautics and Space Administration for the planning, design, and construction of Building 3203, for the planning and design of Buildings 3205 and 3216, and for certain infrastructure improvements.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2006".

TITLE III—SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,564,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND EXPLORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and exploration research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $9,761,400,000, to remain available until September 30, 2007, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to "Exploration Capabilities" in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

EXPLORATION CAPABILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of exploration capabilities research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,663,000,000, to remain available until September 30, 2007, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to "Science, Aeronautics and Exploration" in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $32,400,000, to remain available until September 30, 2007.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for "Science, Aeronautics and Exploration", or "Exploration Capabilities" by this appropriations Act, when any activity has been initiated by the incurrence of *obligations for construction of facilities or environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.*

Notwithstanding the limitation on the availability of funds appropriated for "Science, Aeronautics and Exploration", or "Exploration Capabilities" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2008.

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn. Funding shall not be made available for Centennial Challenges unless authorized.

Funding made available under the headings "Exploration Capabilities" and "Science, Aeronautics, and Exploration" in this Act shall be governed by the terms and conditions specified in the statement of managers accompanying the conference report for this Act.

The unexpired balances of prior appropriations to National Aeronautics and Space Administration for activities for which funds are provided under this Act may be transferred to the new account established for the appropriation that provides such activity under this Act. Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund under the same terms and conditions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $4,387,520,000, to remain available until September 30, 2007, of which not to exceed $425,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: Provided, That from funds specified in the fiscal year 2006 budget request for icebreaking services, such sums shall be available for the procurement of polar icebreaking services: Provided further, That the National Science Foundation shall reimburse the Coast Guard according to the existing memorandum of agreement: Provided further, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That funds under this heading may be available for innovation inducement prizes.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $193,350,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $807,000,000, to remain available until September 30, 2007: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $250,000,000: Provided, That contracts may be entered into under "Salaries and Expenses" in fiscal year 2006 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,000,000: Provided, That not more than $9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $11,500,000, to remain available until September 30, 2007.

This title may be cited as the "Science Appropriations Act, 2006".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,680,019,000: Provided, That not to exceed 71 permanent positions and $9,804,000 shall be for the Bureau of Legislative Affairs: Provided further, That of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That of the amount made available under this heading, not less than $334,000,000 shall be available only for public diplomacy international information programs: Provided further, That of the amount made available under this heading, not less than $2,000,000 shall be for a contribution to the Scholar Rescue Fund endowment: Provided further, That of the amount made available under this heading, $3,000,000 shall be available only for the operations of the Office on Right-Sizing the United States Government Overseas Presence: Provided further, That funds available under this heading may be available for a United States Government interagency task force to examine, coordinate and oversee United States participation in the United Nations headquarters renovation project: Provided further, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action: Provided further, That funds appropriated under this heading are available, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

In addition, not to exceed $1,469,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $689,523,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $58,895,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

CENTRALIZED INFORMATION TECHNOLOGY MODERNIZATION PROGRAM

For expenses relating to the modernization of the information technology systems and networks of the Department of State, $69,368,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $30,029,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $431,790,000, to *remain available until expended: Provided, That not to exceed $2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.*

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $8,281,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $9,390,000, to remain available until September 30, 2007.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $598,800,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $910,200,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $10,000,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and merged with the "Repatriation Loans Program Account", subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $712,000, as authorized: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with funds in the "Diplomatic and Consular Programs" account.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $19,751,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $131,700,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,166,212,000: Provided, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: Provided further, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations budget for the biennium 2006–2007 to exceed the revised United Nations budget level for the biennium 2004–2005 of $3,695,480,000: Provided further, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $1,035,500,000, of which 15 percent shall remain available until September 30, 2007: Provided, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the national interest that will be served, and the planned exit strategy; (2) the Committees on Appropriations and other appropriate committees of the Congress are notified that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in any United Nations peacekeeping mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission; and (3) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: Provided further, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $28,000,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $5,300,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $10,039,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $24,000,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), $14,000,000, to remain available until expended, as authorized.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For a grant to the Center for Middle Eastern-Western Dialogue Trust Fund (22 U.S.C. 2078), $5,000,000 for operation of the Center for Middle Eastern-Western Dialogue in Istanbul, Turkey.

In addition, for necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, the total amount of the interest and earnings accruing to such Fund on or before September 30, 2006, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2006, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2006, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for

Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $19,240,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $75,000,000, to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase, lease, and installation of necessary equipment for radio and television transmission and reception to Cuba, and to make and supervise grants for radio and television broadcasting to the Middle East, $641,450,000: Provided, That of the total amount in this heading, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $10,893,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this title may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this title may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this title may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 406 of division B of Public Law 108–7 to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided in this or any other Act shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 406 of division B of Public Law 108–7.

SEC. 405. For the purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon request of the citizen, record the place of birth as Israel.

SEC. 406. Notwithstanding any other provision of law, of the funds appropriated by this Act under the heading "Diplomatic and Consular Programs": $5,000,000 shall be made available for an endowment for the Center for Asian Democracy; $100,000 shall be made available for a grant to the Center for the Study of the Presidency for a public diplomacy initiative; $300,000 shall be made available for a grant to Operation Smile for a public diplomacy program; and $350,000 shall be made available for a grant to MiraMed for programs to combat human trafficking.

SEC. 407. Funds appropriated under this title for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 408. (a) Funds provided in this title for the following accounts shall be made available for programs in the amounts contained in the respective tables included in the report accompanying this Act:

"Educational and Cultural Exchange Programs".

"National Endowment for Democracy".

"International Broadcasting Operations".

"Broadcasting Capital Improvements".

(b) Any proposed increases or decreases to the amounts contained in such tables in the accompanying report shall be subject to the regular notification procedures in section 605 of this Act.

(c) The Secretary of State shall notify the Committees on Appropriations 15 days in advance of recommending the issuance of any license subject to Executive Order 13067.

SEC. 409. Notwithstanding any other provision of law, of the funds appropriated or otherwise made available in this title, not more than $1,035,500,000 shall be available for payment to the United Nations for assessed and other expenses of international peacekeeping activities.

SEC. 410. Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking "October 1, 2005" and inserting "October 1, 2006".

SEC. 411. None of the funds appropriated under this title may be made available to pay any contribution of the United States to the United Nations if the United Nations implements or imposes any taxation on any United States persons.

SEC. 412. It is the sense of the Congress that the amount of any loan for the renovation of the United Nations headquarters building located in New York, New York, should not exceed $600,000,000: Provided, That if any loan exceeds $600,000,000, the Secretary of State shall notify the Congress of the current cost of the renovation and cost containment measures.

SEC. 413. None of the funds made available by this title may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 414. (a) None of the funds appropriated or otherwise made available under this title shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2006.

SEC. 415. (a) None of the funds appropriated or otherwise made available under this title shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2006.

SEC. 416. (a) Except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the Marine Corps.

SEC. 417. Ceilings and earmarks contained in this title shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this title.

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2006".

TITLE V—RELATED AGENCIES

ANTITRUST MODERNIZATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Antitrust Modernization Commission, as authorized by Public Law 107–273, $1,172,000, to remain available until expended.

Commission for the Preservation of America's Heritage Abroad

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $499,000, as authorized by section 1303 of Public Law 99–83.

Commission on Civil Rights

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,048,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

Commission on International Religious Freedom

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,300,000, to remain available until September 30, 2007.

Commission on Security and Cooperation in Europe

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $2,030,000, to remain available until September 30, 2007.

Congressional-Executive Commission on the People's Republic of China

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $1,900,000, including not more than $3,000 for the purpose of official representation, to remain available until September 30, 2007.

Equal Employment Opportunity Commission

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $331,228,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming provisions of section 605 of this Act.

Federal Communications Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $289,771,000: Provided, That $288,771,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at $1,000,000: Provided further, That any offsetting collections received in excess of $288,771,000 in fiscal year 2006 shall remain available until expended, but shall not be available for obligation until October 1, 2006: Provided further, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $85,000,000 for fiscal year 2006.

Federal Trade Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $211,000,000, to remain available until expended: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: Provided further, That, notwithstanding any other provision of law, not to exceed $116,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: Provided further, That, notwithstanding any other provision of law, $23,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telephone Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in. a final fiscal year 2006 appropriation from the general fund estimated at not more than $72,000,000: Provided further, That none of the funds made available to the Federal Trade Commission may be used to enforce subsection (e) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) or section 151(b)(2) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1831t note).

Legal Services Corporation

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $330,803,000, of which $312,375,000 is for basic field programs and required independent audits; $2,539,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $12,825,000 is for management and administration; $1,255,000 is for client self-help and information technology; and $1,809,000 is for grants to offset losses due to census adjustments.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2005 and 2006, respectively, and except that section 501(a)(1) of Public Law 104–134 (110 Stat. 1321–51, et seq.) shall not apply to the use of the $1,809,000 to address loss of funding due to Census-based reallocations.

Marine Mammal Commission

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $2,920,000, of which $920,000 shall remain available until September 30, 2007.

National Veterans Business Development Corporation

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, $1,500,000, to remain available until expended.

Securities and Exchange Commission

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $888,117,000, to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: Provided, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: Provided further, That not to exceed $863,117,000 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That $25,000,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: Provided further, That the total amount appropriated under this heading from the general fund for fiscal year 2006 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2006 appropriation from the general fund estimated at not more than $0.

Small Business Administration

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108–447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $313,029,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That $89,000,000 shall be available to fund grants for performance in fiscal year 2006 or fiscal year 2007 as authorized: Provided further, That the Small Business Administration is authorized to award grants under the Women's Business Center Sustainability Pilot Program established by section 4(a) of Public Law 106–165 (15 U.S.C. 656(l)): Provided further, That, of the amounts provided for Women's Business Centers, not less than 41 percent shall be available to continue Women's Business Centers in sustainability status.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $13,900,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act, as amended, $2,861,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $1,300,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2006 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, shall not exceed the levels established under 20(e)(1)(B)(ii) of the Small Business Act: Provided further, That during fiscal year 2006 commitments for general business loans authorized under section 7(a) of the Small Business Act, shall not exceed the levels established under 20(e)(1)(B)(i) of the Small Business Act: Provided further, That during fiscal year 2006 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed $3,000,000,000: Provided further, That during fiscal year 2006 guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $12,000,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $125,307,000, which may be transferred to and merged with the appropriations for Salaries and Expenses: Provided, That, of the funds previously made available under Public Law 105–135, section 507(g), for the Delta Loan program, up to $500,000 may be transferred to and merged with the appropriation for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

From unobligated balances under this heading, in fiscal year 2006, not to exceed $9,000,000 may be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses, of which $1,500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572), $3,500,000: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, $3,000,000, including not more than $5,000 for the purpose of official representation, to remain available until September 30, 2007.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $22,350,000, to remain available until September 30, 2007.

UNITED STATES SENATE-CHINA INTERPARLIAMENTARY GROUP

SALARIES AND EXPENSES

For necessary expenses of the United States Senate-China Interparliamentary Group, as authorized under section 153 of the Consolidated Appropriations Act, 2004 (22 U.S.C. 276n; Public Law 108–99; 118 Stat. 448), $150,000, to remain available until September 30, 2007.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices; (6) reorganizes, programs or activities; or (7) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $750,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. Hereafter, none of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 607. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. The Departments of Commerce, Justice, and State, the Broadcasting Board of Governors, the National Science Foundation, the National Aeronautics and Space Administration, the Federal Communications Commission, the Securities and Exchange Commission and the Small Business Administration shall provide to the Committees on Appropriations of the Senate and of the House of Representatives a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 609. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 610. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 611. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 612. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $625,000,000 shall not be available for obligation until the following fiscal year.

SEC. 613. For additional amounts under the heading "Small Business Administration, Salaries and Expenses", $1,000,000 shall be available for the Adelante Development Center, Inc., NM; $850,000 shall be available for the Alabama Department of Archives and History, Montgomery, AL; $500,000 shall be available for the Alabama Humanities Foundation for a Statewide Initiative; $1,500,000 shall be available for Alabama State Docks Economic Development; $200,000 shall be available for the Alaska Small Business Development Center; $1,000,000 shall be available for the Alcorn State University Judicial Threat Analysis Center; $775,000 shall be available for Ben Franklin Technology Partners Translational Action Research Boards, Philadelphia, PA; $1,000,000 shall be available for the Bring Back Broad Street Initiative, Mobile, AL; $450,000 shall be available for the City of Guin, AL, Industrial Development Initiative; $250,000 shall be available for the City of Monroeville, AL, Community Enrichment Project; $300,000 shall be available for the City of Oneonta, AL, for industrial development; $500,000 shall be available for the City of Richland Revitalization Project; $100,000 shall be available for community development in Randolph County, AL; $275,000 shall be available for the Community Development Project, Huntsville, AL; $500,000 shall be available for economic development in Lamar County, AL; $100,000 shall be available for the Great Lakes Business Growth and Development Center at Lorain County Community College; $200,000 shall be available for the Greenville Waterfront Industrial Enhancement Project; $50,000 shall be available for the Houston Community College Multi-Cultural Business Center; $75,000 shall be available for the Idaho Virtual Incubator at Lewis-Clark State College; $500,000 shall be available for Industrial Infrastructure in Hartselle, AL; $5,000,000 shall be available for the Industrial Outreach Service at Mississippi State University; $450,000 shall be available for infrastructure development in Chambers County, AL; $200,000 shall be available for the Investnet/Technology Venture Center partnership for Alaska and Montana; $200,000 shall be available for the Knoxville College Small Business Incubator Program; $350,000 shall be available for the LeFleur Lakes Flood Control/Pearl River Watershed project; $750,000 shall be available for the Manufacturing Technology Initiative at Mississippi State University; $500,000 shall be available for the Mississippi Children's Museum; $1,000,000 shall be available for the Mississippi Film Enterprise Zone; $1,250,000 shall be available for the Mississippi Technology Alliance Economic Development Plan; $500,000 shall be available for the Mitchell Memorial Library for the digitization of special collections; $500,000 shall be available for the Montgomery, AL, Downtown Revitalization Project; $650,000 shall be available for the New Product Development and Commercialization Center for Rural Manufacturers; $2,100,000 shall be available for the Oak Ridge National Laboratory for the Southeastern fiber optic project (Lambda Rail); $500,000 shall be available for the Old Fort McClellan Economic Development Initiative, Anniston, AL; $75,000 shall be available for the Pro-Tech Program at the College of Southern Idaho; $500,000 shall be available for the Shelby County, AL, Environmental Education Center; $2,000,000 shall be available for Small Business Development Centers in Mississippi; $100,000 shall be available for the South Carolina International Center for Automotive Research Park Innovation Center; $250,000 shall be available for the Technology Venture Center, MT; $25,000 shall be available for the Town of Millry, AL, for community development; $1,000,000 shall be available for the Toxin Alert Development Project at the University of Southern Mississippi; $500,000 shall be available for the Troy University Center for International Business and Economic Development; $900,000 shall be available for the Tuck School of Business/MBDA Partnership; $150,000 shall be available for the University of Alabama Community Development project; $350,000 shall be available for the University of West Alabama Regional Center for Community and Economic Development; $1,000,000 shall be available for the Women's Entrepreneurship Initiative at the Mississippi University for Women; $500,000 shall be available for the Montana Department of Administration for spatial data to enable economic development; $500,000 shall be available for the City of Fort Wayne, Indiana for the Institute for Orthopedic Biomaterials Research; $1,000,000 shall be available for the New Mexico State University Arrowhead Center; $1,000,000 shall be available for the New Mexico Community Development Loan Fund/WESSTCorp. Cooperative; $1,500,000 shall be available for the Inland Northwest Regional GigaPop Network Connectivity project; $300,000 shall be available for the Brooklyn, NY Chamber of Commerce for the Brooklyn Goes Global program; $500,000 shall be available for the Institute for Technology and Business Development at Central Connecticut State University; $500,000 shall be available for the Iowa Department of Economic Development for the Entrepreneurial Venture Assistance Project; $400,000 shall be available for the New Ventures Center in Davenport in Iowa; $400,000 shall be available for the Pappajohn Higher Education Center in Des Moines, Iowa; $250,000 shall be available for the University of Vermont Small Enterprise Research Initiative; $200,000 shall be available for the Genesis of Innovation in Rapid City, South Dakota; $500,000 shall be available for the Wisconsin Security Research Consortium, a collaboration between the University of Wisconsin System and the Wisconsin Technology Council; $500,000 shall be available for the Rowan University Technology Center and Business Incubator; $1,500,000 shall be available for the Vermont Center for Emerging Technologies; $500,000 shall be available for the Vermont Employee Ownership Center; $820,000 shall be available for the Central Michigan University Center for Applied Research and Technology; $500,000 shall be available for the Nanotechnology Economic Development Program at the University of Arkansas at Little Rock; $1,100,000 shall be available for the University of Arkansas' Research and Technology Park; $600,000 shall be available for the Maryland Technology Development Corporation for the Minority R&D Initiative; $1,000,000 shall be available for the University of West Florida's Statewide Small Business Development Center Network; $200,000 shall be available for the Nevada's Commission on Economic Development; $1,000,000 shall be available for the Clark County Department of Aviation, Las Vegas, Nevada to study and operate the international air trade show; $250,000 shall be available for the Corona-Elmhurst Center for Economic Development, New York; $180,000 shall be available for the Sephardic Angel Fund, New York City; $500,000 shall be available for the Detroit Economic Growth Business Attraction Program; $250,000 shall be available for the Oregon Department of Consumer and Business Services' One-Stop Permitting Portal; $250,000 shall be available for the Fossil Bed Park and Ancient Lands Field House; $100,000 shall be for a grant to Cedar Creek Battlefield Foundation; $100,000 shall be for a grant to Belle Grove Plantation; $250,000 shall be for a grant to Shenandoah University for a facility; $100,000 shall be for a grant to Winchester-Frederick Convention and Visitor Bureau; $2,000,000 shall be for a grant to Virginia Community College System for a web portal; $200,000 shall be for a grant to Americans at War; $500,000 shall be for a grant to Warren County, Virginia, for a community enhancement project; $2,000,000 shall be available for the United States-China Economic and Security Review Commission for projects to study Chinese policies and practices and their impacts on American interests, the American economy, and small businesses; $200,000 shall be for a grant to the Myrtle Beach International Trade and Convention Center; $575,000 shall be for a grant to the Innovation and Outreach Center at the University of Mississippi; $500,000 shall be for a grant to Competetive Manufacturing through Innovation Management at the University of Wisconsin Oshkosh; $200,000 shall be for a grant to Business and Industrial Incubator in Cushing, Oklahoma; $500,000 shall be for a grant to Patrick Henry Community College for a workforce development program; $500,000 shall be for a grant to Danville Community College for a workforce development program; $500,000 shall be for a grant to Advanced and Applied Polymer Processing Institute; $1,000,000 shall be for a grant to the Industrial Development Authority of Halifax, VA; $1,000,000 shall be for a grant to the University of Illinois for the Information Trust Initiative; $1,000,000 shall be for a grant to Aurora, IL, for construction and other activities related to community development; $200,000 shall be for a grant to Carnegie Mellon University for a Community-Based Demonstration Project; $500,000 shall be for a grant to REI Rural Business and Resource Center in Seminole, Oklahoma; $1,000,000 shall be for a grant to Appalachian State University; $1,000,000 shall be for a grant to Western Carolina University for a computer engineering program; $1,000,000 shall be for a grant to International Small Business and Trade Institute; $500,000 shall be for a grant to the Illinois Institute for Technology to examine and assess advancements in biotechnologies; $3,000,000 shall be for a grant to the Southern and Eastern Kentucky Tourism Development Association; $2,500,000 shall be for a grant to the Southern and Eastern Kentucky Economic Development Corporation; $1,000,000 shall be for a grant to the National Center for Community Renewal; $250,000 shall be for a grant to Advanced Business Technology Incubator at College of the Canyons; $250,000 shall be for a grant to the Applied Competitive Technologies Program of the California Community Colleges; $250,000 shall be for a grant to Adirondack Champlain Fiber Network; $100,000 shall *be for a grant to Amoskeag Business Incubator; $500,000 shall be for a grant to the Montana World Trade Center; $1,000,000 shall be for a grant to the Fairplex Trade and Conference Center; $220,000 shall be for a grant to Virtual Business Incubator in Southeast Pennsylvania; $250,000 shall be for a grant to the Rochester Tooling and Machining Association; $600,000 shall be for a grant to Wittenberg University to expand business education; $500,000 shall be for a grant to Experience Works to expand opportunities for older workers; $1,000,000 shall be for a grant to Innovation Center in Peoria, Illinois; $1,250,000 shall be for a grant to North Iowa Area Community College business incubator; $1,000,000 shall be for a grant to University of Redlands for development of a center to assist small business; $500,000 shall be for a grant to McHenry County Economic Development Corporation; $300,000 shall be for a grant to Rockford Area Ventures in Rockford, Illinois; $1,100,000 shall be for a grant to Ohio Ready to Work program; $530,000 shall be for a grant to Michigan State University for the Institute for Trade in the Americas; $500,000 shall be for a grant to Bridgeport Regional Business Council for an economic integration initiative; $100,000 shall be for a grant to Cedarbridge Development Corporation for a redevelopment initiative; $100,000 shall be for a grant to the Heart of Florida Regional Coalition; $150,000 shall be for a grant to Syracuse, NY, for a small business community support program; $500,000 shall be for a grant to the Connect the Valley initiative; $500,000 shall be for a grant to the Chattanooga Enterprise Center for a demonstration project; $150,000 shall be available for a grant to St. Jerome Church for their community center project and programs in the Bronx, New York; $50,000 shall be available for a grant to establish the Tito Puente Legacy Project at Hostos Community College in New York; $150,000 shall be available for a grant to the Bronx Council on the Arts for its Arts Cultural Corridor Project to promote local arts initiatives; $50,000 shall be available for a grant to the South Bronx Action Group to provide housing related services to the community; $100,000 shall be available for a grant to Pro Co Technology, Inc. for their programs in the Bronx, New York; $150,000 shall be available for a grant to Bronx Shepherds for community programs; $200,000 shall be available for a grant to HOGAR, Inc. in the Bronx, New York; $50,000 shall be available for a grant to the Promesa Foundation to provide financial assistance to New York area families under a youth sports and recreational initiative; $100,000 shall be available for a grant to Promesa Enterprises in New York for infrastructure program support; $100,000 shall be available for a grant to Presbyterian Senior Services for capital costs for their Grandparent Family Apartments project in the Bronx, New York; $50,000 shall be available for a grant to World Vision's Bronx Storehouse for services in the community; $50,000 shall be available for a grant to the Bronx River Alliance for its services in the Bronx, New York; $600,000 shall be available to the Downtown Huntsville Small Business Enhancement Initiative; $150,000 shall be available for the Rhode Island College for the Project FLIP (Financial and Functional Literacy Incentive Program); $750,000 shall be available for the Rhode Island School of Design in Providence, Rhode Island; $100,000 shall be available for the Newport County Chamber of Commerce for the Aquidneck Island Corporate Park Capital Program; $700,000 shall be available for the American Cities Foundation (ACF) Economic Development Initiative; $300,000 shall be available for CAP Services in Stevens Point, WI; $500,000 shall be available for the Northwest Regional Planning Commission; $400,000 shall be available for the Wisconsin Procurement Institute; $250,000 shall be for the JARI Workforce Development Program; $250,000 shall be for the JARI Small Business Technology Center; $400,000 shall be for the Economic Growth Connection Procurement Assistance Program; $300,000 shall be for the Franklin County, Massachusetts Community Development Corporation for a rural economic growth program; $1,870,000 shall be available for a grant to the MountainMade Foundation to fulfill its charter purposes and to continue the initiative developed by the NTTC for outreach and promotion, business and sites development, the education of artists and craftspeople, and to promote small businesses, artisans and their products through market development, advertisement, commercial sale and other promotional means; $1,000,000 shall be available for the INNOVA small business incubator; $30,000 shall be available for the Town of Hambleton for upgrades and renovations to the town hall; $100,000 shall be available for the Parsons Revitalization Organization for planning purposes; $100,000 shall be available for Rowlesburg Revitalization Committee for neighborhood revitalization; $500,000 shall be available for the Institute for Entrepreneurship, Small Business Development and Global Logistics at California State University at Dominguez Hills, California; $300,000 shall be available for Brooklyn Economic Development Corporation in Brooklyn, New York to support and expand the Initiative for a Competitive Brooklyn; and $200,000 shall be available for the Local Development Corporation of East New York for the Brooklyn Enterprise Center.*

SEC. 614. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 615. All disaster loans issued in Alaska or North Dakota shall be administered by the Small Business Administration and shall not be sold during fiscal year 2006.

SEC. 616. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 617. The Departments of Commerce, Justice, and State, the Securities and Exchange Commission and the Small Business Administration shall, not later than two months after the date of the enactment of this Act, certify that telecommuting opportunities have increased over levels certified to the Committees on Appropriations for fiscal year 2005: Provided, That, of the total amounts appropriated to the Departments of Commerce, Justice, and State, the Securities and Exchange Commission and the Small Business Administration, $5,000,000 shall be available to each only upon such certification: Provided further, That each Department or agency shall provide quarterly reports to the Committees on Appropriations on the status of telecommuting programs, including the number and percentage of Federal employees eligible for, and participating in, such programs: Provided further, That each Department or agency shall maintain a "Telework Coordinator" to be responsible for overseeing the implementation and operations of telecommuting programs, and serve as a point of contact on such programs for the Committees on Appropriations.

SEC. 618. With the consent of the President, the Secretary of Commerce shall represent the United States Government in negotiating and monitoring international agreements regarding fisheries, marine mammals, or sea turtles: Provided, That the Secretary of Commerce shall be responsible for the development and interdepartmental coordination of the policies of the United States with respect to the international negotiations and agreements referred to in this section.

SEC. 619. The National Aeronautics and Space Administration and the National Science Foundation shall, not later than two months after the date of the enactment of this Act, certify that telecommuting opportunities are made available to 100 percent of the eligible workforce: Provided, That, of the total amounts appropriated to the National Aeronautics and Space Administration and the National Science Foundation, $5,000,000 shall be available to each agency only upon such certification: Provided further, That both agencies shall provide quarterly reports to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs: Provided further, That both agencies shall designate a "Telework Coordinator" to be responsible for overseeing the implementation and operations of telecommuting programs, and serve as a point of contact on such programs for the Committees on Appropriations.

SEC. 620. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

SEC. 621. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 622. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

SEC. 623. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 624. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 625. Of the amounts made available in this Act, $393,616,321 from "Department of State"; $27,938,072 from "Department of Justice"; $14,107,754 from "Department of Commerce"; $426,314 from "United States Trade Representative"; $575,116 from "Broadcasting Board *of Governors"; $291,855 from "National Aeronautics and Space Administration"; and $79,754 from "National Science Foundation" shall be available for the purposes of implementing the Capital Security Cost Sharing program.*

SEC. 626. None of the funds made available to NASA in this Act may be used for voluntary separation incentive payments as provided for in subchapter II of chapter 35 of title 5, United States Code, unless the Administrator of NASA has first certified to Congress that such payments would not result in the loss of skills related to the safety of the Space Shuttle or the International Space Station or to the conduct of independent safety oversight in the National Aeronautics and Space Administration.

SEC. 627. Notwithstanding 40 U.S.C. 524, 571, and 572, the Administrator of the National Aeronautics and Space Administration may sell the National Aeronautics and Space Administration-owned property on the Camp Parks Military Reservation, Alameda County, California.

SEC. 628. (a) IN GENERAL.—The President of the United States through his designee the Administrator of the National Aeronautics and Space Administration and in consultation with other Federal agencies shall develop a national aeronautics policy to guide the aeronautics programs of the Administration through 2020.

(b) CONTENT.—At a minimum, the national aeronautics policy shall describe—

(1) the priority areas of research for aeronautics through fiscal year 2011;

(2) the basis on which and the process by which priorities for ensuing fiscal years will be selected;

(3) the facilities and personnel needed to carry out the program through fiscal year 2011; and

(4) the budget assumptions on which the national aeronautics policy is based.

(c) CONSIDERATIONS.—In developing the national aeronautics policy, the President shall consider the following questions, which shall be discussed in the policy statement—

(1) the extent to which NASA should focus on long-term, high-risk research or more incremental research or both and the expected impact on the U.S. aircraft and airline industries of those decisions;

(2) the extent to which NASA should address military and commercial needs;

(3) how NASA will coordinate its aeronautics program with other Federal agencies; and

(4) the extent to which NASA will fund university research and the expected impact of that funding on the supply of U.S. workers for the aeronautics industry.

(d) CONSULTATION.—In developing the national aeronautics policy, the Administrator shall consult widely with academic and industry experts and with other Federal agencies. The Administrator may enter into an arrangement with the National Academy of Sciences to help develop the national aeronautics policy.

(e) SCHEDULE.—The Administrator shall submit the new national aeronautics policy to the House and Senate Committees on Appropriations and to the House Committee on Science and the Senate Committee on Commerce, Science, and Transportation within one year of enactment of this Act. The Administrator shall make available to the Congress any study done by a non-governmental entity that was used in the development of the national aeronautics policy.

SEC. 629. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada, or

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 630. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR Sec. 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

SEC. 631. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 632. Of the funds appropriated to the Federal Trade Commission by this Act, not less than $1,000,000 shall be used by the Commission to conduct an immediate investigation into nationwide gasoline prices in the aftermath of Hurricane Katrina: Provided, That the investigation shall include (1) any evidence of price-gouging by companies with total United States wholesale sales of gasoline and petroleum distillates for calendar 2004 in excess of $500,000,000 and by any retail distributor of gasoline and petroleum distillates against which multiple formal complaints (that identify the location of a particular retail distributor and provide contact information for the complainant) of price-gouging were filed in August or September, 2005, with a Federal or State consumer protection agency, (2) a comparison of, and an explanation of the reasons for changes in, profit levels of such companies during the 12-month period ending on August 31, 2005, and their profit levels for the month of September, 2005, including information for particular companies on a basis that does not permit the identification of any company to which the information relates, (3) a summary of tax expenditures (as defined in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)) for such companies, (4) the effects of increased gasoline prices and gasoline price-gouging on economic activity in the United States, and (5) the overall cost of increased gasoline prices and gasoline price-gouging to the economy, including the impact on consumers' purchasing power in both declared State and National disaster areas and elsewhere: Provided further, That, in conducting its investigation, the Commission shall treat as evidence of price-gouging any finding that the average price of gasoline available for sale to the public in September, 2005, or thereafter in a market area located in an area designated as a State or National disaster area because of Hurricane Katrina, or in any other area where price-gouging complaints have been filed because of Hurricane Katrina with a Federal or State consumer protection agency, exceeded the average price of such gasoline in that area for the month of August, 2005, unless the Commission finds substantial evidence that the increase is substantially attributable to additional costs in connection with the production, transportation, delivery, and sale of gasoline in that area or to national or international market trends: Provided further, That in any areas of markets in which the Commission determines price increases are due to factors other than the additional costs, it shall also notify the appropriate State agency of its findings: Provided further, That the Commission shall provide information on the progress of the investigation to the Senate and House Appropriations Committees, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce every 30 days after the date of enactment of this Act, shall provide those Committees a written interim report 90 days after such date, and shall transmit a final report to those Committees, together with its findings and recommendations, no later than 180 days after the date of enactment of this Act: Provided further, That the Commission shall transmit recommendations, based on its findings, to the Congress for any legislation necessary to protect consumers from gasoline price-gouging in both State and National disaster areas and elsewhere: Provided further, That chapter 35 of title 44, United States Code, does not apply to the collection of information for the investigation required by this section: Provided further, That if, during the investigation, the Commission obtains evidence that a person may have violated a criminal law, the Commission may transmit that evidence to appropriate Federal or State authorities: Provided further, That nothing in this section affects any other authority of the Commission to disclose information.

SEC. 633. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking "December 31, 2005," each place it appears and inserting "December 31, 2006,".

SEC. 634. None of the funds made available in this Act may be used to send or otherwise pay *for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State determines that such attendance is in the national interest: Provided, That for purposes of this section the term "international conference" shall mean a conference attended by representatives of the United States Government and representatives of foreign governments, international organizations, or nongovernmental organizations.*

SEC. 635. (a) MODIFICATION OF RESPONSIBILITIES.—Notwithstanding any provision of section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), or any other provision of law, the United States-China Economic and Security Review Commission established by subsection (b) of that section shall investigate and report exclusively on each of the following areas:

(1) PROLIFERATION PRACTICES.—The role of the People's Republic of China in the proliferation of weapons of mass destruction and other weapons (including dual use technologies), including actions the United States might take to encourage the People's Republic of China to cease such practices.

(2) ECONOMIC TRANSFERS.—The qualitative and quantitative nature of the transfer of United States production activities to the People's Republic of China, including the relocation of high technology, manufacturing, and research and development facilities, the impact of such transfers on United States national security, the adequacy of United States export control laws, and the effect of such transfers on United States economic security and employment.

(3) ENERGY.—The effect of the large and growing economy of the People's Republic of China on world energy supplies and the role the United States can play (including through joint research and development efforts and technological assistance) in influencing the energy policy of the People's Republic of China.

(4) ACCESS TO UNITED STATES CAPITAL MARKETS.—The extent of access to and use of United States capital markets by the People's Republic of China, including whether or not existing disclosure and transparency rules are adequate to identify People's Republic of China companies engaged in harmful activities.

(5) REGIONAL ECONOMIC AND SECURITY IMPACTS.—The triangular economic and security relationship among the United States, Taipei, and the People's Republic of China (including the military modernization and force deployments of the People's Republic of China aimed at Taipei), the national budget of the People's Republic of China, and the fiscal strength of the People's Republic of China in relation to internal instability in the People's Republic of China and the likelihood of the externalization of problems arising from such internal instability.

(6) UNITED STATES-CHINA BILATERAL PROGRAMS.—Science and technology programs, the degree of non-compliance by the People's Republic of China with agreements between the United States and the People's Republic of China on prison labor imports and intellectual property rights, and United States enforcement policies with respect to such agreements.

(7) WORLD TRADE ORGANIZATION COMPLIANCE.—The compliance of the People's Republic of China with its accession agreement to the World Trade Organization (WTO).

(8) FREEDOM OF EXPRESSION.—The implications of restrictions on speech and access to information in the People's Republic of China for its relations with the United States in the areas of economic and security policy.

(b) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Subsection (g) of section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is amended to read as follows:

"(g) APPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Commission.".

SEC. 636. Section 635 of division B of Public Law 108–447 is amended by striking "balance" and inserting "and unexpended balances".

SEC. 637. None of the funds made available in this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has provided support for acts of international terrorism.

(RESCISSION)

SEC. 638. (a) There is hereby rescinded an amount equal to 0.28 percent of the budget authority provided for in fiscal year 2006 for any discretionary account in this Act.

(b) Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $2,500,000 are rescinded.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $102,000,000 are rescinded.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $25,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

(RESCISSION)

Of the unobligated balances available under this heading, $110,500,000 are rescinded.

COMMUNITY ORIENTED POLICING SERVICES

(RESCISSION)

Of the unobligated balances available under this heading, $86,500,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

(RESCISSION)

Of the unobligated balances available in accounts under this heading from prior year appropriations, $25,000,000 are rescinded.

RELATED AGENCIES

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $25,300,000 are rescinded.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $12,000,000 are rescinded.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $920,000 are rescinded.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $3,000,000 are rescinded.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the unobligated balances available under this heading, $4,000,000 are rescinded.

This Act may be cited as the "Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006".

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the bill.

FRANK R. WOLF,
CHARLES H. TAYLOR,
MARK STEVEN KIRK,
DAVE WELDON,
VIRGIL GOODE, Jr.,
RAY LAHOOD,
JOHN ABNEY CULBERSON,
RODNEY ALEXANDER,
JERRY LEWIS,
ALAN B. MOLLOHAN,
JOSÉ E. SERRANO,
BUD CRAMER,
PATRICK J. KENNEDY,
CHAKA FATTAH,
Managers on the Part of the House.

RICHARD C. SHELBY,
JUDD GREGG,
TED STEVENS,
PETE V. DOMENICI,
MITCH MCCONNELL,
KAY BAILEY HUTCHISON,
SAM BROWNBACK,
KIT BOND,
THAD COCHRAN,
BARBARA MIKULSKI,
DANIEL K. INOUYE,
PATRICK LEAHY,
HERB KOHL,
PATTY MURRAY,
TOM HARKIN,
BYRON L. DORGAN,
ROBERT C. BYRD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2862), "making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes", submits the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The legislative intent in the House and Senate versions in H.R. 2862 is set forth in the accompanying House report (H. Rpt. 109–118) and the accompanying Senate reports (S. Rpt. 109–88 and S. Rpt. 109–96).

The Senate amended the House bill with two amendments. The Senate amendment to the text deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

The Senate amended the title of the House bill. The conference agreement adopts the title of the bill as proposed by the House.

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $124,456,000 for General Administration, Salaries and Expenses, as proposed by the House, instead of $116,936,000 as proposed by the Senate.

The conference agreement includes $31,250,000 for the Office of Intelligence Policy and Review. This is an increase of $8,289,000 above fiscal year 2005 and is equal to the budget request.

The conference agreement includes necessary sums to continue efforts to replace locks used to store classified information.

The conference agreement adopts, by reference, language included in the House report concerning the excessive delay in the issuance of regulations governing the recognition of asylum claims from women fleeing honor killings, trafficking, sexual slavery and domestic violence. The conferees expect the Departments of Justice and Homeland Security to issue regulations to govern gender-based asylum claims.

The conference agreement adopts, by reference, language included in the House directing the Attorney General, in cooperation with the Director of National Intelligence, to submit a report, not later than 120 days after enactment of this Act, on the practicality of integrating the Drug Enforcement Administration, or a portion thereof, into the Intelligence Community.

The conference agreement adopts, by reference, language included in the House report encouraging the Attorney General to ensure that every contract the Department enters into that contemplates the exchange of personal data between a contractor and the Department includes a provision requiring that entity to have a security policy in place that contains procedures to promptly notify any individual whose personal information was, or is reasonably believed to have been, lost or acquired by an unauthorized person. Notification may be delayed or may not occur if it would impede a law enforcement investigation or jeopardize national security.

The conference agreement adopts, by reference, language included in the House report directing the Department to submit a report on its efforts to share intelligence relating to large, violent gangs with State and local law enforcement officials. The report should address specific gangs, drug trafficking organizations, the regions in which they operate, and the Federal resources allocated to containing these gangs.

The conference agreement adopts, by reference, language included in the Senate report requiring the Department to provide a report to the Committees on Appropriations, no later than 30 days after the date of enactment of this Act and quarterly thereafter, on all administrative, E-Gov, and centralized training service charges to all components of the Department. The report shall include: (1) how costs are derived; (2) the specific activities paid for; (3) the savings achieved by having a centralized service or E-Gov implementation; (4) all data used to compute savings; (5) how often the charges are administered; (6) a breakout of all centralized services rolled into the General Administration account or any other account, as well as in each bureau's budgets. Future budget submissions to the Committees on Appropriations shall include this detailed breakout.

The conference agreement includes $500,000, as proposed by the Senate, for a third party privacy assessment. The Department is the repository of large amounts of personal information, much of it related to counterterrorism initiatives. With this comes the responsibility of managing and protecting this personal information. The party chosen to undertake this third party assessment should have knowledge of all applicable privacy laws, including the Privacy Act of 1974 (Public Law 93-579), the E-Government Act of 2002 (Public Law 107–347), the privacy provisions of the 2004 Omnibus Appropriations Act (Public Law 108–199), and related Office of Management and Budget regulations. This assessment should provide the framework for implementation of a comprehensive privacy program across the Department.

The conference agreement adopts, by reference, language included in the Senate report directing that, within 90 days of enactment of this Act, the Department submit a report to the Committees on Appropriations that identifies the cost and use of executive aircraft for senior official transport. The report should also address whether fractional aircraft ownership is a more cost-effective method.

The conferees commend the Department for the creation of a National Sex Offender Public Registry. The conferees encourage the Department to continue to enhance the capabilities of this useful tool, including the possibility of a search function by radius to allow a user to enter an address and find all registered sex offenders within a specified distance of their neighborhood, regardless of zip code, county or State borders.

The conferees remain concerned about the failure of convicted child molesters to register with State and local law enforcement agencies when they move into a jurisdiction, as required by the laws of many States. According to the National Center for Missing and Exploited Children, more than 100,000 convicted sex offenders have failed to register. The wide disparity among the State programs in both registration and notification procedures permits sex offenders to forum shop to get around reporting. The Attorney General is directed to report to the Committees on Appropriations, within 90 days of enactment of this Act, on suggested legislative changes necessary to address the gaps and loopholes that may exist in the current State registration and reporting systems.

Information Sharing Systems Available to Federal, State, and Local Law Enforcement.—The conferees are concerned about the proliferation and the growing costs of information sharing services available to Federal, State, and local law enforcement. To ensure that these efforts are coordinated, cost efficient, and not duplicative of each other, the conferees direct that within 90 days of enactment of this Act, the Chief Information Officer shall provide a report to the Committees on Appropriations that reviews the numerous information technology sharing services available to law enforcement. This report shall include recommendations on methods to ensure coordination and functionality to provide comprehensive services to law enforcement. The services to be considered in the study shall include but not be limited to the Regional Information Sharing System, the Criminal Information Sharing Alliance Network, Nationwide Pegasus Program, Law Enforcement Online, and the Department's N-DEX and R-DEX systems.

Radiation Exposure Compensation.—The conferees direct the Department to submit a report, within 90 days of enactment, to the Committees on Appropriations detailing those actions that the Department and the Congress can take to implement the recommendations of the National Academy of Sciences' report on the coverage of affected populations by the Radiation Exposure Compensation Act (Public Law 108-375).

Reducing the Number of Alien Absconders.—The conferees recognize the importance of reducing the rate of aliens who do not comply with Orders of Removal, known as absconders. However, the ability to address this situation is not fully within the control of one Federal department. Both the Department of Homeland Security (DHS) and Department of Justice (DOJ) must work closely together to achieve this goal. The conferees direct DOJ, in conjunction with DHS, to study existing apprehension, detention, appeal, and removal policies and procedures. The conferees direct DHS and DOJ to jointly submit a report to the Committees on Appropriations by February 18, 2006, on the efforts each Department will take to reduce the absconder rate, including proposed changes to existing policies, procedures, and laws to further assist in reducing the absconder population.

Office of Privacy and Civil Liberties.—The conference agreement adopts, by reference, language included in the House report expressing disappointment in the Department's inability to complete the initial report on the establishment of this Office. The conferees direct the Department to submit the initial report, as soon as possible, and to provide subsequent annual reports by January 30 of each year. Of the funds provided for the Departmental Leadership Program, not less than $690,000 shall be available for the Office of Privacy and Civil Liberties and for no other purpose.

JUSTICE INFORMATION SHARING TECHNOLOGY

The conference agreement provides $125,000,000 for this account, instead of $135,000,000 as proposed by both the House and Senate.

The conference agreement includes $10,000,000 for the Unified Financial Management System and not less than $5,000,000 for the Public Key Infrastructure and Secure Communications program.

Information Technology Governance Board.—Given the Department's recent high profile information technology (IT) failures and the large amount of resources devoted to these programs, the conferees direct the Department to set up an Investment Review Board to be led by the Deputy Attorney General to oversee the development of all critical IT infrastructure acquisitions and improvements. The Investment Review Board shall review the completeness of the initial business case and cost justification, ensure the creation of realistic project performance metrics that measure compliance with the projects' stated scope, costs, schedule, performance and quality. The Attorney General shall, within 90 days of enactment of this Act, submit to the Committees on Appropriations for approval, a plan that includes the organization and membership of the Board and the operating agreement defining how the Board governs.

Automated Biometric Identification System/Integrated Automated Fingerprint Identification System (IDENT/IAFIS).—The conferees understand that the Secretary of Homeland Security announced in July, 2005, the adoption of the biometric standard for identification and verification that was recommended by the National Institute of Standards and Technology and supported by DOJ. The conferees are pleased that Administration officials are finally beginning to address the IDENT, IAFIS. U.S.-VISIT interoperability issue. The conferees direct the DOJ to submit an update on its efforts to make the IDENT. IAFIS. and U.S.-VISIT systems fully interoperable no later than 180 days after enactment of this Act.

The conference agreement adopts, by reference, language included in the House report directing that the Office of the Chief Information Officer manage the Department's participation in e-government initiatives and Federal Investigation Case Management System.

NARROWBAND COMMUNICATIONS INTEGRATED WIRELESS NETWORK

The conference agreement provides $90,000,000 for this account, as proposed by the Senate, instead of $70,874,000, as proposed by the House.

ADMINISTRATIVE REVIEW AND APPEALS

The conference agreement provides $215,685,000 for this account, as proposed by the House, instead of $216,286,000, as proposed by the Senate.

The conference agreement adopts, by reference, language included in the House report concerning guidelines for the adjudication of unaccompanied aliens and training for judges and pro bono attorneys.

The conference agreement adopts, by reference, language included in the House report urging the Office of Immigration Review to explore with the DHS the possibility of expanding the Legal Orientation Program, which is funded by the DHS.

DETENTION TRUSTEE

The conference agreement provides $1,222,000,000 for the Detention Trustee, as proposed by both the House and the Senate. This funding level assumes the use of $45,000,000 of prior year unobligated balances.

The conference agreement adopts, by reference, language included in the Senate report requiring a quarterly report on the Federal detainee population. The conference agreement adopts, by reference, language included in the House report regarding the Detention Trustee's efforts to develop automated systems to reduce detention time.

The Detention Trustee shall notify the Committees on Appropriations 90 days prior to soliciting any contract for new detention facilities.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $68,80-1,000 for the Office of Inspector General (OIG), instead of $66,801,000 as proposed by the House and $70,431,000 as proposed by the Senate.

The conference agreement adopts, by reference, language included in the Senate report directing the OIG to review and assess how well the investigations conducted by the Drug Enforcement Administration's Mobile Enforcement Teams, the Federal Bureau of Investigation's Safe Street Task Forces, the United States Marshals Service's Fugitive Task Forces, and Bureau of Alcohol, Tobacco, Firearms and Explosives' Violent Crimes Impact Teams are coordinated.

The conferees direct the OIG to compile and present to the Committees on Appropriations an inventory of all major Department information technology systems and planned initiatives. This inventory will include the system name, system description, component, cost, and implementation status. The OIG shall also provide a report that details all research, plans, studies, and evaluations that the Department has produced, or is in the process of producing, concerning IT systems, needs, plans, and initiatives. This shall include an analysis that will identify the depth and scope of the problems DOJ has experienced in the formulation of its IT plans.

Sentinel Oversight.—The conference agreement provides an additional $2,000,000 to continue to build the OIG's IT oversight capacity and to provide the OIG with an enhanced capability to conduct ongoing oversight of the Department's IT project acquisition and management practices.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

The conference agreement provides $11,000,000 for the United States Parole Commission, as proposed by the Senate instead of $11,200,000, as proposed by the House.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement provides $661,959,000 for General Legal Activities, instead of $665,821,000, as proposed by the House, and $648,245,000, as proposed by the Senate. The distribution of funding provided is as follows:

GENERAL LEGAL ACTIVITIES

[Dollars in thousands]

	2005 appropriation
Office of the Solicitor General	$8,399
Tax Division	81,548
Criminal Division	144,957
Civil Division	195,359
Environment and Natural Resources Division	93,974
Office of Legal Counsel	5,937
Civil Rights Division	110,447
Interpol U.S. National Central Bureau	20,852
Office of Dispute Resolution	486
Total	661,959

Within the level of funding provided, $250,000 shall be to enforce subsections (a) and (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Criminal Division.—The conference agreement provides a $9,612,000 increase for the Criminal Division, of which $1,000,000 and 8 positions (7 attorneys) are for gang investigations and prosecutions. These additional resources shall be applied to enhance the Department's coordination of gang investigations across judicial districts and with international law enforcement partners, and to assist U.S. Attorneys offices that need additional resources and expertise to effectively prosecute complex gang cases.

The recommendation for the Criminal Division also provides a $1,000,000 increase for the Criminal Division to target, prosecute, and seize the assets of those who commit crimes against the youngest and most vulnerable members of our society.

Civil Rights Division.—The conference agreement fully funds the Civil Rights Division's efforts to combat human trafficking. The conferees expect the Department to continue submitting yearly updates regarding efforts to address human trafficking.

Civil Division.—The conferees recognize the increased workload of the Office of Immigration Litigation and expect the Civil Division to make increases to the on-board staffing for this office a priority within the resources provided.

The conference agreement includes bill language carried in previous appropriations acts allowing the Attorney General to provide additional resources to the Civil Division, if emergent circumstances warrant, through transfers of funds from other Department sources, subject to the requirements of section 605 of this Act. The conferees expect the Department to submit a reprogramming for costs associated with continuing tobacco and other litigation activities, should funding be warranted.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

The conference agreement includes a reimbursement of $6,333,000 from the Vaccine Injury Compensation Trust Fund to DOJ, as proposed by both the House and Senate.

SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement provides $144,451,000 for the Antitrust Division, as proposed by House and Senate.

SALARIES EXPENSES, UNITED STATES ATTORNEYS

The conference agreement provides $1,600,000,000 for the United States Attorneys instead of $1,626,146,000 as proposed by the House, and $1,572,654,000 as proposed by the Senate.

The conference agreement includes $1,500,000 to continue and expand task force activities associated with Operation Streetsweeper.

The conference agreement adopts, by reference, language included in the Senate report designating $10,000,000 for Cybercrime and Intellectual Property Enforcement and requiring a report to be submitted to the Committees on Appropriations not later than April 30, 2006, on the number, type, and location of copyright prosecutions undertaken in the previous year.

The conference agreement includes not less $27,000,000 for the investigation and prosecution of identity theft.

Within the level of funds provided, the conferees expect U.S. Attorneys to make the prosecution of human smugglers, referred to as "coyotes", a priority.

UNITED STATES TRUSTEE SYSTEM FUND

The conference agreement provides $214,402,000 for the United States Trustee System Fund, as proposed by both the House and Senate.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement provides $1,320,000 for this account, instead of $1,220,000 as proposed by the House, and $1,270,000 as proposed by the Senate.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

The conference agreement provides $793,031,000 for the United States Marshals Service (USMS), Salaries and Expenses account, instead of $800,255,000 as proposed by the House and $764,199,000 as proposed the Senate.

In addition to inflationary and other required base adjustments, the conference agreement includes the following program changes: (1) an increase of $100,000 for an intelligence analyst to be assigned to the National Gang Intelligence Center to coordinate USMS anti-gang fugitive activities with other law enforcement agencies; (2) an increase of $758,000 for information technology enhancements; (3) an increase of $2,500,000 for 25 additional deputy marshals for security associated with high-risk cases and the growing number of prisoners awaiting trial or sentencing; (4) an increase of $100,000 and one position for the Witness Security Program; (5) a reduction of $1,745,000 for savings associated with travel and training; (6) an increase of $9,000,000 for the establishment of a Gulf Coast Fugitive Task Force; (7) an increase of $2,185,000 to support the five existing regional fugitive task forces, including

$425,000 for State and local overtime, training, equipment, communication, vehicles, contractor support and support to District Fugitive Task Forces and $1,760,000 for 12 additional positions; (8) an increase of $210,000 for two additional positions for the Criminal Information Branch; (9) an increase of $1,063,000 for the Technical Operations Group, including $600,000 for 4 additional positions and $463,000 for equipment, maintenance and increased circuit costs; and (10) an increase of $575,000 for courthouse security equipment.

The conferees are concerned that workloads in local USMS offices exceed current staffing levels, raising questions regarding the distribution of funds to local offices, current restrictions on overtime pay, and staffing levels. The conferees direct the USMS to submit a report no later than March 31, 2006, detailing how funds are allocated to local USMS offices, how full time equivalents and other positions are distributed among these offices, and all policies regarding restrictions on overtime pay.

Under the Interagency Crime and Drug Enforcement account, the conference agreement does not include the requested $2,72,000 increase for the USMS.

Courthouse Security Equipment.—The conference agreement provides $12,000,000 for the preventive maintenance and repair of courthouse security equipment to be allocated to the USMS's highest priority needs. The conference agreement USMS to report to the Committees on Appropriations within 30 days of enactment of this Act on the allocation of this funding.

The conferees are concerned with the long-term courthouse security equipment requirements of the USMS. The conferees expect the USMS to develop long-term plans to address these requirements and expect future budget requests to include sufficient resources to address USMS equipment deficiencies.

Regional Fugitive Task Forces.—The conference agreement provides $27,683,000 for Regional Fugitive Task Forces. Of these funds, $18,683,000 is provided for the existing five regional task forces, including $16,498,000 for base resources, $1,760,000 for 12 new positions, and $425,000 for State and local overtime, training, equipment, communication, vehicles, contractor support and support to District Fugitive Task Forces. Within the funds provided, the conference agreement includes $9,000,000 for the establishment of a new Gulf Cöast Regional Fugitive Task Force to be headquartered in Birmingham, Alabama; with additional offices in Montgomery, Alabama; Mobile, Alabama; Jackson, Mississippi; and Oxford, Mississippi. Funds are provided to support 37 new positions (22 in Alabama and 10 in Mississippi) and 19 full-time equivalent positions, and $3,528,000 is provided for other start-up and operational costs.

Criminal Information Branch.—The conference agreement provides $1,050,000 for the Criminal Information Branch, of which $840,000 is for base resources and $210,000 is for two additional analysts and support personnel.

Technical Operations Group.—The conference agreement provides $17,450,000 for the Technical Operations Group, of which: $16,387,000 is for base resources; $463,000 is for equipment, maintenance, and increased circuit costs; and $600,000 is for four new full-time equivalent positions.

Criminal Information Systems.—The conference agreement provides $2,650,000 in base resources for Criminal Information Systems.

International Fugitives.—The conference agreement provides 4,380,000 in base resources for the International Fugitive Apprehension Program.

Special Operations Group.—The conference agreement provides $4,414,000 in base resources for the Special Operations Group.

Central Courthouse Management Group.—The conference agreement provides $4,433,000 in base resources for the Central Courthouse Management Group.

Emergency Supplemental.—The Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13) appropriated $11,935,000 to increase judicial security outside of courthouse facilities. The conferees understand that there is a disagreement between the Department and the Federal Judiciary over how future costs for home intrusion detection systems should be funded. The conferees expect the executive and judicial branches of government to work out their differences before submission of the fiscal year 2007 budget request. The safety of judges and the efficient use of appropriated funds demands improved cooperation and coordination between the executive and judicial branches.

CONSTRUCTION

The conference agreement provides $8,883,000 for this account instead of no funding as proposed by the House and $12,000, 000 as proposed by the Senate.

The conference agreement provides funding for construction in space controlled, occupied, or utilized by the USMS in United States courthouses and Federal buildings, including but not limited to the creation, renovation, and expansion of prisoner movement areas, elevators, sallyports, staff offices, and other law enforcement and court security support space. As in prior years, the conferees' intent is to provide for all construction activity to support the mission of the USMS in protection of the Federal judiciary and other law enforcement activities. The conferees understand that, due to the inherent nature of construction, slippages may occur in the construction schedule. As in the past, funds may be directed to other locations as needed. However, USMS is directed to notify the Committees on Appropriations of such slippages and of the plans to redirect such funds prior to the expenditure of those funds, in accordance with section 605 of this Act.

The conference agreement includes $3,000,000 for the establishment of the Gulf Coast Regional Fugitive Task Force. These funds will support the rent and/or construction of office space in five locations, a local area network and high-speed communications link, and office furnishings.

The remaining funds shall be allocated to the USMS' highest priority construction needs. The conference agreement directs the USMS to report to the Committees on Appropriations within 30 days of enactment of this Act on the allocation of this funding.

The conferees are concerned with the long-term construction requirements of the USMS. The conferees expect the USMS to develop long-term plans to address these requirements and expect future budget requests to include sufficient resources to address USMS facility deficiencies.

FEES AND EXPENSES OF WITNESSES

The conference agreement includes $168,000,000 for Fees and Expenses of Witnesses, as proposed by both the House and Senate.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

The conference agreement provides $9,659,000 for the Community Relations Service, as proposed by both the House and Senate.

ASSETS FORFEITURE FUND

The conference agreement includes $21,468,000 for the Assets Forfeiture Fund, as proposed by both the House and Senate.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conference agreement provides $489,440,000 for this account, instead of $506,940,000 as proposed by the House and $440,197,000 as proposed by the Senate. The conference agreement provides the following amounts to reimburse agencies for their costs of participating in these task forces:

REIMBURSEMENT BY AGENCY

[Dollars in thousands]

	Amount
Department of Justice Agencies:	
Drug Enforcement Administration	$196,410
Federal Bureau of Investigation	136,678
United States Marshals Service	7,022
Bureau of Alcohol, Tobacco, Firearms and Explosives	11,318
United States Attorneys	128,084
Criminal Division	2,702
Tax Division	984
Administrative Office	6,242
Total	489,440

The conference agreement does not adopt the Administration's proposal to transfer $50,000,000 and 365 Federal Bureau of Investigation (FBI) agents from the FBI's salaries and expenses budget to this account. The conferees believe this proposal unnecessarily limits the FBI's ability to allocate resources to the highest priority threats such as terrorism, counterintelligence, cyber crime and gang enforcement.

The conference agreement does not transfer the High Intensity Drug Trafficking Areas program from the Office of National Drug Control Policy to this account, as proposed in the budget request.

The conferees direct the Department to use prior year unobligated balances available in this account to fund the operations of the Drug Fusion Center.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement provides $5,728,737,000 for the Federal Bureau of Investigation (FBI) Salaries and Expenses account, instead of $5,741,132,000 as proposed by the House, and $5,295,513,000 as proposed by the Senate.

The conference agreement does not adopt the Administration's proposal to transfer $50,000,000 and 365 agents from this account to the Organized Crime and Drug Enforcement Task Forces account. This proposal would unnecessarily limit the FBI's ability to allocate resources to the highest priority and emerging threats such as terrorism, counterintelligence, cyber crime and gang enforcement.

The conference agreement includes an increase of $163,211,000 for adjustments to base to support the current operating level and provides the following program changes: (1) a $26,317,000 increase for intelligence program development, training, and employee recruitment; (2) a $36,373,000 increase for 329 additional intelligence analyst and intelligence support positions; (3) a $26,299,000 increase and an additional 274 positions for the foreign language program; (4) a $25,000,000 increase for additional Top Secret/Sensitive Compartmented Information Operational

Network connectivity; (5) a $70,000,000 increase and an additional 61 positions for the Terrorist Screening Center (TSC); (6) a $8,000,000 increase for the Law Enforcement On-Line program; (7) a $6,023,000 increase and an additional 7 positions for the Terrorist Explosive Device Analytical Center (TEDAC); (8) a $69,810,000 increase and an additional 396 national security investigations personnel; (9) a $14,297,000 increase and an additional 10 positions to improve IT program management; (10) a $10,000,000 increase for additional access to SBUNet; (11) a $13,260,000 increase and an additional 42 positions for legal attaché expansion and IT infrastructure; (12) a $4,929,000 increase and an additional 40 positions to increase the FBI's surveillance capabilities; (13) a $35,000,000 increase for counterterrorism operations; (14) a $14,295,000 increase and an additional 68 positions for the Critical Incident Response Group; (15) a $20,000,000 increase for renovations to the FBI Academy; (16) a $2,690,000 increase and an additional 22 positions for the Innocent Images National Initiative; (17) a $1,604,000 increase and an additional 10 positions for child exploitation and obscenity investigations; (18) a $5,000,000 increase for pay and benefit enhancements to continue the implementation of the new pay authorities; (19) a $5,000,000 increase for training programs; (20) a $20,000,000 increase to accelerate the expansion of secure facilities in FBI field offices; (21) a $9,700,000 increase for gang enforcement; (22) a $5,000,000 increase for 100 additional administrative personnel; (23) a $5,125,000 increase for the Hazardous Devices School; (24) a $20,000,000 increase for the Special Technologies and Applications Section; (25) a $3,173,000 increase for Child Abduction Rapid Deployment Teams; (26) a $16,796,000 general reduction; (27) a $5,404,000 and 12 position reduction in lower priority criminal programs; and (28) a $4,674,000 reduction for electronic government efficiencies.

The conference agreement adopts, by reference, language included in the House report on the FBI Transformation and the continuation of quarterly updates.

The conferees are supportive of the Administration's efforts to implement the recommendations of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (WMD Commission) including the creation of a National Security Branch within the FBI and a National Security Division at the DOJ. The conferees direct the Attorney General to submit a report, not later than 60 days after enactment of this Act, on the actions taken to implement the recommendations of the WMD Commission.

Infrastructure.—The conferees are concerned that the FBI has been neglecting its national security infrastructure over the past several years. While the FBI has requested and received significant personnel increases since September 11, 2001, the FBI has not taken adequate steps to ensure that these new personnel have the tools to perform their duties efficiently. Specifically, the FBI has indicated that it does not possess sufficient Sensitive Compartmented Information Facilities (SCIF) to equip and house its counterintelligence and counterterrorism personnel. To address this shortfall, the conferees have included an additional $20,000,000 for SCIFs in the field divisions and resident agencies with the greatest need. This is in addition to the $20,500,000 in base funding for SCIFs. Should additional funding become available, the conferees would support a reprogramming of resources for additional SCIFs, subject to section 605 of this Act.

The conferees also direct the FBI to submit a report to the Committees on Appropriations and Committees on Intelligence that details its plan, including projected growth, schedule, and costs, for providing adequately equipped SCIFs in all field divisions and resident agencies conducting national security investigations. The report should be submitted no later than February 15, 2006.

In addition to deficiencies in secure space, the conferees note that reports by the National Academy of Public Administration (NAPA) and the OIG have identified shortfalls in the FBI's capability to fill all of their analyst and support positions, to implement effective analytical training programs, and effectively use IT. Therefore, the conference agreement reduces the amount of funding requested for additional staff from 2,044 positions to 1,317 positions in order to provide additional funding to address these infrastructure deficiencies. The conference agreement provides increases above the request for IT program management ($7,297,000), training programs, including the FBI Academy and the Hazardous Devices School ($15,125,000), IT network connectivity ($7,321,000), administrative staff ($5,000,000), recruitment and retention ($5,000,000), and, as discussed above, expanded secure space ($20,000,000).

Staffing Increases.—The conference agreement provides staffing increases for various requested enhancements including national security investigations, surveillance specialists, intelligence analysts, the TSC, the TEDAC, the CIRG, and legal attache offices. The conferees direct the FBI to provide the Committees on Appropriations with a report on how these additional staffing resources will be allocated based on position type and program to address the highest priority threats.

Information Technology.—The conferees are disappointed that the implementation of the Virtual Case Files (VCF) program has been unsuccessful, wasting tax payers' dollars and leaving agents and analysts without the necessary IT tools. However, the conferees note that the FBI has made certain notable improvements in its IT program. First, the FBI brought in a skilled Chief Information Officer (CIO) and granted him the authority and independence to effectively oversee IT throughout the FBI. Second, under the CIO's leadership, Sentinel, the FBI's new replacement case management system, seems to address many of the problems that led to VCF's failure, such as independent verification of requirements and cost estimates, phased in development and deployment, and commercial off-the-shelf rather than custom software.

To help ensure success, the FBI must have program management "bench strength" as Sentinel moves forward. Therefore, the conference agreement includes an increase of $14,297,000 to enhance the Office of the CIO. The conferees expect the FBI to use the enhanced pay authorities provided in fiscal year 2005, as well as the new authority provided this year regarding the Senior Executive Service, to enhance and stabilize the Office of the CIO.

The conferees direct the OIG to provide the Committees on Appropriations with regular updates during fiscal year 2006 on the financial and programmatic status of Sentinel.

The conference agreement provides no funding for Sentinel. The FBI is expected to reprogram existing resources, subject to section 605 of this Act, to fund Sentinel costs during fiscal year 2006.

Training.—Within the increases provided for intelligence program development and national security personnel, the conference agreement includes the requested amounts of $5,197,000 for intelligence training and $2,500,000 for national security training. In addition, the recommendation provides a $20,000,000 increase to perform necessary renovations to the FBI Academy, which is $5,000,000 above the request. The conferees encourage the FBI to quickly develop and implement a plan to renovate the FBI Academy to improve its training capabilities. Finally, the conference agreement includes an additional $5,000,000 above the request to accelerate training enhancements to the FBI's intelligence, counterterrorism, and counterintelligence training programs.

The conference agreement adopts, by reference, language included in the House report concerning coordination of hiring and availability of training; joint training with agents, analysts and other Intelligence Community agencies; the expansion of the University Education Program, the Sabbatical Program, the Fellows Program, and the use of the Foreign Service Institute; and working with NAPA to improve training programs for first-line supervisors, mid-level managers and executives.

Support and Administrative Staff.—The conference agreement provides a $5,000,000 increase for an additional 100 support staff. The conference agreement adopts, by reference, language included in the House report regarding support and administrative staff including: directing the FBI to focus its hiring efforts on filling vacant support and administrative positions in order to improve agent and analyst performance and job satisfaction; and re-evaluating the staffing model for the number of administrative staff required to support new agents and analysts.

Recruitment and Retention.—Within the increases provided for intelligence program development and national security personnel, the conference agreement includes the requested program increase of $9,200,000 for intelligence analyst relocation, bonuses, and college loan repayments, and the requested increase of $4,192,000 for special agent transfers. In addition, the conference agreement includes $5,000,000 above the request to provide additional retention and recruitment opportunities. The conference agreement adopts, by reference, language included in the House report regarding recruitment and retention, including working with NAPA to ensure that the FBI's new personnel authorities are used effectively.

Human Resources.—The conference agreement adopts, by reference, language included in the House report regarding human resources including working with NAPA to develop a comprehensive leadership development strategy and the submission of a report on the creation of an Office of Human Resources. The report describing the responsibilities of this new office shall be submitted not later than 90 days after enactment of this Act and shall describe, at a minimum, how this office will: (1) ensure that employee rating systems match the FBI's priorities, including intelligence and security; (2) ensure the new pay authorities and funding provided to attract and retain staff are effectively utilized; (3) develop leadership and succession planning programs; and (4) consider ways to give FBI field offices more flexibility in hiring administrative staff. In addition, this report shall outline how the FBI intends to ensure that hiring decisions and training availability are coordinated.

Legal Attaché Expansion and Information Technology Infrastructure.—The conference agreement includes an increase of $9,925,000 and 39 positions for legal attaché office expansions including a new office in Tashkent, Uzbekistan, and office expansions in Abu Dhabi, United Arab Emirates; Canberra, Australia; London, United Kingdom; Nairobi, Kenya; New Delhi, India; Ottawa, Canada; Port of Spain, Trinidad; and Rabat, Morocco. This includes increases of $986,000 and 14 positions for headquarters support, $5,696,000 for 25 field positions, and $3,243,000 for non-personnel infrastructure requirements. In addition, the conference agreement provides an increase of $3,335,000 and 3 positions to establish a legal attaché office in San Salvador, El Salvador.

Gang Enforcement.—The conference agreement includes a $5,000,000 increase to establish 20 additional Safe Streets Task Forces, and a $4,700,000 increase for additional National Gang Intelligence Center and task force needs. As discussed earlier, the conference agreement includes an increase of $3,335,000 to create a legal attaché office in San Salvador, El Salvador. This office is established to enhance cooperation in gang investigations with international law enforcement partners.

Security Clearances.—Within the increase provided for intelligence program development, the conference agreement includes the requested program increase of $3,526,000 for additional contract adjudicators to ensure the FBI has the most trustworthy workforce available and to increase its capability to recognize applicants who have been directed to seek employment with the FBI by hostile organizations or groups. The conferees encourage the FBI to use information technology tools, as appropriate, to reduce the amount of time required to perform background checks and promote reciprocity between government agencies.

Cyber Investigations.—The conference agreement includes a $20,000,000 increase for the Special Technologies and Applications Section (STAS) for recurring operational needs. These funds may be used for personnel funding for additional Special Agent and other personnel to meet the needs of the program.

The conferees direct the FBI to establish a cyber crime task force in Birmingham, AL. The FBI shall report to the Committees on its progress within 60 days of the enactment of this Act.

The conference agreement provides an increase of $2,690,000 for the Innocent Images National Initiative (IINI) to expand field training programs, strengthen interagency partnerships with law enforcement partners, and provide increased operational support to the field. IINI is an intelligence-driven, proactive, multi-agency investigative initiative to combat the proliferation of child pornography and child sexual exploitation facilitated by an online computer. The IINI provides centralized coordination and analysis of case information that by its very nature is national and international in scope, requiring unprecedented coordination throughout the FBI, as well as with State, local, and international governments.

Child Exploitation and Obscenity Investigations.—In coordination with the DOJ Criminal Division's Child Exploitation and Obscenity Section (CEOS) and the National Center for Missing and Exploited Children (NCMEC), the FBI has implemented the "Innocent Lost" initiative, which is intended to address the growing problem of domestic child prostitution. The FBI provides the investigative aspect of the initiative, while DOJ-CEOS commits the prosecutorial resources and the NCMEC provides training for the participating field offices. The conference agreement includes an additional $1,604,000 to more aggressively identify, investigate, and prosecute crimes of this nature.

Criminal Justice Information Services Division.—The conference agreement includes $395,700,000, including fee collections, for the Criminal Justice Information Services Division (CJIS). As in previous years, under no circumstances is the FBI to divert funding collected through the CJIS user fee for any purpose other than CJIS, its refreshment plan, or a subsequent modernization plan for the current facility.

Next Generation Integrated Automated Fingerprint Identification System (IAFIS.)—The conferees support the FBI's efforts to improve the speed and accuracy of IAFIS, expand the data available in the system, and improve its latent print capabilities. The conferees direct the FBI to use excess user fee collections from various Criminal Justice Information Services' programs to fully fund the Next Generation IAFIS project in fiscal year 2006 including the $16,808,000 requested program increase.

Hazardous Devices School.—The Hazardous Devices School (HDS) trains bomb technicians from around the world to locate, identify, render safe, and dispose of improvised explosive devices, as well as learn to use specialized equipment and protective clothing needed for the safe disposal of explosive materials. To ensure HDS has leading edge technology to match this critical mission, the conference agreement includes a $5,125,000 increase to develop, produce, and deploy a simulated training module that will enhance its training program.

Intellectual Property Rights.—Industrial espionage, by both erstwhile friends and obvious foes, has become the growth industry in the counterintelligence world. The struggle for domination among major powers is now played out in largely economic terms. Ideas and innovation are the sinews of national strength. Within available resources, $9,000,000 shall be available to combat industrial espionage and other threats to the intellectual property rights of manufacturers and researchers in the United States.

The conferees are also concerned about identity theft and encourage the FBI to work with the U.S. Attorneys to increase investigations and prosecutions in this area.

National Name Check Programs.—The conferees understand there is a significant backlog in the processing of background checks for petitions and applications pending before the United States Citizenship and Immigration Service (USCIS). The FBI is reimbursed for the cost of these background checks by USCIS. The conferees direct the FBI to ensure that current fees paid by USCIS are directed solely toward completion of USCIS background checks and prevention of future backlogs of USCIS background checks. The FBI is further directed to submit a report to Congress identifying current use of funds submitted by USCIS for purposes of background checks and to include in that report a fee review to determine whether current fees accurately reflect cost savings that have been developed as a result of transition to an electronic rather than paper-based system.

The conference agreement adopts, by reference, language included in the House report concerning information sharing, the records management center, the correctional intelligence initiative, and enforcement of export laws.

CONSTRUCTION

The conference agreement provides $37,608,000 for FBI construction, instead of $20,105,000 as proposed by the House and $25,213,000 as proposed by the Senate.

The conference agreement includes funding for the following projects: (1) $5,000,000 for a chemical and biological evidence handling and storage facility to be co-located with comparable facilities in existence for sampling, handling, and receipt of hazardous material by the Department of the Army; (2) $7,500,000 for Critical Incident Response Group facility needs; (3) $10,000,000 for equipment and other necessary costs associated with establishing a permanent records management facility; and (4) $15,108,000 for the FBI Center for Integrated Training and Technology Transfer at Redstone Arsenal. The Center will provide training areas including secure space, classrooms, and practical problem areas for both FBI personnel and State and local bomb technicians.

DRUG ENFORCEMENTS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement appropriates $1,686,457,000 for the Drug Enforcement Administration (DEA), instead of $1,716,173,000 as proposed by the House and $1,647,142,000 as proposed by the Senate.

The conference agreement does not adopt the Administration's proposal to reduce Mobile Enforcement Teams or to eliminate the Demand Reduction program. The conference agreement funds these programs at their current services level. The conferees direct the DEA to focus these programs on combating methamphetamine (meth) production, trafficking and abuse.

The conference agreement includes an increase of $215,000 for 2 intelligence analysts to be assigned to the National Gang Intelligence Center to coordinate DEA anti-gang activities with other law enforcement agencies.

The conferees direct the DEA to focus the remaining funding increase on its highest priority programs such as combating heroin trafficking in Afghanistan and Central Asia, and enhancing its intelligence capabilities.

Within the total level of funding provided in this bill and in prior years, the conferees expect DEA to establish a presence in Dubai, United Arab Emirates to help combat the movement of proceeds from heroin trafficking.

In addition, the conference agreement includes $20,000,000 under the Office of Justice Programs for DEA to assist State and local law enforcement with proper removal and disposal of hazardous materials at clandestine meth labs and to initiate a container program, including funding for training, technical assistance and purchase of equipment to adequately remove and store hazardous material. Within the level of funding provided, DEA shall dedicate three positions to manage and oversee this program.

Air Assets.—DEA's mission is to disrupt and dismantle the major drug trafficking organizations responsible for supplying the bulk of illegal drugs that enter the United States. The conferees strongly support this mission, but are concerned about the lack of air assets available to DEA agents stationed in key transit countries. To be most effective in these locations, DEA must be able to react quickly to traffickers' movements to intercept and deny large shipments of drugs bound for the United States. Due to other pressing demands, the air assets of the Defense Department and other law enforcement agencies are not generally available for DEA's use, leaving DEA unable to respond to important enforcement opportunities. The conferees direct the DEA to provide a report by April 1, 2006, on the availability of air assets, both its own and those of other agencies, to meet its demands for squad-size deployments of DEA agents in key transit zone countries.

Diversion Control Fee Account.—The conference agreement includes $201,673,000 for this account, which is $47,457,000 above fiscal year 2005. The conference agreement includes the following increases: (1) $11,735,000 for inflationary and other base adjustments; (2) $8,726,000 to annualize the fiscal year 2005 transfer of the Drug and Chemical Diversion Control Decision Unit to the Diversion Control Fee Account; (3) $13,435,000 transferred from the Salaries and Expenses account to more accurately reflect DEA's actual diversion control activities; (4) $8,857,000 and 41 positions to improve intelligence analysis supporting diversion investigations; and (5) $4,704,000 and 23 positions for additional agents to conduct diversion investigations.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

The conference agreement provides $923,613,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) as proposed by the House, instead of $923,700,000 as proposed by the Senate.

The conference agreement includes the following changes: (1) $13,314,000 increase for inflationary and other base adjustments; (2) $20,000,000 increase for Violent Crime Impact Teams (VCIT); (3) $966,000 reduction for savings in travel and training; (4) $6,000,000 increase for the Terrorist Explosive Device Analysis Center; (5) $1,500,000 increase for the National Arson Laboratory; (6) $300,000 increase for 2 intelligence analysts to be assigned to the National Gang Intelligence Center to coordinate ATF anti-gang activities with other law enforcement agencies; and (7) $5,000,000 increase for the National Center for Explosives Training and Research.

The conference agreement does not adopt the Administration's proposal to transfer $500,000 and 2 positions to the Department's Office of Legislative Affairs.

Terrorist Explosive Device Analysis Center (TEDAC).—The conference agreement provides an increase of $6,000,000 for ATF's participation in the TEDAC. The conference agreement adopts, by reference, language included in the Senate report requiring the submission of a report to the Committees on Appropriations no later than 30 days after enactment of this Act, that identifies: (1) the number of IEDs recovered and submitted to the TEDAC; (2) the dates the devices were recovered and sent to the TEDAC; (3) the dates the devices were technically and forensically exploited; (4) the number of completed examinations; (5) the dates the results of examinations were disseminated to State and local first responders; and (6) a detailed summary of the information provided in those reports. In addition, this report shall provide a spending plan detailing how the $6,000,000 increase will be allocated.

National Center for Explosives Training and Research.—The conference agreement provides an additional $5,000,000 for site selection, architectural design, site preparation and a total cost estimate for the construction of a permanent site for the National Center for Explosives Training and Research. In considering site selection, the ATF shall consider a site co-located with other law enforcement and Federal government entities that provides similar training and research. The dynamic of these collective resources will provide a unique opportunity to leverage assets, knowledge, and expertise in the field, providing Federal, State and local law enforcement explosives expertise at a single location.

Violent Crime Impact Teams.—VCITs are ATF-led task forces that are established in locations with high or increasing rates of violence and include participants from State and local law enforcement and other Federal law enforcement entities such as U.S. Attorneys, the U.S. Marshals Service, and the Drug Enforcement Administration. The conference agreement includes a $20,000,000 increase for VCITs including funding for special agents, inspectors, technical support staff and operations.

Proposed Fees to Fund Existing Law Enforcement Operations.—The conferees are disappointed by the Department's legislative proposal of a $120,000,000 fee on the explosives industry and a permit fee on users to fund existing base operations and programs of the ATF. The conferees understand the legislative proposal for the fee has yet to be transmitted to Congress and that if this fee were enacted today, it would take two years to put the regulatory structure in place before any funds could be collected. The conferees find it irresponsible to budget for ongoing fiscal year 2006 law enforcement operations with funds that do not exist. These types of creative financing schemes could ultimately lead to a disruption to the Department's law enforcement programs.

The conferees encourage ATF to continue to assess the utility of new ballistic imaging products to ensure that the National Integrated Ballistic Information Network program continues to meet the technological and programmatic needs of its State and local law enforcement partners.

Conversion of Records.—The conferees recognize the need for ATF to complete the conversion of tens of thousands of existing Federal firearms dealer out-of-business records from film to digital images at the ATF National Tracing Center. Once the out-of-business records are fully converted, search time for these records will be reduced significantly. The conference agreement includes $4,200,000 for the ATF to hire additional contract personnel to continue the conversion and integration of records.

The conference agreement adopts, by reference, language included in the House report regarding multiple handgun sales reports and forfeiture actions.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conference agreement provides $4,892,649,000 for the salaries and expenses of the Federal Prison System (FPS), instead of $4,895,649,000 as proposed by the House and $4,889,649,000 as proposed by the Senate.

The conferees remain concerned about the annual budget requests for the FPS. The conferees are disturbed by the Administration's fiscal year 2006 proposal to rescind prison construction funds at a time when the inmate population is expected to steadily increase and over-crowding is expected to remain a significant problem. The conferees encourage the Administration to more accurately report the needs of the FPS in future budget requests.

The funds provided for the salaries and expenses of the FPS shall be distributed as shown below and any deviation from this distribution is subject to the reprogramming requirements of section 605 of this Act.

SALARIES AND EXPENSES

[Dollars in thousands]

Inmate Care and Programs	$1,762,523
Institution Security and Administration	2,256,037
Contract Confinement	691,867
Management and Administration	182,222
Total	4,892,649

Activations and Expansions of Prisons.—The conferees include an increase of $85,017,000 for the activation of three new facilities and the expansion of two existing facilities. In addition, the second year activation costs of the Coleman, FL, facility are included within the base funding provided. The conferees define "activation" as open and receiving prisoners.

ACTIVATION OF NEW PRISON FACILITIES

[Dollars in thousands]

Activation of New Prison Facilities:	
United States Penitentiary, Tucson, AZ	$37,647
Federal Correctional Institution, Butner, NC	29,190
Hazelton, WV, Secure Women's Facility	10,297
Activation of Expanded Prison Facilities:	
United States Penitentiary, Florence, CO, Special Housing Unit	1,242
Sandstone, MN, Housing Unit Expansion	6,641
Total	85,017

Within the amounts provided, the conference agreement provides the full requested amount for Beckley Federal Correctional Institution, Gilmer Federal Correctional Institution, and United States Penitentiary in Hazelton.

The conference agreement adopts, by reference, language included in the House report on the following: expanding intergovernmental agreements; continuing drug treatment programs; pursuing a reimbursable agreement; assigning an intelligence analyst; supporting cost saving initiatives with consideration for current employees; requiring a report on programs for mentally-ill offenders; and encouraging marksmanship training. The conference agreement adopts, by reference, language included in the House report on inmate correspondence and revises the report due date to February 1, 2006. The conference agreement adopts, by reference, language included in the House and Senate reports on sexual abuse. The conference agreement incorporates, by reference, language included in the Senate report concerning interaction with the National Center for Missing and Exploited Children.

Contract Confinement.—In order to meet bedspace needs in a cost effective manner, the conferees adopt, by reference, language included in the House and Senate reports supporting contracting.

Cost Comparison.—The conferees request that the Government Accountability Office conduct a review of low and minimum security facilities that compares the following: (1) the costs of housing inmates in Federally-owned prisons; (2) the costs of using State and local prisons and jails obtained through Intergovernmental Agreements; and (3) the costs of using privately-managed facilities. The report shall include all costs associated with operating these facilities.

Residential Re-entry.—The conference agreement includes an increase of $3,000,000 to expand faith-based re-entry programs to at least three institutions.

BUILDINGS AND FACILITIES

The conference agreement provides $90,112,000 for construction, modernization, maintenance, and repair of prison and detention facilities housing Federal prisoners, instead of $70,112,000 as proposed by the House and $222,112,000 as proposed by the Senate. The conferees understand that the Federal Prison System ended fiscal year 2005 with significant carryover balances for maintenance and repair projects; therefore, new funding has been reduced accordingly.

The conference agreement adopts, by reference, language included in the House and Senate reports expressing concern over prison safety if construction funds are rescinded. The conferees reject the proposed rescission of $314,000,000 of construction balances.

The conference agreement provides $3,000,000 for site planning and further development of a medium or high security facility or facilities at Yazoo City, MS, $15,000,000 for site planning and further development of another medium or high security facility or facilities in the Aliceville, AL, area, and an additional $5,000,000 for site planning and development of a Federal Correctional Institution in Letcher County, KY.

The conference agreement adopts, by reference, language in the Senate report concerning projections of the Federal prison population, construction of additional facilities on the site of existing facilities, and housing of geriatric inmates.

The conferees note that any reallocation of funds within this account, including carryover balances, is subject to section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

(LIMITATION ON ADMINISTRATIVE EXPENSES)

The conference agreement includes language regarding a limit on administrative expenses of $3,365,000 for Federal Prison Industries, Incorporated (FPI).

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

The conference agreement provides $386,502,000 for violence against women prevention and prosecution programs, instead of $389,497,000 as proposed by the House and $371,997,000 as proposed by the Senate. The following table outlines the funding provided in the conference agreement.

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

(Dollars in thousands)

Program	*Conference agreement*
STOP Grants	$187,308
(National Institute of Justice—R&D)	(5,100)
(Safe Start Program)	(10,000)
(Transitional Housing Assistance)	(15,000)
Grants to Encourage Arrest Policies	63,075
Rural Domestic Violence Assistance Grants	39,166
Violence on College Campuses	9,054
Civil Legal Assistance	39,220
Elder Abuse Grant Program	4,540
Safe Haven Project	13,894
Education & Training for Disabled Female Victims	7,155
CASA (Special Advocates)	11,897
Training for Judicial Personnel	2,287
Grants for Televised Testimony	986
Training Programs	4,958
Stalking Database	2,962
Total	386,502

Native American/Native Alaskan Liaison Office.—The conferees understand that Native American and Native Alaskan women experience a higher rate of violence compared to any other group in the United States. These individuals lack a comprehensive community response to address their needs in breaking the cycle of violence. Last year, a liaison office was created to address this concern. The conference agreement includes $6,700,000 for the Native American/Native Alaskan Liaison Office to continue their work in Alaska, of which $950,000 is for the rural domestic violence prosecution unit; $5,000,000 is for the State of Alaska Sexual Assault/Domestic Violence Program; and $750,000 is for the Victims for Justice in Alaska.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

The conference agreement provides $233,233,000 for Justice Assistance. The conferees do not adopt the Administration's proposal to consolidate all Office of Justice Programs (OJP) activities under this heading. The following table outlines the funding provided in the conference agreement.

JUSTICE ASSISTANCE

[Dollars in thousands]

Program	*Conference agreement*
National Institute of Justice	$55,000
Bureau of Justice Statistics	35,000
State Automated Victim Notification	9,000
Justice for All	2,000
National White Collar Crime	9,000
Regional Information Sharing System	40,233
Management and Administration	35,000
Missing Children Programs	48,000
Total	233,233

National Institute of Justice.—The conference agreement provides $55,000,000 for the National Institute of Justice. This funding supports counterterrorism research and development, the Office of Science and Technology, social science research and evaluation, and the National Law Enforcement and Corrections Technology Centers.

The conference agreement includes $21,000,000 for the National Law Enforcement and Corrections Technology Centers, which shall be distributed equally among the Centers. Within the amounts provided for the National Institute of Justice (NIJ), $3,000,000 is for the Center for Rural Law Enforcement Technology and Training and $2,800,000 is for the Office of Law Enforcement Technology Commercialization, Inc. The conferees support the Border Research and Technology Center and recognize the important technology assistance and technical information it has provided to Federal, State, and local law enforcement operations in the border region.

The conference agreement adopts, by reference, language included in the House report requiring a report on the various forensic centers that have received previous grant funding. The due date for the report is modified to January 15, 2006.

The conference agreement adopts, by reference, language included in the Senate report concerning a comprehensive comparison of privately-operated prisons and Federal institutions. The conferees understand that this report is in its final stages and should be delivered within 90 days of enactment of this Act and shall meet the requirement in the Senate report language.

The conferees are aware of NIJ's efforts to assist local units of government to identify, select, develop, modernize and purchase new technologies, and support NIJ's work to develop less-lethal portable systems for evaluation by local law enforcement and corrections agencies.

Victim Notification.—The conference agreement includes $9,000,000 for the Bureau of Justice Assistance to continue the State Automated Victim Notification grant program to allow States to join the National Victim Notification Network. No funding may be utilized from within the Victims Assistance Program for this initiative and funds provided under this heading shall require a 50 percent match from State, local, and private sources.

Justice for All.—The conference agreement includes $2,000,000 for the activities authorized by section 103(b)(4) of the Justice for All Act, Public Law 108-405, for the support of the National Crime Victim Law Institute and its clinic organizations that provide legal counsel and support services for victims in criminal cases for the enforcement of crime victims' rights in Federal jurisdictions.

Missing Children Programs.—The conference agreement includes $48,000,000 for Missing Children Programs, as follows:

MISSING CHILDREN PROGRAMS

[Dollars in thousands]

Program	*Conference agreement*
National Center for Missing and Exploited Children	$24,000
Jimmy Ryce Law Enforcement Training Center	3,000
Internet Crimes Against Children Task Force	14,500
Missing and Exploited Children Office	1,500
AMBER Alert Program	5,000
Total	48,000

Coordination with U.S. Attorneys.—To ensure a viable partnership between Federal, State, and local law enforcement agencies and prosecutors, recipients of Internet Crimes Against Children (ICAC) grants are encouraged to coordinate their investigations and initiatives with the U.S. Attorneys in their communities.

National Center for Missing and Exploited Children (NCMEC).—The conferees strongly support the NCMEC's nationwide services for the prevention of abduction, endangerment, and sexual exploitation of children. The conferees commend the leadership of NCMEC for their dedication to these issues. The conference agreement adopts, by reference, language included in the House report regarding Internet service providers.

Management and Administration.—The conference agreement include $35,000,000 for the management and administration of OJP. In addition, consistent with prior practice, reimbursable funding for management and administration costs will be made available from programs administered by OJP from the "Community Oriented Policing Services" account. Further, the conferees note that remaining management and administration funding will be made available from the "Juvenile Justice Programs" and the "State and Local Law Enforcement Assistance" accounts, and that these funds will be transferred to and merged with the "Justice Assistance" account.

The conferees direct that any action taken by OJP relating to the Office of Management and Budget's Circular A-76 shall be subject to the requirements of section 605 of this Act.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement provides $1,142,707,000 for this account, instead of $1,069,244,000 as proposed by the House and $1,353,350,000 as proposed by the Senate. The following table outlines the funding provided in the conference agreement.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

[Dollars in thousands]

Program	*Conference agreement*
Byrne Memorial Justice Assistance Grants	$416,478
(Boys and Girls Clubs)	(85,000)
(National Institute of Justice)	(10,000)
State Criminal Alien Assistance	405,000
Southwest Border Prosecutor Program	30,000
Indian Assistance	22,000
(Tribal Prison Construction Program)	(9,000)
(Indian Tribal Courts Program)	(8,000)
(Alcohol and Substance Abuse)	(5,000)
Byrne Discretionary Grants	191,704
Victims of Trafficking Grants	10,000
State Prison Drug Treatment	10,000
Drug Courts	10,000
Prescription Drug Monitoring	7,500
Prison Rape Prevention and Prosecution	18,175
Intelligence State and Local Training	10,000
Missing Alzheimer's Patients	850
Capital Litigation	1,000
Cannabis Eradication	5,000
Mentally-Ill Offender Act Programs	5,000
Total	1,142,707

Edward Byrne Memorial Justice Assistance Grants program.—The conference agreement includes $416,478,000. The conference agreement is $416,478,000 above the budget request.

As in fiscal year 2005, this program consolidates the Local Law Enforcement Block Grant program and the Byrne Formula program. Funding under this program is authorized for: (a) law enforcement programs; (b) prosecution and court programs; (c) prevention and education programs; (d) corrections and community corrections programs; (e) drug treatment programs; and (f) planning, evaluation, and technology improvement programs. Funding under this program is not available for: (a) vehicles, vessels, or aircraft; (b) luxury items; (c) real estate; or (d) construction projects.

The formula used for distributing funds under this program allocates 50 percent of funding based on population, and 50 percent based on violent crime rates. The formula allocates 60 percent of funding to States and 40 percent to units of local government. Of the amount provided, $85,000,000 is for Boys and Girls Clubs and $10,000,000 is for NIJ to assist local units of government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement.

Indian Country Grants.—The conference agreement includes $22,000,000 for Indian Country grants. The conferees acknowledge the success that the Comprehensive Indian Resources for Community Law Enforcement (CIRCLE) initiative is having and urges the Department to continue to work on ways to expand CIRCLE. The conference agreement includes $7,000,000 for construction of the Choctaw Justice Center in Mississippi.

Edward Byrne Discretionary Grants.—The conference agreement includes $191,704,000 for discretionary grants under this account.

Within the amounts provided, OJP is expected to review the following proposals, provide grants if warranted, and report to the Committees on Appropriations regarding its intentions:

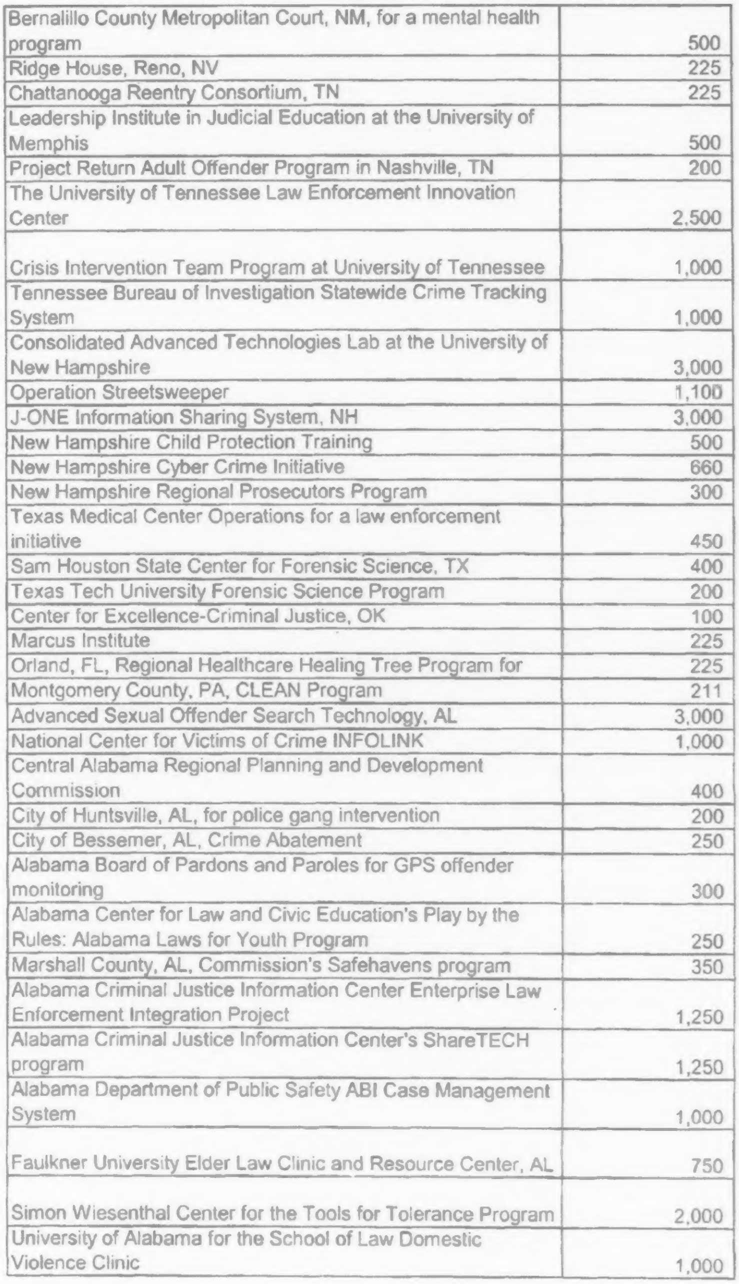
Edward Byrne Discretionary Grants
(Dollars in Thousands)

Project	Amount
National Association of Town Watch's National Night Out crime prevention program	$ 300
National Citizens Crime Prevention Campaign	4,500
SEARCH Group, Inc. and the National Technical Assistance and Training Program to assist States, such as West Virginia, Alabama, and Virginia	2,000
Pacific Institute for Research and Evaluation, International Institute for Alcohol Awareness, for a training and technical assistance program for State and local law enforcement regarding liquor law enforcement	500
National Sheriff's Association Pegasus Program	1,000
Point Coupee Parish, LA, Sheriff's Office	300
Texas Department of Public Safety	100
Texas Border Sheriffs Coalition	5,000
Center for Immigration Studies	100
Cook County, IL, Cold Case Unit	1,000
Waukegan, IL, for an anti-gang initiative	100
Women in Need Growing Stronger in Palatine, IL	200
Peoria, IL, for a court automation project	150
Yancey County, NC, Sheriff's Office for law enforcement programs	500
Drug Free Clay County in NC	300
American Prosecutors Research Institute for an anti-gang prosecution program	400
Gospel Rescue Ministries	350
Mothers Against Drunk Driving	2,500
National Obscenity Law Center	150
National Institute on State Policy on Trafficking of Women and Girls	500
Paul and Lisa Foundation	600
National Law Center for Children and Families	1,000
Shared Hope International for domestic trafficking program	1,000
Northern Virginia Criminal Justice Academy	500
Securing Emergency Resources Through Volunteer Efforts (SERVE) for a re-entry program	250
Virginia Community Policing Institute	660
Northern Virginia Regional Gang Task Force	2,500
Northwest Virginia Regional Drug Task Force	587
City of Manassas Park, VA, Police Department for a neighborhood task force	150
Pre-release and post-incarceration services programs for Commonwealth of Virginia	2,100
Court programs in the Commonwealth of Virginia to combat drug use and drug related crime	1,500
Virginia Attorney General's Office for a computer crime unit and the Triad program	235
William and Mary College's Courtroom 21 project	500

Center for Criminal Justice Technology	1,985
Enough is Enough	500
Protecting Children Against Sex Offenders in Fairfax County, VA	1,250
Tahirih Justice Center in Falls Church, VA	300
The Women's Center in Vienna, VA	300
Washington Metropolitan Area Drug Enforcement Task Force	1,250
Rape, Abuse and Incest National Network	500
Case Western Reserve University School of Law	250
Jewish Institute for National Security Affairs	50
Tarleton State University for rural law enforcement training programs	500
Advance Law Enforcement Rapid Response Training (ALERRT) by Texas State University	200
Central Texas Phoenix House	100
Texas State Technical College	200
Carlsbad, CA, for a law enforcement initiative	100
University of Central Oklahoma for a law enforcement initiative	100
Oakland County, MI, Sheriff's Department for an offender reentry program	500
Midwest Forensics Resource Center, IA	1,150
Regional Law Enforcement Training Program at Iowa Central Community College	350
Center for Court Innovation	1,000
Prisoner reentry program in Louisville, KY	25
Center for Women and Families, KY	146
Drug Abuse Resistance Education (DARE) program	900
Law enforcement initiatives in the State of Montana	500
The Doe Fund's Ready, Willing & Able program	1,125
Operation UNITE for a drug enforcement, treatment and education program	8,000
Washington County, NY, for law enforcement initiatives	250
Phoenix House in Upstate New York	50
Criminal Justice Training Assessment Project	150
Delaware County, NY, for law enforcement initiatives	50
Counties of Essex, Greene, Rensselaer, Washington, Dutchess, and Saratoga, NY	50
Kansas Attorney General's Office	750
School resource officers program in Wichita, KS	250
National Clearinghouse for Science and the Law at Stetson University College of Law	1,400
National Forensic Science Technology Center in Largo, FL	1,000
St. Petersburg College for law enforcement training	1,985
Mentally ill jail diversion program in Pinellas County, FL	500
Elder Justice Information Center at Stetson University College of Law	100
City of Cumberland, MD, Department of Police	150
Crime Communications Initiative in Salt Lake City, UT	150
East Central University for law enforcement initiatives	200

Office of the Sheriff, Fort Bend County, TX	1,000
Southwest Center for Public Safety Technology in Houston, TX	1,000
City of Springfield, MO, law enforcement forensic initiative	1,500
Los Angeles County, CA, Sheriff's Department	1,000
National Association for Court Management	250
Kane County, IL, mental health courts	250
Kane County, IL, drug rehabilitation court	200
Phoenix House in Dallas, TX	300
Ascension Parish Law Enforcement Training Center	150
DuPage County, IL, Drug Court program	150
National Institute of Justice's Cyberscience Laboratory in Rome, NY	1,500
City of Hemet, CA, to combat crime and gang activity	150
Low Country Information Technology Improvement Project in SC	100
Miami County, IN, Sheriff's Department for a law enforcement initiative	25
Utah Valley State College for law enforcement research	150
Town of Culpeper, VA, Police Department for law enforcement initiatives	50
City of Richmond, VA, for law enforcement initiatives	1,450
Page County, VA, for law enforcement initiatives	50
Culpeper County, VA, for law enforcement initiatives	50
Nashville, TN, Drug Court	500
Orange County, CA, Integrated Law and Justice System	25
Shoshone and Arapaho Tribal Courts	150
Action in the Community through Service in Prince William County, VA	100
An Achievable Dream in Newport News, VA	500
Taylor, AL, Police Department	105
Louisville, AL, Police Department	90
Geneva, AL, Police Department	90
Slocomb, AL, Police Department	70
Hartford, AL, Police Department	70
Petersburg, VA, for gang suppression activities	100
City of Winston-Salem and Forsyth County for law enforcement technologies	150
Ventura County, CA, for law enforcement initiatives	100
I-LEAD in Norristown, Reading, and Cotesville, PA	200
Montgomery County, PA, for law enforcement initiatives	500
Operation Blue Ridge Thunder	250
Northwest Interagency Team Response Operation in Cameron, MO	200
Parkville, MO, for domestic violence programs	100
Vincennes University Center in Vincennes, IN, for law enforcement initiatives	500
Charlotte, NC, for Gang of One	150
Partnership for Fingerprint Pattern Research at the University of Connecticut	175
San Diego County Sexual Assault Felony Enforcement Task Force	200

San Diego Family Justice Center	150
California Western School of Law for a Pre-Arraignment Services Program	150
Rural Justice Institute at Alfred University in Alfred, NY	300
Regional Training Center in Sioux Center, IA	1,000
Hickory, NC, for a law enforcement training program	150
Spokane County, WA, Sheriff's Office for law enforcement programs	150
Larimer County, CO, for law enforcement and prosecutorial initiatives	250
Weld County, CO, for law enforcement initiatives	250
Kristen's Act	150
Whiteclay, NE, for law enforcement initiatives	100
Navajo Nation, AZ, for law enforcement initiatives	100
Monroe County, NY, for law enforcement equipment and research	100
Cleburne County Sheriff's Department	50
Orange County, CA, District Attorney Office for law enforcement technologies	150
Germantown, WI, Police Department for advanced technologies	150
Check'Em Out Program	150
Laporte County, IN, Sheriff's Department	25
Anti-gang program in Columbus, OH	300
Delaware County Community College Municipal Police Academy	150
Colorado State University-Pueblo Western Forensic Law Enforcement Training Center	250
Colorado Digital Trunked Radio System	250
Northern Utah Fiber Redundancy Project	250
Prisoner Re-Entry Pilot Program in St. Louis, MO	50
Missouri Department of Corrections Education and Vocational Software Demonstration Partnership Project	350
Montana Supreme Court's Case and Document Management System	430
Smithfield Police Department Mobile Data System	150
University of Mississippi National Center for Justice and the Rule of Law	3,000
Mississippi State University Regional Cyber Crime Center	2,500
Hattiesburg, MS - Court Teams for Change	340
University of Southern Mississippi Forensic Teaching Laboratory	2,000
Alcorn State University Judicial Threat Analysis Center and Prisoner Photographic Database	1,500
Lee County, MS, Sheriff's Department	500
University of Southern Mississippi - Family Network Partnership	500
Tri County Coastal Command Center, MS	1,000
Enhanced Spanish Communication Training, TX	225
Idaho-Montana Lewis and Clark Bi-State Safety Project	300
Geauga County Prosecutor's Office	175



Bernalillo County Metropolitan Court, NM, for a mental health program	500
Ridge House, Reno, NV	225
Chattanooga Reentry Consortium, TN	225
Leadership Institute in Judicial Education at the University of Memphis	500
Project Return Adult Offender Program in Nashville, TN	200
The University of Tennessee Law Enforcement Innovation Center	2,500
Crisis Intervention Team Program at University of Tennessee	1,000
Tennessee Bureau of Investigation Statewide Crime Tracking System	1,000
Consolidated Advanced Technologies Lab at the University of New Hampshire	3,000
Operation Streetsweeper	1,100
J-ONE Information Sharing System, NH	3,000
New Hampshire Child Protection Training	500
New Hampshire Cyber Crime Initiative	660
New Hampshire Regional Prosecutors Program	300
Texas Medical Center Operations for a law enforcement initiative	450
Sam Houston State Center for Forensic Science, TX	400
Texas Tech University Forensic Science Program	200
Center for Excellence-Criminal Justice, OK	100
Marcus Institute	225
Orland, FL, Regional Healthcare Healing Tree Program for	225
Montgomery County, PA, CLEAN Program	211
Advanced Sexual Offender Search Technology, AL	3,000
National Center for Victims of Crime INFOLINK	1,000
Central Alabama Regional Planning and Development Commission	400
City of Huntsville, AL, for police gang intervention	200
City of Bessemer, AL, Crime Abatement	250
Alabama Board of Pardons and Paroles for GPS offender monitoring	300
Alabama Center for Law and Civic Education's Play by the Rules: Alabama Laws for Youth Program	250
Marshall County, AL, Commission's Safehavens program	350
Alabama Criminal Justice Information Center Enterprise Law Enforcement Integration Project	1,250
Alabama Criminal Justice Information Center's ShareTECH program	1,250
Alabama Department of Public Safety ABI Case Management System	1,000
Faulkner University Elder Law Clinic and Resource Center, AL	750
Simon Wiesenthal Center for the Tools for Tolerance Program	2,000
University of Alabama for the School of Law Domestic Violence Clinic	1,000

Drug Court Pilot Program, Meth Abusers; Washington County, Oregon	75
East Stroudsburg University, PA, Cyber Crime Forensics Institute Technology Upgrade	1,000
Erie County, PA, Regional Training Institute	350
RAND Corporation, Pittsburgh, PA, Research Center on Police Practice	500
Alcohol interdiction in Alaska for bootlegging crimes	1,000
Training Village Public Safety Officers in Alaska	1,200
Alaska Rural Prosecution Unit	1,800
Alaska Native Justice Center	1,100
Alaska Partners for Progress	400
Alaska Statewide DARE coordinator	210
Alaska Community in Schools Mentoring Program	750
Justice Center Equipment in Mammoth Hot Springs, Wyoming	250
Anticorruption Initiative in Southeast Louisiana	250
Blackfeet Tribe, MT, for the Blackfeet Justice Center	150
Missoula County Sheriff's Office for the Public Safety Operations and Training Center	350
Indiana State Police Department for their Methamphetamine Initiative	300
National Domestic Violence Hotline for technology upgrades	200
Santa Fe Rape Crisis Center, New Mexico	300
Whatcom County, WA, for the Criminal Justice System	350
City of Tacoma, WA, Family Justice Center	750
University of Delaware Center for Drug and Alcohol Studies	65
Educational Programs at Bedford Hills Correctional Facility and Marymount Manhattan College, New York	150
Office of the Queens County District Attorney for Combating Exploitation of the Elderly	250
Project COPE, New York	350
Turtle Mountain Community College, North Dakota, Project Peacemaker	350
Native Americans into Law Program at the University of North Dakota	300
North Central Correctional and Rehab Center in Rugby, North Dakota	400
Camden County Mental Health Court	200
National Child Protection Training Center at Winona State University, Minnesota	300
Cook County Sheriff's Office for technology upgrades for courthouses	850
University of Illinois at Chicago to expand Ceasefire, a community-based prevention, intervention, treatment and advocacy initiative	950
San Joaquin Valley Rural Crime Prevention Program in California	200
City of San Jose Gang Prevention Anti-Violence Public Outreach Campaign	400

California Department of Justice for Gang Suppression Enforcement Teams	1,000
City of Los Angeles for the Project on Violence Prevention	1,000
A health justice assistance project in Iowa	300
Oglala Sioux Tribe for law enforcement, courts, and detention equipment and operations on the Pine Ridge Indian Reservation	1,000
Equipment and programming for a Prison Liaisons Office on the Rosebud Sioux Indian Reservation	85
South Dakota Network Against Family Violence & Sexual Assault	175
Design of a Sisseton Wahpeton Sioux Tribe Detention Facility	200
Wisconsin District Attorney's Office for the Methamphetamine Prosecution Project in St. Croix County	55
West Central Wisconsin Drug Task Force	75
Legal Action of Wisconsin Domestic Violence Assistance	250
Milwaukee Community Partners Program	300
University of Wisconsin - Milwaukee's Center for Addiction and Behavioral Research (CABHR)	400
Tulane University Domestic Violence Law Institute	500
Fairleigh Dickenson University Cyber Crime Program	200
New Jersey Institute of Technology Child-Safe Personalized Handgun (Smart Gun) Project	400
Vermont Center for Crimes Victims Services for the Parallel Justice Demonstration Project	200
Champlain College, VT, for the Cyberforensic Training Initiative	650
Prince George's County for the Prisoner Re-Entry Program	250
City of Baltimore for the Employment Connections for Ex-Offenders Program	500
Statewide anti-gang initiative in Maryland	2,000
Montgomery/Prince George's Counties Maryland Regional Gang Initiative	2,000
Las Vegas Metropolitan Police Department for equipment and technology	700
Douglas County, NV, Sexual Assault Response Team (SART)	20
Mentally Ill Offender Housing Pilot Project, Washoe County, Reno, Nevada	50
National Parent Helpline	50
S.A.F.E. House Elderly Domestic Violence Abuse Prevention Project in Henderson, Nevada	75
City of Reno's Graffiti Abatement Program	80
City of Las Vegas, NV, EVOLVE program	100
Pyramid Lake Paiute Tribal Police	100
University Nevada Las Vegas (UNLV), Boyd School of Law Immigration Clinic for the Nevada Immigrant Resource Project	100
University of Nevada Reno (UNR) Grant Sawyer Center Justice Education Program	150

Henderson, Nevada Community Foundation Amber Alert System	165
National Judicial College located in Reno, Nevada	550
Central Mountain Training Foundation, Colorado	300
Suffolk County, NY, to establish a communication management system	1,000
Detroit Police Department for Operation Take Back	250
Thin Blue Line of Michigan	250
Teens, Crime, and the Community Program	750
I-SAFE	1,000
Advanced Science and Technology Adjudication Resource Center	1,000
Drug Policy alliance of New Mexico for methamphetamine prevention education programs in secondary schools	500
Winchester, VA, Edgehill	300
Salve Regina	500
National White Collar Crime Center	1,500
National Housing Development Council	500
Glenville State College Criminal Justice Program	770
City of Rialto, CA, Preparedness Project	55
A Child is Missing, Clarke County, GA	50
City of Las Vegas Safety Training Center	75
Albany, GA, Prisoner Reentry Programs	25
Office of the Sheriff, Columbus, GA, A Child is Missing	25
State of Iowa, Prescription Drug/Over Counter Alert System	50
Jacksonville, FL, Reentry Center	100
Boston, MA, St. Francis House re-entry services	100
Local Initiatives Support Corporations Community Safety Initiative	500
Hawaii's State Interagency Council on Intermediate Sanctions	50
Eastern Kentucky Justice and Safety	50
Orangeburg, SC, Forensic DNA laboratory	300
Kingstree, SC, Law enforcement training	250
Center for Rural Violence and Prevention	100
Madison, AL, Drug Court	100
Community Crime Stoppers	100
San Marcos, TX, Advanced Law Enforcement Rapid Response Training	100
Webb County, TX	50
Urban Criminal Research and Training Institute	100
MD, Enhanced Community Policing Initiatives	100
Matthew House, Ex-offender Reentry Services	150
Westside services for ex-offenders	100
Project for Violence Prevention	50
Denver, CO, Rescue Mission	100
Barnstable County, MA, Drug Court Treatment Program	200
Henry C. Lee Institute of Forensic Science National Cold Case Center	500
Doddridge County, WV, Sheriff's Office	75
City of Tacoma, WA, Family Justice Center	550

Center for Collaborative Network Security Development	200
Austin, TX, Regional Law Enforcement Training Center	150
Steganography Analysis and Research Center	1,000
WV High Technology Consortium Foundation	4,500
Pittsburgh, PA, Downtown Partnership's Public Safety Program	200
Pittsburgh, PA, Community Law Enforcement training	100
Stop the Offenders Program, TX	100
Taylor County, WV, Sheriff's Office	75
County of San Mateo, Forensic Laboratory	100
Salinas & Monterey, CA, Joint gang drug task forces	500
Philadelphia, PA, FDRC	300
Northwest Fund Community Enhancement Program	300
Philadelphia, PA, West Mt. Airy Against Drugs (MANAD)	100
Second Chance Prisoner Reentry Program	250
San Diego, CA, Crisis Intervention Response Team	50
Illinois State Police	75
Palm Beach County, FL, Gang violence program	150
SD, Forensic Interviewing Centers	100
The CHILD Project, SD	50
Grant County, WV, Sheriff's Office	75
Independence/Polk County, OR, Drug Enforcement Team	100
Prince George's County, MD, Domestic Violence Unit	200
Prince George's County, MD, Firearms Reduction Education Program	60
National Corrections and Law Enforcement Training and Technology Center	2,000
Wetzel County, WV, Sheriff's Office	75
Maryland Crime Victim's Center	200
King County , WA, Sheriff's Office	100
Suffolk and Commack, NY	100
Enhanced Supervision of Domestic Offenders	50
Long Island, NY, Community Outreach	100
Texas Security Modernization	200
Safer Foundation	100
Hope Center	100
Lucas County, OH, Communications	200
Toledo, OH, Domestic Violence Prevention	200
Justice System Training and Research Institute	200
Sexual Assault and Trauma Resource Center	150
Tyler County, WV, Sheriff's Office	75
Warwick, RI, Interoperability	150
Oakland, CA, Men of Valor	100
Fulton County, GA, Sheriff's Department Security Improvements	300
City of Atlanta, GA, Conflict Resolution Program	200
Georgia State Inmates Reentry Program	100
Atlanta, GA, Department of Corrections	100
Pleasants County, WV, Sheriff's Office	75
Westchester and Rockland County, NY, Crime Prevention Programs	300
Bronxville, NY, Security Upgrades	155

Harrison, NY, Police Department Security System	110
Village of Elmsford, NY, Security Upgrade	10
Women's Justice Center, NY	50
Bedford Hills Women's Correctional Facility	100
Ritchie County, WV, Sheriff's Office	75
Middlesex, MA, Sheriff's Office	150
City of Everett, MA	200
St. Francis House Prisoner Re-entry program, MA	200
Melrose Officer Program	100
Albany Law Center	100
Criminal Justice Training Assessment Project	250
Maine Interoperability Technology	100
COPS, CA	50
Mineral County, WV, Sheriff's Office	75
Rush Center	1,000
Self-defense training, KS	100
Neighborhood Preservation Initiative	150
Thomas Edison Criminal Justice	50
John Jay Center for Crime Prevention	100
Barbour County, WV, Sheriff's Office	75
Corrections Learning Environment	3,000
Waynesburg, PA, Electronic Crime Prevention and Investigation	500
Westfield, MA, Law Enforcement Training Program	100
Fond du Lac, MN, Tribal and Community Law Enforcement Program	400
9th Judicial District of Wisconsin, pro se litigation model	200
Portage County, Wisconsin, Justiceworks Program	300
Barron County, Wisconsin, Restorative Justice Programs	200
Wisconsin Alliance for Children and Families	750
Gardner, MA, Law Enforcement Program	450
A Child is Missing, MA	240
Developing Justice Program	500
New Jersey State Police "Cops-in-Shops"	100
Phoenix, AZ - Interoperable communications	200
Gilmer County, WV, Sheriff's Office	75
NJ, Legal services	300
San Francisco, CA, Ex-Offender Reentry Services	800
Calhoun County, WV, Sheriff's Office	75
Native Americans into Law	50
Durham County, NC	100
Orange-Person-Chatham Area, NC	100
The Fortune Society's Community Re-entry, NY	150
Bergen County, NJ, Justice Center Security Enhancements	250
NJ, Computer Forensic Security	100
Violence and Drug Resistance Training	100
Heritage Community ex-offender societal reentry program	150
Minneapolis, MN, Computer Security and Forensics	200
Minneapolis, MN, Tubman Family Alliance	250
South Gate Officer Program, CA	100
Orange County Anti-trafficking Task Force	200

Mclennan County, TX, Police Department	150
Citizens Advice Bureau	100
Alliance for Community Service, NY	100
CONNECT - Community Empowerment Program	100
Urban Justice Center, NY	300
Ogemaw County, MI, County Sheriff's Office	100
Solano County, CA, Probation Department	100
Family Justice, NY	200
Jefferson County, AR, Sheriff's Department	25
Garland County, AR, Sheriff's Department	50
South Central Arkansas Drug Task Force	110
Forensic Law Enforcement Training Center, CO	150
Detroit Community Police	200

Harold Rogers Prescription Drug Monitoring Program.—The conference agreement includes $7,500,000 to assist States in building or enhancing prescription drug monitoring systems, facilitating the exchange of information between States, and providing technical assistance and training on establishing and operating effective prescription drug monitoring programs.

Prison Rape Prevention and Prosecution.—The conference agreement provides $18,175,000 for implementation of the Prison Rape Elimination Act of 2003 (Public Law 108–79). The conference agreement includes the following: $15,000,000 for the collection of statistics, data and research as authorized by section 4 of the Act; $1,000,000 for the National Institute of Corrections for a national clearinghouse, training and education as authorized by section 5 of the Act; and $2,175,000 to be transferred to the National Prison Rape Elimination Commission. Because of the delay in awarding previous years' funding, no new funds are provided for the grant program authorized by section 6 of the Act. The conferees expect DOJ to award the existing funds as soon as possible.

Improving State and Local Law Enforcement Intelligence Capabilities.—The conference agreement includes $10,000,000 for the implementation of the National Criminal Intelligence Sharing Plan and the efforts of the Global Justice Information Sharing Initiative. The conferees direct this funding to be used to support training for State and local law enforcement on the intelligence process including planning, collection, analysis, dissemination and reevaluation. This program should continue to provide support for training in the use of intelligence as a tool in identifying pre-incident indicators. This training should ensure that law enforcement officials are protecting individuals' privacy, civil rights, civil liberties, and constitutional rights within the intelligence process. The conferees also expect some funding to be available to promote the use of information technology standards among law enforcement to ensure that the data can be exchanged across disparate information systems.

Mentally-Ill Offenders.—The conferees are concerned about the effects of the criminal justice system on the mentally-ill. The conference agreement includes $5,000,000 for programs authorized by the Mentally Ill Offender Act of 2004.

WEED AND SEED PROGRAM FUND

The conference agreement provides $50,000,000 for the Weed and Seed program as proposed by the House, instead of $50,280,000 as proposed by the Senate.

COMMUNITY ORIENTED POLICING SERVICES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $478,300,000 for Community Oriented Policing Services (COPS) programs, instead of $566,557,000 as proposed by the House and $534,987,000 as proposed by the Senate. The following table outlines the funding provided in the conference agreement.

COMMUNITY ORIENTED POLICING SERVICES

[Dollars in thousands]

Program	*Conference agreement*
Training and Technical Assistance	$4,000
Tribal Law Enforcement	15,000
Meth Hot Spots	63,590
Law Enforcement Technologies and Interoperable Communications Program	139,904
Bullet-Proof Vests	30,000
Criminal Records Upgrade	10,000
DNA Initiative	108,531
Paul Coverdell Forensic Science	18,500
Crime Identification Technology Act	28,775
Gang Violence Program	40,000
Project Safe Neighborhoods	15,000
Offender Re-Entry	5,000
TOTAL	478,300

Methamphetamine Enforcement and Clean-Up.—The conference agreement includes $63,590,000 for State and local law enforcement programs to combat methphetamine (meth) production and distribution, to target drug "hot spots" and to remove and dispose of hazardous materials at clandestine methamphetamine lab.

Within the amount provided, the conference agreement include $20,000,000 to reimburse the Drug Enforcement Administration (DEA) for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs and to initiate container programs, including funds for training, technical assistance, and purchase of equipment to adequately remove and store hazardous waste.

In addition, within the amount provided, the conferees expect the COPS Program Office, in consultation with DEA, to examine each of the following proposals, to provide grants if warranted, and to submit a report to the Committees on Appropriations on its intentions for each proposal:

Methamphetamine Enforcement and Clean-Up Grants
(Dollars in Thousands)

Project	Amount
Grant Parish, LA, Sheriff's Office	$ 300
Virginia State Police, of which $175,000 shall be for the Northwest Virginia Regional Drug Task Force, and $175,000 shall be for the Harrisonburg Drug Task Force to assist their efforts in combating methamphetamine	600
Partnership for a Drug Free America to address methamphetamine	3,000
Rutherford County, NC, methamphetamine initiative	250
California Methamphetamine Strategy (CALMS)	1,500
South Central Missouri Drug Task Force	250
Southeast Missouri Drug Task Force	125
Mineral Area Drug Task Force	125
City of Tucson, AZ, Police Department	250
TEMPEST for on-going anti-meth activities in PA	125
Bradford County, PA, Sheriffs Department for methamphetamine	250
Pennsylvania Attorney General for anti-meth activities	125
Polk County, FL, methamphetamine initiative	300
Metropolitan Drug Enforcement Team in the Kanawha Valley, WV	250
West Tennessee Methamphetamine Task Force	200
Arkansas Meth Hot Spots Initiative	255
FIVCO Area Drug Enforcement Task Force, KY	150
Franklin County, MO, Sheriff's Department for Operation CHEM	150
Daviess County Regional Methamphetamine Eradication	150
Oklahoma State Bureau of Narcotics and Dangerous Drug Control	150
Louisiana Methamphetamine Task Force	150
Fresno County, CA, Methamphetamine Initiative	100
Nebraska State Patrol for methamphetamine initiative	100
Southwest Mississippi Narcotics Enforcement Unit	150
Northern Arizona Regional Drug Coalition	1,000
Cherokee County, AL, for a Drug & Violent Crime Task Force	100
Clay County, AL, for a drug task force	100
Talladega County, AL, Drug Task Force	50
Southeastern Illinois Regional Planning & Development Commission for meth initiatives	150
Integrating Systems Against Methamphetamine Abuse project	150
City of Ottawa, IL, antidrug coalition	150
Pennyrile Narcotics Task Force	350
Jefferson County, CO, Methamphetamine Interdiction and Response initiative	150
Uintah Basin Methamphetamine Project	400
MoSmart methamphetamine initiative	1,750
Kansas Methamphetamine Prevention Project	100

Northern Kentucky Drug Strike Force	100
Methamphetamine Treatment Demonstration Project - MT	200
Liquid Chromatography Tandem Mass Spectrometry Instruments, Georgia Bureau of Investigation	50
Southwest Mississippi Narcotics Enforcement Unit	150
Jackson County Sheriff's Department	250
City of Greenville - Methamphetamine Policing Initiative	1,000
Asheville Metro Area Methamphetamine Laboratory Enforcement Initiative	175
Tennessee Statewide Methamphetamine Task Force	3,000
City of Sioux City, IA	75
Methamphetamine Enforcement and Response, Lab Enhancement, Drug Court Treatment and Prevention	225
Salt Lake City COPS Methamphetamine Initiative	200
Update of U.S. Mexico Border Counties Coalition	150
State of Indiana Methamphetamine Treatment	40
University of Kentucky Rural Drug Prosecution Assistance Project	1,500
Alabama Department of Economic and Community Affairs for a methamphetamine program for local police departments	1,000
Alabama Sheriff's Association Methamphetamine Enforcement Project	1,000
Alabama Association of District Attorneys Methamphetamine Prosecution Program	2,900
Lincoln County Methamphetamine Initiative; Lincoln County, Oregon	50
Cass County, MO, Drug Court	25
James River, MO, Charities Substance Abuse Program	50
Polk County, MO, Drug Court Interface Partners	50
Stockton, MO Southwest Missouri Major Case Squad Drug Task Force	100
New Mexico Department of Public Safety for methamphetamine clean-up equipment	150
Methamphetamine Treatment Program at the Lesbian & Gay Community Services Center, New York	250
Minot State University for the Rural Methamphetamine Education Demonstration	1,750
Kids Hope United, IL, for family preservation services for meth-affected families	150
Illinois Sheriff's Association for their Methamphetamine Awareness Campaign	180
Anhydrous Ammonia Tanks-A-Lock project in Iowa	300
Methamphetamine Jail Treatment Project in Iowa	800
Methamphetamine Clandestine Lab Task Force in Iowa	1300
Comprehensive Methamphetamine Response Program in Hawaii	2000
Prairie View Prevention Services for the Methamphetamine Awareness and Prevention Project	150
Wisconsin Department of Justice for the Methamphetamine Law Enforcement Initiative	1500

Vermont Department of Public Safety for the Vermont Drug Task Force	1750
Washington State Methamphetamine Initiative	2000
Criminal Justice Institute, University of Arkansas for the Methamphetamine Educational Training Project	250
Comprehensive Methamphetamine Initiative at The Center, NY	500
Lane County, OR, for the Methamphetamine Abatement Initiative	200
Marion County Sheriff's Office, OR, for the Breaking Meth Addiction Program	450
Portland, OR, Methamphetamine Initiative	100
Iowa Methamphetamine Demand and Diversion Reduction	50
City of Columbia, SC, Gang Intervention/Methamphetamine Initiative	50
Williamsburg County, SC, Sheriff's Department	50
Town of Santee, SC, Police Department	50
Williamson County's, IL, Sheriff Department	100
Morgan County, AL, Sheriff's Department	100
City of Scottsboro, AL, Police Department	50
Cities of Manchester and Tullahoma, TN, Methamphetamine	150
Methamphetamine Education and Prevention Campaign	100
South Coast Interagency Narcotics Team, OR	100
Mantua Against Drugs (MAD)	100
Middle Tennessee Methamphetamine Task Force	300
Tennessee Methamphetamine Detection and Remediation Research	360
MAPP-SD, Meth Awareness and Prevention Project, ND	100
New York City - The Center	75
Northeast Law Enforcement Administrator's Council	200
St. Croix Valley Drug Task Force, Balsam Lake, Wisconsin	300
Barron/Rusk Drug Task Force, Ladysmith, Wisconsin	300
White Earth Reservation Tribal Nations, MN	150
Rural Methamphetamine Enforcement and Treatment	200
Lincoln County, OR, Methamphetamine Initiative	50
Los Angeles, CA, Phoenix House	200
Jackson County, MI, Sheriff's Office	200
Woodland, CA, Methamphetamine Enforcement	100
Minnesota METH Hot Spots	225
Schuylkill County Drug Education	50

The conferees direct the Partnership for a Drug Free America to focus the efforts of its Methamphetamine Demand Reduction Program on regions adversely impacted by the abuse, production and trafficking of meth, as well as regions likely to experience meth-related problems. When identifying regions to deploy this program, program coordinators shall consider national tracking data systems that monitor the abuse of methamphetamine, such as the Monitoring the Future study; drug-related emergency room admission data; meth lab seizure data; and other national, State and local data sources. The conferees expect the Partnership to work to incorporate the State of Indiana into this program.

Law Enforcement Technologies and Interoperable Communications Program.—The conference agreement includes $139,904,000 for the COPS Law Enforcement Technologies and Interoperable Communications Programs. Within the funds provided, $10,000,000 is for the COPS program to continue its competitive interoperable communications grant program. The conferees understand the critical need for minimum standards for law enforcement communications equipment and strongly support the standards being designed and implemented by the COPS office, in consultation with the National Institute of Justice's Office of Science and Technology (OS&T), as well as the Bureau of Justice Assistance. Coordination of Federal efforts is critical. Therefore, OS&T should continue to assist COPS in incorporating existing minimum standards into the formulation of this grant program. The conferees have allowed $5,000,000 from prior year deobligated balances to be transferred to NIST to continue the efforts of the Office of Law Enforcement Standards (OLES) towards developing a comprehensive suite of minimum standards for law enforcement communications.

The inability to apply open standards to communications equipment purchased under the COPS Interoperable Communications Grant Program, as well as other Federal grant programs continues to be of great concern to the conferees. In fiscal year 2005, the conferees directed OLES, working with the National Institute of Justice's CommTech Program and SAFECOM within the Department of Homeland Security (DHS), to consider, in the absence of published Project 25 standards, the issuance of interim standards that could be used to specify the required functionality and testing validation for an Inter-RF-Subsystem Interface (ISSI), Console Interface, and Fixed Station Interface for land mobile radio systems. The conferees direct that within 30 days of the enactment of this Act, OLES shall submit a report to the Committees on Appropriations detailing the process by which interim standards will be identified, as well as a timeline for issuance this fiscal year. The conferees also direct that, within this report, OLES identify a process to ensure that equipment procured using Federal grant dollars complies with the requirements of the identified standard(s). At a minimum, the Office of Interoperability and Compatibility (OIC) within DHS should consider working with NIST and DOJ to require that all grant dollars for interoperable communication be used for Project 25 compliant equipment that meets the requirements of a conformity assessment program.

Within the amounts provided, the conferees expect the COPS office to examine each of the following proposals, to provide grants if warranted, and to submit a report to the Committees on Appropriations on its intentions for each proposal:

Law Enforcement Technology and Interoperability Grants
(Dollars in Thousands)

New Roads, LA, Police Department	$ 250
Southside Virginia law enforcement agencies	700
Lake County, IL	250
Northwest Chicago, IL	200
Peoria County, IL	750
Logan County, IL	250
Clarke County, VA, Sheriff's Office	125
Fairfax County, VA, Police Department	100
Fauquier County, VA, Sheriff's Department	75
City of Fairfax, VA	75
Frederick County, VA, Police Department	75
Leesburg, VA, Police Department	75
Loudoun County, VA, Sheriff's Department	100
Herndon, VA, Police Department	90
City of Manassas, VA	75
City of Manassas Park, VA, Police Department for video equipment for police vehicles	80
Prince William County, VA	100
Warren County, VA, Sheriff's Department	75
Winchester, VA, Police Department	75
Statewide records management system for Virginia law enforcement	1,500
Integrated Criminal Justice Information System for the State of Virginia	2,100
Law enforcement communications planning in the State of Virginia	800
Law enforcement technologies for the Middle Rio Grande Border Region of Texas	2,000
Jacksonville, FL, Sheriff's Office	700
San Diego County, CA, Sheriff's Department for automation infrastructure upgrades	250
City of Roseville, CA, Police Department	250
Placer County, CA	250
Nevada County, CA	100
Sierra County, CA, Sheriff's Department	100
Grass Valley, CA, Police Department	50
Morris County, NJ, Police Department	1,000
Sussex County, NJ, Police Department	100
Somerset County, NJ, Police Department	100
West Essex Portion of Essex County, NJ, Police Department	100
Law enforcement technologies for Clark, Greene, Fayette, and Pickaway Counties, OH	1,000
Law enforcement technologies for the Ohio State Highway Patrol	500
Law enforcement technologies for the State of Oklahoma	1,000
Lanier County, GA, Sheriff's Department	500
Long County, GA	100
Atkinson County, GA	100

Oakland County, MI, Sheriff's Department	2,000
Law enforcement technologies for the City of Tucson, AZ, Police Department and Pima County, AZ, Police Department	500
Cochise County, AZ, Sheriff's Department for law enforcement technologies	250
Iowa State University for a cyber crime program	150
Howard County, IA, Sheriff's Department	150
San Bernardino County, CA, and Riverside County, CA Sheriffs Departments for a regional fingerprint identification project	2,000
East Valley Community Justice Center	1,000
City of San Bernardino, CA, Police Department for mobile data terminals	400
San Bernardino County, CA, for an electronic crime reporting system	500
Redlands, CA, Police Department for a crime mapping program	500
Louisville, KY, Metropolitan Government for mobile data terminals	810
Shively, KY, Police Department	35
Stark County, OH, Sheriff's Department	1,000
Law enforcement technologies for Wyoming and Lackawanna, PA	750
City of Hudson, NY, Police Department	100
Onondaga County, NY, Sheriff's Office	750
City of Syracuse, NY, Police Department	500
Electronic filing system for the Three Rivers Planning District, MS	750
Webb City, MO	200
Polk County, MO	200
Greene County, MO	1,000
Jasper County, MO	100
City of Ozark, MO	80
Berkeley County, WV, Sheriff's Department	150
Harpers Ferry, WV, Police Department	100
Bartow County, GA	65
Kane County, IL	1,000
Naperville and Aurora, IL	250
Klickitat County, WA, Sheriff's Department	500
City of Pleasant Grove, AL, Police Department for a records management system	20
City of Arlington, TX	150
Pasco County, FL, Sheriff's Office	150
Team Focus Mentoring and Education Program for at-risk youth	150
Calcasieu Parish, LA	500
Hernando County, FL, for an integrated criminal history project	93
City of Denton, TX, Police Department	150
City of Corona, CA, Police Department	150
Page County, VA, Sheriff's Office	75

City of Cincinnati, OH, Police Department for a records management system	150
City of Mishawaka, IN	400
Starke County, IN	50
Galveston, IN, Police Department	126
San Angelo, TX, Police Department	150
City of Odessa, TX, for law enforcement technologies	150
City of High Point, NC, Police Department	150
West Pottsgrove Township, PA	25
Wilson Borough, PA, Police Department	20
Northhampton Borough, PA, Police Department	40
Fountain Hill, PA, Police Department	25
Emmaus Borough, PA, Police Department	25
Child Abuse Center in Norfolk, VA	250
Norfolk, VA, Police Department	100
Virginia Beach, VA, Police Department	200
Accomack County, VA, Sheriff's Office	25
Northampton, VA, Sheriff's Office	25
City of Luverne, AL, Police Department for an automated fingerprint identification system	100
Florida Law Enforcement Consortium	150
Borough of Flemington, NJ, Police Department	30
Bridgewater, NJ	30
South Bound Brook, NJ	30
Township of Branchburg, NJ	30
Borough of Bound Brook, NJ, Police Department	30
Bristol Borough, PA	250
Bucks County, PA	250
Hendry County, FL, Sheriff's Department	200
City of Chesapeake, VA	100
City of Suffolk, VA, for law enforcement technologies	100
Chesterfield County, VA	100
Isle of Wight County, VA	50
Nebraska State Patrol for law enforcement technologies	500
Municipality of Fajardo, PR	125
Municipality of San Sebastian, PR	125
Municipality of Bayamon, PR	125
Municipality of Guaynabo, PR	125
Iredell County, NC, Sheriff's Office	150
City of Glendale, AZ	150
Ventura County, CA, Sheriff's Department	150
Warren County, NJ	150
Sandusky County, OH	150
Shenandoah County, VA	100
Hardee County, FL	50
Sarasota County, FL	100
Cabarrus County, NC	200
Cumberland County and City of Fayetteville, NC	200
Mesa, AZ, Police Department	150
Sevier County, TN, Sheriff's Department and the Sevierville, Gatlinburg, and Pigeon Forge, TN, Police Departments	150

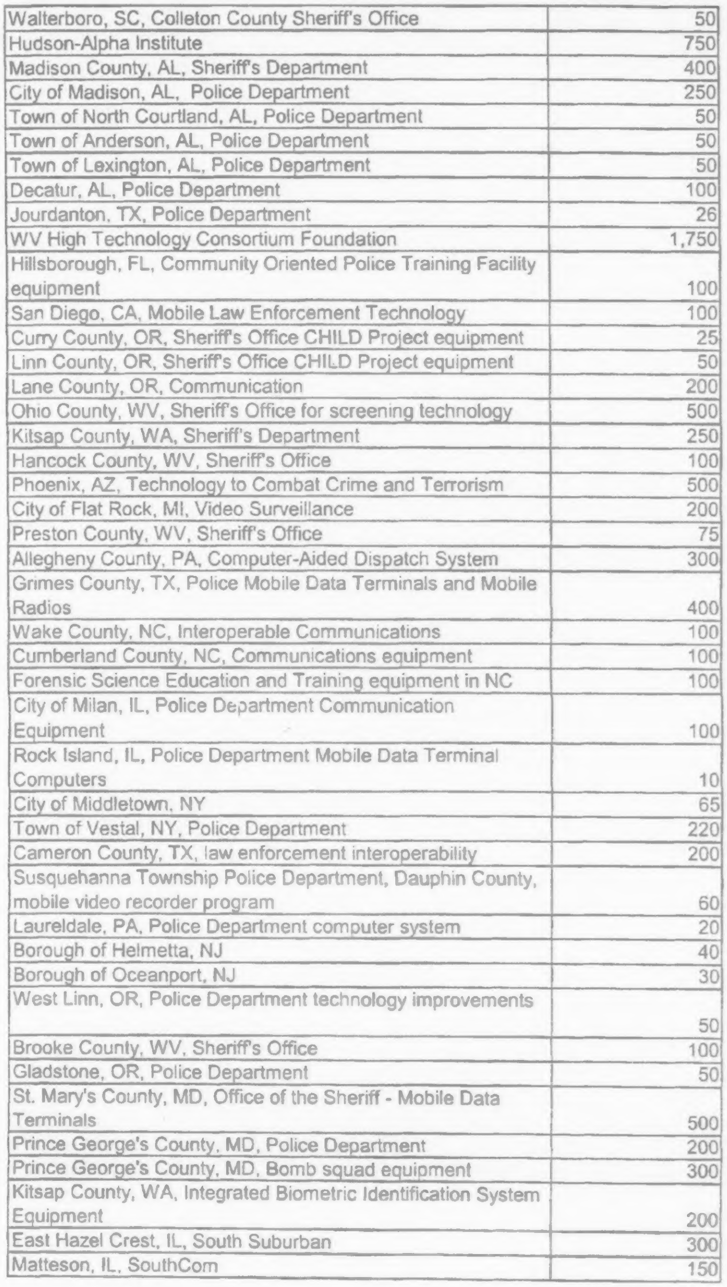
Jefferson Parish, LA, Sheriff's Office	150
Village of Bethany, IL, Police Department	100
CriMNet in Minnesota	500
Russell Township, OH, Police Department for the Chargin Valley Enforcement Group	76
County of Calaveras, CA, Sheriff's Department	150
Technology enhancements for law enforcement agencies in Northwest Illinois	200
City of Brenham, TX, Police Department for mobile data terminals	150
Putnam County, FL	150
Technology upgrades for law enforcement agencies in Macomb County, MI	150
City of Rancho Santa Margarita, CA, Police Department	19
Rio Hondo College for law enforcement technologies	150
Kansas Bureau of Investigation for law enforcement technologies	150
Allegheny County, PA, for in-car video camera project	475
Penn Hills, PA, Police Department for mobile data terminals	25
City of Monroe, NC, Police Department	150
Bosque Farms, NM, Police Department	55
Delaware County, IN	150
Lancaster City, PA, Police Department for law enforcement technologies	250
York, PA, Police Department for in-car video equipment	150
Beyond Missing	150
Contra Costa County, CA, for the ARIES Integrated Justice System	150
Columbus, OH, Police Department for in-car cameras	150
City of Sonora, CA, for law enforcement technologies	150
San Carlos Apache Tribe in Arizona	100
Wyoming County, NY	100
Genesee/Fingers Lakes region	100
Tallapoosa County, AL, Sheriffs Department	50
Key West, FL, Police Department	250
Neosho County, KS, for the Southeast Kansas regional in-car digital video project	200
Stamford, CT	250
Shelton, CT	100
Bedford County, PA, Police Department	150
Town of Old Say Brook, CT	250
Town of Clinton, CT	96
Brick Township, NJ	100
Manchester Township, NJ	100
City of Gainesville and Alachua County, FL	150
Kern County, CA, Sheriff's Department for mobile data terminals	200
San Luis Obispo County, CA, Sheriff's Department	106
Kalamazoo, MI, Justice Integrated Information Management System	150

Umatilla County, OR, for a rural law enforcement technology project	150
Wasilla, AK, Police Department	150
Kankakee County, IL, Sheriff's Office	150
Bernalillo County, NM	500
Southeast Law Enforcement Center for law enforcement technologies	150
Utah Real Time Notification System	250
Rural County Utah Law Enforcement Technology Program	157
800 MHz Emergency Services Radio Interoperability Upgrade in Kansas	200
Public Safety Equipment Program, Sedwick County, KS, Sheriff's Office	50
Statewide Communications Network, MT	1,000
Missoula County & City Public Safety Operations Technology and Equipment, MT	200
Chippewa Cree Law Enforcement Technology Upgrade, MT	250
Wireless Data Network, City of Winston-Salem, NC	225
National Center for Biodefense Communications, MS	3,100
City of Madison & City of Ridgeland - Public Safety Communications System, MS	1,500
Mistral Security Non-Toxic Drug Detention and Identification Aerosol Technology, MS	750
Criminal Information Sharing Alliance Network / Idaho State Police	750
National Consortium of Offender Management Systems Software Development / ID Dept of Corrections	25
South Dakota Attorney General for Technology Improvements	100
800 MHz Communication Project for Public Safety in Anderson County, SC	150
Sandoval County, NM, Communications Equipment	240
New Mexico State Police Satellite Mobile Data Terminal Equipment	75
Wyoming's Statewide Public Safety Interoperable Radio Communications Project (WyoLink)	250
City of Memphis and Shelby County Public Safety Radio System, TN	700
Gibson County Visual Intelligence Tool, TN	500
Mobile Data Terminal - City of Jackson, Tennessee	600
City of Clinton, IA	100
Statewide implementation of public safety technology in New Hampshire	1,500
New Hampshire Department of Safety technology upgrades	500
Advanced IP Enabled Infrastructure Development Project,TX	100
Fort Worth Law Enforcement Data Technology Initiative, TX	100
Austin Police Department Technology, TX	100

Basic Immigration Training for State, Local, and Tribal Law Enforcement Demonstration Project, OK	150
City Of Chandler Law Enforcement Management, AZ	40
City of Tucson, AZ, Technology	40
Phoenix Police Department/City Prosecutor-criminal records	40
Maricopa County, AZ, Department of Management	40
Cities of Tempe, Phoenix and Mesa interoperability	40
Phoenix Police Department/City Prosecutor-software	40
Wireless data link for Mesa Police	40
Delaware County law enforcement upgrade, IN	50
Edmonson County, KY, Sheriff's Department Law Enforcement Technology Project	200
Montgomery County, KY, CAD Acquisition Project	200
City of New Castle, PA, Police Department Technology	325
Alabama Department of Public Safety for a feasibility study of a statewide interoperable communications system	1,000
City of Montgomery, AL, for county courthouse security systems	250
Jefferson County, AL, Commission for a regional video conferencing system	1,000
Mobile County Commission for a full frequency system/spectrum interoperabilty public safety radio system	1,000
Alabama Department of Public Safety system upgrades	1,000
Alabama Pardons and Parole Board for its CrimeTrax Alabama project	300
City of Atmore, AL, for police department technology improvements	160
City of Auburn, AL, for police department technology improvements	400
City of Madison, AL, for a mobile data project	640
City of Mobile, AL, for consolidation of voice and data communications	1,000
City of Opelika, AL, for mobile data terminals and police department equipment upgrades	700
City of Robertsdale, AL, for police department technology improvements	150
Etowah County, AL, for a visual intelligence tool	750
Jefferson County, AL, Sheriff's Office for a surveillance support unit	100
Lee County, AL, Commission for mobile data terminals for law enforcement	300
Alabama Department of Corrections for an electronic systems initiative	3,400
Alabama Bureau of Investigation Shotspotter	1,000
Beaver County, PA, Communications Upgrade	350
Meadville City, PA, Police Department Communications Upgrade	50
Alaska Land Mobile Radio migration for multi agency communications network	5,000

City of St. Joseph, MO, Law Enforcement Communications System	25
Minnehaha County, SD, Sheriff's Office request for Law Enforcement Technology Grant	90
Indianapolis Police Department for law enforcement technology upgrades	200
City of Albuquerque Police Department for the Comprehensive Information Project	300
Espanola City Police Department for law enforcement technology upgrades	400
Digital in-car video systems in law enforcement vehicles, West Virginia	3,000
Delaware State Police for the Enhanced Automated Fingerprint Identification System	1,000
Delaware's Department of Homeland Security for Intelligence Analysis Center technology upgrades	800
Rockland and Westchester County, NY, for law enforcement upgrades	500
Town of Babylon, NY, for law enforcement technology updates	500
Grand Forks Public Safety Training Campus, Grand Forks, ND	250
Phase II Hudson County, NJ, for law enforcement technology upgrades	200
City of Waterbury for law enforcement technology upgrades	500
Springfield Police Department in Illinois for impairment screening devices	100
Jefferson County Sheriff's Department for technology upgrades, Mt. Vernon, Illinois	250
City of Modesto/Stanislaus County, CA for law enforcement technology upgrades	400
Police technology grants for Bennington, Brattleboro, Newport, Northfield, Rutland, and St. Albans Counties, Vermont	450
Middlesex Community College, Lowell, MA, for a regional technology training law enforcement collaborative	500
Essex County, MA, for the Law Enforcement Information Sharing Project	250
Massachusetts Law Enforcement Technology & Training Support Center	750
Northcentral Wisconsin Drug Enforcement Group (NORDEG) for law enforcement communications upgrades	225
City of Madison Police Department, WI, for law enforcement communications upgrades	500
Wisconsin Office of Justice Assistance for the "Justice Gateway" Project	500
Orleans Parish Information Sharing & Integrated System (OPSIS)	1,000
Vermont Department of Public Safety for law enforcement technology upgrades	750

Upper Peninsula Interoperable Communications Consortium, Michigan	750
City of Hartford for law enforcement technology upgrades	1,700
Snohomish County for law enforcement communications upgrades	1,500
Florida Department of Corrections for Tracking Registered Sex Offenders	2,000
Tri-County In-Car Video Camera Project for the DuPage, Kane, and Kendall Counties Sheriff's' Offices in Illinois	500
Charlestown Police Department for law enforcement technology upgrades	300
Eureka County Nevada Sheriffs Office for equipment and technology	10
North Las Vegas Police Department's mobile communications equipment	250
Nye County Nevada Sheriff's Office for law enforcement communications equipment	500
Grand Junction, Alamosa, and Durango Police Department for In-Car Video Equipment	200
Downriver Community Conference for the Mutual Aid System Preparedness Technology Upgrades	750
Macomb County Communications Consortium	600
St. Clair County, MI, for the Communications Infrastructure Project	250
Law Enforcement Information Network, MI, for technology upgrades	250
Outagamie County Law Enforcement Domestic Violence Prosecution Initiative for law enforcement technology equipment	500
Somerdale Borough, NJ, Police Department	25
County of San Bernardino, CA, Identity Theft Prevention and Prosecution	25
Downey, CA, Police Department	50
City of Ontario, CA - Interoperability Project	50
City of Fontana, CA - Advanced Communications Network	50
Sun Prairie, WI, Police Dept Records System	175
Columbus, WI, Police Department - Interoperable Communications	75
Child Project, WI	50
Crittenden County, AR, Radio system	150
City of Jonesboro, AR, Interoperable communications	150
Miller County, GA, Communications	15
Southampton Village, NY, Radio System	25
Guam Police Department Forensic Science Division	50
Lorain County, OH, Sheriff's Office Computer Project	100
Greater Akron, OH, Regional Law Enforcement	100
Anne Arundel County, MD, Communications	100
Baltimore City, MD, Police Dept	100
City of Stockton, CA, Communication Equipment	50
Harrodsburg, KY, Police Department	50
Virgin Islands, crime fighting equipment	50
Sumter County, SC, Sheriff's Office	50



Walterboro, SC, Colleton County Sheriff's Office	50
Hudson-Alpha Institute	750
Madison County, AL, Sheriff's Department	400
City of Madison, AL, Police Department	250
Town of North Courtland, AL, Police Department	50
Town of Anderson, AL, Police Department	50
Town of Lexington, AL, Police Department	50
Decatur, AL, Police Department	100
Jourdanton, TX, Police Department	26
WV High Technology Consortium Foundation	1,750
Hillsborough, FL, Community Oriented Police Training Facility equipment	100
San Diego, CA, Mobile Law Enforcement Technology	100
Curry County, OR, Sheriff's Office CHILD Project equipment	25
Linn County, OR, Sheriff's Office CHILD Project equipment	50
Lane County, OR, Communication	200
Ohio County, WV, Sheriff's Office for screening technology	500
Kitsap County, WA, Sheriff's Department	250
Hancock County, WV, Sheriff's Office	100
Phoenix, AZ, Technology to Combat Crime and Terrorism	500
City of Flat Rock, MI, Video Surveillance	200
Preston County, WV, Sheriff's Office	75
Allegheny County, PA, Computer-Aided Dispatch System	300
Grimes County, TX, Police Mobile Data Terminals and Mobile Radios	400
Wake County, NC, Interoperable Communications	100
Cumberland County, NC, Communications equipment	100
Forensic Science Education and Training equipment in NC	100
City of Milan, IL, Police Department Communication Equipment	100
Rock Island, IL, Police Department Mobile Data Terminal Computers	10
City of Middletown, NY	65
Town of Vestal, NY, Police Department	220
Cameron County, TX, law enforcement interoperability	200
Susquehanna Township Police Department, Dauphin County, mobile video recorder program	60
Laureldale, PA, Police Department computer system	20
Borough of Helmetta, NJ	40
Borough of Oceanport, NJ	30
West Linn, OR, Police Department technology improvements	50
Brooke County, WV, Sheriff's Office	100
Gladstone, OR, Police Department	50
St. Mary's County, MD, Office of the Sheriff - Mobile Data Terminals	500
Prince George's County, MD, Police Department	200
Prince George's County, MD, Bomb squad equipment	300
Kitsap County, WA, Integrated Biometric Identification System Equipment	200
East Hazel Crest, IL, South Suburban	300
Matteson, IL, SouthCom	150

Ohio County, WV, Sheriff's Office	100
Dallas, TX, Police Department	300
Monroe County, PA	200
Lackwanna County, PA	200
Lorain County, OH, Sheriff's Department	200
Town of Warren, RI, Police Department	150
City of Providence, RI, equipment	200
Smithfield, RI, Police equipment	150
Michigan Central Communications	200
Genesee County/Flint, MI, Interoperability Project	200
City of Parma - Cuyahoga Valley, OH	100
Island County, WA, Sheriff Technology Improvement Program	150
Marshall County, WV, Sheriff's Office	100
Roseville, Fraser, St. Clair Shores & Eastpoint, MI, Interoperable Communications	300
Oak Park, MI, accountability tracking devices	25
Village of Hometown, IL, Hometown Police Department	50
Wood County, WV, Sheriff's Office	100
Jasper County, GA, Sheriff's Dept Automated Fingerprint Identification System	30
Colquitt County, GA, Sheriff's Department Live Fingerprint Scan	25
City of Moultrie, GA, Police Department Wireless Mapping	45
City of Warwick, GA, Police Department	20
Newton County, GA, Sheriff's Department Communications Upgrade	50
City of Poulan, GA	40
Sandy City, UT	150
Town of Cedarhurst, NY	25
Maplewood, MN, Police Department	25
Mounds View, MN, Police Department	25
North Saint Paul, MN, Police Department	25
White Bear Lake, MN, Police Department	25
Saint Paul's Park, MN, Police Department	25
In-Car Video Camera Initiative, WA	100
Holliston, MA	100
Brunswick County, NC, Communication System	750
Northeast Regional Forensic Institute New York Center for Forensic Excellence	100
Marion County, WV, Sheriff's Office	100
City of Opa-Locka, FL, police equipment	100
Woodbridge Township, NJ, Radio Interoperability Project	300
Harrison County, WV, Sheriff's Office	100
New Jersey Interoperability Project	200
Maine Bureau of Warden Service for search and rescue equipment	100
ARIES Countywide Integrated Justice System, CA	300
Johnson County, KS, Trace Evidence Laboratory	50
Albert V. Bryan Federal District Court, VA - security enhancements and modernization	75
Southwestern Law Enforcement Technologies	2,000

City of Pomona, CA, Interagency Communications Interoperability System	100
Montebello, CA, Police Dept	100
Price County, WI, Sheriff's Department	450
North Worcester County, MA, Regional Technology Data Sharing	500
Southwick, MA, Police Department	250
Red Lake Band of Chippewa Indians, MN	200
Mahnomen, MN, County Sheriff's Department	200
Orange County and Hillsborough, NC	100
Cary, NC, Police Department	100
Huntington, WV, Transportation Institute law enforcement technology	500
El Paso Regional Lab	200
El Paso, TX, Police Department	100
Secaucus, NJ, Police Department Dispatch System Upgrade	50
Edgewater, NJ, Police Communications System	50
Asian Pacific American Legal Center	80
Bell Gardens, CA, Police Department communications technology systems	150
Hennepin County, MN, Sheriff's Dept - IBIS	500
Grand Junction, CO, Police Department In-car Video System	100
Montgomery County, PA, Public Safety and Educational Training Center	50
Rockledge Borough, PA, Police Department	50
New Hanover Township, PA, Police Department	50
Griffin, GA, Police Department	50
Monroe County, NY, Computer Forensic/Digital Evidence Module	300
Tucker County, WV, Sheriff's Office	75
Valley Cities Regional Wireless Network	100
Covina, CA, Communications Network	100
West Covina, CA, Communications Network	200
York County/Rock Hill , SC, Communications	300
Fremont, CA, Mobile Patrol Computing Program	100
Preston County, WV, Sheriff's Office	75
Charlevoix-Cheboygan, MI	200
Chippewa County, MI, Interoperable Communications Project	200
Monongalia County, WV, Sheriff's Office	100
Fairfield, CA, Police Department	100
Solano County, CA	50
Gaithersburg, MD, Police Department	50
East Chicago, IN, Police Department	300
Hammond, IN, Police Department	200
Gary, IN	200
City of Inglewood, CA	200
City of Gardena, CA, Police equipment	100
City of Gardena, CA, Police Department	100
Santa Monica, CA, Upgrade central Public Safety Facility	250

Santa Ana, CA Police Dept. Ballistic Lab	100
Novato, CA, law enforcement technology	200

Crime Identification Technology Act.—The conference agreement includes $28,775,000 for the Crime Identification Technology Act program. Within the amounts provided, the conferees expect OJP to examine each of the following proposals, to provide grants if warranted, and to submit a report to the Committees on Appropriations on its intentions for each proposal:

Crime Identification Technology Act Grants
(Dollars in Thousands)

Project	Amount
National Center for Audio/Video Forensics at Colorado University at Denver	$ 150
Mississippi Automated System Project (MASP), University of Southern Mississippi (USM)	3,200
City of Jackson, MS - Law Enforcement Forensic Technology	1,500
Mississippi Supreme Court case management system	650
Ohio Bureau of Criminal Identification - Forensic Crime Lab Improvement Project	125
Ohio Bureau of Criminal Identification - Palmprint AFIS Program	140
Continued Regional Pictometry Initiative, Nashua, NH	500
El Paso Police Department Automated Fingerprint Identification	100
City of Gulf Shores, AL, for law enforcement upgrades	250
University of Alabama at Birmingham for the Integrated Computer Forensics Laboratory	1,000
Jefferson County, AL, Sheriff's Office for an integrated law enforcement records management system	1,500
Alabama District Attorneys Association for the Alabama Computer Forensics Laboratory	1,000
Talladega, AL, police technology	250
Alabama Department of Forensic Sciences for DNA case backlog	2,000
Alaska Public Safety Information Network	1,000
San Mateo Sheriff's Office for the Forensics Lab Improvement Initiative	500
Marshall University's Computer Forensics Initiative	710
West Virginia University's Forensic Science Initiative	4,000
Marshall University's Forensic Science Program	4,500
Washington Association of Sheriffs and Police Chiefs for the DNA Stranger Rape Pilot Program	750
Forensic DNA Analysis Lab at North Dakota State University	1,500
San Francisco District Attorney for the Cold Case Unit	400
Arkansas State Police for the Automated Fingerprint Identification System	750
University of Baltimore, Maryland for the Forensic Studies Crime Laboratory	2,000
Villa Julie College in Stevenson, Maryland for the Forensic Science Laboratory	300

Bulletproof Vest Program.—Within the $30,000,000 provided, the conferees expect that funds will be dedicated to OLES at NIST to continue support for the ballistic resistant and stab resistant material compliance testing programs, as well as for other technical support related to public safety weapons and protective systems.

DNA and Forensics.—The conference agreement includes $108,531,000 for a DNA analysis and capacity enhancement program including eliminating casework backlogs, eliminating offender backlogs, strengthening crime lab capacity, training of the criminal justice community and identifying missing persons. Within the amounts provided, $5,000,000 shall be for OLES to continue working with the COPS office to develop minimum standards for equipment and testing for forensic science labs.

In addition, the conference agreement provides $18,500,000 for Paul Coverdell Forensic Sciences Improvement Grants. Within the amounts provided for Paul Coverdell Forensic Sciences Improvement Grants, $1,500,000 is for the National Academy of Sciences to conduct a study on forensic science, 'as described in the Senate report.

Anti-Gang Program.—The conference agreement provides $40,000,000 for a new anti-gang initiative modeled on the Project Safe Neighborhoods program. The conferees appreciate and support the Attorney General's efforts to strengthen Department-wide efforts to combat gang violence and the appointment of an Assistant U.S. Attorney in each judicial district as an anti-gang coordinator to prepare a comprehensive, district-wide strategy (in consultation with partners from Federal and local law enforcement, social services providers, and community and faith-based groups) to coordinate anti-gang activity. The conference agreement includes $40,000,000 for grants to implement these strategies. The funding is intended to support additional enforcement and prevention activities.

Project Safe Neighborhoods.—The conference agreement provides $15,000,000 for a national program to reduce gun violence. Of the amounts provided, $4,500,000 is for State and local prosecutor training.

JUVENILE JUSTICE PROGRAMS

The conference agreement includes $342,739,000 for Juvenile Justice Programs, instead of $333,712,000 as proposed by the House and $352,000,000 as proposed by the Senate. The following table outlines the funding provided in the conference agreement:

JUVENILE JUSTICE PROGRAMS

[Dollars in thousands]

Program	*Conference agreement*
Part A—Coordination of Federal Efforts	$ 712
Part B—State Formula	80,000
Part E—Demonstration Projects	106,027
Juvenile Mentoring Program	10,000
Big Bothers/Big Sisters	(7,000)
Title V—Incentive Grants	65,000
Tribal Youth	(10,000)
Gang Prevention	(25,000)
Enforcing Underage Drinking Laws Program	(25,000)
Secure Our Schools Act	15,000
Victims of Child Abuse Programs	15,000
Juvenile Accountability Block Grant	50,000
Project Childsafe	1,000
Total	342,739

Discretionary Grants.—The conference agreement includes $106,027,000 for part E programs. Within the amounts provided, OJP is expected to review the following proposals, provide grants if warranted, and report to the Committees on Appropriations on its intentions:

Juvenile Justice Discretionary Grants
(Dollars in Thousands)

Project	Amount
Police Athletic League for an anti-gang initiative in FL, NM, NJ, and CA	$ 750
Boys and Girls Town, U.S.A.	1,500
National PAL	1,000
National Character Education Foundation	200
National Council of Juvenile and Family Court Judges	1,750
Eisenhower Foundation	4,000
Southern Virginia Child Advocacy Center	10
Illinois Institute for Addiction Recovery	200
Brevard Neighborhood Development Coalition	135
Hamilton Fish National Institute on School and Community Violence	2,000
World Vision	1,500
Learning for Life	650
Memorial Child Guidance Clinic's Child SAVE program	160
Virginia Attorney General's Office for Class Action and other educational programs in Virginia schools	350
Association of Christian Community Computer Centers	750
Metro Chicago Youth for Christ's Juvenile Justice program	50
Law-related education	1,000
Youth for Tomorrow	500
All Kids Count	25
Juvenile outreach program for Northern Virginia	250
National Hispanic Juvenile Delinquency Prevention Program - Self-Reliance Foundation	500
IMPACT/Night Light program in San Bernardino County, CA	350
Phoenix House San Diego County, CA	100
Parents Anonymous	1,250
Stark County, OH, for a juvenile pre-trial services program	250
Buckhorn Children and Family Services	150
ACA-NY for an anti-drinking program for teenagers	250
Children's Advocacy Center in Hamilton County, TN	250
Delinquency prevention programs in Suncoast and Greater St. Petersburg, FL	500
Florida Venture Foundation Youthbuild Outreach	300
ARISE	250
Miami-Dade Juvenile Assessment Center	50
Dupage County, IL, Children's Advocacy Center	500
Inner Harbor for Children and Families	100
Shelby County, AL, Children's Advocacy Center	150
New Hampshire Division for Juvenile Justice Services	250
Miami County, IN, Sheriff's Department for a law enforcement initiative	25
County of Culpeper, VA, for gang violence prevention	50
Youth Emergency Services in Gillette, WY	150
Residential Care Consortium in Easton, PA	360
Neighborhood First Program, Inc., in Pennsylvania	250

NYANA Young Adult Offender Reentry Program	300
Court Team in Allegheny County, PA	100
DuPage County, IL, Youth Mentoring Program	160
KidsPeace in Westchester/Rockland, NY	150
ACA of New York for an anti-gang program	150
Iowa Drug Endangered Children	500
York County, PA, Child Advocacy Center	50
A Child is Missing in Nevada	100
Minnesota Teen Challenge for at-risk youth	150
King County, WA, Sheriff's Office for a school resource officer program	300
A Child Is Missing in Michigan	200
University of Connecticut at-risk youth study	400
A Child is Missing in Florida	700
Boysville Inc. in San Antonio, TX, for delinquency prevention programs	150
Crossroad Children's Home in Fort Wayne, IN, for programs to help at-risk youth	150
A Child is Missing in Oklahoma	150
EXCEL Program for at-risk youth	150
"I Have a Dream" Foundation	100
Regent University's Juvenile Delinquency Prevention Project, VA	150
National Center for Missing and Exploited Children in Kansas City	250
Multi-County Juvenile Facility Study in Jasper County, MO	150
Big Brothers Big Sisters Mentoring Program for At-Risk Youth in Kansas	250
GoGirlGo Initiative for Johnson and Wyandotte Counties, KS	300
Family Tree Center - Billings, MT	250
Court Assessment Program's Family and Youth Drug Courts in Montana	270
Montana Safe Schools Project	200
A Child Is Missing -- Georgia	225
Jackson County, MS, drug prevention and crisis counseling	215
Boys and Girls Club of Central Mississippi	400
City of Jackson Mississippi - YMCA	315
Lawrence County, MS, School District - Juvenile Justice Program	450
City of Jackson, MS - Juvenile Justice and Delinquency Prevention	430
Child Protection Program / Nez Perce Tribe, Lapwai, ID	150
Community Foundation of Southern New Mexico	475
Teen Anti-Drinking Initiative, NM	85
San Juan County, NM, Juvenile Services	150
State of New Mexico Care for Juvenile Offenders	25
Daniel Webster Boy Scout Council for outdoor education	250
Cal Ripken Sr. Foundation	3,000
New Hampshire Youth Safe Havens	655

Girl Scouts of the USA Adult Volunteer Hispanic Outreach, TX and NM	100
Western Kentucky University Juvenile Delinquency Prevention Project	1,750
YouthFriends At-Risk Youth Mentoring in KS	223
A Child is Missing, Inc. in Alabama	200
City of Gadsden, AL, for the Family Success Center	250
City of Montgomery, AL for the Cleveland Avenue YMCA Program for At Risk Youth	400
City of Orange Beach AL for an after school teen activity program	300
Family Connection, Inc., for the Family Connection Counseling Center, AL	100
Girl Scouts of America for Project Anti-Violence Education	1,000
Girl Scouts of America's Beyond Bars program	1,000
KidsPeace for Alabama foster care and family services programs	700
Mobile County, AL, Commission for the Mobile County Youth Justice Program	1,000
Team Focus, Inc., mentoring and education program, AL	1,000
The Citizenship Trust for the Southeastern Governors Citizenship Trust Youth Legacy program	500
University Of Alabama for the West Alabama Youth Violence Initiative	950
University of Mobile's RamKids at risk youth intervention program	750
University of South Alabama for youth violence prevention research	1,000
National Fatherhood Initiative	3,000
Shelby County AL District Attorneys Office for the Children's Advocacy Center	150
Life Skills Initiative	3,000
American Village Youth Liberty Program, AL	500
University of West Alabama REACH program	500
Girls Inc of Alabama	250
City of Philadelphia, Youth Violence Reduction Partnership	1,250
Community Empowerment Association, Inc., Pittsburgh, PA Truancy Intervention Project	200
Food for All, Inc., Glenside, PA Tracking Children of Prisoners Project	300
Child Advocacy Center - Alaska	2,000
Alaska Mentoring Demonstration Project	500
Friends of the Alaska Children's Trust-child abuse prevention program	450
Alaska Youth Courts	400
ChildSafeNet	100
Hawaii's Department of the Attorney General for the Juvenile Justice Information System (JJIS)	680
Silver City Consolidated School District for the Secure School Program	300
Children & Families First of Delaware, Inc.	435

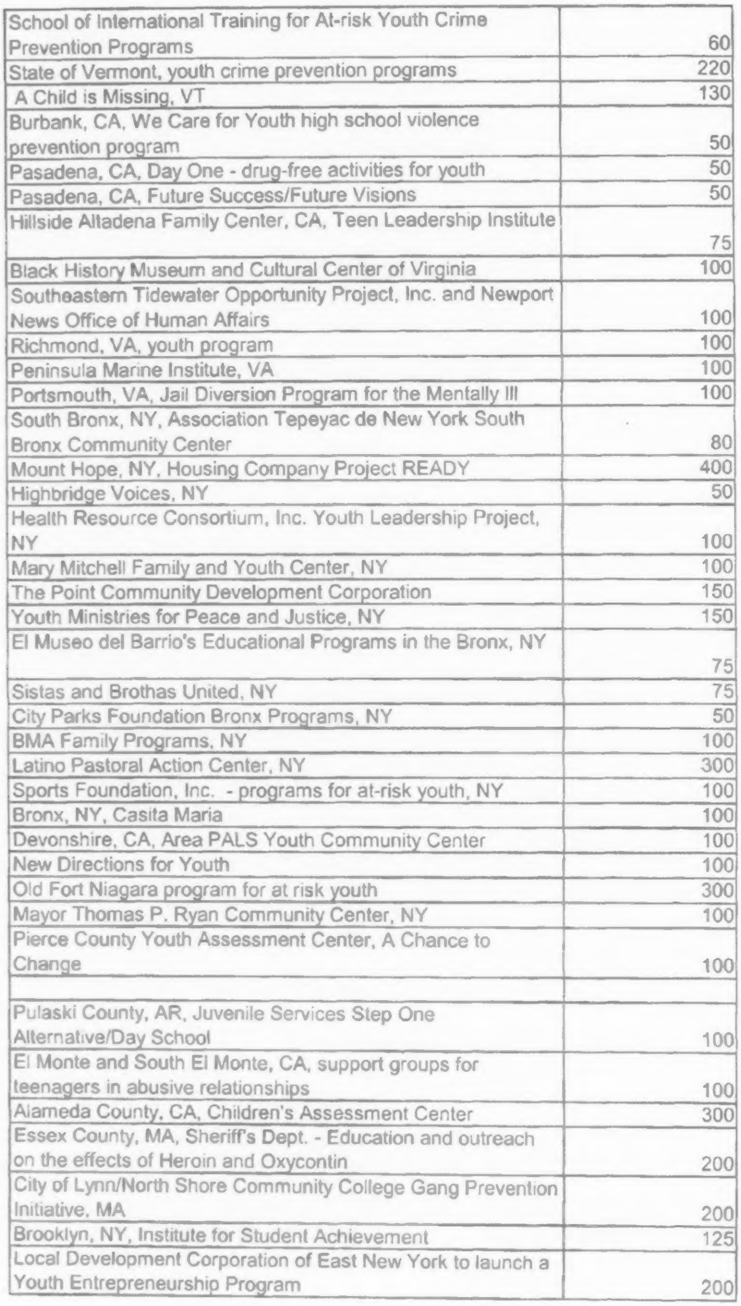
Pace Women's Justice Center for the Teen Dating Violence Institute, New York	75
Reaching Out Teen Center in Orange County, NY	90
Fulton County YMCA, New York for juvenile delinquency programs	150
Sugar Maples Center for Arts and Education Arts Program for At-Risk Children, NY	150
St. John's University School of Law for the Child Advocacy Clinic	300
Red River Children's Advocacy Center, Fargo, ND	250
Eisenhower Foundation for the Irvington Youth Safe Haven Police Mini-Station Model	100
City Year, Chicago for the Young Heroes program	200
Uhlich Children's Advantage Network for School-based Violence Prevention and Mentoring, Chicago, IL	300
Public Allies, Chicago for leadership training for at-risk young men	125
City of Long Beach, CA Gang Intervention Program	400
Iowa Community Based Juvenile Intervention Project	800
Hawaii Rural Youth Outreach Program	3,000
Vermont Out-of-School-Time Network Delinquency Prevention Program	50
South Dakota Children's Home Society	300
Urban League of Eastern Massachusetts for the After School Program	250
New England Amer-I-Can Program for the Safe Schools Initiative	750
Milwaukee Summer Stars program	250
Louisiana Center Against Poverty for the Save Our Sons & Daughters Program for at-risk youth	200
Orleans Parish Juvenile Court's Early Childhood Program	325
Reconcile New Orleans Youth Workforce Development Program	500
At-Risk Early Intervention Program for the 16th Judicial District, Louisiana	700
Cyberskills Vermont for the IT Works for Youth Initiative	200
Meeting Waters YMCA in Brattleboro, VT, for at-risk youth programs	200
Chittenden County Mentoring Initiative in Burlington, VT	250
Wayne County Juvenile Mentoring Program in Michigan	250
Klingberg Family Centers' Delinquency Prevention Initiative	100
City of Bridgeport for its Lighthouse Program to prevent youth crime	100
Kennedy Kreiger Institute in cooperation with the Casey Foundation for the Juvenile Interventions Program	750
Crossroads Community Center in Maryland	375
Latin America Youth Center, Langley Park, MD, for the Maryland Gang Intervention Project	375
Latin American Youth Center for the reduction of youth violence in Prince George's County, Maryland	375
Goucher College for the Community Service Center	500

Safe and Sound in Baltimore, MD, for the After School Strategy Program	1,000
City of Baltimore, MD, for the Multisystemic Therapy Program	1,000
Muckleshoot Indian Tribe Gang Intervention Program	250
City of Omaha for the After School Expanded Learning Opportunities Program	2,000
Pulaski County Council for Children and Youth Services for the Our Club Program	250
Caritas Adolescent Substance Abuse Program	200
ASTA, Rhode Island	250
Henderson, NV, Underage Drinking Program	50
Nevada Alliance for Drug Endangered Children	50
Clark County, NV, Department of Juvenile Justice Services for the Restitution Earned Accountability Learned for at-risk youth	100
Richard Steele Boxing Club, Henderson, Nevada	100
Youth Advocate Program to provide juvenile justice services in Clark County, Nevada	150
Family Development Foundation of Nevada	650
Christian Community Benevolent Association, NY, for Project Excel	500
Agudath Israel of America Youth Mentoring Program	150
Honolulu, HI, Youth Services Center	100
Camden County, NJ, Collaborative Drug Intervention Committees	75
San Bernardino County, CA, Youth Violence Prevention Program	50
City of Colton, CA, Police Activities League Program	50
Anahuak Youth Association, CA	25
AIP, CA	25
South Los Angeles, CA, BT for at-risk youth	50
Hollywood Los Angeles BT for at-risk youth, CA	50
Ramona Hall Community Center, CA	25
Exodus Urban Academy, CA	25
P.F. Bersee Foundation	25
Soledad Enrichment Action, CA	75
Search to Involve Pilipino Americans, CA	35
San Fernando Valley, CA, Partnership's underage drinking and delinquency prevention program	500
L.A.'s will power to youth program, CA	50
Van Nuys, CA Community Court, Volunteer Center of Los Angeles	50
Americus, GA - Southwestern Georgia Judicial Circuit, Court Appointed Special Advocates	50
Building Toward Wellness, INC	50
Columbus, GA, Junior Marshall's Program	25
Ft. Gaines, GA, Clay County Teens	25
Columbus, GA, Youth Advocacy Program	50
James Barnes Community Development teen drug prevention and mentoring	25
Albany, GA, Communities in Schools	50

Colquitt County, GA, South Georgia Youth Program	25
Sumter County, GA, Communities in Schools	25
Bainbridge, GA, Teen program	25
Thomasville, GA, Reaching You	25
Georgetown, GA, Quitman County Board of Ed	25
Valdosta, GA, at-risk teens program	50
Crisp County, GA - Westside Youth	25
Suffolk County, NY, Internet Crimes Against Children Prevention Program	25
Des Moines, IA, Creative Visions	50
Des Moines, IA, Urban Dreams rehabilitative support for at-risk youth	50
Des Moines, IA, Rock in Prevention	50
Orange County, FL, RecNRoll Program	100
Black Ministerial Alliance of Greater Boston, MA, Victory Generation Program	50
Indianapolis, IN, KidsPeace	100
Florence Crittenton of South Carolina	200
Darkness to Light, SC	50
Eisenhower Foundation	50
Ezelle Center	100
Provident Counseling	100
City of Huntsville, AL, Police Dept. Gang Intervention Program	50
St. Raymond, NY, Community Comprehensive Program	100
Langston Hughes Library, NY	50
Latin Technologies educational center, NY	100
Soundview Community in Action	100
Baltimore, MD, "Teens Night In" program	100
Vision Appalachia	100
MountainMade Foundation	300
Exodus to Excellence Mentoring Program	100
Chicago, IL, Early Childhood Policy Center	100
Chicago, IL, Jesuit Academy	100
North Star United	50
Metro Chicago, IL, Youth	50
Camp Hope	50
Promoting Positive Youth Development Aboard Amistad	100
Public Allies Leadership, CT	100
Texas A & M, Juvenile Justice Program	300
Wheeling, WV, Florence Crittenton	500
Chicago, IL, Women's Treatment Center - Parent's and Children Together (PACT)	100
Bronx, NY, Cluster Delinquency Prevention Services	200
Ohel Children's Home	100
County of San Mateo, Youth Services Center - Girls Ranch	200
Santa Clara PALS	100
Chatham County, NC, Partnership for Children's Safe Start Demonstration Project	150
Project Success of Decatur and Macon County, IL	150

Rock Island County Council on Addiction, Youth Mentoring Program	150
Philadelphia, PA, Philadelphia's College Opportunity Resources for Education Initiative (C.O.R.E)	1000
Connection Training Services Juvenile Reentry Program	350
San Antonio, TX, GoGirlGo! San Antonio Initiative	200
Chicago, IL, Life Directions	100
Los Angeles, CA, Phoenix Academy	200
Duchess County, NY, YMCA at-risk youth program	40
Kingston-Newburgh, NY, Enterprise Corporation's Youth at Risk Program	150
Poughkeepsie - Bardavon, NY, at-risk youth program	50
Human Services - Family Group Conferencing Community Expansion project	300
Harrisburg Institute - "Youth Empowerment Initiative"	200
Monmouth County, NJ, Child Advocacy Center	100
2nd Floor Youth Helpline/180 Turning Lives Around	100
Gilroy, CA, Gang Task Force Youth Center	100
Long Island, NY, Youth counseling	100
Martin Luther King, Jr. Community Center, TX	100
Chicago, IL, "Safe Zone" program	100
Harvey, IL- Restoration Ministries	100
Sullivan House	50
Sauk Village, IL,- summer youth program	100
Town of Tiverton, RI	150
Woonsocket, RI Boys and Girls Club	200
Rhode Island Family Court for a mental health court	200
North Flint & Beecher, MI, Community Outreach for Family and Youth (COFY)	50
Detroit, MI, Citizens and Youth Academies	200
Wayne County, MI, Juvenile Electronic Monitoring Program	100
Oakland, CA, Martin Luther King, Jr. Freedom Center for youth violence prevention	100
Oakland, CA, Mentoring Center to expand Transition Program	175
County of Santa Clara, CA, Juvenile Detention Reform Initiative	200
Carver Center Teen Outreach Program, NY	50
Suffolk,MA, Juvenile Justice Center	150
Green, Inc. - AGI	100
FSSA	100
The Fortune Society, NY	250
A B T at-risk youth Program	100
Saving Teens in Crisis Collaborative	100
Granite School District, UT	250
NY, Youth Development Initiative	200
Hispanic Brotherhood of Rockville Center, Inc., NY	50
Roosevelt, NY, Nassau County Police Athletic League (PALS)	80
Hempstead, NY, Operation Get Ahead, Inc.	100
Long Island Crisis Center	30

Worchester, MA, TechMission Youth Programs	200
Lake Waccamaw, NC, Boys and Girls Homes of North Carolina	100
GRADS Foundation, NY	100
City Parks Foundation, NY	75
Assumption Parish, LA, Safe School Program	100
New Hoboken Community Center, NJ	200
Maine Juvenile Drug Treatment Court	100
The Hispanic Committee of Virginia	175
Los Angeles, CA, Safer City	100
Fairfax County, VA, The Partnership for Youth	100
NW Alabama Children's Advocacy Center, Florence, AL	175
The Challenge Program of Western Pennsylvania, PA	750
New York City, Roundabout TC youth program	100
South Brooklyn Youth Consortium, Inc.	75
AAD Foundation	100
Western Massachusetts, Phoenix House Treatment Continuum	400
KidsPeace, Washington, DC	75
GALA youth program, DC	40
North Quabbin, MA, Bystander Training Program	200
Texas A & M Corpus Christi Adjudicated Youth Program	250
Southwest Key Program, La Esperanza Home for Boys, TX	250
Prospect Park Alliance, NY	100
Central Brooklyn Martin Luther King Commission, NY	100
Weeksville Society, NY	100
Ifetayo Cultural Arts Facility's Youth Development Program, NY	50
BAM, NY - Juvenile Justice Delinquency Prevention Program	100
College for Teens, NJ	100
Bloomfield Security Upgrades	100
Operation Quality Time	300
San Francisco, CA, Visitation Valley and Mission District Safe Streets Project youth violence prevention	450
Project Avary	250
San Francisco City, CA, Attorney's Family Reunification Program for Neglected Children	400
Leadership Institute for Minority Males Juvenile Mentoring Program	100
M.L. Wilson Boys and Girls Club of Harlem, NY	100
Community Outreach and Development Efforts Save (CODES)	200
Armory Foundation	100
Alianza Dominicana's Youth Development Programs, NY	100
New Heights Development Center for Disconnected Youth, NY	50
Wired Kids Teen Angels Program	50
Training equipment for youth, CA	250
Warren, OH, Rebecca Williams Center Crime/High School Drop Out Prevention program	50



School of International Training for At-risk Youth Crime Prevention Programs	60
State of Vermont, youth crime prevention programs	220
A Child is Missing, VT	130
Burbank, CA, We Care for Youth high school violence prevention program	50
Pasadena, CA, Day One - drug-free activities for youth	50
Pasadena, CA, Future Success/Future Visions	50
Hillside Altadena Family Center, CA, Teen Leadership Institute	75
Black History Museum and Cultural Center of Virginia	100
Southeastern Tidewater Opportunity Project, Inc. and Newport News Office of Human Affairs	100
Richmond, VA, youth program	100
Peninsula Marine Institute, VA	100
Portsmouth, VA, Jail Diversion Program for the Mentally Ill	100
South Bronx, NY, Association Tepeyac de New York South Bronx Community Center	80
Mount Hope, NY, Housing Company Project READY	400
Highbridge Voices, NY	50
Health Resource Consortium, Inc. Youth Leadership Project, NY	100
Mary Mitchell Family and Youth Center, NY	100
The Point Community Development Corporation	150
Youth Ministries for Peace and Justice, NY	150
El Museo del Barrio's Educational Programs in the Bronx, NY	75
Sistas and Brothas United, NY	75
City Parks Foundation Bronx Programs, NY	50
BMA Family Programs, NY	100
Latino Pastoral Action Center, NY	300
Sports Foundation, Inc. - programs for at-risk youth, NY	100
Bronx, NY, Casita Maria	100
Devonshire, CA, Area PALS Youth Community Center	100
New Directions for Youth	100
Old Fort Niagara program for at risk youth	300
Mayor Thomas P. Ryan Community Center, NY	100
Pierce County Youth Assessment Center, A Chance to Change	100
Pulaski County, AR, Juvenile Services Step One Alternative/Day School	100
El Monte and South El Monte, CA, support groups for teenagers in abusive relationships	100
Alameda County, CA, Children's Assessment Center	300
Essex County, MA, Sheriff's Dept. - Education and outreach on the effects of Heroin and Oxycontin	200
City of Lynn/North Shore Community College Gang Prevention Initiative, MA	200
Brooklyn, NY, Institute for Student Achievement	125
Local Development Corporation of East New York to launch a Youth Entrepreneurship Program	200

Brooklyn, NY, Education and Community Engagement Program for at risk youth	125
Karamu House Cultural Arts Education After-School Program for At-Risk Children, OH	150
Fathers and Families Together Program, OH	100
New Mexico Dept. of Children, Youth and Families Reducing Recidivism through Foster Care	300
Hancock County, WV, Family Connections	100
University Settlement for at-risk youth, NY	100
City Parks Foundation, NY	100
North Brooklyn YMCA for Youth Park Empowerment Project, NY	100
Gary, IN, at-risk youth program	100
Miami Beach Police Dept., FL, Gang and Drug Prevention	50
Santa Monica, CA, outreach efforts to prevent gang violence	250
Ohel At-Risk Youth and Child Abuse Prevention Program, NY	100
Intercept's Drug Prevention Program for At-Risk Youth, NY	100

Gang Prevention.—The conference agreement provides $25.000.000. within Title V grants, for OJP to administer a gang resistance and education program, known as GREAT. The GREAT program is a school-based, law enforcement officer-instructed classroom curriculum. The program's primary objective is prevention and is intended as an immunization against delinquency, youth violence, and gang membership. The conferees support the work of this program as part of an integrated anti-gang strategy of prevention, enforcement, and interdiction. These funds shall be available to develop comprehensive community strategies to address gangs, including anti-gang education programs and coordination with Federal, State and local law enforcement.

Victims of Child Abuse Act.—The conference agreement includes $15.000.000 for the various programs authorized under the Victims of Child Abuse Act (VOCA). The conference agreement provides the following:

$3.000.000 for Regional Children's Advocacy Centers, as authorized by section 213 of VOCA;

$9.500.000 for local Children's Advocacy Centers, as authorized by section 214 of VOCA;

$250.000 for the National Children's Advocacy Center in Huntsville, AL, to implement a training program;

$850.000 for the National Children's Alliance for technical assistance and training, as authorized by section 214a of VOCA; and

$1.400.000 for the National Center for Prosecution of Child Abuse for specialized technical assistance and training programs to improve the prosecution of child abuse cases, as authorized by section 214a of VOCA.

PUBLIC SAFETY OFFICERS BENEFITS

The conference agreement includes $72.948.000 for this account, including $64.000.000 for death benefits, $4.884.000 for disability benefits, and $4,064,000 for education benefits.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following general provisions for the Department of Justice:

Section 101 provides language making up to $60.000 of the funds appropriated to the Department of Justice available to the Attorney General for reception and representation expenses.

Section 102 provides language, included in prior Appropriations Acts, which prohibits the use of funds to perform abortions in the Federal Prison System.

Section 103 provides language, included in previous Appropriations Acts, which prohibits use of the funds in this bill to require any person to perform, or facilitate the performance of, an abortion.

Section 104 provides language, included in previous Appropriations Acts, which states that nothing in the previous section removes the obligation of the Director of the Bureau of Prisons to provide escort services to female inmates who seek to obtain abortions outside a Federal facility.

Section 105 provides language allowing the Department of Justice, subject to the Committees' reprogramming procedures, to transfer up to 5 percent between any appropriation, but limits to 10 percent the amount that can be transferred into any one appropriation. The provision also prohibits transfers of funds from the Federal Prison Systems, Buildings and Facilities account unless the President certifies that such a transfer is necessary to the national security interests of the United States, and such authority shall not be delegated, and shall be subject to section 605 of this Act.

Section 106 provides for the extension of the Personnel Management Demonstration Project for the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Section 107 provides authority for the Bureau of Alcohol, Tobacco, Firearms and Explosives to use confiscated funds during undercover operations.

Section 108 limits the placement of maximum or high security prisoners to appropriately secure facilities.

Section 109 restricts Federal prisoner access to certain amenities.

Section 110 provides for the establishment of an investment review board led by the Deputy Attorney General.

Section 111 enhances the ability of the Federal Bureau of Investigation and the Drug Enforcement Administration to recruit qualified candidates for critical positions, as proposed by the Senate.

Section 112 provides for the establishment of a methamphetamine task force.

Section 113 contains changes regarding the Prison Rape Elimination Act of 2003.

Section 114 directs the Attorney General to waive the matching requirements for the purchase of bulletproof vests. The conferees intend for law enforcement agencies to replace Zylon-based bulletproof vests with vests of comparable value.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

The conference agreement includes $44.779,000 for the Office of the United States Trade Representative (USTR) as proposed by the House, instead of $40,997,000 as proposed by the Senate.

The conference agreement includes, by reference, language in the House report regarding China and World Trade Organization (WTO) compliance, Chinese intellectual property violations, the submission of a spending plan and obligation reports, a report on using outside counsel, and international standards.

The conferees note that the fiscal year 2005 Act included direction to create the position of Chief Negotiator for Intellectual Property Enforcement. The conferees direct the USTR to report on the impact of this position no later than February 3, 2006.

The conference agreement includes bill language, and adopts by reference report language, as proposed by the Senate, regarding negotiations within the WTO.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $62.752.000 as proposed by the House and Senate for the International Trade Commission (ITC). The conferees note that the ITC submitted a revised budget estimate subsequent to the President's budget request, which included a reduced requirement for fiscal year 2006. The conference agreement fully funds this revised budget estimate. The conference agreement includes, by reference, language in the House report regarding the submission of a spending plan and obligation reports.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes $406,925.000 in total resources for the programs of the International Trade Administration (ITA) as proposed by the House, instead of $404,625,000 as proposed by the Senate. Of this total, $8,000,000 is to be derived from fee collections as proposed by the Senate, instead of $13.000.000 as proposed by the House. The conference agreement makes funding available for two fiscal years.

The conference agreement includes bill language designating the amounts available for each unit within ITA. The conferees remind ITA that any deviation from the funding distribution provided in the bill and report, including carryover balances, is subject to reprogramming procedures set forth in section 605 of this Act. In addition, ITA is directed to submit to the Committees on Appropriations, not later than 60 days after the enactment of this Act, a spending plan for all ITA units that incorporates any carryover balances from prior fiscal years.

The conference agreement includes bill language, and adopts by reference report language, as proposed by the Senate, regarding negotiations within the World Trade Organization.

Within the funding provided, the conference agreement includes $13.000.000 for the National Textile Centers, $3,500,000 for Textile/Clothing Technology Corporation, $500,000 for the continuation of the international competitiveness program, $500,000 for the Textile Marking System, and $1,500,000 for Auburn University for advanced research and development of novel polymetrics. The conference agreement also includes $1,000,000 for the Rural Export Initiative.

The conference agreement includes language designating $3,000,000 for the Office of China Compliance, as proposed in the House bill, and includes, by reference, language in the House report on this office. The conferees direct ITA to submit a report to the Committees no later than January 1, 2006, describing the resources, accomplishments, and fiscal year 2006 workplan for the office.

The conference agreement adopts, by reference, language in the House report regarding Capital Security Cost Sharing, USIPO offices in Beijing and Moscow, China and Middle East Business Centers, establishing programs on intellectual property, and documenting cases of intellectual property infringement. The conference agreement adopts, by reference, language in the Senate report regarding the Appalachian-Turkish Trade Project and BISNIS.

The conferees wish to reaffirm that drawback adjustments in antidumping cases are to be granted by the Department of Commerce only to the extent necessary to offset import duties that are paid on inputs used in the production of merchandise sold in the home market. The conferees understand that the Department is currently reviewing the existing policy and has published a request for comments in the Federal Register. The conferees expect the Department to ensure that current rules are adhered to until a new policy is established.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

The conference agreement provides a total operating level of $76.000.000 for the Bureau of Industry and Security instead of $77,000.000 as proposed by the House and Senate.

The conference agreement adopts, by reference, House report language containing program guidance. The conferees have provided $14,767,000 for inspection and other activities related to national security as proposed by the House instead of $7,200,000 as proposed by the Senate.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement provides $253,985,000 for Economic Development Assistance Programs instead of $200,985,000 as proposed by the House and $483,985,000 as proposed by the Senate. The distribution of these funds is as follows: $160,381,000 for Public Works Grants, $27,000,000 for Planning Assistance, $13,000,000 for Trade Adjustment Assistance, $44,794,000 for Economic Adjustment Grants, $8,322,000 for Technical Assistance, and $488,000 for Research. The conference agreement does not include $200,000,000 as an emergency requirement as proposed by the Senate.

The conference agreement adopts, by reference, House report language concerning coal industry downturns, assistance to applicants for planning, and targeting the most severely distressed communities. The conference agreement adopts, by reference, Senate report language concerning rightsizing, and assisting communities impacted by economic dislocations.

The conference agreement does not adopt Senate language prohibiting the implementation of EDA's interim rule published in the Federal Register on August 11, 2005. The conferees understand that based on extensive public comment between EDA and its stakeholders a compromise has been reached on the implementation of these regulations. Based on this compromise, the conferees direct EDA to make the following revisions to its Interim Final Rule ("IFR") published on August 11, 2005 (70 FR 47002) in publishing a Final Rule. All section references below refer to the IFR. All capitalized terms have the meanings ascribed to them in the IFR.

District Organizations: Operations.—The conferees direct EDA to redraft Section 304.2(d) to clarify that the District Organization: (a) shall engage in the full range of economic development activities (e.g., coordination, implementation, research, advisory functions) necessary to develop, maintain, revise and implement its EDA-approved CEDS; and (b) *may, in its discretion* (i.e., shall not be obligated to), outsource these activities via a contract for services.

District Organizations: Formational Requirements.—

The conferees direct EDA to:

(a) Redraft Section 304.2(c)(2) to clarify that a District Organization's governing body must include at least one (1) Private Sector Representative, together with one (1) or more representatives of institutions of post-secondary education, workforce development groups, labor groups and Executive Directors of Chambers of Commerce, all of which must comprise in the aggregate a minimum of 35% of the District Organization's governing body;

(b) Redraft Section 304.2(c)(2) to clarify that the District Organization's governing body shall also have at least a simple majority of its membership who are elected officials and/or employees of a general purpose unit of local government who have been appointed to represent the government;

(c) Provide for a non-delegable waiver by the Assistant Secretary of the Private Sector Representative requirement upon a District Organization's showing of its inability to locate a Private Sector Representative to serve on its governing body following extensive due diligence; and

(d) Expand the definition of "Private Sector Representative" in Section 300.3 to include a designee of any senior management official or executive holding a key decision-making position in any for-profit enterprise.

District Termination.—The conferees direct EDA to add a provision to Section 304.3 to clarify that prior to terminating a District's designation (as an Economic Development District) based upon failure to execute its CEDS, EDA will: (a) consult with the District Organization; and (b) consider all facts and circumstances surrounding the District Organization's operations. EDA will clarify that it will not terminate a District's designation owing to circumstances beyond the control of the District Organization (e.g., natural disasters, plant closures, overall economic downturn, other sudden and severe economic dislocations, or other circumstances).

Performance Awards.—The conferees direct EDA to redraft Section 308.2 to better track Section 215 of PWEDA. Specifically, the provision will (a) eliminate the requirement that project performance be "exceptional" and (b) consistent with Section 215 of PWEDA, require that Project performance "meets or exceeds" performance goals. EDA will set forth in an annual Federal Funding Opportunity the requirements, qualifications, guidelines and procedures for performance awards, subject to the availability of funds.

Investment Rates for Planning Investments.—The conferees direct EDA to add a new subsection to Section 301.4 containing the following provisions:

(e) All Planning Investments will receive a minimum Investment Rate of 50%;

(f) Except as otherwise provided in Section 204(c) of PWEDA, the maximum allowable Investment Rate for Planning Investments shall be the maximum allowable Investment Rate set forth in Table 1 of Section 301.4 for the most economically distressed county or other equivalent political unit (e.g., parish) within the Region;

(g) The maximum allowable Investment Rate will not exceed eighty (80) percent; and

(h) In compelling circumstances, the Assistant Secretary may waive the requirement in paragraph (b) above. The Assistant Secretary shall not delegate the authority to grant this waiver.

Maximum Allowable Investment Rates Table 1.—EDA will revise Table 1 in Section 301.4 to show that projects located in Regions demonstrating a 24-month unemployment rate at least one percent (1%) greater than the national average or per capita income not more than 80% of the national average shall be eligible to receive a maximum allowable Investment Rate of 50%.

The conferees are aware of several proposals for economic development and urge EDA to consider the proposals as follows:

The Gateway Economic Development District's business creation and expansion program for Broadwater, Lewis and Clark, and Meagher Counties, MT; the Mississippi Blues Delta Quarter; the Development Projects, Inc., in Dayton, OH, Tech Town; the expansion of Penn Eagle Industrial Park, PA; the Ogontz Avenue Revitalization Corporation for a neighborhood redevelopment project in Philadelphia, PA; Rural Enterprises of Oklahoma to expand the International Trade Assistance Center; Oklahoma State University Rural Product Manufacturers for the New Product Development and Commercialization Center; the Phase III implementation of the Manufacturing Training and Technology Center clean room at the University of New Mexico; the Mescalero Apache Tribe fish hatchery rehabilitation project in New Mexico; Jackson State University for the Lynch Street Corridor Redevelopment; Prentiss County, MS, for the Wheeler Water and Sewer Project; the Lauderdale County, MS, Economic Development District; and the Mid-Delta Empowerment Zone "Supersite" Industrial Park; the Rutgers Camden Business Incubator in Camden, New Jersey; the Hawaii Capital Cultural District on the Island of Oahu; the Brooklyn Goes Global program in New York; National Association of Latino Arts and Culture in San Antonio, Texas; and the Garde Arts Center in New London, Connecticut.

SALARIES AND EXPENSES

The conference agreement provides $30,075,000 for Salaries and Expenses instead of $26,584,000 as proposed by the House and $40,939,000 as proposed by the Senate. The conference agreement does not include $10,000,000 as an emergency requirement as proposed by the Senate.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The conference agreement provides $30,024,000 for the Minority Business Development Agency (MBDA) as proposed by the House instead of $30,727,000 as proposed by the Senate. Should additional funds become available, the conferees urge the MBDA to provide funds for the expansion of the Asian American and Pacific Island Commission.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

The conference agreement provides $80,304,000 for this account, as proposed by the House, instead of $81,283,000 as proposed by the Senate.

BUREAU OF THE CENSUS

The conference agreement includes a total operating level of $812,237,000 for the Bureau of the Census, as proposed by the House, instead of $727,385,000 as proposed by the Senate. The conferees direct the Bureau to submit a financial operating plan within 60 days of enactment of this Act outlining the allocation of funding provided by this Act. The operating plan shall address the Bureau's highest priority needs such as Re-engineered Design Process for the Short-Form Only Census, the American Community Survey (ACS), the Master Address File/Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) system, and necessary furniture and relocation costs associated with the Bureau's new facility.

SALARIES AND EXPENSES

The conference agreement provides $198,029,000 for this account, as proposed by the House, instead of $183,029,000 as proposed by the Senate.

The conferees direct the Bureau to continue to streamline and prioritize programs to ensure the highest priority core activities are supported. The conferees expect the Bureau to be fully reimbursed for any non-core survey conducted for any other Federal agency or private organization.

The conferees expect that key reports on manufacturing, general economic and foreign trade statistics will be maintained and issued on a timely basis.

The Bureau is directed to include socks in its quarterly Current Industrial Reports on Apparel, and to produce a one-time annual report for 2005 domestic sock production. The conference agreement includes sufficient funding for the Manufacturing and Construction Statistics Division for this purpose.

The conference agreement adopts, by reference, the House report language regarding the production of monthly Export-Import and Trade Balance statistics on a North

American Industry Classification System basis, and the Advanced Technology Trade Imports, Exports, and Net Balance by Country. In addition, the conference agreement adopts, by reference, the House report language regarding the presentation of the U.S. Trade in Advanced Technology Products.

The conferees direct the Bureau to undertake a study on using prisoners' permanent homes of record, as opposed to their incarceration sites, when determining their residences. The Bureau should report back to the Committees on Appropriations on its findings within 90 days of enactment of this Act.

PERIODIC CENSUSES AND PROGRAMS

The conference agreement provides $614,208,000 for this account, as proposed by the House, instead of $544,356,000 as proposed by the Senate. The conference agreement includes $453,596,000 for expenses related to the 2010 decennial census and $160,612,000 for expenses to collect and publish statistics for other periodic censuses and programs.

Within the level of funds provided, the Bureau shall fully fund the budget request for ACS and MAF/TIGER in the submission of its financial operating plan.

The conferees encourage the Bureau to continue its efforts to minimize the number of personal visits for non-response follow-up for Census programs. This activity is very costly and if response rates through other means can be increased, it will provide substantial cost savings in both the ongoing ACS and the 2010 Census.

The conferees expect the ACS methods panel to ensure a more comprehensive and streamlined approach to multiple data collection techniques and to ensure that any change in the language of survey questions will maximize clarity in order to elicit correct responses.

The conferees direct the Bureau to continue to submit quarterly reports, in cooperation with the General Services Administration (GSA), regarding the expenditure of funds and the project planning, design and cost decisions for the Suitland Federal Center.

No funds appropriated to the Bureau shall be available for construction and build-out costs that are the responsibility of the GSA.

MAF/TIGER.—The conferees direct the Secretary of Commerce to take all available measures to reduce the requirement of payment for information currently available from certain State and local governments. Further, the conferees direct the Secretary of Commerce to work with other Departments to gain access to currently available aerial photography. Further, the Secretary is directed to utilize global positioning system technology and aerial photography to update existing information only if these measures are shown to be a more cost effective alternative.

Subgroup Enumeration.—The conferees commend the efforts of the Bureau to work with interested parties to ensure that necessary measures will be taken to ensure accuracy in enumerating Hispanic subgroups.

The conferees appreciate the efforts of the Bureau to consider new options for reporting data reflecting all citizens of the United States, including Puerto Rico.

Bill language is continued, as proposed by the House, regarding changes to the race category for collection and dissemination purposes.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

The conference agreement includes a total of $40,068,000 for the National Telecommunications and Information Administration (NTIA), instead of $19,716,000 as proposed by the House and $62,255,000 as proposed by the Senate.

SALARIES AND EXPENSES

The conference agreement includes $18,068,000 for the Salaries and Expenses appropriation of the NTIA, instead of $17,716,000 as proposed by the House, and $20,255,000 as proposed by the Senate.

As in previous years, the conference agreement includes language allowing the Secretary of Commerce to collect reimbursements from other Federal agencies to offset a portion of the cost of coordination of spectrum management, analysis, and operations. The conferees expect the NTIA to aggressively pursue all opportunities for reimbursement, deobligations, and use of non-appropriated resources, to maximize the operating level for NTIA's mission purposes. The conferees support the requested increases for NTIA and will consider a reprogramming of resources should additional funding become available, subject to section 605 of this Act.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

The conference agreement includes $22,000,000, as proposed by the Senate, instead of $2,000,000 as proposed by the House.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

The conference agreement includes $1,683,086,000 for the United States Patent and Trademark Office (USPTO) for fiscal year 2006. This amount is $20,214,000 below the amounts proposed by both the Senate and the House due to a notification from the USPTO of a revised fee collection estimate.

In an October 18, 2005 letter to the Committees on Appropriations, the USPTO provided re-estimates of fee collections and staffing levels for fiscal year 2006. The conferees have taken this information into account and have provided appropriations commensurate with the USPTO's projected fee collections.

The conferees note their disappointment with the USPTO's inability to adhere to Public Law 108-447, which mandated staffing levels for patent and trademark examiners. The USPTO must continue to focus on hiring additional patent and trademark examiners in order to reduce patent and trademark pendency. The conference agreement therefore includes language designating full-time equivalents, positions, and funding for certain functions and requires that any deviation from those designations must be in accordance with section 605 of the Act. Furthermore, the conferees remind the USPTO that any change from the funding distribution provided in the bill and the Statement of Managers, including carryover balances, is subject to the reprogramming procedures set forth in section 605 of this Act.

The conference agreement adopts, by reference, language included in the House report regarding the National Inventor's Hall of Fame and Inventure Place, the International Intellectual Property Institute, the University of Central Florida, a training facility, and telework.

The conference agreement adopts, by reference, language included in the Senate report requiring a report on the USPTO's efforts to implement the recommendations of the June 2004 Inspector General report. The report shall be submitted by January 15, 2006.

The conferees are concerned about protecting the intellectual property rights of American inventors and urge the USPTO to take immediate steps to prevent pirating and counterfeiting by foreign entities. The USPTO shall report to the Committees on Appropriations on its efforts by March 15, 2006.

In addition, USPTO is directed to submit to the Committees on Appropriations, not later than three months after the enactment of this Act, a spending plan, which incorporates any carryover balances from previous fiscal years and any changes to the patent or trademark fee structure.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $6,000,000 for necessary expenses of the Under Secretary for Technology Policy and the Office of Technology Policy, instead of $6,460,000 as proposed by the House. The Senate included funding for these expenses under the Departmental Management account.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

The conference agreement includes $761,767,000 for the National Institute of Standards and Technology (NIST), instead of $548,744,000 as proposed by the House, and $844,500,000 as proposed by the Senate.

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement includes $399,869,000 for the Scientific and Technical Research and Services (core programs) of the NIST, as proposed by the Senate, instead of $397,744,000 as proposed by the House. Of the funds made available, $1,300,000 is provided for transfer to the NIST Working Capital Fund.

[Dollars in thousands]

	Conference agreement
Electronics and Electrical Engineering	$50,171
Manufacturing Engineering	22,132
Chemical Science and Technology	44,651
Physics	42,148
Materials Science and Engineering	33,064
Building and Fire Research	22,030
Computer Science and Applied Mathematics	64,572
Standards and Technology Services	15,926
National Research Facilities	37,434
National Quality Program	7,081
Research Support Activities	60,660
Total, STRS	399,869

The conference agreement includes, by reference, language in the Senate report regarding the Office of Law Enforcement Standards. The conference agreement also includes, by reference, language in the House report regarding the National Earthquake Hazards Reduction Program, and international standards negotiations.

Within the funding for Research Support Activities, the conference agreement continues funding of $2,400,000 for a telework project and $6,500,000 for a critical infrastructure program, both of which received similar funding in previous fiscal years. The conference agreement also includes $1,027,000 for the For Inspiration and Recognition of Science and Technology Program, $1,503,000 for the Nanoparticle Risk Impact and Assessment Program, and $612,000 for the Operation Safe Commerce Program. Finally, the amount for Research Support Activities includes $4,864,000 for high priority requested program increases, such as the National Nanomanufacturing and Nanometrology Facility, biosystems and health, and quantum processing initiatives.

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes $186,000,000 for Industrial Technology Services, instead of $106,000,000 as proposed by the House, and $246,000,000 as proposed by the Senate.

Hollings Manufacturing Extension Partnership (MEP).—The conference agreement includes $106,000,000 for MEP, as proposed by both the House and the Senate. The conference agreement adopts, by reference, language in the House report regarding the requirements for applicants seeking assistance.

Advanced Technology Program.—The conference agreement includes $80,000,000 for the Advanced Technology Program, instead of $140,000,000 as proposed by the Senate and no funding as proposed by the House. The conference agreement does not adopt bill language providing specific funding for new awards as proposed by the Senate.

CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement includes $175,898,000 for construction of research facilities, instead of $45,000,000 as proposed by the House and $198,631,000 as proposed by the Senate.

The conference agreement includes $48,898,000 for maintenance, repair, construction and major renovations of the NIST campuses at Boulder, CO, and Gaithersburg, MD. The conferees provide $35,498,000 for safety, capacity, maintenance, and major repairs, including not less than $5,000,000 for Advanced Measurement Lab maintenance; $9,400,000 for central utility plant upgrades for the Boulder, CO campus; and $4,000,000 for the NIST North relocation and remediation project. The balance of funds under this heading is allocated to activities specified in section 207.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conference agreement includes a total of $3,946,000,000 for the National Oceanic and Atmospheric Administration (NOAA), instead of $3,379,000,000 as proposed by the House and $4,476,000,000 as proposed by the Senate.

NOAA is the Nation's lead civilian agency in science, service, and stewardship for the Earth's oceans and atmosphere. The agency's mission was recently highlighted by two major national commissions: The Congressionally mandated and Presidentially appointed United States Commission on Ocean Policy and the privately funded Pew Oceans Commission. Together these commissions conducted the most comprehensive reviews of ocean policy and programs in over 35 years. The conferees note that the chairmen of the two commissions have formed the Joint Ocean Commission Initiative to encourage implementation of recommendations common to both commission reports. The conferees support NOAA's science and education programs, which were strongly endorsed in the commission reports. To that end, the conference agreement adopts, by reference, language in the Senate report regarding a reporting requirement for Ocean Commission-endorsed programs.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes total direct obligations of $2,833,222,000, instead of $2,493,000,000 as proposed by the House and $3,264,983,000 as proposed by the Senate. Of the amount provided, $67,000,000 is from balances in the account entitled, "Promote and Develop Fishery Products and Research Pertaining to American Fisheries", and $3,000,000 is from the Coastal Zone Management Fund. The net appropriation from the General Fund is $2,763,222,000.

Language is included prohibiting any general administrative charge against an assigned activity in this Act or the accompanying report. Language is also included capping the amount provided for corporate services administrative support at $179,036,000, and capping the amount available to the Department of Commerce Working Capital Fund at $34,000,000.

The conference agreement stipulates that any deviation from the amounts designated for specific activities in the report accompanying this Act shall be subject to the procedures set forth in section 605 of this Act.

The conference agreement includes language making $2,000,000 available for subsidy costs of certain fisheries loans.

The following table identifies the activities, sub-activities, and projects funded in this appropriation:

NOAA NATIONAL OCEAN SERVICE Operations, Research, and Facitilites ($ in Thousands)	FY 2006 Conference Agreement
Navigation Services	
Mapping & Charting	
Mapping & Charting Base	38,885
Joint Hydrographic Center	7,500
Electronic Navigational Charts	4,300
Shoreline Mapping	2,448
Dune System Assessment and Shoreline Change Analysis	500
Address Survey Backlog/Contracts	21,000
EEZ Outer Continental Shelf Ocean Bottom Claims	2,200
Alaska Surveys, Current and Tide Data	3,500
MS/LA Digital Coast	1,000
Coastal Environmental Mapping Consortium	800
Vessel Time Charter	11,850
River Studies	750
Subtotal, Mapping and Charting	94,733
Geodesy	
Geodesy Base	20,295
National Spatial Reference System	1,971
Height Modernization Regional Expansion - NGS Implementation	233
Height Modernization Regional Expansion - NC	933
Height Modernization Regional Expansion -CA	933
Height Modernization Regional Expansion -TX	750
Height Modernization Regional Expansion - SC	467
Height Modernization Study - MS	600
Height Modernization Regional Expansion - AL	1,971
Geodetic Survey-WI	3,000
Geodetic Survey-KY	500
Geodetic Survey-AZ	500
Subtotal, Geodesy	**32,153**
Tide & Current Data	
Tide & Current Data Base	18,415
National Water Level Observation Network	2,500
PORTS	1,500
Great Lakes NWLON	2,000
Subtotal, Tide & Current Data	**24,415**
Total, Navigation Services	**151,301**
Ocean Resources Conservation and Assessment	
Ocean Assessment Program (OAP)	
Ocean Assessment Program Base	8,290
Coastal Storms	1,250
Cook Inlet Coastal Monitoring and Habitat	1,000
Coastal Services Center	23,000
Pacific Coastal Services Center	4,500
Coastal Change Analysis	500
Lake Pontchartrain	2,000
Louisiana Long Term Estuary Assessment	1,000
CREST	1,000

CI-CORE	2,500
Aquatic Research Consortium	2,500
Coop Institute for Coastal and Estuarine Enviro Tech (CICEET)	6,800
Hawaii Coral Reef Initiative	1,500
Florida Coral Reef	1,000
Puerto Rico Coral Reef	500
Coral Reef Programs	25,000
National Fish and Wildlife Foundation - NFWF	700
Ocean Health Initiative	5,000
White Water to Blue Water Ecosystem	1,000
Maritime Center of the Gulf	2,000
Lake Erie Monitoring	500
Subtotal, Ocean Assessment Program (OAP)	**91,540**
Integrated Ocean Observing System	
NOAA ICOOS	7,500
NOAA/UNH Joint Ocean Observing Technology Center	2,000
Alaska Ocean Observing System	1,700
Gulf of Maine Observing System	500
Long Island Sound Observing System	1,000
Central Gulf of Mexico Observing System	2,000
So Cal Coastal Ocean Observing System (Scripps)	1,500
Alliance for Coastal Technologies	3,000
Center for Coastal Ocean Observation and Analysis	2,500
UNCW Coastal Ocean Research and Monitoring	500
Wallops Ocean Observation Project	2,000
Oregon Ocean Observing	500
Center for Integrated Marine Technology	2,050
CARO-COOPs	2,050
SURA Coastal Ocean Observing System	2,500
Subtotal, Ocean Observing System	**31,300**
Response and Restoration	
Response and Restoration Base	10,600
Estuary Restoration Program	1,200
Damage Assessment Program	3,000
Mitigating Coastal Development Impacts	1,000
Marine Debris	4,000
Marine Debris Removal - Alaska	1,250
Center for Marine Spill Response	3,000
Pribilof Islands Cleanup and Economic Development	7,000
Aquatic Resources	4,500
Vieques	1,000
Marine Wildlife Noise Impact	500
Subtotal, Response and Restoration	**37,050**
National Centers for Coastal Ocean Science (NCCOS)	
NCCOS Headquarters	5,000
Extramural Research	10,000
Center for Coastal Environmental Health & Bimolecular Rsch	15,000
Oxford Cooperative Lab	4,500
Ctr for Coastal Fisheries Habitat Research	6,004
Center for Coastal Monitoring & Assessment	5,735
Center for Sponsored Coastal Ocean Research	3,700
Marine Env Health Research Lab - MEHRL	4,000

Subtotal, NCCOS	**53,939**
Total, Ocean Resources Conserv. & Assess.	**213,829**
Ocean and Coastal Management	
Coastal Management	
CZM Grants	67,000
CZM Program Administration	6,700
National Estuarine Research Reserve System	16,400
Baldwin Educational Program	1,000
Marine Protected Areas	1,500
Nonpoint Pollution	3,000
Subtotal, Coastal Management	**95,600**
Ocean Management	
Marine Sanctuary Program	
Marine Sanctuary Program Base	35,651
Northeast Hawaiian Islands Rsrch / HI Institute of Marine Biology	2,250
Northwest Straits Citizens Advisory Commission	1,400
Subtotal, Ocean Management	**39,301**
Total, Ocean and Coastal Management	**134,901**
TOTAL, NOAA National Ocean Service - ORF	500,031

NOAA NATIONAL MARINE FISHERIES SERVICE Operations, Research, and Facilities ($ in Thousands)	FY 2006 Conference Agreement
Marine Mammals, Marine Turtles, and Marine Protected Species (Protected Species)	
Protected Resources Research & Management Programs	**26,100**
Mammals	
Marine Mammal Protection (MMP)/NMFS Activities	8,000
Marine Mammal Initiative	5,000
North Pacific Fixed Gear Research	150
Prescott Grant Program	4,000
MS Center for Marine Education and Research	5,000
Shedd Center for the Great Lakes	250
Alaska Native Marine Mammal Co-management: Harbour Seals	150
Whales	
North Pacific Southern Resident Orca Population (PSM)	1,500
Recovery of Endangered Large Whales	500
Right Whale Activities (ESA)	6,313
Right Whale: Cooperative State Plans	1,500
Dolphins	
Bottlenose Dolphins	2,000
Bottlenose Dolphins: Institute for Marine Mammal Studies	2,500
Dolphin Encirclement	2,000
Dolphins/Yellowfin Tuna Research	235
Seals and Sea Lions	
Hawaiian Monk Seals	825
Alaska Seals & Sea Lions: Endangered Species Act	850
Subtotal, Mammals	**40,773**
Sea Turtles & Other Protected Species	
Endangerd Species Act	5,176
Hawaiian Sea Turtles	7,800
Rancho Nuevo Sea Turtles	350
Southeastern Sea Turtles	300
Endangered Species Act - Fish, Crustaceans, Mollusks	5,000
Subtotal, Sea Turtles & Other Protected Species	**18,626**
Salmon	
Atlantic Salmon	**4,435**
Pacific Salmon:	
Protected Species Activities	
ESA Recovery and Research	41,527
Endangered Species Act - Columbia River Biological Opinion (BIOP) Implementation	15,100
Western Alaska Salmon Stock Identification	200
Endangered Species Studies	300
Subtotal, Pacific Salmon:	**57,127**
Total, Marine Mammals, Marine Turtles, and Marine Protected Species (Protected Species)	**147,061**
Fisheries Research and Management	
Core Fisheries Programs	
Fisheries Research and Management Programs	125,000
Economics & Social Sciences Research	4,100
Fisheries Statistics	12,771
Fisheries Oceanography	500

Interjurisdictional Fisheries Grants	2,590
National Standard 8	1,000
Reduce Fishing Impacts on Essential Fish Habitat (EFH)	500
Anadromous Grants	2,000
Product Quality and Safety	6,724
Subtotal, Core Fisheries Programs	**155,185**
Expand Annual Stock Assessments - Improve Data Collection	**23,897**
Salmon Management Activities	
Columbia River Hatcheries	16,522
Columbia River Hatchery Reform	500
Pacific Salmon Treaty	7,000
Chinook Salmon Management	150
Chinook SalmonResearch at Auke Bay	300
Subtotal, Salmon Management Activities	**24,472**
Regional Councils and Fisheries Commissions	
Regional Councils	15,000
International Fisheries Commissions	400
Interstate Fish Commissions: 3 Commissions	750
Interstate Fish Commissions: Atlantic Cooperative Management	9,250
Subtotal, Regional Councils and Fisheries Commissions	**25,400**
Fish Information Networks:	
Atlantic States Marine Fisheries Commission	2,000
Alaska Fisheries Information Network (AKFIN)	3,200
Pacific Coastal Fisheries Information Network (PACFIN)	3,500
Recreational Fishery Information Networkk (RECFIN)	3,445
RECFIN - SC	250
Marine Fisheries Initiative (MARFIN)	2,400
Gulf Fisheries Information Network (GULF FIN)	4,250
National Fisheries Information System	2,500
Cal-COFI	900
Subtotal, Fish Information Networks:	**22,445**
Survey and Monitoring Projects:	
Bluefish/Striped Bass	692
Bluefish/Striped Bass: Chesapeake Bay	700
Bluefish/Striped Bass: Rutgers	790
Gulf of Maine Groundfish Survey	519
New England Stock Depletion	902
Red Snapper Monitoring and Research	5,000
West Coast Groundfish	4,800
Alaskan Groundfish Surveys: Calibration Studies	240
Atlantic Herring and Mackerel	198
Chesapeake Bay Multi-Species Management	500
Management of George's Bank	441
Virginia Trawl Survey	500
Highly Migratory Sharks	1,500
Subtotal, Survey and Monitoring Projects:	**16,782**
Other fisheries-related projects:	
Reducing Bycatch	2,800
Hawaii Fisheries Development	750
Groundline Exchange Pilot Program	2,000
Gulf Shrimp Bycatch and Reduction Research	1,000
Hawaii Seafood Safety and Inspections	1,500

Hawaii Stock Enhancement Program (Oceanic Institute)	500
Large Pelagics Research Program	3,000
Scallop Fishery Assessment (MFI)	1,800
Southern Shrimp Industry Fishing Effort Research	2,300
NAIB Conservation and Education Programs	1,200
Narragansett Bay Window Program	200
OREHP	500
Horseshoe Crab Research	550
Subtotal, Other fisheries-related projects:	**18,100**
Total, Fish Research and Management	**286,281**
Enforcement & Observers:	
Enforcement & Surveillance:	
Driftnet Act Implementation	1,200
NMFS Activities (Science & Technology Driftnet Act)	1,692
Enforcement & Surveillance	22,000
Cooperative Agreements w/ States	16,000
Vessel Monitoring System	9,300
Subtotal, Enforcement	**50,192**
Observers/Training	
Atlantic Coast Observers	3,348
East Coast Observers	350
Hawaii Longline Observer Program	4,000
N. Pacific Marine Resources Observers/N.Pacific Observer Program	1,500
NE Groundfish Court-Ordered Observers	5,500
National Observer Program	3,000
S. Atlantic/Gulf Shrimp Observers	800
West Coast Observers	5,000
Subtotal, Observers/Training	**23,498**
Total, Enforcement and Observers	**73,690**
Habitat Conservation & Restoration	
Sustainable Habitat Management	
Habitat Conservation	15,000
Blue Crab Advanced Research Consortium	5,000
Non-Native Oyster Chesapeake Bay Program - VA	2,000
Refine EFH Designations	100
Subtotal, Sustainable Habitat Management	**22,100**
Fisheries Habitat Restoration	
Connecticut River Partnership	400
Community-Based Restoration Grants	13,000
Mobile Bay Oyster Recovery	2,500
Oyster Restoration (Chesapeake - VIMS)	2,000
Chesapeake Bay Oyster Restoration (MD)	4,000
Lower Elwha River Habitat Restoration	280
Merrimack River fish habitat/land conservation	500
Atlantic Salmon/Penobscot River Habitat Restoration	500
Pinellas County Environmental Foundation	1,000
Bronx River Restoration	1,000
Subtotal, Habitat Restoration	**25,180**
Total, Habitat Conservation & Restoration	**47,280**

AK Composite Research and Development Program	**51,000**
Other Activities Supporting Fisheries	
Cooperative Research:	
Cooperative Research - North Pacific Research Board	2,000
National Cooperative Research	2,750
NE Cooperative Research	3,750
New England Lobster Fishery Research	3,000
Northeast Consortium	5,000
SE Cooperative Research	3,000
Subtotal, Cooperative Research:	**19,500**
Other Programs	
Antarctic Research	1,468
Chesapeake Bay Studies	3,500
Climate Regimes & Ecosystem Productivity	1,500
Computer Hardware and Software	2,000
Information Analyses & Dissemination	17,704
Marine Resources Monitoring, Assessment & Prediction Prgm (MarMap)	850
National Environmental Policy Act (NEPA)	8,000
NMFS Facilities Maintenance	4,000
Southeast Area Monitoring & Assessment Program (SEAMAP)	1,385
Subtotal, Other Programs	**40,407**
Other projects:	
Consortium for Fisheries & Wildlife Conflict Resolution (UNH/NEA/VIMS)	400
Joint Institute for Marine and Atmospheric Research (JIMAR), HI	2,500
New England Multi-Species Survey (SMAST)	3,000
Science Consortium on Ocean Research (SCORE) - FL	350
Pacific Island Regional Office/Pacific Islands Fisheries Science Center	5,000
AK Community Development Program	2,000
Subtotal, Other projects:	**13,250**
Subtotal, Other Activities Supporting Fisheries	**73,157**
Total, NOAA National Marine Fisheries Service - ORF	**678,469**

NOAA OCEANIC AND ATMOSPHERIC RESEARCH **Operations, Research, and Facilities** **($ in Thousands)**	**FY 2006 Conference Agreement**
Climate Research	
Laboratories & Joint Institutes	**49,717**
Climate Observations & Services	**98,299**
Other Partnership Programs	
Arctic Research Program (SEARCH)	3,000
East Tennessee Ozone Study	300
Univ of AL Huntsville Climate Research	1,000
Drought Research Study	1,000
Coastal Vulnerability to Climate Change	1,500
Center for Urban Environmental Research	1,000
Advanced Study Institute for Environmental Prediction	1,500
Abrupt Climate Change Research	250
Climate Systems Research Center	750
Subtotal, Other Partnership Programs	**10,300**
Total, Climate Research	**158,316**
Weather & Air Quality Research	
Laboratories & Joint Institutes	**37,777**
Weather & Air Quality Research Programs	
Targeted Wind Sensing	2,000
Coordinate NASA -- NOAA Severe Storm R&D	2,000
Tornado Severe Storm Research / Phased Arrary Radar	4,000
Subtotal, Weather & Air Quality Research Programs	**8,000**
Other Partnership Programs	
Central CA Air Quality Study	375
Great Plains Center for Atmosphere and Human Health	1,000
Urbanet	6,000
New England Air Quality Study	3,000
NE Center for Atmospheric Science and Policy	1,500
AIRMAP	5,000
High Altitude Air Study	350
Risk Reduction in Weather Forecasts	2,000
Reducing Wind-Induced Damages from Storms	1,000
Remote Sensing Research (ISU/BCAL)	500
STORM (U. of N. Iowa)	650
Subtotal, Other Partnership Programs	**21,375**
Total, Weather & Air Quality Research	**67,152**
Ocean, Coastal, and Great Lakes Research	
Laboratories & Joint Institutes	23,073
National Sea Grant College Program	
National Sea Grant College Program Base	50,000
Fish Extension	1,500
Aquatic Nuisance Species/Zebra Mussel Research	1,000

Gulf of Mexico Oyster Initiative	1,000
National Sea Grant Law Center	1,000
Oyster Disease Research	1,000
Subtotal, National Sea Grant College Program	**55,500**
Exploration and Undersea Research	
National Undersea Research Program (NURP)	4,250
National Institute for Undersea Science and Technology	5,000
Ocean Exploration	13,850
Exploration Autonomous Underwater Vehicle	500
Subtotal, Exploration and Undersea Research	**23,600**
Invasive Species Programs	
NISA/Ballast Water Demonstrations	3,000
NISA/Alaska	1,500
Invasive Milfoil	250
HI Micronesia Invasive Species Program	500
Aquatic Invasive Species Program	1,000
Aquatic Ecosystem Canaan Valley Institute	6,000
Subtotal, Invasive Species Programs	**12,250**
Aquaculture	
Marine Aquaculture Program	4,622
Atlantic Marine Aquaculture Center (CINEMAR)	2,000
Pacific Tropical Ornamental Aquaculture	500
Center for Aquaculture Development	1,000
West Alabama Shrimp Aquaculture Program	500
Subtotal, Aquaculture	**8,622**
Partnership Programs	
Arctic Research	3,000
Atmospheric Dispersion Forecasting	1,500
Urban Coastal Institute	500
Gulf of Maine Council	750
Lake Champlain Emerging Threats	500
Lake Champlain Research Consortium	350
Center for the Environment	800
Bio-screening Technology for Imported Seafood	1,000
Subtotal, Other Partnership Programs	**8,400**
Total, Ocean, Coastal, and Great Lakes Research	**131,445**
Integrated Ocean Observing System	
ARGO	10,300
Total, Integrated Ocean Observing System	**10,300**
High Performance Computing Initiatives	**6,500**
Total, NOAA Oceanic and Atmospheric Research - ORF	**373,713**

NOAA NATIONAL WEATHER SERVICE **Operations, Research, and Facilities** **($ in Thousands)**	**FY 2006** **Conference** **Agreement**
Observations, Forecasts, and Communications	
Local Warnings and Forecasts	
Local Warnings and Forecasts Base	524,830
Tsunami Hazard Mitigation (moved from OAR)	2,291
Tsunami Warning & Environmental Obs for AK (TWEAK)	2,000
Strengthen U.S. Tsunami Warning Network	6,100
Air Quality Forecasting	3,000
Shenandoah Air Quality Forecasting	1,750
Sustain Cooperative Observer Network	1,000
Coastal & Inland Hurricane Monitoring & Prediction Program	1,500
Coastal Weather Monitoring for Catastrophic Events	475
Susquehanna River Basin Flood System	2,000
NOAA Profiler Network	2,900
Pacific Island Compact	3,500
Space Environment Center	4,000
USWRP - US Weather Research Program - THORPEX	5,000
Western Kentucky Environmental Monitoring Network	1,500
Vermont Northeast Weather & Wind Data Integration	220
Hurricane Mitigation Alliance	2,100
Subtotal, Local Warnings and Forecasts	564,166
Integrated Ocean Observing System	
National Data Buoy Center	23,240
Sea Level Monitoring & Tide Gage Network	240
TAU & PIRATA Arrays	3,000
Subtotal, Integrated Ocean Observing System	26,480
Operations and Research	
Advanced Hydrological Prediction Services	5,000
Aviation Weather	3,500
WFO Maintenance	7,390
Central Forecast Guidance	44,092
National Hurricane Center	5,800
Subtotal, Operations and Research	65,782
Weather Radio & Communications	
Weather Radio Transmitters Base	2,320
NOAA Weather Radio Transmitters - MS	200
NOAA Weather Radio Receivers - AL	50
Subtotal, Weather Radio Transmitters	2,570
Total, Observations, Forecasts, and Communications	658,998
Systems Operation & Maintenance	86,252
Total, NOAA National Weather Service - ORF	745,250

NOAA NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE **Operations, Research, and Facilities** **($ in Thousands)**	**FY 2006 Conference Agreement**
Environmental Satellite Observing Systems	
Satellite Command and Control base	37,011
NSOF Operations	7,581
Product Processing and Distribution	27,628
Product Development, Readiness & Application	17,224
Product Development, Readiness & Application (Ocean Remote Sensing)	3,980
Joint Center/Accelerate Use of Satellites	3,291
Research to Ops/NOAA-NASA Partnerships	4,000
Global Wind Demo	3,700
Commercial Remote Sensing Licensing & Enforcement	1,244
Remote Sensing Center	2,000
Office of Space Commercialization	600
Total, Environmental Satellite Observing Systems	108,259
NOAA's Data Centers & Information Services	
Archive, Access & Assessment	
Archive, Access & Assessment	25,218
MD	5,500
KY	7,800
WV	7,800
Subtotal, Archive, Access & Assessment	46,318
Data & Climate Centers	
Coastal Data Development	4,576
Regional Climate Centers	3,000
International Pacific Research Center (U of H)	2,000
Integrated Environmental Applications & Information Center	3,000
Environmental Data Systems Modernization	9,384
National Climatic Data Center	2,800
Subtotal, Data & Climate Centers	24,760
Total, NOAA's Data Centers & Information Services	71,078
Total, NOAA National Environmental Satellite, Data and Information Service - ORF	179,337

NOAA WIDE PROGRAM SUPPORT **Operations, Research and Facilities** **($ in Thousands)**	**FY 2006** **Conference** **Agreement**
Corporate Services	179,036
NOAA Education Program	
NOAA Education Program / Education Initiative	6,371
JASON Education and Outreach	2,500
BWET Chesapeake Bay	3,500
BWET Hawaii	1,500
BWET California	2,000
Educational Partnership Program/Minority Serving Institutions (EPPMSI)	14,400
Hawaii Humpback Education Program	1,750
Gulf Coast Exploreum	1,000
Narragansett Bay Marine Education (Save the Bay)	500
Chesapeake Bay Interpretive Buoys	500
Total, NOAA Education Program	34,021
Facilities	11,000
Marine Operations & Maintenance	
Aircraft Services	18,625
Marine Data Acquisition	95,065
Future Healthcare Benefits for Current Officers	2,012
OE and NOAA Corps Pay Differential	1,500
Fleet Planning and Maintenance	15,163
Total, Office of Marine & Aviation Operations	132,365
Total, NOAA Wide Program Support - ORF	356,422

NATIONAL OCEAN SERVICE

The conference agreement includes a total of $500,031,000 for activities of the National Ocean Service (NOS). The conference agreement adopts, by reference, language in the House report on the hydrographic survey backlog, on Vieques Island, PR, and on the strategy for the use of private mapping services.

Within the amount provided for Pribilof Islands Cleanup and Economic Development, the conferees agree that no more than $2,000,000 shall be available for economic development activities. The conferees are encouraged by recent efforts by regional ocean observing programs to establish a federation and seek competitive funding. The conferees expect that the creation of such a program will expedite the integration of these regional systems into a system of systems, which is fundamental to the broader concept of the Integrated Ocean Observing System.

Of the funds provided for the Coastal Services Center, $3,000,000 is provided for Mississippi Digital Earth.

The conference agreement includes $1,000,000 for a White Water to Blue Water Ecosystem initiative in the Gulf of Maine.

Of the funds provided for the Center for Coastal Environmental Health & Biomolecular Research, funding is provided for high salinity studies if warranted.

NATIONAL MARINE FISHERIES SERVICE

The conference agreement includes $678,469,000 for the operations of the National Marine Fisheries Service (NMFS).

The conference agreement adopts, by reference, language in the House report regarding implementation of a West Coast in-season harvest data collection system, and a report on certain prior year balances.

The conferees agree that funding provided for Shedd in fiscal years 2005 and 2006 shall be for Shedd's Center for the Great Lakes, for conservation education activities, including exhibits, programming and community-based outreach.

The conference agreement adopts, by reference, language in the Senate report regarding by-catch reduction, Columbia River Hatcheries, and Hawaiian Hatcheries.

The conference agreement provides for the AK Composite Research and Development Program for Alaska Fisheries and Marine Mammals. Alaska's commercial fishing industry is a primary employer, providing 47 percent of private sector jobs, and is second only to the oil industry in generating revenue to the State. Two of the Nation's top three fishing ports, in terms of highest dollar value for commercial landings, are in Alaska. In 2003, Dutch Harbor-Unalaska moved the most fish of any port—908.7 million pounds for a total dollar value of $156,900,000. Kodiak, Alaska, was not far behind generating $81,500,000 for 262.9 million pounds of fish landed.

The amount and dollar value of fishery resources taken from the waters off Alaska are only half the story. The science, research, and management of these living marine resources provide for sustainable and abundance-based harvests. The North Pacific has no fisheries listed as endangered, in part due to the constant monitoring and research that this funding provides. Alaska's fisheries management requires data and research on over 900,000 square miles of ocean within the Exclusive Economic Zone off Alaska's coast. These funds are critical to provide data collection, analysis and further resource development of these fisheries in order to provide continued economic opportunity for the State of Alaska and its numerous coastal communities. NOAA is directed to provide the Committees with a spending plan for the funds provided under the AK Composite Research and Development Program no later than 30 days after the date of enactment of this Act.

OCEANIC AND ATMOSPHERIC RESEARCH

The conference agreement includes $373,313,000 for the Oceanic and Atmospheric Research (OAR) line office.

Within the amount provided for Climate Observations and Services, the conference agreement includes $68,500,000 for the Climate and Global Change program.

The conference agreement adopts, by reference, language in the House report on planning activities related to the International Polar Year.

The conference agreement includes, by reference, language in the Senate report regarding the establishment of a new joint institute and the National Sea Grant Program.

The conference agreement includes funding for Urbanet, a partnership with an existing national network of weather stations that is centrally managed with uniform instrumentation, in order to validate the benefits of integrating such technologies into weather and all hazards management.

Of the funds made available for the National Undersea Research Program (NURP), $1,125,000 is provided for the NURP Center in Alaska and $3,125,000 is provided for the NURP Center in Hawaii.

Of the funds made available for Arctic Research under the "Ocean, Coastal, and Great Lakes" sub-heading, $2,000,000 is provided for the International Arctic Research Center.

NATIONAL WEATHER SERVICE

The conference agreement includes $745,250,000 for the operations of the National Weather Service (NWS).

The conference agreement adopts, by reference, language in the House report regarding weather radio coverage in certain locations, a tsunami warning network in the Caribbean Gulf of Mexico, and air quality forecasting in the Shenandoah Valley.

The conference agreement incorporates, by reference, language in the Senate report regarding the Susquehanna Flood Forecast and Warning System, tsunami modeling, and the weather radar and office in Williston, ND.

The conferees remain concerned about the expenditure of funds for single purpose observing systems and encourage NOAA to maximize efficiencies by developing multi-purpose observing systems.

The conference agreement provides $6,100,000 to strengthen the U.S. Tsunami Warning Network, including $1,000,000 for re-engineering and design of tsunami detection buoys at the National Data Buoy Center, $500,000 for next generation buoy research, $500,000 for tsunami warning sirens in the State of Washington and $500,000 for tsunami-readiness efforts, including warning sirens in the State of Oregon, focused on high-risk communities such as Seaside, OR.

Of the amounts made available for the National Data Buoy Center, funding is included for the operation and maintenance of the Alaskan buoys, the hurricane buoys, and the conversion of weather buoys.

The conference agreement provides an increase of not less than $500,000 for the National Hurricane Center for four new hurricane forecasters.

The conferees direct that no funds shall be used to implement a plan to consolidaste, rationalize, or reduce service hours at weather service forecast offices.

NATIONAL ENVIRONMENTAL SATELLITE, DATA, AND INFORMATION SERVICE

The conference agreement includes $179,337,000 for the operational and research and development programs of the National Environmental Satellite, Data, and Information Service (NESDIS).

Of the $2,800,000 provided for the National Climatic Data Center, $2,500,000 is to continue the GOES Data Archive Project and $300,000 is to develop a detailed strategy for prototyping data grids.

PROGRAM SUPPORT

The conference agreement includes $356,422,000 for Program Support.

The conference agreement adopts, by reference, language in the House report regarding a spending plan for all NOAA education programs.

The conference agreement includes funding for the Office of General Counsel in the amount provided for Corporate Services.

The conferees are concerned that funding provided to address NOAA's maintenance and facilities needs in recent years has been redirected toward the hiring of staff. Many of NOAA's facilities are in urgent need of maintenance and repair. The conference agreement provides funds to address these needs. NOAA is directed to provide the Committees with a plan for this funding within 90 days of enactment of this Act.

The conference agreement incorporates, by reference, language in the Senate report regarding marine operations and maintenance.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

The conference agreement includes $1,124,278,000 under this heading, instead of $936,000,000 as proposed by the House and $1,195,017,000 as proposed by the Senate.

The conferees remain concerned about the safety of NOAA employees at the Southwest Fisheries Science Center, and language is included providing the Secretary of Commerce the option to enter into negotiations with the University of California for a long-term lease. Any construction, however, will require future appropriation of funds. The conferees emphasize that the Administration should assess this safety issue and should include a proposal in a formal budget request, if warranted. No funds are provided in this Act for the design or construction of a new facility.

The conference agreement includes, by reference, language in the House report regarding radiosonde replacement, a report on the cost and risk implications of delays in the development of the National Polar-orbiting Operational Environmental Satellite System (NPOESS), the National Research Council report on Earth Science and Applications from Space, and the Coastal and Estuarine Land Conservation Program.

The conference agreement includes, by reference, language included in the Senate report regarding the Coastal and Estuarine Land Protection program, the Fish and Wildlife Coordination Act, NOAA ships, and NOAA aircraft and unmanned aerial vehicles.

Of the amounts provided for small boats, funding is included to procure two 51–foot highly stable craft for the Hawaiian Islands Humpback Whale National Marine Sanctuary.

The conference agreement includes language regarding the incremental construction of the NOAA Pacific Regional Center.

The following distribution reflects the activities funded within this account:

NOAA PROCUREMENT, ACQUISITION AND CONSTRUCTION (\$ in Thousands)	**FY 2006 Conference Agreement**
NOAA National Ocean Service	
Coastal and Estuarine Land Conservation Program	
Coastal Ecosystems (Mobile & Baldwin)	5,000
Orange Beach	800
Moose Mountain	1,000
Newfields	2,000
Winnicut Headwaters	1,500
Twelve Oaks	900
Pond Brook	1,350
Grand River Big Bend	310
Eastern Shore	550
Jamestown	2,000
Sowams Property	1,000
Ferolbink Farm	500
Maquoit Bay	550
South Carolina Coastal Initiative	1,500
Babcock Ranch	3,000
Chesapeake Bay	4,000
Blackbird Creek Reserve	1,500
Tuniper's Pond	500
Detroit Riverfront West	3,000
Potter Creek/Otis Bogs	500
Piedras Blancas	500
Herring River	500
Elmer's Island	250
Tchefuncte Marsh	200
Webster Woods	750
Commencement Bay	1,550
Armand Bayou	350
Common Pasture	250
Hidalgo Park	350
Brays Bayou	400
Maumee River Basin	1,500
Oswegatchie Hills	887
Subtotal, Coastal and Estuarine Land Conservation Program	38,947
NERRS Acquisition/Construction:	
National Estuarine Research Reserve Construction & Land Acquisition	5,000
Texas NERR	4,435
Subtotal, NERRS Acquisition/Construction	9,435
Section 2 (FWCA)	
Great Bay Partnership	6,000
Village Point Park Preserve	1,000
Subtotal, Section 2 (FWCA)	7,000
Marine Sanctuaries Construction/Acquisition	
Channel Islands National Marine Sanctuary	3,000
Thunder Bay National Marine Sanctuary Exhibit	1,000
Flower Garden Banks Patrol Craft	3,200
Small Boats	5,000
Monterey Bay	1,500
Gulf of Farralones	2,500
Subtotal, Marine Sanctuary Construction/Acquisition	16,200

Other NOS Construction/Acquisition	
Gulf Coast Marine Aquaculture Laboratory	6,000
Down East Institute For Marine Research	1,000
Center for Aquatic Resource Management	6,000
Pascagoula River Basin Estuarine Center	1,500
Oxford Cooperative Lab	1,500
Conservation Institute	5,000
Subtotal, Other NOS Construction/Acquisition	21,000
Total NOAA National Ocean Service - PAC	92,582
NOAA National Marine Fisheries Service	
Systems Acquisition/Construction	
Pascagoula Improvements	2,000
Center for Ecosystem-Based Fisheries Management	5,000
Barrow Arctic Research Center	6,000
Aquatic Resources	4,500
Total, NOAA National Marine Fisheries Service - PAC	17,500
NOAA Oceanic and Atmospheric Research	
Systems Acquisition/Construction	
Research Supercomputing/ CCRI	9,500
Total, NOAA Oceanic and Atmospheric Research - PAC	9,500
NOAA National Weather Service	
NWS Systems Acquisition	69,847
Construction	
WFO Construction	13,600
NOAA Center for Weather & Climate Prediction (NCEP)	8,530
Subtotal, NWS Construction	22,130
Total, NOAA National Weather Service - PAC	91,977
NOAA National Environmental Satellite, Data and Information Service	
Systems Acquisition & Construction	
Geostationary Systems (GOES)	340,000
Polar Orbiting Systems - POES	102,673
Polar Orbiting Systems - NPOESS	320,998
EOS & Advanced Polar Data Processing, Distribution & Archiving Systems	3,000
CIP - single point of failure	2,837
Comprehensive Large Array Data Stewardship Sys (CLASS)	9,000
NPOESS Preparatory Data Exploitation	4,500
Satellite CDA Facility	2,280
Total, NOAA National Environmental Satellite, Data and Information Service - PAC	785,288
NOAA Wide Program Support	
Integrated Ocean Observing System	
NOAA ICOOS Observing Systems (NOS)	9,000
Convert NOAA Weather Bouys with NDBC (NOS)	4,000
Coastal Global Ocean Observing System (NWS)	1,497
Strengthen U.S. Tsunami Warning Network	3,480
Subtotal, Integrated Ocean Observing System	17,977
Construction	
NOAA Pacific Regional Center	20,000
Construction	27,000
Subtotal, Construction	47,000

OMAO Fleet Replacement	
Small Waterplane Area Twin Hull Vessel (SWATH)	4,000
Upgrades : NANCY FOSTER /OSCAR DYSON/HI'IALAKAI/FAIRWEATHER	3,254
Fisheries Survey Vessel Replacement #2	2,500
Fisheries Survey Vessel #3	5,500
Fisheries Survey Vessel #4	44,200
AUV Sensors	3,000
Subtotal, OMAO Fleet Replacement	62,454
Total, NOAA Wide Program Support - PAC	127,431
Total, NOAA Procurement, Acquisition and Construction	1,124,278

PACIFIC COASTAL SALMON RECOVERY FUND

The conference agreement provides $67,500,000 for Pacific Coastal Salmon Recovery, instead of $50,000,000 as proposed by the House and $90,000,000 as proposed by the Senate.

Funds provided under this heading shall be allocated as follows: $22,000,000 for Alaska; $6,500,000 for California; $1,250,000 for Columbia River Tribes; $2,250,000 for Idaho; $6,500,000 for Oregon; $4,000,000 for Pacific Coast Tribes; and $25,000,000 for Washington.

The conference agreement includes, by reference, language in the House report on program performance measurement.

Of the amounts provided to the State of Alaska, the conferees agree to the following allocation: $3,500,000 is for the Arctic Yukon-Kuskokwim Sustainable Salmon initiative; $1,000,000 is for the Cook Inlet Fishing Community Assistance Program; $500,000 is for the Yukon River Drainage Association; $500,000 is for Coffman Cove king salmon; $250,000 is for the State of Alaska to participate in discussions regarding the Columbia River hydro-system and for fisheries revitalization; $100,000 is for the United Fishermen of Alaska's subsistence program; $2,500,000 is to restore salmon fisheries in Anchorage at Ship Creek, Chester Creek, and Campbell Creek, including habitat restoration and facilities; $500,000 is for Alaska Village Initiatives to enhance salmon stocks; $700,000 is for Bristol Bay Science and Research Institute; $1,000,000 is for the Alaska Fisheries Development Foundation; $1,500,000 is for the State of Alaska for fisheries monitoring; $1,500,000 is for the Alaska SeaLife Center to restore salmon runs in Resurrection Bay; $3,000,000 is for the Southeast Revitalization Association for implementation of its fleet stabilization program; and $750,000 is for the Kenai River.

Of the amounts provided to the State of Washington, $2,500,000 is for the Washington State Department of Natural Resources and other State and Federal agencies for purposes of implementing the State of Washington's Forest and Fish report, and $2,400,000 is designated for purchasing two automated marking trailers and four manual marking trailers. In addition, $490,000 is designated for the mass marking of Puget Sound tribal fish by the Washington Department of Fish and Wildlife, and $350,000 is designated for the mass marking of fall chinook at Hood Canal and Willapa Bay hatchery facilities operated by the Washington Department of Fish and Wildlife. In addition, $1,000,000 is designated for the Washington State Pacific Coast Tribes.

Of the amounts provided to the State of Oregon, $1,100,000 is designated for conservation of mass marking at Columbia River hatcheries and $1,040,000 is for the purchase of one mass marking trailer.

COASTAL ZONE MANAGEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes language allowing the transfer of up to $3,000,000 to the "Operations, Research, and Facilities" account for the costs of implementing the Coastal Zone Management Act, as proposed by the House and Senate.

FISHERIES FINANCE PROGRAM ACCOUNT

The conference agreement includes language proposed by the Senate providing $287,000 to subsidize up to $5,000,000 for Individual Fishing Quota loans and up to $59,000,000 for fishing capacity reduction loans, of which $19,000,000 may be used for direct loans to the United States menhaden fishery.

OTHER

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides $47,466,000 for this account, as proposed by the House, instead of $44,605,000 as proposed by the Senate. The conference agreement does not provide funding for the Technology Administration within this account as proposed by the Senate.

The conference agreement adopts, by reference, language included in the House report regarding office relocations.

Legislative Affairs Function.—The conference agreement provides 11 full-time equivalents and $1,490,000 for the legislative affairs function, instead of 12 full-time equivalents and $1,621,000 as proposed by the House, and 9 full-time equivalents and $1,181,000 as proposed by the Senate.

Security Enhancements.—The conferees are aware that the Department of Commerce is planning security improvements at the Boulder, CO, facility and directs the Department to consult with the Committees on Appropriations prior to proceeding. No funding shall be redirected from other proposed construction projects at Boulder for this purpose.

Intellectual Property.—The conferees are aware that $2,000,000 was provided in fiscal year 2005 for the National Intellectual Property Law Enforcement Coordination Counsel (NIPLECC). The conferees continue to support that action and are aware that funding remains available through fiscal year 2006 to meet NIPLECC's critical operations.

Commerce Information Technology Solutions (COMMITS).—The conferees note that concerns have been raised about the fairness of the "bid down" approach of the COMMITS acquisition vehicle, and agree that this matter warrants further review. The conferees therefore direct the Government Accountability Office (GAO) to undertake a review of this acquisition vehicle, with particular emphasis on a provision of the vehicle's current guidelines that permits incumbent contractors who have graduated from a particular size category of small business to bid against smaller firms that still qualify for the smaller category of classification. The GAO's review should be completed within 180 days of enactment of this Act. The conferees direct that the Secretary of Commerce ensure that appropriate procedures are in place so that awards made to incumbent contractors are in the best interest of, and constitute the best value for, the government.

UNITED STATES TRAVEL AND TOURISM PROMOTION

The conference agreement provides $4,000,000 for this account instead of no funding as proposed by the House and $5,000,000 as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $22,758,000 for the Inspector General for fiscal year 2006, as proposed by both the House and the Senate.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes the following general provisions for the Department of Commerce:

Section 201 making Department of Commerce funds available for advanced payments only upon certification of officials designated by the Secretary that such payments are considered to be in the public interest.

Section 202 making appropriations for the Department for Salaries and Expenses available for hire of passenger motor vehicles, and for services, uniforms and allowances as authorized by law.

Section 203 providing the authority to transfer funds between Department of Commerce appropriation accounts and requiring notification to the Committees of certain actions.

Section 204 providing that any costs incurred by the Department in response to funding reductions shall be absorbed within total budgetary resources available.

Section 205 regarding the Emergency Steel Loan Guarantee Program.

Section 206 regarding certain trademarks.

Section 207 designating funds for certain projects.

Section 208 designating amounts available in the "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" fund.

Section 209 regarding a transfer of funds from NOAA to NASA for certain purposes.

TITLE III—SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

The conference agreement includes $5,564,000 for the Office of Science and Technology Policy (OSTP) in the Executive Office of the President, as proposed by both the House and the Senate. The conference agreement includes, by reference, language in the House report regarding the improvement of coordination among science agencies on education programs. The conferees urge the OSTP to ensure that Executive branch policy makers and budget officials understand the impact of stagnation in science and technology. In this regard, the OSTP shall submit a report to the Committees by March 1, 2006, including recommendations for improving the effectiveness and coordination of science education programs across all agencies funded under this Act.

The conferees encourage the OSTP to assess future opportunities for improving merit-based, peer-reviewed basic science to support food and agriculture research and to report their findings to the Committees.

The conferees are aware of concerns that insufficient attention and study has been directed toward the ethical dimensions of nanotechnology research. The conferees direct the OSTP to conduct such an analysis and report to the Committees no later than March 31, 2006, on ethical questions raised by the National Nanotechnology Initiative, including recommended safeguards, and methods of monitoring and tracking potential uses of nanotechnology. The conferees encourage the OSTP to use external expertise in compiling this report. The conferees direct OSTP to work with agencies receiving funds under this Act for the National Nanotechnology Initiative to set aside a portion of the funding to analyze and report on the ethical issues generated from the research and development of nanotechnology. The conferees expect OSTP to follow the pattern established for the human genome project, allocating three percent of funding to ethical, legal and social issues research.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The conference agreement provides $16,456,800,000 for the National Aeronautics and Space Administration (NASA), instead of $16,471,050,000 as proposed by the House and $16,396,400,000 as proposed by the Senate.

All changes to the budget request are net of NASA's budget amendment that was submitted to the Congress after both the House and Senate had passed their respective bills, and hence are not included in the statement of the managers for the Science, Aeronautics and Exploration account or the Exploration Capabilities account.

The conferees are extremely disappointed in the lack of detail provided in the fiscal year 2006 congressional budget justification. NASA is reminded that the primary purpose of budget justifications is to provide needed information to the Committees on Appropriations, and therefore must be submitted in a format with the necessary level of detail required by the Committees so that funding requests may be analyzed. In order for the budget justifications to be of value to the Committees, NASA shall present the fiscal year 2007 budget justification with detailed information on the prior year, current year, and requested funding levels for each program, project or activity funded within each division and directorate in each account, and provide detailed information on all proposed changes being requested.

The conferees do not agree to the continuation of the transfer authority in the House bill. However, to the extent necessary, NASA should use the flexibility in spending authority within each of its accounts to accommodate any funding level adjustments after first consulting with the Committees on Appropriations.

For fiscal year 2006 and thereafter, the conferees direct NASA to include the out-year budget impacts in all reprogramming requests. In addition, future reprogramming requests/operating plans should include a separate accounting of all program/mission impacts on estimated carryover funds. NASA is further directed to incorporate independent cost verification as part of the process by which contracts are selected for contracts in excess of $100,000,000. This process should be a valuable guide for assessing when costs have exceeded expectations and will help identify projects for termination.

As NASA begins the development of programs to return to the Moon, it is critical that it be able to control costs for these, and other, activities. For this purpose, NASA is directed to notify the Committees on Appropriations 30 days prior to allocating funds, modifying contracts, or extending existing contracts that are in excess of 15 percent of the original contract value at the program level. Within this notification, NASA shall justify the additional expenditure of funds. NASA shall also evaluate the new cost estimates and verify to the Committees on Appropriations the ability to complete the contract under the new funding profile. Finally, NASA shall identify the source of any required additional funds to cover the overrun.

The conferees note that NASA has, in the past few months, used its buyout authority to promote voluntary separations as a first attempt at reshaping its workforce. The conferees believe that at this early stage, NASA has been able to reshape its workforce without losing critical workforce skills. The conferees direct that NASA shall not go beyond using voluntary buyout authority until it has developed a comprehensive coordinated restructuring plan and implementation roadmap, and has provided a report to the Congress detailing the steps that will be taken in reshaping the agency's human and physical capital assets. In addition, NASA must notify the House and Senate Committees on Appropriations in advance of any planned reduction in force pursuant to section 605 reprogramming requirements.

With respect to the agency's workforce, the conferees note the impressive core competencies that exist at NASA's field centers, and direct the agency to fully utilize the competencies that reside at these field centers. NASA's field centers are an asset, and not a liability, for our nation. The conferees believe that NASA currently has, and must maintain, world-class scientists and engineers at its field centers. These scientists and engineers must continue to work at the cutting-edge of their disciplines so that they can remain world-class.

The conferees are supportive of NASA's new vision and mission for space exploration and the conference agreement includes funds for the Administration's priorities for these activities. However, the conferees remain concerned about the need to maintain the nation's leadership in science and technology. To this end, the conferees have not agreed to the Administration's proposed reductions to the aeronautics research program or science programs, and have partially restored funding to these core programs. However, given the serious nature of the budget deficit facing the nation, the conferees were forced to make a number of difficult choices in allocating the scarce resources available to NASA. The conference agreement includes a budget that supports both the new vision and NASA's other core functions.

The conferees have agreed to provide funds to the Crew Exploration Vehicle (CEV) and Crew Launch Vehicle (CLV) according to the Exploration Systems Architecture study, but are concerned about the impact the accelerated schedules for the CEV and CLV will have within the agency. NASA is directed to find an approach that will, to the maximum extent possible, mitigate the impacts within NASA of this planned redirection of funding in fiscal year 2006 and beyond for the CEV and CLV.

NASA possesses a unique capability among Federal government agencies in that it has its own television station. This station is carried nationally on cable and satellite television stations. The conferees note that this asset is significantly underutilized and could be used as a centerpiece in helping to excite the next generation of explorers in science. NASA has made numerous important discoveries in recent years as a result of such initiatives as the Hubble Space Telescope, the Mars Rovers, and the Chandra Space telescope to mention a few. NASA must take advantage of its television resources to inform and excite the public about these discoveries. NASA Television has, for the most part, been used almost exclusively as an internal communications medium. NASA must make more effective use of this capability if NASA is to be permitted to retain it. NASA is directed to develop an integrated communications plan for NASA Television in consultation with outside experts. This plan should have a major focus on educating and exciting the next generation of explorers. This plan is to be submitted to the Committees on Appropriations no later than April 15, 2006.

SCIENCE, AERONAUTICS AND EXPLORATION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $9,761,400,000 for Science, Aeronautics and Exploration instead of $9,725,750,000 as proposed by the House and $9,761,000,000 as proposed by the Senate. Changes to the budget request include increases of $10,000,000 for the Space Interferometry Mission, $30,000,000 for the Glory Mission, $60,000,000 for the Aeronautics Research program of which $25,000,000 is for hypersonic research, $10,000,000 for the Institute for Scientific Research, $20,000,000 for the National Center for Advanced Manufacturing, $5,000,000 for the Heavy Lift Launch Vehicle, $15,000,000 for the Propulsion Research Laboratory, $15,000,000 for an earth science competitive grant program, $20,000,000 for alternative small spacecraft technologies, $50,000,000 for the Hubble Telescope servicing mission, $8,200,000 for EPSCoR, $12,200,000 for the Space Grant program, $5,000,000 for Living With a Star program, and $280,000,000 for Congressionally directed priorities. Decreases to the budget request include $25,000,000 for Exploration Systems R&T, $25,000,000 for Discovery missions, $25,000,000 for Human Systems R&T, $26,000,000 for corporate G&A, $34,000,000 for Centennial Challenges, $15,000,000 for optical communications, $200,000,000 for Project Prometheus, and $90,000,000 for a general reduction.

The conferees agree to the following:

1. The conference agreement adopts, by reference, the House report language accompanying H.R. 2862 with respect to earth-orbit crossing asteroids and the Senate report language with respect to the National Academy of Sciences Decadal Survey, EOSDIS, Centennial Challenges, and alternative small spacecraft technologies. In addition, both the House and Senate urge NASA to continue its technology and education collaboration with the American Museum of Natural History.

2. The conference agreement provides an increase of $50,000,000 above the budget request for the Hubble Space Telescope for a total of $271,000,000. The conferees have provided this increase to continue planning, preparation and engineering activities for the SM–4 servicing mission pending a final decision on the use of the space shuttle by the Administrator. The conferees reiterate their position that the Hubble Space Telescope has been one of NASA's most successful programs and remains one of the top priorities for the nation's space program. The conferees direct the Administrator to continue to take all appropriate steps to ensure Hubble's continued safe operations.

3. The conferees support the Space Interferometry Mission (SIM) and have provided an additional $10,000,000 over the budget request for this mission, for a total program level of $119,000,000. NASA's search for planets and life beyond our solar system is having increasing and dramatic success with more than 150 planets now discovered. SIM is expected to examine 2000–3000 stars for planetary systems to fulfill a critical step in the search for Earth-like planets. The conferees have provided these additional funds to ensure that SIM's important mission remains on schedule. In addition, the conferees expect that NASA will continue funding for the Terrestrial Planet Finder.

4. A key element of the nation's vision for space exploration is NASA's popular and scientifically important Mars exploration program. The Mars Exploration Rovers Spirit and Opportunity have captured the world's imagination as indicated by the more than 10 billion hits on NASA's Mars website. Therefore, the conference agreement provides $680,000,000 for the Mars program. The conferees urge NASA to continue these important programs within the context of the President's vision for space exploration.

5. The conference agreement provides $371,600,000 for the James Webb Space Telescope, the same as the budget request.

6. The conferees fully support the emphasis being placed on the development of a new Crew Launch Vehicle, understanding that this is a critical element of the Exploration

Systems Architecture. Additional risk reduction activities are required to help ensure the success of this program and therefore the conference agreement provides an additional $20,000,000 to the funds provided to the National Center for Advanced Manufacturing for work to include, but not limited to, the development of a structural test article, upperstage mass simulator, main propulsion test article and mated vehicle ground vibration test article to support upperstage development; and prototype and test advanced long-term cryogenic storage tanks.

7. The conference agreement includes an additional $15,000,000 to the Propulsion Research Laboratory to conduct research and development in support of the Constellation program, including the characterization of the altitude start capability of the Space Shuttle main engine and research in nuclear systems and high energy electric propulsion.

8. The conferees note that the Heavy Lift Launch Vehicle is critical to NASA's exploration plans, and that human exploration beyond low-Earth orbit is not achievable without an operational capability. The conferees strongly urge NASA to initiate work on critical systems earlier than is currently planned and provide an additional $5,000,000 to begin development and planning for the heavy lift vehicle proposed in the Exploration Systems Architecture. The conferees also direct NASA to submit a report to the Committees on Appropriations within 120 days of enactment of this Act with a detailed plan for ensuring that such a capability will be available for missions as soon as possible.

9. The conference agreement provides $60,000,000 above the budget request for the Aeronautics Research program for a total program level of $912,300,000, of which $25,000,000 is for the continuation of hypersonics research. The conferees direct that within 60 days of enactment of this Act NASA shall provide to the Committees on Appropriations and the legislative committees of jurisdiction in the House and Senate a plan for how it intends to allocate aeronautics research funds for fiscal year 2006. Included in this plan should be a definition of work that enhances United States competitiveness.

10. The conferees note that the National Academy of Sciences, Solar System Exploration Decadal Survey of planetary scientists concluded that the highest priority of the scientific community is an orbiter/lander mission to Jupiter's moon Europa. The Administration supported just such a mission, and had proposed that the first or second mission of the Prometheus Nuclear Systems and Technology Program would be the Jupiter Icy Moons Mission (JIMO). NASA no longer plans a JIMO mission for Project Prometheus because of funding and technical considerations, and because the NASA Administrator has determined that funding is needed to implement the President's vision for space exploration. Recognizing that these deep space missions usually take a decade to complete from design to orbit, the conferees support NASA moving forward with a conventionally powered mission to Jupiter as soon as possible. Therefore, the conferees direct NASA to begin planning for this mission and to incorporate a new start for a non-nuclear Europa mission as part of its fiscal year 2007 budget request.

11. The conferees have modified Senate language regarding the Discovery program. The conferees set a cap of $425,000,000 on all future Discovery missions beginning with the next announcement of opportunity. In addition, the conferees direct NASA to report back to the Committees on Appropriations on all future awards under this program and provide detailed information as to the cost of spacecraft, scientific instruments, launch vehicles, civil service, flight readiness, launch integration and operations, agency reviews and deep space network costs.

12. The conference agreement provides a total of $12,500,000 for NASA's Experimental Program to Stimulate Competitive Research. Additionally, the conferees recommend a total of $30,200,000 for the National Space Grant College and Fellowship Program. This amount will fund 40 grantees at $611,250 each and 12 grantees at $425,000. The conferees expect NASA to follow this distribution.

13. The conference agreement provides an increase of $15,000,000 above the budget request for the Earth Science Applications program. This funding increase will be used to support competitively selected projects. These projects will integrate the results of NASA's earth observing systems and earth system models (using observations and predictions) into decision support tools to serve applications of national priority including, but not limited to: homeland security, coastal management, agricultural efficiency, and disaster management.

14. The conference agreement provides $103,600,000 for NASA's Solar Terrestrial Probes program. The conferees urge NASA to move forward with full-scale development of the magnetospheric multiscale mission.

15. The conference agreement provides $5,000,000 above the budget request for Living With a Star program for a total program level of $239,000,000 of which $10,000,000 shall be allocated to the APL Program Office for direct program management of certain activities, including the Geospace Radiation Belt program, the Geospace Ionispheric-Therospheric program, the Solar Sentinels program and the Solar Probe Advanced Technology program. The conferees remain concerned about the Solar Dynamic Observatory's cost growth over time and expect NASA to take steps to manage it so as not to adversely impact future launch schedules of Geospace and Solar Sentinels.

16. Within the funds provided for non-programmatic construction of facilities, $10,000,000 is directed to the Institute for Scientific Research, Inc. for the continued construction of the research facility.

17. The conference agreement provides the budget request of $30,900,000 for continued operation of the Independent Verification and Validation Center in Fairmont, WV.

18. The conferees direct, to the extent possible, that education funds within this account address the education needs of women, minorities, and other historically underrepresented groups.

19. The conferees are concerned that NASA has halted environmental clean-up of the test reactor facility at NASA Plum Brook Station in Sandusky, OH. NASA has since learned that low levels of radioactive contamination have been found on and off site at this Station, but continues to delay completion of the decommissioning of the nuclear reactor. As a result, NASA is urged to reconsider its premature termination of clean-up contracts and sub-contracts. Further, the agency should report back to the Committees on Appropriations by March 30, 2006, on how it plans to address this issue, including the associated costs of such plan.

20. The conferees note that over the past several years the technological maturity of U.S. manufactured unmanned aerial vehicles (UAVs) has increased substantially. The conferees believe UAVs could offer NASA a potentially low cost alternative to traditional earth science research missions, thereby opening up new opportunities for research that do not currently exist, and possible improvements in weather and severe storm prediction capabilities. Therefore, the conferees direct the NASA Administrator, in consultation with National Oceanic and Atmospheric Administration (NOAA), to report to the Committees on Appropriations on the potential use of UAVs to operate in the near space environment for a variety of science and operational missions. The report should be completed no later than March 30, 2006.

21. The conferees support NASA's efforts to realign the Aeronautics program by redirecting resources into high-priority activities in support of core competencies in supersonic, subsonic, and hypersonic flight. The conferees urge NASA, as part of this realignment, to ensure a smooth transition of data for certification and policy recommendations from NASA's Unmanned Aerial Vehicles in the National Airspace project to the Federal Aviation Administration (FAA), so that this knowledge is fully available to the FAA for use in the certification process. The conferees direct NASA to provide a report on the findings of the UAVs in the National Air Space project to the FAA no later than February 15, 2006, with a copy of this report to be provided to the Committees on Appropriations.

22. Funding was proposed in the budget requests for NASA, the Department of the Interior's United States Geological Survey, and the NOAA for a Landsat Data Continuity Mission. The Administration proposed a Landsat-type instrument to be flown on a NOAA spacecraft. The conferees now understand that such a mission is no longer feasible for both funding and technical reasons. The conferees direct the above agencies, in consultation with the Office of Science and Technology Policy, to report back to the Committees on Appropriations within 120 days of enactment of this Act with an appropriate alternative for a Landsat mission.

23. With minor technical changes, the conferees have agreed to language included in the House report requiring the President to develop a National Aeronautics Policy no later than one year from the date of enactment of this Act. The lack of support and clear direction for NASA's Aeronautics Research program is directly related to the fact that there is no clear policy direction concerning the government's role in the civil aviation industry. The conferees are extremely concerned about the direction NASA has taken in downsizing and restructuring its Aeronautics Research program. While the United States is reducing its Federal investment in aeronautics research, our competitors are increasing their aeronautics research and development budgets and making competitiveness their number one priority. While the conferees support the development of a national aeronautics policy, such a policy should be guided by the data and policy guidance contained in the recently published National Institute of Aerospace Report, "Responding to the Call: Aviation Plan for American Leadership".

24. With the cancellation of the Mars Telecommunications Orbiter, the conferees are concerned about how the requirements that led to the need for this mission will be met, especially optical communications. NASA is directed to provide a report no later than March 1, 2006, on these requirements, how it intends to meet these requirements and what

the impact on the overall Mars exploration programmatic risk will be.

25. NASA is directed to provide a ten-year funding plan for the Deep Space Network upgrades and maintenance as part of the fiscal year 2007 budget request.

26. The conferees agree that NASA should continue to work toward an affordable, universal and autonomous capability for rendezvous and docking in the vicinity of the Earth, the Moon, and Mars. Upon completion of the DART review board report, the conferees direct NASA, within 30 days of delivery of the board report, to report to the Committees on Appropriations with its future plans for autonomous, safe proximity operations and docking in space.

The conference agreement provides funds for the following congressional priorities. None of these funds shall be for non-NASA construction projects:

$3,000,000 MSFC Simulation Based Acquisition for Manned Space Flight Vehicle Design and Testing;

$4,000,000 Satellite Test Equivalence Principal (STEP);

$1,500,000 Alan Shepard Discovery Center at the McAuliffe Planetarium, equipment and exhibits;

$1,000,000 Ott Planetarium, education programs;

$1,000,000 Stars program at Rhoads College, TN;

$5,000,000 to be transferred to the Air Force Research Laboratory for joint NASA-AFRL research in advanced air traffic management including the development of new visualization and simulation tools;

$2,000,000 Institute for the Application of Geospatial Technology at Cayuga Community College, Inc;

$1,000,000 University of South Alabama for high strength composite research;

$1,000,000 collaborative research on innovative carbon nanotechnology between Houston Advanced Research Center and Rice University;

$750,000 Remote Sensing Initiative at California State University, Fullerton;

$700,000 space exploration education program at the McLean VA based Total Learning Research Institute;

$2,000,000 George Mason University's Center for Earth Observing Research;

$4,000,000 cooperative partnership between GSFC and Lehigh University for research and development of nanomaterials;

$500,000 cooperative education programs between Griffith Observatory and NASA's Jet Propulsion Laboratory;

$300,000 education programs at St. Thomas University;

$1,150,000 Southeast Missouri State University, Educator Resource Center;

$1,000,000 Environmental Tectonics Corporation, flight simulator pilot training human factors validation;

$500,000 National Federation of the Blind, science education programs for blind youth;

$3,000,000 Virginia Institute for Performance and Engineering;

$1,000,000 Centenary College NJ, innovative teacher training initiative;

$2,500,000 NASA-Illinois Technology Commercialization Center at DuPage Research Park;

$1,000,000 Northwestern University Institute for Proteomics and Nanobiotechnology;

$2,000,000 Pacific Northwest Regional Collaboratory WA, earth science applications;

$4,000,000 Ultra Efficient Engine Technology (UEET);

$1,000,000 Garrett Morgan Commercialization Initiative;

$2,000,000 Advanced Virtual Engine Test Cell, Springfield OH;

$750,000 Westminster College's Natural Sciences and Technology Center MO, education programs;

$1,000,000 Applied Polymer Technology Extension Consortium, LA;

$200,000 North Shore Aerospace Initiative IL;

$750,000 Museum of Science and Industry's Human Exploration program, Henry Crown Space Center, IL;

$200,000 Adler Planetarium education programs;

$500,000 Challenge Learning Center, Olean NY;

$500,000 Central Illinois Regional Museum for digital dome planetarium equipment;

$4,000,000 Loma Linda University space radiation research;

$1,000,000 University of Redlands academic programs;

$1,000,000 Oklahoma Space Technology Program;

$1,000,000 Centenary College LA, technology upgrades;

$1,000,000 Plattsburg Aeronautical Institute NY;

$1,000,000 Texas Tech University TX, development and enhancement of space flight technologies;

$500,000 University of Idaho ID, deep submicron radiation hard electronics;

$2,350,000 Jason Foundation Project;

$500,000 Embry-Riddle Aeronautical University AZ, education programs;

$1,000,000 Burlington Community College Integrated Education Center NJ, equipment;

$2,000,000 Idaho National Laboratory ID, performance, safety, and mission success tools;

$1,400,000 Indiana University solar proton radiation research;

$2,000,000 Pisgah Astronomical Research Center NC, equipment and exhibits;

$1,500,000 Regional Application Center for the Northeast;

$4,000,000 Space Alliance Technology Outreach Program;

$1,900,000 KSC Space Life Sciences Laboratory and Florida Institute of Technology FL, research program;

$2,000,000 University of South Florida National Center for Roadway Friction;

$3,000,000 Florida State University advanced turbines research;

$1,000,000 Challenger Learning Center of Southwestern Connecticut;

$2,000,000 for the development and optimization of a low-cost repairable ceramic (CeramARC) for high temperature applications such as leading edges;

$2,000,000 for the NASA In-Space Propulsion program for High-power Pulsed Inductive Thruster technology research, utilizing a vector inversion pulsed generator to preionize the propellant at an exceptionally high frequency;

$1,000,000 for on-going activities of the Goddard Institute for Systems, Software, and Technology Research, including model-based mission design tools and advanced sensors for UAVs;

$5,000,000 to establish a software research program at NASA's Independent Verification & Validation Facility to include the Code Level Metrics Data Program, IV&V of Neural Nets, and Software Legacy Research;

$900,000 for the NASA Virtual Teams Collaboration Pilot at Glenn Research Center;

$4,500,000 for the WVHTCF for research of grid-computing based evolutionary design techniques across NASA applications;

$600,000 for the WVHTCF's Network Learning Alliance;

$1,100,000 for Fairmont State University for aerospace programs, teaching labs, equipment for programs and necessary improvements and upgrades to the Fairmont State University Aerospace Education Center;

$4,000,000 for Glenville State College for laboratories, equipment, planning and programs associated with the science center;

$2,100,000 for the WVHTCF program for the Innovative Research of Technologies to Enable Next Generation Space Exploration;

$1,500,000 for the Glenn Research Center Collaborative Engineering Environment;

$100,000 for Albany Technical College in Albany, Georgia for a technology, math and engineering program;

$150,000 for Muscogee County Schools in Georgia for math and science programs;

$250,000 for Albany State University in Albany, Georgia for project "Jump Start" for a math and science education enhancement program;

$150,000 for Andrew College, Georgia, for a rural math, science and engineering program;

$600,000 for Richland County Challenger Learning Center for Space Education in Columbia, South Carolina;

$2,000,000 for the Sci-Quest Hands-On Science Center;

$1,400,000 for the Alabama A&M University for Advanced Propulsion Materials Research;

$800,000 for the University of Alabama in Huntsville for the Laboratory for Advanced Scintillator Materials;

$500,000 for the U.S. Space & Rocket Center for museum exhibits updates;

$2,300,000 for the Propulsion Research Laboratory at the Marshall Space Flight Center for advanced propulsion test equipment;

$1,000,000 for the Mid-Atlantic Aerospace Complex in Bridgeport;

$100,000 for the Lower Hudson Valley Challenger Center;

$3,500,000 for the Educational Advancement Alliance to support the Alliance's K-12 math, science and technology education and scholarship program;

$700,000 for Middle Tennessee State University for K-12 Science Education Enhancements;

$250,000 for the Science, Technology, Engineering and Mathematics Center at Tennessee Tech University;

$1,000,000 for the National Center of Excellence in Small Scale Systems Packaging at the State University of New York in Binghamton;

$2,500,000 for Goddard Space Flight Center for Radiance process laser dry cleaning capability;

$2,000,000 for Goddard Space Flight Center's Integrated Modeling Environment for Safety of Space Flight initiative;

$100,000 for planning associated with the Plum Brook Station Alternative Energy Development;

$250,000 for East Providence School Department, Rhode Island, for instruction labs in math and science;

$200,000 for the University of Rhode Island Engineering School;

$200,000 for the Providence School Department, Rhode Island, for instructional labs in math and science;

$1,000,000 for continuation of NASA's Science and Education Institutional collaboration between the American Museum of Natural History, New York;

$600,000 for the Chabot Space and Science Center in Oakland, California for The Future Programs for Humans in Space Education Programs;

$950,000 for the Sacramento Space Science Center at California State University;

$500,000 for the MCNC-Research and Development Institute (RDI) for continued funding for a Laboratory for Distributed Chemical and Biological Sensors;

$500,000 for North Carolina State University's Center for Sustainable Life Support;

$500,000 for the North Carolina Museum of Natural Sciences;

$1,000,000 for the University of San Francisco to acquire equipment for laboratories and upgrades to a science center;

$250,000 for the Liberty Science Center;

$500,000 for St. Peter's College, New Jersey, for enhancing physical sciences and human factors education and research;

$1,000,000 for Downey, California related to housing of a Space Shuttle mock-up;

$300,000 for the Bronx Community College Center for Sustainable Energy;

$1,000,000 for Ball State University, Indiana, Human Performance Laboratory;

$750,000 for the University of Massachusetts at Amherst for the U.S./Mexico large millimeter telescope project;

$4,500,000 for the California Academy of Sciences to support technologies and educational programming for the Morrison Planetarium;

$200,000 to Coppin State University for the Middle Passage Project to support the Geospatial Sciences Laboratory;

$1,000,000 for the Dole Scholarship Program;

$1,500,000 for weather mapping in Alaska;

$3,500,000 for the Biodefense Research Infrastructure Project at St. Louis University;

$4,000,000 for the Stennis Commercial Technology Program (CTP);

$500,000 for the AgCam Science Applications Team, Montana State University, Bozeman, Montana;

$2,000,000 for the University of South Alabama to develop a high peak power plasmoid thruster;

$1,000,000 for the University of Louisville Rejuvenating Injured Tissues for Enhanced Wound Healing Project;

$100,000 for the La Rouche College Chemistry Initiative;

$300,000 for the Stroud Water Research Center;

$1,000,000 for the Delaware AeroSpace Education Foundation, Kent County, Delaware;

$3,500,000 for Auburn University to develop high efficiency, free piston stirling converters;

$250,000 for the Space Foundation's Integrated Science, Technology, Engineering, and Mathematics (STEM) Education Program;

$200,000 for the Colorado Consortium for Earth and Space Science Education Challenger Learning Center of Colorado Springs;

$350,000 for the Center for Science and Technology at Dominican University, San Rafael, California;

$300,000 for the Sun-Climate and Extra solar Planets Research Program at Tennessee State University;

$750,000 for the Digital Image Archive Center at Utah State University;

$2,500,000 for the Composites Technology Institutes, Marshall University, Huntington, West Virginia;

$1,750,000 for the Ultra-Long-Duration Balloon Program at New Mexico State University;

$200,000 for the Adventure Science Center—Bridges to the Universe;

$500,000 for the GeoInformatics Training, Research, Education and Extension Center (GeoTREE) for emergency planning and management;

$4,000,000 for the Chesapeake Information Based Aeronautics Consortium, Baltimore, Maryland of which $1,000,000 is for a demonstration of the Navy's JATDI program into civilian applications;

$750,000 for the University of Colorado Institute for Micro/Nano Technology for Engineering and Life Sciences;

$1,000,000 for the North Alabama Science Center's Alabama Nature Center interactive immersive-reality science laboratory;

$2,000,000 for Constellation University for the CU Research Program;

$1,000,000 for Philadelphia University for the Scientific Reasoning-Inquiry Based Education Initiative;

$2,000,000 for the University of Rochester, Rochester, New York for optics research;

$2,000,000 for the University of Louisville Space Flight Exploration Project;

$2,500,000 for the National Space Science and Technology Center to develop high power thin disk lasers;

$4,000,000 for the Alliance for NanoHealth;

$3,000,000 for the Northern Great Plains Space Sciences Technology Center at the University of North Dakota, Grand Forks;

$1,100,000 for the Glenn Research Center for research and technology programs in advanced aeronautics programs, including turbine engine research;

$1,000,000 for the Pittsburgh Tissue Engineering Initiative;

$2,000,000 for the development of a prototype systems integration node for secure data storage at MSFC;

$100,000 for the Franklin & Marshall Life Sciences Facility;

$1,000,000 for the University of Mississippi to expand the National Center for Air and Space Law (NCASL) mission;

$1,500,000 for the Houston Advanced Research Center;

$500,000 for the University of Idaho for Radiation-Tolerant Ultra-Low-Power (RTULP) electronics;

$800,000 for the Combined Positron Emission Tomography (PET) and Computed Tomography (CT) Scanner at Colorado State University;

$3,000,000 to the Mauna Kea Discovery Center, Hilo, Hawaii;

$2,750,000 for the Glenn Research Center for research and technology programs in electric power and propulsion, including photo voltaics, solar power, fuel cells, and other forms of energy storage;

$1,000,000 for the Nuclear Systems Initiative at the Propulsion Research Lab for a modeling and simulation test bed environment;

$500,000 for Wheelock College, Boston, Massachusetts, for K-6 science teacher education;

$1,250,000 for the Astromaterials Institute at University of New Mexico;

$500,000 for the Manned Space Flight Education Foundation;

$600,000 for the Sci-Port Discovery Center, Shreveport, Louisiana;

$500,000 for the Temporal Land Cover Change Research Program at Idaho State University;

$1,000,000 for the Mississippi Coastal Disaster Inventory Initiative;

$1,000,000 for the Advanced Computing Center at the University of Vermont, Burlington, Vermont;

$5,000,000 for the Autonomous Rendezvous and Docking Center of Excellence;

$4,000,000 for the Micro Satellite Development program at the National Space, Science and Technology Center in coordination with NASA's Systems Development, Integration and Test Division;

$50,000 for the Denver Museum of Nature and Science Space Odyssey Initiative;

$2,500,000 for the Saturn V Rocket restoration at the U.S. Space and Rocket Center;

$1,000,000 for the Center for Space and Planetary Sciences at the University of Arkansas, Fayetville;

$1,000,000 for the Space Dynamics Laboratory Calibrations Standards Initiative at Utah State University;

$1,250,000 for Compact Laser Sensors at Montana State University;

$400,000 for the Glenn Research Center for Human Health and Performance in Space;

$600,000 for the Central Nebraska Planetarium at the University of Nebraska at Kearney;

$3,000,000 to develop and demonstrate an Airport Operations Virtual Systems Laboratory;

$500,000 for the Space Engineering Institute at Texas A&M University;

$3,000,000 for the National Technology Transfer Center at Wheeling Jesuit University, Wheeling, West Virginia for the HEALTHeWV program;

$750,000 for the Glenn Research Center for applied research in nuclear power and propulsion systems;

$2,000,000 for the Institute for NanoBio Technology at Johns Hopkins University, Baltimore, Maryland;

$1,000,000 for a Methane Propellant Viability Assessment and Program Plan to be conducted within the Rocket Propulsion Test Program;

$2,000,000 for continued operation of the Classroom of the Future at Wheeling Jesuit University, Wheeling West Virginia;

$5,000,000 for the Propulsion Research Lab for the development of a Crew Launch Vehicle Integrated Health Monitoring Fault Detection and Correction system;

$4,000,000 for infrastructure upgrades at the Wallops Island Flight Facility to accommodate unmanned aerial vehicles at existing hangars as well as the creation of ground support facilities for medium and high altitude UAV's and the definition and development of end to end concept of operations including payload-air vehicle integration and developing a standardized UAV design for civilian agencies;

$250,000 for the Geospatial Extension Specialist program at Utah State University;

$2,000,000 for high end computing capability at the Goddard Space Flight Center;

$4,000,000 for MSFC for the development of a knowledge management integrated data environment;

$500,000 for the Mid-Atlantic Regional Spaceport to study the expansion of the Wallops Island Flight Facility into a next-generation, commercial cargo spaceport;

$1,250,000 for Spaceflight Health Monitoring Technology at Montana State University;

$2,000,000 for the Pacific Northwest National Laboratory in Richland, Washington;

$400,000 for Applied Technology Center at Montana State University-Northern;

$1,500,000 for the NASA Langley Visitor Center for the "Space Bound" campaign;

$750,000 for the Aerospace Propulsion Particulate Emissions Reduction Program at the University of Missouri;

$5,000,000 for the High Altitude Deployment Demonstration (HADD) within the Planetary Aircraft Risk Reduction program (PARR) for integrating existing aircraft critical sub systems and conducting a flight-testing program using a full size prototype aircraft;

$1,000,000 for the Manufacturing Research Center at Southern Methodist University;

$3,500,000 for the Maryland Institute for Dexterous Space Robotics at the University of Maryland, College Park;

$2,000,000 for the Bio-Info-Nano Research and Development Institute at NASA Ames Research Center to be operated in conjunction with University of California at Santa Cruz;

$600,000 for the Montana Technology and Innovation Partnership;

$2,000,000 for continued operations of the National Technology Transfer Center (NTTC) at Wheeling Jesuit University, Wheeling, West Virginia;

$2,000,000 for the Maryland Department of Business and Economic Development for broadband connection to the Wallops Island Flight Facility;

$1,000,000 for the Mitchell Institute, Portland, Maine for educational purposes; and

$375,000 for the Challenger Foundation for education software.

EXPLORATION CAPABILITIES
(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $6,663,000,000 for Exploration Capabilities instead of $6,712,900,000 as proposed by the House and $6,603,000,000 as proposed by the Senate. Changes to the budget request include an overall reduction for International Space Station of $80,000,000, of which $60,000,000 is for crew cargo services, a reduction of $10,000,000 for space communications, and $10,000,000 as a general reduction. The conferees have addressed funding and policy direction for the aeronautics research program under the Science, Aeronautics and Exploration account.

The conferees agree to the following:

1. The conference agreement provides a funding level for the International Space Station crew and cargo services program of $198,000,000, which includes $98,000,000 in carryover funds from fiscal year 2005 as well as $100,000,000 appropriated in this Act. This funding level should be sufficient to address NASA's needs in this area.

2. NASA is encouraged to utilize, to the fullest extent possible, commercially developed domestic cargo resupply and, ultimately, crew rotation capabilities for the International Space Station. This should be a priority for NASA. Utilizing the market offered by the International Space Station's requirements for cargo and crew will help to spur true competition in the private sector, result in savings that can be applied elsewhere in the program, and promote further commercial opportunities in the aerospace sector.

3. The conferees are concerned that construction of facilities projects that have been planned and deferred by NASA in the past have not been readdressed in a satisfactory manner. One such project is building 4601 at the Marshall Space Flight Center. The conferees direct NASA to begin construction of building 4601, beginning in fiscal year 2006, from within funds provided for the construction of facilities. Furthermore, construction funds should not be taken from the general and administrative services account to cover this activity.

4. NASA is reminded that it must request a reprogramming, in writing, to move or alter the purpose of any funds related to the Shuttle program, and that NASA must include the out-year impacts on all activities involved in such a reprogramming. In addition, NASA is directed to consult with the Committees on Appropriations on all proposed changes to investments in the Shuttle program. These consultations should occur before any final decisions are made.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $32,400,000 for the Office of Inspector General as proposed by both the House and Senate. The conference agreement includes bill language proposed by the Senate that extends the availability of funds until September 30, 2007.

ADMINISTRATIVE PROVISIONS

The conferees agree to the following:

1. Bill language is included as proposed by the House making minor technical changes to the language dealing with environmental compliance and restoration activities. The Senate bill had similar language.

2. Bill language is included as proposed by the House making minor technical changes to the language dealing with the availability of funds for construction of facilities. The Senate bill had similar language.

3. Bill language is included as proposed by the Senate dealing with prizes. Funding for the Centennial Challenge is not available for obligation unless authorized. The House bill had no similar language.

4. Bill language is included as proposed by the Senate that allows the merging of unexpired balances that are transferred to the new account established under this Act. The House bill had no similar language.

5. Bill language is included as proposed by the House that incorporated by reference the program, projects, and activities included in the statement of the managers accompanying this Act. The Senate bill had no similar language.

6. Bill language is not adopted as proposed by the House that would have allowed for the transfer of funds between appropriations accounts. The Senate bill had no similar provision.

NATIONAL SCIENCE FOUNDATION

The conference agreement includes $5,653,370,000 for the six appropriations accounts of the National Science Foundation (NSF), instead of $5,643,370,000 as proposed by the House and $5,530,959,000 as proposed by the Senate.

RESEARCH AND RELATED ACTIVITIES

The conference agreement includes $4,387,520,000 for the Research and Related Activities account, instead of $4,377,520,000 as proposed by the House and $4,345,213,000 as proposed by the Senate.

The conference agreement includes language allowing funds under this heading to be available for polar icebreaking services. The conferees expect the NSF to reimburse the United States Coast Guard for such services pursuant to a memorandum of agreement. The conference agreement includes, by reference, language in the House report regarding the submission of a report on alternatives for long-term icebreaking needs and future options for supporting the United States presence in the Antarctic.

The conference agreement includes, by reference, language in the House report on innovation inducement prizes. The conference agreement also includes, by reference, language in the Senate report on the Plant Genome Research program and radio astronomy.

The conferees agree that funding for the Children's Research Initiative research centers program shall continue at least at the fiscal year 2005 level. The conferees commend NSF for its Silicon Nanoelectronics and Beyond program and its partnership with the Nanoelectronics Research Initiative, which involves the sponsorship of research in the areas of information technology and electronics. The conferees encourage NSF to continue its support for such research in fiscal year 2006 at the same level as fiscal year 2005.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

The conference agreement includes $193,350,000 for the Major Research Equipment and Facilities Construction (MREFC) account, as proposed by the House and Senate. In addition, the conferees are aware that unobligated balances of at least $14,880,000 are available from fiscal year 2005, resulting in a total funding availability of $208,230,000 under this account. The conferees agree to the following distribution of available resources, which fully funds all requested MREFC projects for fiscal year 2006:

[Dollars in thousands]

	Conference agreement
Atacama Large Millimeter Array	$49,240
EarthScope	50,620
IceCube Neutrino Observatory	50,450
Scientific Ocean Drilling Vessel	57,920
Total, MREFC	208,230

EDUCATION AND HUMAN RESOURCES

The conference agreement includes $807,000,000 for the Education and Human Resources (EHR) account as proposed by the House, instead of $747,000,000 as proposed by the Senate. The conferees agree to the following distribution of funds under this account for fiscal year 2006:

[Dollars in thousands]

	Conference agreement
Math and Science Partnerships	$64,000
EPSCoR	100,000
Elementary, Secondary & Informal Education	172,500
Undergraduate Education	146,000
Graduate Education	155,000
Human Resource Development	120,000
Research, Evaluation and Communication	49,500
Total, EHR	807,000

Within the amount provided for Human Resource Development, the conferees agree that $25,800,000 shall be for the Louis Stokes Alliance for Minority Participation program and $35,800,000 shall be for the Historically Black Colleges and Universities Undergraduate Program. In addition, the amount provided for Human Resource Development continues funding for the Tribal Colleges and Universities program, and the HBCU-Research University Science and Technology initiative within the Center of Research Excellence in Science and Technology program.

NSF plays a significant role in attracting more of the best and brightest students in the Nation into the science, mathematics, engineering, and technology fields. The conferees urge NSF to work towards increasing the number of women, minorities, and other underrepresented groups to the greatest extent possible.

Within the amount provided for Undergraduate Education, the conference agreement continues funding for the Robert Noyce Scholarship program and the Advanced Technological Education program.

The conference agreement includes, by reference, language in the Senate report regarding the Math and Science Partnership (MSP) program.

Within the funding provided under this account, the conferees direct the NSF to initiate a demonstration program to provide seed money for new projects with the goal of increasing the pool of individuals pursuing science, technology, engineering and mathematics careers through programs that catalyze and maintain interest of K–8 students in math and science. The projects must stimulate interest and provide exciting but challenging educational experiences in math and science that are continuous and seamless from initial contact and throughout high school. The conferees agree that the NSF shall conduct a merit-based peer review process to select projects for funding, and that each project shall involve sustainable coalitions of industry/business, colleges of education, and educational agencies.

SALARIES AND EXPENSES

The conference agreement includes $250,000,000 for the Salaries and Expenses account as proposed by the House, instead of $229,896,000 as proposed by the Senate. The conference agreement includes full requested funding for 23 new positions, and includes, by reference, guidance in the House report regarding priority areas for the allocation of additional personnel. The conferees agree that at least three positions shall be allocated to the Office of the Deputy Director of Large Facility Projects to improve oversight of large research facility projects.

OFFICE OF THE NATIONAL SCIENCE BOARD

The conference agreement includes $4,000,000 for the Office of the National Science Board, as proposed by the House and Senate. The conference agreement includes, by reference, language in the House report regarding the establishment of a Board commission on science education.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $11,500,000 for the Office of Inspector General as proposed by the House and Senate.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

In total, the conference agreement includes $9,685,574,000 for the Department of State and the Broadcasting Board of Governors. Of the total amount provided, $9,553,874,000 is derived from general purpose discretionary funds and $131,700,000 is scored as mandatory spending. The conference agreement includes $1,599,723,000 to continue worldwide security activities, including the design and construction of replacement facilities for the most vulnerable overseas posts.

For purposes of this title and relevant related agencies in title V of this Act, the language set forth in House Report 109–118 and Senate Report 109–96 should be complied with unless specifically addressed in the accompanying bill and statement of the managers to the contrary. The statement of the managers, while repeating some report language for emphasis or clarification, does not intend to negate the language in either the House or Senate reports unless expressly addressed herein.

DEPARTMENT OF STATE

The conference agreement includes a total of $9,033,231,000 for the Department of State. Of the total amount provided, $8,901,531,000 is derived from general purpose discretionary funds and $131,700,000 is scored as mandatory spending.

The conference agreement includes a total of $6,517,365,000 for the discretionary appropriation accounts under Administration of Foreign Affairs; $2,201,712,000 for International Organizations; $67,339,000 for International Commissions; and $115,115,000 for other activities. The conferees' priorities for the Department of State are described in the following paragraphs.

The conferees agree with the direction of the Senate with respect to submission of a report on proposals to improve budget justification materials submitted with the fiscal year 2007 budget request. The Department of State should submit proposals to both the House and Senate Committees on Appropriations no later than December 15, 2005.

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes $4,369,542,000 for the Diplomatic and Consular Programs account, instead of $4,436,641,000 as proposed by the House and $4,444,641,000 as proposed by the Senate. The conference agreement includes $689,523,000 to continue funding for worldwide security upgrades, and $334,000,000 for public diplomacy programs. The conference agreement includes $930,610,000 for the border security program, including $74,213,000 in appropriated funds, $672,097,000 in Machine Readable Visa (MRV) fees, and $184,300,000 in Enhance Border Security Program fees and Visa Fraud fees.

The conference agreement adopts, by reference, language as proposed in the House report regarding: the detail of a diplomatic security agent to the FBI's National Gang Intelligence Center; follow-on efforts related to an external review of public diplomacy programs; the American Corners program; the microscholarships program; diplomatic efforts to support the expansion of audiences for U.S. international broadcasting; international book programs; reporting on MRV fee collections; the diversity visa program; fingerprint technology standards; minority recruitment and hiring; overseas American schools; security of classified material; an export control process plan; war crimes in West Africa; right-sizing the U.S. overseas presence; presence in China; intellectual property rights enforcement; and intercountry adoption. The conference agreement also includes, by reference, language in the House and Senate reports regarding the Office of the Special Coordinator for Tibetan Issues.

The conferees expect that within the planned personnel complement for Baghdad, Iraq, that one Senior Foreign Service Officer who reports directly to the Ambassador will be assigned as the lead human rights official in Baghdad. This officer should be tasked with encouraging incorporation of human rights principles during Iraq's constitutional and legal reconstruction, and especially to secure for all individuals strong human rights provisions, including freedom of thought, conscience, religion or belief, and due process of law, through the Iraqi legal system and the implementation of the Iraqi constitution.

The conference agreement includes a program increase of $150,000 and two additional positions for the Office to Monitor and Combat Trafficking in Persons. The conferees support the efforts of the Office to further strengthen the annual reporting process and those of the Department-led Senior Policy Operating Group to coordinate interagency activities to implement the Trafficking Victims Prevention Act of 2000.

The conferees urge the Department of State to ensure that no later than 30 days after the date of issuance by the U.S. mission in a foreign country, the Trafficking in Persons Report and the International Religious Freedom Report be translated into the official language of that country. The translated report should be posted on the Web site of the U.S. Embassy in that country. The conferees strongly believe that translation of the reports is critical to accomplishing the purpose of the U.S. Congress in requiring these reports.

The conferees direct that not later than February 15, 2006, the Secretary of State shall submit to the Committees on Appropriations a report setting forth the number of personnel of the Department of State performing legislative liaison or legislative affairs functions as of January 1, 2006. The report shall include the following: the number of personnel of the Department of State assigned to full-time legislative liaison or affairs functions, shown by organizational entity, and the number of personnel of the Department of State either in a part time or support function. The report shall include a description of each position, including those unfilled as of January 1, and a summary comparing the total cost to the Department for all legislative affairs functions for fiscal year 2006 and the justification of funds contained in the fiscal year 2007 budget request.

The conferees continue to follow the development of the ePassport and are aware that the Department of State is working to select a microchip technology that will be embedded in next-generation passports. The conferees direct the Department to submit a report no later than 30 days after the enactment of this Act to the Committees on Appropriations describing the selection criteria for production of these chips and how it will provide for domestic integration and personalization of ePassports in a secure facility.

The conference agreement includes $3,000,000 for the Ambassador's Fund for Cultural Preservation for grants to preserve objects, sites, and forms of cultural expression, as proposed by the Senate.

The conference agreement includes $1,000,000 for the Cultural Antiquities Task Force, as proposed by the Senate. The Task Force is directed to continue initiatives begun in prior years to protect and preserve archeological collections and sites.

The conference agreement includes $2,000,000 for a contribution to the endowment of the Scholar Rescue Fund. The conferees understand this contribution will be exceeded by private donations to assist scholars to leave their home countries if their personal safety or academic freedom is threatened. Any interest income earned on the contribution may be retained by the Fund endowment.

CAPITAL INVESTMENT FUND

The conference agreement includes $58,895,000 for the Capital Investment Fund, as proposed by the Senate, instead of $69,121,000 as proposed by the House. The conference agreement includes two separate accounts for the Department of State's information technology (IT) programs. As in fiscal year 2005, the Capital Investment Fund will continue to provide funding only for new investments in IT, and the Centralized IT Modernization Program account will provide funding for the maintenance of the Department's IT infrastructure, including hardware and software refreshment and upgrades. The conferees expect that an additional amount estimated at $116,000,000 in expedited passport fee collections will be used for technology investments in fiscal year 2006.

The conference agreement includes $7,740,000 for public key infrastructure requirements as described in the House report, and adopts, by reference, language included in the House report regarding the State Messaging and Archive Retrieval Toolset program, and language in the Senate report on payroll consolidation.

CENTRALIZED INFORMATION TECHNOLOGY MODERNIZATION PROGRAM

The conference agreement includes $69,368,000 for the Centralized IT Modernization Program account, instead of $74,105,000 as proposed by the Senate. The House did not provide funding under this heading.

The conferees remind the Department of State of the requirement to annually update the automation replacement and modernization plan report that was initiated in fiscal year 2005.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $30,029,000 for the Office of Inspector General (OIG), instead of $29,983,000 as proposed by the House and $33,000,000 as proposed by the Senate.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes a total of $431,790,000 under this heading, instead of $410,400,000 as proposed by the House and $440,200,000 as proposed by the Senate. The following chart displays the conference agreement on the distribution of funds by program or activity under this account:

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

[Budget authority in thousands of dollars]

	Conference agreement
Academic Programs:	
Fulbright	$185,136
Regional Graduate Fellowships	25,342
Educational Advising and Student Services	5,000
English Language Programs	14,556
American Overseas Research Centers	3,316
South Pacific Exchanges	500
Timor Leste Exchanges	750
Mobility Exchange Clearinghouse	500
Benjamin Gilman International Scholarship Program	3,712
George Mitchell Fellowship Program	500
Tibet Fulbright Exchanges	500
Hemispheric Program	500
Abraham Lincoln Study Abroad Fellowship	400
Subtotal, Academic Programs	240,712
Professional and Cultural Programs:	
International Visitor Program	68,000
Citizen Exchange Programs	57,950
Congress Bundestag Youth Exchange	3,256
Mike Mansfield Fellowship Program	1,877
Irish Institute	800
Leadership program for emerging democracies	1,000
Atlantic Corridor	250
Ngwang Choephel Fellows (Tibet)	600
Youth Science Leadership Institute of the Americas	150
Africa Workforce Development	400
Institute for Representative Government	500
SIFE	250
Rule of Law Forum	850
Northern Forum	400
Arctic Council	175
Permafrost Conference	500
Kosovo Foundation for Medical Development	850
Global Perspectives Project	750
Project Children	200
International Leadership Training Program	70
World Scholar and Athlete Games	500
International Forum on Democracy	900
Pakistan Literacy Training Program	250
Empower Peace	500
William Joiner Fellowship in War & Social Consequences	500
Law program for leaders from transitional democracies	700
Karelia Sustainable Development Exchange	350
International Leadership Program with sub-Saharan Africa	150
Leaders in Education Initiative	2,000
Tolerance Foreign Exchange Program	150
University Consortium	1,000
Concordia Arabic Language Exchange	250
Subtotal, Professional and Cultural Exchanges	146,078
Exchanges Support	45,000
Total	431,790

Deviations from this distribution of funds will be subject to the normal reprogramming procedures under section 605 of this Act.

The conference agreement includes, by reference, language in the House report regarding Fulbright exchanges with Tibet, Traditional Public/Private Partnership grants, artistic and cultural exchanges, and religious freedom exchanges. The conference agreement also includes, by reference, language in the Senate report requiring an assessment of exchange capacity between and among developing countries and the United States, and on the Timor-Leste Scholarship Program.

The conference agreement does not include language, proposed by the Senate, providing $13,500,000 for educational and cultural exchanges with the People's Republic of China. The conferees direct that not less than $10,000,000 be provided for such activities, including for an American studies program. The conferees request the Department of State to consult with the Committees on Appropriations on the use of these funds.

The conference agreement does not include $5,000,000 under this heading for the Center for Asian Democracy. Instead, the conference agreement includes section 406 designating $5,000,000 for such purpose from the Diplomatic and Consular Programs account.

The conferees support the Special Olympics and recommend that the Department of State continue to fund this program.

Within amounts specified in the chart, the conference agreement includes $15,500,000 for Future Leaders Exchange Program, $2,200,000 for Teaching Excellence Awards, and last year's funding level for Muskie Graduate Fellowships, including the Muskie Ph.D. program, and for Junior Faculty Development Program exchanges, including Southeast Europe. Within the amount for educational advising, $1,600,000 is for Eurasia. Within Regional Fellowships, $2,000,000 is for the Cooperative Fellowships Program for Eastern Europe and Eurasia.

The conference agreement includes $1,000,000 for an undergraduate international exchange program involving a consortium of the Virginia Military Institute, Christopher Newport University, the College of William and Mary, Shenandoah University, and James Madison University.

The conference agreement includes, by reference, language in the Senate report regarding proposals from Morehouse College and other universities to expand exchange programs, particularly for minority students.

REPRESENTATION ALLOWANCES

The conference agreement includes $8,281,000 for representation allowances as proposed by the House and Senate. The conference agreement includes, by reference, language in the House report regarding the submission of a quarterly report on expenditures under this account.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The conference agreement includes $9,390,000 under this heading as proposed by the House and the Senate, and makes the funding available for two fiscal years as proposed by the House. The conference agreement includes, by reference, language in the House report regarding the Department of State's treatment of reimbursement requests and the submission of a report on budgeting for protection expenses in light of heightened security measures. The conferees believe that local jurisdictions incurring such costs must submit a certified billing for such costs in accordance with program regulations. The conferees expect the Department to treat such submissions diligently and provide reimbursement for valid claims to local jurisdictions on a timely basis. The conferees recognize that, in those instances where a local jurisdiction will realize a financial benefit from a visit by a foreign dignitary through increased tax revenues, such circumstances should be taken into account by the Department in assessing the need for reimbursement under this program.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The conference agreement includes a total appropriation of $1,509,000,000 for Embassy Security, Construction, and Maintenance, instead of $1,513,710,000 as proposed by the House and $1,499,000,000 as proposed by the Senate. The conference agreement designates $910,200,000 as available only for priority worldwide security upgrades, acquisition, and construction, the full amount requested for such activities.

The conference agreement includes $910,320,000 for worldwide security upgrades, including $810,320,000 to continue the capital security program for constructing new secure replacement facilities for the Department's most vulnerable embassies and consulates. Within the funds made available under this category, the conferees expect the Department to undertake new office building projects from among the highest priority facilities listed in the Long Range Overseas Buildings Plan. Projects funded under this account must follow a rigorous rightsizing methodology.

The conference agreement includes, by reference, language in the House report regarding the submission of a spending plan, compound security, right-sizing, Capital Security Cost Sharing, and assets management.

The conferees direct the Department of State to consult with the Committees on Appropriations prior to initiating any embassy construction projects in Thailand, including the sale of any properties or assets (specifically the Rajadamri compound). The conferees request the Department to report to the Committees on Appropriations not later than 90 days after enactment of this Act on options to utilize the Rajadamri compound.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $10,000,000 under this heading as proposed by the House, instead of $13,643,000 as proposed by the Senate. The conference agreement anticipates that significant carryover balances will be available for obligation in fiscal year 2006.

REPATRIATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $712,000 for the subsidy cost of repatriation loans and $607,000 for administrative costs of the program as proposed by the House and Senate.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The conference agreement includes $19,751,000 under this heading as proposed by the House and Senate. The conference agreement includes, by reference, language in the House report regarding the submission of a spending plan, except that such plan shall be submitted by February 3, 2006.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement includes $131,700,000 under this heading, as proposed by the House and the Senate.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes $1,166,212,000 under this heading as proposed by the Senate, instead of $1,144,264,400 as proposed by the House.

The conference agreement includes, by reference, language in the House report regarding reassessment of U.S. membership in certain international organizations, assessment rate equity, reform and budget discipline, the UN Regular Budget, and American employment levels in the UN System.

The House and Senate bills did not include language that was included in the budget request authorizing the United States Government to use funds for the payment of interest costs to the United Nations for a loan for the renovation of its headquarters. The conferees are concerned with the estimated costs of the renovation, and are aware that the U.N. Under Secretary General for Management is currently reviewing the estimated cost of the renovation. The conferees direct the Department of State to provide the Committees on Appropriations a report of the results of these findings. The conference agreement includes section 412 expressing the sense of the Congress that the loan amount for the headquarters renovation should not exceed $600,000,000.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement includes $1,035,500,000 for Contributions for International Peacekeeping Activities as proposed by the House and Senate.

The conference agreement includes, by reference, language in the House report regarding sexual exploitation and abuse in UN peacekeeping missions; UN peacekeeping in Western Sahara; UN peacekeeping reform; benchmarks for mission performance and termination; and the Office of Internal Oversight Services. The allocation of funds under this account to specific missions shall be subject to the reprogramming requirements in section 605 of this Act.

The conference agreement includes section 409, which limits payments for UN peacekeeping to $1,035,500,000 from funds made available by this Act. The conferees expect the Department of State to evaluate and prioritize United States participation in, and support for, UN peacekeeping missions. In a climate of limited resources the conferees continue to insist that the Department live within appropriated amounts, prioritize as necessary according to policy goals, take steps as necessary to conclude or withdraw support from lower priority missions, and refrain from entering into new commitments without identifying offsetting savings or requesting supplemental appropriations.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

The conference agreement includes a total of $33,300,000 for the International Boundary and Water Commission, United States and Mexico (IBWC). The total amount provided includes $28,000,000 for Salaries and Expenses and $5,300,000 for Construction. The conference agreement includes language authorizing not to exceed $6,000 for representation expenses.

SALARIES AND EXPENSES

The conference agreement for the Salaries and Expenses account includes $28,000,000, instead of $27,000,000 as proposed by the House and $28,700,000 as proposed by the Senate. The conference agreement includes, by reference, language in the House report regarding the use of surplus operations and maintenance funding through reprogramming.

CONSTRUCTION

The conference agreement includes $5,300,000 under this heading, as proposed by both the House and the Senate.

The conference agreement includes $1,200,000 for Boundary-wide Construction; $3,700,000 for the Water Quantity Program; and $400,000 for the Water Quality Program.

Within the amount for the Water Quantity Program, the conferees recommend that the Commission increase funding for the Lower Rio Grande Flood Control Project above the $2,200,000 contained in the budget request. Studies by the U.S. Section of the IBWC conclude that Rio Grande Valley levees are deficient in height, geologically flawed, and structurally unsound. The conferees expect the Administration, in the upcoming budget cycle, to request sufficient funds to address these needs. Also, the conferees direct that $250,000 be made available for the Rio Grande Canalization project.

The conferees encourage the IBWC to attempt, if possible, to achieve greater secondary treatment of Mexican sewage within current funding levels under this account, including carryover balances.

Any obligation of carryover balances available under this heading, including any new project starts, shall be subject to the reprogramming process described in section 605 of this Act.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The conference agreement includes $10,039,000 under this heading, instead of $9,500,000 as proposed by the House and $10,400,000 as proposed by the Senate. This amount includes $1,429,000 for the International Boundary Commission; $2,110,000 for the Border Environment Cooperation Commission; and $6,500,000 for the International Joint Commission including $300,000 for the Lake Champlain Basin Program.

INTERNATIONAL FISHERIES COMMISSIONS

The conference agreement includes $24,000,000 under this heading, instead of $22,000,000 as proposed by the House and $25,623,000 as proposed by the Senate. The conferees direct that the following amounts be provided: $2,072,000 for the Inter-American Tropical Tuna Commission; $3,029,000 for the Pacific Salmon Commission; $300,000 for the Western and Central Pacific Fisheries Commission; $3,079,000 for the International Pacific Halibut Commission; $85,000 for the North Pacific Marine Science Organization; and $14,937,000 for the Great Lakes Fisheries Commission. The conferees expect the Department of State to allocate the balance of funds in the conference agreement, and, through the regular reprogramming process, any additional funds that may become available, to priority commissions.

The conference agreement includes $500,000 within the amount provided for the Great Lakes Fisheries Commission (GLFC) for eradication of lampreys in Lake Champlain, as proposed by the Senate. The GLFC is directed to give priority to States that have provided matching grants when distributing lampricide funds.

The conferees expect the Department of State to take immediate action to evaluate and prioritize United States participation in, and funding for, international fisheries commissions. In a climate of limited resources the conferees continue to insist that the Department operate within appropriated amounts, prioritize as necessary among commissions according to policy goals, take steps as necessary to withdraw from lower priority commissions, and refrain from entering into new commitments.

OTHER

PAYMENT TO THE ASIA FOUNDATION

The conference agreement includes $14,000,000 under this heading, instead of $10,000,000 as proposed by the House and $15,000,000 as proposed by the Senate. The conference agreement includes, by reference, language in the House and Senate reports regarding certain Foundation programs. The conferees continue to strongly support the programs and activities of TAF.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

The conference agreement includes $5,000,000 under this heading to be deposited in the International Center for Middle Eastern-Western Dialogue Trust Fund (as authorized by 22 U.S.C. 2078) for the perpetual operations of the Center in Istanbul, Turkey, instead of $7,000,000 as proposed by the Senate. The House did not propose funding in this account. The interest and earnings accruing to the Trust Fund, estimated at $1,000,000, shall be available for the steering committee, chaired by the Council of American Overseas Research Centers (CAORC), for the operations of the Center.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

The conference agreement includes an appropriation of interest and earnings from the Eisenhower Exchange Fellowship Program Trust Fund, expected to total $500,000. The conference agreement includes, by reference, language in the House report regarding geographical priorities and the selection of fellows.

ISRAELI ARAB SCHOLARSHIP PROGRAM

The conference agreement includes an appropriation of interest and earnings of the Israeli Arab Scholarship Endowment Fund, expected to total $375,000.

EAST-WEST CENTER

The conference agreement includes $19,240,000 for the East-West Center, instead of $6,000,000 as proposed by the House and $20,000,000 as proposed by the Senate. The conferees direct that the Center spend no less than $3,874,000 on programs related to the People's Republic of China, the same level as fiscal year 2005. The conferees strongly encourage the Center to focus on successful programs in the Pacific Rim and Southeast Asia, in lieu of starting new programs in South Asia.

NATIONAL ENDOWMENT FOR DEMOCRACY

The conference agreement includes $75,000,000 for the National Endowment for

Democracy (NED), instead of $50,000,000 as proposed by the House and $88,800,000 as proposed by the Senate.

The conference agreement allocates funds to the following activities:

National Endowment for Democracy

[Budget authority in thousands of dollars]

	Conference agreement
Africa	$9,000
Asia	10,000
Middle East/North Africa	22,550
Central and Eastern Europe	4,000
Independent States of the Former Soviet Union	8,000
Latin America/Caribbean	7,700
Multiregional	4,000
Other:	
Democratic Activities	1,500
Administration	8,250
Total	75,000

The conference agreement adopts, by reference, language in the House report regarding the International Center for Democratic Transition, and language reaffirming NED's duty to ensure that all sponsored activities adhere to core NED principles and requiring a report on NED activities in Venezuela.

The conferees note the need for a systematic effort to evaluate the impact of democracy programs and the process by which strategic priorities are determined and funds are allocated to advance democracy and U.S. national interests. In light of the significant increase in NED resources, the conferees believe that a thorough program review will improve program results. In this regard, the conferees expect NED to submit a report to the Committees by March 1, 2006 outlining the methodologies proposed to evaluate NED democracy-promotion programs, to measure results, and to guide future resource allocation decisions.

RELATED AGENCY

Broadcasting Board of Governors

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $641,450,000 to carry out United States International Broadcasting Operations, instead of $620,000,000 as proposed by the House and $603,394,000 as proposed by the Senate. The conference agreement includes funding for Broadcasting to Cuba under this account, at the requested level, instead of in a separate account as proposed by the Senate.

The conference agreement allocates funding under this account to the following activities:

International Broadcasting Operations

[Budget authority in thousands of dollars]

	Conference agreement
International Broadcasting Bureau (IBB):	
VOA	$168,994
Engineering and Technical Services	161,000
Agency Direction	25,500
Management	46,000
Program Support	16,800
Subtotal, IBB	418,294
Independent Grantee Organizations:	
RFE/RL	76,200
(Farda)	(4,500)
(Afghan)	(3,905)
(Iraq)	(1,858)
(Moldova)	(938)
(Russian)	(9,615)
(Ukrainian)	(2,260)
(News/Current Affairs)	(4,069)
RFA	30,200
Middle East Broadcasting Networks	79,100
Subtotal, Grantees	185,500
Broadcasting to Cuba	37,656
Total	641,450

The conference agreement adopts, by reference, House language regarding Arabic broadcasting, broadcasting to Africa, language service review, anti-jamming efforts, cooperation with the Department of Defense, Radio Free Asia broadcasting in Uyghur, Korean and Cantonese, and programming on religious freedom.

The conferees recommend a total of $11,160,000 for the VOA Persian Service and a total of $4,500,000 for RFE/RL's Radio Farda, increases similar to those recommended by the Senate.

The conference agreement includes funding under Engineering and Technical Services and under VOA to support increased programming, and increased medium wave and FM transmission of U.S. International Broadcasting in Pashto to the Afghanistan-Pakistan border region. The conferees expect the Broadcasting Board of Governors (BBG) to report to the Committees 60 days after enactment of this Act on an implementation plan for this initiative.

Within the amount for Engineering and Technical Services, the conferees expect that current efforts to enable satellite television broadcasting to China will be continued.

The conferees are concerned that funds allocated for the establishment of radio transmitters for BBG programs overseas remain unexpended as a result of lengthy negotiations with host governments over permission to erect and operate transmitters. The conferees direct the Department of State, no later than 60 days after enactment of this Act, and every 90 days thereafter until September 30, 2006, to report to the Committees on Appropriations on the status of any ongoing negotiations with foreign governments for permission to install and operate BBG transmitters. The report should also include: the proposed locations of planned BBG transmitters; the history of negotiations with the host country (and developments in the interim between reports); the rank and position of the Department of State personnel conducting the negotiations; the rank and position of the host nation officials participating in the negotiations; the reasons cited by the host country for the lack of progress; and the anticipated date that the transmitters will be fully operational.

BROADCASTING CAPITAL IMPROVEMENTS

The conference agreement includes $10,893,000 for broadcasting capital improvements, as proposed by the House and Senate.

The conferees expect the Board to keep the Committees on Appropriations informed on the status of its efforts to acquire additional transmission capabilities in the Middle East, including Egypt.

The conference agreement allocates funding under this account to the following activities:

Broadcasting Capital Improvements

[Budget authority in thousands of dollars]

	Conference agreement
Maintenance, Improvements, Replace and Repair:	
Continuing Maintenance and Repair	$4,902
VOA TV	769
Security	2,047
Subtotal, MIRR:	7,718
Upgrade of Existing Facilities	2,375
Satellite and Terrestrial Program Feeds	800
Total, BCI:	10,893

General Provisions—Department of State and Related Agency

The conference agreement includes section 401, permitting the use of funds for allowances, differentials and transportation.

The conference agreement includes section 402 dealing with transfer authority.

The conference agreement includes section 403 prohibiting the use of funds by the Department of State or the Broadcasting Board of Governors to provide certain assistance to the Palestinian Broadcasting Corporation.

The conference agreement includes section 404 on the responsibilities of the Senior Policy Operating Group on Trafficking in Persons. The conferees understand that the Operating Group has been actively meeting and performing its designated functions since enactment of Section 406 of division B of Public Law 108–7. The conferees agree that all anti-trafficking policies, grants and grant policies shall be covered by the provisions of Section 406 of division B of Public Law 108–7. The conference agreement also includes language clarifying that the Senior Policy Operating Group and its chairman are the coordinating body (and official) accountable for federal anti-trafficking policies, grants and grant policies. The language also makes clear that the coordinating responsibilities of the Operating Group are not intended to supercede the decision making authority of the constituent members of the Task Force to Monitor and Combat Trafficking in Persons, to whom Operating Group members continue to report. The Operating Group is, and was intended to serve as, the forum for interagency coordination of anti-trafficking policies, even as final decisions regarding any such policies are necessarily vested with the President and the senior officials who comprise the Task Force. The conferees agree that the Senior Operating Group and its chair have successfully performed the coordinating functions assigned to them.

The conference agreement includes section 405 regarding the recording of place of birth on certain passport applications.

The conference agreement includes section 406 designating funding for certain purposes in the Diplomatic and Consular Programs account.

The conference agreement includes section 407 waiving certain authorization requirements.

The conference agreement includes section 408 regarding tables included in the Statement of the Managers accompanying the Act, and describing certain notification requirements.

The conference agreement includes section 409 limiting the amount available under this title for payment to the United Nations for expenses of international peacekeeping.

The conference agreement includes section 410 extending the authorization for the U.S. Advisory Commission on Public Diplomacy. The conferees direct the Department of State to submit to the Committees on Appropriations not later than 120 days after enactment of this Act a report that justifies continued funding for the United States Advisory Commission on Public Diplomacy and a detailed analysis of the accomplishments of the Commission, to include its impact on the formulation and conduct of United States foreign policy.

The conference agreement includes section 411 prohibiting funds to pay contributions to the United Nations if the United Nations imposes any taxation on United States persons. The conferees remain concerned with proposals by international organizations to interfere with the sovereign right of jurisdictions to pursue low-tax policies and direct the Department of State to consider such behavior when reporting whether continued participation in that international organization serves the interests of the United States.

The conference agreement includes section 412 expressing a sense of Congress regarding the renovation of the United Nations headquarters building.

The conference agreement includes section 413 prohibiting the use of funds for any United Nations peacekeeping mission that involves U.S. Armed Forces under the command or operational control of a foreign national unless the President certifies that the involvement is in the national security interest.

The conference agreement includes section 414 prohibiting the use of funds to expand the U.S. diplomatic presence in Vietnam beyond the level in effect July 11, 1995, unless the President makes a certification that several conditions have been met regarding Vietnam's cooperation with the United States on POW/MIA issues.

The conference agreement includes section 415 extending the prohibition on the use of funds to issue a visa to any alien involved in extrajudicial and political killings in Haiti, including exemption and reporting requirements.

The conference agreement includes section 416 regarding Capital Security Cost Sharing.

The conference agreement includes section 417 regarding ceilings and earmarks of funding.

The conference agreement does not include language adopted by the House regarding administration of the State Department Rewards for Justice Program. Absent the capture or death of Osama Bin Laden and other top Al Qaeda terrorists, the conferees direct the Department to report to the Committees by March 31, 2006, on ways to strengthen the administration and optimize the results of the State Department Rewards for Justice Program as it applies to the senior leadership of Al Qaeda, including the modifications included in the language adopted by the House. This report shall be prepared in consultation with the Department of Defense and the National Security Council.

The conference agreement does not include some provisions included in the House bill that prohibit the use of funds in violation of existing law. The House included such language regarding child abduction, torture, and HIV/AIDS policy. However, the conferees wish to highlight that none of the funds in this Act are available to be used in contravention of section 212(a) of the Immigration and Nationality Act, of laws and regulations to implement the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, or of subsections (e) and (f) of section 301 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

The conference agreement does not include a sense of the Senate provision concerning abusive child labor practices in the cocoa industry. The House did not address this matter. However, the conferees are concerned with forced child labor in cocoa plantations in West Africa and urge the cocoa industry, the Department of State and others to meet the recommendations contained in the Senate provision.

The conference agreement does not include a House provision regarding the denial of visas to citizens of countries that deny or unreasonably delay accepting the return from the United States of citizens, subjects, nationals, and residents of that country. The Senate did not address this matter. The conferees urge the Department of State to exercise the authorities that already exist under Section 243(d) of the Immigration and Nationality Act.

The conference agreement does not include a Senate provision requiring a report on assistance to victims of crime in foreign countries. The House did not address this matter. The conferees encourage the Department of State to track the number of United States citizens who were victims of violent crime and to review current services to assist those citizens and determine if additional services are required.

TITLE V—RELATED AGENCIES

Antitrust Modernization Commission

SALARIES AND EXPENSES

The conference agreement includes $1,172,000 for the Antitrust Modernization Commission, as proposed by the House. The Senate did not propose funding for this Commission.

Commission for the Preservation of America's Heritage Abroad

SALARIES AND EXPENSES

The conference agreement includes $499,000 for the Commission as proposed in the House and Senate bills.

Commission on Civil Rights

SALARIES AND EXPENSES

The conference agreement includes $9,048,000 for the salaries and expenses of the Commission on Civil Rights, instead of $9,096,000 as proposed by the House and $9,000,000 as proposed by the Senate.

The conferees are concerned about the financial mismanagement that has occurred at the Commission in previous years but are encouraged by the Commission's recent efforts to embrace the Government Accountability Office's (GAO) recommendations for improving agency operations. The conferees expect the Commission to submit, thirty (30) days after the end of each quarter, reports detailing: (1) expenditures by object classification; (2) all existing staff vacancies; and (3) any hiring that occurred during the preceding quarter.

The conferees expect the Commission to submit a detailed budget justification concurrent with the President's annual budget request, which is due on or before the first Monday in February pursuant to 31 U.S.C. 1105 (a).

Commission on International Religious Freedom

SALARIES AND EXPENSES

The conference agreement includes $3,300,000 for the Commission on International Religious Freedom, instead of $3,200,000 as proposed by the House and $1,000,000 as proposed by the Senate. The conference agreement makes funds appropriated under this heading available until September 30, 2007.

Commission on Security and Cooperation in Europe

SALARIES AND EXPENSES

The conference agreement includes $2,030,000 for the Commission on Security and Cooperation in Europe as proposed in the House and Senate bills. The conference agreement makes funds appropriated under this heading available until September 30, 2007.

Congressional-Executive Commission on the People's Republic of China

SALARIES AND EXPENSES

The conference agreement includes $1,900,000 for the Congressional-Executive Commission on the People's Republic of China as proposed in the House and Senate bills. The conference agreement makes funds appropriated under this heading available until September 30, 2007.

Equal Employment Opportunity Commission

SALARIES AND EXPENSES

The conference agreement includes $331,228,000, as proposed by both the House and the Senate. The amount provided is the same as the budget request.

The conference agreement adopts, by reference, language in the House report requiring a quarterly accounting of expenditures, including any changes resulting from repositioning activities.

The conference agreement adopts, by reference, language in the Senate report regarding salaries and staffing, and an analysis of investigation and enforcement levels. The conferees direct the EEOC to continue to work to resolve concerns regarding the pending repositioning plan.

The conferees remind the EEOC of the reprogramming requirements of section 605 of this Act.

Federal Communications Commission

SALARIES AND EXPENSES

The conference agreement includes $289,771,000 for the salaries and expenses of the Federal Communications Commission, as proposed by the House instead of $297,370,000 as proposed by the Senate. Of the amounts provided, $288,771,000 is to be derived from offsetting fee collections, resulting in a net direct appropriation of $1,000,000.

The conference agreement includes a limitation on expenditures to administer spectrum auctions, as proposed by the Senate.

The conference agreement adopts, by reference, language in the House report regarding the FCC's budget presentation, acceptance of travel payments, and the Universal Service Fund. The conference agreement adopts, by reference, language in the Senate report regarding broadcast television standards.

The conferees understand that the FCC plans to convene a panel of experts from the public safety and communications industry to perform an independent review and make recommendations on ways to improve disaster preparedness, network robustness and reliability, and public safety operations. The conferees support this concept and encourage the FCC to work with its Federal partners at the Departments of Justice, Homeland Security, and Commerce to best address public safety needs, especially in the wake of a natural disaster or terrorist attack. The FCC should report to the Committees on Appropriations by March 1, 2006, on the work of this panel.

In September of 2005, the FCC announced a planned reorganization. The conferees were surprised that this announcement was made prior to submission of a reprogramming notification to the Committees on Appropriations, as required by section 605 of this Act and previous Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Acts. The conferees remind the FCC that the Committees on Appropriations take very seriously the statutory requirement of advanced notification before any reorganization is implemented. The conferees direct the FCC to immediately submit its reorganization plan.

The conferees note that in a hearing before the House Committee on Appropriations, the FCC stated that an incremental approach to renovating the Columbia, Maryland, laboratory was being considered. The conferees expect the FCC to provide a final recommendation on this project by January 30, 2006.

The conferees are aware that the FCC has initiated a pilot program to modernize its radiation monitoring equipment. Specifically, the FCC is testing selective radiation meters (SRMs) with an evaluation of the pilot program expected in April, 2006. The conferees support this effort. If the FCC determines the pilot project is successful, the conferees encourage the FCC to include sufficient funding in future budget submissions to complete the modernization of its monitoring systems. The conferees also agree to consider a reprogramming of fiscal year 2006 funds to accelerate the transition to the new technology if the FCC determines it is warranted.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $211,000,000 for the Federal Trade Commission (FTC), as proposed by both the House and the Senate. Of the amounts provided, $116,000,000 is derived from Hart-Scott-Rodino premerger filing fees, $23,000,000 is derived from Do-Not-Call fees, and $72,000,000 is derived from discretionary appropriations. The amount provided fully supports the budget request.

The conference agreement incorporates, by reference, language in the Senate report regarding the exposure of children to violent entertainment, the Children's Online Privacy Protection Act, and childhood obesity.

In section 632 of this Act, the conferees provide $1,000,000 for the FTC to conduct an investigation into nationwide gas prices, as proposed by the Senate.

The conferees strongly support the continued occupancy of the FTC in its current building, the FTC Building, located at 600 Pennsylvania Avenue, Northwest, in the District of Columbia. The conferees are concerned that moving the Commission out of its current location could raise rent costs and therefore unnecessarily increase must-pay bills. In addition, the FTC building, which was originally designed and built for the agency in 1938, is well-suited for the Commission's essential functions. In particular, the three large ceremonial courtrooms continue to serve the needs of the Commission to meet and adjudicate competition and consumer protection cases. For these reasons, the conferees are troubled by a recent effort to relocate the Commission and expect the FTC to provide updates to the Committees on Appropriations on any further consideration of this matter.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes $330,803,000 for the payment to the Legal Services Corporation, the same as proposed by the House, instead of $358,527,000 as proposed by the Senate.

The conference agreement includes $312,375,000 for basic field programs, to be used for competitively awarded grants and contracts, $12,825,000 for management and administration, $1,255,000 for client self-help and information technology, $2,539,000 for the Office of the Inspector General, and $1,809,000 for grants to offset losses due to census adjustments.

The conferees incorporate, by reference, language in the House report regarding rent costs.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The conference agreement includes bill language to continue the terms and conditions included under this section in previous Appropriations Acts.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $2,920,000 for the Marine Mammal Commission, instead of $1,865,000 as proposed by the House and $2,000,000 as proposed by the Senate.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

The conference agreement includes $1,500,000 for the National Veterans Business Development Corporation, instead of $2,000,000 as proposed by the Senate and $1,000,000 as proposed by the House (via transfer from Small Business Administration, Salaries and Expenses).

The conferees note that fiscal year 2004 was the last year the Corporation was authorized to receive appropriated funds, but that start-up of the Corporation was delayed. The conferees encourage the Corporation to make its operations self-sustaining by fiscal year 2007.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $888,117,000 for the Securities and Exchange Commission (SEC), as proposed by the House and the Senate. The amount provided fully supports the budget request.

The conference agreement includes $10,000 to fund a permanent secretariat for the International Organization of Securities Commissions, as proposed by the House instead of $13,000 as proposed by the Senate.

The conference agreement incorporates, by reference, language in the Senate report requiring quarterly updates on the health of financial markets and supporting continued hiring. The conference agreement incorporates, by reference, language in the House report regarding protecting Americans from investing in companies with ties to terrorism and human rights violations.

The conferees note that during fiscal year 2005, the SEC identified unbudgeted costs of approximately $48,000,000, resulting from misestimates and omissions of costs associated with the construction of its new facilities in Washington, DC, and improvements in its new leased facilities in New York, NY, and Boston, MA. The Government Accountability Office (GAO) submitted a report on this matter on October 20, 2005. The conferees urge the SEC to immediately implement the recommendations of the GAO report, namely: to establish accountability at both the staff and management levels to oversee the formulation of budgets; to create regular reporting and review procedures related to the three construction and lease improvement projects; to improve communication and consultation with operating units; to evaluate options for budget and facilities management; and complete the hiring of new positions in the Office of Administrative Services and the Office of Financial Management. The conferees direct the SEC to submit a report to the Committees on Appropriations on the implementation of these GAO recommendations within 90 days of enactment of this Act.

SMALL BUSINESS ADMINISTRATION

The conference agreement provides a total of $456,397,000 for the five appropriations accounts of the Small Business Administration (SBA). Detailed guidance for the five SBA appropriation accounts is contained in the following paragraphs.

SALARIES AND EXPENSES

The conference agreement provides $313,029,000 for the salaries and expenses account of the SBA, instead of $304,588,000 as proposed by the House and $336,084,000 as proposed by the Senate. Of the amounts provided under this heading, $184,529,000 is for operating expenses of the SBA. In addition, a total of $134,807,000 from other SBA accounts may be transferred to and merged with the salaries and expenses account, resulting in a total availability for salaries and expenses of $319,336,000. The additional amount consists of $125,807,000 from the Business Loans Program account and $9,000,000 from the Disaster Loans Program account for the administrative expenses related to those accounts.

The conferees understand that the Administration is phasing out the Low Documentation Processing (Low-Doc) program but that no jobs will be lost. Staff that previously worked in the Low-Doc program will now process other business loan applications. The conferees understand that small business borrowers will continue to have access to streamlined loan applications through the SBA Express program. The conferees expect the SBA to continue to help small businesses adapt to a paperless procurement environment and assist small businesses with regulatory compliance issues through the Small Business Compliance Alliance. The conferees expect SBA to continue to enhance opportunities for small businesses to partner with the manufacturing sector. The conferees continue to support the defense transition program.

The conferees adopt, by reference, the House report language concerning information technology systems and language requiring a report on the Small Business Development Centers, Women's Business Centers (WBC), and the Service Corps of Retired Executives (SCORE). The conferees adopt, by reference, House and Senate language regarding modifications to the HUBZone program. The SBA shall report to the Committees on Appropriations on proposed changes to the HUBZone program no later than 30 days after enactment of this Act.

Non-Credit Programs.—The conferees expect that no less than the following amounts shall be dedicated to these non-credit programs of the SBA:

Veterans Programs	$750,000
7(j) Technical Assistance Programs	1,500,000
Small Business Development Centers	89,000,000
SCORE	5,000,000
Women's Business Centers	12,500,000
Women's Business Council	750,000
Native American Outreach	1,000,000
Drug-free Workplace Program	1,000,000
Microloan Technical Assistance	13,000,000
PRIME Technical Assistance	2,000,000
HUBZones	2,000,000
Total, non-credit programs	128,500,000

In addition, the conferees expect that the Advocacy Research, National Ombudsman, United States Export Assistance Centers, 8(a), and Office of Women's Business Ownership programs receive no less than the fiscal year 2005 level of funding. The conferees adopt, by reference, the Senate language regarding the Small Disadvantaged Business Program.

The conference agreement includes bill language allowing WBCs in sustainability status to continue to receive grants and designates 41 percent of the total WBC funding for centers in sustainability status.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $13,900,000 for the Office of Inspector General of the Small Business Administration, instead of $13,500,000 as proposed by the House and $14,500,000 as proposed by the Senate. The conferees recognize that because of the high number of recent Federal disaster declarations, the Office of Inspector General must conduct vigorous oversight of the disaster loan program to eliminate waste, fraud, and abuse in the disaster loan program. For this reason, the conference agreement includes language allowing an additional $1,500,000 to be transferred to this account from the Disaster Loans Program Account.

SURETY BOND GUARANTEES REVOLVING FUND

The conference agreement provides $2,861,000 under this account, as proposed by the House, instead of $3,000,000 as proposed by the Senate.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $126,607,000, consisting of $1,300,000 for subsidies for direct business loans and $125,807,000 for administrative expenses related to business loan programs. The amount provided for administrative expenses may be transferred to and merged with the appropriation for SBA Salaries and Expenses to cover the common overhead expenses associated with business loans. The conference agreement also includes a provision allowing $500,000 of prior year balances to be transferred to the Salaries and Expenses account.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes no new funding for the Disaster Loans Program Account, in accordance with the amendment to the President's Budget that was submitted to the Congress on July 15, 2005.

The conference agreement includes bill language transferring $9,000,000 of prior year balances to the Salaries and Expenses account for indirect administrative expenses and $1,500,000 to the Office of Inspector General account for oversight of the disaster loan program.

The conferees understand that the emergency appropriations provided in response to natural disasters at the end of fiscal year 2004 greatly exceeded the actual need for loans to affected businesses and individuals. In fact, over $600,000,000 was carried forward into fiscal year 2006; therefore, the conferees expect that carryover balances shall be applied to meet the disaster loan program's needs. For this reason, the conference agreement does not provide an additional appropriation for fiscal year 2006. The conferees request that the SBA continue to provide a monthly status report on disaster loan activity to the Committees on Appropriations.

ADMINISTRATIVE PROVISION-SMALL BUSINESS ADMINISTRATION

The conference agreement includes bill language allowing transfers between accounts.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

The conference agreement provides $3,500,000 for the State Justice Institute (SJI), instead of $2,000,000 as proposed by the House and $5,000,000 as proposed by the Senate.

The conferees expect that successful applicants for new and continuing SJI grants will provide a cash match of not less than 50 percent of the total cost of the project. In addition, the conferees support SJI's grant requirements and remind grantees that adherence to grant guidelines is required in order to receive further Federal funding.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $3,000,000 for the United States-China Economic and Security Review Commission, instead of $4,000,000 as proposed by the House and $2,800,000 as proposed by the Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

The conference agreement includes $22,350,000 for the United States Institute of Peace, instead of $22,850,000 as proposed by the House and $21,850,000 as proposed by the Senate. The conference agreement makes funds appropriated under this heading available until September 30, 2007.

Within the amount provided, the conferees expect the Institute to continue high priority activities with regard to Sudan and Iraq, as well as follow-on activities related to the recommendations in the report of the Institute's Task Force on the United Nations.

UNITED STATES SENATE-CHINA INTERPARLIAMENTARY GROUP

SALARIES AND EXPENSES

The conference agreement includes $150,000 for the United States Senate-China Interparliamentary Group as proposed by the Senate. The House bill did not include funding for this activity.

TITLE VI—GENERAL PROVISIONS

The conference agreement includes the following General Provisions:

Sec. 601.—The conference agreement includes section 601 regarding the use of appropriations for publicity and propaganda purposes.

Sec. 602.—The conference agreement includes section 602 regarding the availability of appropriations for obligation beyond the current fiscal year.

Sec. 603.—The conference agreement includes section 603 regarding the use of funds for consulting purposes.

Sec. 604.—The conference agreement includes section 604 providing that should any provision of the Act be held to be invalid, the remainder of the Act would not be affected.

Sec. 605.—The conference agreement includes section 605 regarding the policy by which funding available to the agencies funded under this Act may be reprogrammed for other purposes.

Sec. 606.—The conference agreement includes section 606 prohibiting funds in the bill from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission (EEOC) similar to proposed guidelines covering narassment based on religion published by the EEOC in October 1993.

Sec. 607.—The conference agreement includes section 607 regarding the purchase of American made products.

Sec. 608.—The conference agreement includes section 608 that requires agencies to provide quarterly reports to the Committees on Appropriations regarding unobligated balances.

Sec. 609.—The conference agreement includes section 609 requiring agencies and departments funded in this Act to absorb any necessary costs related to downsizing or consolidation within the amounts provided to the agency or department.

Sec. 610.—The conference agreement includes section 610 regarding the sale or export of tobacco or tobacco products.

Sec. 611.—The conference agreement includes section 611 that prohibits a user fee from being charged for background checks conducted pursuant to the Brady Handgun Control Act of 1993, and prohibits implementation of a background check system which does not require or result in destruction of certain information.

Sec. 612.—The conference agreement includes section 612 regarding amounts available under the Crime Victims Fund.

Sec. 613.—The conference agreement includes section 613 providing additional amounts for the Small Business Administration.

Sec. 614.—The conference agreement includes section 614 prohibiting the use of Department of Justice funds for programs that discriminate against, denigrate, or otherwise undermine the religious beliefs of students participating in such programs.

Sec. 615.—The conference agreement includes section 615 regarding the Small Business Administration Disaster Loans Program.

Sec. 616.—The conference agreement includes section 616 regarding transfers of funds.

Sec. 617.—The conference agreement includes section 617 regarding the implementation of telecommuting programs.

The conference agreement includes language requiring certain agencies funded in this Act to certify to the Committees on Appropriations that telecommuting opportunities have increased over the levels reported in fiscal year 2005.

The Government Accountability Office (GAO) recently concluded a review of these agencies' efforts on telework and found inconsistencies among them, both in identifying the telework-eligible population and in reporting. The conferees expect the agencies to work diligently to address both of these issues and to report on their progress in their quarterly reports.

The conferees expect each of the agencies to do the following: Expand telework-eligible population; put in place telework agreements for all eligible employees; and actively promote telework opportunities. In order to eliminate any negative perceptions about staff who choose to telework, agencies should consider providing training to managers on the benefits of telework arrangements.

The conferees are troubled that many of the agencies' telework programs do not even have a standardized manner in which to report participation. The conferees expect each of these agencies to implement time and attendance systems that will allow more accurate reporting.

Finally, the conferees expect the agencies' quarterly reports to highlight the following: (1) The agency population eligible to telework, including a comparison to the previous fiscal year; (2) the actual participation rate of the eligible population, including permanent, ad hoc, and episodic arrangements;

and (3) the expansion of the eligible population.

Sec. 618.—The conference agreement includes section 618 regarding the negotiation or reevaluation of international agreements.

Sec. 619.—The conference agreement includes section 619 regarding the implementation of telecommuting programs.

Sec. 620.—The conference agreement includes section 620 regarding E-government initiatives.

Sec. 621.—The conference agreement includes section 621 regarding firearms tracing studies.

Sec. 622.—The conference agreement includes section 622 prohibiting the Federal Communications Commission to change rules governing the Universal Service Fund regarding single connection or primary line restrictions.

Sec. 623.—The conference agreement includes section 623 regarding patents.

Sec. 624.—The conference agreement includes section 624 that prohibits the use of funds to support or justify the use of torture.

Sec. 625.—The conference agreement includes section 625 regarding Capital Security Cost Sharing.

Sec. 626.—The conference agreement includes section 626 prohibiting funds for certain separation payments.

Sec. 627.—The conference agreement includes section 627 regarding a certain land sale.

Sec. 628.—The conference agreement includes section 628 regarding the development of a national aeronautics policy.

Sec. 629.—The conference agreement includes section 629 regarding the export of firearms.

Sec. 630.—The conference agreement includes section 630 regarding the use of funds to process permits to import certain products.

Sec. 631.—The conference agreement includes section 631 prohibiting funds to include certain language in new trade agreements.

Sec. 632.—The conference agreement includes section 632 designating funding for a Federal Trade Commission investigation on gasoline prices.

Sec. 633.—The conference agreement includes section 633 extending a certain exemption for the Universal Service Fund.

Sec. 634.—The conference agreement includes section 634 limiting attendance at international conferences.

Sec. 635.—The conference agreement includes section 635 regarding the responsibilities of the United States-China Economic and Security Review Commission.

Sec. 636.—The conference agreement includes section 636 regarding certain balances.

Sec. 637.—The conference agreement includes section 637 prohibiting funds for United States delegations to United Nations entities in certain circumstances.

(RESCISSION)

Sec. 638.—The conference agreement includes section 638 regarding amounts provided in this Act.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

The conference agreement includes a rescission of $2,500,000 from unobligated balances in this account.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

The conference agreement includes a rescission of $102,000,000 from unobligated balances in this account, instead of $62,000,000 as proposed by the House and $82,000,000 as proposed by the Senate.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(RESCISSION)

The conference agreement includes a rescission of $25,000,000 from unobligated balances in this account, instead of $103,502,000 as proposed by the Senate.

OFFICE OF JUSTICE PROGRAMS

(RESCISSION)

The conference agreement includes a rescission of $110,500,000 from unobligated balances available to the Office of Justice Programs from prior year appropriations. The conferees direct the Department not to rescind funding from the State Criminal Alien Assistance Program, Prison Rape Prevention and Prosecution Programs, gang prevention programs, or from the Victims of Trafficking program.

COMMUNITY ORIENTED POLICING SERVICES

(RESCISSION)

The conference agreement includes a rescission of $86,500,000 from the unobligated balances available in this account, as proposed by the House.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

(RESCISSION)

The conference agreement includes a rescission of $25,000,000 from the unobligated balances available under this heading.

RELATED AGENCIES

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

The conference agreement includes a rescission of $25,300,000 from the unobligated balances available in this account.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

The conference agreement includes a rescission of $12,000,000 from the unobligated balances available in this account.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

The conference agreement includes a rescission of $920,000 from the unobligated balances available in this account.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

The conference agreement includes a rescission of $3,000,000 from the unobligated balances available in this account.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

The conference agreement includes a rescission of $4,000,000 from the unobligated balances available in this account.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2006 recommended by the Committee of Conference, with comparisons to the fiscal year 2005 amount, the 2006 budget estimates, and the House and Senate bills for 2006 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2005	$62,939,025
Budget estimates of new (obligational) authority, fiscal year 2006	64,158,909
House bill, fiscal year 2006	61,293,285
Senate bill, fiscal year 2006	63,209,272
Conference agreement, fiscal year 2006	61,797,098
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2005	-1,141,927
Budget estimates of new (obligational) authority, fiscal year 2006	-2,361,811
House bill, fiscal year 2006	+503,813
Senate bill, fiscal year 2006	-1,412,174

FRANK R. WOLF,
CHARLES H. TAYLOR,
MARK STEVEN KIRK,
DAVE WELDON,
VIRGIL GOODE, Jr.,
RAY LAHOOD,
JOHN ABNEY CULBERSON,
RODNEY ALEXANDER,
JERRY LEWIS,
ALAN B. MOLLOHAN,
JOSÉ E. SERRANO,
BUD CRAMER,
PATRICK J. KENNEDY,
CHAKA FATTAH,

Managers on the Part of the House.

RICHARD C. SHELBY,
JUDD GREGG,
TED STEVENS,
PETE V. DOMENICI,
MITCH MCCONNELL,
KAY BAILEY HUTCHISON,
SAM BROWNBACK,
KIT BOND,
THAD COCHRAN,
BARBARA MIKULSKI,
DANIEL K. INOUYE,
PATRICK LEAHY,
HERB KOHL,
PATTY MURRAY,
TOM HARKIN,
BYRON L. DORGAN,
ROBERT C. BYRD,

Managers on the Part of the Senate.

DISCHARGING COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE FROM FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION 69, RELATING TO A NATIONAL EMERGENCY DECLARED BY THE PRESIDENT ON SEPTEMBER 8, 2005

Mr. GEORGE MILLER of California. Madam Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. George Miller of California moves that the Committee on Transportation and Infrastructure be discharged from further consideration of House Joint Resolution 69.

MOTION TO TABLE OFFERED BY MR. KILDEE

Mr. KILDEE. Madam Speaker, I move to table the motion.

The SPEAKER pro tempore. Without objection, the motion to table the motion to discharge is adopted and, without objection, a motion to reconsider is laid on the table.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res. 260, by the yeas and nays;

H.R. 1973, by the yeas and nays;

H. Res. 444, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

RECOGNIZING THE 40TH ANNIVERSARY OF THE SECOND VATICAN COUNCIL'S DECLARATION ON THE RELATION OF THE CHURCH TO NON-CHRISTIAN RELIGIONS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 260, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. POE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 260, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 349, nays 0, not voting 84, as follows:

[Roll No. 570]

YEAS—349

Abercrombie
Aderholt
Akin
Alexander
Allen
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Capito
Capps
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Holt
Honda
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—84

Ackerman
Andrews
Baca
Becerra
Berman
Bishop (NY)
Boswell
Boustany
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Cantor
Capuano
Cardin
Case
Chocola
Conyers
Crowley
Cummings
Davis (TN)
Doyle
Ford
Gibbons
Gordon
Gutierrez
Gutknecht
Harris
Hastings (FL)
Hinchey
Hoekstra
Holden
Hulshof
Israel
Istook
Jenkins
Johnson (CT)
Jones (OH)
Kilpatrick (MI)
Kirk
LaHood
Lantos
Leach
Lee
Lewis (KY)
Lipinski
Marchant
McCarthy
McKinney
Meeks (NY)
Millender-McDonald
Murtha
Neal (MA)
Norwood
Owens
Pallone
Pascrell
Payne
Pomeroy
Price (NC)
Rangel
Reyes
Rush
Ryan (WI)
Sánchez, Linda T.
Schwarz (MI)
Scott (VA)
Serrano
Sherman
Shimkus
Slaughter
Solis
Souder
Stark
Strickland
Stupak
Taylor (NC)
Terry
Towns
Velázquez
Waters
Weldon (FL)
Weldon (PA)
Whitfield
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1855

Mr. HONDA changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution recognizing the 40th anniversary of the Second Vatican Council's promulgation of Nostra Aetate, the declaration on the relation of the Roman Catholic Church to non-Christian religions, and the historic role of Nostra Aetate in fostering mutual interreligious respect and dialogue.".

A motion to reconsider was laid on the table.

SENATOR PAUL SIMON WATER FOR THE POOR ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1973, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. POE) that the House suspend the rules and pass the bill, H.R. 1973, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 319, nays 34, not voting 80, as follows:

[Roll No. 571]

YEAS—319

Abercrombie
Aderholt
Akin
Alexander
Allen
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt

Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Capito
Capps
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Hall
Harman
Hart
Hastings (WA)
Hayworth
Hefley
Herseth
Higgins
Hinojosa
Hobson
Holt
Honda
Hooley
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Myrick
Nadler
Napolitano
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Porter
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert,
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Sessions
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—34

Bartlett (MD)
Coble
Conaway
Davis (KY)
Deal (GA)
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Goode
Hayes
Hensarling
Herger
Hostettler
Johnson, Sam
Jones (NC)
King (IA)
McHenry
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Neugebauer
Paul
Pence
Petri
Price (GA)
Sensenbrenner
Shadegg
Sodrel
Stearns
Westmoreland

NOT VOTING—80

Ackerman
Andrews
Baca
Becerra
Berman
Bishop (NY)
Boswell
Boustany
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Cantor
Capuano
Cardin
Case
Conyers
Crowley
Davis (TN)
Doyle
Ford
Gibbons
Gordon
Gutierrez
Gutknecht
Harris
Hastings (FL)
Hinchey
Hoekstra
Holden
Hulshof
Israel
Istook
Jenkins
Johnson (CT)
Jones (OH)
Kilpatrick (MI)
Kirk
LaHood
Leach
Lee
Lewis (KY)
Lipinski
Marchant
McCarthy
McKinney
Meeks (NY)
Millender-McDonald
Murtha
Neal (MA)
Norwood
Owens
Pallone
Pascrell
Payne
Pomeroy
Price (NC)
Rangel
Reyes
Rush
Ryan (WI)
Sánchez, Linda T.
Schwarz (MI)
Scott (VA)
Serrano
Sherman
Shimkus
Slaughter
Solis
Souder
Stark
Strickland
Stupak
Taylor (NC)
Terry
Towns
Velázquez
Waters
Weldon (FL)
Whitfield
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1909

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GYNECOLOGICAL RESOLUTION FOR ADVANCEMENT OF OVARIAN CANCER EDUCATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 444, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and agree to the resolution, H. Res. 444, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 348, nays 0, not voting 85, as follows:

[Roll No. 572]

YEAS—348

Abercrombie
Aderholt
Akin
Alexander
Allen
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Capito
Capps
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Holt
Honda
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross

Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—85

Ackerman
Andrews
Baca
Becerra
Berman
Bishop (NY)
Boswell
Boustany
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Cantor
Capuano
Cardin
Case
Conyers
Crowley
Davis (TN)
Doyle
Ford
Franks (AZ)
Gibbons
Gordon
Gutierrez
Gutknecht
Harris
Hastings (FL)
Hinchey
Hoekstra
Holden
Hulshof
Israel
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (OH)
Kilpatrick (MI)
Kirk
LaHood
Larson (CT)
Leach
Lee
Lewis (KY)
Lipinski
Marchant
Marshall
McCarthy
McKinney
Meeks (NY)
Millender-McDonald
Murtha
Neal (MA)
Norwood
Owens
Pallone
Pascrell
Payne
Pomeroy
Price (NC)
Rangel
Reyes
Rush
Ryan (WI)
Sánchez, Linda T.
Schwarz (MI)
Scott (VA)
Serrano
Sherman
Shimkus
Slaughter
Solis
Souder
Stark
Strickland
Stupak
Taylor (NC)
Terry
Towns
Velazquez
Waters
Weldon (FL)
Whitfield
Wilson (SC)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1926

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, personal reasons require my absence from legislative business scheduled for today, Monday, November 7, 2005. Had I been present, I would have voted "yea" on H. Con. Res. 260, a resolution recognizing the 40th anniversary of the Second Vatican Council's Declaration on the Relation of the Church to Non-Christian Religions, etc. (rollcall No. 570); "yea" on H.R. 1973, Water for the Poor Act of 2005 (rollcall No. 571); and "yea" on H. Res. 444, the Gynecological Resolution for Advancement of Ovarian Cancer Education (rollcall No. 572).

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed 3 rollcall votes. Had I been present, I would have voted "yea" on H. Con. Res. 260, H.R. 1973, and H. Res. 444.

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, i regret that I missed three votes on November 7th, 2005. Had I been present, I would have voted "yea" on H. Con. Res. 260 (Recognizing the 40th anniversary of the Second Vatican Council's Declaration on the Relation of the Church to Non-Christian Religions, Nostra Aetate, and the continuing need for mutual inter-religious respect and dialogue); "yea" on H.R. 1973 (Water for the Poor Act of 2005); and "yea" on H. Res. 444 (Gynecological Resolution for Advancement of Ovarian Cancer Education).

PERSONAL EXPLANATION

Mr. GUTKNECHT. Mr. Speaker, I was unavoidably absent from the House on November 7, 2005 due to an important meeting I had with the New Zealand Ambassador in St. Paul, Minnesota. During this meeting, the Ambassador and I discussed agricultural trade issues.

Had I been present in the House, I would have voted "yea" on the following bills: H. Con. Res. 260, H.R. 1973, and H. Res. 444.

PERSONAL EXPLANATION

Mr. PASCRELL. Mr. Speaker, I rise to offer a personal explanation. Earlier today, I was unavoidably detained on rollcall votes 570, 571, and 572 due to a prior obligation in my district. Had I been present, I would have voted "yea" on rollcall vote 570 (H. Con. Res. 260, Recognizing the 40th anniversary of the Second Vatican Council's Declaration on the Relation of the Church to Non-Christian Religions, Nostra Aetate, and the continuing need for mutual inter-religious respect and dialogue), "yea" on rollcall vote 571 (H.R. 1973, The Water for the Poor Act of 2005) and "yea" on rollcall vote 571 (H. Res. 444, Gynecological Resolution for Advancement of Ovarian Cancer Education).

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4228

Mr. LARSEN of Washington. Madam Speaker. I ask unanimous consent to have the gentleman from Michigan (Mr. LEVIN) removed as a cosponsor of H.R. 4228.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

CONFERENCE REPORT ON H.R. 2419, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

Mr. HOBSON submitted the following conference report and statement on the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes:

CONFERENCE REPORT (H. REPT. 109–275)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) "making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for energy and water development and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related purposes.

INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $164,000,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, within the funds provided under this heading, $1,000,000 shall be available for planning assistance to the state of Ohio for Stark County watershed basin study:

Provided further, That using $8,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a comprehensive hurricane protection study at full federal expense to develop and present a full range of flood, coastal and hurricane protection measures exclusive of normal policy considerations for south Louisiana and the Secretary shall submit a feasibility report for short-term protection within 6 months of enactment of this Act, interim protection within 12 months of enactment of this Act and long-term comprehensive protection within 24 months of enactment of this Act: Provided further, That the Secretary shall consider providing protection for a storm surge equivalent to a Category 5 hurricane within the project area and may submit reports on component areas of the larger protection program for authorization as soon as practicable: Provided further, That the analysis shall be conducted in close coordination with the State of Louisiana and its appropriate agencies.

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood control, shore protection and storm damage reduction, aquatic ecosystem *restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $2,372,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction and rehabilitation of inland waterways projects, (including the rehabilitation costs for Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 19, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock 27, Mississippi River, Illinois; and Lock and Dam 3, Mississippi River, Minnesota) shall be derived from the Inland Waterways Trust Fund; and of which $12,000,000 shall be exclusively for projects and activities authorized under section 107 of the River and Harbor Act of 1960; and of which $500,000 shall be exclusively for projects and activities authorized under section 111 of the River and Harbor Act of 1968; and of which $7,000,000 shall be exclusively for projects and activities authorized under section 103 of the River and Harbor Act of 1962; and of which $40,000,000 shall be exclusively available for projects and activities authorized under section 205 of the Flood Control Act of 1948; and of which $15,000,000 shall be exclusively for projects and activities authorized under section 14 of the Flood Control Act of 1946; and of which $300,000 shall be exclusively for projects and activities authorized under section 208 of the Flood Control Act of 1954; and of which $30,000,000 shall be exclusively for projects and activities authorized under section 1135 of the Water Resources Development Act of 1986; and of which $30,000,000 shall be exclusively for projects and activities authorized under section 206 of the Water Resources Development Act of 1996; and of which $5,000,000 shall be exclusively for projects and activities authorized under sections 204 and 207 of the Water Resources Development Act of 1992 and section 933 of the Water Resources Development Act of 1986: Provided, That the Chief of Engineers is directed to use $11,250,000 of the funds appropriated herein for the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the Chief of Engineers is directed to use $1,500,000 of the funds provided herein for the Hawaii Water Management Project: Provided further, That the Chief of Engineers is directed to use $13,000,000 of the funds appropriated herein for the navigation project at Kaumalapau Harbor, Hawaii: Provided further, That the Chief of Engineers is directed to use $4,000,000 of the funds provided herein for the Dam Safety and Seepage/Stability Correction Program for seepage control features and repairs to the tainter gates at Waterbury Dam, Vermont: Provided further, That $600,000 of the funds provided herein for the Dam Safety and Seepage/Stability Correction Program shall be available for Dover Dam, Ohio: Provided further, That the Chief of Engineers is directed to use $9,500,000 of the funds appropriated herein for planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Chief of Engineers is directed to use $5,600,000 of the funds appropriated herein for planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Chief of Engineers is directed to use $5,600,000 of the funds appropriated herein for planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Chief of Engineers is directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $16,000,000 of the funds appropriated herein for the Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Harlan County in accordance with the Draft Detailed Project Report dated January 2002, Floyd County, Martin County, Johnson County, and Knox County, Kentucky, detailed project report, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River: Provided further, That the Chief of Engineers is directed to proceed with work on the permanent bridge to replace Folsom Bridge Dam Road, Folsom, California, as authorized by the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137), and, of the $15,000,000 available for the American River Watershed (Folsom Dam Mini-Raise), California, project, $10,000,000 of those funds be directed for the permanent bridge, with all remaining devoted to the Mini-Raise: Provided further, That $300,000 is provided for the Chief of Engineers to conduct a General Reevaluation Study on the Mount St. Helens project to determine if ecosystem restoration actions are prudent in the Cowlitz and Toutle watersheds for species that have been listed as being of economic importance and threatened or endangered: Provided further, That $35,000,000 shall be available for projects and activities authorized under 16 U.S.C. 410–r–8: Provided further, That the Secretary is directed to use $2,000,000 of the funds appropriated herein to provide a grant to the City of Caliente, Nevada, for the City to expend for the purpose of purchasing construction equipment to be used by the City in constructing local flood control measures.*

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for the flood damage reduction program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $400,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: Provided, That the Chief of Engineers is directed to use $20,000,000 of the funds provided herein for design and real estate activities and pump supply elements for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: Provided further, That the Secretary of the Army, acting through the Chief of Engineers is directed to use $9,000,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for providing security for infrastructure owned and operated by, or on behalf of, the United States Army Corps of Engineers (the "Corps"), including administrative buildings and facilities, laboratories, and the Washington Aqueduct; for the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, $1,989,000,000, to remain available until expended, of which such sums to cover the Federal share of operation and maintenance costs for coastal harbors and channels, and inland harbors shall be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662 may be derived from that fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)), may be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104–303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: Provided, That utilizing funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between October 1, 2005, and September 30, 2006: Provided further, That the Chief of Engineers is authorized to undertake, at full Federal expense, a detailed evaluation of the Albuquerque levees for purposes of determining structural integrity, impacts of vegetative growth, and performance under current hydrological conditions: Provided further, That using $275,000 provided herein, the Chief of Engineers is authorized to remove the sunken vessel State of Pennsylvania from the Christina River in Delaware.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $160,000,000, to remain available until expended.

REVOLVING FUND

None of the funds in title I of this Act or otherwise available to the Corps of Engineers shall be available for the rehabilitation and lead and asbestos abatement of the dredge McFarland.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the United States Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $154,000,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: Provided further, That the Secretary is directed to use $4,500,000 of the funds appropriated herein to conduct, at full federal expense and in close cooperation with state and local governments, comprehensive analyses that examine multi-jurisdictional use and management of water resources on a watershed or regional scale.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For expenses necessary for the Office of Assistant Secretary of the Army (Civil Works), as authorized by 10 U.S.C. 3016(b)(3), $4,000,000.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses not to exceed $5,000; and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase not to exceed 100 for replacement only and hire of passenger motor vehicles.

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2006, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project or activity;

(3) increases funds or personnel for any program, project or activity for which funds have been denied or restricted by this Act;

(4) proposes to use funds directed for a specific activity by either the House or the Senate Committees on Appropriations for a different purpose;

(5) augments existing programs, projects or activities in excess of $2,000,000 or 50 percent, whichever is less, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) reduces existing programs, projects or activities in excess of $2,000,000 or 50 percent, whichever is less, unless prior approval is received from the House and Senate Committees on Appropriations; or

(7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the Statement of Managers accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations.

(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948; section 14 of the Flood Control Act of 1946; section 208 of the Flood Control Act of 1954; section 107 of the River and Harbor Act of 1960; section 103 of the River and Harbor Act of 1962; section 111 of the River and Harbor Act of 1968; section 1135 of the Water Resources Development Act of 1986; section 206 of the Water Resources Development Act of 1996; sections 204 and 207 of the Water Resources Development Act of 1992 or section 933 of the Water Resources Development Act of 1986.

(c) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided, That the report shall include:

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) an identification of items of special congressional interest: Provided further, That the amount appropriated for salaries and expenses of the Corps of Engineers shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

(d) None of the funds received as a non-federal share for project costs by any agency funded in title I of this Act shall be available for reprogramming.

SEC. 102. Beginning in fiscal year 2006 and thereafter, agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the River and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended, Public Law 99–662; section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303; and any other specific project authority, shall be limited to total credits and reimbursements for all applicable projects not to exceed $100,000,000 in each fiscal year.

SEC. 103. In order to protect and preserve the integrity of the water supply against further degradation, none of the funds made available under this Act and any other Act hereafter may be used by the Army Corps of Engineers to support activities related to any proposed new landfill in the Muskingum Watershed if such landfill—

(1) has not received a permit to construct from the State agency with responsibility for solid waste management in the watershed;

(2) has not received waste for disposal during 2005; and

(3) is not contiguous or adjacent to a portion of a landfill that has received waste for disposal in 2005 and each landfill is owned by the same person or entity.

SEC. 104. None of the funds appropriated in this or any other Act shall be used to demonstrate or implement any plans divesting or transferring any Civil Works missions, functions, or responsibilities of the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 105. ST. GEORGES BRIDGE, DELAWARE.—None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 106. Notwithstanding any other provision of law, the requirements regarding the use of continuing contracts under the authority of section 206 of the Water Resources Development Act of 1999 (33 U.S.C. 2331) shall apply only to projects funded under the Operation and Maintenance account and the Operation and Maintenance subaccount of the Flood Control, Mississippi River and Tributaries account.

SEC. 107. Within 75 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 108. None of the funds made available in title I of this Act may be used to award any continuing contract or to make modifications to any existing continuing contract that commits an amount for a project in excess of the amount appropriated for such project pursuant to this Act: Provided, That the amounts appropriated in this Act may be modified pursuant to the authorities provided in section 101 of this Act or through the application of unobligated balances for such project.

SEC. 109. Within 90 days of the date of enactment of this Act, the Assistant Secretary of the Army (Civil Works) shall transmit to Congress his report on any water resources matter on which the Chief of Engineers has reported.

SEC. 110. Section 123 of Public Law 108–137 (117 Stat. 1837) is amended by striking "in accordance with the Baltimore Metropolitan Water Resources-Gwynns Fall Watershed Feasibility Report" and all that follows and inserting the following language in lieu thereof: "in accordance with the Baltimore Metropolitan Water Resources Gwynns Falls Watershed Study—Draft Feasibility Report and Integrated Environmental Assessment prepared by the Corps of Engineers and the City of Baltimore, Maryland, dated April 2004. The non-Federal sponsor shall receive credit toward its share of project costs for work carried out by the non-Federal sponsor prior to execution of a project cooperation agreement, if the Secretary determines that the work is integral to the project. The non-Federal sponsor may also receive credit for any work performed by the non-Federal sponsor pursuant to a project cooperation agreement. The non-Federal sponsor shall be reimbursed for any work performed by the non-Federal sponsor that is in excess of the non-Federal share of project costs.".

SEC. 111. None of the funds in this Act may be expended by the Secretary of the Army to construct the Port Jersey element of the New York and New Jersey Harbor or to reimburse the local sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element.

SEC. 112. MARMET LOCK, KANAWHA RIVER, WEST VIRGINIA. Section 101(a)(31) of the Water Resources Development Act of 1996 (110 Stat. 3666), is amended by striking "$229,581,000" and inserting "$358,000,000".

SEC. 113. TRUCKEE MEADOWS FLOOD CONTROL PROJECT, NEVADA.—The non-federal funds expended for purchase of lands, easements and rights-of-way, implementation of project monitoring and assessment, and construction and implementation of recreation, ecosystem restoration, and water quality improvement features, including the provision of 6700 acre-feet of water rights no later than the effective date of *the Truckee River Operating Agreement for re-vegetation, reestablishment and maintenance of riverine and riparian habitat of the Lower Truckee River and Pyramid Lake, whether expended prior to or after the signing of the Project Cooperation Agreement (PCA), shall be fully credited to the non-federal sponsor's share of costs for the project: provided, That for the purposes of benefit-cost ratio calculations in the General Reevaluation Report (GRR), the Truckee Meadows Nevada Flood Control Project shall be defined as a single unit and non-separable.*

Sec. 114. Water Reallocation, Lake Cumberland, Kentucky. (a) In General.—Subject to subsection (b), none of the funds made available by this Act may be used to carry out any water reallocation project or component under the Wolf Creek Project, Lake Cumberland, Kentucky, authorized under the Act of June 28, 1938 (52 Stat. 1215, chapter 795) and the Act of July 24, 1946 (60 Stat. 636, chapter 595).

(b) Existing Reallocations.—Subsection (a) shall not apply to any water reallocation for Lake Cumberland, Kentucky, that is carried out subject to an agreement or payment schedule in effect on the date of enactment of this Act.

Sec. 115. Section 529(b)(3) of Public Law 106-541 is amended by striking "$10,000,000" and inserting "$20,000,000" in lieu thereof.

Sec. 116. Yazoo Basin, Big Sunflower River, Mississippi.—The Yazoo Basin, Big Sunflower River, Mississippi, project authorized by the Flood Control Act of 1944, as amended and modified, is further modified to include the design and construction at full Federal expense of such measures as determined by the Chief of Engineers to be advisable for the control and reduction of sedimentation, erosion and headcutting in watersheds of the Yazoo Basin: Yazoo Headwater and Big Sunflower.

Sec. 117. Lower Mississippi River Museum and Riverfront Interpretive Site, Mississippi.—The Water Resources Development Act of 1992 (106 Stat. 4811) is amended by—

(1) in section 103(c)(2) by striking "property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge" and inserting "riverfront property"; and

(2) in section 103(c)(7)—

(A) by striking "There is" and inserting the following: "(A) In General.—There is"; and

(B) by striking "$2,000,000" and all that follows and inserting the following: "$15,000,000 to plan, design, and construct generally in accordance with the conceptual plan to be prepared by the Corps of Engineers.

"(B) Funding.—The planning, design, and construction of the Lower Mississippi River Museum and Riverfront Interpretive Site shall be carried out using funds appropriated as part of the Mississippi River Levees feature of the Mississippi River and Tributaries Project, authorized by the Act of May 15, 1928 (45 Stat. 534, chapter 569).".

Sec. 118. Section 593(h) of Public Law 106–541 is amended by striking "$25,000,000" and inserting "$50,000,000" in lieu thereof.

Sec. 119. The project for navigation, Los Angeles Harbor, California, authorized by section 101(b)(5) of the Water Resources Development Act of 2000 (114 Stat. 2577) is modified to authorize the Chief of Engineers to carry out the project at a total cost of $222,000,000.

Sec. 120. Section 219(f) of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4835), as amended by section 502(b) of the Water Resources Development Act of 1999 (Public Law 106–53) and section 108(d) of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted by Public Law 106–554; 114 Stat. 2763A-220), is further amended by adding at the end the following:

"(72) Alpine, California.—$10,000,000 is authorized for a water transmission main, Alpine, CA.".

Sec. 121. (a) The Secretary of the Army may carry out and fund projects to comply with the 2003 Biological Opinion described in section 205(b) of the Energy and Water Development Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2949) as amended by subsection (b) and may award grants and enter into contracts, cooperative agreements, or interagency agreements with participants in the Endangered Species Act Collaborative Program Workgroup referenced in section 209(a) of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1850) in order to carry out such projects. Any project undertaken under this subsection shall require a non-Federal cost share of 25 percent, which may be provided through in-kind services or direct cash contributions and which shall be credited on a programmatic basis instead of on a project-by-project basis, with reconciliation of total project costs and total non-Federal cost share calculated on a three year incremental basis. Non-Federal cost share that exceeds that which is required in any calculated three year increment shall be credited to subsequent three year increments.

(b) Section 205(b) of Public Law 108-447 (118 Stat. 2949) is amended by adding "and any amendments thereto" after the word "2003".

Sec. 122. Bluestone, West Virginia. Section 547 of the Water Resources Development Act of 2000 (114 Stat. 2676) is amended—

(1) in subsection (b)(1)(A) by striking "4 years" and inserting "5 years";

(2) in subsection (b)(1)(B)(iii) by striking "if all" and all that follows through "facility" and inserting "assurance project";

(3) in subsection (b)(1)(C) by striking "and construction" and inserting ", construction, and operation and maintenance";

(4) by adding at the end of subsection (b) the following:

"(3) Operation and Ownership.—The Tri-Cities Power Authority shall be the owner and operator of the hydropower facilities referred to in subsection (a).";

(5) in subsection (c)(1)—

(A) by striking "No" and inserting "Unless otherwise provided, no";

(B) by inserting "planning," before "design"; and

(C) by striking "prior to" and all that follows through "subsection (d)";

(6) in subsection (c)(2) by striking "design" and inserting "planning, design,";

(7) in subsection (d)—

(A) by striking paragraphs (1) and (2) and inserting the following:

"(1) Approval.—The Secretary shall review the design and construction activities for all features of the hydroelectric project that pertain to and affect stability of the dam and control the release of water from Bluestone Dam to ensure that the quality of construction of those features meets all standards established for similar facilities constructed by the Secretary.";

(B) by redesignating paragraph (3) as paragraph (2);

(C) by striking the period at the end of paragraph (2) (as so redesignated) and inserting ", except that hydroelectric power is no longer a project purpose of the facility so long as Tri-Cities Power Authority continues to exercise its responsibilities as the builder, owner, and operator of the hydropower facilities at Bluestone Dam. Water flow releases and flood control from the hydropower facilities shall be determined and directed by the Corps of Engineers."; and

(D) by adding at the end the following:

"(3) Coordination.—Construction of the hydroelectric generating facilities shall be coordinated with the dam safety assurance project currently in the design and construction phases.";

(8) in subsection (e) by striking "in accordance" and all that follows through "58 Stat. 890)";

(9) in subsection (f)—

(A) by striking "facility of the interconnected systems of reservoirs operated by the Secretary" each place it appears and inserting "facilities under construction under such agreements"; and

(B) by striking "design" and inserting "planning, design";

(10) in subsection (f)(2)—

(A) by "Secretary" each place it appears and inserting "Tri-Cities Power Authority"; and

(B) by striking "facilities referred to in subsection (a)" and inserting "such facilities";

(11) by striking paragraph (1) of subsection (g) and inserting the following:

"(1) to arrange for the transmission of power to the market or to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and";

(12) in subsection (g)(2) by striking "such facilities" and all that follows through "the Secretary" and inserting "the generating facility"; and

(13) by adding at the end the following:

"(i) Tri-Cities Power Authority Defined.—In this section, the 'Tri-Cities Power Authority' refers to the entity established by the City of Hinton, West Virginia, the City of White Sulphur Springs, West Virginia, and the City of Philippi, West Virginia, pursuant to a document entitled 'Second Amended and Restated Intergovernmental Agreement' approved by the Attorney General of West Virginia on February 14, 2002.".

Sec. 123. (a) In General.—

(1) After the date of enactment of this Act, the Secretary of the Army shall carry out the project for wastewater infrastructure, DeSoto County, Mississippi, authorized by section 219(f)(30) of Public Law 102-580, as amended, in accordance with the provisions of this subsection.

(2) The non-Federal interest shall be primarily responsible for carrying out work on the project referred to in paragraph (1) that is not covered by the Project Cooperation Agreement executed on May 13, 2002 or any amendments thereto, including work associated with the design, construction, management, and administration of the project. The non-Federal interest may carry out work on the project subject to obtaining any permits required pursuant to Federal and State laws and subject to general supervision and administrative oversight by the Secretary of the Army.

(3) The Federal share of project costs incurred by the non-Federal interest in carrying out work on the project as provided for in paragraph (2) shall equal 75 percent of the total cost of the work and shall be in the form of grants or reimbursements, except that the total amount of Federal funds available for the project, including that portion of the project carried out as provided for in paragraph (2), may not exceed $55,000,000.

(b) Technical Amendment.—Section 6006 of the Emergency Supplemental Appropriations Act, 2005 (119 Stat. 282) is amended by striking "between May 13, 2002, and September 30, 2005" and inserting "after May 13, 2002" in lieu thereof.

Sec. 124. The project for flood control, Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, authorized by section 101(13) of Public Law 102-580 and modified by Public Law 108–7 (H.J. Res. 2) Consolidated Appropriations Resolution, 2003, section 107 is further modified to provide that the costs incurred for design and construction of the project *channel crossings in the reach of the channels from Shelbourne Avenue proceeding north along the alignment of Durango Drive and continuing east along the Southern Beltway to Martin Avenue shall be added to the authorized cost of the project and such costs shall be cost shared and shall not be considered part of the non-Federal sponsor's responsibility to provide lands, easements, and rights-of-way, and to perform relocations for the project.*

SEC. 125. RESTORATION OF THE LAKE MICHIGAN WATERFRONT AND RELATED AREAS, LAKE AND PORTER COUNTIES, INDIANA.—The Secretary of the Army, acting through the Chief of Engineers is authorized and directed to carry out a continuing program for the restoration of the Lake Michigan Waterfront and Related Areas, Lake and Porter Counties, Indiana.

(1) DEFINITIONS.—

(A) Related areas are defined as adjacent or close sites that have an impact or influence on the waterfront areas or aquatic habitat.

(B) Restore is defined as—

(i) activities that improve a site's ecosystem function, structure, and dynamic processes to a less degraded and more natural condition, and/or

(ii) the management of contaminants that allow the site to be safely used for ecological and/or economic purposes.

(2) JUSTIFICATION.—Projects can be justified by ecosystem benefits, clean-up of contaminated sites, public health, safety, economic benefits or any combination of these. Sites restored for economic purposes can be redeveloped by others. Restoration sites may include compatible recreation facilities that do not diminish the restoration purpose and do not increase the Federal cost share by more than 10 percent.

(3) COST SHARING.—The construction of projects are cost shared at 65 percent Federal and 35 percent non-Federal except when there is a demonstration of innovative technology. The cost share is then 85 percent Federal and 15 percent non-Federal.

(4) CREDIT.—

(A) The Secretary shall credit the non-Federal interest for the value of any lands, easements, rights-of-way, relocations, excavated and/or dredged material disposal areas required for carrying out a project. When the cost of the provision of all lands, easements, rights-of-way, relocations, excavated and/or dredged material disposal areas exceeds the non-Federal share, as identified in paragraph (3), the non-Federal interest may waive any right under Federal cost-sharing policy to receive cash reimbursement for any such value in excess of the non-Federal share as identified in paragraph (3).

(B) The non-Federal interest may provide up to 100 percent of the non-Federal share required under paragraph (3) in the form of services, materials, supplies, or other in-kind contributions including monies paid pursuant to, or the value of any in-kind service performed under, an administrative order on consent or jurisdictional consent decree but may not include any monies paid pursuant to, or the value of any in-kind service performed under, a unilateral administrative order or court order.

(C) The total of non-Federal credit for services, materials, supplies, or other in-kind contributions when combined with lands, easements, rights-of-way, relocations, excavated and/or dredged material disposal areas shall not exceed the non-Federal share identified in paragraph (3).

(5) OPERATION, MAINTENANCE, REPAIR, REPLACEMENT AND REHABILITATION.—Operation, maintenance, repair, replacement and rehabilitation is 100 percent non-Federal cost.

(6) HOLD HARMLESS.—Non-Federal interests hold and save harmless the United States free from claims or damages due to implementation of the project except for negligence of the government.

(7) AUTHORIZED APPROPRIATIONS.—There is authorized to be appropriated to carry out this program $20,000,000 for each fiscal year.

SEC. 126. CHESAPEAKE BAY OYSTER RESTORATION, MARYLAND AND VIRGINIA.—The second sentence of section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended by striking "$20,000,000" and inserting "$30,000,000".

SEC. 127. The project for flood control, Little Calumet River, Indiana, authorized by section 401(a) of Public Law 99-662 (100 Stat. 4115) is modified to authorize the Secretary of the Army to complete the project in accordance with the post authorization change report dated August 2000 at a total cost of $198,000,000 with an estimated Federal cost of $148,500,000 and an estimated non-Federal cost of $49,500,000.

SEC. 128. AMERICAN RIVER WATERSHED, CALIFORNIA (FOLSOM DAM AND PERMANENT BRIDGE).—(a) COORDINATION OF FLOOD DAMAGE REDUCTION AND DAM SAFETY.—The Secretary of the Army and the Secretary of the Interior are directed to collaborate on authorized activities to maximize flood damage reduction improvements and address dam safety needs at Folsom Dam and Reservoir, California. The Secretaries shall expedite technical reviews for flood damage reduction and dam safety improvements. In developing improvements under this section, the Secretaries shall consider reasonable modifications to existing authorized activities, including a potential auxiliary spillway. In conducting such activities, the Secretaries are authorized to expend funds for coordinated technical reviews and joint planning, and preliminary design activities.

(b) SECRETARY'S ROLE.—Section 134 of Public Law 108-137 (117 Stat. 1842) is modified to read as follows:

"SEC. 134. BRIDGE AUTHORIZATION.

"There is authorized to be appropriated to the Secretary of the Army $30,000,000 for the construction of the permanent bridge described in section 128(a), above the $36,000,000 provided for in the recommended plan for bridge construction. The $30,000,000 shall not be subject to cost sharing requirements with non-Federal interests.".

(c) CONFORMING CHANGE.—Section 128(a) of Public Law 108–137 (117 Stat. 1838) is modified by deleting "above the $36,000,000 provided for in the recommended plan for bridge construction," and inserting in lieu thereof the following: "above the sum of the $36,000,000 provided for in the recommended plan for bridge construction and the amount authorized to be appropriated by section 134, as amended,".

(d) MAXIMUM COST OF PROJECT.—The costs cited in subsections (b) and (c) shall be adjusted to allow for increases pursuant to section 902 of Public Law 99–662 (100 Stat. 4183). For purposes of making adjustments pursuant to this subsection, the date of authorization of the bridge project shall be December 1, 2003.

(e) EXPEDITED CONSTRUCTION.—The Secretary, in coordination with the Secretary of the Interior and affected non-federal officials (including the City of Folsom, California), shall expedite construction of a new bridge and associated roadway authorized in Public Law 108–137. The Secretary, to the extent practicable, may construct such work in a manner that is compatible with the design and construction of authorized projects for flood damage reduction and dam safety. The Secretary and the Secretary of the Interior shall expedite actions under their respective jurisdictions to facilitate timely completion of construction.

(f) REPORT TO CONGRESS.—The Secretary of the Army, in consultation with the Secretary of the Interior and non-federal interests, shall report to Congress within ninety days of the date of enactment of this Act, and at four-month intervals thereafter, on the status and schedule of planning, design and construction activity.

SEC. 129. JACKSONVILLE HARBOR, FLORIDA.—(a) The project for navigation, Jacksonville Harbor, Florida, authorized by section 101(a)(17) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to extend the navigation features in accordance with the Report of the Chief of Engineers, dated July 22, 2003, at a total cost of $14,658,000, with an estimated Federal cost of $9,636,000 and an estimated non-Federal cost of $5,022,000.

(b) The non-Federal share of the costs of the General Reevaluation Reports on the Jacksonville Harbor which were begun prior to August 2004, shall be consistent with the non-Federal costs in implementing the overall construction project.

SEC. 130. Section 594(g) of the Water Resources Development Act of 1999 (113 Stat. 383) is amended by striking "$60,000,000" and inserting "$240,000,000".

SEC. 131. ONONDAGA LAKE, NEW YORK.—Section 573 of the Water Resources Development Act of 1999 (113 Stat. 372) is amended—

(1) in subsection (f) by striking "$10,000,000" and inserting "$30,000,000";

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (e) the following:

"(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.".

SEC. 132. WHITE RIVER BASIN, ARKANSAS.—(a) MINIMUM FLOWS.—

(1) IN GENERAL.—The Secretary is authorized and directed to implement alternatives BS–3 and NF-7, as described in the White River Minimum Flows Reallocation Study Report, Arkansas and Missouri, dated July 2004.

(2) COST SHARING AND ALLOCATION.—Reallocation of storage and planning, design and construction of White River Minimum Flows project facilities shall be considered fish and wildlife enhancement that provides national benefits and shall be a Federal expense in accordance with section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)). The non-Federal interests shall provide relocations or modifications to public and private lakeside facilities at Bull Shoals Lake and Norfork Lake to allow reasonable continued use of the facilities with the storage reallocation as determined by the Secretary in consultation with the non-Federal interests. Operations and maintenance costs of the White River Minimum Flows project facilities shall be 100 percent Federal. All Federal costs for the White River Minimum Flows project shall be considered non-reimbursable.

(3) IMPACTS ON NON-FEDERAL PROJECT.—The Administrator of Southwestern Power Administration, in consultation with the project licensee and the relevant state public utility commissions, shall determine any impacts on electric energy and capacity generated at Federal Energy Regulatory Commission Project No. 2221 caused by the storage reallocation at Bull Shoals Lake, based on data and recommendations provided by the relevant state public utility commissions. The licensee of Project No. 2221 shall be fully compensated by the Corps of Engineers for those impacts on the basis of the present value of the estimated future lifetime replacement costs of the electrical energy and capacity at the time of implementation of the White River Minimum Flows project. Such costs shall be included in the costs of implementing

the White River Minimum Flows project and allocated in accordance with subsection (a)(2) above.

(4) Offset.—In carrying out this subsection, losses to the Federal hydropower purpose of the Bull Shoals and Norfork Projects shall be offset by a reduction in the costs allocated to the Federal hydropower purpose. Such reduction shall be determined by the Administrator of the Southwestern Power Administration on the basis of the present value of the estimated future lifetime replacement cost of the electrical energy and capacity at the time of implementation of the White River Minimum Flows project.

(b) Fish Hatchery.—In constructing, operating, and maintaining the fish hatchery at Beaver Lake, Arkansas, authorized by section 105 of the Water Resources Development Act of 1976 (90 Stat. 2921), losses to the Federal hydropower purpose of the Beaver Lake Project shall be offset by a reduction in the costs allocated to the Federal hydropower purpose. Such reduction shall be determined by the Administrator of the Southwestern Power Administration based on the present value of the estimated future lifetime replacement cost of the electrical energy and capacity at the time operation of the hatchery begins.

(c) Repeal.—Section 374 of the Water Resources Development Act of 1999 (113 Stat. 321) and section 304 of the Water Resources Development Act of 2000 (Public Law 106-541) are repealed.

Calcasieu Ship Channel, Louisiana.—

(a) In General.—At such time as Pujo Heirs and Westland Corporation convey all right, title, and interest in and to the real property described in paragraph (b)(1) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the real property described in paragraph (b)(2) to Pujo Heirs and Westland Corporation.

(b) Land Description.—The parcels of land referred to in paragraph (a) are the following:

(1) Non-Federal interest in land.—An easement for placement of dredged materials over a contiguous equivalent area to the real property described in subparagraph (2). The parcels on which such an easement may be exchanged is all of the area within the diked or confined boundaries of the Corps of Engineers Dredge Material Placement Area M comprising Tract 128E, Tract 129E, Tract 131E, Tract 41A, Tract 42, Tract 132E, Tract 130E, Tract 134E, Tract 133E-3, Tract 140E, or some combination thereof.

(2) Federal interest in land.—An easement for placement of dredged materials over an area in Cameron Parish, Louisiana, known as portions of Government Tract Numbers 139E-2 and 48 (both tracts on the west shore of the Calcasieu Ship Channel), and other tracts known as Corps of Engineers Dredge Material Placement Area O.

(c) Conditions.—The exchange of real property under paragraph (1) shall be subject to the following conditions:

(1) Deeds.—

(A) Non-federal land.—The conveyance of the real property described in paragraph (b)(1) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) Federal land.—The conveyance of the real property described in paragraph (b)(2) to Pujo Heirs and Westland Corporation shall be by a quitclaim deed.

(2) Time limit for exchange.—The land exchange under paragraph (a) shall be completed not later than six months after the date of enactment of this Act.

(3) Incremental costs.—As determined by the Secretary, incremental costs to the Lake Charles Harbor and Terminal District associated with the preparation of the area and the placement of dredge material in the new disposal easement area, paragraph (b)(1), including, site preparation costs, associated testing, permitting, mitigation and diking costs associated with such new disposal easement over the costs that would have been incurred in the placement of dredge material in the old disposal easement area, paragraph (b)(2) (comprising all of Corps of Engineers Dredge Material Placement Area O) up to the disposal capacity equivalent of the property described in paragraph (b)(2), shall be made available by the Owners. Owners shall make appropriated guarantees, as agreed to by the Secretary, that funds will be available as needed to cover such incremental costs. The Lake Charles Harbor and Terminal District, as local sponsor for the Calcasieu Ship Channel Project, shall not be assessed or caused to incur any costs arising out of, associated with or as a consequence of the land exchange authorized under paragraph (a).

(d) Value of Properties.—If the appraised fair market value, as determined by the Secretary, of the real property conveyed to Pujo Heirs and Westland Corporation by the Secretary under paragraph (a) exceeds the appraised fair market value, as determined by the Secretary, of the real property conveyed to the United States by Pujo Heirs and Westland Corporation under paragraph (a), Pujo Heirs and Westland Corporation shall make a payment to the United States equal to the excess in cash or a cash equivalent that is satisfactory to the Secretary.

Sec. 134. Project Modification.—(a) In General.—The project for flood damage reduction, environmental restoration, recreation, Johnson Creek, Arlington, Texas, authorized by section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat. 280-281) is modified—

(1) to deauthorize the ecosystem restoration portion of the project that consists of approximately 90 acres of land located between Randol Mill and the Union Pacific East/West line; and

(2) to authorize the Secretary of the Army to design and construct an ecosystem restoration project on lands identified in subsection (c) that will provide the same or greater level of national ecosystem restoration benefits as the portion of the project described in paragraph (1).

(b) Credit Toward Federal Share.—The Secretary of the Army shall credit toward the Federal share of the cost of the modified project the costs incurred by the Secretary to carry out the project as originally authorized under section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat. 280). The non-Federal interest shall not be responsible for reimbursing the Secretary for any amount credited under this subsection.

(c) Comparable Property.—Not later than 6 months after the date of enactment of this Act, the City of Arlington, Texas, shall identify lands, acceptable to the Secretary of the Army, amounting to not less than 90 acres within the City, where an ecosystem restoration project may be constructed to provide the same or greater level of National ecosystem restoration benefits as the land described in subsection (a)(1).

Sec. 135. Funds made available in Public Law 105-62 and Public Law 105-245 for Hudson River, Athens, New York, shall be available for projects in the Catskill/Delaware watersheds in Delaware and Greene Counties, New York, under the authority of the New York City Watershed Environmental Assistance Program.

Sec. 136. None of the funds contained in title I of this Act shall be available to permanently reassign or to temporarily reassign in excess of 180 days personnel from the Charleston, South Carolina district office: Provided, That this limitation shall not apply to voluntary change of station.

Sec. 137. The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to design and construct until hereafter completed, the recreation and access features designated as Phase II of the Louisville Waterfront Park, Kentucky, as described in the Louisville Waterfront Park, Phases II and III, Detailed Project Report, by the Louisville District of the Corps of Engineers dated May 2002. The project shall be cost shared 50 percent Federal and 50 percent non-Federal. The cost of project work undertaken by the non-Federal interests, including but not limited to prior planning, design, and construction, shall be credited toward the non-Federal share of project design and construction costs.

Sec. 138. Akutan, Alaska.—(a) In General.—The Secretary of the Army is authorized to carry out the project for navigation, Akutan, Alaska, substantially in accordance with the plans, and subject to the conditions, described in the Report of the Chief of Engineers dated December 20, 2004, at a total cost of $19,700,000.

(b) Treatment of Certain Dredging.—The headlands dredging for the mooring basin shall be considered a general navigation feature for purposes of estimating the non-Federal share of the cost of the project.

Sec. 139. (a) In General.—The project for the beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776) shall be known as and designated as the "Paul S. Sarbanes Ecosystem Restoration Project at Poplar Island".

(b) Reference.—Any reference in a law, map, regulation, document, paper or other record of the United States (including reference by the Corps of Engineers) to the project referred to in subsection (a) shall be deemed to be a reference to the "Paul S. Sarbanes Ecosystem Restoration Project at Poplar Island".

(c) Effective Date.—The project designation in this section shall become effective on January 4, 2007.

TITLE II

DEPARTMENT OF THE INTERIOR

Central Utah Project

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $32,614,000, to remain available until expended, of which $946,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,736,000, to remain available until expended.

Bureau of Reclamation

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $883,514,000, to remain available until expended, of which $59,544,000 shall be available for transfer to the Upper Colorado River Basin Fund and $21,998,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out *by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l-6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: Provided further, That $500,000 of the funds provided herein shall be used on a non-reimbursible basis to fund the collection of technical and environmental data to be used to evaluate potential rehabilitation of the St. Mary Storage Unit facilities, Milk River Project, Montana, and that Reclamation shall enter into cooperative agreements with the State of Montana or the Blackfeet Tribe to carry out such work if the Secretary determines such agreements would be cost-effective and efficient.*

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $52,219,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $37,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That the use of any funds provided to the California Bay-Delta Authority for programwide management and oversight activities shall be subject to the approval of the Secretary of the Interior: Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program: Provided further, That $500,000 shall be transferred to the Army Corps of Engineers to carry out the report on levee stability reconstruction projects and priorities authorized under section 103(f)(3) of Public Law 108–361.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $57,917,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, of which 11 are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 202. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 203. (a) Section 1(a) of the Lower Colorado Water Supply Act (Public Law 99–655) is amended by adding at the end the following: "The Secretary is authorized to enter into an agreement or agreements with the city of Needles or the Imperial Irrigation District for the design and construction of the remaining stages of the Lower Colorado Water Supply Project on or after November 1, 2004, and the Secretary shall ensure that any such agreement or agreements include provisions setting forth: (1) the responsibilities of the parties to the agreement for design and construction; (2) the locations of the remaining wells, discharge pipelines, and power transmission lines; (3) the remaining design capacity of up to 5,000 acre-feet per year which is the authorized capacity less the design capacity of the first stage constructed; (4) the procedures and requirements for approval and acceptance by the Secretary of the remaining stages, including approval of the quality of construction, measures to protect the public health and safety, and procedures for protection of such stages; (5) the rights, responsibilities, and liabilities of each party to the agreement; and (6) the term of the agreement.".

(b) Section 2(b) of the Lower Colorado Water Supply Act (Public Law 99–655) is amended by adding at the end the following: "Subject to the demand of such users along or adjacent to the Colorado River for Project water, the Secretary is further authorized to contract with additional persons or entities who hold Boulder Canyon Project Act section 5 contracts for municipal and industrial uses within the State of California for the use or benefit of Project water under such terms as the Secretary determines will benefit the interest of Project users along the Colorado River.".

SEC. 204. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 205. The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into grants, cooperative agreements, and other agreements with irrigation or water districts and States to fund up to 50 percent of the cost of planning, designing, and constructing improvements that will conserve water, increase water use efficiency, or enhance water management through measurement or automation, at existing water supply projects within the States identified in the Act of June 17, 1902, as amended, and supplemented: Provided, That when such improvements are to federally owned facilities, such funds may be provided in advance on a non-reimbursable basis to an entity operating affected transferred works or may be deemed non-reimbursable for non-transferred works: Provided further, That the calculation of the non-Federal contribution shall provide for consideration of the value of any in-kind contributions, but shall not include funds received from other Federal agencies: Provided further, That the cost of operating and maintaining such improvements shall be the responsibility of the non-Federal entity: Provided further, That this section shall not supercede any existing project-specific funding authority: Provided further, That the Secretary is also authorized to enter into grants or cooperative agreements with universities or non-profit research institutions to fund water use efficiency research.

SEC. 206. WATER DESALINATION ACT.—Section 8 of Public Law 104–298 (The Water Desalination Act of 1996) (110 Stat. 3624) as amended by section 210 of Public Law 108–7 (117 Stat. 146) and by section 6015 of Public Law 109–13 is amended by—

(1) in paragraph (a) by striking "2005" and inserting in lieu thereof "2006"; and

(2) in paragraph (b) by striking "2005" and inserting in lieu thereof "2006".

SEC. 207. Section 17(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 as amended (Public Law 100–585, 102 Stat. 2973; Public Law 106–554, 114 Stat. 2763A–266) is amended by striking "within 7 years" and all that follows through "following the date of enactment of this section" and inserting "for each of fiscal years 2006 through 2012".

SEC. 208. (a)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary shall provide not more than $70,000,000 to the University of Nevada—

(A) to acquire from willing sellers land, water appurtenant to the land, and related interests in the Walker River Basin, Nevada; and

(B) to establish and administer an agricultural and natural resources center, the mission of which shall be to undertake research, restoration, and educational activities in the Walker River Basin relating to—

(i) innovative agricultural water conservation;

(ii) cooperative programs for environmental restoration;

(iii) fish and wildlife habitat restoration; and

(iv) wild horse and burro research and adoption marketing.

(2) In acquiring interests under paragraph (1)(A), the University of Nevada shall make acquisitions that the University determines are the most beneficial to—

(A) the establishment and operation of the agricultural and natural resources research center authorized under paragraph (1)(B); and

(B) environmental restoration in the Walker River Basin.

(b)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary shall provide not more than $10,000,000 for a water lease and purchase program for the Walker River Paiute Tribe.

(2) Water acquired under paragraph (1) shall be—

(A) acquired only from willing sellers;

(B) designed to maximize water conveyances to Walker Lake; and

(C) located only within the Walker River Paiute Indian Reservation.

(c) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary, acting through the Commissioner of Reclamation, shall provide—

(1) $10,000,000 for tamarisk eradication, riparian area restoration, and channel restoration efforts within the Walker River Basin that are designed to enhance water delivery to Walker Lake, with priority given to activities that are expected to result in the greatest increased water flows to Walker Lake; and

(2) $5,000,000 to the United States Fish and Wildlife Service, the Walker River Paiute Tribe, and the Nevada Division of Wildlife to undertake activities, to be coordinated by the Director of the United States Fish and Wildlife Service, to complete the design and implementation of the Western Inland Trout Initiative and Fishery Improvements in the State of Nevada with an emphasis on the Walker River Basin.

(d) For each day after June 30, 2006, on which the Bureau of Reclamation fails to comply with subsections (a), (b), and (c), the total amount made available for salaries and expenses of the Bureau of Reclamation shall be reduced by $100,000 per day.

SEC. 209. (a). The Secretary of the Interior is authorized to complete a special report to update the analysis of costs and associated benefits of the Auburn-Folsom South Unit, Central Valley Project, California authorized under Federal reclamation laws and the Act of September 2, 1965, P.L. 89-161, 79 Stat. 615 in order to—

(1) identify those project features that are still relevant;

(2) identify changes in benefit values from previous analyses and update to current levels;

(3) identify design standard changes from the 1978 Reclamation design which require updated project engineering;

(4) assess risks and uncertainties associated with the 1978 Reclamation design;

(5) update design and reconnaissance-level cost estimate for features identified under paragraph (1); and

(6) perform other analyses that the Secretary deems appropriate to assist in the determination of whether a full feasibility study is warranted.

(b). There are authorized to be appropriated $1,000,000 to carry out this section. The cost of completing this update shall be non-reimbursable.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY AND CONSERVATION

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply and energy conservation activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,830,936,000, to remain available until expended.

CLEAN COAL TECHNOLOGY

(DEFERRAL AND RESCISSION)

Of the funds made available under this heading for obligation in prior years, $257,000,000 shall not be available until October 1, 2006: Provided, That funds made available in previous appropriations Acts shall be made available for any ongoing project regardless of the separate request for proposal under which the project was selected: Provided further, That $20,000,000 of uncommitted balances is rescinded.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $597,994,000, to remain available until expended, of which $18,000,000 is to continue a multi-year project coordinated with the private sector for FutureGen, without regard to the terms and conditions applicable to clean coal technological projects: Provided, That the initial planning and research stages of the FutureGen project shall include a matching requirement from non-Federal sources of at least 20 percent of the costs: Provided further, That any demonstration component of such project shall require a matching requirement from non-Federal sources of at least 50 percent of the costs of the component: Provided further, That of the amounts provided, $50,000,000 is available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: Provided further, That no project may be selected for which sufficient funding is not available to provide for the total project: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in 42 U.S.C. 5903d as well as those contained under the heading "Clean Coal Technology" in prior appropriations: Provided further, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: Provided further, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account: Provided further, That for fiscal year 2006 salaries for Federal employees performing research and development activities at the National Energy Technology Laboratory can continue to be funded from program accounts: Provided further, That the Secretary of Energy is authorized to accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State, or private agencies or concerns: Provided further, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under the Fossil Energy Research and Development account may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, $21,500,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $48,000,000, for payment to the State of California for the State Teachers' Retirement Fund, of which $46,000,000 will be derived from the Elk Hills School Lands Fund.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6333 et seq.), including the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, $166,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $86,176,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the

Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed six passenger motor vehicles, of which five shall be for replacement only, $353,219,000, to remain available until expended.

Uranium Enrichment Decontamination and Decommissioning Fund

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, $562,228,000, to be derived from the Fund, to remain available until expended, of which $20,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

Science

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed forty-seven passenger motor vehicles for replacement only, including not to exceed one ambulance and two buses, $3,632,718,000, to remain available until expended.

Nuclear Waste Disposal

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended (the "Act"), including the acquisition of real property or facility construction or expansion, $150,000,000, to remain available until expended, of which $100,000,000 shall be derived from the Nuclear Waste Fund: Provided, That of the funds made available in this Act for Nuclear Waste Disposal, $2,000,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act: Provided further, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended, not less than $500,000 shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of that Act: Provided further, That $7,500,000 shall be provided to affected units of local government, as defined in the Act, to conduct appropriate activities and participate in licensing activities: Provided further, That 7.5 percent of the funds provided shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada units of local government: Provided further, That notwithstanding the provisions of Chapters 65 and 75 of Title 31, the Department shall have no monitoring, auditing or other oversight rights or responsibilities over amounts provided to affected units of local government under this heading: Provided further, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the Act and this Act: Provided further, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Act, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: Provided further, That no funds provided in this Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy, or to withhold payment of any such funds.

Departmental Administration

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $35,000, $252,817,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $123,000,000 in fiscal year 2006 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2006, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $129,817,000: Provided further, That not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report, in unclassified form but with a classified appendix if necessary, on the Department of Energy's plan to bring security for Building 3019 at the Oak Ridge National Laboratory, Oak Ridge, Tennessee, into full compliance with the Department's Design Basis Threat Policy: Provided further, That the report shall include

(1) a detailed description of any element of the Department's Design Basis Threat Policy that is not to be fully addressed throughout the remaining lifetime of Building 3019;

(2) a detailed description of the security implementation plan, including security personnel, perimeter detection capability, response capabilities, use of security technology, and methods of meeting physical standoff requirements;

(3) a schedule with specific dates describing the milestones to achieve compliance with the Department's Design Basis Threat Policy;

(4) a security management plan signed by the Secretary of Energy specifying the program secretarial offices responsible for implementing and funding the security program, including any incremental funding requirements to upgrade security levels for the period during the material handling and processing activities leading to complete disposition of the stored inventory of special nuclear material; and

(5) the justification for failing to fully comply with the Design Basis Threat Policy, if the Secretary does not intend to implement a security program at Building 3019 that fully complies with the Department's Design Basis Threat requirements for new, continuing operations.

Office of the Inspector General

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $42,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

National Nuclear Security Administration

Weapons Activities

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 40 passenger motor vehicles, for replacement only, including not to exceed two buses; $6,433,936,000, to remain available until expended: Provided, That $81,350,000 is authorized to be appropriated for Project 01-D-124 HEU materials facility, Y-12 Plant, Oak Ridge, Tennessee: Provided further, That $7,000,000 is authorized to be appropriated for Project 05-D-140 Project engineering and design (PED), various locations.

Defense Nuclear Nonproliferation

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,631,151,000, to remain available until expended.

Naval Reactors

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $789,500,000, to remain available until expended.

Office of the Administrator

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $341,869,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

Defense Environmental Cleanup

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion,

$6,192,371,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed ten passenger motor vehicles for replacement only, including not to exceed two buses; $641,998,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $350,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION KUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93 454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2006, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $5,600,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302, up to $32,713,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power administration, $30,166,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302, up to $3,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $233,992,000, to remain available until expended, of which $229,596,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, $6,700,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That of the amount herein appropriated, $6,000,000 shall be available until expended on a nonreimbursable basis to the Western Area Power Administration for Topock-Davis-Mead Transmission Line Upgrades: Provided further, That notwithstanding the provision of 31 U.S.C. 3302, up to $279,000,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,692,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $220,400,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $220,400,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2006 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a)(1) None of the funds in this or any other appropriations Act for fiscal year 2006 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract unless the Secretary of Energy has published in the Federal Register and submitted to the Committees on Appropriations of the House of Representatives and the Senate a written notification, with respect to each such contract, of the Secretary's decision to use competitive procedures for the award of the contract, or to not renew the contract, when the term of the contract expires.

(2) Paragraph (1) does not apply to an extension for up to 2 years of a noncompetitive management and operating contract, if the extension is for purposes of allowing time to award competitively a new contract, to provide continuity of service between contracts, or to complete a contract that will not be renewed.

(b) In this section:

(1) The term "noncompetitive management and operating contract" means a contract that was awarded more than 50 years ago without competition for the management and operation of Ames Laboratory, Argonne National Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and Los Alamos National Laboratory.

(2) The term "competitive procedures" has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

(c) For all management and operating contracts other than those listed in subsection (b)(1), none of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver. At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Committees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

SEC. 309. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purpose of this section, the material categories of transuranic waste from the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residue; (3) wet residues; (4) direct repackage residues; and (5) scrub alloy as referenced in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site".

SEC. 310. RENO HYDROGEN FUEL PROJECT FUNDING.—(a) The non-Federal share of project costs shall be 20 percent.

(b) The cost of project vehicles, related facilities, and other activities funded from the Federal Transit Administration Sections 5307, 5308, 5309, and 5314 program, including the non-Federal share for the FTA funds, is an eligible component of the non-Federal share for this project.

(c) Contribution of the non-Federal share of project costs for all grants made for this project may be deferred until the entire project is completed.

(d) All operations and maintenance costs associated with vehicles, equipment, and facilities utilized for this project are eligible project costs.

(e) This section applies to project appropriations beginning in fiscal year 2004.

SEC. 311. LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.——Of the funds made available by the Department of Energy for activities at government-owned, contractor-operator operated laboratories funded in this Act or subsequent Energy and Water Development Appropriations Acts, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory-directed research and development: Provided, That the Secretary may also authorize a specific amount not to exceed 3 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site-directed research and development: Provided further, That notwithstanding Department of Energy order 413.2A, dated January 8, 2001, beginning in fiscal year 2006 and thereafter, all DOE laboratories may be eligible for laboratory directed research and development funding.

SEC. 312. Of amounts appropriated to the Secretary of Energy for the Rocky Flats Environmental Technology Site for fiscal year 2006, the Secretary may provide, subject to authorization, up to $10,000,000 for the purchase of mineral rights at the Rocky Flats Environmental Technology Site.

SEC. 313. Section 4306 of the Atomic Energy Defense Act (50 U.S.C. 2566) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), by striking "2009" each place it appears and inserting "2012"; and

(B) in paragraph (3)—

(i) in subparagraph (B)(ii), by striking "2009" and inserting, "2012"; and

(ii) in subparagraph (C), by striking "2009" and inserting "2012";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "(a)(2)" and inserting "(g)"; and

(ii) by striking "2009" and inserting "2012";

(B) in paragraph (4), by striking "2009" each place it appears and inserting "2012"; and

(C) in paragraph (5), by striking "2009" and inserting "2012";

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking, "2009" and inserting "2012";

(B) in paragraph (1), by striking "2011" and inserting "2014"; and

(C) in paragraph (2), by striking "2017" each place it appears and inserting "2020";

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "2011" and inserting "2014";

(ii) by striking "from funds available to the Secretary" and inserting "subject to the availability of appropriations"; and

(iii) by striking "2016" and inserting "2019"; and

(B) in paragraph (2)(A), by striking "2017" each place it appears and inserting "2020";

(5) in subsection (e), by striking "2020" and inserting "2023";

(6) by redesignating subsection (g) as subsection (h); and

(7) by inserting after subsection (f) the following:

(g) BASELINE.—Not later than December 31, 2006, the Secretary shall submit to Congress a report on the construction and operation of the MOX facility that includes a schedule for revising the requirements of this section during fiscal year 2007 to conform with the schedule established by the Secretary for the MOX facility, which shall be based on estimated funding levels for the fiscal year.".

SEC. 314. SALES OF URANIUM.—(a) IN GENERAL.—Notwithstanding any other provision of Federal law, including section 3112 of the USEC Privatization Act (42 U.S.C. 2297h–2) and section 3302 of Title 31, United States Code, the Secretary of Energy is authorized to barter, transfer or sell uranium (including natural uranium concentrates, natural uranium hexafluoride, or in any form or assay) and to use any proceeds, without fiscal year limitation, to remediate uranium inventories held by the Secretary.

(b) ADDITIONAL REQUIREMENTS.—Any barter, transfer or sale of uranium under subsection (a) shall to the extent possible, be competitive and comply with all applicable Federal procurement laws (including regulations); and shall not exceed 10 percent of the total annual fuel requirements of all licensed nuclear power plants located in the United States for uranium concentrates, uranium conversion, or uranium enrichment.

SEC. 315. Section 130 of Division H (Miscellaneous Appropriations and Offsets) of the Consolidated Appropriations Act, 2004, Public Law 108-199, is hereby amended by striking "is provided for the Coralville, Iowa, project" and all that follows and inserting: "is provided for the Iowa Environmental and Education project to be located in Iowa. No further funds may be disbursed by the Department of Energy until a one hundred percent non-Federal cash and in-kind match of the appropriated Federal funds has been secured for the project by the non-Federal project sponsor: Provided, That the match shall exclude land donations: Provided further, That if the match is not secured by the non-Federal project sponsor by December 1, 2007, the remaining Federal funds shall cease to be available for the Iowa Environmental and Education project.".

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $65,472,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $22,032,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, $12,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $50,000,000, to remain available until expended, nothwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), purchase of promotional items for use in the recruitment of individuals for employment, $734,376,000, to remain available until expended: Provided, That of the amount appropriated herein, $46,118,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $617,182,000 in fiscal year 2006 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at not more than $117,194,000: Provided further, That section 6101 of the Omnibus Budget Reconciliation Act of 1990 is amended by inserting before the period in subsection (c)(2)(B)(v) the words "and fiscal year 2006".

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $8,316,000, to remain available until expended:

Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $7,485,000 in fiscal year 2006 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at not more than $831,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,608,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

This Act may be cited as the "Energy and Water Development Appropriations Act, 2006".

And the Senate agree to the same.

David L. Hobson,
Rodney P. Frelinghuysen,
Tom Latham,
Zach Wamp,
Jo Ann Emerson,
John Doolittle,
Michael K. Simpson,
Dennis R. Rehberg,
Jerry Lewis,
Peter J. Visclosky,
Chet Edwards,
Ed Pastor,
James E. Clyburn,
Marion Berry,
David R. Obey,
Managers on the Part of the House.

Pete V. Domenici,
Thad Cochran,
Mitch McConnell,
Robert F. Bennett,
Conrad Burns,
Larry E. Craig,
Christopher S. Bond,
Kay Bailey Hutchison,
Wayne Allard,
Harry Reid,
Robert C. Byrd,
Patty Murray,
Bryon L. Dorgan,
Dianne Feinstein,
Tim Johnson,
Mary L. Landrieu,
Daniel K. Inouye,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes, submit the following joint statement to the House and Senate in explanation of the action agreed upon by the managers and recommend in the accompanying conference report.

The language and allocations set forth in House Report 109–86 and Senate Report 109–84 should be complied with unless specifically addressed to the contrary in the conference report and statement of managers. Report language included by the House which is not contradicted by the report of the Senate or the conference, and Senate report language which is not contradicted by the report of the House or the conference is approved by the committee of conference. The statement of managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House report and Senate report address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House report and Senate report are not inconsistent and are to be interpreted accordingly. In cases in which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

Senate amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

TITLE I—DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The summary tables included in this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Corps of Engineers. Additional items of the conference agreement are discussed below.

WATER RESOURCE NEEDS IN THE WAKE OF HURRICANES KATRINA AND RITA

The conferees' funding recommendations in this statement of managers have been shaped by the occurrence of Hurricanes Katrina and Rita, their profound effects on the Gulf Coast of the United States, and what these storms revealed about our country's vulnerability to natural disasters. Accordingly, total funding levels for Energy and Water Development Appropriations for fiscal year 2006 are $749,000,000 above the levels requested by the Administration, and the conferees have designated almost all of this increase for strengthening the water infrastructure of our nation. Dam safety, flood protection, and maintenance of vital navigation systems have been given priority.

The situation on the Gulf Coast in the wake of the 2005 hurricanes requires balance among competing forces. There is an urgent need for rapid restoration of flood control measures before the next storm season. The US Army Corps of Engineers has testified that it can accomplish these repairs by June 2006. However, extensive flooding occurred in the region despite the existence of flood control measures designed to withstand Category 3 hurricanes. Fully understanding what caused the flooding will require time, and the design and implementation of an improved protection system will take years. This means that some interim protection will be in place soon and better protection will be provided later.

This Act provides considerable support for on-going improvements to flood control projects along the Gulf Coast, particularly in Louisiana and Mississippi. The hurricanes have altered the underlying justifications for these projects and brought into question existing approaches and designs. The physical situation on the ground has changed, the nature and value of the communities and infrastructure to be protected have changed, and the engineering requirements for providing given levels of flood protection have changed. While the Corps of Engineers proceeds to reestablish preexisting flood control works using funds provided on an emergency basis, a revised plan for providing an improved flood control system for the future is needed. Accordingly, the conferees direct the Secretary of the Army, acting through the Chief of Engineers, to provide the House and Senate Committees on Appropriations with a report detailing an integrated approach to flood control, navigation, and environmental restoration for the Gulf Coast region of Louisiana and Mississippi within 120 days of enactment. This report should present the overall approach for future spending and identify specific changes to on-going projects as well as proposals for future work. Hopefully, this vision can be in place to guide appropriations for next year and inform the five-year funding plan that is to accompany the Administration's fiscal year 2007 budget request.

The conferees expect additional resources will be provided in subsequent supplemental appropriations bills to respond to the aftermath of Hurricane Katrina and shall be considered in the broader context of flood reduction for and reconstruction of the City of New Orleans as hurricane data analysis is completed and as a consensus on how best to protect the City of New Orleans emerges.

The budget request from the Administration recommended funding various projects based on seven performance guidelines, based principally on the ratio of remaining-benefits-to-remaining-costs. The conferees have endeavored to identify the most critical flood damage reduction and navigation projects in the allocation of resources provided, but in the absence of the Corps of Engineers being able to provide to the Congress its professional engineering judgment on which priority infrastructure needs should be addressed this fiscal year, the conferees have largely provided the budget request for individual water resource projects.

PROGRAM MANAGEMENT AND EXECUTION

The conferees agree that improvements in the Corps' program management and execution are necessary and appropriate. The conferees expect the civilian and military leadership of the Corps of Engineers to manage the Corps of Engineers and the Civil Works program.

Five-year comprehensive budget planning.—The Corps is directed to submit to the House and Senate Committees on Appropriations concurrent with each annual budget hereafter an updated five-year development plan, as delineated in the House report.

Emphasis on expenditures.—The Corps is directed to adopt a fiscal management practice that fully honors Congressional direction and accepts a higher level of carryover funds in order to achieve greatly increased transparency into project costs and multiyear funding commitments.

Congressional justification materials.—The conferees direct the Corps to improve its annual congressional budget submission by expanding the information presented to the Congress each year and to present its budget estimate by mission area. That information shall include, but not be limited to, those items more fully discussed in the House report. Such information shall include a detailed analysis of activities and projects funded in the current year but for which no funds are requested in the budget estimate. It is incumbent upon the Administration and the Corps of Engineers to disclose fully how it plans to carry out the current year appropriation. Inclusion of such information in the budget justification materials in no way implies continuing support of such projects or activities by the Administration or the Corps of Engineers but is needed by Congress to determine if the Executive Branch is executing fully its appropriation by program, project and activity consistent with Congressional direction and intent. The conferees note that similar information is provided in other executive branch agencies' budget submissions and fail to understand why such information is not provided by the Corps of Engineers or cleared by the Office of Management and Budget for transmittal to the Congress.

Performance-based budgeting.—The conferees acknowledge the efforts of the Administration to develop a methodology for focusing limited federal resources on water resource projects, but recognize that the remaining-costs-to-remaining-benefits ratio used by the Administration has its limitations. In addition, the conferees note the inability of the Corps of Engineers to produce at the request of Congress a list of the ten most critical water resources needs in the country that need to be addressed given the Nation's experience with Hurricane Katrina. Accordingly, the Corps of Engineers is directed to contract with the National Academy of Public Administration to study and recommend factors, perhaps to include remaining-costs-to-remaining-benefits, which should be used in determining the allocation of limited resources for the construction of water resource projects.

Savings and slippage.—The conferees acknowledge the existence of traditional savings and slippage, which may accrue either from unfavorable construction schedules and/or seasons or from delays in a project's delivery because of environmental issues, litigation or local financial limitations. Such funds may be available for reallocation, only on a project-by-project basis, within the reprogramming limitation contained in section 101 in title I of this Act.

In recent years the Congress has artificially increased the historical savings and slippage estimate, thereby increasing the across-the-board reduction. The conferees have discontinued this practice. The conference agreement eliminates the need for an across-the-board reduction resulting from project allocations in excess of the amount appropriated for such account. In addition, an across-the-board reduction for historical savings and slippage shall not be assessed. Savings and slippage shall be taken on a project-by-project basis, recognizing the unique characteristics of each project and its total annual funding requirements.

Reprogramming.—The conference agreement modifies section 101 of the House bill, which provides very specific instances and procedures by which the Corps may reprogram funds. The Senate bill contained no similar guidance. The guidance contained herein shall supercede all previous Congressional direction with respect to the reprogramming of appropriated funds and shall apply to all available balances in the Corps' accounts. For the purposes of carrying out this section, a reprogramming of funds is defined as any reallocation of funds into or from a line item set forth in the statement of managers accompanying this Act. No distinctions are to be made by the Corps for transfers or movements of funds, such as restorations or revocations, as has been the past practice. Any funds proposed for reprogramming shall be deemed to be excess to project needs, and shall be considered on a project-by-project basis.

Consistent with the recommendations found in a recent GAO report entitled "Improved Planning and Financial Management Should Replace Reliance on Reprogramming Actions to Manage Project Funds," the Corps is directed to develop immediately a financial planning and management system for the investigations, construction, and operation and maintenance appropriations that changes the way the Corps allocates funds from an annual basis to a quarterly basis that reflects actual schedule and project performance. This recommendation is most crucial to ensure increased certainty in execution of projects. Accordingly, the conferees expect that project funds shall be allocated to the field operating agencies by the headquarters office on a quarterly basis on the expected rate of execution for each quarter.

Not later than 60 days following the enactment of this Act, the Corps shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year. That report shall contain a table for each appropriation, showing among other items, each program, project and activity in each appropriation. For each day after the required date that the report has not been submitted to Congress, the amount appropriated for salaries and expenses of the Corps of Engineers shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress. In addition, the conferees direct the Corps to provide quarterly reports to the House and Senate Committees on Appropriations detailing all projects from which and to which funds were reprogrammed pursuant to the authorities provided in this Act. The report shall also include reasons for the transfer of funds. The thresholds contained in section 101 shall apply to cumulative totals on a project-by-project basis.

Further, the conferees direct that, when the Corps executes a reprogramming pursuant to the authorities of this Act, the Corps and the project sponsor shall treat each reprogramming as a one time transaction with no commitment or expectation to return funds to that project.

The conferees expect the reprogramming authorities provided in this Act will improve the fiscal management of the Corps' program. The conferees expect the Corps of Engineers to adhere to the letter and spirit of these reprogramming authorities. To the extent that the Corps is unable to improve its financial planning and management systems by the adoption of these authorities, the conferees will consider further restrictions in the Corps' reprogramming authorities in the context of the fiscal year 2007 Energy and Water Development Appropriations Act.

Continuing contracts.—The conference agreement modifies two provisions proposed by the House regarding continuing contracts. These provisions are discussed in greater detail under General Provisions.

INVESTIGATIONS

The conference agreement provides $164,000,000 for Investigations, instead of $100,000,000 as provided by the House and $180,000,000 as proposed by the Senate. The conference agreement deletes a provision proposed by the House, which incorporates by reference the projects and activities specified in the statement of managers accompanying this Act. The Senate bill contained no similar provision.

The conference agreement includes a provision relating to planning assistance to the State of Ohio. In addition, the conference agreement includes a provision providing $8,000,000 to conduct, at full federal expense, a comprehensive hurricane protection study.

The conference agreement deletes a provision proposed by the Senate relating to funding for a project in Laupahoehoe Harbor, Hawaii. The House bill contained no similar provision.

The conference agreement for investigations is shown in the following table:

CORPS OF ENGINEERS - INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
ALABAMA				
BREWTON AND EAST BREWTON, AL	189	---	75	---
VILLAGE CREEK, JEFFERSON COUNTY (BIRMINGHAM WATERSHED)	253	---	100	---
ALASKA				
AKUTAN HARBOR, AK	---	---	---	500
ANCHORAGE HARBOR DEEPENING, AK	---	---	500	---
BARROW COASTAL STORM DAMAGE DEEPENING, AK	---	---	800	---
COFFMAN COVE, AK	---	---	600	---
DELONG MOUNTAIN HARBOR, AK	---	---	490	760
HAINES HARBOR, AK	---	---	300	---
KENAI RIVER BLUFF EROSION,AK	---	---	500	---
KNIK BRIDGE CROSSING, AK	---	---	500	---
KOTZEBUE SMALL BOAT HARBOR, AK	---	---	250	---
LITTLE DIOMEDE HARBOR, AK	---	---	200	---
MCGRATH, AK	---	---	150	---
MEKORYUK HARBOR, AK	---	---	100	---
UNALAKLEET, AK	---	---	250	---
UNALASKA, AK	---	---	---	500
YAKUTAT HARBOR, AK	300	---	300	---

CORPS OF ENGINEERS - INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
ARIZONA				
PIMA COUNTY, AZ	488	---	450	---
RILLITO RIVER, PIMA COUNTY, AZ	---	618	---	600
RIO SALADO OESTA, SALT RIVER, AZ	---	---	230	---
SANTA CRUZ RIVER, GRANT RD TO FT LOWELL RD, AZ	400	---	350	---
SANTA CRUZ RIVER, PASEO DE LAS IGLESIAS, AZ	---	---	---	50
VA SHLY-AY AKIMEL SALT RIVER RESTORATION, AZ	---	400	---	400
ARKANSAS				
HOT SPRINGS CREEK, AR	200	---	100	---
NORTH LITTLE ROCK, DARK HOLLOW, AR	---	---	---	100
PINE MOUNTAIN LAKE, AR	---	---	---	100
RED RIVER NAVIGATION STUDY, SW ARKANSAS, AR	---	---	80	70
SOUTHWEST ARKANSAS, AR	---	---	100	---
WHITE RIVER BASIN COMPREHENSIVE, AR & MO	1,000	---	800	---
CALIFORNIA				
ALISO CREEK MAINSTEM, CA	350	---	350	---
ARANA GULCH WATERSHED, CA	100	---	50	---
ARROYO SECO WATERSHED, CA	---	---	100	---
BALLONA CREEK ECOSYSTEM RESTORATION, CA	---	---	200	---
BOLINAS LAGOON, CA	---	---	150	---
CALIFORNIA COASTAL SEDIMENT MASTER PLAN, CA	600	---	600	---

CORPS OF ENGINEERS - INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
CARPINTERAI SHORELINE STUDY, CA	---	---	100	---
CITY ON INGLEWOOD, CA	---	---	125	---
CITY OF NORWALK, CA	---	---	80	---
CITY OF SANTA CLARITA, CA	---	---	100	---
COAST OF CA, SOUTH COAST REGION (LA COUNTY)	---	---	100	---
CORTE MADERI CREEK WATERSHED, CA	---	---	100	---
COYOTE CREEK, CA	100	---	---	---
COYOTE DAM, CA	---	---	100	---
DESERT HOT SPRINGS, CA	---	---	200	---
EASTERN MUNICIPAL WATER DISTRICT, CA	---	---	1,000	---
ESTUDILLO CANAL, CA	600	---	750	---
GRAYSON AND MURDERER'S CREEK, CA	---	---	100	---
HAMILITON CITY, CA	---	---	---	250
HUMBOLT BAY LONG TERM SHOAL MGMT, CA	---	---	125	---
LAGUNA CREEK WATERSHED	---	---	75	---
LAGUNA DE SANTA ROSA, CA	300	---	300	---
LLAGAS CREEK, CA	---	---	450	---
LOS ANGELES COUNTY DRAINAGE AREA, CORNFIELDS, CA	600	---	750	---
LOS ANGELES COUNTY, CA	850	---	850	---
MALIBU CREEK WATERSHED, CA	167	---	85	---
MATILIJA DAM, CA	---	800	---	800
MORRO BAY ESTUARY	---	---	---	175
MUGU LAGOON, CA	82	---	82	---
NAPA RIVER SALT MARSH RESTORATION, CA	---	---	---	125
NAPA VALLEY WATERSHED MANAGEMENT, CA	500	---	---	---
OCEAN BEACH, SANFRANCISCO, CA	---	---	200	---

CORPS OF ENGINEERS - INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
ORANGE COUNTY SAMP	---	---	169	---
PAJARO RIVER AT WATSONVILLE, CA	---	477	---	740
PENINSULA BEACH, CA	308	---	308	---
REDWOOD CITY NAVIGATION CHANNEL, CA	---	---	100	---
RUSSIAN RIVER ECOSYSTEM RESTORATION, CA	400	---	400	---
SACRAMENTO - SAN JOAQUIN DELTA, CA	200	---	100	---
SACRAMENTO, SAN JOAQUIN, DELTA ISLANDS AND LEVEES, CA	---	---	250	---
SAN BERNARDO LAKES AND STREAMS, CA	---	---	250	---
SAN CLEMENTE SHORELINE, CA	188	---	188	100
SAN DIEGO COUNTY SHORELINE, CA	---	---	100	---
SAN FRANCISQUITO CREEK, CA	200	---	225	---
SAN JACINTO RIVER, FLOOD CONTROL, CA	---	---	50	---
SAN JOAQUIN VALLEY REGION, CA	---	---	100	---
SAN JUAN CREEK, SOUTH ORANGE COUNTY, CA	---	---	250	---
SAN PABLO BAY WATERSHED, CA	300	---	475	---
SANTA ANA RIVER AND TRIBUTARIES, BIG BEAR LAKE, CA	900	---	1,400	---
SANTA CLARA RIVER WATERSHED, CA	---	---	250	---
SANTA ROSA CREEK ECOSYSTEM RESTORATION, CA	400	---	300	---
SOLANA-ENCINITAS SHORELINE, CA	---	---	---	375
SONOMA CREEK AND TRIBUTARIES, CA	300	---	100	---
SOUTH SAN FRANCISCO SHORELINE, CA	600	---	600	---
SUN VALLEY WATERSHED, CA	---	---	150	---
SUTTER COUNTY, CA	361	---	361	---
TAHOE BASIN, CA & NV	---	---	---	860
COYOTE CREEK - LOWER SAN GABRIEL WATERSHED, CA	500	---	350	---
UPPER PENITENCIA CREEK, CA	628	---	628	---

CORPS OF ENGINEERS - INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
VENTURA AND SANTA BARBARA, CA	---	---	100	---
WESTMINSTER, EAST GARDEN GROVE, CA	650	---	500	---
WEST STANISLAUS COUNTY, ORESTIMBA CREEK, CA	---	---	100	---
WILSON AND OAK GLEN CREEKS, SAN BERNANDINO COUNTY, CA	---	---	400	---
WHITEWATER RIVER BASIN, CA	---	---	100	---
COLORADO				
ADAMS COUNTY, CO	300	---	150	---
CACHE LA POUDRE, CO	316	---	150	---
CHATFIELD, CHERRY CREEK AND BEAR CREEK RESERVOIRS, CO	276	---	135	---
FOUNTAIN CREEK AND TRIBUTARIES, CO	---	---	125	---
DELAWARE				
DELAWARE RIVER BASIN COMPREHENSIVE, DE, NJ, NY, PA	---	---	125	---
FLORIDA				
DAYTONA BEACH SHORES, VOLUSIA COUNTY, FL	---	---	100	---
EGMONT KEY SHORELINE STABILIZATION, FL	---	---	100	---
LIDO KEY SARASOTA COUNTY, FL	---	---	125	---
MILE POINT, FL	---	---	235	---
PORT EVERGLADES HARBOR, FL	---	---	175	---
ST. JOHNS COUNTY, FL	---	---	100	---
ST. LUCIE COUNTY, FL	---	---	100	---

CORPS OF ENGINEERS - INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
ST. PETERSBURG HARBOR, FL	---	---	---	200
WALTON COUNTY, FL	---	---	200	150
GEORGIA				
ALLATOONA LAKE, GA	750	---	300	---
AUGUSTA, GA	200	---	200	---
INDIAN, SUGAR, ENTRENCHMENT AND FEDERAL PRISON CREEKS,	680	---	300	---
LONG ISLAND, MARSH AND JOHNS CREEKS, GA	676	---	300	---
SAVANNAH HARBOR ECOSYSTEM RESTORATION, GA	400	---	200	---
SAVANNAH HARBOR EXPANSION, GA	---	800	---	800
TYBEE ISLAND NORTH BEACH SHORE PROTECTION PROJECT, GA.	---	---	125	---
GUAM				
HAGATNA RIVER FLOOD CONTROL, GUAM	100	---	---	---
HAWAII				
ALA WAI CANAL, OAHU, HI	400	---	500	---
BARBERS POINT HARBOR MODIFICATION, OAHU, HA	---	---	200	---
KAHUKU, HI	250	---	100	---
KAWAIHAE DEEP DRAFT HARBOR MODIFICATIONS, HI	---	---	100	---
NAWILIWILI HARBOR MODIFICATION, KAUAI, HI	---	---	100	---
WAILUPE STREAM, OAHU, HI	---	---	400	---

CORPS OF ENGINEERS - INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
IDAHO				
BOISE RIVER, BOISE, ID	---	---	100	---
IOWA				
CLEAR LAKE WATERSHED, IA	---	---	200	---
DAVENPORT, IA	---	---	---	200
DES MOINES AND RACCOON RIVERS, IA	---	---	---	250
ILLINOIS				
DES PLAINES RIVER, ILLINOIS, PHASE 2, IL	---	---	500	---
ILLINOIS RIVER BASIN RESTORATION, IL	1,160	---	1,000	---
ILLINOIS RIVER ECOSYSTEM RESTORATION, IL	350	---	350	---
KEITH CREEK, ROCKFORD, IL	2	---	---	---
PEORIA RIVERFROUNT DEVELOPMENT, IL	---	---	---	100
SOUTHEAST ILLINOIS SHORELINE, IL	---	---	100	---
SOUTH FORK, SOUTH BRANCH, CHICAGO RIVER, IL	---	---	200	---
UPPER MISS & ILLINOIS NAV IMPROVEMENTS,IL,IA,MN,MO,WI	---	---	---	10,000
UPPER MISS RVR COMP PLAN, IL, IA MN, MO & WI	---	---	300	---
WOOD RIVER LEVEE, IL	---	---	---	100
INDIANA				
INDIANA HARBOR, IN	1,000	---	300	---

CORPS OF ENGINEERS - INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
KANSAS				
BRUSH CREEK BASIN, KS & MO	---	---	80	---
MANHATTAN, KS	---	---	80	---
TOPEKA, KS	100	---	100	---
UPPER TURKEY CREEK, KS	---	---	100	---
WALNUT AND WHITEWATER RIVER WATERSHEDS, KS	200	---	200	---
KENTUCKY				
GREENUP LOCKS & DAM, OHIO RIVER, KY & OH	---	---	---	225
LICKING RIVER, KY	---	---	---	100
METROPOLITAN LOUISVILLE, JEFFERSON COUNTY, KY	130	---	130	---
METROPOLITAN LOUISVILLE, SOUTHWEST, KY	132	---	130	---
NORTHERN KENTUCKY RIVERFRONT COMMONS, KY	---	---	100	---
LOUISIANA				
AMITE RIVER & TRIBUTARIES ECOSYSTEM RESTORATION, LA	---	---	200	---
AMITA RIVER & TRIBUTARIES, BAYOU MANCHAC, LA	---	---	125	---
ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, L	585	---	200	---
BAYOU SORREL LOCK, LA	---	1,500	---	1,250
BOSSIER PARISH, LA	---	---	75	---
CALCASIEU LOCK, LA	---	---	200	---
CALCASIEU RIVER BASIN, LA	612	---	300	---

CORPS OF ENGINEERS - INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	----- BUDGET REQUEST ----		------- CONFERENCE ------	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
CALCASIEU RIVER PASS SHIP CHANNEL ENLARGEMENT, LA.....	700	---	600	---
CROSS LAKE WATER SUPPLY ENHANCEMENT, LA...............	---	---	100	---
HURRICANE PROTECTION, LA..............................	---	---	8,000	---
LOUISIANA COASTAL AREA ECOSYST REST, LA (SCIENCE & TEC	5,000	---	2,500	---
LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LA......	15,000	---	7,500	---
PLAQUEMINES PARISH URBAN FLOOD CONTROL, LA............	---	---	125	---
PORT OF IBERIA..	---	---	67	425
ST BERNARD PARISH URBAN FLOOD CONTROL, LA.............	656	---	318	---
ST. CHARLES PARISH URBAN FLOOD CONTROL, LA............	---	---	200	---
WEST BATON ROUGE PARISH, LA...........................	---	---	75	---
WEST SHORE LAKE PONCHARTRAIN, LA......................	---	---	125	---
MAINE				
SEARSPORT HARBOR, ME..................................	---	---	125	---
MARYLAND				
ANACOSTIA RIVER AND TRIBUTARIES, MD & DC..............	---	---	200	---
ANACOSTIA RIVER AND TRIBUTARIES, PG COUNTY LEVEE, MD &	180	---	---	---
BALTIMORE METRO WTR RES-PATAPSCO AND BACK RIVERS, MD..	---	---	200	---
CHESAPEAKE BAY SHORELINE, MARYLAND COASTAL MANAGEMENT,	525	---	525	---
CHES BAY SHORELINE- SEDI BUDG, MODEL..................	---	---	450	---
EASTERN SHORE, MID CHESAPEAKE BAY ISLAND, MD..........	500	---	500	---
MIDDLE POTOMAC RIVER GREATER SENECA/MUDDY BRANCH, MD..	---	---	250	---

CORPS OF ENGINEERS - INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
MASSACHUSETTS				
BLACKSTONE RIVER WATERSHED RESTORATION, MA & RI	170	---	85	---
COASTAL MASSACHUSETTS ECOSYSTEM REST, MA	---	---	40	---
BOSTON HARBOR (45-FOOT CHANNEL), MA	650	---	300	---
MICHIGAN				
DETROIT RIVER MASTERPLAN, MI	---	---	75	---
DETROIT RIVER SEAWALL IMPROVEMENTS, MI	---	---	100	---
GREAT LAKES NAV SYST STUDY, MI, IL, IN, MN, NY, OH, PA	315	---	1,285	---
ROUGE RIVER SUPPLEMENTAL STUDY, MI	---	---	90	---
MINNESOTA				
MINNEHAHA CREEK WATERSHED UMR LAKE ITASCA TO L&D 2, MN	---	---	75	---
MINNESOTA RIVER BASIN, MN & SD	---	---	180	---
RED RIVER OF THE NORTH BASIN, MN, ND, SD,& MANITOBA CN	---	---	160	---
ROSEAU RIVER, MN	---	---	44	75
WILD RICE RIVER, MN	---	---	100	---
MISSISSIPPI				
HANCOCK COUNTY SEAWALL RESTORATION, MS	308	---	308	---
PEARL RIVER WATERSHED, MS	---	---	650	---

CORPS OF ENGINEERS - INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
MISSOURI				
KANSAS CITYS, MO & KS	500	---	500	---
MISSOURI RIVER LEVEE SYSTEM, UNITS L455 & R460-471, MO	350	---	175	---
RIVER DES PERES, MO	---	---	100	---
SPRINGFIELD, MO	250	---	375	---
ST LOUIS FLOOD PROTECTION, MO	---	609	---	305
ST LOUIS MISSISSIPPI RIVERFRONT, MO & IL	150	---	75	---
ST LOUIS, MO (WATERSHED)	400	---	---	---
SWOPE PARK INDUSTRIAL AREA, KANSAS CITY, MO	---	---	---	100
WEARS CREEK, JEFFERSON CITY, MO	150	---	75	---
MONTANA				
YELLOWSTONE RIVER CORRIDOR, MT	800	---	400	---
NEBRASKA				
LOWER PLATTE RIVER AND TRIBUTARIES, NE	131	---	60	---
NEVADA				
TAHOE REGIONAL PLANNING, NV & CA	---	---	500	---
TRUCKEE MEADOWS, NV	---	---	---	3,500

CORPS OF ENGINEERS - INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
NEW HAMPSHIRE				
MERRIMACK RIVER WATERSHED STUDY, NH & MA	200	---	200	---
PISCATAQUA RIVER & PORTSMOUTH HARBOR, NH	---	---	25	---
NEW JERSEY				
HUDSON - RARITAN ESTUARY, HACKENSACK MEADOWLANDS, NJ	300	---	550	---
HUDSON - RARITAN ESTUARY, LOWER PASSAIC RIVER, NJ	400	---	550	---
LOWER SADDLE RIVER, BERGON COUNTY, NJ	---	---	125	---
MANASQUAN INLET TO BARNEGAT INLET, NJ	---	---	---	300
NJ INTRACOASTAL WATERWAY ENV. RESTORATION, NJ	---	---	75	---
NJ SHORELINE ALTERNATIVE LONG-TERM NOURISHMENT, NJ	---	---	75	---
NEW JERSEY SHORE PROTECTION, HEREFORD TO CAPE MAY INLE	400	---	400	---
PASSAIC RIVER, HARRISON, NJ	---	---	---	150
PECKMAN RIVER BASIN, NJ	---	---	150	---
RAHWAY RIVER BASIN, NJ	---	---	80	---
RARITAN BAY AND SANDY HOOK BAY, HIGHLANDS, NJ	---	---	100	---
RARITAN BAY AND SANDY HOOK BAY, KEYPORT, NJ	---	---	100	---
RARITAN BAY AND SANDY HOOK BAY, LEONARDO, NJ	100	---	100	---
RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NJ	---	---	---	60
SHREWSBURY RIVER AND TRIBUTARIES, NJ	---	---	60	---
SOUTH RIVER, RARITAN RIVER BASIN, NJ	---	---	---	140
STONY BROOK, MILLSTONE RIVER BASIN, NJ	---	---	125	---
UPPER ROCKWAY RIVER, NJ	---	---	---	125

CORPS OF ENGINEERS - INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
NEW MEXICO				
EAST MESA, LAS CAUCES, NM	---	---	400	---
ESPANOLA VALLEY, RIO GRANDE AND TRIBUTARIES, NM	250	---	500	---
MIDDLE RIO GRANDE BOSQUE, NM	250	---	250	---
NAVAJO NATION, FLOOD PLAIN DELINEATION, NM, AZ AND UT	---	---	500	---
RIO GRANDE BASIN, NM, CO, & TX	---	---	250	---
SANTA FE, NM	---	---	250	---
SOUTHWEST VALLEY FLOOD DAMAGE REDUCTION, ALBUQUERQUE,	---	---	---	500
NEW YORK				
BRONX RIVER BASIN, NY	250	---	375	---
BUFFALO RIVER ENVIRONMENTAL DREDGING, NY	200	---	---	---
EAST RIVERS SEAWALLS, NY	---	---	80	---
EIGHTEEN MILE CREEK, NIAGARA COUNTY, NY	---	---	60	---
FLUSHING BAY AND CREEK, NY	---	---	---	85
HUDSON - RARITAN ESTUARY, GOWANUS CANAL, NY	400	---	500	---
HUDSON - RARITAN ESTUARY, NY & NJ	800	---	800	---
NORTH SHORE OF LONG ISLAND, ASHAROKEN, NY	30	---	30	---
ONONDAGA LAKE, NY	200	---	750	---
NORTH CAROLINA				
BOGUE BANKS, NC	---	---	75	---
CURRITUCK SOUND, NC	300	---	150	---

CORPS OF ENGINEERS - INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
NEUSE RIVER BASIN, NC	260	---	130	---
SURF CITY AND NORTH TOPSAIL BEACH, NC	---	---	175	---
OHIO				
COLUMBUS METROPOLITAN AREA, OH	53	---	53	---
OHIO RIVERFROUNT, CINCINNATI, OH	---	---	---	250
WESTERN LAKE ERIE BASIN, OH, IN, & MI	560	---	500	---
OKLAHOMA				
GRAND LAKE COMPREHENSIVE STUDY, OK	---	---	200	---
GRAND (NEOSHO) RIVER BASIN, OK, KS, MO & AR	---	---	150	---
OOLOGAH LAKE WATERSHED, OK & KS	328	---	250	---
SE OKLAHOMA STUDY, OK	---	---	40	---
SPAVINAW CREEK WATERSHED, OK & AR	---	---	60	---
WASHITA RIVER BASIN, OK	---	---	50	---
WISTER LAKE WATERSHED, OK	---	---	50	---
OREGON				
AMAZON CREEK, OR	264	---	250	---
LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR & WA	300	---	150	---
WALLA WALLA RIVER WATERSHED, OR & WA	500	---	300	---
WILLAMETTE RIVER BASIN REVIEW,OR	---	---	50	---
WILLAMETTE RIVER ENVIRONMENTAL DREDGING, OR	325	---	160	---

CORPS OF ENGINEERS - INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
WILLAMETTE RIVER FLOODPLAIN RESTORATION, OR	436	---	400	---
PENNSYLVANIA				
CHRISTINA RIVER WATERSHED, PA, DE, & MD	---	---	150	---
MAHONING RIVER ENVIRONMENTAL DREDGING, PA	250	---	125	---
SCHUYLKILL RIVER BASIN ESTUARINE, PA	250	---	50	---
SCHUYLKILL RIVER BASIN, WISSAHICKON CREEK BASIN, PA	200	---	50	---
SUSQUEHANNA AND DELAWARE RIVER BASINS, PA	---	---	85	---
UPPER OHIO NAVIGATION STUDY, PA	---	---	1,275	---
SOUTH CAROLINA				
EDISTO ISLAND, SC	100	---	23	---
PAWLEYS ISLAND,SC	---	---	---	154
REEDY RIVER, SC	300	---	---	---
SANTEE DELTA ENVIRONMENTAL RESTORATION,SC	---	---	50	---
SOUTH DAKOTA				
JAMES RIVER, SD & ND	---	---	300	---
TENNESSEE				
MILL CREEK WATERSHED, DAVIDSON COUNTY, TN	450	---	225	---

CORPS OF ENGINEERS - INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
TEXAS				
ABILENE, TX (BRAZOS RIVER BASIN)	---	---	100	---
BRAZOS ISLAND HARBOR. BROWNSVILLE CHANNEL, TX	2,500	---	775	---
BUFFALO BAYOU AND TRIBUTARIES, WHITE OAK BAYOU, TX	---	---	50	---
CEDAR BAYOU, TX	---	---	50	---
COLONIAS-LWR RIO GRANDE BASIN ALONG TEX-MEX BORDERS	---	---	50	---
CORPUS CHRISTI SHIP CHANNEL, TX	---	---	---	300
FREEPORT HARBOR, TX	500	---	500	---
GIWW, BRAZOS RIVER TO PORT O'CONNOR, TX	---	---	50	---
GIWW, HIGH ISLAND TO BRAZOS RIVER, TX (REALIGNMENTS)	---	---	50	---
GIWW, HIGH ISLAND TO BRAZOS RIVER, TX	---	500	---	400
GIWW, PORT O'CONNOR TO CORPS CHRISTIE BAY, TX	---	---	325	---
GIWW, VICINITY OF PORT ISABEL, TX	---	---	350	---
GREENS BAYOU, TX	---	---	---	75
GUADALUPE AND SAN ANTONIO RIVER BASINS, TX	300	---	500	---
LOWER COLORADO RIVER BASIN, TX	300	---	600	---
LOWER GUADALUPE AND SAN ANTONIO RIVERS, TX	---	---	50	---
LOWER SAN ANTONIO RIVER BASIN, TX	---	---	150	---
MATAGORDA SHIP CHANNEL, TX	---	---	100	---
MIDDLE BRAZOS RIVER, TX	300	---	300	---
NECHES RIVER BASIN, TX	500	---	---	---
NUECES RIVER AND TRIBUTARIES, TX	500	---	500	---
RAYMONDVILLE DRAIN, TX	---	---	---	300
RESACAS AT BROWNSVILLE, TX	150	---	75	---
RIO GRANDE BASIN, TX	50	---	150	---

CORPS OF ENGINEERS - INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
RIO GRANDE COMPREHENSIVE (ROMA CREEK), TX	---	---	100	---
SABINE - NECHES WATERWAY, TX	419	---	610	---
SABINE PASS TO GALVESTON BAY, TX	788	---	750	---
SPARKS ARROYO COLONIA, EL PASO COUNTY, TX	198	---	198	---
TEXAS CITY CHANNEL (50-FOOT PROJECT), TX	---	900	---	900
UPPER TRINITY RIVER BASIN, TX	700	---	800	---
VIRGINIA				
AIWW BRIDGES AT DEEP CREEK, VA	---	---	---	50
CHESAPEAKE BAY SHORELINE EROSION, MATHEWS COUNTY, VA	40	---	40	---
DISMAL SWAMP AND DISMAL SWAMP CANAL, VA	150	---	150	---
ELIZABETH RIVER BASIN, ENV RESTORATION, VA (PHASE II)	200	---	100	---
ELIZABETH RIVER, HAMPTON ROADS, VA	---	500	---	250
FOUR MILE RUN RESTORATION, VA	---	---	400	---
JOHN H KERR DAM AND RESERVOIR, VA & NC (SECTION 216)	600	---	300	---
LYNNHAVEN RIVER BASIN, VA	400	---	300	---
MIDDLE POTOMAC RIVER BASIN, CAMERON/ HOLMES RUN, VA	---	---	400	---
NEW RIVER BASIN, CLAYTOR LAKE STATE PARK, VA	200	---	100	---
NORFOLK HARBOR AND CHANNELS, CRANEY ISLAND, VA	---	---	100	---
PHILPOTT LAKE, VA	---	---	100	---
POWELL RIVER WATERSHED, VA	400	---	200	---
VICINITY OF WILLOUGHBY SPIT, VA	---	---	---	200

CORPS OF ENGINEERS - INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
WASHINGTON				
CENTRALIA, WA	---	---	---	25
CHEHALIS RIVER BASIN, WA	340	---	50	---
ELLIOT BAY SAWALL, WA	---	---	750	---
LAKE WASHINGTON SHIP CANAL, WA	470	---	235	---
PUGET SOUND NEARSHORE MARINE HABITAT RESTORATION, WA	470	---	750	---
SKAGIT RIVER,WA	---	---	300	---
SKOKOMISH RIVER, WA	---	---	100	---
WEST VIRGINIA				
CHERRY RIVER BASIN, WV	---	---	100	---
LITTLE KANAWHA RIVER, WV	110	---	110	---
PARKERSBURG/VIENNA RIVERFRONT PARK, WV	---	---	---	200
WISCONSIN				
BARABOO RIVER, WI	---	---	60	---
FOX RIVER, WI	---	---	100	---
ST. CROIX RIVER, WI	---	---	120	---
ST. CROIX RIVER RELOCATION OF ENDANGERED MUSSELS, WI	---	---	250	---
MISCELLANEOUS				
COASTAL FIELD DATA COLLECTION	1,875	---	4,125	---

CORPS OF ENGINEERS - INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
ENVIRONMENTAL DATA STUDIES	94	---	94	---
FLOOD DAMAGE DATA	248	---	248	---
FLOOD PLAIN MANAGEMENT SERVICES	5,625	---	6,407	---
HYDROLOGIC STUDIES	300	---	300	---
INTERNATIONAL WATER STUDIES	300	---	300	---
NATIONAL SHORELINE	375	---	375	---
OTHER COORDINATION PROGRAMS	3,899	---	---	---
AMERICAN HERITAGE RIVERS	---	---	150	---
CALFED	---	---	94	---
CHESAPEAKE BAY PROGRAM	---	---	75	---
COORDINATION WITH OTHER WATER RESOURCES AGENCIES	---	---	246	---
FERC LICENSING	---	---	150	---
GULF OF MEXICO	---	---	131	---
INTERAGENCY AND INTERNATIONAL SUPPORT	---	---	113	---
INTERAGENCY WATER RESOURCE DEVELOPMENT	---	---	750	---
INVENTORY OF DAMS	---	---	222	---
LAKE TAHOE	---	---	294	---
NATIONAL ESTUARY PROGRAM	---	---	75	---
NORTH AMERICAN WATERFOWL MANAGEMENT PLAN	---	---	75	---
PACIFIC NORTHWEST FOREST CASE	---	---	75	---
SPECIAL INVESTIGATIONS AND REPORTS	---	---	1,548	---
PLANNING ASSISTANCE TO STATES	4,650	---	5,727	---
PRECIPITATION STUDIES (NATIONAL WEATHER SERVICE)	225	---	225	---
REMOTE SENSING / GEOGRAPHIC INFORMATION SYSTEM SUPPORT	152	---	152	---
RESEARCH AND DEVELOPMENT	22,000	---	26,583	---
SCIENTIFIC AND TECHNICAL INFORMATION CENTERS	78	---	78	---

CORPS OF ENGINEERS - INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
STREAM GAGING (U.S. GEOLOGICAL SURVEY)	600	---	600	---
TRANSPORTATION SYSTEMS	375	---	375	---
TRI-SERVICE CADD/GIS TECHNOLOGY CENTER	402	---	402	---
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-20,911	---	---	---
SUBTOTAL, INVESTIGATIONS	87,896	7,104	135,251	28,749
COMBINED TOTAL, INVESTIGATIONS	95,000	---	164,000	---

Matilija Dam, California.—The Secretary shall credit the non-Federal share of the cost of the Matilija Dam ecosystem project the cost of design and construction work carried out by the non-Federal interest before the date of execution of a cooperation agreement for the project.

San Joaquin Valley Region, California.—The conferees have provided funding for studies of the San Joaquin Valley region in California (consisting of Stanislaus, Madera, Merced, Fresno, Kings, Tulare, and Kern Counties).

Whitewater River Basin, California.—The conference agreement includes $100,000 to continue the design phase of the project.

Minnesota River Basin, Minnesota and South Dakota.—Within the funds provided for Minnesota River Basin, Minnesota and South Dakota, $80,000 has been provided for Blue Earth River ecosystem restoration in Minnesota, South Dakota, Iowa and North Dakota.

Louisiana Coastal Area, Louisiana.—For Louisiana coastal area ecosystem restoration area, the conferees have provided a total of $10,000,000 to further studies in mitigating wetlands loss in coastal Louisiana.

Great Lakes Navigation Study, MI, IL, IN, MN, NY, OH, PA and WI.—The conferees have included $1,285,000 for continued work on the Great Lakes Navigation Study, the scope of which is to be in accordance with the bi-national agreement between the United States and Canada. The conferees understand that the study is near completion and encourage the study sponsors and the Corps to move forward as swiftly as is practicable without compromising the scope or quality of the work. With the funds provided for fiscal year 2006, the conferees expect that the Secretary, acting through the Corps of Engineers, will be able to budget for completion in fiscal year 2007.

Red River of the North Basin, Minnesota, North and South Dakota.—Within the funds provided for Red River of the North Basin, Minnesota and North and South Dakota, $60,000 has been provided for Crookston.

Truckee Meadows, Nevada.—Funds are provided to continue planning, engineering and design activities for this flood control project. The conferees expect the Corps to complete the necessary studies as soon as practicable.

Edisto, South Carolina.—The conference agreement includes funds to complete the reconnaissance phase of the project.

Norfolk Harbor and Channels, Craney Island, Virginia.—Funds are provided to complete the feasibility study for this project.

Little Kanawha, West Virginia.—The conference agreement includes funds to complete the feasibility study for this project.

Coastal field data collection.—The conference agreement provides $4,125,000 for coastal field data collection. Within the funds provided, the Corps is directed to undertake the following activities with the amounts allocated below:

Coastal Data Information Program	$500,000
Southern California Beach Processes Study	650,000
Pacific Island Land Typhoon Experiment (PILOT)	650,000
Surge and Wave Island Modeling Studies (SWIMS)	750,000

Remaining items, flood plain management services.—The conference agreement includes $6,407,000 for flood plain management services, instead of $5,625,000 as proposed by the House and $8,935,000 as proposed by the Senate. Within the funds provided, the Corps is directed to undertake the following activities with the amounts allocated below:

Hurricane evacuation studies, HI	$500,000
Livingston Parish, LA geographic information system	625,000
Rancocas Creek, NJ	200,000
Jackson, TN geographic information system	250,000

Remaining items, planning assistance to states.—The conference agreement provides $5,727,000 for planning assistance to states, instead of $4,650,000 as proposed by the House and $7,550,000 as proposed by the Senate. Within the funds provided, the Corps is directed to undertake the following activities with the amounts allocated below:

Assabet River sediment remediation study, MA	$300,000
Bartlesville, Oklahoma water study	100,000
Lake Rogers, Creedmoor, North Carolina water quality study	30,000
Pike River, Wisconsin hydraulic and hydrological study	20,000
La Mirada, California flood control and drainage study	125,000
Memphis, Tennessee riverfront development	200,000
Lafayette Wabash River waterfront development, IN	50,000
Delaware recreation supply and demand study	75,000
Delaware groundwater investigation	75,000
Hilo Bay, Hawaii water quality model	125,000
Rock Creek, Kansas basin stormwater project	200,000
New Mexico photogrammetric mapping	500,000
Mangum, OK Lake Phase V study	50,000
Waccamaw River, SC watershed modeling	25,000
Surfside Beach, SC stormwater drainage study	25,000
Stark County, OH watershed drainage basin	1,000,000

New Mexico photogrammetric mapping.—The conferees have provided $500,000 for New Mexico photographic mapping to be conducted utilizing the Corps' Center of Expertise for Photogrammetric Mapping in St. Louis, Missouri.

Remaining items, research and development.—The conference agreement includes $26,583,000 for research and development activities, instead of $19,643,000 as proposed by the House and $34,500,000 as proposed by the Senate. Within the funds provided, the Corps is directed to undertake the following activities with the amounts allocated below:

Chesapeake Bay submerged aquatic vegetation research	$500,000
National Cooperative Modeling Demonstration Program	500,000
Innovative technology demonstrations for urban flooding and channel restoration, New Mexico and Nevada	1,750,000
Southwest Urban Flood Damage Program Research, New Mexico	375,000
Collaborative Planning and Management Demonstration Program	375,000
Advanced polymer technologies compliance activities	500,000

The conferees further direct the Corps to begin pilot testing of rapid deployment flood walls, within available funds, not later than 30 days after enactment of this Act.

CONSTRUCTION

The conference agreement provides $2,372,000,000 for Construction, instead of $1,900,000,000 as proposed by the House and $2,086,664,000 as proposed by the Senate. The conference agreement includes a provision as proposed by the Senate that derives amounts to cover one-half of the costs of construction and rehabilitation of certain inland waterways projects from the Inland Waterways Trust Fund. The House bill contained a provision that specified the amount to be derived from the Inland Waterways Trust Fund.

The conference agreement deletes a provision proposed by the House, which would have incorporated by reference the projects and activities specified in the statement of managers accompanying this Act. The Senate bill contained no similar provision.

The conference agreement modifies several provisions proposed by the House that set aside specific funds for the various sections of the continuing authorities program. The Senate bill contained no similar provisions.

The conference agreement modifies several provisions relating to specific projects as proposed in the Senate bill. The House bill contained no similar provisions.

The conference agreement includes an appropriation of $35,000,000 for Modified Water Delivery for the Everglades National Park. The House bill contained an appropriation of $137,000,000 for the South Florida Ecosystem Everglades Restoration Program, which included several other projects and Modified Water Delivery. The Senate bill contained no similar appropriation. Funding for the Central and South Florida project, the Kissimmee River Restoration project, and the Everglades and South Florida Restoration project is provided as separate projects.

The conference agreement includes a provision providing funds to the City of Caliente, Nevada, to construct local flood control measures.

The conference agreement for construction is shown in the following table:

CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
ALABAMA		
MOBILE HARBOR, AL	---	2,000
TUSCALOOSA, AL	---	4,000
WALTER F GEORGE POWERPLANT, AL & GA (MAJOR REHAB)	4,121	4,121
ALASKA		
ALASKA COASTAL EROSION	---	2,400
BETHEL BANK STABILIZATION	---	3,750
CHIGNIK HARBOR, AK	2,000	2,000
DILLINGHAM EMERGENCY BANK, AK	---	3,000
FALSE PASS, AK	---	7,000
KAKE DAM, AK	---	5,000
NOME HARBOR IMPROVEMENTS, AK	---	13,000
SAND POINT HARBOR, AK	---	4,500
ST. PAUL HARBOR, AK	---	6,000
UNALASKA HARBOR, AK	---	1,000
ARIZONA		
NOGALES WASH, AZ	---	3,000
RIO DE FLAG, FLAGSTAFF, AZ	---	3,500
RIO SALADO PHOENIX AND TEMPE REACHES, AZ	---	8,000
TRES RIOS, AZ	---	4,500
TUCSON DRAINAGE AREA (TUCSON ARROYO), AZ	---	10,000
ARKANSAS		
MONTGOMERY POINT LOCK AND DAM, AR	20,000	20,000
RED RIVER BELOW DENISON DAM, AR, LA AND TX	---	3,000
RED RIVER EMERGENCY BANK STABILIZATION, AR AND LA	---	3,200
CALIFORNIA		
AMERICAN RIVER WATERSHED (COMMON FEATURES), CA	1,110	4,405
AMERICAN RIVER WATERSHED (FOLSOM DAM MODIFICATIONS) CA	15,850	9,555
AMERICAN RIVER WATERSHED (FOLSOM DAM MINI RAISE), CA	12,000	15,000
CITY OF SANTA CLARITA (PERCHLORATE), CA	---	500
CORTE MADERA CREEK (FLOOD CONTROL), CA	---	188
COYOTE AND BERRYESSA CREEK, CA	---	375
GUADALUPE RIVER, CA	5,600	5,600
HAMILTON AIRFIELD WETLANDS RESTORATION, CA	13,000	13,000
HARBOR/SOUTH BAY WATER RECYCLING PROJECT, LOS ANGELES	---	3,000
KAWEAH RIVER, CA	4,300	4,300
LAKE DAVIS WATER TREATMENT, CA	---	2,500
LOS ANGELES HARBOR MAIN CHANNEL DEEPENING, CA	2,700	2,700
LOWER WALNUT CREEK BASIN STUDY, CA	---	188
MARYSVILLE/YUBA CITY LEVEE RECONSTRUCTON, CA	---	372
MURRIETA CREEK, CA	---	3,750
NAPA RIVER, CA	6,000	12,000
OAKLAND HARBOR (50 FOOT PROJECT), CA	48,000	48,000
SACRAMENTO AREA, CA	---	6,000
SACRAMENTO RIVER BANK PROTECTION, CA	---	6,300
SAN FRANCISCO BAY TO STOCKTON (JFB), CA	---	200
SAN LORENZO RIVER, CA	---	750
SAN LUIS REY, CA	---	1,000
SAN RAMON VALLEY RECYCLED WATER PROJECT, CA	---	3,000
SANTA ANA RIVER MAINSTEM, CA	50,000	61,650
SOUTH SACRAMENTO COUNTY STREAMS, CA	2,852	3,750
STOCKTON METROPOLITIAN FLOOD CONTROL REIMBURSEMENT, CA	5,000	5,000
SUCCESS DAM, TULE RIVER, CA (DAM SAFETY)	8,000	8,000
SURFSIDE-SUNSET AND NEWPORT BEACHES, CA	---	300
UPPER GUADALUPE RIVER, CA	---	3,500
UPPER NEWPORT BAY ECOSYSTEM RESTORATION, CA	---	5,000
YUBA RIVER BASIN, CA	---	1,200

CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
DELAWARE		
DELAWARE BAY COASTLINE TO PT MANON, DE	---	1,000
DELAWARE BAY COASTLINE, BETHANY TO SOUTH BETHANY, DE	---	3,000
DELAWARE COAST PROTECTION, DE	---	320
DELAWARE COAST, CAPE HENLOPEN TO FENWICH ISLAND, DE	---	1,275
DISTRICT OF COLUMBIA		
WASHINGTON, DC & VICINITY	400	---
FLORIDA		
BREVARD COUNTY SHORE PROTECTION, FL	---	500
BROWARD COUNTY (REIMB), FL	---	750
CANAVERAL HARBOR, FL	---	1,500
CEDAR HAMMOCK/WARES CREEK, FL	---	750
CENTRAL AND SOUTHERN FLORIDA (C&SF), FL	76,826	76,826
DADE COUNTY, FL	---	1,350
EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FL	12,000	12,000
FLORIDA KEYS WATER QUALITY IMPROVEMENTS, FL	---	2,000
FORT PIERCE BEACH, FL	---	150
HERBERT HOOVER DIKE, FL (MAJOR REHAB)	16,900	16,900
JACKSONVILLE HARBOR, FL	---	375
KISSIMMEE RIVER, FL	13,174	13,174
LEE COUNTY, FL	---	750
NASSAU COUNTY SHORE PROTECTION, FL	---	2,250
PALM BEACH COUNTY REIMBURSEMENT, FL	---	2,450
PINELLAS COUNTY BEACHES, FL	---	1,500
PONCE DE LEON INLET, SOUTH JETTY, FL	---	1,313
PORT EVERGLADES HARBOR, FL	---	375
MOD WATER, FL	35,000	35,000
ST. LUCIE INLET, FL	---	1,500
TAMPA HARBOR BIG BEND, FL	5,000	5,000
TAMPA HARBOR SUTTON CHANNEL, FL	---	1,000
GEORGIA		
ATLANTA - COMBINED SEWER OVERFLOW, GA	---	1,000
BRUNSWICK HARBOR, GA	---	19,100
BUFORD POWERHOUSE, GA (MAJOR REHAB)	5,812	5,812
HARTWELL LAKE POWERHOUSE, GA & SC (MAJOR REHAB)	733	733
OATES CREEK, RICHMOND COUNTY, GA	---	375
RICHARD B RUSSELL DAM AND LAKE, GA & SC	1,300	1,300
THURMOND LAKE POWERHOUSE, GA & SC (MAJOR REHAB)	5,700	5,700
HAWAII		
HAWAII WATER SYSTEMS TECHNICAL ASSISTANCE, HI	---	1,500
IAO STREAM FLOOD CONTROL, MAUI, HI	---	375
KAUMALAPAU HARBOR, LANAI, HI	---	13,000
KIKIAOLA SMALL BOAT HARBOR, KAUAI, HI	3,550	3,550
IDAHO		
RURAL IDAHO ENVIRONMENTAL INFRASTRUCTURE, ID	---	5,000
ILLINOIS		
CHAIN OF ROCKS CANAL, MISSISSIPPI RIVER, IL (DEF CORR)	5,495	5,495
CHICAGO SHORELINE, IL	20,000	20,000
COOK COUNTY, ENVIRONMENTAL INFRASTRUCTURE, IL	---	375
DES PLAINES, IL	---	3,750
EAST ST LOUIS, IL	760	1,000
EAST ST. LOUIS ECOSYSTEM RESTOR. & FLOOD DAMAGE REDUC.	---	300
GREAT LAKES FISHERY & ECOSYS RESTOR PGM, IL, IN, MI	---	375

CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
LOCK AND DAM 24, MISSISSIPPI RIVER, IL & MO (MAJOR REH	4,300	4,300
MADISON AND ST. CLAIR COUNTIES, ENVIRON. INFRASTRUC ..	---	750
MCCOOK AND THORNTON RESERVOIRS, IL....................	---	27,500
MELVIN PRICE LOCK AND DAM, IL.........................	---	563
NUTWOOD DRAINAGE AND LEVEE DISTRICT, IL...............	---	200
OLMSTED LOCKS AND DAM, OHIO RIVER, IL & KY............	90,000	90,000
UPPER MISSISSIPPI RIVER RESTORATION, IL, IA, MN, MO &	33,500	20,000
WOOD RIVER DRAINAGE AND LEVEE DISTRICT, IL............	---	590
INDIANA		
CALUMET REGION ENVIRONMENT INFRASTRUCTURE, IL	---	3,000
INDIANA HARBOR (CONFINED DISPOSAL FACILITY), IN.......	8,000	8,000
INDIANA SHORELINE, IN.................................	---	275
INDIANAPOLIS ENVIRONMENTAL INFRASTRUCTURE PLANNING, IL	---	275
INDIANAPOLIS, WHITE RIVER (NORTH), IN.................	3,200	3,200
JOHN T. MYERS LOCKS AND DAM, IN AND KY................	---	700
LITTLE CALUMET RIVER, IN..............................	---	6,500
LITTLE CALUMET RIVER, IN (CADY MARSH DITCH)...........	---	8,200
MISSISSINEWA LAKE, IN (MAJOR REHAB)...................	4,481	4,481
OHIO RIVER GREENWAY PUBLIC ACCESS, (CORRIDOR PROJECT).	---	2,000
IOWA		
DES MOINES RECREATIONAL RIVER AND GREENBELT...........	---	5,000
LOCK AND DAM 11, MISSISSIPPI RIVER, IA (MAJOR REHAB)..	7,580	7,580
LOCK AND DAM 19, MISSISSIPPI RIVER, IA (MAJOR REHAB)..	17,502	17,502
MISSOURI R FISH AND WILDLIFE MITIGATION,IA,KS,MO,MT,NE	82,800	64,470
MISSOURI RIVER LEVEE SYSTEM, IA, NE, KS AND MO........	---	563
PERRY CREEK, IA.......................................	10,000	10,000
KANSAS		
ARKANSAS CITY, KS.....................................	2,619	2,619
TURKEY CREEK BASIN, KS AND MO.........................	---	3,000
TUTTLE CREEK LAKE, KS (DAM SAFETY).....................	27,000	27,000
KENTUCKY		
KENTUCKY LOCK & DAM 10, TENNESSEE RIVER, KY...........	---	23,000
MCALPINE LOCKS AND DAM, OHIO RIVER, KY & IN...........	70,000	70,000
METROPOLITAN LOUISVILLE, POND CREEK, KY...............	3,670	3,670
ROUGH RIVER LAKE, KY (DAM SAFETY ASSURANCE)...........	2,500	2,500
SOUTHERN AND EASTERN KENTUCKY.........................	---	1,500
LOUISIANA		
ASCENSION PARISH ENVIRONMENTAL INFRASTRUCTURE, LA.....	---	375
COMITE RIVER, LA	6,254	6,254
EAST BATON ROUGE PARISH, (FLOOD CONTROL), LA..........	---	750
EAST BATON ROUGE PARISH, LA (ENV. INFRASTRUCTURE) ...	---	375
GRAND ISLE AND VICINITY, LA...........................	---	675
IBERIA PARISH, LA (ENVIRONMENTAL INFRASTRUCTURE)......	---	375
INNER HARBOR NAVIGATION CANAL LOCK, LA................	---	11,250
J BENNETT JOHNSTON WATERWAY, LA.......................	1,500	13,000
LAKE PONTCHARTRAIN AND VICINITY, LA (HURRICANE PROTECT	2,977	4,000
LAROSE TO GOLDEN MEADOW, LA (HURRICANE PROTECTION)....	---	750
LIVINGSTON PARISH, LA (ENVIR. INFRA.).................	---	375
MISSISSIPPI RIVER SHIP CHANNEL, LA....................	---	172
NEW ORLEANS TO VENICE, LA (HURRICANE PROTECTION)......	---	2,700
OUACHITA RIVER LEVEES, LA.............................	---	750
SOUTHEAST LOUISIANA, LA...............................	10,491	27,000
WEST BANK AND VICINITY, NEW ORLEANS, LA...............	28,000	28,000
MARYLAND		

CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
ASSATEAGUE ISLAND (SHORE PROTECTION), MD	---	765
ATLANTIC COAST OF MARYLAND, MD	---	4,900
BALTIMORE METROPOLITAN WATER RES. (GWYNN FALLS), MD	---	2,000
CHESAPEAKE BAY ENVIR. RESTOR. & PROTECTION PGM, MD	---	2,000
CHESAPEAKE BAY OYSTER RECOVERY, MD AND VA	---	2,250
CUMBERLAND, MD	---	900
JENNINGS RANDOLPH LAKE, MD & WV (DAM SAFETY)	400	400
POPLAR ISLAND, MD	13,400	13,400
MASSACHUSETTS		
MUDDY RIVER, BOSTON & BROOKLINE, MA	---	1,500
MICHIGAN		
GENESSEE COUNTY, MI (ENV. INFRASTRUCTURE)	---	338
GEORGE W. KUHN DRAIN RETENTION FAC., OAKLAND COUNTY	---	50
NEGAUNEE, MI (ENVIRONMENTAL INFRASTRUCTURE)	---	200
SAULT ST. MARIE REPLACEMENT LOCK, MI	---	1,500
MINNESOTA		
BRECKENRIDGE, MN	---	1,125
LOCK AND DAM 3 NAV. SAFETY AND EMBANKMENT, MN	---	1,500
MILLE LACS REGIONAL SEWAGE TREATMENT PLANT, MN	---	1,125
NORTHEASTERN MINNESOTA, MN	---	3,750
MISSISSIPPI		
COASTAL MISSISSIPPI WETLANDS RESTORATION	---	2,500
DESOTO COUNTY WASTEWATER, MS	---	20,000
GULPORT HARBOR, MS (DEEPENING/WIDENING OF SHIP CHNL)	---	1,200
MISSISSIPPI ENVIRONMENTAL INFRASTRUCTURE (SEC 592)	---	25,000
NATCHEZ, MS	---	250
PASCAGOULA HARBOR, MS	---	3,500
MISSOURI		
BLUE RIVER BASIN, KANSAS CITY, MO	---	4,000
BLUE RIVER CHANNEL, KANSAS CITY, MO	5,000	5,000
BOIS BRULE LEVEE AND DRAINAGE DISTRICT, MO	---	1,810
CAPE GIRARDEAU, MO (CAPE GIRARDEAU FLOODWALL)	---	300
CHESTERFIELD, MO	---	900
CLEARWATER LAKE, MO (MAJOR REHAB)	22,000	22,000
MERAMEC RIVER BASIN, VALLEY PARK LEVEE, MO	7,582	7,582
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	4,000	4,000
MO AND MID-MS RIVERS ENHANCE, MO	---	1,313
STE GENEVIEVE LEVEE (STE GENEVIEVE CO), MO	---	550
MONTANA		
RURAL MONTATA	---	5,000
NEBRASKA		
ANTELOPE CREEK FLOOD CONTROL PROJECT, LINCOLN, NE	---	2,215
MISSOURI NATIONAL RECREATION RIVER, NE AND SD	---	486
SAND CREEK ENVIRONMENTAL RESTORATION PROJECT, NE	---	2,500
WESTERN SARPY, CLEAR CREEK, NE	---	1,500
NEVADA		
CALIENTE, NV	---	2,000
RURAL NEVADA, NV	---	20,000
TAHOE BASIN RESTORATION, NV AND CA	---	3,600
TROPICANA AND FLAMINGO WASHES, NV	13,000	17,000

CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
NEW HAMPSHIRE		
OTTER BROOK DAM, NH (DAM SAFETY)	1,430	1,430
NEW JERSEY		
BARNEGAT TO LITTLE EGG HARBOR INLET, NJ	---	5,000
CAPE MAY INLET TO LOWER TOWNSHIP, NJ	1,900	1,900
DELAWARE BAY COASTLINE, DE & NJ, REEDS BEACH TO PIERCE	---	825
DELAWARE BAY COASTLINE, DE AND NJ VILLAS AND VICINITY	---	1,838
DELAWARE RIVER MAIN CHANNEL, NJ, PA AND DE (DEEPENING)	---	2,250
GREAT EGG HARBOR TO PECK BEACH, NJ	---	450
HUDSON-RARITAN ESTUARY, HACKENSACK MEADOWLANDS, NJ	---	1,500
JOSEPH G. MINISH PASSAIC RIVER WATERFRONT PARK, NJ	---	2,250
LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NJ	7,000	7,000
MOLLY ANN BROOK	---	3,000
PASSAIC RIVER PRESERVATION ON NATURAL STORAGE AREAS,NJ	---	3,000
RAMAPO RIVER AT OAKLAND, NJ	---	1,313
RARITAN BAY AND SANDY HOOK BAY, NJ	---	188
RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NJ	---	1,500
RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NJ	---	5,000
SANDY HOOK TO BARNEGAT INLET, NJ	---	3,000
TOWNSENDS INLET TO CAPE MAY INLET, NJ	11,600	11,600
NEW MEXICO		
ACEQUIAS IRRIGATION SYSTEM, NM	1,800	2,325
ALAMOGORDO, NM	4,200	4,200
CENTRAL NEW MEXICO, NM	---	5,000
MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELE	---	600
NEW MEXICO ENVIRONMENTAL INFRASTRUCTURE, NM (SEC 595)	---	5,000
RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE	---	700
NEW YORK		
ATLANTIC COAST OF LONG ISLAND, LONG BEACH ISLAND, NY	---	150
FIRE ISLAND INLET TO MONTAUK POINT, NY	800	1,875
NEW YORK AND NEW JERSEY HARBOR, NY & NJ	101,000	101,000
NEW YORK CITY WATERSHED, NY	---	750
ONONDAGA LAKE, NY	---	3,500
ORCHARD BEACH, NY	---	225
RAMAPO AND MAHWAH RIVERS, NJ	---	188
NORTH CAROLINA		
BRUNSWICK COUNTY BEACHES, NC	---	225
DARE COUNTY BEACHES, NC (BODIE ISLAND)	---	1,875
ENVIRONMENTAL INFRASTRUCTURE	---	1,200
WEST ONSLOW BEACH, NC	---	600
WILMINGTON HARBOR, NC	19,900	19,900
WRIGHTSVILLE BEACH, NC	890	890
NORTH DAKOTA		
BUFORD TRENTON IRRIGATION DISTRICT LAND ACQUISITION,ND	---	1,125
GARRISON DAM AND POWER PLANT, ND (MAJOR REHAB)	3,582	3,582
GRAND FORKS, ND - EAST GRAND FORKS, MN	40,000	40,000
MISSOURI RIVER RESTORATION, ND	---	188
SHEYENNE RIVER, ND	550	550
OHIO		
METROPOLITAN REGION OF CINCINNATI, DUCK CREEK, OH	1,650	1,650
OHIO ENVIRONMENTAL INFRASTRUCTURE, OH	---	13,000

CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
OKLAHOMA		
CANTON LAKE, OK (DAM SAFETY)	6,000	6,000
ELM FORK, RED RIVER, OK (CHLORIDE CONTROL)	---	375
LAWTON WASTEWATER INFRASTRUCTURE REHABILITATION, OK	---	38
TAR CREEK, OK	---	3,750
TENKILLER FERRY LAKE, OK (DAM SAFETY)	5,200	5,200
OREGON		
BONNEVILLE POWERHOUSE PHASE II, OR & WA (MAJOR REHAB)	5,000	5,000
COLUMBIA RIVER CHANNEL IMPROVEMENTS, OR & WA	15,000	15,000
COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR & WA	4,000	4,000
ELK CREEK LAKE, OR	300	300
LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR	---	2,000
WILLAMETTE RIVER TEMPERATURE CONTROL, OR	1,000	1,000
PENNSYLVANIA		
EMSWORTH LOCKS AND DAM, OHIO RIVER, PA (MAJOR REHAB)	15,000	15,000
LOCKS AND DAMS 2, 3 AND 4, MONONGAHELA RIVER, PA	50,800	50,800
NORTHEAST PENNSYLVANIA INFRASTRUCTURE PROGRAM, PA	---	1,950
PRESQUE ISLE, PA	---	465
PROMPTON LAKE, PA	8,480	8,480
SAWMILL RUN, PITTSBURGH, PA	---	750
SOUTH CENTRAL PENNSYLVANIA ENVIRONMENTAL STRUCTURE, PA	---	9,000
SOUTHEASTERN PENNSYLVANIA WATERWAYS RESTORATION,PA	---	600
THREE RIVERS WET WEATHER DEMONSTRATION PROGRAM, PA	---	750
WYOMING VALLEY, PA (LEVEE RAISING)	10,496	10,496
PUERTO RICO		
ARECIBO RIVER, PR	3,800	4,000
PORTUGUES AND BUCANA RIVERS, PR	14,000	14,000
RIO PUERTO NUEVO, PR	20,000	20,000
RHODE ISLAND		
FOX POINT HURRICANE BARRIER, RI	---	525
SOUTH CAROLINA		
FOLLY BEACH, SC	---	60
LAKES MARION AND MOULTRIE, SC	---	6,000
MYRTLE BEACH, SC	---	75
SOUTH DAKOTA		
BIG SIOUX RIVER, SIOUX FALLS,SD	---	1,500
CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX, SD	---	3,750
TENNESSEE		
CHICKAMAUGA LOCK TN	---	10,000
TEXAS		
BRAYS BAYOU, HOUSTON, TX	11,800	11,800
CLEAR CREEK, TX	---	1,125
DALLAS FLOODWAY EXTENSION (DFE), TX	---	11,250
FORT WORTH, TX	---	7,000
GRAHAM CREEK, TX	---	750
HOUSTON - GALVESTON NAVIGATION CHANNELS, TX	24,800	26,000
HUNTING BAYOU (HOUSTON), TX	---	375
JOHNSON CREEK, UPPER TRINITY BASIN, ARLINGTON, TX	500	375
NORTH PADRE ISLAND, PACKERY CHANNEL, TX	---	4,079

CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
RED RIVER BASIN CHLORIDE CONTROL PROJECT, WICHITA RIVE	---	1,125
SAN ANTONIO CHANNEL IMPROVEMENT, TX	---	2,730
SIMS BAYOU, HOUSTON, TX	18,000	18,000
WHITNEY LAKE POWERHOUSE, TX (MAJOR REHABILITATION)	---	3,413
UTAH		
RURAL UTAH, UT	---	10,000
VERMONT		
LAKE CHAMPLAIN WATERSHED, VT AND NY	---	1,500
VIRGINIA		
RICHMOND COMBINED SEWER OVERFLOW (CSO)	---	750
EMBREY DAM, RAPPAHANNOCK RIVER, VA	---	1,500
JAMES RIVER, VA	---	975
JOHN H KERR DAM AND RESERVOIR, VA & NC (MAJOR REHAB)	14,000	14,000
LAKE MERRIWEATHER, LITTLE CALFPASTURE RIVER (GOSEN),VA	---	3,000
NORFOLK HARBOR AND CHANNELS (DEEPENING), VA	---	3,221
ROANOKE RIVER UPPER BASIN, HEADWATERS AREA, VA	5,000	5,000
SANDBRIDGE, VA	---	3,000
VIRGINIA BEACH, VA (HURRICANE PROTECTION)	4,000	8,546
WASHINGTON		
CHIEF JOSEPH DAM GAS ABATEMENT, WA	---	8,000
COLUMBIA RIVER FISH MITIGATION, WA, OR & ID	102,000	85,000
DUNWAMISH AND GREEN RIVER BASIN, WA (ECOSYSTEM RECONST	---	1,875
HOWARD HANSON DAM ECOSYSTEM RESTORATION, WA	14,100	14,100
LOWER SNAKE RIVER FISH & WILDLIFE COMPENSATION, WA, OR	900	675
MT ST HELENS SEDIMENT CONTROL, WA	360	495
MUD MOUNTAIN DAM, WA (DAM SAFETY)	4,400	4,400
PUGET SOUND AND ADJACENT WATERS RESTORATION, WA	---	1,500
SHOALWATER BAY SHORELINE EROSION, WA	---	1,500
WEST VIRGINIA		
BLUESTONE LAKE, WV (DAM SAFETY)	21,500	21,500
CENTRAL WEST VIRGINIA ENVIRONMENTAL INFRASTRUCTURE, WV	---	563
GREENBRIER RIVER BASIN, WV (MARLINTON)	---	2,000
ISLAND CREEK AT LOGAN, WV	---	305
LEVISA AND TUG FORKS AND UPPER CUMBERLAND RIVER, WV, V	---	31,100
LOWER MUD RIVER, WV	---	1,250
MARMET LOCK, KANAWHA RIVER, WV	68,830	73,500
ROBERT C BYRD LOCKS AND DAM, OHIO RIVER, WV & OH	914	914
SOUTHERN WEST VIRGINIA ENVIRONMENTAL INFRASTRUCTURE	---	750
WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL, WV & PA	---	750
WINFIELD LOCKS AND DAM, KANAWHA RIVER, WV	2,400	2,400
WISCONSIN		
NOTHERN WISCONSIN ENVIRONMENTAL ASSISTANCE PROGRAM, WI	---	8,000
MISCELLANEOUS		
ABANDON MINE RESTORATION	---	1,000
AQUATIC ECOSYSTEM RESTORATION (SECTION 206)	15,000	30,000
AQUATIC PLANT CONTROL PROGRAM	3,000	4,000
BENEFICIAL USES OF DREDGED MATERIAL(SEC 204,SEC 207,SE	3,000	5,000
DAM SAFETY AND SEEPAGE/STABILITY CORRECTION PROGRAM	11,000	15,000
DREDGED MATERIAL DISPOSAL FACILITIES PROGRAM	12,000	8,800
EMERGENCY STREAMBANK AND SHORELINE PROTECTION (SECTION	4,000	15,000
EMPLOYEES COMPENSATION	21,000	21,000
ESTUARY RESTORATION PROGRAM (PL 106-457)	5,000	1,000

CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
FLOOD CONTROL PROJECTS (SECTION 205)	13,000	40,000
INLAND WATERWAYS USERS BOARD - BOARD EXPENSE	40	40
INLAND WATERWAYS USERS BOARD - CORPS EXPENSE	170	170
MITIGATION OF SHORE DAMAGES (SECTION 111)	1,500	500
NAVIGATION PROJECTS (SECTION 107)	---	12,000
PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONME	15,000	30,000
SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATIO	---	2,850
SHORE PROTECTION PROJECTS (SECTION 103)	500	7,000
SNAGGING AND CLEARING PROJECTS (SECTION 208)	400	300
SUSPENSION FUND	80,000	---
TRIBAL PARTNERSHIP	---	600
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-81,441	---
TOTAL, CONSTRUCTION	1,637,000	2,372,000

American River watershed.—The conference agreement includes a total of $28,960,000 for American River watershed projects. These funds are to be available as follows:

Common features	$4,405,000
Folsom Dam modifications	9,555,000
(Permanent dam below Folsom Dam)	(10,000,000)
Folsom Dam mini-raise	15,000,000

Santa Ana River mainstem, California.—A total of $61,650,000 is provided for the Santa Ana River mainstem in California. Funds are to be distributed as delineated in the House report.

Central and South Florida.—Within the funds provided, work should continue on the Upper St. Johns River project.

Rural Idaho environmental infrastructure, Idaho.—The conference agreement includes $5,000,000 for rural Idaho environmental infrastructure. Within the funds provided, the Corps is directed to give consideration to projects at Emmett, Burley, Rupert, Bonners Ferry, Donnelly, Eastern Idaho Regional Water Authority, Driggs and Smelterville. Other communities that meet the program criteria may be considered as funding allows.

Olmstead Locks and Dam, Ohio River, Illinois and Kentucky.—Neither funds provided for Olmstead Locks and Dam project nor funds available within this account are available to reimburse the Claims and Judgment Fund.

Upper Mississippi River restoration, IL, IA, MN, MO and WI.—The conference agreement includes $20,000,000 for Upper Mississippi River restoration, which shall be available only to continue ongoing projects and shall not be available to initiate any new projects.

Missouri fish and wildlife mitigation, IA, KS, MO, MT, NE, ND, and SD.—The conference agreement includes funds for only those specifically authorized Missouri fish and wildlife and mitigation activities, namely along the lower Missouri River. The conferees agree that the Administration should submit a legislative proposal for habitat recovery for the upper reaches of the river for consideration by the appropriate authorizing committees before funds are expended on these additional mitigation activities.

Louisville Waterfront Park, Kentucky.—The Corps of Engineers is directed to use funds appropriated in Public Law 107–66, Public Law 108–7 and Public law 108–137, to continue with design and construction of Phase II of the Louisville Waterfront Park, specifically the Big Four Bridge and Spiral.

J. Bennett Johnston Waterway, Louisiana.—The Conferees have provided $13,000,000 for navigation channel refinement features, land purchases and development for mitigation of project impacts, and construction of project recreation features and appurtenant features.

Chesapeake Bay environmental program, MD, PA, and VA.—Within the funds provided, $273,000 is included to continue the environmental studies concerning non-native oysters.

Rural Montana.—Within the funds provided, the Corps is directed to give consideration to the projects at Livingston, Missoula (Grant Creek), Meagher County, Stevensville, Helena, Wisdom, Bigfork, Sheridan, Butte and Drummond. Other communities that meet the program criteria should be considered as funding allows.

Fire Island Inlet to Montauk Point, New York.—The conference agreement includes $1,075,000 for the reformulation study.

New York and New Jersey Harbor, New York and New Jersey.—Within the funds provided for New York and New Jersey Harbor, New York and New Jersey, the conferees direct the Corps to use up to $2,000,000 to plan for and enter into an agreement with a state or non-Federal sponsor to develop a dredged material processing facility that would accomplish the objectives of reducing the cost of dredged material management in the port, preparing dredged material for beneficial uses, and implementing innovative dredged material management technologies.

Rural Nevada.—Within the funds provided, the Corps is directed to give consideration to projects of Douglas County, Battle Mountain, North Lemmon Valley, Spanish Valley Phase II, Huffaker Hills Water Conservation, Lawton-Verdi, Boulder City, Lyon County, Gerlach, Searchlight, Incline Village, Esmeralda County, Churchill County, West Wendover, Yearlington, Virgin Valley Water District, Lovelock, Lander County, Round Hill Phase II and Carson City. Other communities that meet the program criteria should be considered as funding allows.

Tropicana and Flamingo Washes, Nevada.—Within the funds provided, $3,000,000 is provided for work performed in accordance with Section 211 of Public Law 104–303.

Wrightsville Beach, North Carolina.—Funds are provided for beach restoration efforts resulting from natural erosion and navigation activities.

Ohio environmental infrastructure.—The bill provides $13,000,000 for Ohio environmental infrastructure for fiscal year 2006. These funds, together with $3,849,000 from Clark County (Ohio) and Lower Mad River Valley Sewer Infrastructure and Storm Water Management projects remaining unobligated from fiscal year 2004, shall be distributed as follows:

Benton Ridge wastewater treatment	$500,000
Brookfield Center South sanitary sewer	250,000
Cambridge sewer system east of I–77	425,000
Cuyahoga River environmental restoration	500,000
Elyria water treatment plant	200,000
Franklin County, Village of New Albany environmental restoration	1,000,000
Fulton County Elmira Burlington wastewater collection and treatment	300,000
Gallia County water and sewer	300,000
Higginsport sanitary sewer	750,000
Lake County Madison Township Chapel Road Interceptor sewer	505,000
Licking County, Village of Hanover wastewater collection	325,000
Marysville water treatment facility upgrades	1,000,000
Norwalk wastewater treatment plant	300,000
Rushsylvania wastewater treatment	500,000
Springfield Hospital water and sewer project	3,025,000
Springfield Nextedge Technology Park water and sewer	750,000
Southern Franklin County and Northern Pickaway County sewer line expansion project	1,000,000
Toledo wastewater treatment plant	250,000
Trotwood storm drain and stream relocation	750,000
University of Dayton, Brown and Stewart Streets water and sewer	1,000,000
Village of Ottawa regional waterline	300,000
Yellow Springs McGregor Center for Business and Education Park, water and sewer	450,000
Parma water and sewer project	150,000
Springfield AirPark water project	1,500,000
Clark County Park I–675 water and sewer project	324,000
Summit County, City of Hudson, Seasons Road sanitary sewer pump station	495,000

Southeastern Pennsylvania infrastructure program, Pennsylvania.—Within the funds provided for Southeastern Pennsylvania infrastructure program, the conferees have provided $300,000 for Cobbs Creek Park and $300,000 for Tacony Creek.

Cheyenne River Sioux Tribe, Lower Brule Sioux, South Dakota.—Within the funds provided, the conferees direct that not more than $1,000,000 shall be provided for administrative expenses, and that the Corps is to distribute the remaining funds as directed by Title IV of the Water Resources Act of 1999 to the State of South Dakota, the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe.

Columbia River fish mitigation, WA, OR and ID.—The conferees have chosen not to combine the various, separately authorized components of the project into a single line item and believe it is prudent to maintain visibility and transparency in the various project elements throughout budget execution.

Mt. St. Helens, Washington.—Additional funds have been provided to initiate a general reevaluation report to determine if ecosystem restoration actions are prudent in the Cowlitz and Toutle watersheds for species that have been listed as being of economic importance and threatened or endangered.

Mud Mountain, Washington.—Out of the funds provided, the Corps is directed to use up to $600,000 to study fish passage.

Levisa and Tug Forks and Upper Cumberland River, WV, VA and KY.—The conference agreement includes $31,100,000 for Levisa and Tug Forks and Upper Cumberland River, WV, VA and KY. Within the amounts provided, $16,000,000 shall be for elements of the project in the Commonwealth of Kentucky, $5,600,000 shall be for elements within the State of West Virginia and $9,500,000 shall be for Virginia elements.

Robert C. Byrd Locks and Dam, Ohio River, West Virginia and Ohio.—The conference agreement includes funds to continue Jenkins preservation and contract management but excludes funds for planning, engineering and design.

Aquatic Plant Control Program.—The conference agreement includes $4,000,000 for this program. Within the funds provided, the conferees have provided $100,000 for Lake Gaston, North Carolina, and $400,000 for Lake Champlain, Vermont.

Beneficial Uses of Dredged Material.—Within the funds provided, $3,000,000 is for Morehead City, North Carolina, and $200,000 for Duaphin Island, Alabama.

Dam Safety and Seepage/Stability Corrective Program.—The conference agreement includes $15,000,000, of which $4,000,000 is to complete the Waterbury dam repairs in

Vermont, and $600,000 is for Dover dam in Ohio.

Shore Line Erosion Control Development and Demonstration Program.—Within the funds provided, $1,725,000 shall be available for the alternative sand test beach and breakwater project in Florida and $1,250,000 for the Sacred Falls demonstration project in Hawaii.

Estuary Restoration Program.—The conference agreement includes $1,000,000 for the estuary restoration program. The Corps is directed to provide the House and Senate Committees on Appropriations a spending plan for the program in fiscal year 2005 and 2006 prior to the expenditure of funds.

Tribal partnership.—Within the funds provided, $300,000 shall be for efforts in New Mexico and $300,000 shall be for cultural resource restoration on historic Washoe lands.

CONTINUING AUTHORITIES PROGRAM

The Act contains several provisions specifying the amount of funds made available for each of the continuing authorities programs (CAP), as proposed by the House. The Senate bill contained no similar provisions.

The conference agreement includes the following amounts for each of the specific program authorities of the continuing authorities program:

Section 107	$12,000,000
Section 103	7,000,000
Section 205	40,000,000
Section 14	15,000,000
Section 1135	30,000,000
Section 206	30,000,000
Section 204	5,000,000
Section 208	300,000
Section 111	500,000

In an effort to reduce the current backlog of CAP projects, the conferees have endeavored to provide sufficient appropriations to continue various Corps-initiated CAP projects while also allocating funds for Congressionally-directed projects. For example, the conference agreement includes appropriations for sections 1135 and 206 in excess of the annual authorized level so as to reduce the significant unfunded backlog of projects. These appropriations levels are a one-time event; neither the Corps nor its stakeholders should expect funding at these levels to continue and should plan their programs and projects accordingly.

The conferees agree that significant management reform of the CAP program is necessary. Therefore, within 60 days of enactment of this Act, and annually thereafter concurrent with the budget submission, the Corps is directed to submit to the House and Senate Committees on Appropriations a program management plan detailing the specific actions the Corps will take to prioritize projects and to manage the program in the future. This management plan shall include at least a five-year time horizon consistent with the Five-Year Comprehensive Budget Plan and may, after the initial submission, be incorporated into the larger planning effort. Additionally, the Corps shall provide to the House and Senate Committees on Appropriations, concurrent with the annual budget submission, a status report delineating all ongoing projects, identifying on a project-by-project basis the annual out-year budgetary requirements to complete each project.

In developing its management plan and in an effort to reduce the backlog of projects, the Corps is directed to prioritize projects in the following manner: first, funding should be available for construction projects for which an executed project cooperation agreement is in place; second, funding should be available for projects with executed feasibility cost sharing agreements. The conferees direct the Corps to place a moratorium on the execution of any new project cooperation agreements or feasibility cost sharing agreements in fiscal year 2006. Work may continue on any phase of a particular project as funding and priority allows, but no project shall advance to the next stage during fiscal year 2006 unless such project can be completed within the funds specified or can advance into the design phase in fiscal year 2006..

The Corps is directed not to initiate any new project or re-start a project within any CAP program in fiscal year 2006 unless such project is specifically named in an Energy and Water Development Appropriations Act or its accompanying statement of managers from fiscal year 2001 through 2006. Within 60 days of enactment of this Act, the Corps shall submit to the House and Senate Committees on Appropriations a report detailing those CAP projects that have not been named in an Energy and Water Development Appropriations Act from fiscal year 2001 through 2006 or for which no funds have been expended in fiscal years 2001 through 2005.

The conferees further direct to Corps to implement guidelines to require feasibility study cost sharing from non-Federal sources for all CAP authorities, to be effective October 1, 2006. The conferees note that this is the current practice in all but the environmental authorities.

The following table includes the name of the project, the CAP authority under which the project is authorized and the amount of funding included in the conference agreement:

CONTINUING AUTHORITIES PROGRAMS

(In thousands of dollars)

SMALL NAVIGATION PROJECTS
(SECTION 107)

Blytheville Harbor, AR	500
Oyster Point Marina Breakwater Reconfiguration, CA	2100
Kahoolawe Small Boat Basin, HI	250
North Kohala Navigation Improvements, HI	150
Port Fuchon, LA	88
Westport River and Harbor, MA	70
Naticoke Harbor, MD	250
St. Jerome Creek, MD	200
Mackinac Isle, harbor breakwater, MI	50
Northwestern Michigan College, Traverse City, MI	55
Ontonagon Harbor Channel extension, Ontonagon, MI	184
Knife River Harbor, MN	54
Yazoo Diversion Canal, MS	2900
Hampton Harbor, NH	55
Olcott Harbor, NY	70
Charlestown Breachway and Ningret Pond, RI	90
Northwest Tennessee Regional Harbor, TN	490
Wisconsin Lakeshore State Park Breakwater, WI	2000

SMALL BEACH EROSION CONTROL PROJECTS
(SECTION 103)

Unalakleet Seawall, AK	600
Solana Beach, CA (Fletcher Cove)	15
North Shore of Indian River Inlet, DE	600
Whiting, IN	100
Pleasure Island, MD	500
St. Mary's River, MD	630
Philadelphia shipyard, PA	200
Morris Island Lighthouse, SC	2234

SMALL FLOOD CONTROL PROJECTS
(SECTION 205)

Fort Yukon, AK	200
Salcha, AK	400
Huntsville Big Spring Branch debris removal, AL	100
Huntsville Dallas Branch bypass, Huntsville, AL	200
Wynne, AR	75
City of 29 Palms Pinto Cove flood control channel, CA	1000
Cosgrove Creek, CA	150
Flomar Storm Drain, Whittier, CA	95
Heacock and Cactus Channels, CA	550
New Hogan Lake Reoperation, CA	300
Burnt Mountain flood control improvements, CA	736

CONTINUING AUTHORITIES PROGRAMS

(In thousands of dollars)

SMALL FLOOD CONTROL PROJECTS

(SECTION 205)

Oak Creek, Florence, CO (Oak Creek Reservoir)	175
Van Bibber Creek, CO	318
Harbor Brook, Meriden, CT	75
Salmon River, CT	460
Little Mill Creek, New Castle County, DE	2000
Kuliouou Stream Flood Damage Reduction, HI	250
Palai Stream Flood Damage Reduction, HI	100
Waiakea Stream Flood Damage Reduction Project, HI	200
Wailele Stream Flood Damage Reduction, Project, HI	150
Cedar River (Time Check Area). Cedar Rapids, IA	300
Denison, IA	1400
East Peoria flood control project, IL	3600
Fort Wayne, St. Marys and Maumee Rivers, IN	200
Eureka Creek Local Flood Protection Project, KS	240
Whitewater and Walnut Rivers. Augusta, KS	2500
Braithwaite Park, LA	440
Jean Lafitte, Fisher School Basin, Jefferson Parish, LA	1575
Oakville to LaReussite, LA	90
Red Chute Bayou, Bossier Parish, LA	425
Town of Carenco, Lafayette, LA	155
Elkton, MD	30
Montevideo, MN	658
Blacksnake Creek, St. Joseph, MO	240
Lilbourn Outlet Ditch, MO	30
Little River Diversion, Dutchtown, MO	175
Livingston Yellowstone river flood plain study, MT	135
Swannanoa River Watershed, NC	100
Wilson, NC (Hominy Swamp Flood Control)	100
Fargo Ridgewood Addition, ND	385
Jackson Brook, NJ	300
Upper Passaic River, Long Hill Township, NJ	1000
Hatch, NM	158
Little Puerco River, Gallup, NM	100
Little Puerco Wash, Gallup, NM	100
Battle Mountain, NV	1000
North Spanish Springs, NV	140
Fulmer Creek, NY	862
Moyer Creek, NY	760
Haikey Creek, OK	100
Cedar Run Flood Control Project, PA	193
Little Mill Creek, Gravel Road, PA	200
Lower Lycoming Creek, Lycoming County, PA	360
Montoursville flood damage reduction, PA	360
Beaver Creek, Bristol, TN and VA	200
Sandy Creek, TN	50
Little Brazos River, TX	325
Little Fossil Creek, Haltom City, TX	270
Passumpsic River, Lyndonville, VT	42

CONTINUING AUTHORITIES PROGRAMS

(In thousands of dollars)

STREAMBANK AND SHORELINE PROTECTION FOR PUBLIC FACILITIES (SECTION 14)

Deering Shoreline Protection, AK	60
Kwethluk, AK	55
27th street bridge, Glenwood Springs, CO	30
Powers Boulevard, Colorado Springs, CO	34
Iowa River, Sac and Fox Tribe, IA	30
Raccoon River, Panora County, IA	12
Indiana University, South Bend, IN	765
Ohio River, South First Street, Rockport, IN	715
Thieme Dr., Fort Wayne, IN	50
Bayou Macon, Poverty Point, LA	470
Patuxent River, Patuxent Beach Road, MD	34
Marquette shoreline protection, MI	140
St. Joseph shoreline protection, MI	175
Big Bend Cemetery, MN	250
Fox River, Highway 61 bridge protection, MO	120
Rush Creek Bank Stabilization Project, MO	776
Eubanks Creek, Jackson, MS	275
Elizabeth River, Valleyview Road, Hillside, NJ	25
Malapardis Brook Mountain, Pleasant Avenue, Hanover, NJ	175
I-40 Bridge, Rio Puerco, NM	850
Lake Ontario, Albion water treatment plant, NY	250
Newton Creek, Newton Avenue, Bainbridge, Chenango County, NY	197
Tonawanda Creek, Minnick Road, NY	800
Ottawa River Shoreland Avenue, Toledo,OH	660
St. John's Landfill Dike Stabilization, OR	51
Neshannock Creek, PA	55
Lee Drive, Lenoir City, TN	60
Mt. Moriah Culvert, TN	305
Wastewater plant, Intake Channel, Seguin TX	390
Kenosha Harbor Retaining Wall, WI	281

PROJECT MODIFICATIONS FOR THE IMPROVEMENT OF THE ENVIRONMENT (SECTION 1135)

Ditch 28, AR	130
Millwood Lake, Grassy Lake, AR	100
Rillito River riparian and wetland development, AZ	167
Bull Creek Channel Ecosystem Restoration, CA	2000
Tujunga Wash Environmental Restoration, CA	431
Chatfield Downstream, South Platte River, CO	139
Kingman Island, DC	500
Oyster Revitalization in the Delaware Bay, DE and NJ	2000
Lake Jesup, FL	533
Ocklawaha River prairie restoration, FL	250
Kanaha Pond Wildlife Sanctuary Restoration Project, HI	200
Kaunakakai Stream Environmental Restoration, HI	200
Kawainui Marsh Environmental Restoration Project, HI	10

CONTINUING AUTHORITIES PROGRAMS
(In thousands of dollars)

PROJECT MODIFICATIONS FOR THE IMPROVEMENT OF THE ENVIRONMENT (SECTION 1135)

Pelekane Bay Ecosystem Restoration Project, HI	400
Rathbun Lake, South Fork wetland restoration, IA	550
Shelbyville, IL	10
Spunky Bottoms, Brown County, IL	350
Sand Creek, KS	3000
Bayou DeSaird, LA	250
Bayou Macon, LA	187
Frazier/Whitehorse Oxbow Lake Weir, LA	167
Lake St. Joseph, Tensas Parish, LA	130
Hoosic River, Adams, MA	500
Hart Miller Island, MD	200
Duck Creek, Stoddard County, MO	125
Kansas City Riverfront, Kansas City, Jackson County, MO	998
Prison Farm shoreline habitat, ND	250
Lower Decatur Bend Environmental Improvement, NE	194
Albuquerque Biological Park Wetland Restoration Project, NM	35
Ecosystem Revitalization at Route 66, NM	500
Las Cruces Dam Environmental Restoration, Dona Ana County, NM	300
Pecos River, Chaves County, NM	279
Riparian Wetland Restoration, Pueblo of Santa Ana Reservation, NM	200
Lower Truckee River, McCarran Ranch, NV	85
Joe Creek ecosystem restoration, OK	100
Fairmount Dam Fishladder Project, PA	750
Allin's Cove, RI	300
Boyd's Marsh Salt Marsh Portsmouth, RI	500
Big Cypress Bayou Fish and Wildlife Habitat, TX	530
O.C. Fisher Lake, TX	250
City of Richland, WA	400
Mapes Creek Habitat Enhancement Project, WA	270
Smith Island/Union Slough Restoration Project, WA	400
Village of Oyster, VA	165

AQUATIC ECOSYSTEM RESTORATION PROJECTS (SECTION 206)

Eklutna, AK	300
Northway, AK	350
Chattahoochee Fall Line ecosystem restoration project, AL and GA	250
English Creek Aquatic Restoration, CA	380
Salt River restoration project, CA	450
St.Helena-Napa River restoration, CA	600
Sweetwater Reservoir Ecosystem Rest, CA	90
York Creek Dam Removal, CA	350
Arkansas River Fisheries Habitat Restoration, Pueblo, CO	315
Goose Creek, CO	200
Kingfisher Point, CO	191
Lower Boulder Creek, CO	240
North Fork Gunnison River, CO	476

CONTINUING AUTHORITIES PROGRAMS

(In thousands of dollars)

AQUATIC ECOSYSTEM RESTORATION PROJECTS (SECTION 206)

Tamarisk eradication, CO	400
Mill River restoration, Stamford, CT	153
Big Fish Weir Creek, FL	150
Rose Bay, FL	250
Tsala Apopka Littoral Shelf Restoration, FL	300
Little River Watershed Aquatic Habitat Restoration, GA	100
Mountain Park Dam, Rocky Creek, GA	250
Mokuhinia/Mokuula ecosystem restoration, HI	220
Clear Lake Watershed/Clear Lake, Ventura Marsh, IA	165
Storm Lake, IA	100
Indian Creek, Caldwell, ID	479
Paradise Creek ecosystem restoration project, ID	195
Salmon River, Challis, ID	311
Emiquon Preserve, IL	313
Eugene Field, IL	25
Hofmann Dam, Cook County, IL	235
Kankakee River aquatic ecosystem restoration, IL	100
Lockport prairie reserve, IL	300
Orland wetlands, IL	225
Squaw Creek aquatic ecosystem restoration, IL	160
Cedar Lake, IN	200
Wolf Lake, IN	300
Arkansas City ecosystem restoration, KS	180
University Lakes, Baton Rouge, LA	200
University Lakes, East Baton Rouge Parish, LA	200
Bird Island habitat restoration, MA	100
Malden River Ecosystem Restoration Project, MA	80
Milford Pond Restoration Project, Milford, MA	80
Treats Pond, Cohasset, MA	200
Blackwater Refuge, MD	245
Greenbury Point, MD	185
Paint Branch fish passage, MD	156
Tidal Middle Branch, MD	250
Western Branch, Patuxent River, MD	1158
Painter Creek, MN	300
Confluence Point State Park, MO	100
Concord stream bank restoration, NC	350
Western Cary Stream Restoration Cary, NC	175
Heron Haven wetland restoration project, NE	186
Grover's Mill Pond, NJ	250
Bottomless Lakes state park, Roswell, NM	350
Jemez River aquatic and riparian habitat restoration, Zia Pueblo, NM	211
Las Cruces wetland restoration, NM	300
Carson River, NV	75
Incline, Third and Rosewood creeks, NV	90
Echo Bay, New Rochelle, NY	450
North Hempstead, NY	500
Soundview Park, Bronx, NY	400

CONTINUING AUTHORITIES PROGRAMS

(In thousands of dollars)

AQUATIC ECOSYSTEM RESTORATION PROJECTS

(SECTION 206)

South Park Lake restoration, NY	275
Columbus 5th Avenue dam removal, Olentangy River, OH	360
Arrowhead Creek, OR	250
Camp Creek - Zumwalt Prairie, OR	118
Springwater/Johnson Creek, Portland, OR	220
Canonsburg Lake, PA	250
North Park Lake, PA	85
Sheradon Park and Chartiers Creek, PA	300
Upper Tioga River Watershed, PA	430
Brush Neck Cove, Warwick, RI	150
Narrow, Narragansett, RI	150
Ninigret and Cross Mills Ponds, Charlestown, RI	750
Ten Mile River, East Providence, RI	250
Winnipaug Pond, Westerly, RI	104
Lynches River/Lake City Project, SC	205
Pocotaligo Swamp Restoration, SC	5
Wilson Branch, SC	36
Burgess Falls, TN	116
Stephenville Wetland, TX	165
Lake Anna, VA	175
Potash Brook, South Burlington, VT	350
Carpenter Creek, WA	300
Issaquah salmon hatchery, WA	300
Port of Sunnyside wetland, WA	100

BENEFICIAL USE OF DREDGED MATERIAL

(SECTIONS 204, 207, 933)

Dauphin Island Restoration Project, AL	439
Jamaica Bay, Marsh Islands, NY	1000
Morehead City Harbor, NC	3000

CLEARING AND SNAGGING

(SECTION 208)

Great Pierce Meadows, Essex and Morris Counties, NJ	160

Reno flood warning system.—Within the funds provided for section 205, the Corps shall close out the Reno flood warning system.

Santa Venetia flood control, California.—Within the funds provided for section 205, the Corps shall close out the Santa Venetia flood control project.

Stevenson Creek estuary, Florida, section 206.—The Corps is directed to return funds reprogrammed from Stevenson Creek estuary, Florida forthwith.

Within the funds provided for sections of the continuing authorities programs, the Corps is directed to give priority consideration to the following projects:

Section 107:
Gustavis Harbor, AK
Nanwalek, AK
Woods Hole Great Harbor, MA
Section 205:
City of Las Vegas, NV
Gila River, Grants and Hidalgo Counties, NM
Elsmere, DE
West Virginia Statewide Flood Warning System, WV
Winnebago River Levee Improvement, IA
Keshequa Creek, Nunda, NY
Limestone Creek, Fayetteville, NY
South Suburban Areas of Chicago, IL
Upper Delaware River Watershed Flood Mitigation, NY

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

The conference agreement provides $400,000,000 for Flood Control, Mississippi River and Tributaries instead of $290,000,000 as proposed by the House and $433,336,000 as proposed by the Senate.

The conference agreement deletes a provision proposed by the House, which would have incorporated by reference the projects and activities specified in the statement of managers accompanying this Act. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the Senate relating to various activities of the Yazoo Basin backwater pumping plant in Mississippi. The House bill contained no similar provision.

The conference agreement deletes a provision proposed by the Senate relating to the pump supply contract for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi. The House bill contained no similar provision.

The conference agreement for projects to reduce flood control in the lower Mississippi River alluvial valley below Cape Giradeau, Missouri is shown in the following table:

FLOOD CONTROL - MISSISSIPPI RIVER AND TRIBUTARIES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
INVESTIGATIONS		
BAYOU METO, AR	---	1,640
SOUTHEAST ARKANSAS, AR	---	315
ALEXANDRIA TO THE GULF, LA	450	450
ATCHAFALAYA BASIN FLOODWAY SYSTEM LAND STUDY, LA	100	---
DONALDSON TO THE GULF, LA	---	739
MORGANZA TO THE GULF, LA	---	4,000
SPRING BAYOU, LA	---	450
TENSAS RIVER BASIN, LA	---	225
COLDWATER RIVER BASIN BELOW ARKABUTLA LAKE, MS	500	475
MILLINGTON AND VICINITY, TN	112	106
MEMPHIS METRO AREA, STORM WATER MGMT STUDY, TN & MS	---	150
COLLECTION AND STUDY OF BASIC DATA	720	680
SUBTOTAL, INVESTIGATIONS	1,882	9,230
CONSTRUCTION		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	42,500	43,000
FRANCIS BLAND FLOODWAY DITCH (EIGHT MILE CREEK), AR	3,446	3,274
GRAND PARIRIE REGION, AR	---	9,000
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN	39,200	51,000
ST. FRANCIS BASIN, AR & MO	---	6,800
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA	2,324	4,300
ATCHAFALAYA BASIN, LA	21,000	19,000
MISSISSIPPI DELTA REGION, LA	2,244	3,330
YAZOO BACKWATER, LESS ROCKY BAYOU, YAZOO F & WL MITIGATION LANDS	---	270
YAZOO BASIN - BACKWATER PUMPING PLANT, MS	---	20,000
YAZOO BASIN - BIG SUNFLOWER RIVER, MS	---	4,000
YAZOO BASIN - DELTA HEADWATERS PROJECT, MS	---	22,000
YAZOO BASIN - MAINSTEM, MS	---	23
YAZOO BASIN - REFORMULATION UNIT, MS	---	1,980
YAZOO BASIN / UPPER YAZOO PROJECT, MS	---	13,275
ST. JOHNS BAYOU AND NEW MADRID FLOODWAY, MO	---	4,950
NONCONNAH CREEK, TN & MS	500	470
WEST TENNESSEE TRIBUTARIES, TN	---	250
WOLF RIVER, TN	---	3,500
SUSPENSION FUND	8,000	---
SUBTOTAL, CONSTRUCTION	119,214	210,422
MAINTENANCE		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	70,609	63,000
HELENA HARBOR, PHILLIPS COUNTY, AR	172	382
INSPECTION OF COMPLETED WORKS, AR	611	580
LOWER ARKANSAS RIVER, NORTH BANK, AR	560	532
LOWER ARKANSAS RIVER, SOUTH BANK, AR	310	295
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN	9,256	11,500
ST FRANCIS BASIN, AR & MO	6,600	8,800
TENSAS BASIN, BOEUF AND TENSAS RIVERS, AR & LA	2,600	2,470
WHITE RIVER BACKWATER, AR	1,400	1,330
INSPECTION OF COMPLETED WORKS, IL	55	52
INSPECTION OF COMPLETED WORKS, KY	37	35
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA	2,860	2,717
ATCHAFALAYA BASIN, LA	13,400	13,000
BATON ROUGE HARBOR, DEVIL SWAMP, LA	---	399
BAYOU COCODRIE AND TRIBUTARIES, LA	65	62
BONNET CARRE, LA	2,713	2,577
INSPECTION OF COMPELTED WORKS, LA	538	511
LOWER RED RIVER, SOUTH BANK LEVEES, LA	66	63
MISSISSIPPI DELTA REGION, LA	239	227

FLOOD CONTROL - MISSISSIPPI RIVER AND TRIBUTARIES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
OLD RIVER, LA	10,200	9,690
TENSAS BASIN, RED RIVER BACKWATER, LA	3,950	3,753
GREENVILLE HARBOR, MS	---	366
INSPECTION OF COMPLETED WORKS, MS	317	301
YAZOO BASIN:		
ARKABUTLA LAKE, MS	6,151	10,151
BIG SUNFLOWER RIVER, MS	210	2,000
ENID LAKE, MS	5,232	9,232
GREENWOOD, MS	620	1,500
GRENADA LAKE, MS	5,674	9,674
MAIN STEM, MS	1,080	2,630
SARDIS LAKE, MS	7,153	11,403
TRIBUTARIES, MS	1,130	1,074
WILL M WHITTINGTON AUX CHAN, MS	430	409
YAZOO BACKWATER AREA, MS	470	750
YAZOO CITY, MS	770	732
Subtotal, YAZOO BASIN	28,920	49,555
VICKSBURG HARBOR, MS	---	368
INSPECTION OF COMPLETED WORKS, MO	182	173
WAPPAPELLO LAKE, MO	4,676	4,442
INSPECTION OF COMPLETED WORKS, TN	110	105
MEMPHIS HARBOR, MCKELLAR LAKE, TN	992	1,748
MAPPING	1,384	1,315
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-13,918	---
SUBTOTAL, MAINTENANCE	148,904	180,348
TOTAL, FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES	270,000	400,000

CONSTRUCTION

Mississippi River Levees, AR, IL, KY, LA, MS, MO and TN.—Additional funds have been provided to continue construction of the St. Johns—New Madrid Levee Closure/Box Culvert, Missouri as well as other levee items and for the Lower Mississippi River Interpretive Center.

Yazoo Basin, Backwater Pumping Plant, Mississippi.—Within the funds provided, $150,000 is provided for the Teddy Roosevelt Environmental Education Center.

Yazoo Basin, Big Sunflower River, Mississippi.—The conferees recognize the need to prevent erosion, reduce sedimentation and head-cutting in watersheds of the Yazoo Basin for purposes of improving water quality, fisheries and reducing maintenance. The conferees have provided $4,000,000 for continued construction of the project. Within these funds, not more than $1,500,000 shall be used for these water quality and sediment reduction measures and $500,000 shall be used for establishment of water quality reference indicators for use as appropriate on Yazoo Basin Projects.

MAINTENANCE

Mississippi River Levees AR, IL, KY, LA, MS, MO and TN.—Additional funds have been provided for delivery of levee gravel in AR, LA, MS and MO as determined by need.

Additional funding has been provided for deferred maintenance at the four Mississippi Lakes.

OPERATION AND MAINTENANCE

The conference agreement provides $1,989,000,000 for operation and maintenance, instead of $2,000,000,000 as proposed by the House and $2,100,000,000 as proposed by the Senate.

The conference agreement deletes a provision proposed by the House, which would have incorporated by reference the projects and activities specified in the statement of managers accompanying this Act. The Senate bill contained no similar provision.

The conference agreement includes several provisions proposed by the Senate relating to certain projects. The House bill contained no similar provisions.

The conference agreement for operation and maintenance is shown in the following table:

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
ALABAMA		
ALABAMA - COOSA COMPREHENSIVE WATER STUDY, AL	180	162
ALABAMA - COOSA RIVER, AL	1,591	2,782
BLACK WARRIOR AND TOMBIGBEE RIVERS, AL	22,117	22,117
GULF INTRACOASTAL WATERWAY, AL	4.050	3,645
INSPECTION OF COMPLETED WORKS, AL	50	45
MILLERS FERRY LOCK AND DAM, WILLIAM "BILL" DANNELLY	7,315	7,315
MOBILE HARBOR, AL	20,248	18,223
PROJECT CONDITION SURVEYS, AL	100	90
ROBERT F HENRY LOCK AND DAM, AL	7,125	6,413
SCHEDULING RESERVOIR OPERATIONS, AL	140	126
TENNESSEE - TOMBIGBEE WATERWAY WILDLIFE MITIGATION, AL	1,400	2,000
TENNESSEE - TOMBIGBEE WATERWAY, AL & MS	20,103	24,000
WALTER F GEORGE LOCK AND DAM, AL & GA	7,171	6,454
ALASKA		
ANCHORAGE HARBOR, AK	11,470	11,470
CHENA RIVER LAKES, AK	3,051	3,051
CORDOVA HARBOR, AK	---	540
DILLINGHAM HARBOR, AK	622	560
HOMER HARBOR, AK	299	269
INSPECTION OF COMPLETED WORKS, AK	45	41
LOWELL CREEK TUNNEL, AK	---	90
NINILCHIK HARBOR, AK	248	223
NOME HARBOR, AK	2,496	2,496
PROJECT CONDITION SURVEYS, AK	588	529
AMERICAN SAMOA		
OFU HARBOR, AMERICAN SAMOA	1,480	1,332
TAU HARBOR, AMERICAN SAMOA	1,372	1,235
ARIZONA		
ALAMO LAKE, AZ	1,280	1,730
INSPECTION OF COMPLETED WORKS, AZ	92	83
PAINTED ROCK DAM, AZ	1,220	1,098
SCHEDULING RESERVOIR OPERATIONS, AZ	37	33
WHITLOW RANCH DAM, AZ	190	171
ARKANSAS		
BEAVER LAKE, AR	5,744	5,170
BLAKELY MT DAM, LAKE OUACHITA, AR	10,084	10,084
BLUE MOUNTAIN LAKE, AR	1,292	1,163
BULL SHOALS LAKE, AR	6,392	5,753
DARDANELLE LOCK AND DAM, AR	6,524	5,872
DEGRAY LAKE, AR	6,828	6,145
DEQUEEN LAKE, AR	1,193	1,074
DIERKS LAKE, AR	1,161	1,045
GILLHAM LAKE, AR	1,093	984
GREERS FERRY LAKE, AR	5,608	5,047
HELENA HARBOR, PHILLIPS COUNTY, AR	30	387
INSPECTION OF COMPLETED WORKS, AR	199	179
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR	35,065	31,559
MILLWOOD LAKE, AR	1,782	1,604
NARROWS DAM, LAKE GREESON, AR	4,342	3,908
NIMROD LAKE, AR	1,656	1,490
NORFORK LAKE, AR	4,540	4,086
OSCEOLA HARBOR, AR	29	299
OUACHITA AND BLACK RIVERS, AR & LA	8,500	13,887
OZARK - JETA TAYLOR LOCK AND DAM, AR	5,151	4,636
PROJECT CONDITION SURVEYS, AR	7	6
WHITE RIVER, AR	215	900

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
YELLOW BEND PORT, AR	---	158
CALIFORNIA		
BLACK BUTTE LAKE, CA	1,989	1,790
BUCHANAN DAM, HV EASTMAN LAKE, CA	1,781	1,603
CHANNEL ISLANDS HARBOR, CA	310	279
COYOTE VALLEY DAM, LAKE MENDOCINO, CA	4,084	3,676
CRESCENT CITY HARBOR	---	450
DRY CREEK (WARM SPRINGS) LAKE AND CHANNEL, CA	5,272	5,825
FARMINGTON DAM, CA	202	182
HIDDEN DAM, HENSLEY LAKE, CA	2,090	1,881
HUMBOLDT HARBOR AND BAY, CA	5,069	4,562
INSPECTION OF COMPLETED WORKS, CA	1,396	1,256
ISABELLA LAKE, CA	2,291	2,062
JACK D. MALTESTER CHANNEL, CA (SAN LEANDRO)	---	675
LOS ANGELES COUNTY DRAINAGE AREA, CA	4,287	3,858
LOWER PETALUMA RIVER, CA	---	675
MARINA DEL RAY, CA	---	900
MERCED COUNTY STREAMS, CA	251	226
MOJAVE RIVER DAM, CA	290	261
MORRO BAY HARBOR, CA	1,616	1,454
MOSS LANDING HARBOR, CA	---	1,328
NAPA RIVER, CA	---	675
NEW HOGAN LAKE, CA	1,994	1,795
NEW MELONES LAKE, DOWNSTREAM CHANNEL, CA	1,634	1,471
NOYO RIVER & HARBOR, CA	28	225
OAKLAND HARBOR, CA	6,205	5,585
OCEANSIDE HARBOR, CA	1,040	936
PILLAR POINT HARBOR, CA	---	450
PINE FLAT LAKE, CA	2,831	2,548
PINOLE SHOAL MANAGEMENT STUDY, CA	---	225
PORT HUENEME, CA	---	450
PORT SAN LUIS, CA	---	450
PROJECT CONDITION SURVEYS, CA	1,891	1,702
REDWOOD CITY HARBOR, CA	4,967	4,470
RICHMOND HARBOR, CA	7,972	7,175
SACRAMENTO RIVER (BASULE BRIDGE), CA	---	900
SACRAMENTO RIVER (30 FOOT PROJECT), CA	2,790	2,511
SACRAMENTO RIVER AND TRIBUTARIES (DEBRIS CONTROL), CA	1,299	1,169
SACRAMENTO RIVER SHALLOW DRAFT CHANNEL, CA	119	107
SAN FRANCISCO BAY, DELTA MODEL STRUCTURE, CA	1,185	1,067
SAN FRANCISO BAY LONG TERM MANAGEMENT STUDY, CA	---	1,440
SAN FRANCISCO HARBOR AND BAY, CA (DRIFT REMOVAL)	2,000	1,800
SAN FRANCISCO HARBOR, CA	2,223	2,223
SAN JOAQUIN RIVER, CA	2,886	2,597
SAN PABLO BAY AND MARE ISLAND STRAIT, CA	3,320	2,988
SANTA ANA RIVER BASIN, CA	3,321	2,989
SANTA BARBARA HARBOR, CA	1,408	1,267
SCHEDULING RESERVOIR OPERATIONS, CA	1,499	1,349
SUCCESS LAKE, CA	1,809	1,628
SUISUN BAY CHANNEL, CA	5,132	4,619
TERMINUS DAM, LAKE KAWEAH, CA	1,692	1,523
UPPER PETALUMA RIVER, CA	---	270
VENTURA HARBOR, CA	2,200	2,610
YUBA RIVER, CA	29	26
COLORADO		
BEAR CREEK LAKE, CO	407	366
CHATFIELD LAKE, CO	1,233	1,710
CHERRY CREEK LAKE, CO	1,941	2,346
INSPECTION OF COMPLETED WORKS, CO	107	96
JOHN MARTIN RESERVOIR, CO	2,928	2,633
SCHEDULING RESERVOIR OPERATIONS, CO	590	531
TRINIDAD LAKE, CO	1,021	1,519

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
COMMONWEALTH OF NORTHERN MARIANA ISLANDS		
ROTA HARBOR, CNMI	260	234
CONNECTICUT		
BLACK ROCK LAKE, CT	592	533
BRIDGEPORT HARBOR, CT	---	1,350
CLINTON HARBOR, CT	---	225
COLEBROOK RIVER LAKE, CT	583	525
HANCOCK BROOK LAKE, CT	599	539
HOP BROOK LAKE, CT	1,005	905
INSPECTION OF COMPLETED WORKS, CT	79	71
MANSFIELD HOLLOW LAKE, CT	535	482
NORTH COVE HARBOR, CT	---	1,800
NORTHFIELD BROOK LAKE, CT	527	474
NORWALK FEDERAL NAVIGATION PROJECT, CT	---	900
PROJECT CONDITION SURVEYS, CT	1,000	900
STAMFORD HURRICANE BARRIER, CT	417	375
THOMASTON DAM, CT	951	856
WEST THOMPSON LAKE, CT	724	652
DELAWARE		
INTRACOASTAL WATERWAY, DELAWARE R TO CHESAPEAKE BAY, D	11,475	12,000
MISPILLION RIVER, DE	20	18
MURDERKILL RIVER, DE	20	18
PROJECT CONDITION SURVEYS, DE	86	77
WILMINGTON HARBOR, DE	3,860	3,474
DISTRICT OF COLUMBIA		
INSPECTION OF COMPLETED WORKS, DC	9	8
POTOMAC AND ANACOSTIA RIVERS, DC (DRIFT REMOVAL)	744	670
PROJECT CONDITION SURVEYS, DC	37	33
WASHINGTON HARBOR, DC	600	540
FLORIDA		
AIWW, NORFOLK, VA TO ST. JOHNS RIVER, FL,GA,SC,NC,VA.	---	450
CANAVERAL HARBOR, FL	3,828	4,500
CENTRAL AND SOUTHERN FLORIDA, FL	14,213	12,792
ESCAMBIA AND CONECUH RIVERS, FL	1,000	900
FERNANDINA HARBOR, FL	1,513	1,362
INSPECTION OF COMPLETED WORKS, FL	300	270
INTRACOASTAL WATERWAY, CALOOSAHATCHEE TO ANCLOTE, FL	---	900
INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI, FL	250	3,600
JACKSONVILLE HARBOR, FL	3,637	3,637
JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL & GA.	8,188	7,369
MANATEE HARBOR, FL	2,000	1,800
MIAMI HARBOR, FL	1,530	1,377
MIAMI RIVER, FL	---	3,500
OKEECHOBEE WATERWAY, FL	2,060	1,854
PALM BEACH HARBOR, FL	1,183	1,065
PANAMA CITY HARBOR, FL	906	815
PENSACOLA HARBOR, FL	1,315	1,184
PROJECT CONDITION SURVEYS, FL	1,325	1,193
REMOVAL OF AQUATIC GROWTH, FL	2,306	2,075
SCHEDULING RESERVOIR OPERATIONS, FL	30	27
ST. PETERSBURG, FL	---	300
SUWANEE RIVER, FL	---	450
TAMPA HARBOR, FL	4,500	10,000
GEORGIA		
ALLATOONA LAKE, GA	7,322	6,590
APALACHICOLA, CHATTAHOOCHEE AND FLINT RIVERS, GA, AL &	1,050	2,500

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
ATLANTIC INTRACOASTAL WATERWAY, GA	286	257
BRUNSWICK HARBOR, GA	2,396	2,396
BUFORD DAM AND LAKE SIDNEY LANIER, GA	8,519	7,667
CARTERS DAM AND LAKE, GA	10,637	9,573
HARTWELL LAKE, GA & SC	16,619	14,957
INSPECTION OF COMPLETED WORKS, GA	41	37
J STROM THURMOND LAKE, GA & SC	11,047	9,942
PROJECT CONDITION SURVEYS, GA	90	81
RICHARD B RUSSELL DAM AND LAKE, GA & SC	12,283	11,055
SAVANNAH HARBOR, GA	13,521	12,169
WEST POINT DAM AND LAKE, GA & AL	11,449	10,304
HAWAII		
BARBERS POINT HARBOR, HI	231	208
INSPECTION OF COMPLETED WORKS, HI	189	170
POHIKI BAY HAWAII, HI	---	90
PROJECT CONDITION SURVEYS, HI	200	180
IDAHO		
ALBENI FALLS DAM, ID	1,792	1,613
DWORSHAK DAM AND RESERVOIR, ID	2,464	2,464
INSPECTION OF COMPLETED WORKS, ID	78	70
LUCKY PEAK LAKE, ID	2,567	2,310
SCHEDULING RESERVOIR OPERATIONS, ID	430	387
ILLINOIS		
CALUMET HARBOR AND RIVER, IL & IN	2,900	2,900
CARLYLE LAKE, IL	6,745	6,071
CHICAGO HARBOR, IL	3,499	3,149
CHICAGO RIVER, IL	385	347
FARM CREEK RESERVOIRS, IL	214	193
ILLINOIS WATERWAY (MVR PORTION), IL & IN	24,702	22,232
ILLINOIS WATERWAY (MVS PORTION), IL & IN	1,065	959
INSPECTION OF COMPLETED WORKS, IL	631	568
KASKASKIA RIVER NAVIGATION, IL	1,189	1,884
LAKE MICHIGAN DIVERSION, IL	547	492
LAKE SHELBYVILLE, IL	5,186	5,567
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVR PORTION)	48,107	45,366
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVS PORTION)	18,923	17,031
PROJECT CONDITION SURVEYS, IL	33	30
REND LAKE, IL	5,254	4,729
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IL	114	103
WAUKEGAN HARBOR, IL	680	2,680
INDIANA		
BROOKVILLE LAKE, IN	872	785
BURNS WATERWAY HARBOR, IN	---	800
CAGLES MILL LAKE, IN	600	540
CECIL M HARDEN LAKE, IN	687	618
INDIANA HARBOR, IN	---	300
INSPECTION OF COMPLETED WORKS, IN	370	333
J EDWARD ROUSH LAKE, IN	643	579
MICHIGAN CITY HARBOR, IN	---	450
MISSISSINEWA LAKE, IN	751	676
MONROE LAKE, IN	689	620
PATOKA LAKE, IN	619	557
PROJECT CONDITION SURVEYS, IN	59	53
SALAMONIE LAKE, IN	637	573
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IN	111	100

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
IOWA		
CORALVILLE LAKE, IA	2,537	2,283
INSPECTION OF COMPLETED WORKS, IA	202	182
MISSOURI RIVER - KENSLERS BEND, NE TO SIOUX CITY, IA	152	137
MISSOURI RIVER - RULO TO MOUTH, IA, NE, KS & MO	6,475	5,828
MISSOURI RIVER - SIOUX CITY TO RULO, IA & NE	2,417	2,175
RATHBUN LAKE, IA	2,081	1,873
RED ROCK DAM AND LAKE RED ROCK, IA	3,415	3,074
SAYLORVILLE LAKE, IA	3,952	4,202
KANSAS		
CLINTON LAKE, KS	1,987	1,788
COUNCIL GROVE LAKE, KS	1,544	1,390
EL DORADO LAKE, KS	339	305
ELK CITY LAKE, KS	692	623
FALL RIVER LAKE, KS	2,154	1,939
HILLSDALE LAKE, KS	703	633
INSPECTION OF COMPLETED WORKS, KS	85	77
JOHN REDMOND DAM AND RESERVOIR, KS	1,081	973
KANOPOLIS LAKE, KS	1,634	1,471
MARION LAKE, KS	1,551	1,396
MELVERN LAKE, KS	1,828	1,645
MILFORD LAKE, KS	2,903	2,613
PEARSON - SKUBITZ BIG HILL LAKE, KS	1,052	947
PERRY LAKE, KS	2,211	1,990
POMONA LAKE, KS	1,810	1,629
SCHEDULING RESERVOIR OPERATIONS, KS	32	29
TORONTO LAKE, KS	402	362
TUTTLE CREEK LAKE, KS	2,189	1,970
WILSON LAKE, KS	1,509	1,448
KENTUCKY		
BARKLEY DAM AND LAKE BARKLEY, KY & TN	9,507	8,556
BARREN RIVER LAKE, KY	2,102	2,700
BIG SANDY HARBOR, KY	1,091	982
BUCKHORN LAKE, KY	1,195	1,076
CARR CREEK LAKE, KY	1,252	1,652
CAVE RUN LAKE, KY	733	660
DEWEY LAKE, KY	1,245	1,121
ELVIS STAHR (HICKMAN) HARBOR, KY	40	36
FISHTRAP LAKE, KY	1,621	1,459
GRAYSON LAKE, KY	1,140	1,026
GREEN AND BARREN RIVERS, KY	1,178	1,060
GREEN RIVER LAKE, KY	1,882	1,694
INSPECTION OF COMPLETED WORKS, KY	98	88
LAUREL RIVER LAKE, KY	1,814	1,633
MARTINS FORK LAKE, KY	599	539
MIDDLESBORO CUMBERLAND RIVER BASIN, KY	62	56
NOLIN LAKE, KY	1,817	1,635
OHIO RIVER LOCKS AND DAMS, KY, IL, IN & OH	32,210	32,210
OHIO RIVER OPEN CHANNEL WORK, KY, IL, IN & OH	3,928	3,535
PAINTSVILLE LAKE, KY	912	912
PROJECT CONDITION SURVEYS, KY	7	6
ROUGH RIVER LAKE, KY	1,945	1,751
TAYLORSVILLE LAKE, KY	1,149	1,034
WOLF CREEK DAM, LAKE CUMBERLAND, KY	5,902	5,312
YATESVILLE LAKE, KY	1,070	963
LOUISIANA		
ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, L	15,948	15,948
BARATARIA BAY, LA	---	1,170
BAYOU BODCAU RESERVOIR, LA	1,402	1,262

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
BAYOU LACOMBE, LA	---	450
BAYOU LAFOURCHE AND LAFOURCHE JUMP WATERWAY, LA	---	900
BAYOU PIERRE, LA	32	29
BAYOU SEGNETTE, LA	---	1,305
BAYOU TECHE	---	720
CADDO LAKE, LA	330	297
CALCASIEU RIVER AND PASS, LA	9.032	9,032
FRESHWATER BAYOU, LA	1,466	1,319
GULF INTRACOASTAL WATERWAY, LA	19,614	17,653
HOUMA NAVIGATION CANAL, LA	253	228
INSPECTION OF COMPLETED WORKS, LA	856	770
J BENNETT JOHNSTON WATERWAY, LA	10,115	11,804
LAKE PROVIDENCE HARBOR, LA	---	442
MADISON PARISH PORT, LA	---	77
MERMENTAU RIVER, LA	2,538	2,284
MISSISSIPPI RIVER, BATON ROUGE TO THE GULF OF MEXICO,	54,053	48,648
MISSISSIPPI RIVER, GULF OUTLET, LA	14,111	---
MISSISSIPPI RIVER OUTLETS AT VENICE, LA	---	2,250
PROJECT CONDITION SURVEYS, LA	60	54
REMOVAL OF AQUATIC GROWTH, LA	2,000	1,800
WALLACE LAKE, LA	291	262
WATERWAY FROM EMPIRE TO THE GULF, LA	---	216
WATERWAY FROM INTRACOASTAL WATERWAY TO BAYOU DULAC, LA	---	180
MAINE		
BASS HARBOR, ME	95	86
CARVERS HARBOR, ME	270	243
DISPOSAL AREA MONITORING, ME	1,106	995
INSPECTION OF COMPLETED WORKS, ME	21	19
INTERNATIONAL ST CROIX RIVER BOARD OF CONTROL, ME	17	15
KENNEBEC RIVER, ME	---	630
NARRAGAUGAS RIVER, MILBRIDGE, ME	---	1,800
PORTLAND HARBOR, ME	520	468
PROJECT CONDITION SURVEYS, ME	866	779
MARYLAND		
BALTIMORE HARBOR AND CHANNELS (50 FOOT), MD	15,214	17,293
BALTIMORE HARBOR, MD (DRIFT REMOVAL)	326	293
CUMBERLAND, MD AND RIDGELEY, WV	126	675
HERRING CREEK, TALL TIMBERS, MD	---	405
INSPECTION OF COMPLETED WORKS, MD	36	32
JENNINGS RANDOLPH LAKE, MD & WV	1,907	1,716
KANPPS HARROWS, MD	---	630
NANTICOKE RIVER NORTHWEST FORK, MD	240	216
OCEAN CITY HARBOR AND INLET AND SINEPUXENT BAY, MD	220	1,710
PROJECT CONDITION SURVEYS, MD	379	341
SCHEDULING RESERVOIR OPERATIONS, MD	97	87
ST JEROME CREEK, MD	---	850
TILGHMAN ISLAND HARBOR, MD	---	405
WICOMICO RIVER, MD	500	450
MASSACHUSETTS		
AUNT LYDIA COVE, MA	---	225
BARRE FALLS DAM, MA	637	573
BIRCH HILL DAM, MA	607	546
BOSTON HARBOR, MA	---	6.750
BUFFUMVILLE LAKE, MA	592	533
CAPE COD CANAL, MA	8,896	8,006
CHARLES RIVER NATURAL VALLEY STORAGE AREA, MA	312	281
CONANT BROOK LAKE, MA	362	326
EAST BRIMFIELD LAKE, MA	458	412
GREEN HARBOR, MA	---	315
HODGES VILLAGE DAM, MA	591	532

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
INSPECTION OF COMPLETED WORKS, MA	114	103
KNIGHTVILLE DAM, MA	677	609
LITTLEVILLE LAKE, MA	541	487
MERRIMACK RIVER, MA	---	180
NEW BEDFORD FAIRHAVEN AND ACUSHNET HURRICANE BARRIER	337	303
PROJECT CONDITION SURVEYS, MA	1,300	1,170
TULLY LAKE, MA	595	536
WEST HILL DAM, MA	798	718
WESTVILLE LAKE, MA	579	521
WEYMOUTH-FORE RIVER, MA	3,774	3,397
MICHIGAN		
ALPENA HARBOR, MI	---	261
ARCADIA HARBOR, MI	---	72
CASEVILLE HARBOR, MI	---	115
DEDAR RIVER HARBOR, MI	---	495
CHANNELS IN LAKE ST CLAIR, MI	183	165
CHARLEVOIX HARBOR, MI	89	80
DETROIT RIVER, MI	4,347	3,912
FRANKFORT HARBOR, MI	37	33
GRAND HAVEN HARBOR, MI	1,879	1,691
GRAND MARAIS HARBOR, MI	14	1,543
HARBOR BEACH HARBOR, MI	---	450
HOLLAND HARBOR, MI	1,354	1,219
INSPECTION OF COMPLETED WORKS, MI	144	130
KEWEENAW WATERWAY, MI	370	333
LAC LA BELLE, MI	92	83
LELAND HARBOR, MI	---	79
LITTLE LAKE HARBOR, MI	---	167
LUDINGTON HARBOR, MI	500	450
MEMOMINEE HARBOR, MI	---	400
MONROE HARBOR, MI	550	495
MUSKEGON HARBOR, MI	525	473
NEW BUFFALO HARBOR, MI	---	71
ONTONAGON HARBOR, MI	---	300
PENTWATER, MI	---	90
PROJECT CONDITION SURVEYS, MI	178	160
ROUGE RIVER, MI	1,161	1,045
SAGINAW RIVER, MI	2,427	2,427
SEBEEAING RIVER, MI	---	324
ST CLAIR RIVER, MI	920	828
ST JOSEPH HARBOR, MI	470	977
ST MARYS RIVER, MI	17,134	15,421
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MI	2,314	2,083
MINNESOTA		
BIGSTONE LAKE WHETSTONE RIVER, MN & SD	164	148
DULUTH - SUPERIOR HARBOR, MN & WI	5,081	5,381
INSPECTION OF COMPLETED WORKS, MN	129	116
LAC QUI PARLE LAKES, MINNESOTA RIVER, MN	363	327
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVP PORTION)	58,073	52,266
ORWELL LAKE, MN	261	235
PROJECT CONDITION SURVEYS, MN	67	60
RED LAKE RESERVOIR, MN	320	288
RESERVOIR PLAN OPERATING EVALUATION, MN	---	360
RESERVOIRS AT HEADWATERS OF MISSISSIPPI RIVER, MN	2,263	2,037
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MN	310	279
WARROAD HARBOR, MN	---	225
MISSISSIPPI		
CLAIRBORNE COUNTY PORT, MS	---	56
EAST FORK, TOMBIGBEE RIVER, MS	102	153
GULFPORT HARBOR, MS	2,500	3,600

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
INSPECTION OF COMPLETED WORKS, MS	57	51
MOUTH OF THE YAZOO RIVER, MS	---	99
OKATIBBEE LAKE, MS	1,680	2,300
PASCAGOULA HARBOR, MS	5,156	4,640
PEARL RIVER, MS & LA	276	248
PROJECT CONDITION SURVEYS, MS	181	163
ROSEDALE HARBOR, MS	---	522
YAZOO RIVER, MS	---	126
MISSOURI		
CARUTHERSVILLE HARBOR, MO	23	315
CLARENCE CANNON DAM AND MARK TWAIN LAKE, MO	6,107	5,496
CLEARWATER LAKE, MO	2,677	2,409
HANNIBAL, MO	---	68
HARRY S TRUMAN DAM AND RESERVOIR, MO	9,140	8,226
INSPECTION OF COMPLETED WORKS, MO	768	691
LITTLE BLUE RIVER LAKES, MO	730	657
LONG BRANCH LAKE, MO	848	763
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	29,559	26,603
NEW MADRID HARBOR, MO	---	360
POMME DE TERRE LAKE, MO	1,963	1,767
PROJECT CONDITION SURVEYS, MO	7	6
SCHEDULING RESERVOIR OPERATIONS, MO	319	287
SMITHVILLE LAKE, MO	1,237	1,113
SOUTHEAST MISSOURI PORT, MISSISSIPPI RIVER, MO	---	315
STOCKTON LAKE, MO	3,742	3,368
TABLE ROCK LAKE, MO	7,556	7,556
UNION LAKE, MO	6	5
MONTANA		
FT PECK DAM AND LAKE, MT	4,154	4,854
INSPECTION OF COMPLETED WORKS, MT	19	17
LIBBY DAM, LAKE KOOCANUSA, MT	2,189	1,970
SCHEDULING RESERVOIR OPERATIONS, MT	87	78
NEBRASKA		
GAVINS POINT DAM, LEWIS AND CLARK LAKE, NE & SD	8,231	7,408
HARLAN COUNTY LAKE, NE	1,863	1,677
HARLAN COUNTY LAKE DAM SAFETY STUDY, NE	---	320
INSPECTION OF COMPLETED WORKS, NE	102	92
MISSOURI R MASTER WTR CONTROL MANUAL, NE, IA, KS, MO,	203	183
PAPILLION CREEK AND TRIBUTARIES LAKES, NE	625	563
SALT CREEK AND TRIBUTARIES, NE	845	761
NEVADA		
INSPECTION OF COMPLETED WORKS, NV	46	46
MARTIS CREEK LAKE, NV & CA	586	586
PINE AND MATHEWS CANYONS LAKES, NV	214	214
NEW HAMPSHIRE		
BLACKWATER DAM, NH	644	580
COCHECO RIVER	---	1,800
EDWARD MACDOWELL LAKE, NH	555	500
FRANKLIN FALLS DAM, NH	768	691
HOPKINTON - EVERETT LAKES, NH	1,228	1,105
INSPECTION OF COMPLETED WORKS, NH	12	11
OTTER BROOK LAKE, NH	806	725
PORTSMOUTH HARBOR/PISCATAQUA RIVER, NH	---	450
PROJECT CONDITION SURVEYS, NH	300	270
SURRY MOUNTAIN LAKE, NH	736	662

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
NEW JERSEY		
ABSECON INLET	---	99
BARNEGAT INLET, NJ	95	450
COLD SPRING INLET, NJ	540	795
DELAWARE RIVER AT CAMDEN, NJ	10	9
DELAWARE RIVER, PHILADELPHIA TO THE SEA, NJ, PA & DE	20,465	18,419
DELAWARE RIVER, PHILADELPHIA, PA TO TRENTON, NJ	720	648
INSPECTION OF COMPLETED WORKS, NJ	106	95
MANASQUAN RIVER, NJ	510	459
NEWARK BAY, HACKENSACK AND PASSAIC RIVERS, NJ	8,120	7,308
NEW JERSEY INTRACOASTAL WATERWAY	---	1,125
PASSAIC RIVER FLOOD WARNING SYSTEMS, NJ	450	450
PROJECT CONDITION SURVEYS, NJ	1,675	1,508
RARITAN RIVER TO ARTHUR KILL CUT-OFF, NJ	150	135
RARITAN RIVER, NJ	2,500	2,250
SALEM RIVER, NJ	---	869
SAVOY HOOK AT LEONARDO, NJ	---	135
SHARK RIVER, NJ	80	207
SHREWSBURY RIVER MAIN CHANNEL, NJ	---	360
NEW MEXICO		
ABIQUIU DAM, NM	3,168	3,168
ALBUQUERQUE LEVEES, NM	---	2,000
COCHITI LAKE, NM	3,726	4,426
CONCHAS LAKE, NM	1,579	2,579
GALISTEO DAM, NM	779	779
INSPECTION OF COMPLETED WORKS, NM	221	221
JEMEZ CANYON DAM, NM	3,561	5,061
RIO GRANDE BOSQUE REHABILITATION, NM	---	4,000
SANTA ROSA DAM AND LAKE, NM	1,213	1,092
SCHEDULING RESERVOIR OPERATIONS, NM	1,221	1,099
TWO RIVERS DAM, NM	552	552
UPPER RIO GRANDE WATER OPERATIONS MODEL, NM	---	2,500
NEW YORK		
ALMOND LAKE, NY	509	458
ARKPORT DAM, NY	294	265
BLACK ROCK CHANNEL AND TONAWANDA HARBOR, NY	1,308	1,177
BROWNS CREEK, NY	100	90
BUFFALO HARBOR, NY	1,030	927
BUTTERMILK CHANNEL, NY	60	54
EAST RIVER, NY	1,350	1,215
EAST ROCKAWAY INLET, NY	140	126
EAST SIDNEY LAKE, NY	517	465
EASTCHESTER CREEK, NY	100	90
FIRE ISLAND INLET TO JONES INLET, NY	220	198
FLUSHING BAY AND CREEK, NY	150	135
GREAT SOUTH BAY, NY	200	180
HUDSON RIVER CHANNEL, NY	350	315
HUDSON RIVER, NY (MAINT)	1,794	1,615
HUDSON RIVER, NY (O&C)	1,090	981
INSPECTION OF COMPLETED WORKS, NY	659	593
JAMAICA BAY, NY	140	126
LONG ISLAND INTRACOASTAL WATERWAY, NY	200	180
MORICHES INLET, NY	80	72
MT MORRIS LAKE, NY	3,845	3,461
NEW YORK AND NEW JERSEY CHANNELS, NY	7,200	6,480
NEW YORK HARBOR, NY	3,410	3,069
NEW YORK HARBOR, NY & NJ (DRIFT REMOVAL)	4,400	3,960
NEW YORK HARBOR, NY AND NJ (PREV OF OBSTRUCTIVE DEPOSIT)	---	855
PROJECT CONDITION SURVEYS, NY	1,310	1,179
SHINNECOCK INLET, NY	120	108

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
SOUTHERN NEW YORK FLOOD CONTROL PROJECTS, NY	662	596
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, NY	710	639
WHITNEY POINT LAKE, NY	678	610
NORTH CAROLINA		
ATLANTIC INTRACOASTAL WATERWAY, NC	860	1,389
B EVERETT JORDAN DAM AND LAKE, NC	1,849	1,664
CAPE FEAR RIVER ABOVE WILMINGTON, NC	635	572
CAROLINA BEACH INLET, NC	---	495
FALLS LAKE, NC	2,097	1,887
INSPECTION OF COMPLETED WORKS, NC	35	32
LOCKWOODS FOLLY RIVER, NC	---	855
MANTEO (SHALLOWBAG) BAY, NC	7,855	7,855
MASONBORO INLET AND CONNECTING CHANNELS, NC	3,700	3,330
MOREHEAD CITY HARBOR, NC	3,575	3,218
NEW RIVER INLET, NC	---	945
NEW TOPSAIL INLET AND CONNECTING CHANNELS, NC	---	608
PROJECT CONDITION SURVEYS, NC	226	203
SILVER LAKE HARBOR, NC	1,540	1,386
W KERR SCOTT DAM AND RESERVOIR, NC	2,817	2,535
WILMINGTON HARBOR, NC	13,963	12,567
NORTH DAKOTA		
BOWMAN - HALEY LAKE, ND	156	140
GARRISON DAM, LAKE SAKAKAWEA, ND	13,266	13,366
HOMME LAKE, ND	266	239
INSPECTION OF COMPLETED WORKS, ND	85	77
LAKE ASHTABULA AND BALDHILL DAM, ND	1,242	1,118
PIPESTEM LAKE, ND	459	413
SCHEDULING RESERVOIR OPERATIONS, ND	117	105
SOURIS RIVER, ND	422	380
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ND	31	28
OHIO		
ALUM CREEK LAKE, OH	948	853
ASHTABULA HARBOR, OH	1,063	957
BERLIN LAKE, OH	1,544	1,390
CAESAR CREEK LAKE, OH	1,222	1,100
CLARENCE J BROWN DAM, OH	1,358	1,358
CLEVELAND HARBOR, OH	3,305	2,975
CONNEAUT HARBOR, OH	2,315	2,084
DEER CREEK LAKE, OH	815	734
DELAWARE LAKE, OH	794	715
DILLON LAKE, OH	1,790	1,611
HURON HARBOR, OH	---	95
INSPECTION OF COMPLETED WORKS, OH	280	252
LORAIN HARBOR, OH	600	540
MASSILLON LOCAL PROTECTION PROJECT, OH	25	23
MICHAEL J KIRWAN DAM AND RESERVOIR, OH	718	646
MOSQUITO CREEK LAKE, OH	717	645
MUSKINGUM RIVER LAKES, OH	6,754	6,079
NORTH BRANCH KOKOSING RIVER LAKE, OH	125	113
PAINT CREEK LAKE, OH	721	649
PROJECT CONDITION SURVEYS, OH	240	216
ROSEVILLE LOCAL PROTECTION PROJECT, OH	30	27
SANDUSKY HARBOR, OH	890	801
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OH	170	153
TOLEDO HARBOR, OH	3,682	3,314
TOM JENKINS DAM, OH	290	261
WEST FORK OF MILL CREEK LAKE, OH	403	363
WILLIAM H HARSHA LAKE, OH	710	639

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
OKLAHOMA		
ARCADIA LAKE, OK	429	386
BIRCH LAKE, OK	475	428
BROKEN BOW LAKE, OK	1,493	1,344
CANTON LAKE, OK	1,723	1,551
COPAN LAKE, OK	1,511	1,360
EUFAULA LAKE, OK	5,312	4,781
FORT GIBSON LAKE, OK	5,053	4,548
FORT SUPPLY LAKE, OK	733	660
GREAT SALT PLAINS LAKE, OK	166	149
HEYBURN LAKE, OK	529	476
HUGO LAKE, OK	1,451	1,306
HULAH LAKE, OK	626	675
INSPECTION OF COMPLETED WORKS, OK	88	79
KAW LAKE, OK	2,378	2,140
KEYSTONE LAKE, OK	4,300	3,870
OOLOGAH LAKE, OK	1,955	1,760
OPTIMA LAKE, OK	61	55
PENSACOLA RESERVOIR, LAKE OF THE CHEROKEES, OK	57	51
PINE CREEK LAKE, OK	857	771
ROBERT S KERR LOCK AND DAM AND RESERVOIRS, OK	4,517	4,065
SARDIS LAKE, OK	1,192	1,073
SCHEDULING RESERVOIR OPERATIONS, OK	508	457
SKIATOOK LAKE, OK	1,086	977
TENKILLER FERRY LAKE, OK	2,998	2,698
WAURIKA LAKE, OK	1,528	1,375
WEBBERS FALLS LOCK AND DAM, OK	4,815	4,334
WISTER LAKE, OK	460	414
OREGON		
APPLEGATE LAKE, OR	595	536
BLUE RIVER LAKE, OR	312	281
BONNEVILLE LOCK AND DAM, OR & WA	7,792	7,013
CHETCO RIVER, OR	348	313
COLUMBIA & LWR WILLAMETTE R BLW VANCOUVER, WA & PORTLA	16,829	17,579
COLUMBIA RIVER AT THE MOUTH, OR & WA	10,186	27,186
COLUMBIA RIVER BETWEEN VANCOUVER, WA AND THE DALLES, O	254	229
COOS BAY, OR	4,594	4,135
COQUILLE RIVER, OR	---	313
COTTAGE GROVE LAKE, OR	780	702
COUGAR LAKE, OR	766	689
DEPOE BAY, OR	---	360
DETROIT LAKE, OR	729	656
DORENA LAKE, OR	613	552
FALL CREEK LAKE, OR	555	500
FERN RIDGE LAKE, OR	966	869
GREEN PETER - FOSTER LAKES, OR	1,186	1,067
HILLS CREEK LAKE, OR	3,807	3,426
INSPECTION OF COMPLETED WORKS, OR	167	150
JOHN DAY LOCK AND DAM, OR & WA	4,692	4,223
LOOKOUT POINT LAKE, OR	1,272	1,145
LOST CREEK LAKE, OR	5,096	4,586
MCNARY LOCK AND DAM, OR & WA	7,129	6,416
PORT ORFORD, OR	---	651
PROJECT CONDITION SURVEYS, OR	177	159
ROGUE RIVER AT GOLD BEACH, OR	394	355
SCHEDULING RESERVOIR OPERATIONS, OR	62	56
SIUSLAW RIVER, OR	449	404
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OR	134	121
TILLAMOOK BAY AND BAR, OR (PORT OF GARIBALDI)	---	1,350
UMPQUA RIVER, OR	---	611
WILLAMETTE RIVER AT WILLAMETTE FALLS, OR	72	65
WILLAMETTE RIVER BANK PROTECTION, OR	80	72
WILLOW CREEK LAKE, OR	538	484

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
YAQUINA BAY AND HARBOR, OR	1,006	905
PENNSYLVANIA		
ALLEGHENY RIVER, PA	4,393	3,954
ALVIN R BUSH DAM, PA	727	654
AYLESWORTH CREEK LAKE, PA	251	226
BELTZVILLE LAKE, PA	1,026	923
BLUE MARSH LAKE, PA	2,662	2,396
CONEMAUGH RIVER LAKE, PA	1,074	967
COWANESQUE LAKE, PA	2,793	2,514
CROOKED CREEK LAKE, PA	1,033	930
CURWENSVILLE LAKE, PA	717	645
EAST BRANCH CLARION RIVER LAKE, PA	799	719
FOSTER JOSEPH SAYERS DAM, PA	745	671
FRANCIS E WALTER DAM, PA	731	658
GENERAL EDGAR JADWIN DAM AND RESERVOIR, PA	249	224
INSPECTION OF COMPLETED WORKS, PA	196	176
JOHNSTOWN, PA	1,603	1,603
KINZUA DAM AND ALLEGHENY RESERVOIR, PA	1,147	1,447
LOYALHANNA LAKE, PA	785	707
MAHONING CREEK LAKE, PA	946	851
MONONGAHELA RIVER, PA	17,138	17,138
OHIO RIVER LOCKS AND DAMS, PA, OH & WV	18,362	18,362
PROJECT CONDITION SURVEYS, PA	30	27
PROMPTON LAKE, PA	483	435
PUNXSUTAWNEY, PA	13	12
RAYSTOWN LAKE, PA	5,449	5,849
SCHEDULING RESERVOIR OPERATIONS, PA	66	59
SCHUYLKILL RIVER, PA	70	63
SHENANGO RIVER LAKE, PA	1,831	1,648
STILLWATER LAKE, PA	386	900
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, PA	80	72
TIOGA - HAMMOND LAKES, PA	3,365	3,029
TIONESTA LAKE, PA	1,331	1,198
UNION CITY LAKE, PA	147	132
WOODCOCK CREEK LAKE, PA	714	643
YORK INDIAN ROCK DAM, PA	558	500
YOUGHIOGHENY RIVER LAKE, PA & MD	2,124	1,912
PUERTO RICO		
SAN JUAN HARBOR, PR	1,800	1,620
RHODE ISLAND		
BULLOCKS POINT COVE, RI	---	630
BLOCK ISLAND HARBOR, RI	---	108
INSPECTION OF COMPLETED WORKS, RI	15	14
PAWTUXET COVE, RI	---	1,440
PROJECT CONDITION SURVEYS, RI	400	360
SOUTH CAROLINA		
ATLANTIC INTRACOASTAL WATERWAY, SC	467	2,000
CHARLESTON HARBOR, SC	11,038	9,934
COOPER RIVER, CHARLESTON HARBOR, SC	2,905	2,615
FOLLY RIVER, SC	987	888
GEORGETOWN HARBOR, SC	1,342	3,600
INSPECTION OF COMPLETED WORKS, SC	30	27
PROJECT CONDITION SURVEYS, SC	349	314
TOWN CREEK, SC	---	413
SOUTH DAKOTA		
BIG BEND DAM, LAKE SHARPE, SD	7,577	6,819

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX, SD	---	2,000
COLD BROOK LAKE, SD	275	248
COTTONWOOD SPRINGS LAKE, SD	192	173
FORT RANDALL DAM, LAKE FRANCIS CASE, SD	9,635	8,672
INSPECTION OF COMPLETED WORKS, SD	17	15
LAKE TRAVERSE, SD & MN	434	391
MISSOURI R BETWEEN FORT PECK DAM AND GAVINS PT, SD, MT	350	315
OAHE DAM, LAKE OAHE, SD & ND	11,421	10,279
SCHEDULING RESERVOIR OPERATIONS, SD	52	47
TENNESSEE		
CENTER HILL LAKE, TN	6,397	6,397
CHEATHAM LOCK AND DAM, TN	5,103	5,103
CHICKAMAUGA LOCK, TN	2,430	2,430
CORDELL HULL DAM AND RESERVOIR, TN	6,226	6,226
DALE HOLLOW LAKE, TN	5,531	5,531
INSPECTION OF COMPLETED WORKS, TN	137	137
J PERCY PRIEST DAM AND RESERVOIR, TN	3,738	3,738
OLD HICKORY LOCK AND DAM, TN	6,385	6,385
PROJECT CONDITION SURVEYS, TN	7	7
TENNESSEE RIVER, TN	18,537	18,537
WOLF RIVER HARBOR, TN	23	486
TEXAS		
AQUILLA LAKE, TX	1,108	997
ARKANSAS - RED RIVER BASINS CHLORIDE CONTROL - AREA VI	1,051	946
BARDWELL LAKE, TX	1,538	1,384
BAYPORT SHIP CHANNEL, TX	2,875	2,588
BELTON LAKE, TX	3,041	2,737
BENBROOK LAKE, TX	2,097	1,887
BRAZOS ISLAND HARBOR, TX	3,775	3,398
BUFFALO BAYOU AND TRIBUTARIES, TX	2,875	2,588
CANYON LAKE, TX	3,667	3,300
CHOCOLATE BAYOU, TX	---	1,800
CORPUS CHRISTI SHIP CHANNEL, TX	3,900	3,510
DENISON DAM, LAKE TEXOMA, TX	5,569	5,012
ESTELLINE SPRINGS EXPERIMENTAL PROJECT, TX	5	5
FERRELLS BRIDGE DAM, LAKE O' THE PINES, TX	3,075	2,768
FREEPORT HARBOR, TX	3,610	3,249
GALVESTON HARBOR AND CHANNEL, TX	4,800	4,320
GIWW, CHANNEL TO VICTORIA, TX	6,975	6,278
GRANGER DAM AND LAKE, TX	2,004	1,804
GRAPEVINE LAKE, TX	3,349	3,349
GULF INTRACOASTAL WATERWAY, TX	29,312	28,381
HORDS CREEK LAKE, TX	1,665	1,499
HOUSTON SHIP CHANNEL, TX	3,261	11,056
INSPECTION OF COMPLETED WORKS, TX	557	501
JIM CHAPMAN LAKE, TX	2,897	2,607
JOE POOL LAKE, TX	1,023	921
LAKE KEMP, TX	422	380
LAVON LAKE, TX	3,885	3,497
LEWISVILLE DAM, TX	4,290	4,290
MATAGORDA SHIP CHANNEL, TX	8,700	7,830
NAVARRO MILLS LAKE, TX	2,353	2,118
NORTH SAN GABRIEL DAM AND LAKE GEORGETOWN, TX	2,320	2,088
O C FISHER DAM AND LAKE, TX	1,260	1,134
PAT MAYSE LAKE, TX	1,266	1,139
PROCTOR LAKE, TX	2,221	1,999
PROJECT CONDITION SURVEYS, TX	50	45
RAY ROBERTS LAKE, TX	1,070	963
SABINE - NECHES WATERWAY, TX	13,478	12,130
SAM RAYBURN DAM AND RESERVOIR, TX	11,578	10,420
SCHEDULING RESERVOIR OPERATIONS, TX	84	76
SOMERVILLE LAKE, TX	3,068	3,068

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
STILLHOUSE HOLLOW DAM, TX	1,951	1,756
TEXAS CITY SHIP CHANNEL, TX	2,150	2,250
TEXAS WATER ALLOCATION ASSESSMENT, TX	500	1,440
TOWN BLUFF DAM, B A STEINHAGEN LAKE, TX	3,995	3,596
WACO LAKE, TX	3,295	2,966
WALLISVILLE LAKE, TX	1,662	1,496
WHITNEY LAKE, TX	5,603	6,803
WRIGHT PATMAN DAM AND LAKE, TX	3,416	3,074
UTAH		
INSPECTION OF COMPLETED WORKS, UT	40	36
SCHEDULING RESERVOIR OPERATIONS, UT	631	568
VERMONT		
BALL MOUNTAIN LAKE, VT	801	721
CONNECTICUT RIVER FLOOD CONTROL DAMS	---	450
INSPECTION OF COMPLETED WORKS, VT	45	41
NORTH HARTLAND LAKE, VT	708	635
NORTH SPRINGFIELD LAKE, VT	892	803
TOWNSHEND LAKE, VT	786	707
UNION VILLAGE DAM, VT	684	616
VIRGINIA		
APPOMATTOX RIVER, VA	---	450
ATLANTIC INTRACOASTAL WATERWAY - ACC, VA	1,670	1,503
ATLANTIC INTRACOASTAL WATERWAY - DSC, VA	275	850
BENNETTS CREEK, VA	---	317
CHINCOTEAGUE INLET, VA	900	810
GATHRIGHT DAM AND LAKE MOOMAW, VA	2,084	1,876
HAMPTON RDS, NORFOLK & NEWPORT NEWS HBR, VA (DRIFT REM	825	743
INSPECTION OF COMPLETED WORKS, VA	127	114
JAMES RIVER CHANNEL, VA	3,295	2,966
JOHN H KERR LAKE, VA & NC	11,513	10,362
JOHN W FLANNAGAN DAM AND RESERVOIR, VA	1,435	1,292
NORFOLK HARBOR, VA	11,203	13,205
NORTH FORK OF POUND RIVER LAKE, VA	346	311
PHILPOTT LAKE, VA	5,391	4,852
PROJECT CONDITION SURVEYS, VA	793	714
RUDEE INLET, VA	635	1,148
TANGIER CHANNEL, VA	600	540
WATERWAY ON THE COAST OF VIRGINIA, VA	200	180
WASHINGTON		
CHIEF JOSEPH DAM, WA	2,419	2,177
COLUMBIA RIVER AT BAKER BAY, WA (PORT OF ILWACO)	---	600
COLUMBIA RIVER BETWEEN CHINOOK AND THE HEAD OF SAND	---	600
EVERETT HARBOR AND SNOHOMISH RIVER, WA	1,508	1,357
GRAYS HARBOR AND CHEHALIS RIVER, WA	8,582	9.000
HOWARD HANSON DAM, WA	2,481	2,233
ICE HARBOR LOCK AND DAM, WA	5,670	5,103
INSPECTION OF COMPLETED WORKS, WA	311	280
LAKE CROCKETT (KEYSTONE HARBOR), WA	342	308
LAKE WASHINGTON SHIP CANAL, WA	4,387	6,480
LITTLE GOOSE LOCK AND DAM, WA	2,165	1,949
LOWER GRANITE LOCK AND DAM, WA	2.422	2.180
LOWER MONUMENTAL LOCK AND DAM, WA	1,996	1,796
MILL CREEK LAKE, WA	1,041	937
MT ST HELENS SEDIMENT CONTROL, WA	257	231
MUD MOUNTAIN DAM, WA	2,516	3,419
NEAH BA, WA	---	900
OLYMPIA HARBOR, WA	400	360
PROJECT CONDITION SURVEYS, WA	403	363

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
PUGET SOUND AND TRIBUTARY WATERS, WA	864	778
QUILLAYUTE RIVER, WA	58	52
SCHEDULING RESERVOIR OPERATIONS, WA	485	437
SEATTLE HARBOR, WA	555	500
STILLAGUAMISH RIVER, WA	226	203
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WA	66	59
TACOMA, PUYALLUP RIVER, WA	112	101
THE DALLES LOCK AND DAM, WA & OR	3,667	3,877
WILLAPA RIVER AND HARBOR, WA	158	142
WEST VIRGINIA		
BEECH FORK LAKE, WV	1,014	913
BLUESTONE LAKE, WV	3,828	3,445
BURNSVILLE LAKE, WV	1,517	1,365
EAST LYNN LAKE, WV	1,799	1,619
ELK RIVER HARBOR, WV	10	9
ELKINS, WV	16	14
INSPECTION OF COMPLETED WORKS, WV	117	105
KANAWHA RIVER LOCKS AND DAMS, WV	13,661	13,661
OHIO RIVER LOCKS AND DAMS, WV, KY & OH	19,530	20,530
OHIO RIVER OPEN CHANNEL WORK, WV, KY & OH	2,019	2,519
R D BAILEY LAKE, WV	1,515	1,364
STONEWALL JACKSON LAKE, WV	640	576
SUMMERSVILLE LAKE, WV	1,657	1,491
SUTTON LAKE, WV	1,788	1,609
TYGART LAKE, WV	2,950	2,655
WISCONSIN		
ASHLAND HARBAR, WI	---	149
EAU GALLE RIVER LAKE, WI	647	582
FOX RIVER, WI	1,748	1,573
GREEN BAY HARBOR, WI	2,476	2,228
INSPECTION OF COMPLETED WORKS, WI	40	36
KEWAUNEE HARBOR, WI	---	259
MANITOWOC HARBOR, WI	---	405
MILWAUKEE HARBOR, WI	844	760
PORT WASHINGTON HARBOR, WI	---	192
PROJECT CONDITION SURVEYS, WI	105	95
STURGEON BAY HARBOR AND LAKE MICHIGAN SHIP CANAL, WI	---	231
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WI	472	425
TWO RIVERS HARBOR, WI	---	378
WYOMING		
INSPECTION OF COMPLETED WORKS, WY	11	10
JACKSON HOLE LEVEES, WY	1,094	985
SCHEDULING RESERVOIR OPERATIONS, WY	86	77
MISCELLANEOUS		
AQUATIC NUISANCE CONTROL RESEARCH	690	621
COASTAL INLET RESEARCH PROGRAM	2,475	2,228
CULTURAL RESOURCES (NAGPRA/CURATION)	1,391	1,252
DREDGE WHEELER READY RESERVE	8,000	8,000
DREDGING DATA AND LOCK PERFORMANCE MONITORING SYSTEM	1,062	956
DREDGING OPERATIONS AND ENVIRONMENTAL RESEARCH (DOER)	6,080	5,472
DREDGING OPERATIONS TECHNICAL SUPPORT PROGRAM (DOTS)	1,391	1,252
EARTHQUAKE HAZARDS REDUCTION PROGRAM	270	270
FACILITY PROTECTION	12,000	12,000
GREAT LAKES SEDIMENT TRANSPORT MODELS	900	810
HARBOR MAINTENANCE FEE DATA COLLECTION	608	547
INLAND WATERWAY NAVIGATION CHARTS	3,708	3,337
LONG TERM OPTION ASSESSMENT FOR LOW USE NAVIGATION	1,500	---
MONITORING OF COMPLETED NAVIGATION PROJECTS	1,575	1,418

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
NATIONAL DAM SAFETY PROGRAM	250	250
NATIONAL DAM SECURITY PROGRAM	31	31
NATIONAL EMERGENCY PREPAREDNESS PROGRAM (NEPP)	5,000	5,000
NATIONAL LEWIS AND CLARK COMMEMORATION COORDINATION	319	287
PERFORMANCE BASED BUDGETING SUPPORT PROGRAM	2,540	661
PROGRAM DEVELOPMENT TECHNICAL SUPPORT (ABS-P2)	250	225
PROTECT, CLEAR AND STRAIGHTEN CHANNELS (SEC 3)	45	41
RECREATION MANAGEMENT SUPPORT PROGRAM (RMSP)	1,600	1,440
REGIONAL SEDIMENT MANAGEMENT DEMONSTRATION PROGRAM	1,391	8,500
RELIABILITY MODELS PROGRAM FOR MAJOR REHABILITATION	608	605
REMOVAL OF SUNKEN VESSELS	500	775
RESERVE FOR KEY EMERGENCY MAINTENANCE/REPAIRS	20,000	---
WATER OPERATIONS TECHNICAL SUPPORT (WOTS)	653	588
WATERBORNE COMMERCE STATISTICS	4,271	3,844
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-12,766	---
TOTAL, OPERATION AND MAINTENANCE	1,979,000	1,989,000

Emergency maintenance, restoration and repairs.—The conference agreement does not include a reserve fund for emergency maintenance, restoration and repairs. Further, the conferees direct the Corps to discontinue the practice of taxing all operation and maintenance projects each year to create an emergency reserve fund, from which funds have been expended by the Corps without knowledge or approval from the House and Senate Committees on Appropriations. Beginning in fiscal year 2006, the conferees expect the Corps to allocate funds by project on a quarterly basis across all its accounts (as discussed earlier in this statement). This action will enable the Corps to address any identified unforeseen requirements, consistent with the reprogramming guidelines contained in this Act. In addition, the Corps shall provide to the House and Senate Committees on Appropriations within 30 days of enactment of this Act the definition of qualifying emergencies and guidelines to reprogram funds for emergency maintenance, restoration and repairs.

Alamo Dam and Lake, Arizona.—An additional $450,000 has been included to substantiate the effectiveness of the Alamo Dam reoperation and to develop and implement an associated adaptive management strategy.

Dry Creek (Warm Springs) Dam, California.—The conference agreement includes additional funding to complete a major rehabilitation report necessary for installation of a pipeline to supply cool water for rearing threatened coho salmon now housed in temporary facilities at Warm Springs Dam.

Cherry Creek, Chatfield and Trinidad Lakes, Colorado.—The conference agreement includes an additional $1,380,000 for continued repairs at these three lakes. This action is not intended to alter the Corps' lease and property accountability policies. It is the conferees' understanding that the State of Colorado has agreed to cost share this project on a 50/50 basis, and that the Secretary is not to assume, nor share in the future, the operation and maintenance of these recreation facilities. Of the funds provided, the Corps is directed to conduct a reallocation study for the Chatfield Reservoir project.

Intracoastal Waterway, Delaware River to Chesapeake Bay, DE and MD.—Additional funds are included for maintenance costs for the SR–1 Bridge.

Miami River, Florida.—The Corps is directed to complete its analysis of the Miami River maintenance project and to submit the final report to the House and Senate Committees on Appropriations not later than 30 days after enactment of this Act.

Apalachiacola, Chattahoochee and Flint Rivers, GA, AL and FL.—The conferees understand that the State of Florida has denied the Corps a State Water Quality Certification; therefore, no funds are provided for dredging this waterway in Florida.

Lake Shelbyville, Illinois.—Additional funds have been provided for deferred maintenance at public use facilities.

Saylorville Lake, Iowa.—Additional funds have been provided to maintain the project's basic level of service.

Barren River Lake, Kentucky.—Additional funds have been provided for repair and upgrade of public use facilities.

Mississippi River Gulf Outlet.—The conferees are aware of current discussions among the Port of New Orleans, St. Bernard Parish Administration officials and other key stakeholders to confect a closure plan for the Mississippi River Gulf Outlet (MRGO) to deep draft navigation and to provide coastal restoration and enhanced hurricane and flood protection to the residents of St. Bernard and Orleans Parishes. This agreement may require a shallower depth than is presently authorized. The conferees support this intiative and urge the parties to reach an agreement as soon as possible.

Duluth-Superior Harbor, Minnesota and Wisconsin.—Within the funds provided for Duluth-Superior Harbor, $300,000 shall be available for a freshwater corrosion study.

Albuquerque levees, New Mexico.—The conference agreement includes funds to assess impacts and to make immediate repairs to levees.

Conchas Lake, New Mexico.—Additional funds have been provided for rehabilitation of public use facilities.

Upper Rio Grande Water Operations Model, New Mexico.—Within the funds provided, $500,000 is for New Mexico photographic mapping to be conducted utilizing the Corps' Center of Expertise for Photogrammetric Mapping in St. Louis.

Garrison Dam and Lake Sakakawea, North Dakota.—Within the funds provided, $250,000 shall be available for the removal of noxious weeds, and $100,000 shall be for mosquito control.

Columbia and Lower Willamette River below Vancouver, Washington and Portland, Oregon.—The conference agreement includes $750,000 for continued work at the Astoria Boat Basin.

Fern Ridge Dam, Oregon.—The conference agreement includes funds to operate and maintain Fern Ridge Dam. The conferees are aware that no additional funds are required for emergency repairs at the dam as such expenses have been fully covered in fiscal year 2005.

Kinzua Dam and Allegheny Reservoir, Pennsylvania.—Within the funds provided, $300,000 shall be available for recreational improvements to include visitor center and fishing access improvements.

Ohio River, Pittsburgh to Huntington, Pennsylvania, West Virginia and Ohio.—Within the funds provided, the Corps is directed to utilize $2,500,000 in cooperation with Operation Respond, a non-profit organization, to implement a demonstration project developing and testing software and message alert systems for use by emergency responders as they prepare for and respond to commercial transportation incidents on the Nation's waterways. This project is to be coordinated with the U.S. Coast Guard, commercial transportation carriers, ports, emergency responders and other stakeholders along this segment of the Ohio River.

Oahe Dam, Lake Oahe, South Dakota and North Dakota.—The conferees urge the Corps to take all necessary steps to relocate the Cheyenne River Sioux Tribe's water intake on the Missouri River to ensure continued operation of the water system and an uninterrupted water supply for the Reservation.

Whitney Lake, Texas.—Within the funds provided, not less than $900,000 shall be for Ham Creek Park and not less than $300,000 shall be available for Kimball Park Bend.

Mud Mountain, Washington.—Within the funds provided, up to $903,000 is available to satisfy Federal fish passage obligations for the term of the cooperative agreement with Puget Sound Energy.

The Dalles Lock and Dam, Washington and Oregon.—Funds are provided for Lewis and Clark activities at Celilo Park.

Chinook, Head of Sand Island and Baker Bay, Washington.—The conferees note the proximity of Corps navigation facilities on the Columbia River between Chinook and the Head of Sand Island, Washington, and at Baker Bay, Washington, and encourage the Corps of Engineers to seek ways to achieve cost savings and efficiency, such as by utilizing appropriate contracting methods while having these two projects be considered together when seeking bids and awarding contracts.

Remaining items, regional sediment management support program.—Within the funds provided, the amounts are to be allocated as follows:

Fletcher Cove, Solona Beach, California	$300,000
Southeast Coast of Oahu, Hawaii	400,000
Littoral Drift Restoration Program, Benson Beach, WA	1,584,000
Lido Key, Sarasota, and vicinity and central and southern Brevard County to Dade	325,000
South Jetty and Clatsop Spit, Oregon	300,000
Coastal zone mapping and imaging laser, University of Southern Mississippi	4,500,000

Removal of sunken vessels.—The conference agreement includes $775,000 for the removal of sunken vessels, of which $275,000 shall be for the removal of the State of Pennsylvania from the Christina River at Wilmington, Delaware.

Centrally-funded activities.—The conferees agree that centralized management of project funds is efficient and is allowed under current guidelines for certain activities. These activities include, but are not limited to: the program development system known as the Automated Budget System; the National Recreation Reservation System; the provision of uniforms for those required to wear them; the Volunteer Clearinghouse; the Water Safety program; the transition from government owned contractor-operated to private ownership and operation of the National Coastal Mapping Program; and the Sign Standards Program. Significant cost savings can be realized from funding these activities centrally by withholding the necessary amounts from the affected projects' appropriations prior to allocation. It is critical that cost efficient management strategies, such as the above, be employed by the Corps in accomplishing its mission at least cost, when such strategies support the appropriated program. The conferees direct the Corps of Engineers to disclose the costs of these activities in its budget justifications.

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement provides no appropriation for Flood Control and Coastal Emergencies, as proposed by the House, instead of $43,000,000 as proposed by the Senate. The conferees note the significant appropriations made to the Corps in fiscal years 2005 and 2006 to respond to Hurricane Katrina and other natural disasters, which are available to maintain its readiness posture.

REGULATORY PROGRAM

The conference agreement provides $160,000,000 for the Regulatory Program as proposed by the House instead of $150,000,000 as proposed by the Senate.

The conferees are concerned with the growing backlog and the delay in approving various permits, particularly in the Jacksonville, Florida and Sacramento, California offices. Accordingly, the conferees expect that not less than ten percent of the increase over these offices' fiscal year 2005 district-specific allocation be directed to each of these offices from the funds provided above the fiscal year 2005 level.

The conferees encourage the Army Corps of Engineers to conduct a balanced and comprehensive review of the Champlin's Marina Application #CENAE-R-2003-00648 for the Great Salt Pond, Block Island, Rhode Island. This review should include all relevant information pertaining to navigation, safety, competing uses and cumulative impact on the Great Salt Pond, including consideration of the Corps—permitted mooring field as delineated in Army Corps Permit No. 1987-00012 issued to the Town of New Shoreham in July, 1998.

Revolving Fund

The conferees agree that costs of the CFO audit may be funded from the revolving fund. However, given the delay in award and the unknown out-year costs associated with the CFO study, the conferees direct the Corps to provide the House and Senate Committees on Appropriations, not later than 60 days after enactment of this Act, a complete scope, cost allocation and out-year funding requirements of the CFO study. Such analysis shall also include comparative information on other Federal agencies' costs of similar CFO studies. The Corps is further directed not make an award for the CFO study until the House and Senate Committees on Appropriations have approved the scope and cost of the proposed CFO study.

The conference agreement includes a provision that prohibits the expenditure of funds from the plant replacement and improvement program to rehabilitate or to abate lead and asbestos from the Dredge McFarland. The House bill included a similar provision that reduced funds included in title I of the Act. No similar provision was included in the Senate bill. The conferees are frustrated that a final report required by the conference agreement accompanying the Energy and Water Development Appropriations Act of 2004 detailing the recommendations on investment decisions on the Corps' dredge fleet has yet to be delivered to Congress. Accordingly, the Corps is directed to submit the report to Congress not later than 30 days after enactment of this Act, after which the appropriate authorizing committees should determine the appropriate Federal dredge fleet.

Formerly Utilized Sites Remedial Action Program

The conference agreement provides $140,000,000 for the Formerly Utilized Sites Remedial Action Program as proposed by both the House and Senate. The conferees direct the Corps during fiscal year 2006 to prepare design specifications for the Shallow Land Disposal Area, Parks Township, Pennsylvania, and to complete investigations and initiate cleanup expeditiously for the former Sylvania nuclear fuel site in Hicksville, New York, and for the Luckey, Ohio, site.

General Expenses

The conference agreement includes $154,000,000 for general expenses, instead of $152,021,000 as proposed by the House and $165,000,000 as proposed by the Senate. In addition, the conference agreement assumes that $8,000,000 in unobligated balances carried forward into fiscal year 2006, namely to fund the CFO study, shall be applied to fund personnel and other administrative activities, so that total appropriations available in fiscal year 2006 equal the budget estimate. The conference agreement stipulates that the total cost of the CFO study be funded from the revolving fund.

The amounts available for general expenses in fiscal year 2006 shall be available as follows:

GENERAL EXPENSES ($000)

Major subordinate command	FY 06 FTE	FY 2006 allocation
Great Lakes & Ohio River Division	69	$9,561
Mississippi River Valley Division	73	9,589
North Atlantic Division	62	9,071
Northwestern Division	68	8,866
Pacific Ocean Division	19	3,177
South Atlantic Division	63	9,264
South Pacific Division	62	9,900
Southwestern Division	60	8,268
Headquarters	402	56,852
Hydrologic Engineering Center—HQ	0	7,564
Hydrologic Engineer Center	81	7,741
Engineering Research and Development Center	2	204
Institute for Water Resources	27	4,108
Finance Center	9	824
Program Accounts	....	12,600
Commander's withholding	....	4,411
Subtotal	....	162,000
Use of prior year balances	....	−8,000
Total	....	154,000

The conference agreement includes the following adjustments to the budget estimate:

Civil Works program accounts:	
Decrease in implementing competitive sourcing	−$2,000,000
Decrease in e-government initiatives	−500,000
Undistributed reduction	−2,000,000
Other activities	+4,500,000

The conference agreement includes a provision making $4,500,000 available for analyses on water resource management on a watershed or regional scale as proposed by the House.

The conferees urge the Chief Information Officer of the Corps to study a program to modernize and fully integrate the Corps' water management system and supervisory control data acquisition program to reduce costs of the on-going improvements, maintenance, and technical support and to provide improved data sharing and management decision making.

Office of the Assistant Secretary of the Army (Civil Works)

The conference agreement includes $4,000,000 for the Office of the Assistant Secretary of the Army for Civil Works as proposed by the House. The Senate bill contained no similar appropriation. The conferees agree with the direction of the House with respect to indirect costs and the budgeting thereof. The conferees further note that funding for this office is within the jurisdiction of Energy and Water Development Subcommittees of both the House and Senate Committees on Appropriations, and none other.

Administrative Provision

The conference agreement includes a provision proposed by both the House and Senate relating to reception and representation expenses and the replacement and hire of passenger motor vehicles.

General Provisions

Corps of Engineers—Civil

The conference agreement modifies a provision proposed by the House relating to reprogramming. The Senate bill contained no similar provision. Reprogrammings are discussed in greater detail earlier in this statement of managers.

The conference agreement includes a provision proposed by the Senate relating to credits and reimbursements. The House bill contained no similar provision.

The conference agreement modifies a provision proposed by the House relating to the Muskingum Watershed in Ohio. The Senate bill contained no similar provision.

The conference agreement includes a provision as proposed by the Senate relating to Civil Works functions. The House bill contained no similar provision.

The conference agreement includes a provision as proposed by the Senate relating to St. George's Bridge, Delaware. The House bill contained no similar provision.

The conference agreement deletes language proposed by the House relating to continuing contracts and includes a provision that limits the availability of funds for certain continuing contracts authorized by section 206 of the Water Resources Development Act of 1999 (33 U.S.C. 2331). The Rivers and Harbors Appropriations Act of 1922 (33 U.S.C. 621) provides authority for the Corps of Engineers to use continuing contracts for "public work on canals, rivers, and harbors adopted by Congress." Section 206 of the Water Resources Development Act of 1999 (33 U.S.C. 2331) requires the use of a continuing contract for a certain set of water resources projects, i.e., those for which initiation of construction has occurred (defined as the date of enactment of an Act that appropriates funds for the project in one of three appropriations accounts: Construction, General; Operation and Maintenance, General; and Flood Control, Mississippi River and Tributaries). The conference agreement narrows the applicability of Section 206 of the Water Resources Development Act of 1999, so that the Corps is only required to use continuing contracts for projects that are funded under the Operation and Maintenance account and the Operation and Maintenance subaccount of the Flood Control, Mississippi River and Tributaries account. The permissive authority established in Rivers and Harbors Appropriations Act of 1922 remains unaltered, so the Corps may use, but is not required to use, continuing contracts.

The Assistant Secretary of the Army for Civil Works may approve the use of continuing contracts in limited circumstances. The Assistant Secretary for Civil Works shall:

(1) Provide within 60 days of enactment of this Act to the House and Senate Committees on Appropriations a report identifying all existing continuing contracts and the amounts, by fiscal year, of the out-year funding requirements; and

(2) Provide a quarterly update to the report identified above in item (1).

In the execution of any new continuing contract or modifications to an existing continuing contract, the Corps shall not commit an amount in excess of the amounts appropriated for such project in this Act or otherwise available for the project, as provided in sections 101 and 105 of this Act. The conference agreement affirms the management reforms undertaken by the Corps and the directions of the House relating to management and execution of continuing contracts.

The conference agreement includes a provision as proposed by the Senate relating to Chief of Engineers reports. The House bill contained no similar provision.

The conference agreement modifies a provision as proposed by the House relating to continuing contracts. The Senate bill contained no similar provision.

The conference agreement includes a provision as proposed by the Senate relating to transmittal of certain reports of the Chief of Engineers. The House bill contained no similar provision.

The conference agreement modifies a provision proposed by the Senate relating to Baltimore Metropolitan Water Resources-Gwynns Falls Watershed. The House bill contained no similar provision.

The conference agreement includes a provision relating to New York and New Jersey Harbor as proposed by the House. The Senate bill contained no similar provision.

The conference agreement includes a provision relating to Marmet Lock, Kanawha River, West Virginia, as proposed by the Senate. The House bill contained no similar provision.

The conference agreement includes a provision relating to Truckee Meadows Flood Control Project, Nevada.

The conference agreement includes a provision relating to Lake Cumberland, Kentucky, as proposed by the Senate. The House bill contained no similar provision.

The conference agreement includes a provision relating to Lower Las Vegas Wash, Nevada, as proposed by the Senate. The House bill contained no similar provision.

The conference agreement includes a provision relating to Yazoo Basin, Big Sunflower River, Mississippi, as proposed by the Senate. The House bill contained no similar provision.

The conference agreement includes a provision relating to Lower Mississippi River Museum and Interpretive Site, Mississippi, as proposed by the Senate. The House bill contained no similar provision.

The conference agreement includes a provision relating to the Central New Mexico project, as proposed by the Senate. The House bill contained no similar provision.

The conference agreement includes a provision relating to Los Angeles Harbor, California, as proposed by the Senate. The House bill contained no similar provision.

The conference agreement includes a provision relating to Alpine, California, as proposed by the Senate. The House bill contained no similar provision.

The conference agreement modifies a provision proposed by the Senate relating to a biological opinion in New Mexico. The House bill contained no similar provision.

The conference report includes a provision relating to Bluestone, West Virginia, as proposed by the Senate. The House bill contained no similar provision.

The conference agreement includes a provision relating to a wastewater infrastructure project in DeSoto County, Mississippi.

The conference agreement includes a provision relating to a flood control project in Las Vegas Wash and Tributaries, Nevada.

The conference agreement includes a provision relating to Lake Michigan Waterfront and related areas, Lake and Porter Counties, Indiana.

The conference agreement includes a provision relating to Chesapeake Bay oyster restoration.

The conference agreement includes a provision relating to a flood control project at Little Calumet River, Indiana.

The conference agreement includes a provision relating to the American River watershed in California. This section adds new language to previously authorized flood damage reduction work at Folsom Dam and encourages the joint efforts currently being pursued by the Corps of Engineers, Bureau of Reclamation, the State of California, and the Sacramento Flood Control Agency (SAFCA) to address both flood damage reduction and dam safety needs at Folsom Dam, California. It also clarifies language in the fiscal year 2004 Energy & Water Development Appropriations Act regarding the new bridge below Folsom Dam. This bridge is an integral and necessary component of any flood damage or dam safety work that is to be accomplished at the dam. The Corps of Engineers has primary federal responsibility for the bridge but the Bureau of Reclamation, which operates Folsom Dam, also plays an integral role. The two agencies must work cooperatively to implement the work in a timely manner. Subsection (a) directs the Corps of Engineers and Bureau of Reclamation to coordinate technical reviews, joint planning, and preliminary design work for flood damage reduction improvements and dam safety needs at Folsom Dam and Reservoir. Subsections (b) and (c) clarify congressional intent by designating the Corps as the federal agency responsible for implementing the bridge and specifying that any additional funding requirement associated with converting the bridge from a temporary structure to a permanent one is to be a federal responsibility. This is in recognition of the fact that the road currently on top of Folsom Dam, which has been open for public use for most of the time since the dam was constructed, will ultimately be closed permanently for security reasons. Subsection (d) allows "902" cost increase provisions to apply to bridge costs just as it does for any other Corps project. This normal and customary application of existing law, when applied to the original costs cited in the fiscal year 2004 Act and updated to current conditions, will increase amounts available for estimates of both temporary and permanent bridge costs. Subsection (e) directs the Corps and the Bureau to proceed with expedited construction of the bridge and associated roadways, and encourages the Corps to make efforts to implement and project in a manner that is compatible with future improvements for flood control. The conferees understand that related efforts are underway to address potential structural changes to Folsom Dam to address flood control and dam safety concerns; however, these related efforts should not needlessly delay timely construction of the bridge/roadway project. If modifications to the completed bridge/roadway project are deemed necessary to accomplish flood control and dam safety objectives, Congress will authorize modifications to the project that may be necessary. The conferees direct both the Corps and the Bureau to work expeditiously to complete reviews, approvals and other administrative actions that may be necessary to expedite this work, including providing necessary easements and rights-of-way. A reporting requirement is included in subsection (f).

The conference agreement includes a provision relating to Jacksonville Harbor, Florida.

The conference agreement includes a provision relating to environmental infrastructure in the State of Ohio.

The conference agreement includes a provision relating to Onondaga Lake, New York.

The conference agreement includes a provision relating to White River Basin, Arkansas.

The conference agreement includes a provision relating to the Calcasieu ship channel, Louisiana.

The conference agreement includes a provision relating to a flood damage reduction project at Johnson Creek, Texas.

The conference agreement includes a provision relating to previously appropriate funds for Hudson River, Athens, New York.

The conference agreement includes a provision relating to the Corps of Engineers district office in Charleston, South Carolina.

The conference agreement includes a provision relating to the Louisville, Kentucky Waterfront Park.

The conference agreement includes a provision relating to a navigation project in Akutan, Alaska.

The conference agreement includes a provision relating to Poplar Island, Maryland.

The conference agreement deletes a provision relating to a disposal barrier in Vermont and New York.

The conference agreement deletes several provisions relating to the Missouri and Middle Mississippi Rivers Enhancement Project.

The conference agreement deletes a provision proposed by the Senate relating to Lower Mud River, Milton, West Virginia. The House bill contained no similar provision.

The conference agreement deletes a provision proposed by the Senate relating to regulatory permitting.

TITLE II—DEPARTMENT OF THE INTERIOR

Central Utah Project Completion Account

The conference agreement includes a total of $32,614,000 as proposed by both the House and the Senate. Within the funds appropriated, the conference agreement includes $31,668,000 for Central Utah project construction; $946,000 for fish, wildlife, and recreation mitigation and conservation; and $1,736,000 for program oversight and administration.

Bureau of Reclamation

Water and Related Resources

The conference agreement includes an appropriation of $883,514,000 for water and related resources, instead of $832,000,000 as proposed by the House and $899,569,000 as proposed by the Senate. The conference agreement deletes provisions proposed by the Senate relating to the Snyderville Basin Water Supply Study Special Report in the State of Utah. The House bill contained no similar provision.

The conference agreement for water and related resources is shown in the following table:

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
WATER AND RELATED RESOURCES				
ARIZONA				
AK CHIN WATER RIGHTS SETTLEMENT ACT PROJECT	---	7,200	---	6,890
CENTRAL ARIZONA PROJECT, COLORADO RIVER BASIN	22,128	95	22,228	91
COLORADO RIVER FRONT WORK AND LEVEE SYSTEM	2,455	---	7,200	---
FORT MCDOWELL SETTLEMENT ACT	400	---	383	---
NORTHERN ARIZONA INVESTIGATIONS PROGRAM	250	---	239	---
PHOENIX METROPOLITAN WATER REUSE PROJECT	200	---	250	---
SALT RIVER PROJECT	300	---	287	---
SAN CARLOS APACHE TRIBE WATER SETTLEMENT ACT	100	---	100	---
SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT PROJECT	4,725	---	4,522	---
SOUTH/CENTRAL ARIZONA INVESTIGATIONS PROGRAM	795	---	1,154	---
TRES RIOS WETLANDS DEMONSTRATION	300	---	287	---
YUMA AREA PROJECTS	1,722	20,378	1,722	20,297
CALIFORNIA				
CACHUMA PROJECT	988	588	946	834
CALIFORNIA INVESTIGATIONS PROGRAM	580	---	555	---
CALLEGUAS MUNICIPAL WATER DISTRICT RECYCLING PLANT	1,350	---	2,153	---
CENTRAL VALLEY PROJECT				
AMERICAN RIVER DIVISION	2,060	7,437	3,060	7,437
AUBURN-FOLSOM SOUTH UNIT	5,966	---	6,774	---

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
DELTA DIVISION	10,441	5,752	9,992	5,505
EAST SIDE DIVISION	1,907	2,297	1,825	2,198
FRIANT DIVISION	2,235	3,481	2,635	3,331
MISCELLANEOUS PROJECT PROGRAMS	12,511	1,114	14,574	1,066
REPLACEMENTS, ADDITIONS, AND EXTRAORDINARY MAINT	---	23,200	---	22,202
SACRAMENTO RIVER DIVERSION	2,381	1,759	2,316	1,683
SAN FELIPE DIVISION	846	---	810	---
SAN JOAQUIN DIVISION	300	---	287	---
SHASTA DIVISION	1,050	7,606	1,005	7,279
TRINITY RIVER DIVISION	7,621	3,242	8,621	3,103
WATER AND POWER OPERATIONS	1,707	10,211	1,634	9,772
WEST SAN JOAQUIN DIVISION, SAN LUIS UNIT	5,191	7,146	4,968	6,839
YIELD FEASIBILITY INVESTIGATION	500	---	479	---
LAKE TAHOE REGIONAL WETLANDS DEVELOPMENT	100	---	3,000	---
LONG BEACH AREA WATER RECLAMATION AND REUSE PROJECT	650	---	622	---
LONG BEACH DESALINATION PROJECT	---	---	1,250	---
MISSION SPRINGS WATER REUSE, DESERT HOT SPRINGS, CA	---	---	150	---
NAPA - SONOMA - MARIN AGRICULTURAL REUSE PROJECT	---	---	120	---
NORTH SAN DIEGO COUNTY AREA WATER RECYCLING PROJECT	1,250	---	1,875	---
ORANGE COUNTY REGIONAL WATER RECLAMATION PROJECT, PHAS	1,250	---	2,250	---
ORLAND PROJECT	41	920	39	880
PASADENA RECLAIMED WATER PROJECT	---	---	77	---
PLACER COUNTY SUB-REGIONAL WASTEWATER TREATMENT PROJEC	---	---	2,000	---
SACRAMENTO RIVER DIVERSION STUDY	---	---	1,000	---
SALTON SEA RESEARCH PROJECT	1,000	---	4,828	---

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
SAN DIEGO AREA WATER RECLAMATION AND REUSE PROGRAM	3,500	---	3,350	---
SAN GABRIEL BASIN PROJECT	500	---	479	---
SAN GABRIEL BASIN RESTORATION PROJECT	---	---	10,000	---
SAN JOSE WATER RECLAMATION AND REUSE PROGRAM	300	---	422	---
SANTA MARGARITA RIVER CONJUNCTIVE USE PROJECT	---	---	500	---
SOLANO PROJECT	1,502	2,863	1,437	2,740
SOUTHERN CALIFORNIA INVESTIGATIONS PROGRAM	550	---	766	---
VENTURA RIVER PROJECT	596	---	570	---
WATSONVILLE AREA WATER RECYCLING PROJECT	---	---	957	---
COLORADO				
ANIMAS-LA PLATA PROJECT, CRSP SECTION 5 & 8	52,000	---	56,000	---
COLLBRAN PROJECT	166	1,277	159	1,222
COLORADO-BIG THOMPSON PROJECT	438	16,151	419	15,457
COLORADO INVESTIGATIONS PROGRAM	200	---	191	---
FRUITGROWERS DAM PROJECT	20	128	19	122
FRYINGPAN-ARKANSAS PROJECT	173	8,579	166	8,210
GRAND VALLEY UNIT, CRBSCP, TITLE II	233	670	223	641
LEADVILLE/ARKANSAS RIVER RECOVERY	72	2,250	69	2,153
MANCOS PROJECT	86	88	82	84
PARADOX VALLEY UNIT, CRBSCP, TITLE II	62	2,055	59	1,967
PINE RIVER PROJECT	114	128	109	122
SAN LUIS VALLEY PROJECT	279	5,490	267	5,254
UNCOMPAHGRE PROJECT	172	126	165	121

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
HAWAII				
HAWAIIAN RECLAIM AND REUSE STUDY	---	---	500	---
IDAHO				
BOISE AREA PROJECTS	2,480	2,520	2,373	2,412
COLUMBIA AND SNAKE RIVER SALMON RECOVERY PROJECT	17,500	---	16,748	---
IDAHO INVESTIGATIONS PROGRAM	548	---	524	---
MINIDOKA AREA PROJECTS	3,169	2,639	3,033	2,526
MINIDOKA NORTHSIDE DRAIN WATER MANAGEMENT PROGRAM	200	---	191	---
MINIDOKA PROJECT, GRASSY LAKE SOD 2/	---	310	---	297
KANSAS				
KANSAS INVESTIGATIONS PROGRAM	150	---	144	---
WICHITA PROJECT	261	334	250	320
MONTANA				
FORT PECK DRY PRAIRIE RURAL WATER SYSTEM	---	---	16,000	---
HUNGRY HORSE PROJECT	---	331	---	317
HUNTLEY PROJECT	26	125	25	120
MILK RIVER PROJECT	455	852	435	815

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
MONTANA INVESTIGATIONS	385	---	368	---
NORTH CENTRAL MONTANA RURAL WATER PROJECT	---	---	5,750	---
ST MARY FACILITIES REHABILITATION	---	---	500	---
SUN RIVER PROJECT	---	241	---	231
NEBRASKA				
MIRAGE FLATS PROJECT	12	71	11	68
NEBRASKA INVESTIGATIONS PROGRAM	128	---	122	---
NEVADA				
HALFWAY WASH PROJECT STUDY	200	---	957	---
LAHONTAN BASIN PROJECT	4,520	3,057	4,520	2,926
LAKE MEAD /LAS VEGAS WASH PROGRAM	1,200	---	2,656	---
NORTH LAS VEGAS WATER REUSE	---	---	1,000	---
SOUTHERN NEVADA WATER RECYCLING PROJECT	---	---	3,423	---
NEW MEXICO				
ALBUQUERQUE METRO AREA WATER & RECLAMATION REUSE	---	---	1,000	---
CARLSBAD PROJECT	2,297	822	2,198	787
CHIMAYO WATER PLAN	---	---	1,000	---
EASTERN NEW MEXICO INVESTIGATIONS PROGRAMS	70	---	67	---
ESPANOLA WATER DIVERSION	---	---	1,000	---

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	----- BUDGET REQUEST ----		------- CONFERENCE ------	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
JICARILLA APACHE RESERVATION RURAL WATER SYSTEM.......	---	---	250	---
MIDDLE RIO GRANDE PROJECT.............................	9,150	9,850	18.650	9,426
NAVAJO GALLUP WATER SUPPLY............................	---	---	479	---
NAVAJO NATION INVESTIGATIONS PROGRAM..................	180	---	172	---
PECOS RIVER BASIN WATER SALVAGE PROJECT...............	---	181	---	173
RIO GRANDE PROJECT....................................	1,134	3,567	1,085	3,414
SAN JUAN RIVER BASIN INVESTIGATIONS PROGRAM...........	150	---	144	---
SOUTHERN NEW MEXICO/WEST TEXAS INVESTIGATIONS PROGRAM.	230	---	220	---
TUCUMCARI PROJECT.....................................	56	7	54	7
NORTH DAKOTA				
DAKOTAS INVESTIGATIONS PROGRAM........................	237	---	227	---
DAKOTAS TRIBES INVESTIGATIONS PROGRAM.................	84	---	80	---
PICK-SLOAN MISSOURI BASIN PROGRAM, GARRISON DIVERSION.	22,640	4,197	23.580	4.017
OKLAHOMA				
ARBUCKLE PROJECT......................................	17	183	16	175
MCGEE CREEK PROJECT...................................	33	518	32	496
MOUNTAIN PARK PROJECT.................................	17	338	16	323
NORMAN PROJECT..	17	384	16	367
NORMAN FEASIBILITY STUDY..............................	---	---	144	---
OKLAHOMA INVESTIGATIONS PROGRAM.......................	155	---	148	---
WASHITA BASIN PROJECT.................................	30	1,155	29	1.105

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
W.C. AUSTIN PROJECT	137	389	131	372
OREGON				
CROOKED RIVER PROJECT	661	446	633	427
DESCHUTES ECOSYSTEM RESTORATION PROJECT	---	---	1,000	---
DESCHUTES PROJECT	301	147	288	141
EASTERN OREGON PROJECTS	544	362	521	346
KLAMATH PROJECT	21,310	690	20,394	660
OREGON INVESTIGATIONS PROGRAM	450	---	431	---
ROGUE RIVER BASIN PROJECT, TALENT DIVISION	780	223	746	213
SAVAGE RAPIDS DAM REMOVAL	1,000	---	1,500	---
TUALATIN PROJECT	475	147	455	141
TUALATIN VALLEY WATER SUPPLY FEASIBILITY PROJECT	---	---	287	---
UMATILLA BASIN PROJECT, PHASE III STUDY	200	---	191	---
UMATILLA PROJECT	803	3,127	768	2,993
SOUTH DAKOTA				
LEWIS AND CLARK RURAL WATER SYSTEM	15,000	---	17,500	---
MID-DAKOTA RURAL WATER PROJECT	---	15	400	14
MNI WICONI PROJECT	22,447	7,053	22,807	6,750
PERKINS COUNTY RURAL WATER DISTRICT	---	---	957	---
RAPID VALLEY PROJECT, DEERFIELD DAM	---	50	48	---

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	----- BUDGET REQUEST ----		------- CONFERENCE ------	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
TEXAS				
BALMORHEA PROJECT	24	---	23	---
CANADIAN RIVER PROJECT	69	97	66	93
EL PASO WATER RECLAMATION AND REUSE	---	---	103	---
LOWER RIO GRANDE VALLEY WATER RESOURCES	50	---	1,475	---
NUECES RIVER	36	503	34	481
SAN ANGELO PROJECT	17	344	16	329
TEXAS INVESTIGATIONS PROGRAM	214	---	205	---
TRINITY RIVER WATERWATER STUDY	---	---	96	---
WILLIAMSON COUNTY WATER RECYCLING PROJECT	---	---	96	---
UTAH				
HYRUM PROJECT	125	30	120	29
MOON LAKE PROJECT	13	27	12	26
NEWTON PROJECT	43	23	41	22
NORTHERN UTAH INVESTIGATIONS PROGRAM	154	---	387	---
OGDEN RIVER PROJECT	228	35	218	33
PARK CITY FEASIBILITY STUDY	---	---	479	---
PROVO RIVER PROJECT	894	319	856	305
PROVO RIVER PROJECT, DEER CREEK DAM	---	4,900	---	4,689
SCOFIELD PROJECT	86	27	82	26
STRAWBERRY VALLEY PROJECT	177	8	169	8
WEBER BASIN PROJECT	1,841	357	1,762	342

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	----- BUDGET REQUEST ----		------- CONFERENCE ------	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
WEBER RIVER PROJECT	41	80	39	77
WASHINGTON				
COLUMBIA BASIN PROJECT	4,047	7,616	3,873	7,289
MAKAH INDIAN COMMUNITY WATER SUPPLY FEASIBILITY STUDY	---	---	300	---
STORAGE DAM FISH PASSAGE FEASIBILITY STUDY	780	---	746	---
WASHINGTON INVESTIGATIONS PROGRAM	300	---	718	---
YAKIMA PROJECT	1,524	6,398	1,458	6,123
YAKIMA RIVER BASIN WATER STORAGE	---	---	1,500	---
YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT	8,500	---	8,500	---
WYOMING				
KENDRICK PROJECT	50	4,010	48	3,838
NORTH PLATTE PROJECT	79	1,817	76	1,739
SHOSHONE PROJECT	62	740	59	708
WYOMING INVESTIGATION PROGRAM	40	---	38	---
VARIOUS				
COLORADO RIVER BASIN SALINITY CONTROL PROJECT, TITLE I	---	10,673	---	10,214
COLORADO RIVER BASIN SALINITY CONTROL, TITLE II	10,000	---	9,570	---
COLORADO RIVER STORAGE PROJECT, SECTION 5	6,293	3,403	6,022	3,257
COLORADO RIVER STORAGE PROJECT, SECTION 8	4,030	---	3,857	---

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
COLORADO RIVER WATER QUALITY IMPROVEMENT PROGRAM	465	---	445	---
DAM SAFETY PROGRAM				
DEPARTMENT DAM SAFETY PROGRAM	---	1,500	1,500	---
INITIATE SOD CORRECTIVE ACTION	---	44,578	42,661	---
SAFETY OF DAMS CORRECTIVE ACTION STUDIES	---	100	96	---
SAFETY OF EVALUATION OF EXISTING DAMS	---	18,500	17,705	---
DEPARTMENTAL IRRIGATION DRAINAGE PROGRAM	---	---	1,818	---
DROUGHT EMERGENCY ASSISTANCE	500	---	479	---
EMERGENCY PLANNING & DISASTER RESPONSE PROGRAM	---	1,360	---	1,360
ENDANGERED SPECIES RECOVERY IMPLEMENTATION	9,734	---	9,315	---
ENVIRONMENTAL & INTERAGENCY COORDINATION ACTIVITIES	1,790	---	1,713	---
ENVIRONMENTAL PROGRAM ADMINISTRATION	965	---	924	---
EXAMINATION OF EXISTING STRUCTURES	---	5,699	---	5,454
FEDERAL BUILDING SEISMIC SAFETY PROGRAM	---	1,575	---	1,507
GENERAL PLANNING STUDIES	2,006	---	1,920	---
LAND RESOURCES MANAGEMENT PROGRAM	7,000	---	6,699	---
LOWER COLORADO RIVER INVESTIGATIONS PROGRAM	300	---	287	---
LOWER COLORADO RIVER OPERATIONS PROGRAM	17,894	---	17,125	---
MISCELLANEOUS FLOOD CONTROL OPERATIONS	---	631	---	604
NATIVE AMERICAN AFFAIRS PROGRAM	7,525	---	8,125	---
NATURAL RESOURCES DAMAGE ASSESSMENT	300	---	287	---
NEGOTIATION & ADMINISTRATION OF WATER MARKETING	1,745	---	1,670	---
OPERATION & MAINTENANCE PROGRAM MANAGEMENT	165	876	158	838
PICK-SLOAN MISSOURI BASIN - OTHER PROJECTS	3,537	38,553	3,385	36,895
POWER PROGRAM SERVICES	1,020	212	976	203

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
PUBLIC ACCESS AND SAFETY PROGRAM	634	124	607	119
RECLAMATION LAW ADMINISTRATION	2,368	---	2,266	---
RECLAMATION RECREATION MANAGEMENT - TITLE XXVIII	582	---	557	---
RECREATION & FISH & WILDLIFE PROGRAM ADMINISTRATION	1,570	---	1,502	---
RESEARCH AND DEVELOPMENT 3/				
DESALINATION RESEARCH AND DEVELOPMENT PROGRAM	25	---	7,025	---
SCIENCE AND TECHNOLOGY PROGRAM	9,684	---	9,268	---
SITE SECURITY	---	50,000	40,000	---
SOIL AND MOISTURE CONSERVATION	293	---	280	---
TECHNICAL ASSISTANCE TO STATES	1,884	---	1,803	---
TITLE XVI, WATER RECLAMATION AND REUSE PROGRAM	1,229	---	3,729	---
UNITED STATES/MEXICO BORDER ISSUES - TECHNICAL SUPPORT	80	---	77	---
WATER CONSERVATION FIELD SERVICE PROGRAM 4/	8,950	---	10,043	---
WATER 2025	30,000	---	5,000	---
WETLANDS DEVELOPMENT	---	---	718	---
UNDISTRIBUTED REDUCTION BASED ON ANTICIPATED DELAYS	-30,172	---	---	---
Subtotal, Water and Related Resources	409,892	391,677	617,027	266,487
Total, Water and Related Resources (combined)	801,569	---	883,514	---

Central Arizona project, Arizona.—The conference agreement includes additional funds to continue a biological assessment or other appropriate evaluation of environmental impact from the potential diversions of flow from the Gila River consistent with the terms of the consumptive use and forbearance agreement ratified by Congress in the Arizona Water Settlements Act in order to receive a biological opinion or other appropriate determination by December 2008.

Colorado Front Work and Levee System, Arizona.—The conferees have provided additional funds for continued work on the regulating reservoirs on the All American Canal and for initiation of appropriate studies to determine if additional capacity can be economically realized behind Laguna Dam if sediment is removed. The conferees understand that these projects have the potential of saving as much as 300,000 acre-feet of Colorado River System water that would otherwise be over-delivered to Mexico. Because of the potential for such water savings (essentially Nevada's entire annual share of Colorado River Water), the conferees strongly recommend that Reclamation proceed aggressively with this work and to reflect the urgency of completing these projects in future budget requests. Because the regulating reservoir and Laguna Dam sediment removal provide needed improvements in river control, management and river system efficiencies, all of which are Federal responsibilities, the conferees believe that they should be undertaken at full Federal expense.

Within the funds provided, the conference agreement includes $4,750,000 to continue planning and design of regulating reservoirs near the All American Canal.

South/central Arizona investigations program.—Within the funds provided, $109,000 is available to complete the final report of phase II of the central Arizona salinity study and $250,000 for the West Salt River Management Study.

Yuma area projects, Arizona and California.—The conference agreement includes $22,019,000 for the Yuma area projects in Arizona and California. Within the funds provided, $500,000 is available for renovation and refurbishment of the City of Needles, California Bureau Bay Reclamation Project site.

Cachuma Project, California.—$500,000 is provided for the Lake Cachuma Water and Sewerage Plant.

Central Valley Project, California.—Auburn/Folsom South Unit, California.—The Auburn-Folsom South Unit was authorized for construction by Congress by the Act of September 2, 1965, P.L. 89–161, 79 Stat. 615. No construction on Auburn Dam has occurred since August of 1975. The costs and associated benefits of the Auburn-Folsom South Unit were last calculated in 1962. To determine whether a full feasibility study is warranted, these values must be updated to current levels. The conference agreement includes $1,000,000 for the Bureau of Reclamation to complete a special report to udpate the analysis of costs and associated benefits of the Auburn-Folsom South Unit of the Central Valley Project. The report is due to committees of jurisdiction by August 30, 2006.

American River Division.—Within the funds provided, $1,000,000 shall be available for the El Dorado Temperature Control Device.

Friant Division.—$200,000 has been provided for appraisal level studies of the Madera Irrigation District Water Supply Enhancement and $200,000 is provided for the Semitropic Groundwater Storage Project.

Miscellaneous project programs.—Additional funds above the budget request are provided to complete phase II of the Kaweah River Delta Corridor Enhancement Study ($63,000) and $2,000,000 is provided for the Sacramento Valley Water Management Program, which shall be made available for a cooperative agreement or agreements with the Northern California Water Association or its member agencies for the completion of the necessary environmental documents, and development and implementation of projects in support of the Sacramento Valley Management Plan, including those projects that will integrate the Lower Tuscan Groundwater Formation into the Sacramento Valley surface water system through conjunctive water management.

Sacramento River Division.—Additional funds above the budget request are provided to complete the Glen Colusa Irrigation District Fish Screen Improvement Project.

Trinity River Division.—The conference agreement provides $500,000 above the budget request for the Fishery Restoration program. These funds are to be used in concert with the $2,000,000 provided in the Central Valley Project Restoration Program to meet Federal trust responsibilities to protect the fishery resources of the Hoopa Valley Tribe. The Commissioner is urged to continue to support a Co-Management Agreement between the Hoopa Valley Tribe and the Bureau of Reclamation.

In addition, the conferees have provided $500,000 for the acquisition and/or modification of floodplain structures necessary for release of 11,000 cubic feet per second in an extremely wet water year.

Salton Sea research project.—The conference agreement includes $4,828,000 for the Salton Sea research project, including $1,500,000 to continue environmental restoration efforts at the Alamo and New Rivers, and for other authorized pilot projects. The Bureau is encouraged to work jointly with the Salton Sea Authority and assist the Authority in running its own pilot projects.

Southern California investigations program.—The conference agreement includes $766,000 for the Southern California investigations program. Within the funds provided, $100,000 has been included to assist the Western Municipal Water District in general planning and associated environmental compliance activities related to the Riverside-Corona Feeder project; $300,000 to assist the Lake Arrowhead Community Services District to develop a groundwater management plan; and $100,000 to assist the City of Apple Valley, California to develop an appraisal study of the water reclamation portion of the City of Apple Valley's sewage treatment and reclamation project.

Lahontan Basin Project, Nevada.—The conferees have learned that dam safety issues have arisen concerning Tahoe Dam. As this dam provides more than 70 percent of the water supply for the area, it is imperative that safety remediation activities be undertaken as soon as possible. The conferees understand that preliminary investigations are underway and will be continued with budgeted funds in fiscal year 2006. The conferees expect Reclamation to ask for the appropriate funding level in the fiscal year 2007 budget to address safety issues.

Middle Rio Grande Project, New Mexico.—The conferees support the reorganization of the Endangered Species Act Collaborative Program resulting in the Army Corps of Engineers, in collaboration with the Fish and Wildlife Service, taking responsibility to provide the administrative support for the program and the Army Corps of Engineers taking responsibility to meet the Reasonable and Prudent Alternative of the 2003 Biological Opinion required by section 205 of Public Law 108–447 (118 Stat 2949) other than the water acquisition and management functions set out in the Reasonable and Prudent Alternative. Additionally, the Army Corps of Engineers will assume responsibility for providing a detailed spending plan for fiscal year 2006 funds to the House and Senate Appropriations Committees for approval; complete the baseline Long-Term Plan and complete the Programmatic Environmental Impact Statement before the end of fiscal year 2006. The Bureau of Reclamation retains responsibility to meet the Reasonable and Prudent Alternative regarding water acquisition and management, including acquisition of water to meet the flow requirements articulated in the 2003 Biological Opinion and development of a long-term plan to meet these flow requirements. The conferees expect the Bureau of Reclamation to facilitate a smooth transition of administrative functions for the program to the Army Corps of Engineers and the Fish and Wildlife Service within three months of the beginning of fiscal year 2006. Of the total $28,076,000 provided for the Middle Rio Grande Project, the conferees have provided $12,900,000 for the collaborative program. Of these funds, the Bureau of Reclamation is provided $5,000,000 for water acquisition and associated administrative support within the Bureau; the Bureau is to transfer $7,500,000 to the Army Corps of Engineers to fund population management, habitat restoration, water management studies, fish passage and river connectivity, minnow management, water quality, science and monitoring, biological opinion monitoring, and program management to meet the 2003 Biological Opinion Reasonable and Prudent Alternatives; and to provide $400,000 to the Fish and Wildlife Service for program management support. The cost-share requirements of the program remain 75 percent Federal/25 percent non-Federal for all activities except water acquisition and program administration. Non-Federal cost share may be provided through in-kind services and participation on the administration team. The conferees have provided $1,000,000 above the request for the further refinement of the Upper Rio Grande Water Operations Model in collaboration with the Army Corps of Engineers, Sandia National Laboratories and the other partners. Additionally, $2,000,000 is provided for completion of construction and initial operation of the off-channel sanctuary authorized under section 6014 of Public Law 109–13.

Deschutes ecosystem restoration project, Oregon.—The conferees have provided $1,000,000 to continue this project.

Northern Utah investigations program, Utah.—Additional funds are for the Rural Water Technology Alliance.

Washington investigations program, Washington.—Within the funds provided, $118,000 is for the Odessa Sub Area study, and $50,000 is for the West Canal study.

Colorado River Basin Salinity Control Project, Title I.—The conferees note that weather modification is but one way to augment and maximize flows in the river, and direct the Department of the Interior and the Bureau to begin processes to produce augmentation strategies.

The conferees understand that Reclamation has initiated a public process to solicit information about potential methods to recover or replace agricultural return flows from the Wellton-Mohawk Irrigation and Drainage District that bypass the Colorado River and are discharged to the Cienega de

Santa Clara in Mexico (bypass flows). The U.S. has bypassed highly saline agricultural return flows to the Cienega to help meet Colorado River water quality obligations to Mexico. However, the bypass flows are not included in the 1.5 million acre-feet of water that the U.S. is required to deliver annually to Mexico. Consequently, system storage from the Colorado River has been used to make up for the bypass flow. The current drought and projected long-term water demands have heightened concern about this demand on the river system. The Yuma Desalting Plant was originally constructed to recover part of the bypass flows and return them to the river. Various other methods for recovering or replacing the flows have been proposed including options that address potential impacts to the wetlands in the Cienega de Santa Clara. The conferees believe that this public process is a positive step in attempting to address this complex hydrologic problem and encourage Reclamation to continue this stakeholder process. Recognizing that the Yuma Desalting Plant may be one part of the solution to the return flow issue, the conferees believe that it is prudent to reiterate the direction from previous Acts that sufficient resources be dedicated to the Yuma Desalting Plant so that one-third operational capacity may be achieved by the end of calendar year 2006.

El Paso, Water Reclamation and Reuse, Texas.—The conference agreement includes $103,000 to complete the project as currently authorized.

Native American Affairs program.—Additional funds provided above the budget request are for continued work on the AAMODT settlement.

Research and development, desalination research and development program.—The conferees urge the Bureau of Reclamation to place a higher priority on desalination activities in future budgets given the importance of sustainable water supplies to the West and to other regions of the country. The conference agreement provides $7,000,000 for the completion of construction of the Tularosa Basin Desalination Facility, New Mexico, and initial operation. Upon completion of the facility, the Bureau is directed to select an organization to operate the facility under Bureau direction. In this selection, the Bureau should give priority to local educational institutions with expertise, do not need to relocate and have on-going water research activities.

Title XVI, Water Reclamation and Reuse.—The conference agreement includes $3,729,000 for this program, of which $2,500,000 shall be for the WateReuse Foundation. These funds shall be available to support the Foundation's research priorities.

Departmental irrigation program.—The conference agreement provides $1,818,000 for this program, of which $150,000 shall be for the Uncompaghre selenium control project and $1,668,000 for irrigation modernization activities for Elephant Butte Irrigation District.

Water 2025.—The conferees have included $1,000,000 to provide for continued efficiency and water improvements related to the Middle Rio Grande Conservancy District and $1,000,000 for work related to water efficiency and supply supplementation in the Pecos consistent with the partnership between the Carlsbad Irrigation District and the New Mexico Interstate Stream Commission. A critical component of reducing tension among multiple water users is collaborative planning and joint operations. Within the funds provided, $2,000,000 is for the Desert Research Institute to address water quality and environmental issues in ways that will bring industry and regulators to mutually acceptable answers. Funding of $1,000,000 for the alliance with the International Center for Water Resources Management at Central State University, OH, is also provided herein.

Building and site security.—The conference agreement includes $40,000,000 for building and site security activities, as proposed by the House, instead of $50,000,000 as proposed by the Senate. The amount provided recognizes that the Bureau of Reclamation is expected to receive approximately $10,000,000 in reimbursements for additional security guards and patrols, which are considered project O&M costs. The conferees agree, however, that all project beneficiaries that benefit from an enhanced security posture at the Bureau's facilities should pay a share of the security costs. Accordingly, the Bureau is directed to provide to the House and Senate Committees on Appropriations, not later than 60 days after the enactment of this Act, a delineation of planned reimbursable security costs by project pro-rated by all project purposes.

Water conservation field service program.—Within the amounts provided, $1,000,000 shall be allocated for the Many Farms Irrigation Water Conservation project; $300,000 shall be allocated for urban water conservation projects identified through the Metropolitan Water District of Southern California Innovative Conservation Program; and $100,000 shall be allocated to initiate a study to identify concurrent and overlapping government programs aimed at improving water resource efficiency.

Central Valley Project Restoration Fund

The conference agreement provides $52,219,000 for the Central Valley Project Restoration Fund as proposed by both the House and the Senate.

California Bay–Delta Restoration

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $37,000,000 for the CalFed Delta Restoration program, as proposed by the Senate, instead of $35,000,000 as proposed by the House.

The funds provided are intended to support the following activities, as delineated below:

Environmental water account	$8,800,000
CALFED 180 Day Study	(500,000)
Storage program	11,500,000
San Joaquin River basin	(4,000,000)
Los Vaqueros	(3,200,000)
Shasta enlargement	(4,000,000)
Sites	(300,000)
Conveyance	4,800,000
San Luis Reservoir Low Point	(2,000,000)
Frank Tract	(500,000)
Planning and management activities	500,000
Water use efficiency	5,900,000
Westside regional drainage program	(1,650,000)
Butte County Groundwater Model	(250,000)
Inland Empire Utilities Agency regional water recycling project	(1,000,000)
Ecosystem restoration	2,500,000
Sacramento River small diversion fish screen program	(500,000)
Water Quality: Contra Costa Water District alternative intake project	2,000,000
Science program: Interagency ecological program	1,000,000
Total, California Bay-Delta Restoration	37,000,000

CALFED 180 Day Study.—The conference agreement includes $500,000, to be transferred to the Corps of Engineers, which shall be available to complete a report describing the Federal levee stability reconstruction projects and priorities that will be carried out through 2010. The conferees expect the Corps to budget appropriately for these activities in future budget submissions.

Policy and Administration

The conference agreement includes $57,917,000 for policy and administration as proposed by both the House and the Senate.

Administrative Provision

The conference agreement includes a provision limiting the purchase of not to exceed 14 passenger vehicles, as proposed by both the House and the Senate.

General Provisions

Department of the Interior

The conference agreement includes a provision regarding the San Luis Unit and Kesterson Reservoir in California, as proposed by both the House and the Senate.

The conference agreement includes a provision prohibiting the use of funds for any water acquisition or lease in the Middle Rio Grande or Carlsbad Projects in New Mexico unless the acquisition is in compliance with existing state law and administered under state priority allocation. This provision was contained in both the House and Senate bills.

The conference agreement includes a provision proposed by the House relating to agreements with the City of Needles, California or the Imperial Irrigation District for the design and construction of stages of the Lower Colorado Water Supply Project. No similar provision was contained in the Senate bill.

The conference agreement includes a provision as proposed by the Senate related to drought emergency assistance. No similar provision was contained in the House bill.

The conference agreement modifies a provision proposed in the Senate bill relating to Water 2025. The House bill contained no similar provision.

The conference agreement deletes a provision related to the Rio Grande Collaborative Water Operations Team.

The conference agreement modifies a provision proposed by the Senate relating to the Desalination Act. The House bill contained no similar provision.

The conference agreement includes a provision as proposed by the Senate relating to Animas-La Plata. The House bill contained no similar provision.

The conference agreement includes a provision proposed by the Senate relating to Desert Terminus Lakes. The House bill contained no similar provision.

The conference agreement includes a provision relating to a special report to update the analysis of costs and associated benefits of the Auburn-Folsom South Unit, Central Valley Project, California.

The conference agreement deletes a provision proposed by the Senate relating to Humbolt Project Title transfer.

The conference agreement deletes a provision proposed by the Senate relating to a feasibility study for Norman, Oklahoma.

The conference agreement deletes a provision relating to Animas-La Plata.

TITLE III—DEPARTMENT OF ENERGY

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Department of Energy. Additional items of conference agreement are discussed below. The allocations for specific projects and earmarks that were provided in the separate House and Senate reports are superceded by this conference report. Other programmatic guidance and reporting requirements identified in the separate House and Senate reports remain effective unless modified by the conference report.

The conferees are aware that the Energy Policy Act of 2005 (Public Law 109-58) imposed a number of new requirements on the Department. Unfortunately, these requirements were not included in the fiscal year 2006 budget request nor in the conference allocation. For urgent needs associated with the Energy Policy Act of 2005, the Department should submit a reprogramming request to the House and Senate Committees on Appropriations. The conferees expect the Department to budget fully for these new requirements in the fiscal year 2007 request.

SPECIAL NUCLEAR MATERIAL CONSOLIDATION

The conferees support the House language regarding the complex wide consolidation of special nuclear materials (SNM). The conferees are disappointed with the lack of urgency demonstrated by the Department when it comes to addressing the security and cost liability of having significant quantities of special nuclear materials at multiple departmental facilities across the complex. Unfortunately, the Department has indicated that it will not be able to bring all of its facilities and operations into compliance with the latest Design Basis Threat until 2008. This delay is unacceptable. With the MOX project starting construction at the Savannah River Site, the Department should move forward aggressively to develop a complex wide plan to achieve the significant cost and security benefits of material consolidation. The conferees direct the Secretary of Energy to provide a report to the Committees on Appropriations on the nuclear material consolidation activities, including detailed cost, scope, and schedule of consolidation activities, and facilities targeted for deinventorying of SNM and sites and facilities available to support the consolidation mission. The report to the Committees is due by July 1, 2006.

CONGRESSIONAL DIRECTION

The conferees support the House language requiring the Secretary to submit to the House and Senate Committees on Appropriations, Subcommittee on Energy and Water, a quarterly report on the status of all projects, reports, fund transfers, and other actions directed in the separate House and Senate reports for fiscal year 2006 and in this conference agreement.

BUDGET REQUIREMENTS

The conferees agree with the House language regarding budget justification requirements and five-year budget planning.

SAFEGUARDS AND SECURITY IMPLEMENTATION

The conferees agree with the House report language regarding problems with the Design Basis Threat (DBT) for DOE sites. The conferees expect the Department to adopt a postulated threat, a DBT, and a DBT implementation strategy that is consistent with that used by other federal agencies.

AUGMENTING FEDERAL STAFF

The conferees continue to be concerned about the numbers of management and operating contractor employees assigned to the Washington metropolitan area. However, the conferees do not impose a numerical ceiling for fiscal year 2006, as has been the case in previous fiscal years. Instead, the conferees expect the Secretary and the responsible program offices to manage this issue closely and avoid excessive growth in the number of contractor personnel assigned to the Washington area. The conferees maintain the reporting requirements contained in the House report.

LABORATORY DIRECTED RESEARCH AND DEVELOPMENT (LDRD)

The conferees are concerned with the level of overhead charges applied to programs funded in this bill and urge the Department to continue to work to minimize the overhead burden on all program activities. In order to ensure an equitable allocation of overhead costs the Secretary should apply overhead charges to LDRD activities consistent with cost accounting practices applied to program activities that are direct funded. The conference agreement increases the allowable percentage for LDRD, PDRD and SDRD activities to allow this accounting change without harming the underlying discretionary research activities. The change in accounting practices should be implemented with no net reduction in LDRD levels below 6 percent of the funds provided by the Department of Energy to such labs for national security activities and 2 percent for PDRD and SDRD activities at the appropriate plants and sites. Within 90 days after the date of enactment of this Act, the Secretary of Energy shall submit a report to the Committees on Appropriations detailing how the accounting change will be implemented without impacting the basic research and the change shall be implemented within 180 days of enactment.

EQUAL EMPLOYMENT OPPORTUNITY AT DOE LABORATORIES

Based on the recommendations of the GAO report (GAO–05–190) regarding equal employment opportunity within the Department of Energy, the conferees direct the Department of Energy to determine the causes of such disparities and take necessary corrective steps to address the problems identified.

REPROGRAMMING GUIDELINES

The conferees require the Department to inform the Appropriations Committees promptly and fully when a change in program execution and funding is required during the fiscal year. To assist the Department in this effort, the following guidance is provided for programs and activities funded in the Energy and Water Development Appropriations Act.

Definition.—A reprogramming includes the reallocation of funds from one activity to another within an appropriation, or any significant departure from a program, project, or activity described in the agency's budget justification as presented to and approved by Congress. For construction projects, a reprogramming constitutes the reallocation of funds from one construction project identified in the justifications to another project or a significant change in the scope of an approved project.

Criteria for Reprogramming.—A reprogramming should be made only when an unforeseen situation arises, and then only if delay of the project or the activity until the next appropriations year would result in a detrimental impact to an agency program or priority. Reprogrammings may also be considered if the Department can show that significant cost savings can accrue by increasing funding for an activity. Mere convenience or preference should not be factors for consideration.

Reprogrammings should not be employed to initiate new programs or to change program, project, or activity allocations specifically denied, limited, or increased by Congress in the Act or this statement. In cases where unforeseen events or conditions are deemed to require such changes, proposals shall be submitted in advance to the Appropriations Committees and be fully explained and justified.

Reporting and Approval Procedures.—The conferees have not provided statutory language to define reprogramming guidelines, but expect the Department to follow the letter and spirit of the guidance provided in this statement. Consistent with prior years, the conferees have not provided the Department with any internal reprogramming flexibility in fiscal year 2006, unless specifically identified in the conference report for particular programs, projects, or activities. Any reallocation of new or prior year budget authority or prior year deobligations must be submitted to the Appropriations Committees in writing and may not be implemented prior to approval by the Committees on Appropriations.

ENERGY SUPPLY AND CONSERVATION

The conference agreement provides $1,830,936,000 for Energy Supply and Conservation. The conferees direct that the Office of Electricity Delivery and Energy Reliability function as the principal DOE liaison with the Federal Energy Regulatory Commission.

Congressionally directed projects.—The conference agreement includes a list of Congressionally directed projects, within available funds, at the end of the Energy Supply and Conservation section. In the event the project totals exceed twenty percent of a subaccount, the Department has the discretion to fund these projects within other Energy Supply and Conservation subaccounts than those identified in the table. The conferees remind recipients that statutory cost sharing requirements may apply to these projects.

ENERGY EFFICIENCY AND RENEWABLE ENERGY RESOURCES

The conference agreement provides $1,185,700,000 for energy efficiency and renewable energy resources. The conferees provide $4,000,000 for the National Center on Energy Management and Building Technologies, and direct that this project shall be subject to the cost-sharing requirements of a research project rather than a demonstration project.

The conferees support DOE's efforts to strengthen project management within the Office of Energy Efficiency and Renewable Energy (EERE) with the establishment of the Project Management Center (PMC). With the success of the PMC, the conferees see no need for third-party contracting agents, and discourage the Department from engaging in third-party arrangements for the award and distribution of federal funds.

Hydrogen Technology.—The conference agreement includes $157,199,000 for hydrogen technology, of which $76,100,000 is designated for fuel cell technologies. The conferees provide the budget request for distributed reforming and electricity development, and no funds for recapturing heat from PEM fuel cells within distributed energy systems. The conferees provide $14,900,000 for infrastructure and $24,000,000 for vehicles for the demonstration projects in the budget request.

Biomass and Biorefinery Systems R&D.—The conference agreement includes $91,634,000 for integrated research and development on biomass and biorefinery systems. The conferees provide $3,500,000 for the Consortium for Plant Biotechnology Research.

Solar Energy.—The conference agreement includes $83,953,000 for solar energy programs, which includes $11,000,000 for concentrating solar power.

Wind energy.—The conference agreement includes $39,249,000 for wind energy programs.

Geothermal Technology.—The conference agreement includes $23,299,000 for geothermal technology, to include continued funding at current year levels for GeoPowering the West.

Hydropower.—The conferees recommend $500,000 for hydropower research. The Department should complete integration studies and close out outstanding contracts in advanced hydropower technology.

Vehicle Technologies.—The conferees recommend $183,943,000, which includes an increase of $1,000,000 for Advanced Combustion R&D, Combustion and Emission Control. The conferees provide $19,000,000 for the Automotive Lightweight Materials program; $500,000 for the hydrogen natural gas vehicles cylinder safety, inspection and maintenance program; and $3,500,000 for the Off-Highway Program. The conference agreement provides $10,000,000 to Oak Ridge National Laboratory to be divided evenly between materials development and computational modeling to develop highway transportation technologies.

Building Technologies.—The conferees recommend $69,966,000, to include $10,256,000 for equipment standards and analysis, an increase of $7,000,000 for lighting R&D, and a $3,000,000 increase for thermal insulation and building materials. Within the $20,000,000 provided for lighting R&D, $5,000,000 is to support a National Center for solid state lighting research and development through the Office of Science, to be competed among the centers for nanotechnologies. The conferees provide $1,000,000 for Oil Heat Research for residential buildings. The conferees encourage the Department to support energy efficiency research for affordable, factory-built housing through the Manufactured Housing Research Alliance.

Report Requirement.—The conferees request a report on appliance efficiency standards as directed in the House report.

Industrial Technologies.—The conference agreement includes $57,429,000 for industrial technologies, to include an increase of $2,402,000 for Industries of the Future, and a decrease of $1,642,000 for combustion R&D.

Distributed Energy and Electricity Reliability Program.—The conferees direct the activities within this account be merged within the Office of Electricity Delivery and Energy Reliability (OE), and the conference agreement includes $60,666,000 within OE to support these activities.

Federal Energy Management Programs.—The conferees provide $19,166,000 for the Federal Energy Management Programs, including $2,019,000 for the Departmental Energy Management Program.

Facilities and Infrastructure.—The conferees provide $26,315,000 for renewable energy Facilities and Infrastructure. This amount includes $5,800,000 for operations and maintenance of the National Renewable Energy Laboratory (NREL) in Golden, Colorado; $10,515,000 to continue construction of the new Science and Technology facility at NREL (project 02-E-001); and $10,000,000 for the design and construction of the already approved research support facilities at the National Renewable Energy Laboratory. The conferees direct that the design of the facilities should be bid competitively, and should demonstrate the use of state of the art renewable energy and energy efficiency technologies in the design of the buildings.

Weatherization and Intergovernmental activities.—The conferees provide $240,400,000 for weatherization assistance program grants, $4,600,000 for training and technical assistance, $36,000,000 for state energy program grants, $500,000 for state energy activities and $25,657,000 for gateway deployment. The conferees recommend that gateway deployment funds be distributed as follows: $3,807,000 for Rebuild America, $350,000 for energy efficiency information and outreach, $4,500,000 for building codes training and assistance, $8,000,000 for Clean Cities of which an additional $1,490,000 is provided above the budget request to expand E-85 fueling capacity, $6,000,000 for Energy Star, and $3,000,000 for inventions and innovations. The conferees include $3,910,000 for the international renewable energy program, $4,000,000 for tribal energy to include $1,000,000 for the Council of Renewable Energy Resource Tribes (CERT), and $5,000,000 for the Renewable Energy Production Incentive (REPI).

Program Support.—The conferees provide is $13,456,000 for Program Support, to include $3,500,000 to continue the efforts of the National Renewable Energy Laboratory to develop renewable energy resources uniquely suited to the Southwestern United States through its virtual site office in Nevada.

Program Direction.—The conferees provide $99,524,000 for Program Direction. The reduction of $2,000,000 from the request reflects the transfer of program direction funds to the Office of Electricity Delivery and Energy Reliability.

Regional Offices.—The conferees provide full funding for the six regional offices in fiscal year 2006. However, the conferees understand that the Administration is unlikely to request funding for the regional offices in the fiscal year 2007 budget request. In light of this, the conferees direct the regional offices be consolidated into the Project Management Center at the Golden Field Office and the National Energy Technology Laboratory not later than September 30, 2006.

OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY

The conferees provide $163,513,000 for Office of Electricity Delivery and Energy Reliability. The conferees direct that the activities within the Distributed Energy and Electricity Reliability Program, previously funded in the Energy Conservation account, be merged within the Office of Electricity Delivery and Energy Reliability. The conference agreement includes $60,666,000 for the transferred activities. Within available funds, the conference recommendation includes $2,000,000 for Thermal Energy Technologies; $2,000,000 for gas engine-driven heat pump development; $2,000,000 to complete the on-going Ammonia Absorption Technology Development for HVAC&R activity; $2,500,000 for a CHP engineering prototype and field test activity of ammonia absorption technology; continuation of desiccant research at a level of $1,500,000; and continuation of heat and mass transfer activities at a level of $2,000,000. The conference agreement includes $5,000,000 to conduct electricity transmission, distribution and energy assurance research and development activities at the National Energy Technology Laboratory and $10,000,000, equally divided between Idaho and Sandia National Laboratories, to support activities at the SCADA test facilities. The conference agreement includes $3,000,000 for deployment testing and analysis of advanced energy storage systems for telecommunication applications in Kansas. Detailed subprogram allocations are shown in the table at the end of Title III.

Program Direction.—The conference agreement includes $13,447,000 for program direction.

NUCLEAR ENERGY PROGRAMS

The conference agreement provides a total of $557,574,000 for nuclear energy programs. The Office of Nuclear Energy, Science and Technology is the lead office with landlord responsibilities for the Idaho site. Because this site provides considerable support to defense activities and naval nuclear reactors, $123,873,000 of costs is allocated to Other Defense Activities and $13,500,000 is allocated to Naval Reactors. Both programs are in the 050 budget function.

University Reactor Fuel Assistance and Support.—The conference agreement includes $27,000,000. The conferees support the inclusion of the Institute of Nuclear Science and Engineering at Idaho National Laboratory in this program.

Nuclear Energy Research and Development.—The conference agreement provides $226,000,000 for nuclear energy research and development. The conference agreement provides $66,000,000 for Nuclear Power 2010.

For Generation IV Nuclear Energy Systems, the conferees provide $55,000,000, of which $40,000,000 is provided for the Next Generation Nuclear Power Plant program. Within available funds, $4,000,000 is provided for the development of multiple high temperature fuel fabrication techniques in support of the Generation IV Nuclear Energy Systems.

The conferees provide $25,000,000 for the Nuclear Hydrogen Initiative. The conferees provide an additional $5,000,000 over the request to accelerate essential materials research and development and component design, test and evaluation for implementing the high temperature sulfuriodine water splitting process for hydrogen production necessary to the advanced reactor hydrogen co-generation project at Idaho National Laboratory.

The conferees provide $80,000,000 for the Advanced Fuel Cycle Initiative (AFCI), $10,000,000 over the request. The additional funds are to be used to accelerate the design activities associated with a proposed Engineering Scale Demonstration (ESD). This funding will allow completion of the conceptual design in fiscal year 2006 and enable pre-engineering design to commence in fiscal year 2007. The conferees direct the Department to accelerate the development of a separations technology that can address the current inventories of commercial spent nuclear fuel and select the preferred technology no later than the end of fiscal year 2007. The conferees direct the Department to submit the spent nuclear fuel recycling technology plan to the House and Senate Committees on Appropriations by March 1, 2006.

Reporting requirement.—The conferees direct the Department to submit to the House and Senate Committees on Appropriations a report on sodium bonded spent fuel, as outlined in the Senate report, no later than March 1, 2006.

Radiological Facilities Management.—The purpose of the Radiological Facilities Management program is to maintain the critical infrastructure necessary to support users from the defense, space, and medical communities on a reimbursable basis. The conference agreement provides $54,595,000 for this work.

The conferees provide $39,700,000 for Space and Defense Infrastructure. This includes the requested amounts to operate radioisotope power systems at the Idaho National Laboratory (INL), maintain iridium capabilities at Oak Ridge National Laboratory, and maintain and operate the Pu-238 mission at Los Alamos. The conferees recognize the need to free up floor space in TA-55 for pit production, and direct the Department to develop a strategy to relocate expeditiously the mission for Pu-238 processing from Los Alamos to INL. The conferees provide an increase of $8,500,000 for INL to plan and build the capability to assume the Pu-238 mission, so there is no gap in capability during the mission transfer. The conferees direct the Department to provide a mid-year report by March 31, 2006, on the transfer strategy and associated costs.

The conferees provide $14,395,000 for Medical Isotopes Infrastructure, and $500,000 for Enrichment Facility Infrastructure. The conferees provide no funding for the Medical Isotope Production and Building 3019 Complex Shutdown project. The conferees direct the Department to terminate promptly the Medical Isotope Production and Building 3019 Complex Shutdown project. The responsibility for disposition of the U-233 is transferred to the Defense Environmental Management program per DOE's recommendation, and the conferees have provided funds in the Defense Environmental Management appropriation for disposition of the material stored in Building 3019.

Idaho Facilities Management.—The conference agreement provides $113,862,000 for Idaho National Laboratory (INL) operations and infrastructure. Of this total, $82,600,000 is allotted to the 270 budget function and the balance, $31,262,000, is allotted to the 050 function and funded under Other Defense Activities and Naval Reactors. The conferees provide $102,907,000 for INL operations, $69,145,000 from function 270 Energy Supply, $17,762,000 from Other Defense Activities, and an increase of $13,500,000 from the Office of Naval Reactors to support the Idaho National Laboratory's Advanced Test Reactor (ATR) life extension program. The conferees also provide an additional $2,500,000 for the utility corridor extension project at the Idaho National Laboratory. The conferees provide $10,955,000 for Idaho facilities construction. This includes the requested amounts for the Gas Test Loop in the Advanced Test Reactor.

Idaho Site-wide Safeguards and Security.—The conferees provide $75,008,000 for Idaho sitewide safeguards and security as an 050 Defense Activity under the Other Defense Activities account.

Program Direction.—The conference agreement includes $61,109,000 for program direction. Of this amount, $30,006,000 is funded in the Energy Supply appropriation under budget function 270, and $31,103,000 is funded in the Other Defense Activities appropriation under budget function 050.

ENVIRONMENT, SAFETY AND HEALTH

The conference agreement provides $28,000,000 for non-defense environment, safety and health activities. The conference agreement includes $20,900,000 for program direction, the same as the budget request.

LEGACY MANAGEMENT

The conference agreement provides $33,522,000 for the Energy Supply-related activities of the Office of Legacy Management.

CONGRESSIONALLY DIRECTED ENERGY SUPPLY & CONSERVATION PROJECTS

Sub-accounts	Project	Conference recommendations
Biomass	Univ. of Georgia Biomass Pyrolysis Biorefinery Project (GA)	$1,250,000
	National Biofuel Energy Laboratory, NextEnergy Center (MI)	2,000,000
	Biomass Research Agricultural Development Ctr. (OH)	1,500,000
	Texas A&M Renewable Energy Animal Waste Project (TX)	1,000,000
	Wood Debris Bioenergy Project (CO)	1,000,000
	Clarkson Univ. Dairy Waste Public/Private Partnership (NY)	250,000
	Madison County Landfill Gas to Energy Project (NY)	1,000,000
	Asphalt Roofing Shingles into Energy Project, Xenia (OH)	1,000,000
	Ohio State University 4–H "Green" Building Project (OH)	1,000,000
	University of Iowa National Ag-Based Industrial Program (IA)	500,000
	Solid Waste Authority Pyramid Resource Center (OH)	2,000,000
	City of Stamford Waste-to-Energy Project (CT)	1,500,000
	Iowa State Univ. Biomass Energy Conversion Project (IA)	500,000
	Louisiana State Univ. Sugar Base Ethanol (LA)	500,000
	Iroquois Bio-Energy Consortium Ethanol Project (IN)	3,500,000
	Biotech to Ethanol Project (CO)	1,000,000
	New York Biomass/Methane Gas Power Fuel Cell Project (NY)	2,000,000
	Western Massachusetts Biomass Project (MA)	500,000
	Greenville Composite Biomass Project (ME)	750,000
	Research Triangle Institute Biomass Project (NC)	1,250,000
	Chariton Biomass Project (IA)	750,000
	Laurentian Bio-Energy Project (MN)	1,250,000
	Kona Carbon Biomass Project (HI)	1,000,000
	Mississippi State University Sustainable Energy Center (MS)	11,000,000
	Missouri Biodiesel Demonstration Project (MO)	1,000,000
	Auburn Alternative Fuel Source Study of Cement Kilns (AL)	1,000,000
	Canola-based Automotive Oil R&D (PA)	1,000,000
	Center for Advanced Bio-based Binders (IA)	800,000
	Devel. of Applied Membrane Technology for Processing Ethanol from Biomass (DE)	500,000
	Univ. of N. Iowa National Ag-Based Industrial Lubriant Center (IA)	500,000
	Michigan Biotechnology Institute (MI)	1,000,000
	Washington State Ferries Biodiesel Demonstration Project (WA)	500,000
	Oxydiesel demonstration project in California and Nevada (NV)	500,000
	LSU Biorefinery for Ethanol Chemicals, Animal Feed and Biomaterials (LA)	500,000
	Vermont Biomass Energy Resource Center (VT)	500,000
	UNLV Research Foundation Development of Biofuels Utilizing Ionic Transfer Membranes (NV)	3,000,000
Building tech	Carnegie Mellon Univ. Advanced Building Testbed (PA)	1,000,000
	National Center on Energy Management & Building Tech. (NV)	4,000,000
	University of Louisville Sustainable Buildings Project (KY)	400,000
Weath.	Office of International Energy Market Development (WV)	600,000
Clean Cities	E–85 Ethanol Vehicle Refueling Expansion (multi state)	500,000
Int-Govt.	International Utility Electricity Partnership (IUEP)	3,500,000
Prog Supp	NREL virtual site office in Nevada (NV)	3,500,000
Geothermal	Ohio Wesleyan Univ. Geothermal Demonstration Project (OH)	750,000
	Springfield Equestrian Center Energy Efficiency Project (OH)	1,500,000
	Lipscomb University Geothermal System (TN)	500,000
	Geothermal and Renewable Energy Laboratory of Nevada (NV)	1,000,000
Hydrogen	University of South Carolina Fuel Cell Design Project (SC)	2,000,000
	Fuel Cell Freeze/Cold Start Program (CT)	1,000,000
	Center for Intelligent Fuel Cell Materials Design (multi-state)	1,500,000
	Hydrogen Fuel Cell Project Edison Materials Technology (OH)	2,500,000
	Indigenous Energy Development Center (PA)	1,000,000
	Delaware State University Center for Hydrogen Storage (DE)	1,000,000
	Florida Int'l Univ. Cntr for Energy & Tech. of the Americas (FL)	1,000,000
	City of Auburn Energy Production Issues at Wastewater Plant (NY)	900,000
	Hydrogen Fleet Infrastructure Demonstration Project (MI)	2,000,000
	Purdue Hydrogen Technologies Program (IN)	1,000,000
	Detroit Commuter Hydrogen Project (MI)	1,300,000
	City of Chicago Ethanol to Hydrogen Project (IL)	2,000,000
	California Hydrogen Storage and Systems Technologies (CA)	1,000,000
	Univ. of Arkansas at Little Rock Hydrogen Storage Project (AR)	400,000
	Univ. of Akron Fuel Cell Laboratory (OH)	500,000
	Kettering Univ. Fuel Cell Project (MI)	500,000
	Hydrogen Optical Fiber Sensors (CA)	500,000
	UNLV Research Foundation solar-powered thermochemical prod.of hydrogen (NV)	3,400,000
	UNLV Research Foundation hydrogen fuel cell & storage R&D (NV)	3,400,000
	Montana Palladium Research Center (MT)	2,500,000
	Regional Transportation Commission of Washoe Co. Hydrogen Fuel Cell Project (NV)	2,500,000
	U. of Arkansas Little Rock Nanotechnology Center production of Hydrogen (AR)	500,000

CONGRESSIONALLY DIRECTED ENERGY SUPPLY & CONSERVATION PROJECTS—Continued

Sub-accounts	Project	Conference recommendations
	UNLV Research Foundation renewable hydrogen fueling station system, including development of high pressure electrolysis using photovoltaics (NV).	3,400,000
	UNLV Research Foundation development of photoelectric chemical production of hydrogen (NV)	2,500,000
	Univ. of S. Mississippi's School of Polymers and High Performance Materials Improved Materials for Fuel Cell Membrans Program (MS)	500,000
	Univ. of Nevada-Reno Photoelectrochemical generation of hydrogen by solid nanoporous titanium dioxide project (NV)	3,000,000
	California Hydrogen Infrastructure Project (CA)	400,000
	Southern Nevada Alternative Fuels Demonstration Project (NV)	500,000
	Hydrogen Mine Loader Project (CO)	250,000
Solar Energy	Rensselaer Polytechnic Inst. Syracuse Univ. "Green Building" (NY)	750,000
	Crowder College Alternative Renewable Energy Center (MO)	1,000,000
	Univ. of Arkansas Research in Solar Energy Field (AK)	500,000
	Oregon Nanoscience and Microtechnologies Institute (OR)	1,500,000
	Conductive Coating Solar Cell Research Project (MA)	1,500,000
	Ultra Thin Film Photo Voltaic Charging System (FL)	1,000,000
	Brightfield Solar Energy (MA)	700,000
	National Orange Photovoltaic Demonstration (CA)	450,000
	Sandia National Lab. Development of advanced cells and modules (NM)	1,000,000
	Sandia National Lab. Megawatt demonstration concentrating solar project (NM)	3,500,000
	UNLV Research Foundation for photonics research, including evaluation of advanced fiber optics for hybrid solar lighting (NV)	2,500,000
Vehicle Tech	Phase II Heavy Vehicle Hybrid Propulsion (WI)	3,000,000
	High Temperature Material Laboratory (TN)	1,000,000
	Turbocharger Diesel Engine R&D (multi-state)	4,000,000
	National Hybrid Truck Manufacturing Program (CA)	2,000,000
	Vehicle Test Strip Equipment Demonstration (NC)	1,500,000
	Oak Ridge National Lab highway transportation technologies (TN)	10,000,000
	Mississippi State University CAVS Center (MS)	4,000,000
	VULCAN Beam Line (TN)	2,000,000
	Transportable Emissions Testing Laboratory	1,500,000
Wind Energy	Mt. Wachusett Community College Wind Project (MA)	1,000,000
	Wyandotte Wind Energy on Brownfields Initiative (MI)	1,000,000
	Illinois State University Wind Energy Resources (IL)	1,000,000
	Texas Tech. Univ. Great Plains Wind Power Facility (TX)	500,000
	Brigham City Turbine (UT)	500,000
	TowerPower Wind Project (MD)	750,000
	White Earth Tribal Nation Wind Project (MN)	1,000,000
	Coastal Ohio Wind Project (OH)	1,000,000
	Randall's and Ward's Island Wind Project (NY)	1,000,000
	Brigham City, UT Wind Energy Project (UT)	500,000
	Alaska Wind Energy (AK)	1,500,000
	Renewable Energy for Rural Economic Development Program (UT)	500,000
	Synchronous Wind Turbines (ID)	500,000
	Texas Tech. Great Plains Wind Power Test Facility (TX)	1,000,000
	North Dakota Hydrogen Wind Pilot Project (ND)	500,000
	Fox Ridge Renewable Energy Education Center (SD)	500,000
	PowerJet Wind Turbine Project (NV)	250,000
OE	Iowa Stored Energy Plant Project (IA)	1,500,000
	University of Louisville Electric Grid Monitoring (KY)	1,000,000
	Gonzaga University electric utility transformation program (WA)	800,000
	Emerson Network Power,Columbus Ohio (OH)	2,000,000
	Energy Security and diversification at Savannah River National Lab (SC)	1,000,000
	City of Nome power generation replacement project (AK)	1,000,000
	Gridwise Northwest Demonstration Project (WA)	1,500,000
	Juneau-Green Creek-Hoonah intertie for Juneau area power system (AK)	1,000,000
	Complete of bi-polar wafer cell Ni-MH electric energy storage system (CT)	1,500,000
	Connecticut Demand Response Technologies Project (CT)	1,000,000
	Notre Dame University Ionic Liquids Research collaboration (IN)	1,500,000
	Advanced Grid Application Consortium (PA)	2,000,000
	Pilot Energy Cost Control Evaluation Project at NETL (WV)	2,000,000
	Green Island Power Authority, Advanced Transmission Project (NY)	1,000,000
	Cleveland State Ctr. for Research in Electric and Aerospace Tech. (OH)	1,000,000
	Advanced Energy Storage, PCRT(MA)	1,000,000
	Tennessee Tech. Univ. Optimization of High Voltage lines (TN)	1,000,000
	Advanced Technology Center (IL)	1,000,000
	Continued Development of an energy information training facility at Camp Dawson (WV)	2,500,000
	West Virginia Univ. Integrated control of next generation power systems project (WV)	1,000,000
	Deployment testing and analysis of advanced energy storage systems for telecommunications applications in Kansas (KS)	2,500,000
	Hawaii/New Mexico Sustainable Energy Security Partnership (HI/NM)	3,000,000
	Navajo Electrification Project (NM)	1,000,000
	Load Control System Reliability (MT)	2,000,000
	University of Missouri-Rolla for electric grid modernization (MO)	1,000,000
	Integrated Distribution Management Systems in Alabama (AL)	800,000
	Houston Advanced Research Center for Second generation dish temperature super conductor devekopment (TX)	250,000
Nuclear Energy	Transfer of Nuclear Safety Technologies in Lithuania 3,000,000.	
	Utility Corridor Extension Project at the Idaho Natioal Lab (ID)	2,500,000
	UNLV Research Foundation 5-year cooperative agreement to study deep burn-up of nuclear fuel and other fuel cycle research to eliminate the need for multiple spent nuclear fuel repositories, to eliminate weapons useable materials from disposed spent fuel, and to maintain forever potential radiological releases from a repository below currently legislated limits (NV).	5,000,000
	Idaho Accelerator Center (ID)	2,000,000
	Nuclear Energy Materials Test Station at Los Alamos Neutron Science Center (NM)	3,500,000
	University of Nevada Reno Center for Materials Reliability (NV)	1,000,000
	Univ. of Nevada Reno Nuclear Transportation Hazard Research (NV)	750,000

CLEAN COAL TECHNOLOGY
(DEFERRAL AND RESCISSION)

The conference agreement provides for the deferral of $257,000,000 in clean coal technology funding until fiscal year 2007. These balances are no longer needed to complete active projects in this program. These funds are to be used for costs associated with the FutureGen program in fiscal year 2007 and beyond, to develop a coal-fired, nearly emissions-free electricity and hydrogen generation plant. The conference agreement rescinds $20,000,000 of prior year uncommitted balances from excess contingency estimates in demonstration projects. This rescission was misapplied to Fossil Energy Research and Development in both the House and Senate reports, and is now correctly applied to Clean Coal Technology.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

The conference agreement provides $597,994,000 for fossil energy research and development. Bill language is included providing that Federal employees in fiscal year 2006 performing research and development activities at the National Energy Technology Laboratory can be funded from program accounts. The conferees direct the Department to budget for the salaries and expenses of federal employees in program direction accounts, and the fiscal year 2007 budget request should reflect this adjustment.

Clean coal power initiative.—The conference agreement provides $50,000,000, the amount of the budget request for the Clean Coal Power Initiative (CCPI). The $50,000,000 request from the Administration in fiscal year 2006 is woefully short of the $200,000,000 commitment made by the Administration. The conferees direct the Administration to fulfill the commitments made to CCPI. Funds remaining from the termination of the low emission boiler project are to be transferred to the Clean Coal Power Initiative.

FutureGen.—The conference agreement provides $18,000,000, the amount of the request for FutureGen. The conferees understand and recognize the value of the FutureGen project. However, the conferees are concerned about maintaining adequate funding for the core fossil energy research, development, and demonstration programs, especially with the new programmatic demands of the Energy Policy Act of 2005. The conferees will continue to give full consideration to the FutureGen project, contingent upon the Administration maintaining adequate funding requests for other related fossil energy programs.

Fuels and Power Systems.—The conference agreement provides a total of $311,998,000 for Fuels and Power Systems. Within the funds provided, the conferees provide $25,400,000 for innovations at existing plants; $56,450,000 for advanced Integrated Gas Combined Cycle; $18,000,000 for advanced turbines; $67,000,000 for carbon sequestration (including $6,000,000 for Center for Zero Emissions Research and Technology of which $1,500,000 is for the Los Alamos National Laboratory); $29,000,000 for fuels; $62,000,000 for fuel cells including $8,000,000 for high temperature electrochemistry; and $53,154,000 for advanced research. The conferees provide $4,000,000, the amount of the budget request, for the Focus Area for the Computational Energy Science. The conferees provide $994,000 for the U.S. China Energy and Environmental Center. The conferees direct that any hydrogen research and development funded under Fossil Energy be focused on fossil fuels research and development. The conferees are aware of the work conducted by C1Chemistry, and encourage the Department to consider proposals for additional research by the consortium.

Natural Gas Technologies.—The conference agreement provides $33,000,000 for natural gas technologies, an increase of $23,000,000 over the budget request. The conferees provide $9,000,000 for advanced drilling, completion and stimulation, including Deep Trek; $4,000,000 to continue work aimed at expanding the recoverability of natural gas from low-permeability formations; $2,000,000 for stripper wells and technology transfer; $1,000,000 to improve the reliability and efficiency of gas storage systems; and $2,000,000 for liquid natural gas technologies. Within the funds provided, the conference agreement includes $12,000,000 for gas hydrates, and $3,000,000 to continue research to develop treatment technologies that will allow water from conventional gas wells or coal bed methane wells to be put to beneficial use or to be safely discharged to the surface.

Petroleum-Oil Technologies.—The conference agreement provides $32,000,000 for petroleum-oil technologies, an increase of $22,000,000 over the budget request. The conferees provide $4,000,000 for enhancing utilization of industrial carbon dioxide; $4,000,000 for drilling and completion enhancements that support microhole exploration; $4,000,000 for reservoir imaging; $3,000,000 for improved gas flooding recovery methods; $6,000,000 reservoir life extension; $10,000,000 for environmental protection; and, $1,000,000 for the Interstate Oil and Gas Compact Commission.

Program Direction.—The conference agreement includes $106,941,000, an increase of $8,000,000 above the budget request, for the National Energy Technology Laboratory to maintain the personnel that otherwise would have been lost as the result of the proposed gas and petroleum-oil program reductions in the budget request.

Plant and Capital Equipment.—The conference agreement includes $20,000,000 for plant and capital equipment, an increase of $20,000,000 above the budget request. Within these funds, $18,000,000 is for the infrastructure improvement program at the National Energy Technology Laboratory and $2,000,000 is for general plant projects.

Other programs.—The conference agreement includes $9,600,000 for fossil energy environmental restoration; $1,799,000 for import/export authorization; $8,000,000 for advanced metallurgical research; $656,000 for special recruitment programs; and $6,000,000 for the Energy and Environmental Research Center under cooperative research and development.

Prior year balances.—The conference agreement recommends no reduction in prior year balances, instead of the $20,000,000 reduction as proposed by the House and by the Senate.

Congressionally Directed Projects.—The conferees' recommendation includes the following Congressionally directed projects, within available funds. The conferees remind recipients that statutory cost sharing requirements may apply to these projects.

CONGRESSIONALLY DIRECTED FUELS & POWER PROJECTS

Accounts	Project	Conference recommendation
Fuels&Power	Ramgen engine development (multi state)	$2,500,000
	MW-Scale oxide fuel cell gas turbine hybrid system (multi state)	2,500,000
	MW-Scale Solid oxide fuel cell stat. power generation (OH)	3,000,000
	Jupiter Oxy Fuel Tech (multi state)	7,800,000
	Solid oxide fuel cell tech. Stat power applications project (NC)	1,000,000
	Powerspan Electro Catalytic Oxidation project (OH)	1,000,000
	New York City Parks Randall's Island (NY)	1,000,000
	Center for Advanced Separation Technologies (VA)	1,000,000
	Power Plant Flue Gas Cleaning/Poll Elimination project (VA)	2,200,000
	GEDAC packaged Gas Engine-Driven Heat Pump (multi state)	2,200,000
	Planar Solid Oxide Fuel Cell Project (CA)	1,500,000
	Advanced Metallurgical Process, Albany Research Center (OR)	1,300,000
	Energy and Environmental Research Center (EERC) (ND)	1,000,000
	Development of continuous solvent extraction processes for coal derived carbon products (WV)	700,000
	West Virginia Univ. study of long-term environmental and economic impacts of the development of coal liquefaction in China (WV)	500,000
	WVU Lightweight composite materials for heavy duty vehicles program (WV)	500,000
	Coal to Liquids Program—Phase II (MT)	2,000,000
	Utah Center for Ultra-Clean Coal Utilization (UT)	1,900,000
	Coal-Waste Slurry Reburn Project (PA)	500,000
	Univ. of Wyoming Multi-Disciplinary Coal-bed Natural Gas Research Center (WY)	1,500,000
	National Center for Hydrogen Technology (ND)	2,500,000
	ITM/Syngas Project (PA)	2,000,000
	Solid Oxide Fuels Cells (PA)	4,000,000
	National Biofuel Energy Laboratory (MI)	2,000,000
	Arctic Energy Office (AK)	7,000,000
	Risk Base Data Management System (AK)	400,000
	Utah Center for Heavy Oil Research (UT)	1,500,000
	University of Mississippi hydrates research (MS)	1,000,000

NAVAL PETROLEUM AND OIL SHALE RESERVES

The conference agreement provides $21,500,000, the same as the Senate, and an increase of $3,000,000 over the House, to support the activities under the Naval Petroleum Reserve (NPR) Colorado, Utah, and Wyoming program.

Reporting requirements.—Within available funds, the conferees direct the Department to conduct a study on the environmental liabilities at the Rocky Mountain Oilfield Testing Center (RMOTC) in Wyoming. The study should include field work to determine the scope of the contamination and the life cycle cost to remediate the site. The report is due to the House and Senate Committees on Appropriations by May 1, 2006.

ELK HILLS SCHOOL LANDS FUND

The conferees provide $48,000,000, the same as the budget request, for the Elk Hills School Lands Fund. Combined with the fiscal year 2005 advance appropriation of $36,000,000, this will make available a total of $84,000,000 in fiscal year 2006, as proposed by both the House and the Senate.

STRATEGIC PETROLEUM RESERVE

The conference agreement provides $166,000,000, for the strategic petroleum reserve as proposed by both the House and the Senate. The conferees recognize the Department will be conducting a site selection process for the expansion of the strategic petroleum reserve as provided in the Energy Policy Act of 2005.

NORTHEAST HOME HEATING OIL RESERVE

The conference agreement provides no new funding, consistent with the budget request, for the Northeast Home Heating Oil reserve, because the Department has confirmed that sufficient carryover balances exist.

ENERGY INFORMATION ADMINISTRATION

The conference agreement provides $86,176,000, $250,000 above the request, for the Energy Information Administration. The increase above the request is to fund increased requirements for cybersecurity measures to safeguard computer systems and data integrity.

NON-DEFENSE ENVIRONMENTAL CLEANUP

The conference agreement provides $353,219,000 for Non-Defense Environmental Cleanup, an increase of $3,285,000 over the budget request. This increase is for the East Tennessee Technology Park at Oak Ridge National Laboratory.

Milestone report.—While the budget structure has changed, the conferees remain interested in whether the Department has met its goals for completion for years 2006, 2012, and 2035. The conferees request a report by site that tracks accelerated clean-up milestones, whether they are being met or not, and includes annual budget estimates and life-cycle costs, due to the House and Senate Committees on Appropriations by March 1 and September 1 of each year.

Reprogramming Authority.—The conferees continue to support the need for flexibility to meet changing funding requirements at sites. In fiscal year 2006, the Department may transfer up to $2,000,000 within accounts, and between accounts, to reduce health or safety risks or to gain cost savings as long as no program or project is increased or decreased by more than $2,000,000 once during the fiscal year. The account control points for reprogramming are the Fast Flux Test Reactor Facility, West Valley Demonstration Project, Gaseous Diffusion Plants, Small Sites, and construction line-items. This reprogramming authority may not be used to initiate new programs or to change the funding levels for programs specifically denied, limited, or increased by Congress in the Act or statement. The Committees on Appropriations in the House and Senate must be notified within thirty days of the use of this reprogramming authority.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

The conference agreement provides $562,228,000 for activities funded from the Uranium Enrichment Decontamination and Decommissioning (UED&D) Fund. This amount includes $542,228,000 for decontamination and decommissioning activities at the gaseous diffusion plants and $20,000,000 for Title X uranium and thorium reimbursements. For the decontamination and decommissioning of the gaseous diffusion plants, the conferees provide $192,157,000 for Portsmouth, Ohio; $105,000,000 for Paducah, Kentucky; and $245,071,000 for East Tennessee Technology Park in Oak Ridge.

The conferees direct the Government Accountability Office (GAO) to investigate the contamination of phosgene at the gaseous diffusion plants.

SCIENCE

The conference agreement provides $3,632,718,000, instead of $3,666,055,000 as proposed by the House and $3,702,718,000 as proposed by the Senate. Specific funding allocations and earmarks proposed by the House and Senate are superceded by the allocations and earmarks listed in this joint explanatory statement.

High Energy Physics.—The conference agreement provides $723,933,000 for high energy physics research. The control level is at the High Energy Physics level. An additional $10,000,000 is provided for research on the international linear collider and for upgrades to the neutrino research program. The conferees support the DOE/NASA Joint Dark Energy Mission (JDEM) and encourage the Department to move JDEM forward aggressively to accomplish this important research.

Nuclear Physics.—The conference agreement provides $370,741,000 for nuclear physics research, including $2,000,000 of construction funds for project engineering and design of the electron beam ion source at Brookhaven National Laboratory (project 06–SC–02). The conferees support the Rare Isotope Accelerator (RIA) but are concerned that the Department does not seem to be making tangible progress toward realization of RIA. The conferees reiterate the reporting requirement, as outlined in Senate Report 109–84, for the Department to define a specific path forward on RIA. The conferees also recognize the importance of the 12 GeV upgrade of the Continuous Electron Beam Accelerator Facility at the Thomas Jefferson National Accelerator Facility and support initiation of project engineering and design within available funds.

Biological and Environmental Research.—The conference agreement includes $585,688,000 for biological and environmental research, an increase of $130,000,000 over the budget request. This increase is provided to fund Congressionally-directed projects as listed in the table below. Within available funds, the conferees direct the Department to provide an additional $3,500,000 for upgrades to instrumentation at the Environmental Molecular Sciences Laboratory (EMSL). The conferees support the development of the proposed Genomes to Life (GTL) facilities, and encourage the Department to budget for the first of these GTL facilities, for the production and characterization of proteins and molecular tags, in fiscal year 2007. The conferees encourage the Department to reduce the cost of the GTL facilities to accelerate deployment of all four proposed GTL centers. Due to the nature of this research, there is a need for all of the facilities to be deployed to meet the scientific challenge of molecular characterization. The conferees recommend that the Department conduct an open competition for the siting of these GTL facilities.

CONGRESSIONALLY DIRECTED OFFICE OF SCIENCE PROJECTS

Project	*Conference recommendation*
BER Univ. of Alabama Dept. of Neurobiology to purchase a FMRI (AL)	$300,000
BER Baylor University Lake Whitney Assessment (TX)	500,000
BER SUNY IT Nano-Bio-Molecular Technical Incubator (NY)	750,000
BER San Antonio Cancer Center (TX)	500,000
BER University of South Alabama Cancer Research Institute (AL)	500,000
BER Indiana Wesleyan University Marion for a registered nursing program (IN)	500,000
BER Virginia Commonwealth University Massey Cancer Center (VA)	1,000,000
BER Construction of new science facility at Bethel College (IN)	300,000
BER University of Wyoming Coalbed Methane research center (WY)	500,000
BER Hampton University Cancer Treatment Center (VA)	500,000
BER George Mason University research against Biological Agents (VA)	1,000,000
BER Lehigh University Critical Infrastructure Lab. (PA)	400,000
BER St. Thomas University Minority Science center (FL)	400,000
BER Seton Hall Science/Tech Center (NJ)	500,000
BER Alvernia College for a Science and Health Building (PA)	500,000
BER Institute for Advanced Learning Research Dansville (VA)	400,000
BER Galileo Magnet High School Danville (VA)	100,000
BER Washington & Jefferson science initiative (PA)	400,000
BER Science building at Waubonsee Community College (IL)	2,000,000
BER AVETeC data mamt.electronics and comm. NextEdge Tech.Park (OH)	3,000,000
BER Duchenne Muscular Dystrophy research Univ. of Washington School of Med. (WA)	300,000
BER Duchenne Muscular Dystrophy research Children's National Medical Ctr. (DC)	300,000
BER Ohio State University for Earth University (OH)	300,000
BER Northeast Regional Cancer Institute (PA)	300,000
BER Centenary College laboratory (NJ)	500,000
BER Construction of Science Center at Midwestern Univ. (IL)	300,000
BER Univ. of Oklahoma Center Applications Single-Walled Nanotubes (OK)	1,000,000
BER University of Connecticut live cell molecular imaging (CT)	300,000
BER University of Central Florida for optics tech in X-Ray (FL)	700,000
BER North Shore-Long Island Jewish Health System Breast Cancer Research (NY)	500,000
BER Michigan Research Institute Life Science Research Center (MI)	1,350,000
BER Univ. of Arizona Environmental and Natural Resources Phase II (AZ)	1,000,000
BER Children's Hospital of Illinois (IL)	500,000
BER Research Equipment Coe College (IA)	300,000
BER Loma Linda University Medical Center (CA)	2,000,000
BER Triology Linear Accelerator at Owensboro Medical Health System (KY)	300,000
BER Burpee Museum of Natural History (IL)	500,000
BER Rockford Health Council (IL)	700,000
BER Henry Mayo Hospital to purchase new equipment (CA)	400,000
BER Washington State University Radio Chemistry (WA)	300,000
BER Lapeer Regional Medical Center linear accelerator (MI)	300,000
BER University of Nebraska at Kearney (NE)	400,000
BER Science Media program at Ball State University (IN)	400,000
BER Franklin and Marshall life science building (PA)	500,000
BER Boulder City Hospital (NV)	300,000
BER Grady Health system disaster preparedness center project (GA)	300,000
BER Great Lakes Science Center (OH)	750,000
BER Cleveland Clinic Brain Mapping (OH)	1,000,000
BER Roswell Park Cancer Center (NY)	500,000
BER St. Marys Cancer Center Long Beach (CA)	500,000

Project	Conference recommendation
BER National Polymer Center at the University of Akron (OH)	500,000
BER Biological and Environmental Center at Mystic Aquarium (CT)	500,000
BER Riverview Medical Center oncology program (NJ)	300,000
BER Saratoga Hospital Radiation Therapy Center (NY)	750,000
BER State University of New York- Delhi (NY)	750,000
BER Kern Medical Center to purchase and install MRI machine (CA)	1,000,000
BER Western Michigan University Geosciences Initiative (MI)	100,000
BER Environmental System Center at Syracuse University (NY)	700,000
BER SUNY-ESF Woody Biomass Project (NY)	700,000
BER ORNL Supercomputer Connectivity NextEdge Technology Park (TN)	900,000
BER Oliveit Nazarene University Science Lab (IL)	300,000
BER Northern Virginia Comm. College training biotechnology workers (VA)	500,000
BER Recording for the Blind and Dyslexic (FL)	500,000
BER Eckerd College Science Center (FL)	500,000
BER Notre Dame Ecological Genomics Research Institute (IN)	1,750,000
BER Inland Water Environmental Institute (ID,WA,UT)	1,000,000
BER St. Francis Science Center (IN)	250,000
BER Medical Research and Robotics, University of Southern California (CA)	1,000,000
BER Hampshire College National Center for Science Education (MA)	500,000
BER Pioneer Valley Life Science Initiative Univ. of Massachusetts (MA)	750,000
BER MidAmerica Nazarene Univ. nursing biological science program (KS)	750,000
BER Westminster College Science Center (UT)	750,000
BER City College of San Francisco-Health Related Equipment (CA)	750,000
BER Science South Development (SC)	1,000,000
BER St. Joseph Science Center (PA)	750,000
BER University North Carolina Biomedical Imaging (NC)	750,000
BER Augsburg College (MN)	1,000,000
BER Morehouse School of Medicine (GA)	1,000,000
BER Jersey City Medical Center (NJ)	1,000,000
BER University of Rochester James P. Wilmot Cancer Center (NY)	1,000,000
BER Bronx Community College Center for Sustainable Energy (NY)	1,000,000
BER Texas A&M Lake Granbury and Bosque River Assesment (TX)	500,000
BER Methodist College Environmental Simulation Research (NC)	500,000
BER Brooklyn College Microscope and Imaging Center (NY)	750,000
BER Warner Robins Air Logistics Center (GA)	750,000
BER University of Chicago Comer Children's Hospital (IL)	1,000,000
BER Martha's Vineyard Hospital (MA)	750,000
BER Joint environmental stewardship at SUNY New Paltz and Ulster CC (NY)	750,000
BER Central Arkansas Radiation Therapy Institute/Mountain Home (AR)	500,000
BER Children's Hospital of Los Angles (CA)	750,000
BER Wake Forest University Institute for Regenerative Medicine (NC)	750,000
BER Indianapolis Energy Conversion Institute (IN)	1,000,000
BER Philadelphia Educational Advancement Alliance (PA)	450,000
BER Barry University-Miami Shores (FL)	300,000
BER Montgomery College Biotechnology Project (MD)	500,000
BER Purdue Calument Water Institute (IN)	500,000
BER University of Chicago Integrated Bioengineering Institute (IL)	750,000
BER Mind Institute in New Mexico (NM)	11,000,000
BER Mississippi State University Bio-fuel Application (MS)	1,000,000
BER University of Louisville Institute for Advanced Materials (KY)	1,500,000
BER Center for River Dynamics and Restoration at Utah State University (UT)	400,000
BER Texas Metroplex Comprehensive Imaging Center (TX)	2,500,000
BER Ultra Dense Memory Storage for Supercomputing in Colorado (CO)	1,000,000
BER Health Sciences Research and Education Facility (MO)	1,500,000
BER National Center for Regenerative Medicine (OH)	1,500,000
BER U. of Alabama at Birmingham-Radiation Oncology Functional Imaging Program (AL)	1,000,000
BER University City Science Park, Philadelphia (PA)	1,500,000
BER Jackson State University Bioengineering Complex (MS)	2,000,000
BER Regis University Science Building Renovation Project (CO)	800,000
BER St. Jude's Children's Research Hospital (TN)	500,000
BER California Hospital Medical Center PET/CT Fusion Imaging System (CA)	500,000
BER Mount Sinai Medical Center Imaging and Surgical Equipment (FL)	1,000,000
BER Benedictine University Science Lab & Research Equipment (IL)	350,000
BER Swedish American Health Systems (IL)	350,000
BER La Rabida Children's Hospital, Chicago (IL)	350,000
BER Edward Hospital, Plainfield, IL (IL)	500,000
BER Rush Medical Center (IL)	250,000
BER Morgan State University Center for Environmental Toxicology (MD)	800,000
BER Mt. Sinai Hospital Cardiac Catherization Lab (MD)	350,000
BER U. of Mass. at Boston Multi-Disciplinary Research Facility & Library (MA)	500,000
BER CIBS Solar Cell Development (NE)	400,000
BER University Medical Center of S. Nevada Radiology/Oncology Equip. (NV)	1,000,000
BER Pyramid Lake Paiute Tribe Energy Project (NV)	250,000
BER University of Delaware Medical Research Facility (DE)	550,000
BER St. Francis Hospital, Delaware Linear Accelerator (DE)	500,000
BER Wastewater Pollution and Incinerator Plant in Auburn, NY (NY)	250,000
BER South Nassau Hospital Green Building (NY)	1,500,000
BER ViaHealth/Rochester General Hospital Emergency Department (NY)	400,000
BER University of Vermont Functional MRI Research (VT)	400,000
BER Vermont Institute of Natural Sciences (VT)	1,000,000
BER Castleton State College Math and Science Center (VT)	2,000,000
BER Nevada Cancer Institute (NV)	1,000,000
BER Queen's Medical Center Telemedicine Project (HI)	500,000
BER Michigan Technological University Fuel Cell Research (MI)	500,000
BER St. Francis Hospital Escanaba, Michigan (MI)	250,000
BER Sarcoma Alliance for Research through Collaboration (MI)	250,000
BER Hackensack University Medical Center Green Building (NJ)	1,000,000
BER Hackensack U. Medical Center Ambulatory Adult Cancer Center (NJ)	250,000
BER College of New Jersey Genomic Analysis Facility (NJ)	250,000
BER W. Michigan U. Expanded Energy & Natural Resources Learning Ctr (MI)	500,000
BER Arnold Palmer Prostate Center (CA)	500,000
BER LA Immersive Tech. Enterprise program at the U. of LA-Lafayette (LA)	400,000
BER Brown University MRI Scanner (RI)	1,000,000
BER University of Dubuque Environmental Science Center (IA)	700,000
BER New School University in New York City (NY)	500,000
BER Oregon Nanoscience and Microbiologies Institute (OR)	400,000
BER GeoHeat Center at the Oregon Renewable Energy Center (OR)	500,000
BER Portland Center Stage Armory Theater Energy Conservation Project (OR)	500,000
BER U. of Massachusetts Medical School NMR Spectrophotometer (MA)	250,000
BER Mojave Bird Study (NV)	250,000
BER Minnesota Center for Renewable Energy	500,000
BER Science Center at Malby Nature Preserve in Minnesota (MN)	250,000
BER Existing Business Enhancement Program Building, U. of N. Iowa (IA)	1,000,000

Project	*Conference recommendation*
BER Medical University of South Carolina (SC)	500,000
BER Community College of Southern Nevada Transportation Academy (NV)	500,000
BER South Dakota State University (SD)	1,000,000
BER Univ. of Arkansas Cancer Research Center (AR)	1,000,000
BES Altair Nanotech (NV)	2,500,000
MM UCLA Institute for Molecular Medicine (CA)	7,000,000
MM New York Structural Biology Center (NY)	750,000
BER University of North Dakota Center for Biomass Utilization (ND)	1,000,000
BER St. Joseph College, West Hartford alternative sources of energy dem.project (CT)	500,000
BER Portland State University's Solar Photovoltaic Test Facility System (OR)	150,000
BER Brockton Photovoltaic Initiative (MA)	100,000

Basic Energy Sciences.—The conferees provide $1,146,017,000 for basic energy sciences, the same as the budget request. The conference agreement includes $746,143,000 for materials sciences and engineering research, and $221,801,000 for chemical sciences, geosciences, and energy biosciences. All basic energy science construction projects are funded at the request level: $41,744,000 for the Spallation Neutron Source (99 E 334) at Oak Ridge National Laboratory; $2,544,000 for Title I and Title II design work (03 SC–002) and $83,000,000 to initiate construction (05–R–320) for the Linac Coherent Light Source at the Stanford Linear Accelerator Center: $36,553,000 for the Center for Functional Nanomaterials (05 R 321) at Brookhaven National Laboratory: $9,606,000 for the Molecular Foundry (04 R 313) at Lawrence Berkeley National Laboratory; and $4,626,000 for the Center for Integrated Nanotechnologies (03–R–313) at Los Alamos and Sandia National Laboratories. Also included at the request level is $7,280,000 for the Experimental Program to Stimulate Competitive Research (EPSCoR). Within available funds, the conferees encourage the Department to continue the purchase of fuel for the High Flux Isotope Reactor. The conferees note the recent CD-0 decision on the National Synchrotron Light Source-II at Brookhaven National Laboratory, and encourage the Department to fund expeditiously the project engineering and design for this facility.

Advanced Scientific Computing Research.—The conference agreement includes $237,055,000 for advanced scientific computing research, an increase of $30,000,000 over the budget request. This increase is provided to the Center for Computational Sciences to accelerate the efforts to develop a leadership-class supercomputer to meet scientific computational needs. Of this $30,000,000, $25,000,000 should be dedicated to hardware and $5,000,000 to competitive university research grants.

Science Laboratories Infrastructure.—The conferees provide a total of $42,105,000 for science laboratories infrastructure, an increase of $2,000,000 over the budget request. The additional funds are provided to complete project engineering and design and initiate construction for the 300 Area capability replacement laboratory at Pacific Northwest National Laboratory (project MEL–001–046). Within available funds, the conferees direct the Department to continue to make PILT payments associated with Argonne National Laboratory at the fiscal year 2005 level.

Fusion Energy Sciences.—The conferees provide $290,550,000 for fusion energy sciences, the same as the budget request. The conferees direct the Department to utilize $29,900,000 of funding proposed for ITER work in fiscal year 2006 to restore U.S.-based fusion funding to fiscal year 2005 levels as follows: $7,300,000 for high performance materials for fusion: $8,700,000 to restore operation of the three major user facilities to fiscal year 2005 operating levels; $7,200,000 for intense heavy ion beams and fast ignition studies; $5,100,000 for compact stellarators and small-scale experiments: and $1,600,000 for theory. As in previous years, the conferees direct the Department to fund the U.S. share of ITER in fiscal year 2007 through additional resources rather than through reductions to domestic fusion research or to other Office of Science programs. Within available funds, the conferees include $1,000,000 for non-defense research activities at the Atlas Pulse Power facility. In addition, the conferees direct the Government Accountability Office (GAO) to undertake a study of the Office of Science Fusion Energy Sciences program in order to define the role of the major domestic facilities in support of the ITER, including recommendations on the possible consolidation or focus of operations to maximize their research value in support of ITER. The GAO shall also evaluate the opportunities to leverage the National Nuclear Security Administration investment as an alternative to the tokamak concept.

Safeguards and Security.—The conference agreement includes $74,317,000 for safeguards and security, the same as the requested amount.

Science Workforce Development.—The conference agreement includes $7,192,000 for Science Workforce Development, the same as the budget request.

Science Program Direction.—The conferees provide $160,725,000 for Science Program Direction. The control level for fiscal year 2006 is at the program account level of Science Program Direction.

Funding Adjustments.—The conference agreement includes an offset of $5,605,000 for the safeguards and security charge for reimbursable work.

NUCLEAR WASTE DISPOSAL

The conference agreement provides $150,000,000 for Nuclear Waste Disposal. When combined with the $350,000,000 provided in the Defense Nuclear Waste Disposal account, this makes a total of $500,000,000 available in fiscal year 2006 for activities related to nuclear waste disposal.

Repository program.—During 2005, the Department was unable to complete the License Support Network and faced problems in the quality assurance for water modeling done by the U.S. Geological Survey, several significant legal setbacks, and a major, controversial proposed change to the radiation standard for the repository. These events impact on the Department's ability to submit a quality License Application during fiscal year 2006, as originally scheduled. Further significant schedule slippages are likely. While the Department claims to be taking a number of corrective actions to address these problems, these changes mean that the Department will not be performing all of the license preparation and license defense activities that were originally envisioned when the fiscal year 2006 budget request of $651,000,000 was developed. The conferees believe that $450,000,000 will be sufficient in fiscal year 2006.

Assistance to affected units of local government.—Within the funds made available for the repository program, the conferees provide $2,000,000 to the State of Nevada; $7,500,000 for the affected units of local government: and $500,000 for Nye County, Nevada, as authorized under the Nuclear Waste Policy Act for appropriate oversight actions. These funds for Nye County shall be separate and apart from oversight funding under Section 116(c) of the Nuclear Waste Policy Act. The conferees have included bill language reducing the Department's fiduciary responsibility for this oversight funding in light of the adversarial nature of the license application process. Additionally, the conferees direct the Department to renew, as appropriate, existing cooperative agreements with affected units of local government. The Department is specifically directed to enter into a three-year cooperative agreement with Inyo County, California, to complete the study of groundwater connections between Yucca Mountain and Death Valley National Park. The conferees expect this agreement to be in place in time to enable winter test drilling in Death Valley during the winter of 2005–2006.

Integrated spent fuel recycling.—Given the uncertainties surrounding the Yucca Mountain license application process, the conferees provide $50,000,000, not derived from the Nuclear Waste Fund, for the Department to develop a spent nuclear fuel recycling plan. Under the Nuclear Energy account, the conferees provide additional research funds to select one or more advanced recycling technologies and to complete conceptual design and initiate pre-engineering design of an Engineering Scale Demonstration of advanced recycling technology. Coupled with this technology research and development effort, funds are provided under the Nuclear Waste Disposal account to prepare the overall program plan and to initiate a competition to select one or more sites suitable for development of integrated recycling facilities (i.e., separation of spent fuel, fabrication of mixed oxide fuel, vitrification of waste products, and process storage) and initiate work on an Environmental Impact Statement. The site competition should not be limited to DOE sites, but should be open to a wide range of other possible federal and non-federal sites on a strictly voluntary basis. The conferees remind the Department that the Nuclear Waste Policy Act prohibits interim storage of nuclear waste in the State of Nevada. To support the development of detailed site proposals for this competition, the conferees make a total of $20,000,000 available to the site offerors, with a maximum of $5,000,000 available per site. To be eligible to receive these funds, each applicant site must be able to identify all state, regulatory, and environmental permits required for permitting this facility, including identifying any legislative or regulatory prohibitions that might prevent siting such a facility. The conferees direct the Secretary to submit a detailed program plan to the House and Senate Committees on Appropriations not later than March 31, 2006, and to initiate the site selection competition not later than June 30, 2006. The target for site selection is fiscal year 2007, and the target for initiation of construction of one or more integrated spent fuel recycling facilities is fiscal year 2010. Any funds deemed to be in excess of the needs for the integrated recycling program plan may only be diverted to other activities after submittal and approval of a formal reprogramming to Congress.

DEPARTMENTAL ADMINISTRATION

The conference agreement provides a net appropriation of $129,817,000 for Departmental Administration expenses. This amount includes a transfer of $87,575,000 from Other Defense Activities for defense-related Departmental Administration activities and the Congressional Budget Office estimate of $123,000,000 for revenues. Specific funding levels for each organization funded under the Departmental Administration account are detailed in the accompanying table. The conferees include bill language requiring a report on security at Building 3019, Oak Ridge National Laboratory.

Chief Information Officer.—The conferees provide $39,385,000, an increase of $1,418,000 over the current year level. The conferees do not support the proposed 63 percent growth in support services contracts for the Chief Information Officer.

Congressional and intergovernmental affairs.—The conference agreement provides $4,826,000, the same as the current year funding level. The conferees expect that the Department will continue the long-standing practice that the primary channel for Departmental liaison with the House Appropriations Committee shall be the Chief Financial Officer.

Policy and international affairs.—The conference agreement provides $14,993,000, the same as the current year funding level.

Office of Engineering and Construction Management.—The conferees support the House report language regarding the importance of improving project management within the Department.

Cybersecurity and secure communications.—The conference agreement provides $24,733,000, the same as the current year funding level.

Corporate management information program.—The conference agreement provides the requested level of $23,055,000. However, the conferees are concerned about the recent failures of STARS and remind the Department of the importance of having a system that provides timely and accurate accounting information.

Working Capital Fund.—The conferees renew the guidance provided in House Report 107-681 regarding management of the Working Capital Fund.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $42,000,000 for the Office of the Inspector General, a slight decrease from the request but an increase over the current year funding level.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department of Energy, manages the Nation's nuclear weapons, nuclear nonproliferation, and naval reactors activities.

The conference agreement does not include the proposed cleanup transfer from Environmental Management to the NNSA and the conference recommendation assumes the EM program retains the cleanup program scope.

Availability of funds.—The conference agreement makes funds available until expended.

WEAPONS ACTIVITIES

The conference agreement provides $6,433,936,000 for Weapons Activities instead of $6,574,024,000 as proposed by the Senate and $6,181,121,000 as proposed by the House. The conferees agree with the House language regarding reprogramming authority for weapons activities.

Sustainable Stockpile Initiative.—The conferees support the basic tenets of the House language on a Sustainable Stockpile Initiative, including support for the reliable replacement warhead program, an accelerated warhead dismantlement program, and a reconfiguration of the weapons complex to create a responsive infrastructure that maximizes special nuclear material consolidation. The conferees appreciate the significant effort by the members of the Secretary of Energy's Advisory Board Infrastructure Task Force that produced the Nuclear Weapons Complex Infrastructure Study and expect the Secretary to give serious consideration to the recommendations in the fiscal year 2007 budget request.

DIRECTED STOCKPILE WORK

Directed stockpile work (DSW).—The conference agreement includes $1,386,189,000 for directed stockpile work. The conference agreement provides $300,818,000 for DSW Life Extension Programs. The conference agreement provides $311,804,000 for DSW Stockpile Systems and $60,000,000 for DSW Warhead Dismantlement. The conferees note the importance of an aggressive warhead dismantlement program as part of the mission of the NNSA and direct the Administrator to submit a report to the Committees on Appropriations addressing the cost, scope and schedule of expanding the NNSA infrastructure to increase the dismantlement capacity of the complex. The report is due on March 1, 2006.

Reliable Replacement Warhead (RRW).—The conferees have provided $25,000,000 for the RRW program. The conferees expect that the laboratories and plants will also utilize the existing resources in the Directed Stockpile, Campaigns, and Readiness in Technical Base and Facilities accounts where applicable to further the RRW design options to support a Nuclear Weapons Council determination in November 2006. The conferees reiterate the direction provided in fiscal year 2005 that any weapon design work done under the RRW program must stay within the military requirements of the existing deployed stockpile and any new weapon design must stay within the design parameters validated by past nuclear tests. The conferees expect the NNSA to build on the success of science-based stockpile stewardship to improve manufacturing practices, lower costs and increase performance margins, to support the Administration's decision to significantly reduce the size of the U.S. nuclear stockpile.

The conference agreement provides $688,567,000 for DSW Stockpile services. From within the funds provided in DSW Stockpile services, the conferees direct the NNSA to provide $40,000,000 to fund the Nevada Test Site, $5,000,000 above the request, to maintain the Subcritical Experiment Program, including the Phoenix Explosive Pulse Power program. From within available funds, the conferees provide $6,000,000 to Los Alamos National Laboratory to conduct hydrodynamic testing in support of the Stockpile Stewardship program and $3,000,000 above the request to fund independent assessments of the safety of the stockpile and secure information exchange within the weapons complex.

The conference agreement provides no funds for the Robust Nuclear Earth Penetrator (RNEP) feasibility study.

The conferees support a degree of flexibility in executing this budget by providing limited reprogramming authority within Directed Stockpile Work [DSW]. The control levels for the Directed Stockpile Work are:

(1) Life Extension Programs;
(2) Stockpile Systems;
(3) Reliable Replacement Warhead;
(4) Warhead Dismantlement; and
(5) Stockpile Services.

CAMPAIGNS

Campaigns.—The conferees support the Senate language directing the Department to renew for 5 years the existing cooperative agreements with the University of Nevada Las Vegas and the University of Nevada Reno. The Department is also directed to provide funding of $3,000,000 to each institution per year.

For science campaigns, the conference agreement provides $279,464,000. The conference agreement provides $49,718,000 for primary assessment technologies and $20,000,000 for Test Readiness, a reduction of $5,000,000 from the budget request. The conferees direct the Department to maintain the current 24-month test readiness posture. The conferees include $12,500,000, an increase of $2,500,000, to fund the Nevada Test Site to support dynamic experiments, diagnostics, and data analysis, including past UGT analysis. The conferees direct the NNSA to conduct a study to evaluate the capability of proton radiography of the LANSCE facilities to support stockpile stewardship activities. The report is due to the House and Senate Committees on Appropriations by July 1, 2006.

The conference agreement provides $83,894,000 for dynamic materials properties, an increase of $3,000,000 above the budget request to support additional experiments at the Joint Actinide Shock Physics Experimental Research facility and at the Atlas facility. The conferees provide $1,000,000 for the LCS laser upgrade at the Idaho Accelerator Center. The conferees provide $49,520,000 for advanced radiography, the same as the budget request. The conferees direct the JASONS to undertake a study of the Dual Axis Radiographic Hydro Test Facility (DARHT) to evaluate the DARHT 2nd axis refurbishment plan and to validate the current schedule and cost baseline. The conferees expects the JASONS to consider whether or not the NNSA has taken the appropriate steps to resolve the technical difficulties associated with the induction linac technology and whether or not the second axis is expected to return to service as currently planned in 2008 in order to meet the National Hydrotest Plan requirements. The conferees recommend $76,332,000 for secondary assessment technologies, an increase of $15,000,000 over the budget request. The conferees provide the additional funds to Los Alamos National Laboratory to restore high-energy-density experimental capabilities.

The conference agreement provides $250,411,000 for engineering campaigns. The conference agreement for the enhanced surety campaign is $40,000,000. The conferees direct NNSA to utilize the MESA facility to develop micro-technology for surety architecture. The conference agreement for the weapons system engineering assessment technology is $17,540,000. The conference agreement for nuclear survivability is $22,386,000 and the conference recommendation for enhanced surveillance campaign is $100,207,000. From within available funds, the conferees provide $4,465,000 to continue the grant-funded University Research Program in Robotics.

Engineering campaign construction projects.—The conference agreement provides $65,564,000 for Project 01–D–108, Microsystem and engineering science applications (MESA) at SNL, in New Mexico and $4,714,000 in operating funds.

Inertial Confinement Fusion (ICF) Ignition and High Yield.—The conference agreement includes $549,073,000 for the inertial confinement fusion ignition and high yield program. The conferees support the House language regarding project management control systems for managing the ICF program. The conferees direct the NNSA Administrator to issue a report by March 1, 2006 that identifies the scientific and stockpile stewardship value of the National Ignition Facility if the project fails to achieve the ignition demonstration by 2011, or at any time in the future.

Ignition.—The conference agreement recommends $75,615,000, the same as budget request.

Support for Other Stockpile Programs.—The conference agreement includes $19,872,000, an increase of $10,000,000 over the budget request, to perform experiments on the Z-machine to validate computer models as well as experiments on OMEGA at the University of Rochester.

NIF Diagnostics, Cryogenics and Experimental Support.—The conference agreement provides $43,008,000, the same as the budget request.

Pulsed Power Inertial Confinement Fusion.—The conference recommendation includes $11,012,000, a $901,000 increase over the budget request, for pulsed power ICF to assess Z pinches as drivers for ignition and high yield fusion.

University Grants/Other ICF Support.—The conference recommendation includes $7,700,000 for research assistance in high energy density science, a level consistent with fiscal year 2005. The conference agreement includes $5,000,000 for the Nevada Terawatt Facility. Within the funds provided, $3,000,000 is for research into strongly magnetized high energy density matter and $2,000,000 is for construction of the high energy, short-pulse laser system.

Facility Operations and Target Production.—The conference agreement includes $64,623,000, an additional $10,000,000 over the request, for facility operations and target production. The conferees provide the additional $10,000,000 to accelerate target fabrication.

Inertial Fusion Technology.—The conference agreement restores $48,000,000 of funding for the Inertial Fusion Technology program. Within the funds provided, $25,000,000 is for continuing development of high average power lasers, $2,000,000 for the high density matter laser at the Ohio State University Technology Park, $15,000,000 for the Naval Research Laboratory, and $6,000,000 to prepare Z-machine to support extended operations.

NIF Demonstration.—The conference agreement includes $102,330,000 to support the NIF Demonstration program.

High Energy Petawatt Laser Development.—The conferees provide $35,000,000 for high energy petawatt laser development, an increase of $32,000,000 above the request. The conference recommendation includes an additional $4,000,000 for OMEGA operations to provide additional shots to support ignition demonstration in 2011 and an additional $22,000,000 to accelerate the OMEGA Extended Performance capability project, a four beam super-high-intensity, high-energy laser facility. Within the available funds, $2,000,000 is provided for continued development of petawatt laser at the University of Texas at Austin; $2,000,000 is provided to the University of Nevada, Reno to continue its collaboration with Sandia National Laboratories on highly diagnosed studies of exploding wire arrays and implosion dynamics. The conferees provide $2,000,000 to Sandia National Laboratories for Z-Petawatt Consortium experiments using the Sandia Z-Beamlet and Z petawatt lasers.

Construction—Project 96-D-111.—The conferees provide $141,913,000 for construction of the National Ignition Facility (NIF), the same as the budget request.

Advanced Simulation and Computing (ASCI).—The conference agreement provides $605,830,000 for Advanced Simulation and Computing. The conferees recognize that the modern networking technologies employed by the ASC program enable effective long-distance access to high-end computing. The conferees urges the ASC program to provide adequate federal oversight to ensure that the capability supercomputers are used as a national resource, shared by the three weapons laboratories, and are applied to the highest priority weapons systems requirements that cannot be solved in a timely manner on capacity computers. The conferees direct the NNSA to allocate capacity computing funds to each lab based on the pending or projected highest priority stockpile workload. The conference recommendation includes the following projects from within available funds: Nonprofit AVETeC for Nextedge Technology Park, Springfield (OH), $10,000,000; Wittenberg University supercomputer (OH), $1,000,000; Notre Dame/Purdue Supercomputer Grid (IL, IN), $5,000,000; and $6,000,000 provided to continue the demonstration at the Pacific Northwest National Laboratory of advanced electronics packaging and thermal engineering for thermally-efficient electronics related to high performance data servers using three dimensional chip scale packaging integrated with spray cooling (WA).

For the pit manufacturing and certification campaign, the conference agreement provides $241,074,000. The conference agreement provides $120,926,000 for W88 pit manufacturing and $61,895,000 for W88 pit certification, the same as the budget request. The conference agreement provides $23,071,000 for Pit Manufacturing Capability and $35,182,000 for Pit campaign support at the Nevada Test Site. The conference agreement provides no funding for the modern pit facility. The conferees direct the Administrator of the NNSA to undertake a review of the pit program to focus on improving the manufacturing capability at TA–55. The conferees also direct the Department to develop a report as to how the NNSA intends to address the radiological mission and security needs of category III/IV material currently housed at TA–18 at Los Alamos. This report shall be provided to the Committees on Appropriations by February 1, 2006.

For readiness campaigns, the conference agreement provides $218,755,000. The conference agreement provides $31,400,000 for the Stockpile readiness campaign. The conference agreement provides $17,097,000 for High explosives weapons operations. The conference agreement provides $28,630,000 for the non-nuclear readiness campaign. The conference agreement provides $54,040,000 for the advanced design and production technologies campaign. Funding for the tritium readiness campaign is the same as the budget request.

READINESS IN TECHNICAL BASE AND FACILITIES

Readiness in technical base and facilities.—For readiness in technical base and facilities, the conference agreement provides $1,647,885,000, an increase of $16,499,000 over the budget request, and includes several funding adjustments.

Within funds provided for operations of facilities, the conferees direct that, at a minimum, an additional $51,000,000 be provided for the Pantex plant in Texas and an additional $40,000,000 for the Y–12 Plant in Tennessee as proposed by the House and $15,000,000 for the Kansas City Plant in Kansas as proposed by the Senate. The conference agreement provides the budget request of $25,000,000 for Lawrence Livermore Laboratory and $21,997,000 for the Y–12 plant to address newly generated waste activities.

The conferees provide the funding adjustments proposed by the Senate: $7,500,000 to support operation and recapitalization of facilities at the Nevada Test Site; $11,000,000 for modification of the Z-Beamlet laser at the Z Pinch at Sandia National Laboratories; $12,000,000 to support MESA Operations; $2,500,000 for the UNLV Research Foundation to support the ongoing programs of the Institute for Security Studies; $3,000,000 for the Advanced Monitoring Systems Initiative at the NTS to continue micro-sensing technology deployment and prototype deployment of remote monitoring systems for the underground test area; $7,500,000 to improve and upgrade existing roads at the Nevada Test Site and an additional $4,000,000 to install two new water storage tanks in Area 6 of the NTS; $1,000,000 to purchase and install a Geographic Information Center at the NTS; $4,000,000 to install a 17-mile fiber optic link between the Nevada Test Site and Indians Springs Air Force Base; and $4,500,000 to upgrade the Emergency Operations Center within the Nevada Support Facility to meet national program goals. The recommendation also includes, within funds provided, $3,000,000 for the Consortium on Terrorism and Fire Science at UNR; $500,000 for the continuing operations and security at the Atomic Testing History Institute; $2,000,000 to the UNLV Research Foundation to continue support of the radioanalytical services laboratory; $3,500,000 to the not-for-profit Technology Ventures Corporation to continue the successful technology transfer and commercialization efforts at the National Laboratories and the Nevada Test Site; $1,750,000 for the National Museum of Nuclear Science and History; $2,000,000 for the Arrowhead Center at New Mexico State University; $2,000,000 for Rapid Prototyping activities at the Special Technology Laboratory in Santa Barbara, (CA) to accelerate development of sensor and live plume tracking capabilities at the Nevada Test Site; $2,000,000 for a public-private partnership to continue the test and evaluation of water filtration technology to protect the public against nuclear, biological, and chemical threats; and $1,000,000 to continue the ongoing administration infrastructure support grant for the UNLV Research Foundation.

Nanotechnology.—The conferees provide $15,000,000 from within available funds for the establishment of the National Nanotechnology Enterprise Development Center (NNEDC), to be managed by the Center for Integrated Nanotechnologies. The NNEDC will assist in the technology maturation of nanotechnologies developed at each of the National Nanoscience Initiative Facilities and to assist in their transition to the marketplace, while emphasizing opportunities for industrial partnerships with the Center for Integrated Nanotechnologies. Proposals to the NNEDC will be considered by a board of experts qualified to evaluate proposals based on both their scientific merit and their commercial potential, including a representative from each of the National Nanoscience

Initiative Facilities, and a similar number of representatives from economic development and commercial sectors to be selected by the Department of Energy's Office of Science.

Advanced Computing.—The conferees provide $35,000,000 to Los Alamos National Laboratory to acquire additional computing capacity.

Within funds provided, the conferees provide the funding adjustments proposed by the House: $1,150,000 for risk based data management in Oklahoma (OK); $2,000,000 for Robotics repetitive system technology (OH); $3,750,000 for Plasma Separation Process High Energy Storage Isotope research (TN); $1,500,000 for Multi-Platform dosimeter radiation detection devices (WA); $2,000,000 for Secure Wireless Technologies at Y-12 (TN); $2,000,000 for Airborne Particulate Threat Assessment (PA); $2,000,000 for command and control of Vulnerable Materials Security System (PA, NJ); $1,000,000 for Advanced Engineering Environment at Sandia, Livermore (CA).

The conference agreement includes the budget request of $105,738,000 for Program Readiness, $72,730,000 for material recycle and recovery, $17,247,000 for containers, and $25,222,000 for storage. The conference recommendation provides the budget request for the activities under special projects within the funds provided for operations of facilities.

Construction projects.—For RTBF construction projects, the conference agreement includes the budget request, except for the following adjustments: an additional $2,000,000 for Project 05-D-140, Project Engineering and Design for Test Capabilities Revitalization project at Sandia National Laboratory and an additional $11,000,000 for Project 01-D-124, HEU materials facility at the Y-12 plant, Oak Ridge, TN.

FACILITIES AND INFRASTRUCTURE RECAPITALIZATION

Facilities and infrastructure recapitalization.—The conference agreement includes $150,873,000 for the facilities and infrastructure (F&I) recapitalization program.

SECURE TRANSPORTATION ASSET

Secure Transportation Asset.—The conference agreement provides $212,100,000 for secure transportation asset. The conference agreement provides $68,334,000 for program direction.

NUCLEAR WEAPONS INCIDENT RESPONSE

Nuclear Weapons Incident Response.—The conference agreement provides $118,796,000 for nuclear weapons incident response.

SAFEGUARDS AND SECURITY

Safeguards and security.—The conference agreement includes $805,486,000, an increase of $65,008,000 over the budget request, for safeguards and security activities at laboratories and facilities managed by the National Nuclear Security Administration. Within funds provided for safeguards and security, the conferees direct that, at a minimum, an additional $25,000,000 be provided for the Pantex plant in Texas and an additional $60,000,000 for the Y-12 Plant in Tennessee, as proposed by the House, and $20,000,000 to complete the expansion of the red network at Los Alamos as proposed by the Senate. The conferees provide $1,900,000 to demonstrate an enterprise PKI for secure communication at Sandia National Lab. The conferees direct the NNSA to fund the protective force at the Device Assembly Facility, including full implementation of the protective force Special Response Team program at the Nevada Test Site.

FUNDING ADJUSTMENTS

Funding adjustments.—The conference agreement includes an adjustment of $32,000,000 for a security charge for reimbursable work, as proposed in the budget.

DEFENSE NUCLEAR NONPROLIFERATION

The conference agreement provides $1,631,151,000 for Defense Nuclear Nonproliferation.

NONPROLIFERATION AND VERIFICATION RESEARCH AND DEVELOPMENT

Nonproliferation and Verification Research and Development.—The conference agreement provides $322,000,000 for nonproliferation and verification research and development, an increase of $49,782,000 over the budget request. The conferees provide $177,471,000 for proliferation detection, an increase of $25,000,000 over the budget request; and $125,424,000 for nuclear explosion monitoring, an increase of $16,782,000 over the request, of which $24,000,000 is for ground-based systems for treaty monitoring; and $6,105,000 for supporting activities. The Committee provides $13,000,000 for Project 06-D-180, National Security Laboratory at the Pacific Northwest National Laboratory (PNNL), an increase of $8,000,000 over the budget request. The additional $8,000,000 is to complete project engineering and design and initiate construction on 300 Area capability replacement laboratory.

The conferees direct the Department to conduct a free and open competitive process for at least $7,500,000 of its research and development activities during fiscal year 2006 for ground-based systems treaty monitoring. From within available funds, the conference agreement includes the following projects: $2,500,000 for the UNLV Research Foundation to support nonproliferation activities at the Institute for Security Studies; $4,000,000 for portable high purity germanium detectors for incident response and radiation detection applications; $1,000,000 for the National Center for Biodefense at George Mason University (VA); $1,000,000 for the Offshore Detection Integrated System (OH); $750,000 for developing neutron dosimeter and Gamma-Beta Survey meter (OH); $300,000 for the Texas A&M Moscow Physics Institute-Nonproliferation and International Security Program (TX); and $500,000 for Mega Cargo Imaging program at the Nevada Test Site (NV). From within available funds, the conference agreement includes up to $5,000,000 to support a chemical and biological detection research and development program in the NNSA.

NONPROLIFERATION AND INTERNATIONAL SECURITY

Nonproliferation and International Security.—The conference agreement provides $75,000,000 for nonproliferation and international security, a reduction of $5,173,000 below the budget request. The conferees provide $10,000,000 for initiatives focused on removing nuclear weapons-usable materials from vulnerable sites around the world. The conferees direct the Department to provide $3,000,000 in grants to institutions of higher learning and non-profit entities for research related to nuclear nonproliferation and chemical and biological weapons detection. Each individual grant provided shall not exceed $250,000.

NONPROLIFERATION PROGRAMS WITH RUSSIA

INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION

International Materials Protection, Control and Cooperation (MPC&A).—The conference recommendation is $427,000,000 for the MPC&A program, an increase of $83,565,000 over the budget request. The conferees provide the additional funds to accelerate the new opportunities to secure nuclear warhead storage sites resulting from the Bratislava Summit agreement. The conference agreement provides the budget request within the Second Line of Defense program for the MegaPorts initiative.

GLOBAL INITIATIVE FOR PROLIFERATION PREVENTION

Global Initiative for Proliferation Prevention.—The conference agreement provides $40,000,000 for the Initiatives for Proliferation Prevention (IPP) program and the Nuclear Cities Initiative (NCI).

HIGHLY ENRICHED URANIUM (HEU) TRANSPARENCY IMPLEMENTATION

HEU Transparency Implementation.—The conference agreement provides $19,483,000, a reduction of $1,000,000 from the budget request.

ELIMINATION OF WEAPONS-GRADE PLUTONIUM PRODUCTION

Elimination of Weapons-Grade Plutonium Production.—The conference agreement provides $176,185,000, an increase of $44,185,000 over the budget request, for the elimination of weapons-grade plutonium production program. The conferees provide the additional funds to maintain the schedule to shutdown the Zheleznogorsk reactor by 2011 and expect the Department to fully fund the outyear budget requirement in the Future Years Nuclear Security Program five year budget plan to accomplish the reactor shutdown milestone.

FISSILE MATERIALS DISPOSITION

Fissile Materials Disposition.—The conference agreement provides $473,508,000 for fissile materials disposition, a reduction of $179,557,000 from the budget request. Funding of $195,000,000 is provided for U.S. surplus materials disposition and $34,508,000 for the Russian plutonium disposition program. The conferees have included language modifying the statutory provision allowing for significant fines against the Department of Energy if the MOX production schedule slips in future years. Since fiscal year 2001, Congress has provided in excess of $1.1 billion for the MOX construction project. Recognizing that the liability impasse has been resolved with the Russian Federation, the conferees expect the MOX facility construction activity at the Savannah River Site will proceed on schedule.

Construction projects.—The conference recommendation includes $220,000,000 for Project 99-D-143, the Mixed Oxide Fuel Fabrication facility project, a reduction of $118,565,000 from the budget request. The conferees expect the Department to utilize fully the available prior year balances in the Mixed Oxide (MOX) construction project to begin construction before requesting significant additional budget authority. Funding of $24,000,000 is provided for Project 99-D-141, the Pit Disassembly and Conversion Facility project.

GLOBAL THREAT REDUCTION INITIATIVE

Global Threat Reduction Initiative.—The conference agreement provides $97,975,000, the same as the budget request, for the Global Threat Reduction Initiative program. The conference agreement provides the budget request for the Kazakhstan Spent Fuel Disposition program. The conference agreement provides up to $7,000,000 from within available funds, to support the conversion of university research reactors from a highly enriched uranium core to a low enriched uranium core, for as many as four research reactors located in the United States. The reactors targeted for conversion are Purdue University, Oregon State University, University of Wisconsin and Washington State University. The conferees encourage the Department to fund the Radiological Threat Reduction program to establish a pilot program to utilize commercial or non-governmental resources for recovery, storage, monitoring and disposal of domestic high-risk radioactive sealed sources and to provide a report to the House and Senate Appropriations Committees on these activities by the end of fiscal year 2006.

NAVAL REACTORS

The conference agreement provides $789,500,000 for Naval Reactors, an increase of $3,500,000 over the budget request. The conferees agree to transfer $13,500,000 to the Office of Nuclear Energy to support the Idaho National Laboratory's Advanced Test Reactor.

OFFICE OF THE ADMINISTRATOR

The conference agreement provides $341,869,000 for the Office of the Administrator.

From within available funds, the conference agreement provides $15,000,000 to continue the support to the HBCUs' scientific and technical programs in fiscal year 2006. The Committee expects the Department to provide financial support in rough parity to both HBCUs and the Hispanic Serving Institutions (HSI). The Committee recommendation includes $2,000,000 each for Wilberforce University and Central State University in Wilberforce, Ohio; $2,000,000 for Claflin College in Orangeburg, SC; $4,000,000 for Allen University in Columbia, SC; and $1,000,000 each for Voorhees College in Denmark, SC and South Carolina State University in Orangeburg, SC, and Florida Memorial University for the Carrie Meek Health and Science Complex in Miami Gardens, FL; $500,000 each for Cheyney University, Cheyney (PA) and Lincoln University, Lincoln University of Pennsylvania (PA); and $1,000,000 for the ACE program at Maricopa Community Colleges in Phoenix, Arizona. The conferees agree with the House language that directs the Department to provide funds to HBCU institutions to allow for infrastructure improvements and technical programs and expects the Department to ensure the Dr. Samuel P. Massie Chairs of Excellence are fully supported within the HBCU program.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

The conference agreement for the Defense Environmental Cleanup (EM) program totals $6,192,371,000. The conferees recommend that the Department carry over balances for WERC, a consortium for environmental education and technology development, to support an educational foundation within that organization. Within the amounts provided, the Department is directed to fund hazardous waste worker training at $10,000,000.

Energy and Water Technology.—Within the amounts provided, the Department is directed to fund $12,500,000 for energy and water resource management, including $7,000,000 for advanced concept desalination and arsenic treatment in partnership with American Water Works Research Foundation and WERC; $2,000,000 for water supply technology development and $3,500,000 for water management decision support including demonstration programs in partnership with the New Mexico Office of the State Engineer and international water partnerships.

Milestone report.—While the budget structure has changed, the conferees remain interested in whether the Department has met its goals for completion for years 2006, 2012, and 2035. The conferees request a report by site that tracks accelerated clean-up milestones, whether they are being met or not, and includes annual budget estimates and life-cycle costs, due to the House and Senate Committees on Appropriations by March 1 and September 1 of each year.

NNSA Transfers.—The conferees did not support the transfer of environmental cleanup responsibilities to the National Nuclear Security Administration (NNSA), consistent with the House and Senate reports. However, responsibility for NNSA newly generated waste will remain in NNSA. The conferees provide no funding in the defense EM program for newly generated waste at Lawrence Livermore Laboratory and the Y–12 Plant.

Low level/mixed low level (LLW/MLW) waste Report Requirement.—Consistent with the House report, the conferees direct the Secretary to report to the House and Senate Committees on Appropriations, within 90 days of enactment of this Act, on the specific steps the Department will take to ensure that life-cycle cost guidance is implemented in the consideration of LLW/MLW options by DOE contractors, and that a robust federal cadre of employees will oversee the implementation of such guidance.

EM Subproject Report Requirement.—The conferees are concerned that the Environmental Management program continues to aggregate multiple project activities within the Project Baseline Summaries (PBS) contained in its annual budget request. When EM initially "projectized" its work in the FY 2001 budget request, program activities were aggregated into approximately 430 PBS's that were used as the basis for the programs budget justification and execution reporting. The number of PBSs now stands at 89. Since these PBSs are the basis for "project" baselines and performance tracking within the Department, it leads the conferees to question the Department's ability to meaningfully analyze its costs and work accomplishment. The conferees direct the Department to provide a report by March 1, 2006, to the House and Senate Committees on Appropriations with additional information on large PBSs (requests of more than $100,000,000) in the form of detailed justification by subprojects to provide more visability and specificity to the planned activities within those PBSs. This report should be prepared for the scope planned for the fiscal year 2006 appropriations and the fiscal year 2007 request. These new subproject groupings should be used as a basis for quarterly reporting of financial data (unobligated and uncosted balances), and project variance reports.

Reprogramming Authority.—The conferees continue to support the need for flexibility to meet changing funding requirements at sites. In fiscal year 2006, the Department may transfer up to $5,000,000 within accounts, and between accounts, as noted in the table below, to reduce health or safety risks or to gain cost savings as long as no program or project is increased or decreased by more than $5,000,000 once during the fiscal year. This reprogramming authority may not be used to initiate new programs or to change funding levels for programs specifically denied, limited, or increased by Congress in the Act or statement. The Committees on Appropriations in the House and Senate must be notified within thirty days of the use of this reprogramming authority. The following is a list of control levels for reprogramming:

Closure sites
Savannah River site, 2012 accelerations
Savannah River site, 2035 accelerations
Savannah River Tank Farm
Waste Isolation Pilot Plant
Idaho National Laboratory
Oak Ridge Reservation
Hanford site 2012 accelerated completions
Hanford site 2035 accelerated completions
Office of River Protection (ORP) Waste Treatment & Immobilization (WTP) Pretreatment facility
ORP WTP High-level waste facility
ORP WTP Low activity waste facility
ORP WTP Analytical laboratory
ORP WTP Balance of facilities
Program Direction
Program Support
UE D&D Fund contribution
Technology Development
All Construction Line Items
NNSA sites and Nevada off-sites
Safeguards and Security

Guaranteed Fixed Priced Remediation (GFPR).—Public Law 108–447 directed the Department to submit a report to the Committees on Appropriations on the feasibility of applying GFPR to remediation activities. The Department has completed its evaluation and has concluded that remediation projects at DOE sites or portions of sites that historically did not involve high risk materials could be potential candidates for GFPR contracts. The conferees are encouraged by this report, and direct the Department to identify at least two remediation projects or portions of projects as candidates for a pilot use of GFPR in fiscal year 2006.

Closure Sites.—The conference agreement provides $1,028,589,000, reflecting a decrease of $10,000,000 to litigation contingency monies held in reserve for Rocky Flats.

The conferees provide an increase of $30,000,000 to complete remedies at Mound Operable Unit 1 (OU–1), and direct the Department to work with the Miamisburg Mound Community Improvement Corporation in developing a mutually acceptable remedy. The remedy shall meet the spirit and intent of the "Sales Contract by and between the U.S. DOE and the Miamisburg Community Improvement Corporation, January 23, 1998", permit industrial reuse of OU–1, and be consistent with past site cleanup practices and cleanup levels and objectives. Agreement on the remedy shall be completed by March 1, 2006. DOE shall report to Congress the progress of the remedy development by December 1, 2005. If substantial progress has not been made in the development of the remedy by this time, DOE shall engage the services of a mediator, mutually acceptable to the parties, to facilitate the remedy selection for the OU–1 waste disposal area.

Savannah River Site.—The conference agreement provides $1,170,582,000 for the Savannah River Site. The conferees provide $10,000,000 for the melt and dilute technology for excess weapons-grade plutonium. The conferees provide $500,000 for project 05–D–405, salt waste processing facility, and reduce prior year balances for this project by $20,000,000 because the construction is held up due to unresolved seismic issues.

Waste Isolation Pilot Plant (WIPP).—The conference agreement provides $230,629,000 for the Waste Isolation Pilot Project. Within available funds, the conference agreement provides $6,000,000 for the purchase of TRUPACT–III shipping containers, $3,500,000 for educational support, infrastructure improvements, and related initiatives for the Carlsbad community, $5,000,000 to consolidate all record archives relevant to the operations of WIPP at Carlsbad, and to provide these records in a format that is user friendly and supports timely access to information, $2,000,000 for the Office of Environmental Management to support the Center for Excellence in Hazardous Materials, and $1,500,000 for neutrino research in the WIPP environment, which is relatively pristine in terms of background radiation.

Idaho National Laboratory.—The conference agreement provides $538,225,000. The conferees direct that the unexpended balances of up to $68,000,000 previously appropriated as Defense Privatization for the Advanced Mixed Waste Treatment Plant be merged with other maintenance and operating funds available within the Defense Environmental Cleanup account, Solid Waste Stabilization and Disposition project activity, for the Idaho site to continue processing of transuranic waste for disposal at the WIPP.

Oak Ridge Reservation.—The conferees provide $240,812,000 for the Oak Ridge Reservation. The conference agreement includes $18,000,000 for disposition of material in Building 3019, consistent with the Department's decision to transfer this responsibility to the defense EM program. The conferees direct the Department to provide a report within 60 days of enactment of this Act, that details the Department's path forward in managing this material.

Hanford Site.—The conference agreement provides $780,653,000 for the Hanford Site. The conferees provide $1,000,000 for B-reactor preservation and $500,000 each for preservation of ETTP and LANL former Manhattan Project sites. The conferees provide $7,500,000 for the Volpentest Hazardous Materials Management and Emergency Response (HAMMER) training and education center. The Department is expected to continue making PILT payments at last year's level to counties that have the Hanford reservation within their boundaries.

Office of River Protection.—The conference agreement provides $329,471,000 for Tank Farm activities, and $526,000,000 for construction project 01–D–416, the Waste Treatment and Immobilization Plant.

The high-level waste vitrification program at Hanford has had a long history of failure—more than $9,000,000,000 has been spent over the last 15 years. Based on a report by the Corps of Engineers, the estimated cost of the Waste Treatment and Immobilization Plant (WTP), originally $4,300,000,000, may rise to as much as $9,300,000,000, and the schedule may slip four more years to 2015. Reasons for these increases include: contractor estimating problems, technical problems, and insufficient project contingency. It is unclear what steps DOE will take to better ensure effective management and oversight of the project in the longer term.

Based on this troubled history, the conferees provide $526,000,000, for the Waste Treatment and Immobilization Plant, a reduction of $99,893,000 from the request. The conferees understand that $98,000,000 remains available from fiscal year 2005 to be used in fiscal year 2006 for this project. The Department needs better control and oversight of the scope, cost and schedule of this project, and the conferees direct the Department to report to the House and Senate Committees on Appropriations by December 1, 2005, on the actions taken to rectify the management failures of this project, and to report quarterly, beginning on January 1, 2006, on the activities and financial status of each of the subprojects within WTP.

Program Direction.—The conference agreement provides $243,816,000 for program direction. Of the total amount, $82,924,000 is available for obligation only after the report delivery to the House and Senate Committees on Appropriations by the Secretary on the specific steps the Department will take to ensure that life-cycle cost guidance is implemented in the consideration of LLW/MLW options by DOE contractors. The conferees support the termination of the A–76 contracting out of the duties of federal employees for the Environmental Cleanup program.

Program Support.—The Conference recommendation provides $32,846,000.

Federal Contribution to Uranium Enrichment Decontamination and Decommissioning Fund.—The Energy Policy Act of 1992, Public Law 102–486, created the Uranium Enrichment Decontamination and Decommissioning Fund to pay for the cost of cleanup of the gaseous diffusion facilities located in Oak Ridge, Tennessee; Paducah, Kentucky; and Portsmouth, Ohio. The conference agreement includes the budget request of $451,000,000 for the Federal contribution to the Uranium Enrichment Decontamination and Decommissioning Fund as authorized in Public Law 102–486.

Technology Development and Deployment.—The conference agreement provides $30,065,000. The conferees are concerned about DOE's efforts to protect contaminants from reaching the Columbia River. Technology used in several remedies is not performing satisfactorily, and there is a lack of new technologies to address contamination issues. The conferees provide $10,000,000 for analyzing contaminant migration to the Columbia River, and for the introduction of new technology approaches to solving contamination migration issues. The conferees understand that the various program groups managing the groundwater and vadose zone cleanup program are fragmented, and not well coordinated. The conferees direct the Department to report to the House and Senate Committees on Appropriations on the organization and operations of these groups, and how they will be better coordinated, within 60 days of enactment of this Act. The conferees provide $5,000,000 for AEA Technology to address alternative cost effective technologies for cleaning up legacy waste. Within available funds, the conferees direct the Department to fund the real-time identification warning system at $250,000, the Hanford Tank Waste Operations Simulator at $2,000,000, and the Mid-Atlantic Recycling Center for End of Life Electronics at $1,000,000.

NNSA sites and Nevada off-sites.—The conference agreement provides $302,460,000, reflecting the return of cleanup activities to the Environmental Cleanup program that otherwise would have transferred to the NNSA. The conferees provide no funding in the defense EM program for newly generated waste at Lawrence Livermore Laboratory and the Y–12 plant.

Safeguards and Security.—The conference agreement provides $287,223,000, the same as the budget request.

Congressionally Directed Projects.—The conferees' recommendation includes the following Congressionally directed projects, within available funds. The conferees remind recipients that statutory cost sharing requirements may attach to these projects.

CONGRESSIONALLY DIRECTED DEFENSE ENVIRONMENTAL MANAGEMENT PROJECTS

Project	*Conference Recommendation*
Western Environmental Technology Office (multi-state)	5,000,000
University of Nevada-Reno School of Medicine Core Facilities equipment (NV)	4,000,000
Great Basin Science Sample and Records Library (NV)	3,500,000
Desert Research Institute's CAVE project (NV)	2,000,000
UNLV Research Foundation to continue earthquake hazard and seismic risk research (NV)	1,000,000
Diagnostic Instrumentation and Analysis Library (MS)	5,000,000
Electrochemical system utilizing ceramic ionic transport membranes for the recycle and disposal of radioactive sodium ion waste (ID)	3,000,000
Desert Research Institute's Environmental Monitoring Program (NV)	2,750,000
Nye County Groundwater Evaluation Program (NV)	1,500,000
Emergency and Non-emergency communications systems upgrades in Nye County (NV)	1,500,000
Stabilization of Los Alamos Airport Landfill (NM)	5,000,000
Energy & Environmental Hispanic Community Participation Project (NM)	750,000

OTHER DEFENSE ACTIVITIES

The conference agreement provides $641,998,000 for Other Defense Activities.

OFFICE OF SECURITY AND PERFORMANCE ASSURANCE

The conference agreement provides $307,095,000, an increase of $6,000,000 over the budget request. The conference agreement includes $186,878,000 for nuclear safeguards and security; and $46,725,000 for security investigations; and $73,492,000 for program direction. The conferees provide an additional $5,000,000 for Project Engineering and Design (PED) funding to begin a new construction project to upgrade CPP–651 and CPP–691 at the Idaho National Laboratory for complex-wide material consolidation of special nuclear material. The conferees direct the Department to include a PED line item project to continue this activity in the fiscal year 2007 budget request. The conferees support the House request for a report detailing the security requirements of the special nuclear material disposition activity at the Oak Ridge National Laboratory and have included the report description and deadline in bill language.

ENVIRONMENT, SAFETY AND HEALTH (DEFENSE)

The conference agreement provides $77,029,000 for defense-related environment, safety and health activities, of which $19,546,000 is for program direction. From within available funds, the conference agreement provides $5,000,000 to undertake the Chernobyl Research and Service Project. The

Conference recommendation includes $4,000,000 for the DOE Worker Records Digitization project in Nevada.

The Former Worker Medical Screening.—The conference agreement provides $12,500,000 for Former Worker Program. From within available funds, the following projects are provided: $465,000 to extend medical screening at the three gaseous diffusion plants; $2,000,000 to be evenly divided to initiate medical screening of former workers at the Mound facility in Miamisburg, Ohio, and the Fernald Facility in Harrison, Ohio. The conferees direct the Secretary to initiate early lung cancer detection screening at the Y-12 and X-10 facilities, Tennessee. To offset these activities the conferees allocate $2,700,000 in fiscal year 2006 for activities under the DOE-HHS MOU and direct the Department to prioritize funds for the National Center for Environmental Health at Los Alamos and research work at the Health Energy Related Branch at NIOSH.

Legacy Management

The conference agreement provides a total of $78,598,000 for the Office of Legacy Management to manage the long-term stewardship responsibilities at the Department of Energy clean up sites. The Conference recommendation provides $45,076,000 in Other Defense Activities and the balance of $33,522,000 is provided in the non-defense Energy Supply account.

Funding for Defense Activities in Idaho

The conference agreement provides $123,873,000 for defense-related activities at the Idaho National Laboratory (INL) and associated Idaho cleanup sites.

Defense Related Administrative Support

The conference agreement provides $87,575,000 for national security programs administrative support.

Office of Hearings and Appeals

The conference agreement provides $4,353,000 for the Office of Hearings and Appeals, the same as the budget request.

Defense Nuclear Waste Disposal

The conference agreement provides $350,000,000 for the defense contribution to the nuclear waste repository program.

Power Marketing Administrations

Bonneville Power Administration

The conference recommendation provides no new borrowing authority for BPA during fiscal year 2006. The Bonneville Power Administration may make no new obligations in support of the Fish Passage Center. The conferees call upon Bonneville Power Administration and the Northwest Power and Conservation Council to ensure that an orderly transfer of the Fish Passage Center functions (warehouse of smolt monitoring data, routine data analysis and reporting and coordination of the smolt monitoring program) occurs within 120 days of enactment of this legislation. These functions shall be transferred to other existing and capable entities in the region in a manner that ensures seamless continuity of activities.

Operation and Maintenance, Southeastern Power Administration

The conference agreement includes $5,600,000 for the Southeastern Power Administration. The conference agreement provides $32,713,000 for purchase power and wheeling in fiscal year 2006.

Operation and Maintenance, Southwestern Power Administration

The conference agreement includes $30,166,000 for the Southwestern Power Administration. The conference agreement provides $3,000,000 for purchase power and wheeling in fiscal year 2006.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

The conference agreement provides $233,992,000, an increase of $180,035,000 over the budget request for Western Area Power Administration. The conference agreement provides $279,000,000 for purchase power and wheeling in fiscal year 2006. The total O&M program level for Western in fiscal year 2006 is $517,154,000, which includes $53,957,000 for construction and rehabilitation, $47,295,000 for system operation and maintenance, $279,000,000 for purchase power and wheeling, and $130,202,000 for program direction. Offsetting collections total $283,162,000; with the use of $4,162,000 of offsetting collections from the Colorado River Dam Fund (as authorized in P.L. 98-381), this requires a net appropriation of $233,992,000. Within available funds, the conference recommendation includes $6,000,000 to complete the Topock-Davis section of the Topock-Davis-Mead line including the interconnection and extension to Needles, CA, to provide additional transmission capacity by using aluminum matrix composite conductor technology. The conferees are disappointed that the funding for the South of Phoenix portion of the Parker-Davis project in Pinal County has been delayed and recommend that the project funding be reinstated without any further delay or interruption. The conferees agree with the House language regarding the Sierra-Nevada Region's Post-2004 Power Marketing Plan and Transmission Operations and direct WAPA to submit the requested report to the House and Senate Committees on Appropriations by May 1, 2006. The conference agreement includes $6,700,000 for the Utah Mitigation and Conservation fund.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

The conference agreement includes $2,692,000, the same as the budget request, for the Falcon and Amistad Operating and Maintenance Fund.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $220,400,000 for the Federal Energy Regulatory Commission (FERC). Revenues for FERC are set at an amount equal to the budget authority, resulting in a net appropriation of $0.

The conferees are aware that the Federal Energy Regulatory Commission has begun requiring the collection of wholesale electric charges to address costs associated with crossing "seams" between neighboring Regional Transmission Organizations, also known as "Seams Elimination Cost Adjustment". While recognizing that legitimate costs should be recovered, the conferees are troubled about whether the Commission has applied these fees without a clear accounting of actual costs or proper allocation, permitted SECA charges to go into effect without those charges having been filed or even disclosed, used "baselines" that may not reflect actual power flows and otherwise failed to provide proper and appropriate procedural protections to all parties. The conferees expect the Commission to review its SECA policies and take expeditious and appropriate remedial steps.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

Sec. 301. The conference agreement includes language regarding competition of certain management and operating contracts.

Sec. 302. The conference agreement includes a provision regarding workforce restructuring plans, enhanced severance payments, and other benefits and community assistance grants for Federal employees of the Department of Energy.

Sec. 303. The conference agreement includes a provision regarding augmentation of funds for severance payments and other benefits and community assistance grants.

Sec. 304. The conference agreement includes a provision regarding Requests for Proposals for programs that have not been funded by Congress in the current fiscal year.

Sec. 305. The conference agreement includes a provision regarding the use of unexpended balances of prior appropriations.

Sec. 306. The conference agreement includes a provision prohibiting the Bonneville Power Administration from performing energy efficiency services outside the legally defined Bonneville service territory unless the Administrator certifies in advance that such services are not available from private sector businesses.

Sec. 307. The conference agreement includes a provision establishing certain notice and competition requirements for Department of Energy user facilities.

Sec. 308. The conference agreement includes a provision authorizing intelligence activities of the Department of Energy for purposes of section 504 of the National Security Act of 1947 until enactment of the Intelligence Authorization Act for fiscal year 2006.

Sec. 309. The conference agreement includes a provision limiting the types of waste that may be disposed of in the Waste Isolation Pilot Plant.

Sec. 310. The conference agreement includes a provision dealing with the Reno Hydrogen Fuel Project.

Sec. 311. The conference agreement includes a provision authorizing maximum percentages for laboratory directed research and development and plant- or site-directed research and development.

Sec. 312. The conference agreement includes a provision dealing with the purchase of mineral rights at the Rocky Flats Environmental Technology Site.

Sec. 313. The conference agreement includes a provision dealing with the Mixed Oxide Fuel Facility at the Savannah River Site.

Sec. 314. The conference agreement includes a provision authorizing the Secretary to barter, transfer or sell uranium.

Sec. 315. The conference agreement includes a provision requiring non-federal matching funds for the Coralville, Iowa, project.

The conference agreement deletes a provision proposed by the House relating to Laboratory Directed Research and Development (LDRD) and Plant Directed Research and Development (PDRD) activities.

The conference agreement deletes a provision proposed by the House relating to LDRD and PDRD activities for project costs incurred as Indirect Costs by Major Facility Operating Contractors under OMB's Federal Cost Accounting Standards (FAR Part 9900) or the Generally Accepted Accounting Principles.

The conference agreement deletes a provision proposed by the House relating to laboratory directed research and development activities at Department of Energy laboratories on behalf of other Federal agencies.

The conference agreement deletes a provision proposed by the House relating to price supports and loan guarantee programs.

The conference agreement deletes a provision proposed by the House relating to the siting of a modern pit facility.

The conference agreement deletes a provision proposed by the Senate relating to the Advanced Simulation Computing program.

The conference agreement deletes a provision proposed by the Senate relating to eligibility of costs incurred by DOE contractors for LDRD, SDRD, and PDRD.

The conference agreement deletes a provision proposed by the Senate relating to direct and indirect costs of LDRD, SDRD, and PDRD.

The conference agreement deletes a provision proposed by the Senate relating to funding National Nuclear Security Administration Weapons Complex reforms.

The conference agreement deletes a provision proposed by the Senate relating to fusion energy science.

The conference agreement deletes a provision proposed by the Senate relating to retirement benefits for Rocky Flats site workers.

The conference agreement deletes a provision proposed by the Senate relating to Savannah River National Laboratory eligibility for LDRD.

CONFERENCE RECOMMENDATIONS

The conference agreement's detailed funding recommendations for programs in Title III are contained in the following table.

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
ENERGY SUPPLY AND CONSERVATION		
ENERGY EFFICENCY AND RENEWABLE ENERGY		
Hydrogen Technology:		
Hydrogen technology	99,094	81,099
Fuel cell technologies	83,600	76,100
Subtotal, hydrogen technology	182,894	157,199
Biomass and Biorefinery Systems R&D	72,164	91,634
Solar energy	83,953	83,953
Wind energy	44,249	39,249
Geothermal technology	23,299	23,299
Hydropower	500	500
Vehicle technologies	165,943	183,943
Building technologies	57,966	69,966
Industrial technologies	56,489	57,429
Distributed energy and electricity reliability	56,629	---
Federal Energy Management Program:		
Departmental energy management program	2,019	2,019
Federal energy management program	17,147	17,147
Subtotal, Federal Energy Management Program	19,166	19,166
Facilities and infrastructure:		
National Renewable Energy Laboratory	5,800	5,800
Research Support Buildings	---	10,000
Construction		
02-E-001 Science and technology facility, NREL	10,515	10,515
Total, Facilities and infrastructure	16,315	26,315
Weatherization and Intergovernmental program:		
Weatherization assistance	225,400	240,400
Training and technical assistance	4,600	4,600
State energy program grants	41,000	36,000
State energy activities	500	500
Gateway deployment	26,657	25,657
International renewable energy program	2,910	3,910
Tribal energy activities	4,000	4,000
Renewable energy production incentive	5,000	5,000
Subtotal, Weatherization and Intergovernmental program	310,067	320,067
Program Direction	101,524	99,524
Program Support	9,456	13,456
TOTAL, ENERGY EFFICENCY AND RENEWABLE ENERGY	1,200,414	1,185,700

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
ELECTRICITY TRANSMISSION AND DISTRIBUTION		
High temperature superconductivity R&D	45,000	50,500
Transmission reliability R&D	9,220	13,000
Electricity distribution transformation R&D	4,037	60,666
Energy storage R&D	3,000	3,000
Gridwise	5,500	5,500
Gridworks	5,000	5,000
Total, Research and development	71,757	137,666
Electricity restructuring	12,400	12,400
Program direction	11,447	13,447
TOTAL, ELECTRICITY TRANSMISSION AND DISTRIBUTION	95,604	163,513
NUCLEAR ENERGY		
University reactor infrastructure and education assist	24,000	27,000
Research and development		
Nuclear power 2010	56,000	66,000
Generation IV nuclear energy systems initiative	45,000	55,000
Nuclear hydrogen initiative	20,000	25,000
Advanced fuel cycle initiative	70,000	80,000
Total, Research and development	191,000	226,000
Infrastructure		
Radiological facilities management		
Space and defense infrastructure	31,200	39,700
Medical isotopes infrastructure	14,395	14,395
Construction		
05-E-203 Facility modifications for U-233 di disposition, Oak Ridge National Laboratory, Oak Ridge, TN	18,705	---
Subtotal, Medical isotopes infrastructure	33,100	14,395
Enrichment facility and uranium management	500	500
Subtotal, Radiological facilities management	64,800	54,595
Idaho facilities management		
INL Operations and infrastructure	86,907	102,907
INL infrastructure		
Construction		
06-E-200 Project engineering and design (PED), INL, ID	7,870	7,870
06-E-201 Gas test loop in the ATR, INL, ID	3,085	3,085
Subtotal, Construction	10,955	10,955
Subtotal, Idaho facilities management	97,862	113,862
Idaho sitewide safeguards and security	75,008	75,008
Total, Infrastructure	237,670	243,465
Program direction	61,109	61,109
Subtotal, Nuclear Energy	513,779	557,574

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
Funding from other defense activities	-123,873	-123,873
Funding from Naval Reactors	---	-13,500
TOTAL, NUCLEAR ENERGY	389,906	420,201
ENVIRONMENT, SAFETY AND HEALTH		
Office of Environment, Safety and Health (non-defense)	9,100	7,100
Program direction	20,900	20,900
TOTAL, ENVIRONMENT, SAFETY AND HEALTH	30,000	28,000
OFFICE OF LEGACY MANAGEMENT		
Legacy management	33,522	33,522
TOTAL, ENERGY SUPPLY AND CONSERVATION	1,749,446	1,830,936
CLEAN COAL TECHNOLOGY		
Deferral of unobligated balances, FY 2005	257,000	257,000
Deferral of unobligated balances, FY 2007	---	-257,000
Rescission Request	-257,000	---
Rescission, uncommitted balances	---	-20,000
Total, Clean Coal Technology	---	-20,000
FOSSIL ENERGY RESEARCH AND DEVELOPMENT		
Clean coal power initiative	50,000	50,000
FutureGen	18,000	18,000
Advance appropriation, FY 2007	257,000	---
Fuels and Power Systems:		
Innovations for existing plants	23,850	25,400
Advanced integrated gasification combined cycle	56,450	56,450
Advanced turbines	18,000	18,000
Carbon sequestration	67,200	67,000
Fuels	22,000	29,000
Fuel cells	65,000	62,000
Advanced research	30,500	53,154
U.S./China Energy and environmental center	---	994
Subtotal, Fuels and power systems	283,000	311,998
Subtotal, Coal	608,000	379,998
Natural Gas Technologies	10,000	33,000
Petroleum - Oil Technologies	10,000	32,000
Program direction	98,941	106,941
Plant and Capital Equipment	---	20,000
Fossil energy environmental restoration	8,060	9,600
Import/export authorization	1,799	1,799
Advanced metallurgical research	8,000	8,000
Special recruitment programs	656	656
Cooperative research and development	3,000	6,000
Subtotal, FOSSIL ENERGY RESEARCH AND DEVELOPMENT	491,456	597,994
Advance appropriations	257,000	---
Total, FOSSIL ENERGY R&D INCLUDING ADVANCES	748,456	597,994

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
NAVAL PETROLEUM AND OIL SHALE RESERVES	18,500	21,500
ELK HILLS SCHOOL LANDS FUNDS	84,000	84,000
STRATEGIC PETROLEUM RESERVE	166,000	166,000
ENERGY INFORMATION ADMINISTRATION	85,926	86,176
NON-DEFENSE ENVIRONMENTAL CLEANUP		
West Valley Demonstration Project	77,100	77,100
Gaseous Diffusion Plants	45,528	48,813
Depleted Uranium Hexafluoride Conversion, 02-U-101	85,803	85,803
Fast Flux Test Reactor Facility (WA)	46,113	46,113
Small Sites:		
Argonne National Lab	10,487	10,487
Brookhaven National Lab	34,328	34,328
Idaho National Lab	5,274	5,274
Consolidated Business Center:		
California Site support	100	100
Inhalation Toxicology Lab	305	305
Lawrence Berkeley National Lab	3,900	3,900
Stanford Linear Accelerator Center	3,500	3,500
Energy Technology Engineering Center	9,000	9,000
Los Alamos National Lab	490	490
Moab	28,006	28,006
Subtotal, small sites	95,390	95,390
TOTAL, NON-DEFENSE ENVIRONMENTAL CLEANUP	349,934	353,219
URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND		
Decontamination and decommissioning	571,498	542,228
Uranium/thorium reimbursement	20,000	20,000
SUBTOTAL, URANIUM ENRICHMENT D&D FUND	591,498	562,228
Uranium sales and barter (scorekeeping adjustment)	---	(3,000)
TOTAL, UED&D FUND/URANIUM INVENTORY CLEANUP	(591,498)	(565,228)
SCIENCE		
High energy physics		
Proton accelerator-based physics	387,093	392,093
Electron accelerator-based physics	132,822	132,822
Non-accelerator physics	38,589	38,589
Theoretical physics	49,103	49,103
Advanced technology R&D	106,326	111,326
Total, High energy physics	713,933	723,933
Nuclear physics	368,741	368,741
Construction		
06-SC-02 Project engineering and design (PED), Electron beam ion source, Brookhaven National Laboratory, Upton, NY	2,000	2,000
Total, Nuclear physics	370,741	370,741
Biological and environmental research	455,688	585,688

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
Basic energy sciences		
Research		
Materials sciences and engineering research	746,143	746,143
Chemical sciences, geosciences and energy biosciences	221,801	221,801
Subtotal, Research	967,944	967,944
Construction		
05-R-320 LINAC coherent light source (LCLS)	83,000	83,000
05-R-321 Center for functional nanomaterials (BNL)	36,553	36,553
04-R-313 The molecular foundry (LBNL)	9,606	9,606
03-SC-002 Project engineering & design (PED) SLAC	2,544	2,544
03-R-313 Center for Integrated Nanotechnology	4,626	4,626
99-E-334 Spallation neutron source (ORNL)	41,744	41,744
Subtotal, Construction	178,073	178,073
Total, Basic energy sciences	1,146,017	1,146,017
Advanced scientific computing research	207,055	237,055
Science laboratories infrastructure		
Laboratories facilities support		
Infrastructure support	1,520	1,520
General plant projects	3,000	3,000
Construction		
04-SC-001 Project engineering and design (PED), various locations	3,000	3,000
03-SC-001 Science laboratories infrastructure MEL-001 Multiprogram energy laboratory infrastructure projects, various locations	12,869	14,869
Subtotal, Construction	15,869	17,869
Subtotal, Laboratories facilities support	20,389	22,389
Oak Ridge landlord	5,079	5,079
Excess facilities disposal	14,637	14,637
Total, Science laboratories infrastructure	40,105	42,105
Fusion energy sciences program	290,550	290,550
Safeguards and security	74,317	74,317
Workforce development for teachers and scientists	7,192	7,192
Science program direction		
Field offices	92,593	91,593
Headquarters	70,132	69,132
Total, Science program direction	162,725	160,725
Subtotal, Science	3,468,323	3,638,323
Less security charge for reimbursable work	-5,605	-5,605
TOTAL, SCIENCE	3,462,718	3,632,718

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
NUCLEAR WASTE DISPOSAL		
Repository program	218,536	20,000
Program direction	81,464	80,000
Integrated spent fuel recycling	---	50,000
TOTAL, NUCLEAR WASTE DISPOSAL	300,000	150,000
DEPARTMENTAL ADMINISTRATION		
Administrative operations		
Salaries and expenses		
Office of the Secretary	5,399	5,399
Board of contract appeals	648	648
Chief information officer	51,122	39,385
Congressional and intergovernmental affairs	5,089	4,826
Economic impact and diversity	5,352	5,352
General counsel	24,217	23,217
Office of Management, Budget and Evaluation	111,806	109,300
Policy and international affairs	18,844	14,993
Public affairs	4,504	4,504
Subtotal, Salaries and expenses	226,981	207,624
Program support		
Minority economic impact	830	823
Policy analysis and system studies	395	392
Environmental policy studies	567	562
Cybersecurity and secure communications	32,000	24,733
Corporate management information program	23,055	23,055
Subtotal, Program support	56,847	49,565
Competitive sourcing initiative (A-76)	3,000	2,480
Total, Administrative operations	286,828	259,669
Cost of work for others	80,723	80,723
Subtotal, Departmental Administration	367,551	340,392
Funding from other defense activities	-87,575	-87,575
Total, Departmental administration (gross)	279,976	252,817
Miscellaneous revenues	-123,000	-123,000
TOTAL, DEPARTMENTAL ADMINISTRATION (net)	156,976	129,817
Office of Inspector General	43,000	42,000

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
ATOMIC ENERGY DEFENSE ACTIVITIES		
NATIONAL NUCLEAR SECURITY ADMINISTRATION		
WEAPONS ACTIVITIES		
Directed stockpile work		
Life extension program		
B61	50,810	50,810
W76	162,268	149,768
W80	135,240	100,240
Subtotal, Life extension program	348,318	300,818
Stockpile systems		
B61	66,050	66,050
W62	8,967	8,967
W76	63,538	63,538
W78	32,632	32,632
W80	26,315	26,315
B83	26,391	26,391
W84	4,402	4,402
W87	50,678	50,678
W88	32,831	32,831
Subtotal, Stockpile systems	311,804	311,804
Reliable replacement warhead	9,351	25,000
Warheads Dismantlement	35,245	60,000
Stockpile services		
Production support	267,246	230,000
Research and development	66,753	61,253
Research and development certification and safety	211,727	227,727
Management, technology, and production	166,587	169,587
Robust nuclear earth penetrator	4,000	---
Subtotal, Stockpile services	716,313	688,587
Total, Directed stockpile work	1,421,031	1,386,189
Campaigns		
Science campaigns		
Primary assessment technologies	45,179	49,718
Test readiness	25,000	20,000
Dynamic materials properties	80,894	83,894
Advanced radiography	49,520	49,520
Secondary assessment technologies	61,332	76,332
Subtotal, Science campaigns	261,925	279,464
Engineering campaign		
Enhanced surety	29,845	40,000
Weapons system engineering assessment technology	24,040	17,540
Nuclear survivability	9,386	22,386
Enhanced surveillance	96,207	100,207
Microsystem and engineering science applications (MESA), other project costs	4,714	4,714
Construction		
01-D-108 Microsystem and engineering science applications (MESA), SNL, Albuquerque, NM	65,564	65,564
Subtotal, MESA	70,278	70,278
Subtotal, Engineering campaign	229,756	250,411

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
Inertial confinement fusion ignition and high yield campaign		
Ignition	75,615	75,615
Support of stockpile program	9,872	19,872
NIF diagnostics, cryogenics and experiment support	43,008	43,008
Pulsed power inertial confinement fusion	10,111	11,012
University grants/other support	9,946	7,700
Facility operations and target production	54,623	64,623
Inertial fusion technology	---	48,000
NIF demonstration program	112,330	102,330
High-energy petawatt laser development	3,000	35,000
Subtotal	318,505	407,160
Construction		
96-D-111 National ignition facility, LLNL	141,913	141,913
Subtotal, Inertial confinement fusion	460,418	549,073
Advanced simulation and computing	660,830	605,830
Pit manufacturing and certification		
W88 pit manufacturing	120,926	120,926
W88 pit certification	61,895	61,895
Pit manufacturing capability	23,071	23,071
Modern pit facility	7,686	---
Pit campaign support activities at NTS	35,182	35,182
Subtotal, Pit manufacturing and certification	248,760	241,074
Readiness campaign		
Stockpile readiness	31,400	31,400
High explosives readiness/assembly campaign	17,097	17,097
Non-nuclear readiness	28,630	28,630
Advanced design and production technologies	54,040	54,040
Tritium readiness	62,694	62,694
Construction		
98-D-125 Tritium extraction facility, SR	24,894	24,894
Subtotal, Tritium readiness	87,588	87,588
Subtotal, Readiness campaign	218,755	218,755
Total, Campaigns	2,080,444	2,144,607
Readiness in technical base and facilities		
Operations of facilities	1,160,783	1,170,901
Program readiness	105,738	105,738
Special projects	6,619	---
Material recycle and recovery	72,730	72,730
Containers	17,247	17,247
Storage	25,222	25,222
Subtotal, Readiness in technical base and fac.	1,388,339	1,391,838
Construction		
06-D-140 Project engineering and design (PED), various locations	14,113	14,113
06-D-402 NTS replace fire stations 1 & 2 Nevada Test Site, NV	8,284	8,284

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
06-D-403 Tritium facility modernization Lawrence Livermore National Laboratory, Livermore, CA	2,600	2,600
06-D-404 Building remediation, restoration, and upgrade, Nevada Test Site, NV	16,000	16,000
05-D-140 Project engineering and design (PED), various locations	5,000	7,000
05-D-401 Building 12-64 production bays upgrades, Pantex plant, Amarillo, TX	11,000	11,000
05-D-402 Berylium capability (BEC) project, Y-12 National security complex, Oak Ridge, TN	7,700	7,700
04-D-103 Project engineering and design (PED), various locations	2,000	2,000
04-D-125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM	55,000	55,000
04-D-128 TA-18 mission relocation project, Los Alamos Laboratory, Los Alamos, NM	13,000	13,000
03-D-103 Project engineering and design (PED), various locations	29,000	29,000
03-D-122 Purification facility, Y-12 plant,		
01-D-103 Project engineering and design (PED), various locations	9,000	9,000
01-D-124 HEU materials facility, Y-12 plant, Oak Ridge, TN	70,350	81,350
Subtotal, Construction	243,047	256,047
Total, Readiness in technical base and facilities	1,631,386	1,647,885
Facilities and infrastructure recapitalization program	233,484	100,848
Construction		
06-D-160 Project engioneering and design (PED), various locations	5,811	5,811
06-D-601 Electrical distribution system upgrade, Pantex Plant, Amarillo, TX	4,000	4,000
06-D-602 Gas main and distribution system upgrade, Pantex Plant, Amarillo, TX	3,700	3,700
06-D-603 Steam plant life extension project (SLEP), Y-12 National Security Complex, Oak Ridge, TN	729	729
05-D-160 Facilities and infrastructure recapitalization program project engineering design (PED), various locations	10,644	10,644
05-D-601 Compressed air upgrades project (CAUP), Y-12, National security complex, Oak Ridge, TN	9,741	9,741
05-D-602 Power grid infrastructure upgrade (PGIU), Los Alamos National Laboratory, Los Alamos, NM	8,500	8,500

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
05-D-603 New master substation (NMSU), SNL	6,900	6,900
Subtotal, Construction	50,025	50,025
Total, Facilities and infrastructure recapitalization program	283,509	150,873
Secure transportation asset		
Operations and equipment	143,766	143,766
Program direction	68,334	68,334
Total, Secure transportation asset	212,100	212,100
Nuclear weapons incident response	118,796	118,796
Environmental projects and operations		
Environmental projects and operations program	156,504	---
Program direction	17,885	---
Subtotal, Environmental projects and operations	174,389	---
Safeguards and security	699,478	764,486
Construction		
05-D-170 Project engineering and design (PED), various locations	41,000	41,000
Total, Safeguards and security	740,478	805,486
Subtotal, Weapons activities	6,662,133	6,465,936
Less security charge for reimbursable work	-32,000	-32,000
TOTAL, WEAPONS ACTIVITIES	6,630,133	6,433,936
DEFENSE NUCLEAR NONPROLIFERATION		
Nonproliferation and verification, R&D	267,218	309,000
Construction		
06-D-180 Project engineering and design (PED), National Security Laboratory, PNNL	5,000	13,000
Subtotal, Nonproliferation & verification R & D	272,218	322,000
Nonproliferation and international security	80,173	75,000
International nuclear materials protection and cooperation	343,435	427,000
Accelerated highly enriched uranium (HEU)		
Russian transition initiative	37,890	40,000
HEU transparency implementation	20,483	19,483
Elimination of weapons-grade plutonium production program	132,000	176,185
Fissile materials disposition		
U.S. surplus materials disposition	226,500	195,000
Russian surplus materials disposition	64,000	34,508
Construction		
01-D-407 Highly enriched uranium (HEU) blend		
99-D-141 Pit disassembly and conversion facility, Savannah River, SC	24,000	24,000
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC	338,565	220,000

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
Subtotal, Construction	362,565	244,000
Subtotal, Fissile materials disposition	653,065	473,508
Global threat reduction initiative	97,975	97,975
TOTAL, DEFENSE NUCLEAR NONPROLIFERATION	1,637,239	1,631,151
NAVAL REACTORS		
Naval reactors development	738,800	728,800
Construction		
06-D-901 Central office building II	7,000	7,000
Transfer to Nuclear Energy	---	13,500
05-N-900 Materials development facility building, Schenectady, NY	9,900	9,900
Subtotal, Construction	16,900	30,400
Total, Naval reactors development	755,700	759,200
Program direction	30,300	30,300
TOTAL, NAVAL REACTORS	786,000	789,500
OFFICE OF THE ADMINISTRATOR		
Office of the Administrator	350,765	348,765
Use of prior year balances	-6,896	-6,896
TOTAL, OFFICE OF THE ADMINISTRATOR	343,869	341,869
TOTAL, NATIONAL NUCLEAR SECURITY ADMINISTRATION	9,397,241	9,196,456
DEFENSE ENVIRONMENTAL CLEANUP		
Closure Sites:		
Ashtabula	16,000	16,000
Columbus	9,500	9,500
Fernald	327,609	327,609
Miamisburg	75,530	105,530
Rocky Flats	579,950	569,950
Total, closure sites	1,008,589	1,028,589
Savannah River site:		
04-D-414 Project Engineering and Design, 105-K	---	18,600
Nuclear material stabilization and disposition 2012	250,303	250,303
Subtotal, 2012 accelerated completions	250,303	268,903
SNF stabilization, disposition/storage	13,889	13,889
SR community and regulatory support	13,046	13,046
Nuclear material stabilization and disposition	75,105	75,105
Spent nuclear fuel stabilization and disposition	11,273	11,273
Solid waste stabilization and disposition	112,993	112,993
Soil and water remediation	103,665	94,365

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
Nuclear facility D&D	66,516	57,216
Subtotal, 2035 accelerated completions	386,487	377,887
Radioactive liquid tank waste stabil. & disposition	500,975	500,975
03-D-414, Salt waste processing facility PED SR	4,342	35,342
04-D-408, Glass waste storage building #2	6,975	6,975
05-D-405, Salt waste processing facility	70,000	500
SWPF FY 2005 uncosted balances	---	-20,000
Subtotal, Tank farm activities	582,292	523,792
Total, Savannah River site	1,229,082	1,170,582
Waste Isolation Pilot Plant:		
Operate WIPP	111,948	117,948
Central Characterization Project	38,502	38,502
Transportation	37,631	37,631
Community and regulatory support	24,548	36,548
Total, Waste Isolation Pilot Plant	212,629	230,629
Idaho National Laboratory:		
SNF stabilization and disposition/storage	12,666	12,666
Nuclear material stabilization and disposition	1,555	1,555
SNF stabilization and disposition - 2012	19,158	19,158
Solid waste stabilization and disposition	140,015	140,015
Radioactive liquid tank waste stabilization and disposition	124,965	92,195
06-D-401, Sodium bearing waste treatment project, ID	15,000	54,270
04-D-414, Sodium bearing waste treatment facility, PED ID	9,200	9,200
Soil and water remediation - 2012	161,489	161,489
Nuclear facility D&D	5,026	5,026
Non-nuclear facility D&D	39,105	39,105
Idaho community and regulatory support	3,546	3,546
Total, Idaho National Laboratory	531,725	538,225
Oak Ridge Reservation:		
Solid waste stabilization and completion - 2006	---	4,630
Soil and water remediation - Melton Valley	15,146	46,776
Solid waste stabilization and disposition - 2012	68,360	68,360
Soil and water remediation - offsites	16,483	16,483
Nuclear facility D&D, E. Tenn. Technology Park	6,034	6,034
Nuclear facility D&D Y-12	40,558	40,558
Nuclear facility D&D ORNL	16,034	16,034
Solid waste stabilization & disp. - science current gen	18,267	18,267
OR reservation community & regulatory support	5,670	5,670
Building 3019	---	18,000
Total, Oak Ridge Reservation	186,552	240,812
Hanford Site:		
Nuclear material stabilization & disposition PFP	190,772	198,668
SNF stabilization and disposition	58,479	58,479
Nuclear facility D&D, river corridor closure project	168,501	178,501
HAMMER facility	---	7,500
B-reactor museum	---	2,000
Subtotal, 2012 accelerated completions	417,752	445,148
Solid waste stabilization & disposition 200 Area	165,113	167,113
Soil & water remediation - groundwater/vadose zone	72,955	74,495

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
Nuclear facility D&D - remainder of Hanford	70,812	70,812
Operate waste disposal facility	5,861	5,861
SNF stabilization and disposition/storage	1,813	1,813
Richland community and regulatory support	15,411	15,411
Subtotal, 2035 accelerated completions	331,965	335,505
Total, Hanford Site	749,717	780,653
Office of River Protection:		
01-D-416 Waste treatment & immobilization plant	625,893	---
Pretreatment facility	---	149,000
High-level waste facility	---	104,000
Low activity waste facility	---	163,000
Analytical laboratory	---	45,000
Balance of facilities	---	65,000
Subtotal, Waste treatment & immobilization plant	625,893	526,000
Tank Farm activities		
Rad liquid tank waste stabil. and disposition	294,447	329,000
03-D-403 Immobilized HLW interim storage facility	7,495	---
River protection community and regulatory support	471	471
Subtotal, Tank Farm activities	302,413	329,471
Total, Office of River Protection	928,306	855,471
Program direction	230,931	243,816
Program support	32,846	32,846
Uranium enrichment D&D fund contribution	451,000	451,000
Technology development	21,389	30,065
NNSA sites and Nevada off-sites:		
Lawrence Livermore National Laboratory	---	29,578
NNSA Service Center	---	8,304
Nevada	---	85,024
Kansas City Plant	---	4,526
California site support	---	550
Pantex	---	19,654
Sandia National Laboratories	---	9,769
Nevada off-sites	2,846	2,846
Los Alamos National Laboratory	142,209	142,209
Total, NNSA sites and Nevada off-sites	145,055	302,460
Safeguards and Security:		
Waste Isolation Pilot Project	4,223	4,223
Oak Ridge Reservation	28,855	28,855
Fernald	1,391	1,391
West Valley	1,800	1,800
Paducah	11,014	11,014
Portsmouth	17,842	17,842
Richland/Hanford Site	82,155	82,155
Rocky Flats	3,200	3,200
Savannah River Site	136,743	136,743
Total, Safeguards and Security	287,223	287,223
TOTAL, DEFENSE ENVIRONMENTAL CLEAN UP	6,015,044	6,192,371

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
OTHER DEFENSE ACTIVITIES		
Other national security programs		
Office of Security and safety performance assurance		
Nuclear safeguards and security	176,878	186,878
Security investigations	48,725	46,725
Program direction	75,492	73,492
Subtotal, Office of Security and safety performance assurance	301,095	307,095
Environment, safety and health (Defense)	56,483	57,483
Program direction - EH	20,546	19,546
Subtotal, Environment, safety & health (Defense)	77,029	77,029
Office of Legacy Management		
Legacy management	31,421	31,421
Program direction	13,655	13,655
Subtotal, Office of Legacy Management	45,076	45,076
Nuclear energy		
Infrastructure		
Idaho facilities management	17,762	17,762
Idaho sitewide safeguards and security	75,008	75,008
Subtotal, Infrastruture	92,770	92,770
Program direction	31,103	31,103
Subtotal, Nuclear energy	123,873	123,873
Defense related administrative support	87,575	87,575
Office of hearings and appeals	4,353	4,353
Subtotal, Other Defense Activities	639,001	645,001
Less security charge for reimbursable work	-3,003	-3,003
TOTAL, OTHER DEFENSE ACTIVITIES	635,998	641,998
DEFENSE NUCLEAR WASTE DISPOSAL		
Defense nuclear waste disposal	351,447	350,000
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	16,399,730	16,380,825
POWER MARKETING ADMINISTRATIONS		
SOUTHEASTERN POWER ADMINISTRATION		
Operation and maintenance		
Purchase power and wheeling	32,713	32,713
Program direction	5,600	5,600
Subtotal, Operation and maintenance	38,313	38,313
Offsetting collections	-38,313	-32,713
TOTAL, SOUTHEASTERN POWER ADMINISTRATION	---	5,600

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
SOUTHWESTERN POWER ADMINISTRATION		
Operation and maintenance		
Operating expenses	7,042	7,042
Purchase power and wheeling	1,235	3,000
Program direction	19,958	19,958
Construction	3,166	3,166
Subtotal, Operation and maintenance	31,401	33,166
Offsetting collections	-28,235	-3,000
TOTAL, SOUTHWESTERN POWER ADMINISTRATION	3,166	30,166
WESTERN AREA POWER ADMINISTRATION		
Operation and maintenance		
Construction and rehabilitation	53,957	53,957
Operation and maintenance	47,295	47,295
Purchase power and wheeling	148,500	279,000
Program direction	143,667	130,202
Utah mitigation and conservation	---	6,700
Subtotal, Operation and maintenance	393,419	517,154
Offsetting collections	-335,300	-279,000
Offsetting collections (P.L. 98-381)	-4,162	-4,162
TOTAL, WESTERN AREA POWER ADMINISTRATION	53,957	233,992
FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND		
Operation and maintenance	2,692	2,692
Offsetting collections	-2,692	---
TOTAL, FALCON AND AMISTAD O&M FUND	---	2,692
TOTAL, POWER MARKETING ADMINISTRATIONS	57,123	272,450
FEDERAL ENERGY REGULATORY COMMISSION		
Federal energy regulatory commission	220,400	220,400
FERC revenues	-220,400	-220,400
GRAND TOTAL, DEPARTMENT OF ENERGY	24,213,307	24,289,863
(Total amount appropriated)	(23,920,307)	(24,253,863)
(Advance appropriations from previous years)	(36,000)	(36,000)
(Advance appropriations, FY 2007)	(257,000)	---

TITLE IV

INDEPENDENT AGENCIES

APPLACHIAN REGIONAL COMMISSION

The conference agreement includes $66,472,000 for the Appalachian Regional Commission, instead of $38,500,000 as proposed by the House and $65,482,000 as proposed by the Senate. Within the funds provided, the conference agreement includes the following activities:

Central West Virginia public water and wastewater facilities	$2,000,000
Southern West Virginia public water and wastewater treatment facilities	2,000,000
Scioto County, Ohio sanitary sewer pump station renovations and improvements	750,000
Copeland low water bridge, Breathitt County, Kentucky	1,800,000
Watershed coordination activities, Athens, Meigs, Gallia, Lawrence and Scioto counties, Ohio	500,000
Logan County, West Virginia flood warning system	305,000
Perry County, Ohio, State Route 13 railroad crossing	500,000

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

The conference agreement provides $22,032,000 for the Defense Nuclear Facilities Safety Board (DNFS), the same as the request.

The conferees support the mission of the DNFSB, notably the providing of advice and recommendations to the Secretary of Energy regarding public health and safety issues at the Department's defense nuclear facilities. However, the conferees are concerned regarding DNFSB's opinions on seismic criteria, especially the timing and emphasis to which these concerns have been communicated over the past two years to the Department. As recent as the October 17, 2005 letter from the DNFSB to the Secretary of Energy regarding the Hanford Waste Treatment Plant (WTP), DNFSB notes that "some important uncertainties remain", that can only be resolved by measurement under the WTP site—which will take up to two years. However, the DNFSB concludes in the same letter this does not "preclude continuing with the design and construction" of the facilities. The DNFSB cannot have it both ways. Such guidance leaves the Department vulnerable to continuing a multi-billion dollar project only to have DNFSB decide in two years that criteria must change again. The conferees remind the DNFSB of its authorizing legislation, 42 U.S.C. 2286a.(a)(5), which states, "In making its recommendations, the Board shall consider the technical and economic feasibility of implementing the recommended measures."

DELTA REGIONAL AUTHORITY

The conference agreement includes $12,000,000 for the Delta Regional Authority as proposed by the Senate instead of $6,000,000 as proposed by the House.

DENALI COMMISSION

The conference agreement includes $50,000,000 for the Denali Commission, instead of $2,562,000 as proposed by the House and $60,000,000 as proposed by the Senate.

The conferees acknowledge our country faces difficult fiscal circumstances. Hurricanes Katrina and Rita and the on-going war on terrorism have impacted the amount of federal funding available for the Denali Commission. The conferees expect the Denali Commission to continue to fund projects which provide: community showers and washeterias in villages with homes with no running water; multi-purpose community facilities; teacher housing in remote villages where there is limited housing available for teachers; facilities servicing Native elders and senior citizens; and to fund projects which allow (1) the Rural Communications Service to provide broadcast facilities in communities with no television or radio station; (2) the Pubic Broadcasting Digital Distribution Network to link rural broadcasting facilities together to improve economies to scale, share programming, and reduce operating costs; and (3) rural public broadcasting facilities and equipment upgrades. Priority consideration should be given to the Juneau/Green's Creek/Hoonah Intertie project; the Fire Island Transmission line project; the Humpback Creek Hydroelectric project; and the Falls Creek Hydroelectric project. The Denali Commission is instructed to prepare a report to be submitted to the Senate and House Appropriations Committees, which details how the fiscal year 2006 funds are to be allocated. The conferees request this report no later than July 1, 2006.

NUCLEAR REGULATORY COMMISSION

(SALARIES AND EXPENSES)

The conference agreement provides $734,376,000 for the Nuclear Regulatory Commission salaries and expenses, an increase of $41,000,000 over the budget request. This amount is offset by estimated revenues of $617,182,000, resulting in a net appropriation of $117,194,000. The fee recovery is consistent with that authorized by Section 637 of the Energy Policy Act of 2005 (Public Law 109–58). The recommendation includes $46,118,000 to be made available from the Nuclear Waste Fund to support the Department of Energy's effort to develop a permanent geologic repository for spent nuclear fuel and high-level waste. This amount is reduced from the request because the appropriation for the repository program is reduced.

The conferees provide an additional $21,000,000, as proposed by the House and Senate, to conduct site-specific assessments of spent fuel pools at reactor sites consistent with the recommendations of the National Academy of Sciences. The conferees also provide an additional $20,000,000, as proposed by the Senate, to support preparatory activities and pre-application consultations for expected combined license applications.

The conferees are aware that the Energy Policy Act of 2005 places additional responsibilities on the Nuclear Regulatory Commission. Funds to execute these additional responsibilities were not included in the budget request and are not provided in this conference report. However, to the extent that the Commission may be able to execute some of these new responsibilities through the reprogramming of available fiscal year 2006 funds, the conferees encourage the Commission to submit promptly a reprogramming request to the House and Senate Committees on Appropriations.

The conferees direct the Commission to provide a report on the status of its licensing and regulatory activities on a quarterly basis.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $8,316,000 for the Office of the Inspector General in the Nuclear Regulatory Commission. This amount is offset by revenues of $7,485,000, for a net appropriation of $831,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

The conference agreement provides $3,608,000 for the Nuclear Waste Technical Review Board, the same as the request.

TENNESSEE VALLEY AUTHORITY

OFFICE OF THE INSPECTOR GENERAL

The conference agreement does not include the requested $9,000,000 to establish a Congressionally-funded Office of the Inspector General for the Tennessee Valley Authority. The conferees support continuation of the existing arrangement for funding this office.

TITLE V—GENERAL PROVISIONS

Sec. 501. The conference agreement includes language directing that none of the funds appropriated in this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress except to communicate with Members of Congress.

Sec. 502. The conference agreement includes language regarding the transfer of funds made available in this Act to other departments or agencies of the federal government.

The conference agreement does not include a provision proposed by the House regarding the Nuclear Regulatory Commission.

The conference agreement does not include a provision proposed by the House dealing with the International Thermonuclear Experimental Reactor.

The conference agreement does not include a provision proposed by the Senate regarding fully funded continuing contracts.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2006 (H R 2419)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
Investigations	143,344	95,000	100,000	180,000	164,000	+20,656
Construction	1,781,720	1,637,000	1,900,000	2,086,664	2,372,000	+590,280
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	321,904	270,000	290,000	433,336	400,000	+78,096
Hurricane Disasters Assistance (emergency)	6,000	---	---	---	---	-6,000
Operation and maintenance	1,943,428	1,979,000	2,000,000	2,100,000	1,989,000	+45,572
Offsetting collection	---	-181,000	---	---	---	---
Hurricane Disasters Assistance (emergency)	145,400	---	---	---	---	-145,400
Storm damage - (P.L. 108-234, Sec. 401) (emergency)	10,000	---	---	---	---	-10,000
Hurricane Katrina Supplemental (P.L. 109-62) (emergency)	200,000	---	---	---	---	-200,000
Subtotal, Operation and mantenance	2,298,828	1,798,000	2,000,000	2,100,000	1,989,000	-309,828
Regulatory program	143,840	160,000	160,000	150,000	160,000	+16,160
FUSRAP	163,680	140,000	140,000	140,000	140,000	-23,680
Flood control and coastal emergencies	---	70,000	---	43,000	---	---
Hurricane Disasters Assistance (emergency)	148,000	---	---	---	---	-148,000
Hurricane Katrina Supplemental (P.L. 109-62) (emergency)	200,000	---	---	---	---	-200,000
General expenses	165,664	162,000	152,021	165,000	154,000	-11,664
Office of Assistant Secretary of the Army (Civil Works)	3,968	---	4,000	---	4,000	+32
Total, title I, Department of Defense - Civil	5,376,948	4,332,000	4,746,021	5,298,000	5,383,000	+6,052
TITLE II - DEPARTMENT OF THE INTERIOR						
Central Utah Project Completion Account						
Central Utah project construction	30,560	31,668	31,668	31,668	31,668	+1,108
Fish, wildlife, and recreation mitigation and conservation	15,345	946	946	946	946	-14,399
Subtotal	45,905	32,614	32,614	32,614	32,614	-13,291
Program oversight and administration	1,720	1,736	1,736	1,736	1,736	+16
Total, Central Utah project completion account	47,625	34,350	34,350	34,350	34,350	-13,275
Bureau of Reclamation						
Water and related resources	852,605	801,569	832,000	899,569	883,514	+30,909
Offsetting collection	---	30,000	---	---	---	---
Subtotal, water and related resources	852,605	771,569	832,000	899,569	883,514	+30,909
Central Valley project restoration fund	54,628	52,219	52,219	52,219	52,219	-2,409
California Bay-Delta restoration	---	35,000	35,000	37,000	37,000	+37,000
Policy and administration	57,688	57,917	57,917	57,917	57,917	+229
Drought conditions Nevada (P.L. 108-324) (emergency)	5,000	---	---	---	---	-5,000
Total, Bureau of Reclamation	989,921	916,705	977,136	1,046,705	1,030,650	+60,729
Total, title II, Department of the Interior	1,017,546	951,055	1,011,486	1,081,055	1,065,000	+47,454

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2006 (H.R. 2419)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs Enacted
TITLE III - DEPARTMENT OF ENERGY						
Energy supply and conservation	1,806,936	1,749,446	1,763,888	1,945,330	1,830,936	+24,000
Clean coal technology:						
Deferral of unobligated balances, FY 2005	-257,000	257,000	257,000	257,000	257,000	+514,000
Deferral of unobligated balances, FY 2007	---	---	-257,000	-257,000	257,000	-257,000
Rescission request	---	-257,000	---	---	---	---
Rescission, uncommitted balances	---	---	---	---	-20,000	-20,000
Total, Clean coal technology	-257,000	---	---	---	-20,000	+237,000
Fossil Energy Research and Development	571,854	491,456	502,467	641,646	597,994	+26,140
Advance appropriations, FY 2007	---	257,000	---	---	---	---
Total, Fossil Energy Research and Development	571,854	748,456	502,467	641,646	597,994	+26,140
Naval Petroleum and Oil Shale Reserves	17,750	18,500	18,500	21,500	21,500	+3,750
Elk Hills School Lands Fund	72,000	84,000	84,000	84,000	84,000	+12,000
Strategic petroleum reserve	169,710	166,000	166,000	166,000	166,000	-3,710
Northeast home heating oil reserve	4,930	---	---	---	---	-4,930
Energy Information Administration	53,819	85,926	86,426	85,926	86,176	+2,357
Non-defense environmental clean up	439,601	349,934	319,934	353,219	353,219	-86,382
Uranium enrichment decontamination and decommissioning fund	495,015	591,498	591,498	561,498	562,228	+67,213
Science	3,599,871	3,462,718	3,666,055	3,702,718	3,632,718	+32,847
Nuclear Waste Disposal	343,232	300,000	310,000	300,000	150,000	-193,232
Departmental administration	238,503	279,976	252,909	280,976	252,817	+14,314
Miscellaneous revenues	-121,024	-123,000	-123,000	-123,000	-123,000	-1,976
Net appropriation	117,479	156,976	129,909	157,976	129,817	+12,338
Office of the Inspector General	41,176	43,000	43,000	43,000	42,000	+824
Atomic Energy Defense Activities						
National Nuclear Security Administration:						
Weapons activities	6,331,590	6,630,133	6,181,121	6,574,024	6,433,936	+102,346
Transfer from Department of Defense approps	(300,000)	---	---	---	---	(-300,000)
Total, Weapons activities (program level)	(6,631,590)	(6,630,133)	(6,181,121)	(6,574,024)	(6,433,936)	(-197,654)
Defense nuclear nonproliferation	1,409,033	1,637,239	1,500,959	1,729,066	1,631,151	+222,118
Emergency appropriations (H.R.1268)	84,000	---	---	---	---	-84,000
Subtotal, Defense nuclear nonproliferation	1,493,033	1,637,239	1,500,959	1,729,066	1,631,151	+138,118
Naval reactors	801,437	786,000	799,500	799,500	789,500	-11,937
Office of the Administrator	353,350	343,869	366,869	343,869	341,869	-11,481
Subtotal, National Nuclear Security Administration	8,979,410	9,397,241	8,848,449	9,446,459	9,196,456	+217,046
Defense environmental cleanup	6,808,319	6,015,044	6,468,336	6,366,771	6,192,371	-615,948
Other defense activities	687,149	635,998	702,498	645,001	641,998	-45,151
Defense nuclear waste disposal	229,152	351,447	351,447	277,000	350,000	+120,848
Total, Atomic Energy Defense Activities	16,704,030	16,399,730	16,370,730	16,735,231	16,380,825	-323,205
Power Marketing Administrations						
Operation and maintenance, Southeastern Power Administration	5,158	38,313	38,313	38,313	38,313	+33,155
Offsetting collection	---	-38,313	-32,713	-32,713	-32,713	-32,713
Subtotal, O&M, Southeastern Power Administration	5,158	---	5,600	5,600	5,600	+442
Operation and maintenance, Southwestern Power Administration	29,117	31,401	31,401	33,166	33,166	+4,049
Offsetting collection	---	-28,235	-1,235	-3,000	-3,000	-3,000
Subtotal, O&M, Southwestern Power Administration	29,117	3,166	30,166	30,166	30,166	+1,049
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	171,715	393,419	379,654	523,919	517,154	+345,439
Offsetting collection	---	-335,300	-148,500	-279,000	-279,000	-279,000
Offsetting collection (P.L. 98-381)	---	-4,162	-4,162	-4,162	-4,162	-4,162
Subtotal, O&M, Western Area Power Administration	171,715	53,957	226,992	240,757	233,992	+62,277
Falcon and Amistad operating and maintenance fund	2,804	2,692	2,692	2,692	2,692	-112

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2006 (H.R. 2419)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Offsetting collection	---	-2,692	---	---	---	---
Subtotal, Falcon and Amistad O&M fund	2,804	---	2,692	2,692	2,692	-112
Total, Power Marketing Administrations	208,794	57,123	265,450	279,215	272,450	+63,656
Federal Energy Regulatory Commission						
Salaries and expenses	210,000	220,400	220,400	220,400	220,400	+10,400
Revenues applied	-210,000	-220,400	-220,400	-220,400	-220,400	-10,400
Total, title III, Department of Energy	24,419,197	24,213,307	24,317,857	25,077,259	24,289,863	-129,334
Appropriations	(24,263,197)	(23,920,307)	(24,281,857)	(25,041,259)	(24,253,863)	(-9,334)
Advance appropriations from previous years	(36,000)	(36,000)	(36,000)	(36,000)	(36,000)	---
Advance appropriations, FY 2007	(36,000)	(257,000)	---	---	---	(-36,000)
Emergency appropriations	(84,000)	---	---	---	---	(-84,000)
TITLE IV - INDEPENDENT AGENCIES						
Appalachian Regional Commission	65,472	65,472	38,500	65,482	65,472	---
Defense Nuclear Facilities Safety Board	20,106	22,032	22,032	22,032	22,032	+1,926
Delta Regional Authority	6,000	6,000	6,000	12,000	12,000	+6,000
Denali Commission	66,464	2,562	2,562	67,000	50,000	-16,464
Nuclear Regulatory Commission:						
Salaries and expenses	657,475	693,376	714,376	734,376	734,376	+76,901
Revenues	-530,079	-559,643	-580,643	-598,643	-617,182	-87,103
Subtotal	127,396	133,733	133,733	135,733	117,194	-10,202
Office of Inspector General	7,458	8,316	8,316	8,316	8,316	+858
Revenues	6,712	-7,485	-7,485	-7,485	-7,485	-773
Subtotal	746	831	831	831	831	+85
Total, Nuclear Regulatory Commission	128,142	134,564	134,564	136,564	118,025	-10,117
Nuclear Waste Technical Review Board	3,152	3,608	3,608	3,608	3,608	+456
Tennessee Valley Authority: Office of Inspector General	---	9,000	---	---	---	---
Offset	---	-9,000	---	---	---	---
Total, title IV, Independent agencies	289,336	234,238	207,266	306,686	271,137	-18,199
Grand total	31,103,027	29,730,600	30,282,630	31,763,000	31,009,000	-94,027
Appropriations	(30,489,627)	(29,437,600)	(30,246,630)	(31,727,000)	(30,993,000)	(+503,373)
Emergency appropriations	(798,400)	---	---	---	---	(-798,400)
Advance appropriations from previous years	(36,000)	(36,000)	(36,000)	(36,000)	(36,000)	---
Advance appropriations, FY 2006 and 2007	(36,000)	(257,000)	---	---	---	(-36,000)

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2006 recommended by the Committee of Conference, with comparisons to the fiscal year 2005 amount, the 2006 budget estimates, and the House and Senate bills for 2006 follows:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2005	$31,166,027
Budget estimate of new (obligational) authority, fiscal year 2006	29,730,600
House bill, fiscal year 2006	30,283,530
Senate bill, fiscal year 2006	31,763,050
Conference agreement, fiscal year 2006	31,009,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year	−157,027
Budget estimates of new (obligational) authority, fiscal year 2006	+1,278,400
House bill, fiscal year 2006	+725,470
Senate bill, fiscal year 2006	−754,050

DAVID L. HOBSON,
RODNEY P. FRELINGHUYSEN,
TOM LATHAM,
ZACH WAMP,
JO ANN EMERSON,
JOHN DOOLITTLE,
MICHAEL K. SIMPSON,
DENNIS R. REHBERG,
JERRY LEWIS,
PETER J. VISCLOSKY,
CHET EDWARDS,
ED PASTOR,
JAMES E. CLYBURN,
MARION BERRY,
DAVID R. OBEY,
Managers on the Part of the House.

PETE V. DOMENICI,
THAD COCHRAN,
MITCH MCCONNELL,
ROBERT F. BENNETT,
CONRAD BURNS,
LARRY E. CRAIG,
CHRISTOPHER S. BOND,
KAY BAILEY HUTCHISON,
WAYNE ALLARD,
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MARY L. LANDRIEU,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4176

Mr. DOOLITTLE. Madam Speaker, I ask unanimous consent to have the gentleman from Nevada (Mr. GIBBONS) removed as a cosponsor of H.R. 4176.

This bill involves public lands that cross our adjacent districts. The gentleman's name was added to the bill erroneously.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

THE NOMINATION OF JUDGE ALITO TO THE U.S. SUPREME COURT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I hope that as this Congress, particularly the other body, begins to proceed with their hearings on Judge Alito, that no predecisions will be made.

I, frankly, believe that this is one of the most important confirmation processes that we will see in our lifetimes, for it has the possibility of altering the Court drastically to one position versus another. For any Member of this body or Congress to suggest that there may not be a need for a filibuster to me is suggesting that there is no need for principles.

The legacy or the history of Judge Alito is of many different kinds, many different decisions. My view is that his nomination and confirmation will alter this Court and not make it the balanced Court that Americans have come to believe in. So I would warn those who would automatically suggest that a filibuster is not appropriate. Hearings are appropriate and maybe an up-or-down vote ultimately, but it may be that a filibuster is appropriate to save the United States Supreme Court.

PRAYERS FOR TORNADO VICTIMS

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Two a.m. Sunday morning in Newburgh, Indiana, the rains came down, the winds blew and beat against the homes of that community, and it fell with a great crash.

☐ 1930

It was the worst loss of life for a tornado in the State of Indiana since April 1974.

Nancy Grimes said to me today in an e-mail of the experience, "It had to be the scariest thing I have ever been through. The noise and the debris hitting our house was incredible. I think I screamed for 5 to 10 minutes during the duration, and then there was total calm. And the next morning I cried when I walked out onto our front porch and saw the destruction." She spoke of finding a needlepoint Christmas ornament with the word "Hope" stitched into it. She wrote, "It will certainly find a place on our Christmas tree this year."

I urge my fellow Hoosiers and all Americans who have watched the grim reports from southern Indiana and northern Kentucky to be generous in prayer, to take every opportunity to come to the material aid of the families and communities affected by this horrendous tornado.

WORKING TOWARDS ALTERNATIVE FUEL SOURCES

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Madam Speaker, I wanted to say that while I cannot stand filling up my car at $3 a gallon, like anybody else, there is one good thing about it, and that is that there are a lot of people out there thinking, well, what alternatives are there to fossil fuel energy? What other ways can we get fossil fuel out of the ground? What other ways can we buy it from other countries? We do not really like being 58 percent dependent on the Middle East for fossil fuels.

So, at $3 a gallon, people have almost daily reminders: What can we come up with? Hydrogen-powered cars such as the type General Motors is working on, and they had it last week at the Capitol. They will be really up and running probably in 5 to 10 years. Very exciting.

Ethanol. In Brazil, 40 percent of the cars run on ethanol. In America, only 3 percent do. There are fuel cells, there is even nuclear power. There are all kinds of things, new types of electrical cars that we need to be putting money into.

The Republican Congress has put money and tax credits towards research and development so that our universities, our labs, our start-up enterprises can come up with alternative fuel sources, and I am proud that we are moving in the right direction, but we need to do it faster.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. DRAKE). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INFLUENZA PREPAREDNESS AND PREVENTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of California. Madam Speaker, today I have introduced the Influenza Preparedness and Prevention Act, authorizing legislation that takes urgently needed steps towards preparing our Nation for the threat of pandemic flu. As an appropriator, I have rarely introduced authorizing legislation. It is something I have only done a handful of times in my career in the House, but I firmly believe this looming catastrophe calls for action.

In 1918, the Spanish flu killed 40 million people worldwide, and more died from the flu than through combat during World War I. Experts warn us that we are overdue for another pandemic flu outbreak. Although this avian flu virus has not yet transferred from human to human, it looks and acts like the virus of 1918, more so than any other influenza outbreak in this century. Of the more than 100 people known to have contracted the virus in Asia, 50 percent have died.

If a pandemic flu hits our shores, all levels of government must work together if we are to avoid thousands of deaths. We in Congress must make sure the infrastructure and resources are in place to prepare for and combat a pandemic flu crisis.

The President has issued a call for action by a National Strategy on Pandemic Influenza. The key components of this strategy are international surveillance, domestic surveillance, vaccine development, stockpiling antivirals, communication, and State and local preparedness.

The legislation I have introduced today, the Influenza Preparedness and Prevention Act, supports and complements the administration's strategy. Most importantly, it sets us on a course to quickly develop and purchase vaccines and antivirals. For example, my bill calls for Health and Human Services to stockpile enough antivirals to treat 25 percent of the U.S. population. As the President has made clear, though, stockpiling is only a part of the strategy to combat a pandemic.

Vaccines are the ultimate defense against a pandemic. A vaccine developed by NIH shows early signs of promise for preventing the most dangerous strain of avian flu. My legislation calls on the Secretary of HHS to begin to stockpile doses of a viable vaccine. It also supports the continuing development by NIH of an effective vaccine and new technologies that will make it faster and easier to produce.

Madam Speaker, we do not have the vaccine manufacturing capacity in the United States to produce the doses we need to combat a pandemic. The number one barrier is more vaccine production, and to that production is the threat of lawsuits. We must have sensible liability reform as we search for a vaccine and build manufacturing capacity. My bill proposes limited liability protections for vaccine manufacturers and providers, with an exception to allow suits to proceed against companies who act with willful misconduct.

Education and communication are vital to prepare for a pandemic. The Centers For Disease Control and Prevention does fabulous work in public health education. My bill expands and supports their efforts to work with health providers and State and local health departments in this effort.

It is critical that we educate the public on both pandemic influenza and the garden variety flu we see every year. The more people become used to taking the annual flu vaccine, the easier it will be to get them in quickly for vaccinations in a pandemic. And the more business we provide for vaccine makers, the better our chances they will be ready to gear up for the kind of production that we will need to stop a new strain from reaching pandemic levels.

Of course, the way to stop the avian flu outbreak from becoming a pandemic is spotting it and containing it as soon as possible. The CDS is working across the globe to detect and identify the avian flu virus and is working with foreign health officials on strategies to prevent outbreaks. This bill will expand this critical program and create an assistance program for helping nations to combat avian flu.

The pandemic may never happen, but we cannot put American lives at risk by failing to prepare and make proper investments. This legislation is just the beginning of the commitment that I will make to head off this potential pandemic. As chairman of the Appropriations Committee, I vow we will respond to the administration's emergency supplemental request, and the pipelines will be filled to meet this challenge.

GOP DOUBLE-TALK ON ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Madam Speaker, this Wednesday, some of the biggest names in the oil industry are coming to Capitol Hill to testify why their companies are making record profits at the same time Americans are struggling to heat their homes and fill their cars with gasoline.

We are hearing some big talk out of the Republicans now. Senator DOMENICI said the oil executives "are going to get pounded on the price." Last week, my colleague from Georgia (Mr. KINGSTON), my friend, said that oil companies should "give back to the American people and put some of that profit toward lowering the cost of gas." Even the Speaker of the House said, "The oil companies need to do their part."

Man, you would think we were all Rip Van Winkle around here, as if we just woke up after 100 years. You might actually believe the Republicans were trying to do something about gas prices. I only wish this was the attitude and intention when we had the energy bill up on the Floor just only 6 weeks ago. Their tune was different then and winners were different then. Back then, they were all singing the energy industry's hymn. The chairman of the Energy and Commerce Committee said, "This is a darned good bill, and this is going to help this country. The sooner we get it implemented, the better." Senator DOMENICI said that the energy bill was "the most important piece of energy legislation by Congress in 50 years."

Republicans may be talking a good game now, but the fact is that, until recently, the Republican Congress has done everything in its power to help oil and gas companies. The energy bill they passed this July actually contained $14.5 billion in taxpayer subsidies to oil and gas companies to drill for oil. We are subsidizing oil and gas companies when the price of a barrel is 65 bucks a barrel. In fact, the bill they passed, according to the Department of Energy, the bill actually increases the cost of gasoline. It increases the cost of gasoline so consumers pay more at the pump, and because of the tax subsidy, on April 15, we also pay more, all for big oil companies who are making record profits.

I think what the big oil companies miss and what we need is a little free market in this process. There is too much corporate welfare going on. Most recently, this Congress passed a refinery bill with an additional $2 billion in handouts to oil and gas companies. The worst part of it is that the refiners did not even ask for the bill; the Republican Congress just gave it to them.

So why the sudden change towards the oil industry from cheerleader to detractor? Gas is around 3 bucks a gallon. Utilities are now predicting that families could pay as much as 70 percent more to heat their homes this winter, and 1 year from today is Election Day. So all of a sudden, everybody is realizing that they have to act really tough on the big oil companies.

Natural gas prices are so high that the Energy Department predicts the average bill for the average family will be $350 more this season. American families are struggling with sky-high energy bills, and oil and gas companies are struggling with ways to count their cash.

ExxonMobil recently reported that their profits increased by 75 percent in the third quarter. Shell's earnings increased 68 percent. Phillips' third quarter, 89 percent; BP Amoco, a 34 percent rise in quarterly earnings. And what did we do in Congress the same season? We gave them $14 billion a year to help them drill for oil, which is their business plan.

Now, I do not know about you, but my view is, if you are making record profits, somewhere north of 80 percent, the last thing we want to ask the consumers is to subsidize your business plan. You are in the business of looking for oil and getting it to consumers, and the taxpayers should not be in the business of subsidizing it. You should get a wake-up call on what the free market is like.

ExxonMobil is the largest donor to the Republican Party, and that is why we produced a piece of legislation that gave them one of the biggest handouts to corporate beneficiaries. But I cannot fault the oil companies; it is just a good investment for them. Since 1980, big oil and big gas have given the Republican Party well over $200 million in support, and they have gotten $14.5 billion in taxpayer subsidies. Where else can you get an investment like that with a return like that? You cannot get that on Wall Street.

Now, with their approval ratings at an all-time low, all of a sudden, Republicans are trying to figure out how to punish big oil. Big, big talk. Do you think anything is going to come out of it? The first thing they can do is give back the $14 billion. The second thing they can do is give back the $2 billion, all of which were assessed on the taxpayers to subsidize these companies.

So, Madam Speaker, it is wrong to hand out money to energy companies who are making massive profits, and then cut home heating assistance for our most vulnerable citizens, our senior citizens. And it is wrong to claim to be doing something when you are not, nor do you have any intention. And when you had a chance to do it, rather than help the consumers, what did you do? You actually produced a bill that actually increased the price of gas at the pump and gave $14 billion that you did not have to big oil companies to support them to execute their business plan.

□ 1945

Those are not the values of this country, and thank God they are not the values of the American people. We need a change of priorities. We need a new set of priorities. And we can do better, Mr. Speaker. The American people can do better. It is time we returned the People's House back to the people rather than to the auction house it has been to the big oil and gas companies.

HURRICANE RELIEF EFFORTS

The SPEAKER pro tempore (Mrs. DRAKE). Under a previous order of the House, the gentleman from Texas (Mr. MCCAUL) is recognized for 5 minutes.

Mr. MCCAUL of Texas. Madam Speaker, the people in the gulf coast States have always lived with the threat of devastating tropical weather, including hurricanes. In fact, the worst natural disaster to ever befall America was the Galveston hurricane of 1900.

To this day, I personally know many families who lost loved ones in this horrific hurricane some 105 years ago. In fact, my grandfather, who was only 8 years old at the time, barely survived the devastation, while some 10,000 perished trying to overcome the high waters.

My grandfather was heroically saved by rescuers who found him clinging to a tree in the flooded streets of Galveston. Sadly, it seems that history and nature have a way of repeating themselves.

Like in the Galveston hurricane of 1900, the streets of New Orleans were flooded to the tops of trees and homes by Hurricane Katrina, and people relied on the goodwill of others to survive that devastation. To that end, my home State of Texas has done an outstanding job in the Katrina relief effort, persevering in the face of Hurricane Rita, which made landfall on the Texas coast 1 month after Hurricane Katrina.

It goes without saying that our hearts and prayers are with those who are fighting for their lives and their communities and the areas hit by these hurricanes. Despite their dire situation, I know how brave and capable the people are in Texas, Louisiana, Mississippi, and Alabama. They will overcome the damage and fully recover. They will rebuild and return home as they were meant to, but they will need our help and support.

Before Hurricane Rita hit, I visited the Katrina relief efforts in my district, and Vice President CHENEY and I met with the Texas Emergency Management Agency. They used computer models to demonstrate the effects of a hurricane similar to Katrina hitting the Texas coast. The images revealed that Galveston Island could be completely submerged and the streets of Houston flooded if a strong hurricane were to hit that region.

At the time, we could not have known that this similar scenario would play itself out in Texas in just a matter of days. Fortunately, Galveston and the greater Houston area were saved; and unlike Galveston a hundred years ago, there was no direct loss of life due to Hurricane Rita. This is due to the efforts of the real heroes of the State and local first responders who protected life before the storm struck.

To that end I would like to thank everyone who has stepped forward and helped the hurricane victims by donating, volunteering, and working together to overcome this tragedy, especially Texas Governor Rick Perry; Austin Mayor Will Wynn; Houston Mayor Bill White; Katy Mayor Doyle Callendar; Tomball Mayor, Hap Harrington; Harris County Judge Robert Eckels; Ann Hodge and the Katy Chamber of Commerce; Bruce Hillegeist and the Tomball Chamber of Commerce; Tomball Fire Department Chief Randy Parr; and the Interfaith Ministries of Greater Houston. Their leadership, persevering through sheer tragedy, has been invaluable to the response and recovery process from both storms.

This cooperation partnership, brotherhood, community and faith, all succeeding in the face of absolute disaster, is truly an example of the resilience of the American spirit.

If nothing, this can teach us that if we plan ahead and work together, we can save lives and overcome the worst of nature's fury. This common bond is our duty as friends, as neighbors, and as Americans.

40TH ANNIVERSARY OF MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, I rise this evening during this 40th anniversary year of Medicare as a strong supporter of this critical health insurance lifeline to all of America's families. On July 30, 1965, President Lyndon Johnson signed Medicare into law, the most important and successful family insurance program our Nation has ever known.

Medicare was created to provide health insurance to the elderly and disabled in part because only about half of our Nation's elderly and almost all of the disabled actually never had had health insurance. Medicare also played a fundamental role, along with the Civil Rights Act of 1964, in desegregating the American health insurance system by assuring access to care regardless of race or age.

Medicare began with 19 million beneficiaries, and since then it has served a total of approximately 105 million people over the last 40 years. Medicare has evolved over time to help beneficiaries maintain health, prevent disease and injury and provide better benefits, including more preventive care, even as inflation pushed the cost of health care higher and higher.

Medicare, which covered about 42 percent of expenditures for the elderly in 1968, covered about 55 percent by 1997. Without it, citizens simply could not cope financially as private companies reneged on their promised health and pension benefit to retirees.

Today, Medicare provides comprehensive health insurance for nearly 42 million Americans, which includes more than 35 million senior citizens and 6 million people under 65 years of age who are permanently disabled. It continues to achieve its purpose of improving health and financial security for beneficiaries by assuring access to affordable health care and contributing to the significant decrease in poverty among the elderly, which has fallen from nearly 30 percent in 1966 to approximately 10 percent in 2002. What a profound accomplishment we have achieved as a people to make the golden years livable, not threatening.

Most recently, however, in 2003, this Congress moved to add a prescription drug benefit coverage program to Medicare. While I have always supported Medicare as an important lifeline for seniors and the disabled, I could not support this particular legislation championed by the current Republican Party and the pharmaceutical industry. It did nothing to lower the exorbitant prices of prescription drugs, and yet it provides windfall profits to these very drug companies.

The bill is known as the Medicare Prescription Drug Modernization Act, and it was passed in this Chamber only after the Republican leadership bent their own rules during an all-night session to hold open the vote past the normal 15 minutes to nearly 3 hours as they twisted arms to get the bill passed.

I supported the Democratic plan that would have really provided an affordable drug plan for our seniors. Among the shortcomings of the law that seniors are now dealing with is that our government is not permitted to negotiate with the drug companies for the best price. I tried to get that amendment included in the bill and waited up in the Rules Committee until 4:30 in the morning and was denied my ability to offer that particular amendment. I shall never forget that moment.

The current program also prohibits seniors in America from buying reimported drugs from countries like Canada. Does that make any sense? Well, it makes lots of "cents," in fact, millions and millions of dollars for the drug companies that want to bar our seniors, particularly those in the North and in the South who can go to other places to buy the very same drugs that are for sale in this country at exorbitant prices.

The plan that passed here in the Congress was jerry-rigged in that it requires seniors to pay thousands of dollars for prescription drugs before they reach the $5,000 cap. How are they going to get those thousands of dollars?

The bill that passed has a big hole right in the middle that is going to come out of the pockets of our seniors in additional premium costs.

The Bush plan also intends to phase out the traditional Medicare program starting in 2010 for almost 7 million seniors, saying that they would no longer need to have a defined benefit plan, but they would get a voucher and could go on to the private market and try to get affordable prescription drugs.

Well, tell me now, how affordable do you think that can be? The Republican law, in essence, fails to provide a guaranteed prescription drug benefit plan through the traditional Medicare program that is affordable.

Until such full coverage is possible, I would urge my colleagues to support the Pharmaceutical Market Access Act of 2005, H.R. 328, which would allow reimportation.

Finally, in closing, let me say, H.R. 376 would permit the Government of the United States to negotiate the best price for our seniors, and I would urge our seniors to call their area Office on Aging to get advice on what to do in the current situation until we can improve this bill.

SENIORS TRY TO DECIPHER DRUG OPTIONS

(By Luke Shockman)

Bob Cain speaks for many senior citizens when the subject is Medicare's new prescription drug plan.

"It's confusing," he said as he stood outside a senior center in Toledo's Uptown neighborhood. "I got the big book [from Medicare], and I looked on the Internet. But I'm a college graduate, and I couldn't understand it."

Over and over, in senior centers, nursing homes, assisted-living complexes, and around kitchen tables nationwide, senior citizens and their family members are trying to make sense of Medicare's drug plan.

It hasn't been pretty.

"I don't think I've met any seniors who are [happy] with it," said Julie Dangelo, executive director of Senior Centers Inc., the senior center where Mr. Cain frequents. "Everybody is confused."

That said, Ms. Dangelo and other senior advocates have a message for the 43 million Americans on Medicare: Yes, this is confusing, and you are certainly free to complain about it. But ready or not, the clock on the decision-making process will begin ticking Nov. 15.

By May 15, seniors will have to decide whether to sign up for Medicare's drug program. If they participate, they must determine which drug-plan option is best for them.

Despite all the hassle, the federal government expects seniors who take part in the program could end up saving quite a bit on their prescription-drug costs. Those with low income or on Medicaid likely will have all or most of their drug costs covered by Medicare—above and beyond the standard financial help available through the new program.

In an effort to alleviate confusion for seniors and their family members facing this important decision, The Blade has gone to experts and senior advocates to answer some basic questions.

So, what should you do first? Relax.

"You don't need to make a decision right now. There's no rush," said Kathy Keller, a spokesman for AARP Ohio. "Don't jump and say, 'It's Nov. 15 and I have to make a decision.' Collect all the information, and get your questions answered before doing anything."

The deadline for taking action and picking a plan is not Nov. 15 but May 15. However, seniors who wait until after May 15 likely will face penalties and have to pay higher premiums and other costs.

The first thing seniors need to decide is whether they should even join a Medicare prescription-drug plan. If seniors get their drug benefits through a retirement plan from their union or former employer, they already might be receiving a better deal than what Medicare will provide. By law, those former employers or unions have to send a letter telling seniors whether that's the case. Veterans eligible to receive drug benefits through the Department of Veterans Affairs get a better deal through the VA, for example, so they should stick with that.

If Medicare's drug plan does sound like it might be a good option, the most important thing seniors will need to have available when picking a plan—or when talking to someone who will be assisting in selecting a plan—is a list of all the drugs they are taking, the dosage amounts, and how often they take the drug. That's a list that doctors say seniors should have handy whether they choose to go with a Medicare drug plan or not.

Another key piece of information for seniors to know is whether they qualify for extra financial assistance. The Medicare drug program, in its standard form, doesn't cover all expenses. However, for many low-income seniors, including those on Medicaid, there is extra financial help available. Medicaid recipients automatically qualify.

Those not on Medicaid will need to apply for the help, which is available to those making less than $14,355 annually ($19,245 as a couple). The Social Security Administration handles applications, and seniors can call 1-800-772-1213 to learn if they qualify.

And remember, there are many people and places with resources available to help seniors in need of help in making these decisions. Use them. While insurance companies will have a vested interest in the plans that seniors choose, area senior centers and many pharmacies and doctors offices are offering assistance, and there's a host of toll-free phone numbers available.

Perhaps the best advice for seniors right now: Take your time in making a decision.

EXCHANGE OF SPECIAL ORDER TIME

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent to take the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

GLOBAL WAR ON TERROR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, a number of news sources have recently dedicated space and air time to headlines concerning our progress in the war on terror, such as "What the New York Times doesn't tell you."

Indeed, as we all have had occasion to note in some of our Nation's widely read news publications, the editorial rule is often there is no news like bad news. But in these Halls of Congress, no such rule abounds, so truth-telling must begin here.

Since the brutal terrorist attacks of September 11, the United States has responded with policies that offer a pragmatic approach to the challenges that we face in the region today. These have included taking the fight to the terrorists and their supporters, denying them the resources and safe sanctuaries, keeping them on the run so that they cannot target us at home, all while simultaneously assisting the developing Middle East democracies so that they can become a bastion of stable, free market democratic societies and as a means of addressing the root causes of terrorism and Islamic extremism.

As Chair of the House Subcommittee on Central Asia and the Middle East, I am proud of the success that these policies have enjoyed, particularly in the frontline states in the war on terror of Iraq and Afghanistan.

However, if we are to fully grasp where both countries are now, and where both are heading politically, we must understand what these nations have endured under brutal regimes that systemically denied the Iraqi and the Afghan people their freedom and shackled their hopes and aspirations.

Saddam Hussein's terrorist regime wreaked havoc on Iraq society and stunted the country's growth and development.

The mass graves are but one sad example of how this brutal ruler destroyed Iraqi lives. He indiscriminately slaughtered Iraqis, regardless of background, with an estimated 300,000 having disappeared from the time that Saddam took power in 1979 until his removal almost 25 years later.

Thus, the progress achieved thus far by the Iraqi people toward establishing a true democratic government, just a few years after the termination of his regime, is nothing short of miraculous.

Within this past year alone, the people of Iraq have not only held free elections and approved a new Iraqi constitution this past October, but they are diligently preparing for nationwide elections on December 15.

Today, the Iraqi people remain engaged in a political process aimed at creating a unified and democratic Iraq, to the envy of the neighboring countries such as Iran and Syria, and to the chagrin of those tyrannical regimes.

In particular, the women of Iraq who, under the Hussein regime were routinely subject to public execution, under the pretext of fighting prostitution and widespread rape and abuse, are now fully participating in the nation's political life.

I was fortunate to have had the opportunity to visit Iraq as part of a historic all-female congressional delegation, during which we met with women from all sectors and educational backgrounds. They now have a voice in charting the path for their country's future and in helping to ensure that this course is toward a vibrant and prosperous Iraqi nation.

Likewise, in Afghanistan, U.S. efforts have also contributed to significant positive changes in the lives of women in Afghanistan where the Taliban's brutality and blatant disregard for the lives and well-being of the Afghan people impacted all the people of that country.

The shroud of misery placed upon the people of Afghanistan when the Taliban captured Kabul in 1996 was removed in 2002 by the United States with the help of our allies and the Afghan people themselves.

As a nation whose recent history has been marked more by war than by peace, more by upheaval than by progress, Afghanistan's transition to democracy has also been nothing short of miraculous.

In a state of effective war for most of the last quarter century, Afghanistan was allowed to fester for most of the 1990s, ultimately hosting al Qaeda and enduring the extremist Taliban regime.

In liberating the Afghan people, we brought an end to the deplorable human rights violations under the Taliban regime, which included the barbaric practices of beatings, tortures, rapes, executions that were carried out by Taliban's Department of Promotion of Virtue and the Prevention of Vice.

❑ 2000

Today, the Afghan people are determined to take steps to ensure Afghanistan's survival as a free and democratic nation. We are on the road to victory, and the selfless dedication of our men and women in uniform should always be congratulated.

AHMAD CHALABI

The SPEAKER pro tempore (Mrs. DRAKE). Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Speaker, somebody ought to call the cops. Today I am not talking about collusion, corruption and cronyism and the leaking of sensitive classified information that has irreparably damaged the national security of the United States. No, I am not talking about Scooter Libby or Karl Rove, though their involvement in outing a female CIA agent to silence her husband's criticisms of the President's Iraq policy deserves closer scrutiny.

No, I am talking about another shadowy character and administration ally, someone whose deception played a large role in leading the United States into war in Iraq. I am talking about Ahmad Chalabi. Mr. Chalabi is the Deputy Prime Minister of Iraq's newly constituted government. But Mr. Chalabi also is a convicted bank swindler who, we now know, fed the Bush administration false intelligence about Saddam's weapons of mass destruction and capabilities and Iraq's ties to terrorism.

Many Americans remember Mr. Chalabi as a man who convinced Vice President CHENEY that the United States would be greeted as a great liberator in Iraq. Some have even said it was Mr. Chalabi who promoted the false story about Iraq's attempted purchase of nuclear material in Niger. Chalabi fed false stories about Iraq's weapons capabilities to New York Times reporter Judith Miller, a story that the Times was later forced to publicly discount.

Mr. Chalabi, who supplied information to the White House Iraq working group, a mysterious cabal, as Colin Powell's former chief of staff recently said, that hijacked U.S. foreign policy and hyped the case for war in Iraq. The bottom line is that Mr. Chalabi played a central role in the orchestrated deception leading to the invasion of Iraq.

After the administration discovered that Mr. Chalabi provided false intelligence, instead of investigating, the Department of Defense attempted to prop Mr. Chalabi up as a candidate of choice in the post-war Iraq.

Keep in mind what Mr. Chalabi did next. He was suspected of leaking classified information about U.S. intelligence capabilities to Iran. He was suspected of telling the Iranians that we had broken the code by which we were learning information about their activities.

Seventeen months ago, then National Security Adviser Rice promised an FBI inquiry into who leaked information to Iran. Seventeen months ago, and yet nothing has happened. Despite the fact that Mr. Chalabi was a prime suspect, the FBI has never interviewed him. In fact, the Wall Street Journal quotes the FBI as having said they have little active interest in this matter. Little active interest in a person who is leaking intelligence material to Iran in the middle of the war in Iraq?

Just this week the administration invited this criminal to meet with the Secretary of State and maybe even Vice President CHENEY in the West Wing to discuss his candidacy for the Iraq presidency in this December's election. I would be curious to learn from the President what role granting a U.S. entry visa to a man suspected of spying for Iran plays in the administration's terrorism strategy.

Mr. Chalabi's actions are an insult to every American, especially those serving in our Nation's Armed Forces, and his high-level visit to the United States is an additional affront. Chalabi's crimes cannot go unanswered. He belongs in jail for his misdeeds. Instead, he gets a White House photo-op.

As the Senate concludes its investigation into the administration's use of false and misleading intelligence to make the case for war, no such inquiry would be complete without Mr. Chalabi's testimony under oath. While he is sashaying around the streets of Washington, D.C., the Senate Intelligence Committee and the House Intelligence Committee may want to issue a subpoena for his presence. He has offered to testify, but no intelligence agency of the United States has interviewed him, nor has the FBI, as we learned today.

He should be detained in this country until he gives that testimony. I know I speak for all Americans when I say that our idea of democracy is not propping up a bank swindler, kidnapper and extortionist whose lies and deceptions contributed to the 14,000 U.S. soldiers injured and over 2,000 killed in action and is an intractable quagmire with no end in sight. Americans deserve the truth about the Bush administration's manipulation of intelligence to justify this tragic war.

Calling the cops to arrest Mr. Chalabi, while he is here, so he can be interrogated, would be a good beginning to understand how extensive the manipulation, how false the evidence was, that caused the President to take us to war and which was championed by the Vice President and the President and the cabal to try to justify to the American citizens the reason for this war.

Mr. Speaker, call the cops. Mr. Chalabi should not be allowed to run free on the streets of this Nation's capital.

[From The Wall Street Journal, Nov. 7, 2005]

TOP SECRET: STATUS OF CHALABI INQUIRY

(By Scot J. Paltrow)

As Iraqi Deputy Prime Minister Ahmad Chalabi arrives this week in Washington for talks, there is little sign of progress in a Federal investigation of allegations that he once leaked U.S. intelligence secrets to Iran.

More than 17 months after then-National Security Adviser Condoleezza Rice publicly promised a full criminal inquiry, the Federal Bureau of Investigation hasn't interviewed Mr. Chalabi himself or many current and former U.S. government officials thought likely to have information related to the matter, according to lawyers for several of these individuals and others close to the case.

The investigation of Mr. Chalabi, who had been a confidant of senior Defense Department officials before the war in Iraq, remains in the hands of the FBI, with little active interest from local federal prosecutors or the Justice Department, these people said. There also has been no grand-jury involvement in the case.

The investigation centers on allegations that one or more U.S. officials in early 2004 leaked intelligence to Mr. Chalabi, including the fact that the U.S. had broken a crucial Iranian code, and that Mr. Chalabi in turn had passed the information to the Baghdad station chief of Iran's Ministry of Intelligence and Security. The assertions about Mr. Chalabi's involvement came after U.S. intelligence agencies intercepted a cable from the station chief back home to Iran, detailing what the chief claimed was a conversation with Mr. Chalabi about the broken code.

Former intelligence officials said such a leak could have caused serious damage to U.S. national security. The broken code had enabled U.S. intelligence agencies to monitor covert cable traffic among Iranian operatives around the world. The encrypted cable traffic was a main source of information on Iranian operations inside Iraq. The leak also threatened U.S. efforts to monitor any Iranian steps to develop nuclear weapons. And there was concern that the disclosure could prompt other countries to upgrade their encryption, making it more difficult for the U.S. to spy on them.

Mr. Chalabi has strongly denied the allegations. He once was a close Bush administration ally and a key proponent of the Iraqi invasion, though he has more recently appeared to fall from American favor. Before the war, during his long period as a prominent Iraqi exile, he also cultivated close ties to the government in Iran, which was his ally in opposing former Iraqi leader Saddam Hussein. Just this weekend, Mr. Chalabi made a trip to Tehran to visit Iranian government leaders.

The handling of the Chalabi investigation so far stands in contrast to the aggressive inquiry conducted by special counsel Patrick Fitzgerald into the leaking of intelligence agent Valerie Plame's name, which led to the indictment of I. Lewis Libby, Vice President Cheney's former chief of staff.

Questions about the progress of the Chalabi investigation also follow the FBI's disclosure last week that it had closed an investigation into forged documents purporting to show Iraq had sought uranium ore from Niger. The Niger claim set off an intense intelligence debate, which was at the center of the leaking of the intelligence agent's identity.

Whitley Bruner, a former longtime undercover Central Intelligence Agency official in the Middle East who has followed Mr. Chalabi's career closely since 1991, said that, in contrast to Mr. Fitzgerald's investigation, the Chalabi leak inquiry "just sort of disappeared."

FBI spokesman John Miller strongly denied that the Chalabi investigation has languished. "This is currently an open investigation and an active investigation," he said, adding that "numerous current and former government employees have been interviewed."

Mr. Miller said that, because the investigation is an active one, he couldn't discuss specific individuals nor comment on how the inquiry is being conducted. A Justice Department spokesman declined to comment.

Mr. Chalabi's lawyer, Boston attorney John J.E. Markham II, said neither the FBI nor Justice Department ever responded to an offer to have Mr. Chalabi come to Washington to answer law enforcement questions and aid in the investigation. Mr. Markham made available a copy of a letter he said he had sent on June 2, 2004, to then-Attorney General John Ashcroft and FBI Director Robert Mueller. It categorically denied that Mr. Chalabi had leaked any U.S. intelligence. And it stated "Dr. Chalabi is willing and ready to come to Washington, D.C. to be interviewed fully by law-enforcement agents on this subject and to answer all questions on this subject fully and without reservation."

Mr. Markham, a former Federal prosecutor, said that, ordinarily in a leak investigation, "the first thing you would do would be to get the tippee," the person to whom the information was leaked, "in there and say 'Who talked to you?'" But, he said, "That never happened."

The FBI's Mr. Miller said he wouldn't comment on Mr. Chalabi but said the FBI, in general, interviews witnesses when an investigation indicates it is best to do so, not necessarily at the beginning of an inquiry. He added, "The fact that this person or that person has or hasn't been interviewed yet is just not material to whether there's an active investigation."

One likely focus of FBI inquiries would be a small group of people in the Pentagon and White House who had frequent contact with Mr. Chalabi and also probably knew the closely guarded secret of the broken code. Interviews indicate that many of these individuals haven't been questioned by the FBI.

Among the officials with whom Mr. Chalabi at one time had close ties, for instance, was Douglas J. Feith, who until earlier this year was an undersecretary of defense and headed the Pentagon's powerful office of policy and planning. In an interview, Mr. Feith said he has never been questioned by the FBI or federal prosecutors in connection with the investigation and that if others had been, he was unaware of it.

Lawrence Di Rita, spokesman for Defense Secretary Donald Rumsfeld, said in an emailed response to questions that he had no knowledge of the FBI or federal prosecutors having questioned current or former Defense Department officials. "I don't know anything about a [Department of Justice] investigation in this matter," Mr. Di Rita said.

Mr. Chalabi had been considered a trusted ally by influential figures within the administration, but last spring those ties appeared to have ruptured. On May 20 of last year, Iraqi police backed by U.S. troops raided Mr. Chalabi's headquarters, searching for evidence of corruption and leaked American intelligence.

Since then, however, the Bush administration has become more open to dealing with Mr. Chalabi again, spurred on by his rise in the current Iraqi government, the possibility that he might become prime minister and his current control over, among other things, Iraqi oil production.

Mr. Chalabi's visit to Washington this week is his first since the leak allegations. He is scheduled to meet with Treasury Secretary John Snow and with Ms. Rice, now secretary of state. He also is to give a speech to the conservative American Enterprise Institute.

Senate Democrats have been pressing for an investigation into the role Mr. Chalabi played in drumming up support for a war to depose Mr. Hussein. They also are critical of Mr. Chalabi because of alleged corruption; in 1992, he was convicted in absentia by a Jordanian court of having embezzled $288 million from a bank at which he was managing director. He has strongly denied the corruption allegations.

Spokesmen for both Mr. Snow and Ms. Rice said they were meeting with Mr. Chalabi, despite past events, because he is a powerful government figure in Iraq. State Department Iraq adviser James Jeffery said Mr. Chalabi "is deputy prime minister of a critically important country at a critically important time, he was democratically elected, and it's on that basis that we see him."

IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Madam Speaker, in roughly 1 month, general elections will be held in Iraq. I would like to comment on my perceptions as to what I have seen as I visited there on three different occasions and talked to many of our soldiers. Soldiers often comment on the fact that there are really two wars, apparently, going on in Iraq. There is a war that they see on CNN, and they watch cable television regularly. Then there is the war that they are actually fighting.

Apparently, in their minds, at least, there is some discrepancy between the two versions. They have asked me to come back on occasion and talk about what they see happening over there.

First of all, in the area of education, 746 schools have been renovated, and these projects have all been completed; 36,000 teachers have been trained since the war started; attendance in the schools is up by 80 percent, and most of these increases are young women, who are attending school for the first time.

In the area of health care, 17 new hospitals have been built; 3.2 million children under the age of 5 have been vaccinated for the first time, 97 percent of all children have been vaccinated; 700,000 pregnant women have been vaccinated; and 142 new clinics are currently under construction or have been completed. It is certainly not perfect, but it is an improvement.

As far as the economy is concerned, many small businesses and entrepreneurial activities are springing up. As you fly over Baghdad at tree-top level, you see satellite dishes on practically every building. They were not there under Saddam. Newspapers are springing up. Many news outlets that were not there are present today. There are 1 million more automobiles in Iraq today than under Saddam, and Iraqi income, of course, has increased as well.

As far as a political process, as many people know, the elections for a constitutional assembly were held last January, and the turnout exceeded expectations. The constitution was written in August. The constitution was approved about 2 weeks ago, October 15, with a 78 percent approval rating. A new government will be elected December 15, and the Sunnis have been kind of a wild card here. They boycotted in large numbers the first election, and it appears that they will participate fully in the December 15 elections.

As far as an exit strategy, you often hear that there is none. Yet at the present time 210,000 Iraqi security forces have been trained and equipped as of this date. The goal is 270,000 total, so we are more than three-fourths of the way toward our goal. There is no shortage of recruits. Every time they put out a call, more people volunteer than they have room for in the Iraqi army.

Some areas of Iraq are totally controlled at the present time by Iraqis with no American backup. The intent is to draw down U.S. troops as Iraqis are prepared to control their own destiny. That is the exit strategy. We are moving in that direction. It is certainly not done yet, and we will be there for some time.

The next few weeks will be violent before the elections. It will be a very difficult time. Some agree and some disagree that we should have gone into Iraq, but we are there, and this is an irrefutable fact. The observation from a soldier in Kuwait is something I would like to pass on at this time. He said this: We pull out and we pull out prematurely, three things are going to happen.

Number one, every soldier who died or was wounded will have been sacrificed in vain. Currently the morale of our troops is generally very good. They do not want to leave prematurely. Many of them have reenlisted.

Secondly, if we pull out early, Iraqis will die in large numbers. Tens of thousands and possibly hundreds of thousands will die. We will have broken a promise, and this is what happened after the first Gulf War. We cannot let the Iraqi people down at this point.

Thirdly, if we pull out prematurely, at this point terrorists will be encouraged worldwide. They will be shown that terrorism does work. The U.S. will become an even bigger target, and our population will be under a greater threat.

This is a difficult and a dangerous process. Nothing is certain at this point. It is difficult, but many positive things have happened. I think it is important that the American people be aware of these issues.

BUDGET RECONCILIATION: BALANCING THE BUDGET ON THE BACKS OF MEDICAID BENEFICIARIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GENE GREEN) is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Madam Speaker, I rise tonight to speak out against the budget reconciliation bill, which we will consider soon. The bill contains a number of harmful provisions, but my primary opposition to this legislation stems from its $11.9 billion in cuts to the Medicaid program. This reconciliation process has been flawed from day one.

The Energy and Commerce Committee was given an arbitrary budget number and was forced to mold the policy to achieve that number. Without doubt, there are certainly ways that we can improve the Medicaid program, but sound public policy, not budget targets, must be the driving force behind any Medicaid reform.

This quest to meet budget targets superseded Congress's responsibility to ensure that the Medicaid program continues to provide comprehensive and quality health care to our Nation's most vulnerable. Unfortunately, the bill the House will consider takes away that assurance and further frays the safety net that Medicaid beneficiaries depend on.

While the Senate's bill largely shielded the beneficiaries from any cuts to Medicaid, the House bill places a bull's-eye squarely on the backs of Medicaid beneficiaries and aims Medicaid cuts directly at them. In fact, $8.8 billion of these cuts in this bill are achieved through cost-sharing and benefit reductions for beneficiaries. The increased cost-sharing allowed for in the bill exposes Medicaid beneficiaries to new premium requirements and copays that many beneficiaries simply cannot afford. The reason you are on Medicaid is because you are poor.

What is more, Medicaid beneficiaries already pay a higher percentage of out-of-pocket health care costs than higher-income individuals who can better afford out-of-pocket costs. In 2002, higher-income adults with private insurance paid 0.7 percent of their income on the out-of-pocket medical expenses. Yet during the same year low-income, nondisabled adults on Medicaid spent more than three times as much, 2.4 percent of their income on out-of-pocket expenses.

Low-income disabled adults on Medicaid fared even worse, forced to spend 5.6 percent of their income on out-of-pocket medical expenses. Unfortunately, the growth of out-of-pocket health care spending is more than double that of the income for Medicaid adults, with income growing at 4.6 percent annually, out-of-pocket increases increasing by 9.4 percent annually.

This bill is only going to make worse a problem we already know is occurring. Faced with increased out-of-pocket costs, Medicaid beneficiaries are less likely to seek health care, which is exactly the result that proponents of this bill are looking for. The problem is, health care conditions worsened for these folks, and they will only seek care when their health problems reach emergency portions and the cost of care is exponentially greater.

While we do not want to encourage overutilization, we also do not want to cut off our nose to spite our face by discouraging preventive care. To make matters worse, the bill takes an extremely heavy-handed approach to the enforcement of those with cost-sharing measures. The bill will allow health care providers to refuse to treat sick Medicaid patients if they do not have the copay on hand.

The State can also drop Medicaid beneficiaries altogether if they cannot afford the premium for the Medicaid. A recent study of cost-sharing on Medicaid beneficiaries in Oregon foreshadows what will happen under these circumstances. Less than a year after Oregon implemented premium increases through a waiver process, its Medicaid population decreased by one-half.

Make no mistake about it, the Medicaid program is the health insurer of last resort. Without health insurance through Medicaid, it is safe to say that these folks in Oregon joined the growing ranks of the uninsured, a trend we will likely see continued if we enact this bill to allow every State in the Nation to follow Oregon's lead.

□ 2015

Not only does the bill make Medicaid beneficiaries pay more for health care;

it also reduces the health care benefits they receive under Medicaid.

The bill allows States to reduce benefits as long as the Medicaid package mirrors private coverage or SCHIP coverage.

The flaw in that policy lies in the fact that the Medicaid program was always intended to provide benefits that low-income individuals could not afford to purchase through private coverage, such as an array of benefits needed by disabled individuals.

This reduction in benefits flies in the face of the goal shared by Democrats and Republicans alike to remove the institutional bias inherent in the Medicaid program by providing the necessary tools to keep disabled individuals in the community.

Without these benefits, low-income disabled individuals will have no option other than to enter a nursing home setting.

This bill also eliminates a benefit that has long served as the cornerstone of the Medicaid program's approach toward children's health.

If Medicaid costs are truly growing at an unsustainable rate, there is no way increased costs can be attributed to children.

Health care for pregnant women and children is arguably the most cost-beneficial aspect of the Medicaid program, with pregnant women or children accounting for nearly 70 percent of all Medicaid enrollees, but only 30 percent of the program's costs.

The bill's elimination of the Early, Periodic, Screening, Detection and Treatment program for children above the poverty level means that childhood illnesses will not be detected as early, and more low-income children will lack the good health that puts them on the path of learning and productivity.

According to the March of Dimes, the situation would be even more dire for children with significant physical and developmental conditions.

In a recent analysis of Medicaid coverage in all 50 States, the March of Dimes found that each State would significantly restrict coverage for services needed by children with physical and developmental disabilities, States that were exempt from the mandates of the Early, Periodic, Screening, Detection and Treatment program.

Unfortunately, this bill puts the wheels in motion for States to deny necessary health care benefits to disabled children.

Madam Speaker, the light has been shined on this process. This is not a process to reduce the deficit. This is a process to finance additional tax cuts.

There is no way to deny this fact when the same budget that protects $34.7 billion in decreased mandatory spending allows for $70 billion in tax cuts that will decrease revenues used to fund government programs.

It is inconceivable Congress would balance this budget on the backs of low-income Americans, but to finance tax cuts on the backs of America's most vulnerable, that is downright shameful.

ORDER OF BUSINESS

Mr. BURGESS. Madam Speaker, I ask unanimous consent to go out of order and claim the unclaimed time of the gentlewoman from Texas (Ms. JACKSON-LEE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PANDEMIC PLAN—AVIAN INFLUENZA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Madam Speaker, we heard the chairman of the Appropriations Committee come to the floor and speak about his bill that he has introduced to fund preparation for a possible pandemic flu outbreak, and I thought it might be useful to come down to the floor and just review some of the reasons that scientists are concerned about this outbreak of avian flu in the world and some of the reasons why we need to be concerned and some of the reasons why we need to be prepared and some of the good news to share as well.

Madam Speaker, the influenza virus with which we are all familiar undergoes a continuous process of change. It is constantly changing its genetics. It drifts from one genetic makeup to another.

For the past several years, the flu type known as H3N2 has been the type for which we commonly receive inoculations; and because of this genetic drift, a new inoculation is required each and every year.

With the absence of a flu vaccination last year, I did not take a flu shot; but there is still some immunity that carries over from year to year; but about every 30 years, there is a major change in the genetics of the flu virus. These major changes took place during the last century in 1957 when 170,000 people in this country died from an outbreak of what was called Asian flu and in 1968 when 35,000 people in this country died from the Hong Kong flu.

The term pandemic applies when there is a big, big animal reservoir of the virus and no underlying immunity, and those conditions exist today.

The assumptions and the knowledge of prior pandemics certainly have become part of the pandemic plan that was revealed by the Department of Health and Human Services last week; but the important thing is the study of prior pandemics tells us that this virus, if it were to achieve pandemic status, could overwhelm almost all of the available resources that we would have at our disposal in this country, not to mention what would happen in the rest of the world.

The virus that is under consideration for this pandemic, the so-called H5N1 virus, has some similarities with the Spanish flu from the 1918 pandemic. Both of these illnesses cause lower respiratory tract symptoms, high fever, muscle aches and pains, and extreme, extreme fatigue. That fatigue can persist for 6, 8, 10 weeks after recovery. If the patient recovers from the illness, that fatigue may persist for many, many weeks thereafter; and that, of course, could have implications for people returning to the workforce. The virus can cause a primary or a secondary pneumonia. The pulmonary tree is unable to clear itself of secretions and debris. The vast majority do recover, but the potential to kill is certainly related to the virulence of the microbe.

Some of the trouble signs that are on the horizon, things that have gotten the Secretary of Health and Human Services and the chairman of the Committee on Appropriations concerned, some of the trouble signs include the wide geographic setting with involvement of not only birds but now other mammals. Bird-to-human transmission has occurred. It has not been easy for the virus to go from bird to human, but it has happened; and it appears in some instances, although it has not been an easy transmission, there has been transmission from human to human.

If the virus undergoes that last step that allows it to have efficient human-to-human transition, that is what would signify the onset of a worldwide pandemic. It is also entirely possible, and I do need to stress this, that efficient human-to-human transition will never be developed and that the pandemic will never occur.

So the chairman is quite right. We need to devote resources to this problem, but we must also recognize that the problem that we are concerned about today may not be the problem that we face. One of the very important aspects of the legislation that has been introduced by Chairman LEWIS and legislation that will be taken up by my committee, the Energy and Commerce Committee, is how do we facilitate the ramp up, the surge capacity, the production of antiviral or the production of antiviral vaccines if an entirely different virus or somewhat different virus from this avian flu is actually the one that causes the outbreak.

There are other antiviral medications available, medications such as Tamiflu and Relenza have activity against the H5N1 virus, and they are going to be one of our first lines of defense.

Again, some good news is that a vaccine has been developed, and it was developed in a relatively short period of time. It was undergoing trials. It appears to be safe. One of the troubles, though, is since we have no underlying immunity to that virus, it takes a lot of that vaccination for us to develop immunity.

Some of the things we are going to have to consider, and the chairman appropriately referred to these, the Federal Government will have to share some of the risks with companies that are manufacturing the vaccines. That means not only some of the liability risks but the risks of guaranteeing purchase of these products if they ramp up production and the pandemic does not materialize. Some guarantee of purchase will have to be there and to allow drug companies to communicate with each other to discuss among themselves what are some of the techniques for producing some of these medications. So perhaps some antitrust reform will have to be included in whatever our preparation and our response is to the flu.

Madam Speaker, I wanted to bring these facts to the floor tonight because I know this is important legislation that this House will be considering in the next couple of weeks, and it is imperative that we all do have accurate and timely information.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY. Madam Speaker, tonight, a number of the members of the Republican Conference are going to speak on an issue we know all Americans are concerned about and Members of the Congress are deeply concerned about and that has to do with health care.

I would like at this point perhaps to step off from the comments just made by the gentleman from Texas (Mr. BURGESS), my co-committee man, who just spoke about influenza, the avian influenza, and use that as a stepping off point to talk about some areas that we need to be working on in Congress and some areas we are working on when it comes to dealing with concerns about infections and infectious diseases. The reason I want to start from this point is to show what we need to do and what we are doing in Congress to deal with a number of potentially large issues.

Everyone will remember just a couple of short years ago we had the concerns about the SARS virus, which quickly spread throughout parts of the world. Luckily, it did not stay around very long; but because people who had the disease treated other folks who then traveled throughout this country and others, we saw that disease spread quickly.

We also remember just a few years ago the Ebola virus and the worries about that. We worry also about mad cow disease, and of course, we are concerned about bioterrorism.

In all of these instances, how Health and Human Services, how county and State health departments, how hospitals, physicians, nearly all health care providers, handle such instances around the world makes a huge difference in containing the diseases and also with regard to saving lives.

Recently, President Bush made some comments in calling for $7 billion in congressional appropriations to help deal with a number of aspects of concerns about avian flu. Buying enough inoculations for that, so the people could have some immunizations against the flu; working on other areas of research; preparing health plans, all these are part of it.

What we are going to be talking about tonight will be some aspects of how we can be better prepared, what our health care system needs to be doing, and how even such things as changes in Medicaid, we are going to be using the clout of the Federal Government to make some changes.

Actually, I would like to, as long as the gentleman from Texas (Mr. BURGESS) is here and the gentleman from Georgia (Mr. GINGREY), my good friend, is here, too, I would like to use a few moments to open up a dialogue with them about some issues about the avian flu, if I may, and ask about a couple of aspects here that have to do with how this really works; and as physicians here, I thought I would perhaps start off with the gentleman from Texas (Mr. BURGESS) and ask a question or two, if I may, if the gentleman would not mind standing for a colloquy on this.

A lot of Americans are very concerned about what happens with the transmission of this disease, in many cases do not understand, well, how can I have a flu one year, but the Spanish flu, the avian flu have something very different.

My understanding of this is that many times people have the flu, those who are at risk for severe problems and death are perhaps the very young, the infirm, those with chronic diseases, the very old, because this flu tends to weaken the system and there could be other bacteriological problems such as pneumonia would take them over.

But there is something really virulent or bad, deadly, about avian flu that is the concern; and you were mentioning a little bit about that. Could you talk about how that is so different that we need to understand it is more of a concern, the deadliness of it.

I yield to the gentleman from Texas (Mr. BURGESS), my friend.

Mr. BURGESS. Madam Speaker, I thank the gentleman for bringing this topic to the floor tonight and for including me in the discussion.

In the Spanish flu outbreak in 1918, one of the observations was, instead of the very young, the very old and the infirm who were the victims of this illness. It was, in fact, young people age 28 to 45 who appeared to be the primary victims of this illness.

Undoubtedly, part of that is related to the fact that we do not have any underlying immunity to this disease and people who are, as a general rule, exposed to a lot of other people, that is, people in school, people in the workplace, in other words, your 20- to 45-year-old age group, would have a greater chance to come down to exposure to this virus, which was very virulent, had a high ineffectivity rate, and simply a cough in the room was enough to expose someone to the virus; and, again, with no native immunity, it could overwhelm their system fairly quickly.

There is no question it is still a deadly virus to the very young. It is still a deadly virus to the very old, but I think one of the striking epidemiological features of the 1918 flu was that people who were generally regarded as being in good health also seemed to fall victim to this illness.

Also bear in mind, we were in the last months of the First World War so there were a lot of recruits who were stationed together in barracks and tents, and the virus seemed to be particularly virulent in its outbreaks in those types of situations.

So some differences from 1918 to now and certainly our ability to know about an outbreak. Syndromic surveillance will be an important part of the pandemic plan that the Secretary has unveiled.

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The other important concept, since this disease is so widespread, about a quarter of the globe right now is affected with the bird flu. Because the geographic footprint is so large and because birds can fly from place to place and people travel from place to place so easily, an outbreak anywhere has to be regarded as an outbreak everywhere. So if the disease appears to travel easily from person to person in Vietnam, in Indonesia, that means that our full pandemic plan has to come into play in this country.

The gentleman mentioned the experience with SARS, when we first came to Congress in 2003, a deadly, deadly illness that previously was only known in an animal host in China. The transmissibility of SARS was with a little more difficulty than with influenza; that is, you had to get a little closer to the infected person with SARS than with the flu, which meant that health care workers and close household contacts were the types of people who were most at risk.

But bear in mind, we conquered SARS, we beat back SARS without developing a vaccine for the virus and without any specific treatment for the virus. This was accomplished through studies of epidemiology. knowing where the outbreaks were, what travel patterns were and then very careful quarantine of those individuals in whom the disease was suspected and very careful isolation techniques for health care providers when it was suspected they were dealing with a case of that disease. The few times we forgot those principles in dealing with SARS is when the outbreak was allowed to, in fact, reignite or reengage.

Quite different from our current situation. No vaccine for the virus, although the virus was identified by the use of genomics. The virus was identified very quickly, but no vaccine was developed and no effective treatment. With the avian flu, there is a vaccine that is already now available: it has been developed, it is in testing. And, of course, there are antiviral medications that are effective in treating the H5N1 virus. So some differences there between those two.

If I could make one last point, and I did not make it during my previous remarks, and I should have: Although the regular flu shot will provide no protection against the bird flu, we should all still get our regular flu shots and keep the appearance of regular flu to a minimum this year, this flu season, because the fewer people who are sick and the fewer people are who are debilitated by the regular flu virus, I think that will improve our overall odds in keeping the pandemic flu at bay.

I yield back to the gentleman and thank him for his time.

Mr. MURPHY. Madam Speaker, I thank the learned gentleman on these issues, so important to understanding infectious disease. I know one of the aspects of this. too, and I will ask my friend and colleague, Dr. Gingrey of Georgia, to comment on this, and that is helping us in Congress put this in perspective.

Back in 1976, an 18-year-old Private David Lewis came into his base at Fort Dix, staggering in, was given some resuscitation. and soon afterwards they determined that he had something called swine flu. Soon after that there was a declaration that this would be a deadly virus, perhaps reaching the level of the Spanish flu of 1918. Even at that time, President Ford went on television saying, "I have just concluded a meeting on a subject of vast importance to all Americans. I have been advised there is a very real possibility that unless we take effective counteractions, there could be an epidemic of this dangerous disease next fall and winter here in the United States." At that time President Ford asked Congress to appropriate $135 million to fight it: and of course, huge problems did not develop with swine flu.

I always have the concern that when we are engaged with a public health activity. we have two possible dangers. One is that the disease really does have an outbreak and there is great deal of harm; and two is that if it does not occur, it will leave the public feeling much like the boy who cried "wolf." and then saying there is no concern, we do not really need to do anything.

And from your perspective, Dr. Gingrey, I wonder if you could comment on how the public best needs to put this in the perspective of what we need to be thinking of here, and comment on how Congress can best handle that. And I yield to the gentleman.

Mr. GINGREY. I thank the gentleman for yielding, Madam Speaker. and am happy to be with him during this time and conducting this special order. My colleague, Dr. Burgess. of course, just did a 5-minute on this issue of avian flu, and also engaged in a colloquy with the gentleman from Pennsylvania just moments ago.

We are in a situation, Madam Speaker, where you are darned if you do and you are darned if you don't in regard to what is the proper level of response to this avian flu outbreak in the Far East. I was interviewed recently on television, and the very first thing the reporter asked was. Congressman, do you think that what the President is recommending in regard to this potential, in combating this potential pandemic of flu is just a make-up call for his slow inadequate response to Hurricane Katrina? I immediately challenged him in regard to what he was suggesting.

But it is important, I think. that the media get it right. I do not think, quite honestly. they got it right in regard to Katrina. There was terrible, terrible loss. and the loss of any lives is tragic. but at one point they were predicting 10,000 lost lives along the gulf coast; and it was closer to 1,000. They missed it pretty badly. It is important they understand their need to get it right, Madam Speaker. Because while we want to be prepared, and I commend the President and Secretary Leavitt for bringing this plan to us. we do not want to create a pandemic of panic.

The gentleman from Pennsylvania. Dr. Murphy. was talking about 1976–77 and the so-called swine flu. Well. at that time, as Dr. Murphy pointed out. the government actually purchased something like $150 million worth of vaccine, subsidized that, and began to administer vaccine for swine flu. Lo and behold, what happened shortly after that was people started getting some side effects. which may or may not have been related to the vaccine. but there were some cases of a neurologic condition called Gillian Barre syndrome where all of a sudden you became paralyzed. Fortunately, it is usually a temporary condition, but the Federal Government. assuming all liability for this vaccination against swine flu. not only had the $150 million cost. but ended up spending about $90 million more settling hundreds of claims of liability.

So we really need to be very careful, particularly, I would say, in regard to a mass immunization against avian flu, bird flu, H5N1, as Dr. Burgess described it, that type of flu.

Now, we have, and there has been some money suggested and appropriated for the NIH to develop something like 20 million doses of this vaccine to the bird flu, when as yet there have been no, and I repeat no incidents of human-to-human transmission. There have been a total of about 125 cases in the Far East where humans have contracted this so-called bird flu. But in every instance it was people working very closely with poultry, maybe in their back yard slaughtering chickens with unsanitary conditions. But absolutely no incidents of human-to-human transmission.

So while I commend the President and the Secretary of Health and Human Services for the plan and do not necessarily say that they are asking for too much money. I think we need to look very closely at how this money is spent. I think it is appropriate, I say to my colleague from Pennsylvania. to spend money to develop a technique where we can go from egg-based vaccine production to a cell culture technique, which is much more efficient. But it is going to cost some money, and I think in the $7.1 billion it calls for about $2 billion to develop that technique.

Also, as Dr. Burgess said, it is very important that we are better able to vaccinate against the routine, I think he described it as H3N2-type virus, against the typical garden variety flu and not just vaccinate children under 2 and seniors over age 65 or first responders. We need to be able to do better than that. We are losing 36,000 people every year dying from influenza in this country, and I think we can do better than that.

So, again, I think the President does find himself in a Catch 22 situation. This is the worst possible time for us to have to deal with this, but we do have to deal with it. And whether it is $7 billion or something less than that, hopefully not more, I think we, the Congress, are going to have to step up to the plate and realize there is something that has to be done.

Mr. MURPHY. Madam Speaker, I thank the gentleman. One of the ways that our Nation needs to be dealing with this potential and other issues is to have a better health care system overall. The gentleman mentioned Hurricane Katrina, and I would like to use that as a stepping-off point to talk about some of the work this Nation needs to be doing in some of the things we are doing.

When Hurricane Katrina hit and, subsequently, Hurricane Rita, we saw something we had not really been prepared for, not only the huge devastation of 90,000 square miles, almost double the size of Pennsylvania, but we also saw hospitals were closed, records were destroyed, physician offices were inaccessible and patients were inaccessible. Patients by the hundreds of thousands traveled around the country, many without their medications, without their medical records, and in some cases not even knowing what their medications were. We had to essentially reinvent for many of them a system of health care.

Now, let me take this on another smaller role here too with regard to individuals. When a person goes to their own physician, many times you have what I refer to as 21st century medical technology kept track of in a 19th century system, and that is paper and pen records. Now I have seen these myself through many years of working in hospitals and in my own practice settings where you write your notes down, and when lab results come, you stick them in the chart, and it could be for a typical patient perhaps the pile of papers could be much thicker than this.

Yet, when a person goes to the hospital, it is not unheard of, for example, I was talking to someone at one hospital: and I would be interested to hear if my colleague's experiences are the same. But say a woman showed up in an emergency department in labor. Some notes may be made there. She then may go up to the delivery area to deliver. After that, she goes to recovery and her baby goes to pediatrics. And each time separate mounds of medical records are made, which may not really be collated together for hours, sometimes days afterwards simply because of what is happening there, not to mention her own medical records from her own obstetrician back home. That is the way the system operates every day.

Let us take another scenario. Take a single mom who has a son who has asthma. And perhaps because of whatever housing, perhaps she is on Medicaid, low income, and she finds a situation where she has to move to a different part of town and it becomes difficult for her to get across town to see her other doctors, so she goes to a new doctor. And they have to essentially reinvent what has been done for this child or call for those records and have them shipped over.

Now, if one has the luxury of days, sometimes that can be done, with the situation of establishing new relationships with new physicians and new nurses. But you also have the situation, if the child goes into acute distress with something like asthma, of showing up in an emergency department and having to have all the medical staff there trying to track down what is the child's medical history, what prescription drugs is he on, are there any particular allergies he has, if he is on other medications will there be drug interactions, what is his blood type. Even the most basic information is important to have, but they do not have it.

Now, in some hospitals around the country we see some changes being made. University of Pittsburgh Medical Center, where I am from, is one that is doing this, but there are other centers, at Northwestern, and other States have this, where they are emerging towards the technology of electronic medical records and electronic prescribing. I want to talk a little about how that is done and show some things that are being done on Medicaid.

Imagine going to a medical office and filling out a clipboard with your name, address, phone number, your medical history, and allergies, if you can remember it all. Very often, it is tough. Certainly my colleagues in Congress, I think we would all be hard-pressed to remember every doctor we ever saw, every medication we ever took, or every diagnosis that was ever placed in our chart, but it is important information. Add to that every x-ray we have ever taken, every lab test that has ever been done. Those are oftentimes lost to the ether.

Some studies have indicated that perhaps as much as 14 percent of medical records are missing, some important information, important enough that it would change the direction of what the provider would diagnose or call for treatment in those cases, and in some cases, physicians say major changes in how they would diagnose.

Perhaps a patient was set up for a blood test and they never showed up for the blood test. Or perhaps they did show up, and the information was never forwarded to the physician's office. Or if it was forwarded, maybe it was misfiled or placed somewhere else. A whole host of things can go wrong when you are dealing with reams and reams of paper filings.

□ 2045

Then the moment of truth comes when the doctor needs it, where is the information. If it is missing, they may have to call for repeat tests or write a prescription and then find out that it causes problems with the patient, which can cost lives as well as money. It is estimated that 150 million times a year pharmacists call physicians to double-check medications. Perhaps they cannot read their handwriting, or double-check the decimal point on the medication dosage level, or perhaps to say Mr. Smith is on another medication from another doctor which is identical, or it is one that would have a bad drug interaction with this other medication. That is a grave concern, how do we fix this.

Well, by using electronic medical records, the medical record could actually be placed on a computer, perhaps in the physician's office. In some cases, individuals can carry their own. I brought a sample, smaller than a stick of gum. This is a 64-bit memory chip. It happens to be on a key ring. It is quite possible in the near future we may be seeing individuals who carry their own extensive medical records that can fit into their wallet or on a key ring. If an emergency came up and if something came up, they could, at a moment's notice, hand it to a doctor. They plug it in and pull up the records right away.

This is critically important for those with complicated cases. That involves a huge investment in the medical infrastructure in America, but if we use a situation like Hurricane Katrina or an outbreak of a pandemic in this Nation where the medical system of this country would be taxed beyond anything we can imagine. Again with Hurricane Katrina, hundreds of thousands of patients moving about, many psychiatric patients let out of hospitals with no recall of their medications. People had to start from scratch and diagnose them.

What if we had medical records on file that people could use in a secure and confidential way and could tap into. Or what if some individuals carry their own medical records in their wallet. It would be incredibly valuable in moments of need and help reduce health care costs.

This is not something that should just be in the best of hospitals or in the hands of those who can afford it. If we are going to lower health care costs, we need to put it in the hands of every American. RAND Corporation released a study a few weeks ago that said if our Nation switches to electronic medical records, we could save in the nature of $160 billion-plus per year. $160 billion per year. In a health care system where we are so concerned that costs are moving completely out of control, where people cannot afford health care, where businesses can no longer afford the double-digit increases in costs, we need something major, something comprehensive, something that completely shifts how we provide health care in this Nation. And electronic medical records is just that treatment.

Not only does it save money in terms of doctors not having to take time to review the chart, worry about mistakes they may have made, call for new MRIs, X-rays, CT scans, blood tests, not only that reduction in costs, and not only the savings of lives, because a mistake has not been made or a delay has not occurred in care: but Rand goes on to say you save massive amounts of money in terms of jobs, people not losing work because of complications or having to go back to a doctor to have tests done again.

Think of it this way: If a doctor asks for an X-ray and it is done, and he says did you bring the X-ray, no, they did not give it to me. The doctor says, we will take another one. You pay for that X-ray, the person's time who has to have another test done, all of that is duplication of work. But what if, again, that individual carried the X-rays, films of their surgeries, all of those details on a chip, or if it was on a computer screen in the physician's office. Not only would the doctor have instant access, but he would not be going page by page through the medical records, what did I prescribe before, because nobody can possibly remember the details of all of the patients they see.

But in an instant, tapping a button could call up those X-rays. Added to that, if the physician had questions and needed a consultation, he does not just call his old mentor in medical school, I need to call Dr. O'Hare and get his consult and mail him the X-ray and ask him to comment back. Literally, at the stroke of a key, he can have another doctor look at the X-ray, consult with him, and provide valuable information back in time faster than the speed of light. It saves valuable time, critical information, and saves lives.

But how do we get that into Medicaid, is my question. Well, first of all, let us look at what Medicaid has done here and look at some costs. In 2006, the Federal Government is spending in billions, about $190 billion. This is going to increase by $66.4 billion, or 34.8 percent, over the next 5 years. We are up to $200 billion in 2007; 2008 to $217 billion; 2009 is $237 billion; and by 2010 it is $257 billion. The Federal Government general increase in what it is spending on Medicaid is going to increase 7 percent over the next several years.

The budget package that Congress is putting together now to try to reduce some of the deficit is going to do some things that the Governors of States have asked for. The Governors of States have said that Medicaid spending, in some cases, is almost 20 percent of the State budget. They need some mechanisms by which to control this.

I was pleased that a bill I introduced has been put into the Medicaid package of our deficit reduction package, which will put $100 million in grants to go to hospitals that have high Medicaid populations, perhaps inner-city hospitals, perhaps community health centers, and nursing homes and other centers that have high Medicaid populations so they can partake in electronic medical reports.

Basically, a hospital has to convert their files into computer programs and be able to pull those up. There are a couple of nuances that go on. You have to make sure that different offices of doctors and hospitals can all speak to each other on this because otherwise there can be a medical Tower of Babel, that is, one hospital may use one type of computer program for their records and another hospital another type of record.

But I want to call upon my colleague and ask the gentleman from Georgia (Mr. GINGREY) from a physician's standpoint on what he says our Nation can be doing to assist this transition, how it helps medical practice, and perhaps some experiences of your own work. I believe you have delivered 5,000 babies or so in your time, so how it makes a difference from being able to have information instantaneously as opposed to waiting for files or trying to make a best guess on a patient.

Mr. GINGREY. Madam Speaker, there is no question what the gentleman from Pennsylvania is talking about is very important. He mentioned the potential of saving $160 billion a year. I am not sure if that figure includes the savings that would be affected from cutting down on medical errors and the liability costs, not just for the physician health care provider, but also for the facility provider, for the hospital systems, many of which are essentially what we call going bare. They have a huge deductible. In some instances, a huge hospital system, it would not be unusual to have $20 million for no insurance coverage for some of these claims for medical errors. So that $160 billion may be a very conservative estimate.

I think it is absolutely essential that we move in this direction. I know my colleague is a member of the Committee on Energy and Commerce, and they are working closely on trying to develop a system. We are working closely in Congress with Secretary Leavitt of Health and Human Services to make sure that we have one system. We have to have this ability to communicate.

I think it is important and I want to mention this, there are a lot of private vendors out there. There is a very excellent company in my district, the 11th Congressional District, which is essentially west Georgia. In the heart of my district there is a wonderful company, the Greenway Company. They have been working on this for a number of years. They have this software package, and we refer to it as electronic medical records; and we are not just talking about billing. That is kind of old hat. That has been around for a while, but this is taking it much beyond that so that no matter where you are in this country, indeed in the world, when you have that little radio frequency ID card that he is talking about or swipe card, if you can charge something on American Express when you are visiting India, certainly you ought to be able to go to the hospital if an illness overcomes you or you fall victim to some accident out of country, they would be able to clearly identify your entire medical record almost in an instant.

Some of these companies, like Greenway and others that have developed these systems, they want to make sure that they can connect and communicate with a hospital as well. So as our committees of jurisdiction, which of course would be Energy and Commerce and the Committee on Ways and Means, and our appropriators, we want to make sure whatever money we spend, that we give an opportunity for entrepreneurs to connect and be part of this; and it not just be hospital driven.

I have heard some discussion about giving some incentives to staff members who practice at a certain hospital so there is some benefit to get them to communicate with a hospital. But again, competitiveness, the free marketplace is usually important, but they have to have a similar system, at least one that speaks to the other. That is usually important.

Madam Speaker, the opportunity to communicate with Dr. Murphy on this issue, and let me just say this, we cannot overemphasize the importance of this. The gentleman described the cost of this Medicaid program which is running wildly out of control. In 2010 it is $257 billion. We all know there is a price to pay in the State budget, and in some States, of course, the Federal match can be as high as 75 percent. But that is just a couple of States, and many, many are 50/50. We have got to get this working and save money out of this system.

And more importantly, it is not just cutting down on the cost of these entitlement programs. It is also a matter of saving lives and increasing and saving productivity. You mentioned both of those points, and I think those are extremely well taken.

Mr. MURPHY. Madam Speaker, I would like to shift to a couple of areas of health care here and some other things that we are moving on and we need to continue to push for.

One has to do with some mental health issues. I mentioned earlier about Hurricane Katrina and some of the folks who had psychiatric illnesses, and as the hospitals were emptied, people did not know their medications; and I mentioned how those problems occurred.

We also have to pay attention not only in terms of using electronic medical records so people can find their record when they need to, but making sure we have the security so that people cannot get into the record when they do not need to. Part of what Dr. David Brailer, who the White House appointed to work on this issue, along with many companies, such as in Pittsburgh, the University of Pittsburgh Medical Center, and there are many private companies trying to come up with solutions, so we have a great many other aspects that we are working towards in order to make sure that these records are secure and confidential.

I want to ensure my colleagues that this is something that I am in complete agreement with, what Secretary Leavitt is working on in HHS and also Dr. Brailer, that these electronic records need to be secure and confidential so people can always trust that their records are not going to be viewed by somebody who should not get into them.

In the Committee on Energy and Commerce, we are working on some other technological aspects. We are working with the committee to offer some amendments to make sure we also have reporting.

□ 2100

Interestingly enough, one of the areas we find loopholes as we are moving forward on issues is that right now if there is a breach in security of some kind of records, health records, unless someone reports that there is not something that is done and what we really want to make sure is happening is hospitals are regularly scanning their records as many of them do now and look for any sort of attempts people may have to get into those computer files. Similarly when we have our own paper records in our own office, we have to keep those under lock and key. We have to make sure that those who are not authorized to see them don't get in there to see them.

In the mental health area, I want to talk for a few minutes about a couple of aspects and again give my colleague time if he has some issues he wants to get into, but I want to talk about mental health care treatment for chronic diseases and how they can lower health care costs. For many individuals with chronic diseases like asthma, arthritis, heart disease, cancer, diabetes, lupus, and many other areas, interestingly enough, the incidence of depression can be double that of the general population. Whereas in any given life span, perhaps about 16 percent of the population may suffer from some severe depression, when you have a chronic illness like heart disease, those rates can double. And some cardiologists tell me that the numbers would really be even much higher than that. After all, when you are told you have a debilitating disease or something that can be life threatening, it is expected that a person would have a severe reaction. Many times it is overwhelming stress. Sometimes that can move into a sense of depression.

Depression is not just a sad feeling as we all feel at times. We have a bad day, the loss of a loved one, job stress. Depression is part of life in terms of having some sense of sadness. It reaches a point, however, in some folks where it really becomes a wall around them. It affects them physically. It affects them mentally. Thoughts are sluggish. Oftentimes they have a hard time getting out of bed in the morning but then a hard time sleeping once they are there. They may find themselves with no appetite. They may find themselves overeating. They may find themselves seeking other things to alleviate their depression such as drugs and alcohol. And I am not talking about prescribed drugs. It may be things where they are angry, they are edgy, they are moody. It may be that they are withdrawn. All sorts of things can happen. What is interesting is how this really becomes not just a mood and an emotional reaction and this is not something that is just a sign of weakness, it is a real chemical, neurochemical reaction that occurs in the brain then that becomes debilitating. For someone who has heart disease or diabetes, I was mentioning, double the incidence, think of this: That the stress can be so prolonged on their body and their system and it depends on the individual, it is almost as if there is a point at which the body says, We can't handle the stress anymore and depression begins to overcome.

Why does it increase so much with things like heart disease? Perhaps because of the stress, but here is an interesting factor. Patients diagnosed with depression have higher rates of chronic medical illness and use health care services more often. Patients with chronic medical illness and untreated depression have higher health care costs in several categories of care: primary care, regular doctor visits, medical specialty care, medical inpatient care, pharmacy, lab costs, all increase, when compared to those with chronic medical illness and treated or with no depression. Much higher.

As I said before, clinical depression affects about 16 percent of the population at one time or another in their lives. Unlike the normal experience of sadness or loss or mood states, it becomes much higher. For example, 31 percent with diabetes have depressive symptoms. Interestingly enough, the increased psychological stress or depression increases platelet reactivity to thrombosis, or blood clotting. In other words, when you have heart disease, untreated depression in ways we are not quite clear yet can actually lead to an increases in clotting of those little blood cells, the platelets that we have. This can in turn lead to almost doubling the cost of health care for folks with heart disease.

Again, you have folks with and without heart disease. Those with heart disease may have double the incidence of depression. And those with untreated depression or not responding to treatments can have double the health care cost. Some are intuitively obvious: Perhaps the person is not following up with doctor visits; perhaps they are not following the treatment plan; they are not going through and taking medication; maybe they are not seeing the doctor; exercising; all the things they should be doing. But even in that case if they are doing that, there is something physical that is taking place in those patients that may actually contribute to increased medical complications.

Very often treatment for mental illness is not provided by a mental health professional. A person does not see a psychiatrist for their medications, maybe does not see a psychologist for other behavioral therapies that may go with that. Actually psychiatric medications are prescribed by nonpsychiatrists 75 percent of the time, most frequently by primary care, general and family physicians. But when we combine medical and behavioral health services to coordinate the diagnosis and treatment of the full spectrum of diseases, we can see some huge changes in that.

When you have, as I said before, untreated depression, it has been found to increase health care costs by complicating symptoms and treatments of such things as back pain, diabetes, headache and heart disease annually from $1,000 to $3,000 per patient. Very, very important when you are dealing with someone, for example, who is an employee who has some of these problems, when you see this untreated depression in them, increased costs. Untreated depression costs employers more than $51 billion per year in absenteeism and lost productivity, not including higher medical and pharmaceutical costs.

When we use information technology and much of what we have been talking about this evening, it can be used to track diseases and intervene with appropriate care. So now with a physician seeing a patient with a chronic illness and into that computer he types in or she types in the diagnosis, up in the screen should not only appear, here is confirmation of the diagnosis of this disease but up also arise some questions as prompts to the physician. Again if he types in coronary heart disease, what may also show up is, ask the patient the following questions: Ask about mood, ask about appetite, sleep problems, problems in their relationship with their spouse, to see if there is any indication of other psychiatric or psychological disorders for which that patient could be referred over for help. This information about provider system performance will be extremely valuable to have this. But unfortunately in many cases a physician may not have those prompts available and if they may only have a handful of moments to see a patient, it becomes very, very difficult.

If we saw depression as a medical condition for what it is and other psychiatric illnesses for the medical conditions they are, we could reduce health care costs and save lives. Unfortunately, and I know our colleagues as well, there are some folks here who believe there is no such thing as mental illness and I have heard such statements made. saying. oh, it's just a chemical reaction in the body, or there really are no other emotional components. We have heard Hollywood stars talk about this with an incredible amount of prejudice and ignorance. But it is true. There is such a thing as mental illness. As much as we want to pretend it is not there, as much as we want to ignore it. it does not make it go away. It does not help if we continue to treat mental ilness with the same level of insight and ignorance as the Salem witch trials. There are times that we have not advanced much beyond that. But when on the other hand we recognize this incredible integration between mental health treatments and other medical treatments, I say other medical treatments because they are both medical, we can see with those patients huge changes and huge cost savings. Increased psychological stress or depression increases platelet reactivity, as I said, thrombosis. But there are also aspects, too, with treatment here that we find really can save a great deal of money.

A 2000 report by the Office of Personnel Management for Federal health employees provides an example of several major employers who through managed care programs have discovered they can offer mental health benefits to their employees in order to maintain a higher quality workforce. These employers included companies like AT&T, American Airlines, Eastman Kodak, General Motors, IBM, Massachusetts Group Insurance Commission, Pepsico. The list goes on. The most important finding of this report was that employers who provide generous mental health and substance abuse benefits to their employees and their families are committed to providing these benefits because they are convinced that doing so is essential to the corporate bottom line. What they indeed found was the mental health coverage put on par with physical health coverage only costs employers about 1 percent or $1.32 per enrollee per month according to a 2004 analysis by Price Waterhouse. But they also found it actually saves a great deal of money for individual businesses.

As we are proceeding through efforts to save money through Medicaid, as we are looking at such things as Medicare, I call upon our colleagues to make sure we are saying, you don't just save money by cutting rates of growth. It is important we do that. It is important we work with States to reduce that. But it is also important we work with States to help them understand and employers to understand that when you deny an aspect of critical care, and that is mental health care, you can actually be harming the patient. And so it is vitally important that we look in all these areas now and other bills that may be before us in the future, that we use them in such ways. this huge amount of spending the Federal Government gets involved with health care, but also encouraging employers to do the same thing.

Congress budgeted $20 million for the development of comprehensive State mental health plans to improve the mental health services infrastructure in 2005. The amount we need to, however, spend is probably much more than that. Unfortunately, the way the Congressional Budget Office works in this Federal Government, it only tells you what you spend. It does not tell you what you saved. It would be much like if we looked at how much we are going to spend in immunizations but did not see what we saved in lives and money for flu. It would be ridiculous if we did not say that that indeed would be a savings. We have to keep working at these aspects here. We have to look at how Medicare and Medicaid reimburse. We have to look at pay-for-performance incentives to help physicians and mental health professionals work together in a comprehensive and integrated way. We have to make sure we are helping businesses understand that these Medicaid transformation grants, for example, that I mentioned earlier are, I believe, going to be $100 million invested, but when we use these for such things as county nursing homes, skilled nursing facilities, federally qualified community health centers and similar facilities and inner city hospitals, we will see tremendous savings come through this whole system here.

Just to wrap up my comments and I will turn back to the gentleman from Georgia if he has some other thoughts he wanted to say in wrapping things up tonight, it is so vitally important that we work together, not only the handful of health care professionals that are here in Congress but it is so important that as Members of Congress we work together to understand that health care is not just about what you spend. it is also about what you save by your spending. If we are ever going to get control of this juggernaut of health care costs, it is not just going to be by having the discussion go in terms of who is spending; it is not just a matter of saying we are going to have health care savings accounts so people can pay more attention to what they are spending, that is important; and it is not just in terms of saying, nobody can afford health care so let's have the Federal Government take over. It is about not just who is paying but what we are paying for. That is why the comments we have made tonight about what we are spending money and how we are going to spend it on dealing with the concerns about the avian flu be done in a careful and thoughtful manner. That is why other aspects I mentioned before about medical records, electronic medical records and also integrated health care and other aspects we can get into, too, about prevention, et cetera, it is so important we deal with these in a comprehensive manner to look at those savings.

I wish that we could get the Congressional Budget Office to do more aspects of looking at how we can save money in this, but that is going to be something that we are going to have to carry the torch on. I know my colleague has carried the torch on many of these aspects here. I think we have about 7 or 8 minutes left. I know you have a number of other aspects you would like to talk about. I always enjoy these colloquies with you about looking at this. It is an important aspect that we team up together on here to get this Nation thinking about other ways of saving lives and saving money by, and I will leave with this chart here, about the health transformation. We cannot just make reforms within the current framework. We have to look at our current health care system and if we fail to change, it will decay into a system we cannot afford anymore. If we work toward real change to a 21st century health care system, that is where we should be going. I believe our Nation, whether it is private employers or the Federal Government, will see tremendous changes that save tens of thousands of lives and tens of billions of dollars. I thank my colleague for being such an adamant supporter of moving this health care system forward.

Mr. GINGREY. I just want to say that what you have brought to the Members tonight regarding what I think you would agree we could call mental health parity is a hugely important issue. I think my colleagues in the medical profession who are still practicing, especially those whom I know so well back home in Marietta, Georgia, expected when I came to Congress that I would have all of the answers and be able to solve all of our problems but the truth is I have learned just about as much as I have contributed and realizing today after being out of the practice of medicine, the bedside care of patients for almost 4 years now, how important this issue of mental health parity is that you bring to our attention tonight. You are right, absolutely. There are so many people who suffer from mild, moderate, severe depression, they are not psychotic, they do not need to be institutionalized, they do not even need to be hospitalized, but their illness, their depression, results in decreased productivity. You mentioned that. Away from their job. It also is detrimental to their physical well-being whether, as you point out, it is heart disease, diabetes, or whatever. You talked about the effect on platelets. There is no question about that. And, of course, the very important point you made about their compliance with medical treatment, again, whether that is heart disease or diabetes. If they are depressed, they are not going to follow the regimen they need to follow and it is going to end up costing this country, particularly when the money is coming from the Federal revenue and John Q. Taxpayer, it is going to cost more.

□ 2115

As the gentleman points out, we get more credit for the fact that we are, overall, going to reduce health care costs by paying more attention to something like this.

I know a lot of my colleagues will try to treat mental illness and, really, I will use the expression "on the fly." I think Dr. Murphy knows what I am talking about, in a hurry. You do not have time and you do not do a prolonged mental health inventory, a counseling session, with the patient, you just write a prescription for some antidepressant, whether it is Effexor or Zoloft or whatever, in many instances, not all. Certainly some general physicians, internists, family practitioners, even gynecologists take a special interest in mental health care and know a good bit about medications. But I think in many instances, those patients are better served by a mental health professional, a psychologist or a psychiatrist, but I really appreciate the gentleman bringing that point to us.

Madam Speaker, if the gentleman will allow me to continue. I did want to just shift just for a few minutes to the issue of the Medicare Part D, the prescription drug part that is part of the 2003 Medicare modernization program. We are in tough budget times. My colleagues understand this, and of course we talked earlier in the hour during a colloquy about avian flu and the fact that the President has no choice but to bring to the Congress a request for money, in this instance an additional $7 billion, to help prepare for the possibility of a worldwide pandemic right on the heels of the need to spend $150 billion to $200 billion on the horrific hurricane that struck the gulf coast, Hurricane Katrina.

We just had tornadoes in Indiana and Kentucky with the loss of life. Last summer we had four hurricanes strike Florida, and we continue to spend necessary money fighting this global war on terrorism. I mean it is a tough, tough time. And people in my district, the 11th District of Georgia, and I feel sure the gentleman's constituents from Pennsylvania, are very concerned with fiscal responsibility and hopefully look for some offsets.

That is what we are about in the Congress this week. Hopefully, we will have an opportunity to exercise some fiscal discipline in regard to the growth rate. Not cutting mandatory spending, but just limiting the rate of growth from 5.7 percent to 5.6 percent, looking for $50 billion in savings over the next 5 years. These things are hugely important, and our constituents are demanding it.

But this suggestion that we find some savings by delaying or indeed canceling the Medicare Part D prescription drug benefit as a part of Medicare modernization I think would be a huge mistake, Madam Speaker. Because, as Dr. Murphy pointed out, we have heard this estimate of $750 billion additional Medicare costs over 10 years, but that is giving absolutely no credit to the fact that if this program works, and I truly, in the deepest depths of my being, feel that it is the right thing to do and that it will work and will shift some cost away from Part A and Part B, that part that pays for open heart surgery, it pays for an emergency room visit if you had a stroke. Indeed, it pays a little money under Part A and Part B for prolonged skilled nursing home care, possibly for the rest of your life.

Mr. MURPHY. Madam Speaker, if the gentleman will yield, one of the things that is in this Medicare bill we passed a while ago now, that many people are forgetting, has to do with the entry physical that people get, but there are also elements in there that have to do with some patient management, the pharmacist is working more monitoring the medication, and communication. I would ask my colleague to speak on that, because that may be a thing that we really are not quite used to, physicians and pharmacists working more closely together as part of that Medicare bill so that there is less hospitalization.

I know one hospital in my district, Washington Hospital, really found that by doing careful patient management of those with heart disease, they reduced rehospitalizations by 50 percent. That is a massive savings in costs and certainly much better for the patients, in many cases saving some lives. I wonder if the gentleman could comment about that.

Mr. GINGREY. Madam Speaker, I am very familiar with Washington Hospital, although I did not realize it was in the gentleman's district, the great work that they did. But there is no question about it, this issue.

I mentioned the cost-shifting from Part A and Part B, and I think that will be substantial. But this emphasis, and the gentleman is right, it is part of this bill, not just prescription drugs Part D, but also that entry level physical, that focus on disease management and making sure that people, whether they do it through Medicare Advantage, whether an HMO-type program, or even traditional Medicare, in screening for things like colon and rectal cancer, breast cancer with mammograms, prostate cancer screening, cholesterol screening so that we do not wait until the person has a heart attack and has to have that quadruple bypass that is very expensive. So again, I wanted to make sure, and I appreciate the gentleman from Pennsylvania giving me the opportunity to have time to discuss that, because we are hearing it. We are hearing it on the floor of the House, maybe from both sides of the aisle, and folks back home, naturally they want us to spend what we have to spend, but not a dime more, and I agree with that.

But I think this will be clearly the wrong message to send to our seniors. I mean, this President and this Congress were not the first elected folks to promise to deliver a prescription drug benefit for our seniors. Indeed, Medicare started in 1965, so what are we talking about is about 40 years of the program, and they have been waiting a long time. And to ask them to wait a couple of years or indeed maybe indefinitely so that we can offset some of these costs of responding to the bird flu or responding to Hurricane Katrina, I think would be a huge mistake.

Mr. MURPHY. Well, Madam Speaker, I think it is one of those areas that, again, I think that when one just looks at the numbers of costs up front, and we have some of those frightening numbers, I do not know how many hundreds of billions it may be. And I understand the concern of our colleagues who may have opposed the Medicare bill for Part D because they were concerned about the cost. But I believe this has some innovative aspects in it and some that we have to pay attention to.

Oftentimes, people say that one of the definitions of insane behavior is doing the same thing over and over again, expecting the same results, but this patient management aspect and the integration of care between physicians and pharmacists is vitally important. I am hoping that as people review their Medicare Part D options that they also ask questions about that, when they call 1-800-Medicare or go to medicare.gov, or particularly when they call 1-800-Medicare, feel free to ask about that, or ask Members' offices to talk about that. It is something that is so very, very important. It is going to be a different aspect of health care that we follow up on.

Mr. GINGREY. Yes. And I think too it needs to be said that when we had this debate, a huge debate, in December of 2003, as my colleague recalls, we were freshmen at that point in our political careers, both of us, but there were a lot of folks, particularly on the other side of the aisle, that were very angry, very angry with AARP, the American Association of Retired Persons, because they had the unmitigated gall, the audacity to support this President and this Republican leadership in trying to get this Medicare modernization prescription drug bill passed and to fulfill this promise that was made. They even suggested that people tear up their AARP card as an act of defiance and protest against this bill, and discourage people, the working poor who could get the prescription drug discount card in that transitional program, and get $600 worth of credit for each of 2 years during that program's existence, $1,200. To think that they discouraged people, and many of them were discouraged and did not get that benefit. I hope now that for Medicare Part D, and the sign-up is beginning soon, that they will be encouraging them, not discouraging them, to sign up.

Mr. MURPHY. Madam Speaker, I thank the gentleman for his time tonight and also the indulgence of our colleagues in listening to this. We will continue to push these health care issues so vitally important for the health of our constituents and of all Americans.

On my own Web site at murphy.house.gov I have further information on health care, FYIs, as I call them and sent to my colleagues every week. I hope people will look at that, and I hope my colleagues will continue to work with us, but really all Members of Congress, not only those with a health care background, but together, we will see some major changes in not only saving lives, but saving money.

REPUBLICAN BUDGET CUTS BAD FOR AMERICA

The SPEAKER pro tempore (Mrs. DRAKE). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from California (Ms. WOOLSEY) is recognized for 60 minutes as the designee of the minority leader.

Ms. WOOLSEY. Madam Speaker, I am the cochair, along with BARBARA LEE from Berkeley, California, of the 62-member Congressional Progressive Caucus. Our progressive promise includes a fair and balanced budget that represents all people in this country. So I am pleased to take this time in this special order this evening to talk about the cruel and shameful budget and the tax cuts the Republican majority wants to ram through this House on Wednesday or Thursday of this week.

After hearing my Republican colleagues in the first hour special order tonight, I would hope that they are paying a great deal of attention to what is going on with this reconciliation budget. Otherwise, there is not going to be any money for all of those good ideas they have for health care. It was a pleasure to hear their good ideas, now that we are going to talk about where the money will be and where the money is going in our budget, and it is something we are going to be dealing with straight up Wednesday or Thursday of this week.

It is also time for the people of this country to know what is going on. It is time to stop this railroad and help the American people learn just what the Republicans are up to. They keep acting as Robin Hood in reverse. It comes out in the various committees, and in bringing up this vote this week on the House Floor, a vote that will hurt hard-working Americans because of a package of bills in the billions of dollars, at least $50 billion, that will include hurtful budget cuts.

But make no mistake about it. These budget priorities are outrageous. They, meaning the Republicans, want to provide $70 billion to $100 billion in new tax cuts for the powerful and the privileged in America who need them the least, while cutting programs for the rest of the country. And they are going to pay for these irresponsible tax cuts for the most well off by shredding the safety net for the most vulnerable in our society, those who live under or near the poverty line, and by breaking the social contract with hard-working, middle-class Americans as well.

And, oh, yes, what the Republicans do not wring out of the blood, sweat, and tears of working and impoverished Americans through budget cuts will just be added to the debt of the next generation of Americans. Can you believe it? This is the first budget reconciliation package in the history of our country that actually increases Federal deficits at least another $25 billion, which will be added to the deficit this year without batting an eye. While pretending to be the guardians of our Treasury, Republicans in charge of this Congress just keep borrowing and spending, piling up debt that our grandchildren and their children will owe.

Ten years ago, the Republicans took control of this House, trumpeting their Contract With America with great fanfare, if you will all remember it. But now, one decade later, it is plain for all of us to see that their slick marketing gambit has proven to be a "Contract on America," particularly those struggling to face financial ends.

The numbers and the budget tradeoffs recommended in this budget package speak for themselves, but let me cite a few examples for my colleagues. To pay for a $70 billion to $100 billion tax cut, and these are new tax cuts, by the way, the Republicans in control of this House want to slash $844 million from the food stamp program, which would result in 300,000 families being kicked off of this antihunger program. It would leave 40,000 children ineligible for school lunches.

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Apparently, the Republicans do not realize the number of malnourished children and Americans grew by more than 2 million in the past year. The Republicans want to cut $14.5 billion from student aid programs at precisely the time when paying for college education has become more difficult than in any generation in the past. These shortsighted education cuts, including the largest cut in the history of the student loan program, are certain to increase the interest rates and the fees that many students will have to pay.

The Republicans are going after single mothers. They are cutting $500 million in Federal support for child care assistance, leaving an additional 250,000 children without quality child care. Adding insult to injury, the Republicans are cutting almost $5 billion from child support enforcement programs that help to collect money from dead-beat dads. So much for compassionate conservatism when it comes time to give tax cuts to rich cronies of the Republican majority.

The Republicans are cutting $9.5 billion from Medicaid, the Federal program that extends basic health care to the poorest and neediest of Americans.

Home heating bills are expected to be 30 to 50 percent higher this coming winter, but that is not keeping the Republicans in control of this House from voting against full funding of the Low Income Home Energy Assistance Program, LIHEAP.

And evidence is strong and persuasive that many of these programs while not perfect, we know that, have made progress towards goals shared by Americans across the political spectrum, such as preventing hunger, destitution and homelessness, protecting children's health, and rewarding low-paid work.

When our constituents experience crises in their personal lives such as job loss or disabilities, these programs can cushion them against deep poverty.

When people have low earnings or little or no health insurance, these programs can supplement their incomes and provide essential health care coverage.

And when people reach retirement age, these programs provide some measure of retirement and health security. Research and data from the Center on Budget and Policy Priorities and other experts around the country show that the United States system of income support benefits have helped make tens of millions of Americans healthier and more secure.

Without properly funded programs like food stamps, Medicaid, State Children's Health Insurance Programs, unemployment insurance and the supplemental security program for the elderly and disabled poor, ours will be a harsher and less compassionate society with more extreme hardship, especially among children and people who are elderly and people who do have disabilities.

The Happy Warrior, Senator Hubert Humphrey, used to remind us that the character of a society can best be judged by how it cares for those in the dawn and the twilight of life.

By this measure, the Republicans, who are in charge of all branches of our government today and who are responsible for these budget and tax cuts, are failing the American people woefully. They are particularly failing our children and students and their education.

As I said earlier, the Republican reconciliation budget will pay for between 70 and $100 billion in new tax cuts for the rich by cutting very critical social programs.

This budget would break the backs of hard-working poor and middle-class families in order to break the bank to pay for tax cuts for wealthy families.

Let us talk about how this budget actually affects family values. Let us talk about how we could use that 70 billion to $100 billion to keep some important promises to the average American family.

For instance, the Head Start program offers low-income families the promise that their young children will not start school at a disadvantage, but we serve fewer than half of the eligible 3- and 4-year olds nationwide.

Yet, instead of providing the $5 billion increase that it would take to ensure this opportunity for every eligible child this year, President Bush and the Republican Congress are cutting 70 to $100 billion in taxes at the very top level.

Almost 4 years ago, President Bush and the Republican Congress passed the No Child Left Behind Act and joined in a bipartisan promise to American families that we would provide schools with resources they need to educate all of our children.

They said that they would use No Child Left Behind to diagnose where dollars were needed to turn poorer performing schools and school districts around so that actually no child would be left behind. Since then, the President and the Republican Congress have fallen more than $40 billion short of keeping that promise. And so No Child Left Behind has become punitive instead of helpful.

We could do better by our children if we spent that $40 billion on those children and did not cut taxes for the wealthiest people in this country. In 1975, the Federal Government promised families that it would fully fund its share of IDEA, the Individuals With Disabilities Education Act. But 30 years later we are less than halfway there.

Last year, President Bush and the Republican Congress made another bipartisan promise to increase funding for IDEA by $4 billion this year and to fully fund IDEA by the year 2011. It sounded good. A lot of us voted for it, and a lot of us did not.

But within a few months of signing the new law, the President broke his promise by more than $3.5 billion, no, billion dollars. So we could use $3.5 billion of the tax cuts for the wealthy to keep this bipartisan promise to fund IDEA as was promised. Or even better, we could use $13.2 billion to fully fund IDEA up to the Federal responsibility.

Another, Federal student aid for college offers low-and middle-income families the promise of an education to prepare them for jobs in the 21st century. $14.3 billion would enable us to offset the cuts that the Republican reconciliation budget would make to Federal student aid programs, the largest cuts, by the way, in history.

These cuts would add $5,800 to the cost of the typical student's college loans, while students whose families can pay outright for the best colleges, and do not need loans, get another tax cut.

Another $4.2 billion would enable us to keep another promise that President Bush has not come close to keeping. That would be to increase the annual Pell grant for low-income students to $5,100. Or we could reduce the tax cuts for the wealthy by $7 billion to keep the bipartisan promise made in 1998 to increase the Pell grant to $5,800.

But at a time when the buying power of Pell grants is only about half of what it was at its peak, the President and the Republican Congress have virtually frozen Pell grants since the year 2002.

My colleagues, how we choose to allocate Federal resources is a reflection of our values, our values as Members of Congress, our values as leaders of our country. And the choices we will make this year will be one of the most critical choices any of us will make during our time in Congress.

We can pass the Republican reconciliation budget, which, I believe, makes a mockery of the term "family values," unless of course, the only families you value are the nation's wealthiest families; or we can pass a budget that truly helps all of America's families.

I hope that we will make the right choice. I hope that we will invest in our families and their children, which, by the way, is an investment in our Nation's ability to compete in the international marketplace.

OUR NATION'S ENERGY ISSUE

The SPEAKER pro tempore (Mrs. DRAKE). Under the Speaker's announced policy of January 4, 2005, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 60 minutes.

Mr. PETERSON of Pennsylvania. Madam Speaker, I appreciate the opportunity to share tonight what I believe to be one of the most compelling issues facing this country, and it is our energy issue.

Energy is what makes everything run. It heats our homes. It makes our businesses run. It helps us transport ourselves and goods from place to place. Energy is a part of everything we do.

Now, I come from right near Titusville, Pennsylvania, where the first oil well was drilled, and nothing has changed the world more than when we found petroleum and how it developed our whole Industrial Revolution in this country and we became the leaders of the world and how we developed our transportation system.

But today, you know, we hear a lot about the price of oil because it is published daily, and we hear a lot about the price of gasoline at the pump. And that is important to us. And it has been painful some time back when we hit over $3 for gasoline.

But, folks, when gasoline prices were at $3, they had doubled in the 5-year period. The real issue facing America is the price of natural gas, which has increased 700 percent in the same period of time, 5 years.

Why is it a crisis? Well, the impact is we heat our homes. It could threaten homeownership. We heat our schools, our hospitals, our YMCAs, our YWCAs, our churches, our colleges, our universities, our small businesses. Yes, everybody uses natural gas in some way, from cooking to baking to heating their homes, running something.

And we have major industries like steel, aluminum, brass, all our metals, that melt steel, that heat it to bend it or shape it. Petrochemicals, they use natural gas as a heat. They use natural gas as an ingredient. Every chemical that we buy in the grocery store or the hardware store is a derivative of natural gas.

Polymers and plastics, we do not have anything that does not have polymers or plastics connected to them. Again, polymers and plastics, a major ingredient is natural gas; and of course it is used again and again to melt it and to shape it.

Fertilizer, our farmers have been devastated this year with huge increases in fertilizer cost. Nitrogen fertilizer, the one most common, 70 percent of the cost of fertilizer is natural gas.

So our farmers have been hit very hard with the energy crisis because they have paid a lot more to run their tractors, to cultivate their farms. They have paid again to harvest their crops. They have paid with natural gas to dry the grains before they put them in storage in the big elevators. They have been hit with natural gas every way they turn.

Why are natural gas prices more harmful than oil prices? Well, when we buy $65 oil, as it was a few weeks ago, or 58 or 59 or $60 oil, as it is today, that is the world price. And all our competitors, far and wide, around the world pay that same price.

But that is not true of natural gas. When we paid $14 for several months, we are down around 12 now, maybe 11, still the highest price in the records that have ever been kept, we are alone. We are the only country paying that.

Canada is considerably cheaper. Europe is usually about half of our price. Our economic competitors, Japan, Taiwan and China, a third of our price. Thinking of giving all those manufacturers and processors over there another huge advantage over us economically, not only cheap labor, but cheap energy.

How can our employers compete when energy is a large part of their cost? The fact is they cannot. I was today at a celebration of the expansion of a lime company that put in new kilns and invested $60 million in my district. And I asked them, what fuel do you use to fuel these kilns to make lime, because you heat it to 2,400 degrees. And they said, we use coal. And I said, you can be glad you do. And they said, well, we have plants all over the States. We have plants in Canada and plants in Mexico. We have natural gas plants. And I said, well how are they faring? And they said, well, we are not running those. Today's natural gas prices we cannot afford to make lime.

Folks, the problem we face with the natural gas prices that are going to be high for a long time to come, they are going to be devastating to homeownership. They are going to be devastating to small business. But they are going to force major companies to leave this country, because if they want to compete, if they want to make products that are saleable, you cannot pay three, four and five times as much.

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In South America natural gas is only $1.60. In Russia it is only 90 cents. And I named all of our other competitors.

How did this happen? Well, for decades gas was under $2 and oil was around $10. Nothing competes, none of the renewables. None of the new initiatives work with those cheap, cheap prices that we had for a long time.

Now, about 10 years ago we changed a major policy in this country. Historically, it was against the law to use natural gas to make electricity. It was considered not prudent. I think we were right then, but that was changed. And so 10 years ago we took away the limitation of using natural gas to make electricity, and today one-fourth of our electricity is made with natural gas. So huge reserves of natural gas now go into making electricity.

Now, I remember at the same time when that was happening I went to a briefing in the Senate and a Daniel Yergin, who wrote the book "The Prize", a Pulitzer Prize-winning book, he said if we used a lot of natural gas to make electricity and we did not open up supply, in a few years we would develop a real shortage of natural gas in this country. That happened, because I remember the first year that it reached up over $3, that was from under $2 gas to over $3. That was a major bump in the cost of heating our homes and running our businesses.

Well, the next year it was up in the high $4s and that again was a huge percent increase of natural gas costs, and we all watched and learned. The next year, the average price last year, the average price for natural gas during the summer months when we fill our storage, in the summertime we produce more gas than we can use and we put it in huge caverns, many of them in my district in Pennsylvania, and we store it for winter usage because we do not produce enough in wintertime.

Last summer the average price was $5.30. That was the highest price we ever paid for summer gas. It was very alarming to those who watched that. This year was even worse. We were bouncing along between $7 and $8 all summer; and those were waiting for new contracts, waiting for the price to come down, it just never happened. Then as we were approaching the fall we got up to around $9 gas and sometimes even close to $10, and then came Katrina and the other storms and a shortage of gas coming out of the gulf, and we hit $14.50. And that was a record for gas prices in this country, and it stayed there for some month or two and now just recently has edged down into the elevens. But still it is way above.

We were talking this summer that probably sometime this winter, when the cold Canadian air comes down into the States, that we could be looking at $10 and $11 gas this winter. Well, we are back at $10 and $11 gas now and we think that is pretty good compared to $14 a few weeks ago, but it is a huge shock to our system. It is not a price companies can pass on.

I have companies in my district that, when it reached $8, they do not produce any more because they cannot pass that on. That cost makes it prohibitive.

Now, how did this all happen? What could we do to fix it? Well, we have huge reserves in our West and we have huge reserves on our Outer Continental Shelf. What is the Outer Continental Shelf? That is our shoreline. The States control the first 3 miles of the Outer Continental Shelf, and then for the next 197 miles, 200 miles is controlled by the Federal Government.

Historically, most countries in the world produce oil and natural gas there. But about 20-some years ago the President of the United States put a moratorium. It was supposed to be temporary; it was while we had an inventory to see where the best supplies were so we could open up with the least environmental damage. So that moratorium carried into the Clinton administration, and they just extended it to 2012, and our current administration has not dealt with it.

Well, that has closed up 80 percent of our shoreline with huge reserves. Some estimate that it is 400 trillion cubic feet. Others feel it is far in excess of that because we have never used the most modern seismographic equipment to tell us what is there today, if we did that, because Congress has not allowed us to. We have not allowed the Outer Continental Shelf to be measured with the modern technology of today to tell us how much oil and gas is there, because if we found out there was a lot we might go after it, and that would be a terrible thing to do.

Well, I am sorry, but there has never been a natural gas well that has ever polluted a shore. I am promoting natural gas production, and I will explain my legislation a little later here.

But we have also not had a major spill from oil production in the water since 1969. I do not know how long the industry has to be perfect before we can do it there and be trusted.

In the gulf when we had the series of storms that hit this year, the worst ever, a 60-foot wall of water, rigs were destroyed, platforms were destroyed, but there were no major spills because the technology that we have today works. The wells are locked in at the ocean floor, and the gas and oil is held there until we can repair the platforms, until we can reconnect those wells and get them back into the system. So it is safe technology today.

Well, how safe is it? How can we be sure? Well, Canada is a very environmentally sensitive country. They produce right off the coast of Maine and right off the coast of Washington. They actually drill for natural gas in our Great Lakes every day and sell the gas to us. Does that make sense? I do not think so.

The United Kingdom, an environmentally sensitive country. They produce a lot of their oil and gas both on their Outer Continental Shelf. Belgium, Norway, Sweden and Norway, very green countries. Where do they produce their energy? On their Outer Continental Shelf. New Zealand, Australia produce there every day.

Our future depends on the price of energy. If we are going to have businesses that compete, if we are going to be able to afford home ownership, if churches are going to be able to heat their churches this winter—I have churches in my district that are talking about not using the auditoriums, but using their basements and not heating the rest of the church because they will not be able to afford to.

Most of the churches and schools and small businesses in my district had $6 and $7 contracts for natural gas last year. They buy outside the controlled system. They buy direct from the producers and they use the pipeline that the public system has. And all of them have had a doubling, not a 10 percent increase, not a 20 percent increase, but a doubling of their gas costs for this year. So if a YMCA spent $12,000 last a month for natural gas, this year it will cost them $24,000.

Most YMCA's, most churches, most small businesses do not have those kinds of cash reserves to use to heat their buildings.

Now, who opposes our production on the OCS? Well, I have to be honest. We have a lot of good friends in Florida, and I love them dearly. But the Florida delegation and Florida State government has been a real obstacle to production on the Outer Continental Shelf. They have really been much of the dictation of policy, and for, I believe, all the wrong reasons.

Now, the plan we have is the Peterson-Abercrombie plan. We want to remove the moratorium on all of our shoreline for natural gas only. We will give the States 20 miles of protection instead of 3. So when you get past 12 miles, it is all out of sight; nobody will know it is there. The production lines are all underground coming into the shore. And it is the best and most sensitive environmental way to produce natural gas. And there is no good argument. I have yet to have anyone show me an accident in the history of the production of natural gas offshore, of a natural gas well ever polluting a beach, ever polluting a shoreline, ever causing detrimental damage to fish and aquatic life.

All the studies have shown that aquatic life and fish life are far more prevalent where platforms and drilling rigs have been because they like the protection from the hot sun. They congregate there, and the fishermen find that that is the best fishing. That has been historic.

In the gulf when there was talk about not rebuilding some of the platforms, the fishermen were saying, Please leave them there. Please do not take them out. That is where we catch our fish.

So it is not detrimental to aquatic life. It is not detrimental to clean beaches. It is not a sight problem because you cannot see it; it is out of sight. But it is about our home owners. It is about our businesses. It is about our employers, our churches, our Ys, our schools. There has never been a natural gas well that has polluted a beach or shoreline.

Someone said in a debate the other day that there was no sense in doing this, that it would take 7 to 10 years for production. That is not true. It would take several years for production.

Now Tract 181 in the gulf, I think it is a tragedy that it has not been leased. It was scheduled to be leased during the Clinton administration. And here we are 6 years later and Tract 181 has never produced. Now Tract 181 is about 200 miles from the Florida coast. It lies mostly under Mississippi and Alabama. It only gets near to Florida along the panhandle of Florida. And I am told now they will cut the corner off, so it is more than 100 miles from Florida, which really Florida should have never had any jurisdiction or should never have been able to stop the use and leasing of Tract 181.

Tract 181 is the best known reserve we have. It is millions of acres, right beside where we produce in the gulf today. And every well that was drilled would automatically be hooked into the system, gas or oil, and we could help our supply problem.

Now, I do not believe we can drill our way out of the oil problem in this country. I think we ought to be diverting from the use of oil everywhere we can. But natural gas is really the almost perfect fuel. There is no pollution to natural gas. It burns the cleanest of any fuel. Even CO_2, you have one fourth of the CO_2 that you have with other fuels. It is almost the perfect fuel.

Now, I do not particularly think we should be using a fourth of our natural gas for electric generation, but that is a debate for another day, but we have to open up our supply so prices moderate. What could that do for us?

Natural gas could be very much a part of our transportation system. We have a bus system in my district, State College, that uses all natural gas for their bus system. There are bus systems in California that are all natural gas. Today those systems are paying a premium. Historically, natural gas was less expensive than gasoline, but today it is more expensive.

Now, in the cities, if you used natural gas, and a gasoline engine can be easily converted. This is not some expensive technology. All our short-haul delivery trucks, all our taxi cabs, all of school buses, all our construction vehicles, they do not have to go long distances, could be running on natural gas, saving the need to build refineries, saving the need to import more oil, and in the cities, helping them get attainment for the clean air mandates.

Natural gas should be the bridge to our future, not the wall that it is today because of prices no one can afford. Natural gas is almost our clean, perfect fuel, and we need to be using it wisely. We need to be producing it, though, in quantities that are affordable. It really is a part of almost everything we create from fertilizers to all the chemicals, even face creams.

Now I do not think the average woman when she puts on make-up or any of us who use skin softeners think we are using natural gas, but we are. Those are all made from a derivative of natural gas. It is just so much a part of our lives. It is almost hard to explain an item that we get out of the ground, gas, with all of these qualities that have such a part of our industries.

Now, when these prices increase 700 percent, companies who use huge amounts of that just cannot exist. As I said earlier, the lime companies told me they were not running their plants that are on natural gas. They could not afford to sell the lime if they did that.

So just think of a steel company. I spoke this spring at a breakfast of steel makers, and I gave them my natural gas speech, and a gentleman sitting at my table was quite alarmed. He said, I cannot believe what you just told me. And I said, Why? And he said, I used $10 million of natural gas last year to melt steel.

□ 2200

I never knew, I thought there was a little price differential, but I never knew there was this huge differential, that my steel companies in neighboring countries could buy natural gas so much cheaper and have such an economic advantage on me in making steel.

Folks, if we are going to have steelmaking in this country, if we are going to make aluminum in this country and petrochemicals and fertilizer, and these are some of the best jobs we have left, they are all huge energy consumers. They all use huge amounts of natural gas.

If our seniors, who are approaching their years and want to live in their homes, they are going to use a lot of natural gas to heat them, to heat their water and cook with. The current prices of natural gas are going to prevent homeownership. We are going to have a lot of people shut off this winter who could not afford to pay their gas bills, and they will be terminated. We can even actually have people freeze to death in our cities where people do not know they are there and do not know that they are having the problem.

So I just find it an argument that I have been making for some time here in Congress, and I guess I have been so shocked and surprised that we have not been successful yet at opening up the Outer Continental Shelf and opening up the production in the Midwest.

The Outer Continental Shelf, I think this is the most advantageous thing to do because the Outer Continental Shelf lies near the population. The bulk of the population in this country is along the shorelines; and so when you produce gas along the shorelines, you are going to have it near where the people are. One of our problems of Midwest gas is getting it to the market needs.

We are told this winter that Wisconsin and Minnesota and Michigan, those areas are going to pay considerably more for natural gas than the Northeast because they are supplied out of the gulf more than the Northeast is. So with the gulf having so much of their gas still shut in from the storms, there is going to be a shortage in their pipeline system because these systems are not all connected.

I want to share with you what the Associated Industries of Florida said, and then I am going to call on my friend from New Mexico who has just joined us, but while we have had all this opposition from the government of Florida, we also have the Associated Industries of Florida wrote a letter to our Minerals Management Service saying:

"We appreciate that MMS is going to review all of the current OCS areas, including the areas that have until now been off limits due to the moratoria, which include the Atlantic, Pacific and Eastern Gulf of Mexico regions. Research documents that these areas hold substantial undiscovered but technically recoverable energy resources that will be absolutely critical to America's national security and to the continued growth of our economy and to securing jobs for virtually every sector of our economy."

They go on to say later in the letter: "If America doesn't look to expanding exploration and drilling in these OCSs, then America will unnecessarily pay a high price and incur a heavy burden. The U.S. Energy Information Administration forecasts that by 2025 petroleum demand will increase by 39 percent and natural gas demand will increase by 34 percent. Higher energy prices have exacted a toll on our economy by slowing our growth from between .5 to 1 percent based on pre-hurricane prices. Farmers have paid $6 billion more for energy in the last 2 years. Natural gas costs for the chemical industry in America have increased by $10 billion since 2003! Of 120 chemical plants," this is an alarming figure, "being built around the world with price tags of $1 billion or more, only one is being built in the U.S.

"As a result, Associated Industries of Florida," this is 10,000 business people, "recommends to the MMS that expanded lease sales are important to our country, to our citizens, and to our way of life. To not utilize all of our available energy resources, when it can be accomplished in an environmentally sensitive way, would be a disservice to our country. We need to ensure that we have a brighter future by adopting an expansive OCS leasing program."

I am pleased to be joined by the gentleman from New Mexico (Mr. PEARCE) who understands this issue maybe even better than I, and I yield to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Madam Speaker, I thank the gentleman from Pennsylvania (Mr. PETERSON) for bringing this important issue to the floor of the House.

I understand the issue. My father worked in the oil fields. My father actually began life as a sharecropper in west Texas, and I was born in 1947. There was a drought in 1947 and 1948, and my father was a sharecropper on dry-land farming, which is peculiar to that particular area; and with no rain, literally they went broke. Mom and Dad picked up the three kids they had at that point, eased across the New Mexico line to where we had the oil fields. Actually, it is the Permian Basin that is there in west Texas and eastern New Mexico, and this is where Dad raised six children.

I was able to get a college education. My brother was the first to get a college education, but all these things came because my father was working there. He was just a worker in the oil industry, and from my earliest days I have watched the oil industry drill in and out of the cycles of high and low prices. Frankly, I do not think that we have enough capacity, not enough oil wells really to drill in the United States right now to lower the price of oil that is at a historic high of about $70; but as the gentleman has pointed out adequately time and time again, the natural gas price is an internal price to the United States.

Natural gas does not move back and forth between markets, and it is possible for us to drill enough to begin to lower that price of gas. That is why what we are going to see this winter is we are going to see our seniors on fixed incomes and low-income families paying an extraordinarily high price for their natural gas.

Many people, and especially our friends on the other side of the aisle in this body, are pointing to the industry and saying they are price gouging. The truth is that it is a market price set by our policies for the last 20 or 30 years. Even today, the Governor of the State of New Mexico has brought suit to stop drilling for natural gas in New Mexico, and New Mexico is one of the largest producers of natural gas.

You have people who claim to have good intentions; but at the bottom, they are obstructing the drilling of these wells which would help us to lower the price. The price of natural gas is simply an economic outcome of an increasing demand.

The U.S. Government is requiring that we convert electrical producing plants, our utility plants that create electricity. They are converting those at the direction of the U.S. Government from coal to natural gas. That has increased the demand. On the other side, we have not increased the supply. So you have a demand and supply imbalance which creates a higher price.

If the people who are bringing suit to stop the production of gas wells and the permitting of gas wells on public lands, if they were to drop those objections, we would begin to see more economic activity, more drilling of wells. That would increase the supply, the balance would come back, and the price would begin to moderate.

But for some reason, we have people in this country who are willing to obstruct, even at the risk of losing major industries; and the gentleman from Pennsylvania (Mr. PETERSON), my friend, has pointed out well that the chemical industries are among the first who feel this because they use a very large amount of natural gas in the production of their products.

One of the other industries that experiences the great pressure that comes from the high natural gas price is farming and also the production of fertilizer.

Our economy and our way of life in this country has two basic parameters that it depends on. Our way of life depends on two different things in our lives, that is, an affordable food supply and an affordable energy price. Affordable energy is the bedrock of many of our industries. Our economy is fueled by affordable energy, and so right now we have prices that are above $14. The price is up and down, but historically our economy and our way of life is built on $2 gas, and now it is $14. You just cannot experience those kinds of increases without experiencing the economic pressures that come along with it.

We are going to find it both in the lowering of our economic base and status in the country, and also in our personal lives. So there is a twofold threat, but I will tell you that the second way we are going to find it is in increasing food costs. I was just talking to farmers in our area this past weekend, and they are telling me that they are getting three and four bales of cotton per acre; and yet because of the irrigating cost, the price is just the same. The net profit is the same as what they had experienced before.

Now, exactly the same thing is happening with our food crops, and we are going to see the cost of food on the shelves begin to increase. So we are going to have a double effect on our families and especially those families with limited income; and still we have people, our friends on the other side of the aisle in this institution, who are willing to obstruct and say, no, you cannot drill here. You cannot drill in my backyard. You cannot drill off the Outer Continental Shelf. You cannot drill in ANWR. You cannot drill in Alaska.

I am sorry, but when do we begin to recognize that we are paying the price for that obstructionist policy that they are willing to engage in? It is time for us to have some common sense and to recognize that the technology of drilling oil wells has changed tremendously in the past 30 years. These arguments that are directed at an industry that existed 30 years ago have been bypassed, and yet they still hold the arguments in place.

We are able at this time in our history to drill one single well bore and come down to, say, 10,000 feet; and we can turn the bit and start moving sideways laterally and achieve drilling into areas that previously we could not do.

When we begin to understand the new technologies, we begin to see that many of the complaints are dated into the past, and so we are paying a higher price of gas at the pump. We are paying more to heat our homes. We are at risk of losing industry, and we are going to pay more for our food because we have got people who are responding to the past practices.

In Alaska, many times we have the observation that we cannot drill there because it will destroy the tundra. What we are doing in Alaska now is we build ice roads. We build those ice roads in the wintertime. We drill in the wintertime; and when spring comes, the ice thaws, the roads are gone, and all we have is the one pipe sticking up out of the ground.

Actually, when people talk about the way that drilling is going to affect the wildlife, we find that the herd there is now five times larger than when we first laid that first Alaska pipeline from Alaska down to the southern 48. The objections are running the risk of destroying the economic base of this country.

Right now we have people that are willing to come across the oceans to get to this country at any price because of the hope and the opportunity that exists here that does not exist in many other nations in the world. Here we have a group of people that are willing to obstruct and break that promise of hope and opportunity that draws people from around the world, that hope and opportunity that gives your children and my children, that gives your grandchildren and my grandchildren some promise for the future, and other things that cannot be explained. We are running the risk of giving that up.

I see the gentleman has other comments. At closing time, I would have other comments, but I really appreciate the gentleman bringing this important conversation before the body tonight.

Mr. PETERSON of Pennsylvania. Madam Speaker, there are a couple of issues maybe we can both talk on.

You talked about fertilizer and the cost to farmers. I know those prices have doubled a couple of years in a row, and it has been a huge, huge cost to farmers.

Forty-four percent of our fertilizer industry has left this country in the last 3 years because of natural gas prices; and if we do not deal with them, they will all leave. Our farmers will be using Russian or South American fertilizer, and this is a tragedy because a lot of people have been employed in this country in the fertilizer business. They make money making the fertilizer, storing the fertilizer, then hauling it to the distribution centers and to our farmers.

The question I wanted to ask you is, today, we are drilling in old, tired fields that we have been producing out of for years. They are drilling deeper; and like I said, they are drilling horizontally trying to get more gas. We are drilling more than twice as many wells as we historically did.

If your problem is putting a hole in the ground, that is going on in spades today; but we are not getting more gas. We are getting the same amount of gas that we were getting before when we were drilling half as many wells.

If we were in fertile, productive fields, we could probably drill a lot less holes in the ground, am I wrong there, and have a lot greater production of gas because we would be in new, fertile fields where the gas pressure is high and we would get great production.

Mr. PEARCE. Madam Speaker, if the gentleman would yield, the gentleman is exactly correct. Let me use some numbers to tell you about the way the situation exists.

Today, we use about 22 trillion cubic feet of natural gas a year. The estimates are that by 2025 that we are going to need 30 trillion cubic feet.

□ 2215

Now, we are able to have a supply that just about equals that annual consumption, but we do not have any large pockets. And, in truth, the amount of wells, the numbers of new leases have declined significantly in the past 7 or 8 years. So we really do need access to the dramatic deposits, and the Outer Continental Shelf. Keeping in mind that we use 22 trillion cubic feet, the Outer Continental Shelf has about 400 trillion cubic feet, the most dramatic source of natural gas that is available.

I know that when my father worked for Humboldt back in the 1960s and 1970s, they were saying that oil in our particular town, and gas, would be gone by 1980. That seemed to be so far out in the future. And then the 1980s came and went; we were seeing those declines the gentleman was talking about.

But in truth we are finding new stimulation techniques. But the stimulation techniques cannot keep up with the increasing demand. What we need is access to more sites with more gas. And it has been a disappointment that the regulatory agency that is in charge of this, the Department of the Interior, has not found ways to really encourage those leases.

Right now, I do not think that the Department of the Interior requires any particular office to describe the amount of natural gas or oil that they produce. Now, that is curious because our entire economy is based on these things, and we do not even measure them. So I have made suggestions, and we still hope that they will be listened to, that we begin to hold these field offices of the Bureau of Land Management, the BLM offices, accountable for the amount of contribution they make to the national energy plan, the amount of contribution of oil and gas reserves they have available and that they are actually producing, and the number of wells where they are finding good, safe environmental ways to drill.

Instead, what we are finding is that for a 3-month period we shut down all drilling because we have some prairie chicken that they say breeds in that season and the sound of the rotary rigs might interrupt the breeding process. Now, that is not what I know to be true about the typical breeding process. The sound of nothing tends to interrupt that, but maybe the male prairie chicken is particularly sensitive. But in truth we are finding reasons to justify actions that are tied to the past, and our entire economic future is at stake.

I yield back to the gentleman if he has other observations.

Mr. PETERSON of Pennsylvania. Well, the thing I have found, and I was at dinner tonight with some friends, some scientists, and they were stunned to know about the difference in prices. Everybody thinks that oil and natural gas is a world price, and I have to explain that to most people. When I explain this issue in my district, I just do not have people opposed to the production of natural gas on the Outer Continental Shelf because they know that we desperately need it to heat our homes, to run our businesses and to make products.

It is such an integral part, and it is the clean fuel; as I said, it is almost the perfect fuel. If we could produce enough natural gas that the price was more affordable, maybe a little less than gasoline and fuel oil costs, it could be the bridge to the future. It could relieve the need for building more refineries, which will take years. It can relieve our need to increase our dependence on foreign oil from unstable parts of the world.

Now, there are those who think liquefied natural gas is the way to go, and I do not really want to get into that discussion tonight. I think it can be helpful, but many are pinpointing our whole future. That means we build the most expensive ships, we build very controversial ports to bring the gas back, because you chill it, you put it in ships, bring it back here, regasify it and put it in these ports; and many people look at those in a very negative fashion, plus it is very costly.

But I am even more concerned about where we get it. We get it from countries like Algeria, Nigeria, Libya, and Russia. Do we want to be further energy dependent on Third World countries that are unfriendly, with unstable governments, when we have such an ample supply here? There are many who feel that the Outer Continental Shelf has more than twice as much gas as the gentleman mentioned, 400 trillion cubic feet, but one of the reasons we do not know is we have not really measured it. The law has prevented us from having modern seismographic measurements of what is on the Outer Continental Shelf for either gas or oil.

I want to share something I have here. Osram Sylvania has three plants in my district and 14 plants in the Northeast, and here is what they said in a letter that I received from them, dated October 26: "In the past 5 years, we have seen natural gas prices escalate from $3 per Mcf to well over $10 on the spot market. As compared to natural gas costs in 2000, our bills in 2005 will be $24 million higher. In fact, for 2004 to 2005 alone, gas costs for us have escalated by $7 million. This is the single largest rate of increase in any of our costs of production. At current supply levels, we expect to see gas prices exceed $12 per Mcf in '06 and '07." I think that will happen this winter, not next winter, "which will add another $7 million to our energy bills. Accordingly, since 2000, the rate of annual increase will exceed 25 percent." That means their cost of gas went up 25 percent a year.

Here is the important part. "Furthermore, while the vast majority of our production is based in the United States," that means they are making their products, and part of these are light bulbs, they are all, almost all, made in the United States, "nearly 60 percent of our competitors' products are manufactured outside of the United States, some in Europe, where natural gas costs are less than $5 per Mcf, and Asia, particularly China, where gas is less than $4 per Mcf. By 2007, competitive disadvantage will be over $20 million on top of the wage gap versus China, which is already overwhelming.

We are deeply concerned that if natural gas prices continue to skyrocket, our competitiveness will erode, having unhappy consequences for a U.S.-based manufacturing strategy.

While some people may argue that passing the cost on to consumers is the remedy, price increases in the lamp market, with so many global competitors, it is an impossibility. Price increases to consumers to cover natural gas cost increases should be unnecessary as long as a timely, viable natural gas strategy is implemented. Globally competitive energy costs, especially natural gas, are a necessity to maintain our financial vitality and keep good paying and suitable jobs in the United States.

We agree with you that coastal offshore drilling for new natural gas supplies carried out in a responsible and expeditious manner is the most important priority in new energy legislation that should be taken up and enacted by Congress before the end of 2005."

Would the gentleman from New Mexico have any examples he could share?

Mr. PEARCE. There is one thing I would like to go back and touch on a bit, Madam Speaker.

The gentleman pointed out adequately some of the objections to LNG, but the main objection that people unfamiliar with LNG are going to eventually raise, and I have LNG in the district, so I know what it takes to deliver LNG to a house. You put in a 500-gallon tank. This is just a steel tank, and you put it in either the back or the front yard. You have a truck come up and you offload that high pressure gas into these 500-gallon or 1,000-gallon tanks.

Now, people try to hide the fact that they have an air-conditioning unit outside their house. They put landscaping around it, or they will berm up around it, or they will put bricks around it to where it looks like a piece of the house. But a 500-gallon or a 1,000-gallon tank is really going to be hard to plant a hedge around. And if you do that, you always have to have it serviced. If it runs out, it is like the gas in your car, when it runs out, then you no longer heat your house until you get that truck to come back out again.

I remember spending winters in Arkansas. I was stationed at the Air Force Base there at Blytheville Air Force Base. I flew in Vietnam during the Vietnam War. But there in Blytheville, I had one of those 500-gallon tanks out by my house. And the one time we had like 20 straight days of ice storms, many people in that area were running out of gas and the trucks could not get there.

Now, this is not the sort of dependable, affordable delivery mechanism that Americans are used to. They are used to natural gas that comes through the house in lines they do not see. They turn on the tap and the furnace is always running, day and night. It runs off a thermostat. So life will be significantly different if we decide that LNG is our solution to our natural gas problem.

Again, many, many things are causing the price of natural gas to go up, but one of the things is the bureaucratic delay and restrictions to the approval of drilling new wells. When leases with access into known and proven reserves, and these are not leases that are in pristine areas where there has never been drilling before, these are leases in areas that have been drilled before. So there is no real objection that, listen, we are contaminating a new environment in a sensitive area. It is just that the agencies either have been directed or, for whatever reason, come up with reasons to delay, terminate or reduce access to the Federal lands that are available. This is all occurring during a time when we are seeing this skyrocketing price of natural gas, which is threatening the livelihood and the way we live our lives. So those elements are some that we need to be aware of.

I would mention to my colleague that during the last 4-year average period we have seen a decrease of almost 30 percent of our ability to drill on public lands and Federal lands from the previous 8-year average. So we really do have some bureaucratic restrictions that are creating bottlenecks in the approval process to where we can go on and put a nice clean hole in the ground that goes down and taps into this gas reservoir.

Gas wells are typically very clean producing. They do not have a pump jack that stands there and pumps up and down. They just have the center pipe coming out of the ground and then a series of valves on that, and then it goes straight to the pipeline. Usually it has to be refined in some small amount before it goes on to the consumer, but it is a safe, easy delivery mechanism. And why we have people who are willing to obstruct that has always been beyond me.

I am not exactly certain how much time we have remaining, so I will yield back to the gentleman and will get a couple more thoughts ready.

Mr. PETERSON of Pennsylvania. Madam Speaker, as someone who has been in the business, the gentleman can speak to this, but I often describe a gas well as a 6-inch hole drilled in the ground. A steel pipe is placed in that hole, it is cemented at the bottom, it is cemented at the top, and then we hook it to a pipeline system and we let gas out. Is that a fair description?

Mr. PEARCE. It is. And people a lot of times unfamiliar with it will say, well, does that not contaminate the water? Well, in southeast New Mexico, where I live, we get our water from the Ogallala aquifer that lies underneath five different States. The process has a way of running pipe through those zones with water so that we never do get drilling fluids out into the water. We do not get the fresh water back into the well.

We usually have three concentric series of pipes at the surface down to about 800 feet. We have very large, sometimes 13½ or 13⅛, that size of casing, that will go down to about 800 feet, then another string maybe down to 1,500 or 2,000 feet. And, finally, we have the 6-inch string the gentleman is talking about that runs on to the total depth of the well. We then go in and put cement outside of that pipe.

The particular company that I owned really was charged with going in and repairing those strings of pipe as holes got in them or as problems came along. The science in the industry has come a long ways in the many years since my father was in the business, and I can remember growing up when there were environmental problems.

□ 2230

But I will tell you, most of the young people working in those companies now are as environmentally sensitive as anyone you know. They take care because none of us want to contaminate the water for our children, and we do not want to contaminate the surface of the soil for our children. So they have used the large companies' budgets to do research and development, provide new technologies, new abilities, new safety processes. Those things should be considered when we are dealing with the ability of our people to make payments for their energy even in today's market.

I just hope that the Nation is listening as you present your comments. I know you have been tireless in supporting these causes. I would like to mention that your amendment that you presented during the energy bill hearing had five or six very commonsense modifications to the Endangered Species Act. It is not going to hurt the recovery of any single species; but what it did, it untied the bureaucracy, untied the hands of the bureaucracy to where we can get just a little bit of common-sense adjustments for some of the approval processes for drilling.

In my visits back to the State since then, people are extremely complimentary about the amendment you got added into the bill. It is time to take another step. Let us look at the factors, let us look at those policy decisions for the last 30 years that have caused these situations to exist.

I will tell you that we cannot cure the problem before this winter. For those people who are saying we are going to do something before the wintertime, it is not possible. We have dismantled the drilling industry to the point that back in the 1970s and 1980s, we had over 4,000 rigs running. Today we have 1,200 and they are all working, but we cannot give up three-quarters of our industry's capacity and respond the way we should be responding.

But if we will take corrective steps and make common-sense judgments that the gentleman is presenting, I know by next year we can begin to moderate this price that has been created by our own decisions, the decisions of the government to not pursue those current supplies of energy that could help modify the prices.

The energy bill we passed this summer has good long-term incentives for renewables. There are six or seven kinds of renewables in that bill. There is biomass, nuclear, geothermal, there is solar, there is wind, there is hydrogen. All of those have great stimulations, but they are not market oriented right now. You cannot go out and fill your car. And if you had a hydrogen fuel cell car, you cannot get it serviced. If you had solar power in your home, there is no one to work on it. My brother has been in the solar industry in Denver for over 20 years. He still teaches school and does a solar business together because he cannot make a living just on the solar business alone.

We must recognize that if we are to modify and moderate the cost to our consumers, we have to have a long-term strategy of conversion to different supply sources, but in the meantime we must be doing something to lower the price of gasoline at the pump and lower the price of natural gas into our homes.

The gentleman is exactly correct in what he is proposing. I would encourage us as a body to really move forward on the suggestions that I know he has presented. A bipartisan group, Members from both sides of the aisle, recently introduced that bill that would allow us to begin to expand our drilling into the areas with the greatest promise. I think that is extremely important for us to step up to the plate, take responsibility for our past, and take control of our future.

Mr. PETERSON of Pennsylvania. Madam Speaker, the point I want to make tonight, and we were debating this issue on the Interior bill, sooner or later we will open up the Midwest and improve the permitting process. We are having a hearing on natural gas on Wednesday. I would like the gentleman to come and be my adviser. We will have the Energy and Interior Departments there, and we will be there all morning dealing with the natural gas issue.

If we do not deal with this issue, and the gentleman said it best, we will sooner or later. If we deal with it now, we will maintain the fertilizer business in this country. We will maintain the petrochemical, polymers and plastics, steel and aluminum and brass. All of those businesses, I have talked to their CEOs and associations. They have spoken for the last couple of years, but Congress and this administration have had a deaf ear. They cannot compete having natural gas prices twice that of Europe, three times that of Taiwan, China and Japan, five times that of South America, and 10 times that of Russia and be competitive. There is just no way they can make those products in the United States.

We will be saying good-bye to several million jobs in this country that are the backbone of the blue collar workers in this country who have a good job that pays benefits, they can afford a home, afford a new vehicle, and send their kids on to college and have the American Dream. We are going to say good-bye to those.

Mr. PEARCE. Madam Speaker, there are people that are amazed that we can make the assertion that we are going to lose an industry. They do not think it is possible. I would simply refer them to the timber industry. In the timber industry, we used to have 22 saw mills in my district. New Mexico had 22. Now we have two. Both of those remain in my district, and they are struggling to say alive.

In one forest alone, we are growing 50 million board feet of timber a year, and yet we cannot get the Forest Service to cut 12 million board feet. That would be enough to economically keep that mill running. We have given up the entire infrastructure of that industry, and we are in the process of giving up the entire infrastructure of our chemical industry and our potash industry. These are good jobs that are being outsourced, not outsourced because of greedy CEOs, but outsourced because of the policies of obstruction that many in this country are willing to push, and some of our friends on the other side of the aisle.

Mr. PETERSON of Pennsylvania. Madam Speaker, too many of our urban Members do not understand that timber is one of the most renewable resources. I come from the hardwood forest of Pennsylvania, one of the best timber areas in the country; and I also come from an original oil well and some of the early gas wells, but we do not compare to the southern production in energy.

I want to share a release put out by Dow Chemical. Mr. Liveris, the CEO, noted that the domestic price of natural gas, which was approximately $2 per million Btu 6 years ago, exceeded $6 in February of this year, increased to $10 in the days just prior to Hurricane Katrina, and then jumped to $12 immediately after the hurricane struck the gulf coast.

We all know when the first Canadian air comes south and goes all of the way down the coast and jacks up the use of natural gas, and the prices always spike, they will go even higher. When he wrote this, the price of natural gas was $14, which is equivalent to $7 per gallon for gasoline and $28 per gallon for milk. He noted that this renders the United States chemical industry, which uses natural gas as a fuel and a raw material, simply uncompetitive with the rest of the world. It does the same to aluminum, it does the same to brass, it does the same to steel, it does the same to polymers, plastics and fertilizers. Those industries will leave our shores. Several million Americans will not have a decent job, and a lot of them will not have money to take their vacation on our beautiful coastlines.

Mr. PEARCE. Madam Speaker, we had an opportunity to be in the Resources Committee when we had testimony from the union workers in the pulp wood industry and the timber industry in the Northeast. They were there saying that well-meaning individuals told them they could get jobs in tourism. That is what the answer is from the people who would obstruct good solid industries: you can get a job in the tourism industry. Those good workers came before the committee and said we want our jobs, the ones we grew up with and understand. They are good, clean jobs. The trees grow back, they are renewable; and yet there is a deaf ear by many in this country to the plight of working Americans.

I hope that the gentleman's efforts are successful because our future, our economic future in this Nation depends on good policies coming from this body, good choices coming from this body: and I would encourage the gentleman to continue his efforts to have common sense prevail and have us drill for natural gas in the continental U.S. and off the Continental Shelf.

Mr. PETERSON of Pennsylvania. Madam Speaker, I close with the following statement: what this Congress does in opening up production of natural gas and bringing the price down, allowing our industries to compete and our seniors to heat their homes will depend on whether we remain a leader Nation or become an also-ran Nation. Natural gas is the clean fuel that I think really sets our future, and what we do about it depends on what kind of country we are.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mrs. DRAKE). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Madam Speaker, it is an honor to be before the House once again. We would like to thank the Democratic leadership for allowing us to have this hour. This is the 30-Something Working Group. Madam Speaker, we come to the floor night after night when we are in session to talk about the differences as it relates to the budget or response to natural disasters or the general functions of the government and how it can be better on behalf of all Americans.

Tonight, as usual, we are joined by the gentleman from Massachusetts (Mr. DELAHUNT) and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and the gentleman from Ohio (Mr. RYAN). I would just like to talk for a moment on the issue of budget, just to kind of set the Democratic principles that we have within our budget, our budget alternative to the majority side. And to explain to some of the Members and staff here in the Capitol that as we know, and everyone does not know, that the majority side, because they have more Members here in this House, they actually prevail as it relates to legislation.

They would like to see a budget passed out of the Budget Committee, and it is passed just on simple numbers on partisan lines. We do commend one member of the Republican Caucus for voting with the Democrats for a budget that balanced by 2010, and also does it in a way that does not hurt everyday Americans or will play a counterproductive role in achieving the goal of fiscal responsibility.

The Democratic alternative to the Republican budget, which we will talk about tonight, does balance the budget by 2010. It also makes sure that we include enforcement measures to protect Social Security, making sure that we have budget enforcement procedures there to block tax or spending legislation that would borrow large amounts of money or any amount of money from the Social Security trust fund. I think that is very important to the preservation of Social Security.

Also, we do more for education. There are $14 billion in cuts that the Republicans have proposed. In our budget, we make no cuts whatsoever because we know education is the future of this country, the whole argument of making sure that our young people are on equal footing, and even adult education is important. Vocational education is important, to make sure that we cannot only compete, but we can be the country to provide young people to make our country strong, not only in the present but in the future.

I think it is important to point out that in our budget we have protection for veterans, some $1.6 billion more than the Republican budget, and over the next 5 years, $17 billion more than the Republican budget. The cuts that the Republicans are making to veterans we will talk about a little later. It is very unfortunate that that is a proposal which has been put forth.

Also we have a commitment in our budget to communities and families. I think it is important that we reflect on that, especially during this time when we talk about devolution of taxation. We want to cut certain taxes here and say we are doing a wonderful job and saving families and communities from paying more taxes. In all actuality, the majority side is cutting Medicaid. Medicare will be on the table as it relates to this budget when it goes to conference; if it goes to conference, that is going to turn the clock back on many families, and they are going to have to kick in more to be able to make it happen.

□ 2245

I just wanted to start off really talking about some of our principles within our budget that we would like to see prevail, not only here on this floor, we would also like to see, we talked about last week, that the majority side, the Republicans, respect the spirit of the rules of the House. We know when the budget comes up, if it comes up, the gentleman from Massachusetts has been here longer than any of us here, the majority side, they usually hold the voting clock open not only for several minutes but as of recent several hours to see it their way. There are a number of articles that are out that I know that we are going to reference today that allude to that.

Last week the gentleman from Massachusetts brought out Congress Daily A.M. This is what we get here in the Congress, we get an a.m., a p.m. There is also a Congressional Quarterly magazine that comes out. This is the outlook on the week at the beginning of the week. We all get it here. We find out what is going on in different committees. Here is a story which is the head story. House leadership this week are putting some Members on the spot with the fact that they are going to take one of their toughest votes in recent years. A $53.9 billion deficit reduction package that is drafted would hit child support enforcement, food stamps, Medicaid beneficiaries and student loans and would open arctic and coastal areas to energy exploration. I think it is important for us to understand that, of course, it is going to be a tough vote because they are calling for tough cuts that is going to hurt America.

Mr. DELAHUNT. If my friend would yield for a moment, I do not know if you are aware or had the opportunity to read the editorial today from the New York Times, but it follows with what we read in the Congressional A.M., so to speak. Let me just read the first paragraph here:

> That rare bird, the moderate Republican lawmaker, is suddenly in sight, forcefully objecting to the House leadership's abominable package of budget cuts. The 5-year, $54 billion proposal is headed for a floor vote this week disguised as an overdue act of fiscal responsibility and government savings. In truth, it is so over-the-top in its inequities and giveaways that embarrassed moderates are actually rebelling, withholding support unless some of the more outrageous measures are killed.

Again, we do not know what is going to happen this week. The Republicans are having discussions intraparty, clearly without any consultation with our side of the aisle, but we know that is the rule rather than the exception. What we do know, however, is that the Senate Finance Committee reported a bill that cut Medicare, not Medicaid but Medicare, by $5.7 billion over 5 years and by $40 billion over 10 years. What does that mean? What can those such as myself who will shortly be eligible for Medicare at age 65 expect in terms of Medicare? There is a group within the Republican caucus called the Republican Study Group. They came in with a proposal to defer that so-called prescription drug benefit for 2 years. I think we are going into very uncertain times, uncharted waters, if you will.

Mr. RYAN of Ohio. If the gentleman will yield, I think this brings up a real contrast. First, we have made it a point here in the 30-Something Working Group that this is not about party. This is about doing what is best for the American people. Because together America can be better. I just want to take this opportunity, having talked to all of you already tonight, to just say we hope that the moderate Republicans will stand up, because they can have a tremendous voice in this body. Not in a partisan way but in a way that actually acts on behalf of the American people. We hope that those moderate Republicans step up to bat and help the Democrats moderate some of these drastic cuts that are going to the most disadvantaged and the middle-class people in this country.

I think it is important as the Senate has made cuts out of the Finance Committee of almost $6 billion, the Medicare program if it comes out of the Senate as is now, $6 billion in cuts. And then the Republican Study Committee, the most conservative people in this Chamber, want to delay the prescription drug bill. Here is an opportunity where I think they could maybe take a Democrat initiative, a Democratic Party initiative, to reduce the cost of the Medicare prescription drug program. Instead of cut it and reduce benefits for seniors, why not put a provision in the Medicare prescription drug bill that says you can negotiate down the drug prices. Give the Secretary of Health and Human Services the ability to negotiate down like the Veterans' Administration does. Why not let the Secretary of Health and Human Services do that? Why not let the reimportation from Canada to help reduce the cost of drugs? There are a couple of provisions here that will help reduce the cost without reducing the benefits to the Medicare recipients.

Mr. DELAHUNT. I think it is important for those who might be viewing our conversation right now for you to explain what you mean by negotiating down in what was in the original prescription drug so-called part D benefit plan that most of us voted against because of its cost and because of the fact that it does not really deliver what senior citizens need in terms of their prescription drugs.

Mr. RYAN of Ohio. One of the provisions, as you said, was giving the Secretary of Health and Human Services who basically in his department administers the Medicare part D, this new prescription drug bill, giving him the ability to go to Merck or Pfizer or one of the major drug companies and basically say, on behalf of these millions of Medicare recipients, if you want the contract to sell them drugs, you need to sit down with me and talk price. The Democrats were not saying we need to create a whole new bureaucracy. We did not say we have got to put a whole new office building in Washington, D.C. to do it. Just give the Secretary of Health and Human Services the ability to go and basically negotiate down these drug prices.

Mr. DELAHUNT. Because of the bulk purchasing power.

Mr. RYAN of Ohio. The bulk purchasing power, some studies say, would at least save 10 to 15 percent. I have seen some people say it could save up to 20 percent. So you take $700 billion and you take 10 or 15 or 20 percent of that, you are talking upwards of saving the American taxpayer over the course of the next few years $140 billion that could go into Katrina relief.

Mr. DELAHUNT. But that did not happen, did it?

Mr. RYAN of Ohio. That did not happen. The Republican majority in this Chamber rejected the proposal.

Ms. WASSERMAN SCHULTZ. If the gentleman will yield, I think we should expand this conversation beyond just what this budget reconciliation, budget cut proposal that we will consider this week means. Because what was initially rolled out by the Republican Study Committee after Katrina was this chart that you have right here. I think it would be helpful for us to go through just exactly what the true intentions are of the Republican Caucus. How many Republican members are there in the caucus?

Mr. DELAHUNT. There are 228 Republican members here in this Chamber.

Ms. WASSERMAN SCHULTZ. So 228 members of their caucus and more than 100 of those members, it is my understanding, are members of the Republican Study Committee. So the vast majority of the Republican Caucus subscribes to this proposal that the Republican Study Committee put forward which is really what they would do if they could get their moderate Republicans who are not members of the study committee to swallow it. And because they know that they are in a precarious situation in their own elections in many instances, they are the ones that have been waffling on the fence here.

Let us go through what the Republicans would do if they had their way. They would delay the Medicare prescription drug bill for 1 year which the gentleman from Ohio already mentioned. They would reduce Medicaid administrative spending. But they would go further than that. They would increase the allowable copays in Medicaid. Let us describe what that means. Fully one in four children in the United States of America today get their health care from Medicaid. Often I know when people think of Medicaid, they think of it as really just purely a health care system that provides health care access to the poor. But if one in four children are getting their health care from Medicaid, that means you have that many children living in poverty in the United States of America. What this proposal would do by increasing the copays is requiring poor children's families to come more out of pocket to pay for their health care.

Mr. RYAN of Ohio. I just want to expound on that point for just one second. Those people who will see an increase in their copay will then not go to utilize the care and the service, and they will end up like Americans who do not have any health care, they will end up in an emergency room much sicker than they were when they originally could have had the problem taken care of because they were covered under Medicaid, and the taxpayer is going to end up footing the bill in the long run. We are not making this argument solely for moral reasons, but this is an economic argument that is going to save the taxpayer money in the long run and I think the Republican majority has proven in many ways that they do not know how to govern, and one of the reasons is they would rather spend more money on the tail end than do the right thing and spend it up front.

Ms. WASSERMAN SCHULTZ. If that were not bad enough, if making poor children's families pull more money out of their pocket to pay for their health care were not bad enough, the Republican Study Committee, in fact, more than that, this budget cut proposal that we are going to consider this week would allow increases in premiums for the first time and it would also let health care providers, physicians and other health care providers that are Medicaid providers, refuse care if a beneficiary cannot afford the copayment. Right now they are not able to refuse that care. There is a change in this proposal that would allow people who provide health care to Medicaid recipients to refuse care if they do not have the money to pull out of their pocket. Often we hear the argument made about the skyrocketing costs of Medicaid, the greater percentage that Medicaid has taken of the Federal budget and of State budgets. While that may be true, what the gentleman from Ohio has just outlined is absolutely accurate. These cuts, which are supposed to be representative of savings, there is not going to be savings. It is just going to be more cost shifting of health care costs. Because these people who are on Medicaid now, they have to get their health care from somewhere. Most good parents, any good parent is not going to let their child suffer. What they do is instead of being able to take their children to the doctor for well baby visits and well child visits and make sure that the health care is preventive as opposed to reactionary and sickness and disease based, they have to wait till their child is sick enough to take to the emergency room.

I was walking door to door when I first ran for the State legislature and knocked on the door of a younger woman, it turned out. Usually when I was knocking door to door, it was senior citizens who took a long time to get to the door. But this woman, I was surprised when she answered the door, was young. Her foot was swollen to a grotesque proportion. I could not help but ask her what happened. She said I actually had caught her just as she was about to go out the door to the emergency room because she did not have health insurance and she was not able to go to the doctor when the problem on her foot was small, she had to wait till it was so infected that she had to go to the emergency room. Of course she had no health insurance and she did not qualify for Medicaid in this instance. So now what we should do is talk about the gap between people who qualify for Medicaid and people who have health insurance. There are a vast amount of people in the middle who fall through the crack.

Mr. RYAN of Ohio. That woman probably called off work and there was a ripple effect.

Ms. WASSERMAN SCHULTZ. Loss of productivity by her employer. Just think about the impact of people who cannot go to work when they are sick.

□ 2300

Think about the skyrocketing costs of health care and this administration. Ask yourself, Madam Speaker, ask yourself the last time you heard President Bush say anything about health care. I have not heard him say a word about health care. I have not heard him speak out against Medicaid cuts. I have not heard him speak in favor of helping poor children and their families afford health care. Where is the outrage?

Mr. RYAN of Ohio. Let us look at another provision on here that the Republican Study Committee is also looking to do: Increase the Medicare Part B premium by $4.6 billion.

Ms. WASSERMAN SCHULTZ. That might be a little bit of Washington-speak. I think people might get the letters confused. What is Medicare Part B?

Mr. RYAN of Ohio. Medicare Part B is the senior citizen program, the Medicare program that insures our parents and our grandparents. This is where the Republican Study Committee is going to go to pay for the tax cuts, to pay for the $16 billion in subsidies that they are giving to the oil companies, to pay for the subsidies that they are basically giving to the prescription drugs. They are going to go to our senior citizens and ask them to give up $4.6 billion in 2006 and $84 billion over the course of the next 10 years. These are senior citizens that, as I am sure they are in your district, whose pension is not going up, if they can even keep their pension. Health care costs obviously are going up here, the cost of natural gas and gasoline, heating oil, all of this is affecting how our seniors can actually survive day-to-day: and our friends on the other side are making another wrong decision by going after them and asking them to foot the bill.

Ms. WASSERMAN SCHULTZ. Madam Speaker, if the gentleman recalls a few months ago when we were talking about Social Security privatization and the impact that that would have on our seniors, imagine if that proposal had gone through and, hopefully, we are going to continue to be able to keep that off the table. But when we were on the floor during the 30-Something Working Group, my colleagues will recall that one of the things that we talked about so often was that we have so many of our senior citizens who are on fixed incomes, whose Social Security is their only source of survival.

Now, if what the Republican Study Committee would like to see happen happens, where they increase Medicare Part B premiums, which is out-of-pocket money that these seniors have to pay, and one day soon we privatize Social Security, how are these people going to be able to afford to live?

Mr. MEEK of Florida. Madam Speaker, let me just say this. I will not say the Republican Study Committee. I will say the Republican Conference. I mean, the bottom line is, we would not have the philosophy of a few come to the floor, pass the Budget Committee, and possibly a threat for it to come to the floor by the end of the week if it was not for the help of the Republican Conference.

Now, they are our friends. We are coffee together, we ride the elevator together, we walk down the hall together, we talk about raising our children, and all of the things that people do who work together. We all work together, but we have a difference in philosophy and priorities. And I will tell my colleagues right now, and I just want to make sure that Members, if you have a family member that is a veteran, I want you to go grab them because I am about to say something. I want to make sure that we understand that these cuts, and we are talking about 60 million Americans, 60 million that are on Medicaid right now, enrolled in Medicaid, 60 million Americans, not 60 million Iraqis, not 60 million Somalians, 60 million Americans who pay their taxes every day, that know what it means to punch in and punch out at work every day, know what it means to have a 15-minute lunch break, or a break in the morning if they get it, 15 minutes in the afternoon, and a 30-minute lunch break, if they get it. These are the people that we are talking about. Also, children are enrolled in this, too. So it is very, very important.

I am looking here at the Families USA, which is a voice for health care consumers. I mean, basically they are saying these cuts, this proposal, will force low-income people to pay, like you said, higher premiums that they cannot afford, and copayments. So let us just call it what it is.

It looks good when you look at the numbers and, oh, these are the cuts that we are making, but let us translate what those cuts mean. It means that for the premiums and copayments that people are making under the Medicaid plan now, which is not the greatest, because this Republican Congress has increased it time after time, now we are about to do it again. They are not going to be able to afford health care. So we might as well say that we do not have it.

We have companies now that are telling people to go and enroll in Medicaid, because they we do not have a national health care plan. They cannot participate in that program. So when folks start talking about weaning people off, let us talk about this. I have also said, we talk about the difference between Democrats and Republicans.

Now, here is one for the veterans that allowed us to be here under the lights in this Chamber, fought for this country, still fighting for this country, and also I want to call special attention to our Members who come to the floor and give great floor speeches about how we love the troops. Well, I have not seen a Member come to the floor yet and say, hey, listen, I do not like the troops. So to say that I care about the troops, we all care about the troops. We all want to make sure the troops are okay. But what happens when they come home? What happens? What happens when, after the parade, what happens? What happens after they turn their uniform in? What happens to those individuals? Let me tell you what is going to happen under this budget.

The bottom line is that the Republican budget cuts that are being made in health care are $14 million below current service over the next 5 years.

Now, I am going to tell my colleagues something. Maybe I represent too many veterans. Maybe I have heard too many stories about when someone who wants to see an ophthalmologist or a podiatrist or some sort of specialty at the VA, and they have to wait 6 months for an appointment, 6 months for an appointment, and in rural areas it is even worse. There are areas where they have VA facilities and clinics that are only open once or twice a month.

And under this budget, with a straight face, they are going to come to the floor, and that is the reason why periodical after periodical is saying that it is hard for the Republican Conference to even vote for their own budget. Now, folks come to the floor, well, we want our friends on the Democratic side, if they could support us; yes, we want to balance the budget, but we do not want the veterans who have been waiting 6 months now to have to wait a year, because the majority side has made a 5-year cut of $14 billion. That is not chicken feed; that is a lot of money.

And then it goes further. Because facts hurt, facts hurt. Reality hurts.

We are here to make sure that we give voice to those Americans that sent us here. Some folks use it very loosely: This is the people's House. Well, guess what? We believe it. We do not use it as a punch line. We are here because people have elected us.

Furthermore, it goes on to require the Veterans' Affairs Committee to make $798 million in additional cuts over the next 5 years. Also it imposes new fees for veterans for health care by reducing veterans' benefits such as disability payments, pension benefits, and educational benefits.

Now, let me tell my colleagues something. Like we say sometimes, let us put the cookie on the bottom shelf. The bottom line is that folks are sugarcoating a number. We are making these cuts and we have to do this. One says we have to do it on behalf of the Katrina Commission. Another person says, well, we want the Katrina Commission, but because of Hurricane Katrina, we have to respond to those individuals. Some say, well, we have to make sure that we reduce the national debt and that is the reason we are making these cuts.

And we all know that even in the Senate there is a lot of chest-beating, because there is a $6 billion tax break, mainly for the top bracket and mainly for the special interests that they are going to push through this chamber. Why? Because if there is going to be a tax cut, there should be a tax cut that is going to help every day Americans. But how can we with a straight face, when we have veterans waiting 6 months for basic health care, when we have folks in devastated areas, with the three natural disasters that we have had, that cannot even get a housing voucher that were made homeless because of the natural disaster, when we have a government that is trying to figure out how we are going to continue to pay for the war in Iraq, how we are going to be able to pay for incompetence, incompetence in the government.

□ 2310

How we are going to continue to condone cronyism, a culture of cronyism at the same time? The bottom line is, ladies and gentlemen, I believe the majority side really needs to have a meeting. They need to have a meeting and talk about the true priorities of America. And then, one of those points in that meeting should be, you know, we really need to move in a bipartisan way. Oh, wow. That is a great idea. Hey, let us work with the Democrats and Republicans and let us save the country.

Now, I am coming in for a landing now. I am going to tell you something. People are saying, why are you all on the floor every night? Why? Why are you on the floor every night? Some people are saying it is a great thing, Democrats and Republicans. We are glad the people are breaking this thing down so that we can all understand, because we can use CBO and all the acronyms and folks can come to the floor and say we want to make America stronger. What I am describing here is making a country weaker, not because of the country and the people that live in it, but the leadership that is supposed to govern it on behalf of making this country stronger.

These are the facts. Third-party validators, these are the facts, like it or not. One other fact, and Ms. WASSERMAN SCHULTZ, I am getting ready to yield to you, I am going to take this chart out. You know, if I could, Mr. RYAN, I would put this chart on the front of my truck so that people can see it. If I had the resources, I would get a billboard so that people understand what is going on. This is not a woof speech. This is a reality speech. The bottom line is that the majority that is in control now, need it be the House or Senate or need it be the White House, the policies that they are putting forth are not helping and strengthening our country. Period. Dot.

I do not want to make it seem like it is some sort of extreme statement. It is not an extreme statement. What I just described was happening to veterans. The last 15 minutes we talked about what is happening to Medicaid, and Medicare is on the table, Mr. DELAHUNT. The bottom line is 42 Presidents, 1776, we were not even thought of, you know, as Members in this House here. To the year 2000, 42 Presidents, $1.01 trillion that we borrowed from foreign nations. President Bush, not by himself, with the Republican majority, not by himself, I just want to make sure that everyone understands that the President does not have the ability to do this all by himself. Trust me, 1.05 trillion from foreign nations, Mr. RYAN, including China.

And so I think it is important that people understand. This is not Democratic talk. This is not Independent talk. This is not even Republican talk. This is reality. And unless we rise up, I just want to make sure that we let the Members know we know exactly, on a majority side you can have a study group. You can have a caucus within the caucus. You can have subcommittees. The bottom line is the policy will never see the light of day if it was not for the Republican majority here in this House pushing it to the floor.

And that is the reason why, that is the reason why you have Republican conference members that have big problems. They are, you know, they are even looking at their calendar saying, well, goodness it is my son's birthday on Saturday. Maybe I can tell leadership we are going to celebrate it on Thursday because I do not want to be here for this vote because how can I explain back home how we are increasing the wait list for veterans, how we are cutting benefits for your children to go to college, and we are going to put the responsibility on your back to take up the slack because we want to give tax cuts to special interests to billionaires.

I mean, that is a hard thing to explain, especially when you are by yourself back in your district and you are not hiding behind the press release from the majority office of this House of Representatives. And that is the fact, Jack. And the bottom line is we are going to man up and woman up and leader up and say no. And that is the reason why it has not been to the floor, and I hope that is the reason why it will not come to the floor in its present form and that we go into, if we had rule XXI, which we do have rule XXI here in the House, but if we had a rule XXI like the Senate, we should go into closed session. Folks grab the mike, the leadership, and the bottom line is work out a plan that we can all work together, take from the Democratic budget, the Republican budget and do what Americans want us to do. They do not want us here talking about one another back and forth. But the bottom line is that is the road map that has been laid out by the majority. Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you. And you know it is totally understandable why you are emotional about it and why we are all emotional about it. We are all bristling with indignation here because to add insult to injury, the nightmare scenario you are describing for veterans if this budget reconciliation bill actually becomes a reality is just the tip of iceberg. Just a few months ago, I mean, I am a freshman. I just got here. And there are a lot of things that have shocked me, not the least of which is what you referred to a little while ago which is that we almost never meet in a bipartisan fashion. The idea of actually seeing Members from the other side of the aisle sit down at a meeting like you just described, at the beginning of this year, you know, to me would have been a usual matter, like we did in the legislature, coming together on most things and arguing about only the most basic of Republican and Democratic differences.

Here it is like they think we do not take showers or something. I am not really certain why it is that they will not actually sit down with us and try to work things out. But what was more startling just a couple of months later was that, you know, we have talked about the number of Cs that apply to their ability to govern. There is corruption, there is the cronyism, and then there is the lack of competence. I mean, I could not believe that in June we had to actually appropriate $1.5 billion for the Department of Veterans Affairs because there was a shortfall in their budget that they were denying for months. Months. We kept insisting there was a shortfall. Veterans were having to wait months and months for health care. The 6-month wait for access to health care at the VA was a true reality.

And we were saying there is something wrong here. The American Legion was saying something was wrong here. And finally they owned up and realized oh, yeah, we do have a shortfall and we are going to need, we had to go and pass an emergency appropriations bill to get them the rest of the money they need.

You know, we talk about the third-party validators here. Now there is a proposal to cut $600 million out of this budget in veterans health care, which would be enough funds to care for nearly 100,000 veterans. The American Legion, this is this evening's third-party validator for me on veterans, expressed concern that that cut would mean rationing of care, hiring freezes of medical personnel, delaying repairs on facilities, growing backlogs of medical equipment, and many other fiscal-based constraints. And that was a letter that they wrote on October 17.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ, would you just yield for a second.

Ms. WASSERMAN SCHULTZ. Yes, I would be happy to.

Mr. MEEK of Florida. What holiday is coming up?

Ms. WASSERMAN SCHULTZ. I think that would be Veterans Day, and that is Friday.

Mr. MEEK of Florida. And it is very interesting because Members are going to be trying to run out of here and catch planes and falling over each other to go march in a parade with those that have laid down, literally put their lives on the line, lost limbs. Some will be pushed in wheelchairs. Some will be remembering the fallen members of our country that went and fought in all of the past conflicts. And just before Friday, there is a vote scheduled to set them back and what we told them we would do for them and provide them for health care. I yield back. I just wanted to talk about the gall of this whole thing at this particular time.

Ms. WASSERMAN SCHULTZ. Gall is a soft word, the softest word you could use. I really want to go ahead and transition to Mr. DELAHUNT, who is going to go through some more of this.

Mr. DELAHUNT. No, I want to commend all of you for your eloquence, your commitment. I think you ought to describe, you know, how this particular group was formed. I know I really speak for the other members of the Democratic Caucus when I say that we are very proud of your commitment, your hard work, and your dedication to the American people, because you are 30-something. You are all under 40. But it is really impressive. And I have to tell you that in many ways you are leaders now, but I am confident that you represent the future; and as more and more people listen to you, particularly people of your generation, they are going to think about these issues in a more serious way. They are going to educate themselves, because you are presenting reality.

You know, I would describe what the gentleman from Florida (Mr. MEEK) said is that tragically there is a great difference between walking the walk and talking the talk. It is great to talk about patriotism. You are right. There is going to be a lot of speeches on November 11, and terms and phrases such as a "debt of gratitude" to our veterans, to the men and women that have served this country and are currently serving our country now, whether it be Iraq, Afghanistan or in the multiple deployments of our armed services.

□ 2320

The gentleman from Florida (Mr. MEEK) is so right. The reality is that when they come home, will they have good quality health care available to them? Will they have access to the kind of care that they deserve? Will they receive the benefits that the generations that served in World War II, that served in the Korean War, in Vietnam have?

And the gentleman is right. There just simply are not the resources there. We can paper it over by passing supplementary or emergency budgets just to get through a difficult time. But I would suggest to our veterans to listen to their leadership and what they have said about the budget proposals on veterans' health care that have been put forth time and time and time again by the Republican Party in this House. We all see letters describing them in various terms.

Now, I am speaking of the American Legion, the VFW, the Disabled Veterans of America, the Paralyzed Veterans of America. The word that comes to my mind is a disgrace, a shame, and a dishonor to the veterans.

The gentleman speaks about third party validators to corroborate the facts as we are presenting them. Do not listen to us. Go to the leadership of these veterans service organizations if you are a veteran and ask. Unfortunately, what we are saying is truthful and accurate, and I would suggest that while we might be talking the talk, what reveals our real character is the commitment that we make. We can go and speak to the troops and tell them that we care, but we all have to make some sacrifice.

We have an all-volunteer Army and we are comfortable here. And most people in this country, because of the policies of this government, are not involved in the sacrifices that are currently being made by our military personnel all over the world. We owe it to them. It is just not policy. It is a moral obligation.

We speak of values. And I daresay that when we turn our backs by our actions on our veterans that we are not living up to the values and the moral authority that we proclaim again and again. We are indulging in hypocrisy, and that is all too sad.

Mr. RYAN of Ohio. Mr. Speaker, one of the decisions that is being made down here as we cut the vets' budget, there is a chart that explains where some of the tax cuts are going and you will see of all the tax cuts down here, $34,000 to $54,000, $840. And people who make $440,000 a year and up, $87,600.

Now, to put this into "middle America speak," the Democrats are for reducing a small little portion of this, not even the whole thing, but asking these people who make a million dollars a year or more to just give up a wee little bit of that up there, just a small little tiny part of that so that we can fund some of these other priorities that we have agreed as a country are important, like making sure our veterans have the proper amount of health care.

And if, as a country, the leadership in this Chamber and the leadership in the White House, especially in the executive branch, if they do not have the guts to ask this person who makes a half a million dollars a year to give up just a small amount, a few thousand dollars of their tax cut to pay for veterans health care or to pay for Medicare, if the President of the United States cannot find it in his Constitution to ask this person, then I believe he is failing his responsibility and his oath of office. And I really believe that because that is about leadership.

To go to the person who does not have a lobby group on K Street to come over here and lobby us, okay, that is a major problem. And at the same time as these tax cuts are going on, we are cutting student loans, we are increasing the burden on our kids who go to college. And if the Republican majority—as the gentleman from Massachusetts (Mr. DELAHUNT) pointed out, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is a freshmen. The gentleman from Florida (Mr. MEEK) and I are in our second term. The gentleman from Massachusetts (Mr. DELAHUNT) has been here four or five terms. He is on his fifth term, I believe. If the Republican majority thinks that we are going to sit up in our office or if we are going to go home and lie on our couch and turn on C-SPAN and just watch this happen, they have got another think coming.

We are going to come to the floor every night if we can and we are going to grab every hour that we possibly can because there are 700,000 people in northeast Ohio that count on me to come down here and talk about this stuff, because they are on the other end of this stick. Fifty percent of the people in my district did not even get a tax cut. They did not get any of this stuff, none of it. Fifty percent of the taxpayers in my district did not get any of this stuff. And if this administration and the leadership in this House does not think that we are going to come to the floor and talk about this inequity, about them cutting Medicaid services, which in the long term costs these taxpayers even more money, if they think we are going to sit by while tuition goes up 57 percent over the last 5 years and not say anything, they have got another think coming.

Mr. MEEK of Florida. Mr. Speaker, those are the same constituents and my constituents that are going to get hit by the Medicaid cuts, the same veterans that will be paying more on their copayments, waiting longer for their services. Those are the same individuals that the gentleman is describing. And the gentleman is 110 percent right, and I am glad that he is warning the majority that this stuff is not going to be quiet.

Mr. RYAN of Ohio. We are not going away. We will be here every night if we have to.

The problem is, and here is the problem that hurts me the most, is that the people who make a half a million dollars, a million dollars a year, they make it because of the benefits that have been given to them and the opportunity that has been given to them by our veterans, to be able to take advantage of a capitalistic system, to be able to take advantage of a democratic system with a strong military to make sure that you can make solid business investment and make money.

Bill Gates did not invent the Internet. It was the public tax dollars that went to do the research. Bill Gates capitalized on the Internet. So he has a responsibility to keep the system going for the next guy, but to do this and to not have the guts to pay for these people, to pay for veterans' health care benefits.

Ms. WASSERMAN SCHULTZ. The gentleman from Ohio (Mr. RYAN) was referring to the guts that they lack. It has been clear to me, and increasingly clear as the months go by, that they do not have the guts or the ability in their constitutional makeup, like the gentleman said, continuing with the C-word theme, it is their culture of cronyism that does not allow them. Their culture that propels them to take care of the people at the top and only those at the top.

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So they do not have the ability to comprehend at least not the way I perceive it, that they are doing the wrong thing.

The culture of corruption and cronyism just continues, and although it is somewhat off topic, I think it is important because the last few times we have been here we have been talking about just their general lack of ethics and their commitment to taking care of their cronies as opposed to the American people.

We have been calling on the floor of this House for the President to fire Karl Rove, to at least ask him to step down, to eliminate the weight that is standing on his chest and the chests of the American people and our ability to actually move forward.

Do you know what his response was to calls across the country to get rid of Karl Rove? He ordered his staff in the White House to take an ethics course this week. That is what he has asked them to do. Right there in black and white, the Associated Press reported it. His response to this entire mess is that his White House staff should take an ethics class.

Mr. MEEK of Florida. Hello, ethics course? Hello. No. Like I told you once before, I do not blame the special interests for getting what they get because they do not get it unless the Republican majority gives it to them, because they are in the majority. Many of the unexplainable events that have taken place here on this floor and in committee, the mind boggling, how can that pass, how could they get all of this money, all this taxpayer money from the Congress? They do not do it. The vote has to go up on the board for them to allow them to do it.

I will say the same thing as it relates to the President, not a mumbling word from this House on outing a CIA agent. All of the speeches that were given here in this well right before me, give us the responsibility of national security, we are tough, we will make sure that we have what we need to have and we will fight the war on terror. And guess what? Someone in the White House, two people in the White House, probably even more, out a CIA agent, a CIA agent that did what? Went out to make sure that we were able to head off countries from getting weapons of mass destruction.

This is not a small issue. For far less, far less, the House of Representatives have called out Travelgate, Whitewater, all these kind of individual decisions that were made and had some possible ethic issues going along with it, but not the outing of a CIA agent, not saying, hey, you know something, she is a CIA agent and there are a number of people that are working with her, and we want you to know about it. Not a mumbling word out of this House, not one floor speech calling for resignations, not one committee cranking up a committee meeting and calling people from the White House down here before the people's House to question how could this happen, not one. Not one.

Guess what. If the Democrats were in the majority, I would tell you right now Democrat House, Republican White House, there will be hearings, and not a mumbling word, just crickets on that side of the aisle as it relates to outing a CIA agent.

So what you are saying is not alarming. The President is doing that because he is allowed to do it because the investigative body here in the House that has the responsibility of keeping this government in check is not doing its job.

Ms. WASSERMAN SCHULTZ. Can I just tell you, it gets worse. It is not just the fact that they are responding to this entire fiasco, ethical conflict, with ethics classes for the White House staff. Do you know who is giving the classes? The White House counsel's office, Harriet Miers' office. That is part of their pattern. It is not like they decided they should go somewhere outside the White House, because clearly the White House has not been emblematic of an ethical place where you could actually learn ethics from someone inside the White House. You would think they would have gone outside the White House, but they do not believe in independence.

We asked them to establish an independent Katrina commission. No. Their answer was to do it internally and create a special committee here that is lopsided, 11 Republicans and right now no Democrats because we refuse to serve on a committee that is not going to be fair and objective and really get to the bottom of it.

The bottom line, the reason I brought this up is because your point is from the top to the bottom, the culture of corruption and cronyism and incompetence just runs right through. There is not any light at the end of the tunnel, and it gets worse with every page you turn in this administration.

Mr. RYAN of Ohio. Madam Speaker, can we just say, if you have worked in the White House for 5 years and you are the chief of staff of the Vice President, indicted on five counts of lying and obstruction of justice, and you have the deputy chief of staff of the President of the United States lie to the American people on two occasions, you have the Vice President of the United States mislead on several occasions Tim Russert and the American people, you do not need ethics courses. You need to be fired. Okay. This is not brain surgery. This is probably a basic management technique. If you lie to the American people and you work at the White House, you should be fired, and there should be no place for you in representing the public.

Mr. MEEK of Florida. National security. National security. It is not lying about, well, you know, I flew to Chicago and I really did not have Federal business and I am sorry, the ticket was $450; I need to go to an ethics course. You do need to go to an ethics course.

You out a CIA agent; it goes far beyond a firing. This is not an everyday occurrence. Maybe I am just too concerned about the security of this country. Maybe I am just too concerned about it, and I do not think I am out of step by being alarmed by this because I can tell you right now there are some Members on that side that are alarmed about it, but they are not saying anything. Definitely the leadership is not saying anything, and the White House would do what it is allowed to do.

If it is allowed to borrow $1.05 trillion from foreign countries, it will do it. If it is allowed to have our veterans waiting in longer lines to cut their benefits and have them pay higher co-pays and Medicare individuals and free and reduced lunches cut in half, they will do it. It is up to this House to rise up, and the majority's just not doing it. We can only do it for so much as it relates to bringing this back into check.

Mr. DELAHUNT. Madam Speaker, I would just make another observation.

Again, we hear much in terms of our public discourse about values and about responsibility towards our fellow citizens, and yet, I was really struck by a headline that appeared in USA Today last week. The headline was "Louisiana Cannot Pay Katrina and Rita Bills."

The Federal Government is requiring the State of Louisiana to come up with almost $4 billion as its share for relief from the devastation of those two hurricanes. They have no tax base left practically. New Orleans we know has been devastated. The entire annual budget for the State of Louisiana is $8 billion. It is as if we are turning our back on other Americans, and yet we are giving away billions of dollars without any strings attached, with no matching fund requirements when it comes to Iraq.

Madam Speaker, we are paying for roads in Iraq. We are paying for affordable housing in Iraq. We are paying for dams and levees in Iraq. The American taxpayer will not see a dime in return, and yet, when it comes to our fellow citizens, we are saying if you want that share, come up with $4 billion that they do not have.

Mr. MEEK of Florida. Madam Speaker, we are winding down here. There is one statement, and then we are going to close because we have a minute.

Ms. WASSERMAN SCHULTZ. Just one quick statement. We want to remind everyone that tomorrow is election day in many places, Virginia, California, New York, New Jersey. We want to urge our generation to come out in the record numbers that they came out during the 2004 elections.

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Mr. MEEK of Florida. Mr. RYAN.

Mr. RYAN of Ohio. Just a reminder to send us e-mails at 30somethingdems@mail.house.gov, any articles or whatever, Madam Speaker, from our colleagues here so that we can talk about them on air. That is 30somethingdems@mail.house.gov.

Mr. MEEK of Florida. With that, we want to thank the Democratic leadership for this block of time, and I yield back the balance of our time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Ms. PELOSI) for today.

Mr. BECERRA (at the request of Ms. PELOSI) for today.

Mr. CARDIN (at the request of Ms. PELOSI) for today.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today.

Ms. KILPATRICK of Michigan (at the request of Ms. PELOSI) for today and November 8.

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today on account of official business in the district.

Ms. MCKINNEY (at the request of Ms. PELOSI) for today.

Mr. STUPAK (at the request of Ms. PELOSI) for today on account of family commitments.

Ms. WATERS (at the request of Ms. PELOSI) for today.

Mr. GIBBONS (at the request of Mr. BLUNT) for today on account of business in the district.

Mr. GUTKNECHT (at the request of Mr. BLUNT) for today and until 3:00 p.m. November 8 on account of meeting with the New Zealand ambassador on trade issues.

Mr. LEWIS of Kentucky (at the request of Mr. BLUNT) for today on account of personal reasons.

Mr. RYAN of Wisconsin (at the request of Mr. BLUNT) for today on account of a family medical emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. MCCAUL of Texas) to revise and extend their remarks and include extraneous material:)

Mr. MCCAUL of Texas, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and November 8, 9, and 10.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, today, and November 8 and 9.

Mr. POE, for 5 minutes, November 8.

Mr. MCHENRY, for 5 minutes, November 8 and 9.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BURGESS, for 5 minutes, today.

ADJOURNMENT

Mr. MEEK of Florida. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until Tuesday, November 8, 2005, at 9 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5003. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Fisher and Thief River Falls, Minnesota) [MB Docket No. 05-116; RM-11188] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5004. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Cridersville, Ohio) [MB Docket No. 04-343; RM-10799) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5005. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Cheyenne and Thomas, Oklahoma) [MB Docket No. 05-130; RM-11216; RM-11265] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5006. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Big Pine Key, Florida) [MB Docket No. 04-248; RM-10990] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5007. A letter from the Director, Fish and Wildlife Services, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to List the Scimitar-horned Oryx, Addax, and Dama Gazelle as Endangered (RIN: 1018-AI82) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5008. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Econommic Zone Off Alaska; Northern Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 082905B] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5009. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 082905D], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5010. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; White River, Mile Marker 0.0 to 2.0, Henrico, AR [COTP Memphis-05-005] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5011. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; McClellan-Kerr Arkansas River, Mile Marker 113.0 to 115.0, Little Rock, AR [COTP Memphis-05-007] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5012. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Fireworks Display for the Sara Paz Party, Miami Beach, FL. [COTP Miami 05-013] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5013. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Fireworks Display for Palm Beach Symphony, Palm Beach, FL [COTP Miami 05-014] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5014. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; GICW MM60 to GICW NM115, Longbeach, MS to Bayou La Batre, AL. [COTP Mobile-04-035] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5015. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intra-Coastal Waterway Mile 115 to Mile 165, Bayou La Batre to Orange Beach, AL [COTP Mobile-04-036] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5016. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intra-coastal Waterway Mile 165 to Mile 215, Orange Beach, AL to Santa Rosa Island, FL [COTP Mobile-04-037] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5017. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intra-Coastal Waterway Mile 215 to Mile 260, Santa Rosa Island, FL to Santa Rosa Beach, FL [COTP Mobile-04-038] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5018. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intra-Coastal Waterway Mile 260 to Mile 350, Santa Rosa Beach to Apalachicola, FL [COTP Mobile-04-039] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5019. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intra-Coastal Waterway Mile 350 to Ochlockonee Shoal Red Number 24, Apalachicola to St Marks, FL [COTP Mobile-04-040] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5020. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intra-Coastal Waterway Mile 65 to 175, Mississippi and Alabama Gulf Coast [COTP Mobile-04-043] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5021. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intra-Coastal Waterway Mile 175 to 230, Alabama to Florida Gulf Coast. [COTP Mobile-04-044] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5022. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intra-coastal Waterway Mile 230 to 377, Florida Gulf Coast [COTP Mobile-04-045] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5023. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Mississippi Sound, Pascagoula, MS [COTP Mobile-04-053] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5024. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf of Mexico, Santa Rosa Island, FL [COTP Mobile-04-059] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5025. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Suisun Bay, Concord, California [COTP San Francisco Bay 04-007] (RIN: 1625-AA87) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5026. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Marion, KY [Docket No. FAA-2005-21226; Airspace Docket No. 05-ASO-8] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5027. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class D Airspace; Worchester, MA [Docket No. FAA-2005-22069; Airspace Docket No. 05-AEA-15] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5028. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-8-100, DHC-8-200, and DHC-8-300 Series Airplanes [Docket No. FAA-2005-20730; Directorate Identifier 2004-NM-68-AD; Amendment 39-14172; AD 2005-13-35] (RIN: 2120-AA64]) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5029. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30454; Amdt. No. 3129] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5030. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Eau Claire, WI [Docket No. FAA-2005-21256; Airspace Docket No. 05-AGL-04] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5031. A letter from the Director, Regulations and Rulings Division, Department of the Treasury, transmitting the Department's final rule—Expansion of the Russian River Valley Viticultural Area (2003R-144T) [T.D. TTB-32; Re: Notice No. 30] (RIN: 1513-AA67) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5032. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Announcement of rules to be included in regulations under section 367(a) regarding the effect of certain exchanges on gain recognition agreements and request for comments [Notice 2005-74] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1751. A bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes (Rept. 109-271). Referred to the Committee of the Whole House on the State of the Union.

Mr. WOLF: Committee of Conference. Conference report on H.R. 2862. A bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–272). Ordered to be printed.

Mr. POMBO: Committee on Resources. H.R. 2875. A bill to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and for other purposes; with an amendment (Rept. 109–273 Pt. 1). Ordered to be printed.

Mr. OXLEY: Committee on Financial Services. H.R. 4133. A bill to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program (Rept. 109–274). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOBSON: Committee of Conference. Conference report on H.R. 2419. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-275). Ordered to be printed.

Mr. NUSSLE: Committees on the Budget. H.R. 4241. A bill to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006 (Rept. 109-276). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on Agriculture and Education and the Workforce discharged from further consideration. H.R. 2875 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HOSTETTLER:

H.R. 4240. A bill to amend the Immigration and Nationality Act and other Acts to strengthen the enforcement of the immigration laws, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself and Mr. KIRK):

H.R. 4242. A bill to require the Secretary of State to seek the establishment of a conference where Iranian nationals who oppose the policies of the Government of Iran can discuss the future of the Government of Iran; to the Committee on International Relations.

By Mr. EMANUEL (for himself, Mr. EVANS, and Mr. GUTIERREZ):

H.R. 4243. A bill to amend title 10, United States Code, to lift certain restrictions on gifts to members of the Armed Forces being treated for illness or injury incurred on active duty; to the Committee on Armed Services.

By Ms. HOOLEY:

H.R. 4244. A bill to provide for grants for regional task forces to more effectively investigate and prosecute identity theft and other economic crimes; to the Committee on the Judiciary.

By Mr. LEWIS of California (for himself, Mr. REGULA, Mr. FRELINGHUYSEN, Mr. DREIER, Mrs. BONO, Mr. ISSA, and Mr. DOOLITTLE):

H.R. 4245. A bill to provide for programs and activities with respect to pandemic influenza, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS:

H.R. 4246. A bill to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the "Dr. Robert E. Price Post Office Building"; to the Committee on Government Reform.

By Mrs. WILSON of New Mexico:

H.R. 4247. A bill to improve mathematics and science instruction in elementary and secondary schools by authorizing the Secretary of Education to make grants for regional workshops designed to permit educators to share successful strategies for such instruction; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Mr. MCDERMOTT, Mr. VAN HOLLEN, Mrs. MALONEY, Mr. SIMMONS, Ms. MCCOLLUM of Minnesota, Mr. DOGGETT, Mr. SERRANO, Mr. HONDA, Mr. BUTTERFIELD, Mr. SCHIFF, Mr. BROWN of Ohio, Mr. GRIJALVA, Mr. PAYNE, Mr. GENE GREEN of Texas, Mr. NEAL of Massachusetts, Mr. SHAYS, Mr. MARKEY, Ms. BERKLEY, Ms. CARSON, Ms. SCHAKOWSKY, Mr. SMITH of Washington, Mr. DAVIS of Illinois, Mr. SPRATT, Mr. HASTINGS of Florida, Mr. HOLT, Ms. WASSERMAN SCHULTZ, Mr. ROTHMAN, Mr. MEEKS of New York, Mr. ABERCROMBIE, Mr. WEINER, Mr. SCOTT of Georgia, Mr. MEEHAN, Ms. KILPATRICK of Michigan, Mr. EVANS, Mr. DINGELL, Mr. LARSON of Connecticut, Mr. MORAN of Virginia, Mr. PETERSON of Minnesota, Mr. MOORE of Kansas, Mr. CLEAVER, Mr. FLAKE, Ms. LEE, Mr. NADLER, Mr. BECERRA, Mr. DICKS, and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Con. Res. 292. Concurrent resolution expressing the sense of Congress that the United States Postal Service should issue a commemorative postage stamp honoring the late Rosa Parks; to the Committee on Government Reform.

By Mr. WAXMAN:

H. Res. 537. A resolution providing for consideration of the bill (H.R. 3838) to establish the Independent Commission to Prevent Fraud and Abuse in the Response to Hurricane Katrina, and for other purposes; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 47: Mr. WELDON of Florida.
H.R. 216: Mrs. SCHMIDT.
H.R. 446: Mrs. CUBIN.
H.R. 535: Mr. UDALL of Colorado.
H.R. 551: Mr. DELAHUNT.
H.R. 602: Mr. MCKEON.
H.R. 839: Mr. MCNULTY.
H.R. 844: Mr. COSTA, Mr. PAYNE, Mr. MENENDEZ, and Mr. HOLT.
H.R. 874: Mr. CALVERT, Mrs. MYRICK, and Mr. FOLEY.
H.R. 880: Mr. PAUL.
H.R. 972: Mr. LARSEN of Washington.
H.R. 986: Mr. FITZPATRICK of Pennsylvania and Mr. LOBIONDO.
H.R. 1002: Mr. REICHERT.
H.R. 1079: Mrs. SCHMIDT.
H.R. 1083: Mr. ISTOOK.
H.R. 1106: Mr. BERMAN.
H.R. 1131: Mr. KIRK.
H.R. 1141: Ms. CORRINE BROWN of Florida and Mr. FOLEY.
H.R. 1182: Mr. JACKSON of Illinois.
H.R. 1227: Mr. PUTNAM.
H.R. 1262: Mr. CUMMINGS.
H.R. 1639: Mr. BISHOP of Georgia.
H.R. 1667: Mr. PETERSON of Minnesota.
H.R. 1668: Mr. GRIJALVA.
H.R. 1671: Mr. EVANS and Mr. MILLER of Florida.
H.R. 1688: Ms. SCHAKOWSKY.
H.R. 1748: Mr. CALVERT.
H.R. 2061: Mr. FRANKS of Arizona and Mr. ORTIZ.
H.R. 2134: Ms. HARMAN and Mr. BISHOP of Georgia.
H.R. 2238: Mr. FOLEY.
H.R. 2257: Ms. BALDWIN, Mr. ORTIZ, and Mr. HINOJOSA.
H.R. 2331: Mr. PAYNE.
H.R. 2366: Mr. CUMMINGS.
H.R. 2553: Mr. BACA, Mr. CAPUANO, Mr. EMANUEL, Mr. EVANS, Mr. FATTAH, Ms. MOORE of Wisconsin, and Mr. PALLONE.
H.R. 2727: Mr. MCGOVERN.
H.R. 2734: Mr. GIBBONS.
H.R. 2803: Mr. PEARCE.
H.R. 3022: Mr. PRICE of North Carolina.
H.R. 3361: Mr. VAN HOLLEN and Mr. FRANK of Massachusetts.
H.R. 3417: Mr. FOLEY.
H.R. 3502: Mr. HONDA, Mr. ABERCROMBIE, Mr. PALLONE, and Mr. CONYERS.
H.R. 3506: Mr. CLAY and Mr. CLEAVER.
H.R. 3561: Mr. BROWN of Ohio and Mr. HIGGINS.
H.R. 3582: Ms. WASSERMAN SCHULTZ.
H.R. 3617: Mrs. DRAKE.
H.R. 3640: Mr. PALLONE and Mr. KILDEE.
H.R. 3642: Mr. MARKEY and Mr. SMITH of New Jersey.
H.R. 3854: Mr. BAIRD, Mr. FILNER, Mr. FATTAH, Mr. LANTOS, Mr. LENDER, and Mrs. MALONEY.
H.R. 3883: Mr. MELANCON, Mr. KENNEDY of Minnesota, Mr. PETRI, and Mr. BARTLETT of Maryland.
H.R. 3922: Mr. NEAL of Massachusetts, Mr. DELAHUNT, Mr. RYAN of Ohio, Mr. CAPUANO, Mr. PASCRELL, Mr. FARR, and Ms. ESHOO.
H.R. 3935: Mr. KUHL of New York.
H.R. 3940: Mr. FORTUÑO, and Mr. TIBERI.
H.R. 3949: Mr. OBERSTAR, Mr. GILLMOR, Ms. MCKINNEY, and Mr. SCHWARZ of Michigan.
H.R. 3964: Mr. CONYERS.
H.R. 3973: Mr. CONYERS.
H.R. 4015: Mr. GRAVES.
H.R. 4033: Mr. WELDON of Florida and Ms. BALDWIN.
H.R. 4094: Ms. PELOSI.
H.R. 4099: Mr. BISHOP of Georgia.
H.R. 4104: Mrs. DRAKE.
H.R. 4121: Mr. BRADY of Pennsylvania, Mr. DOYLE, and Mr. SOUDER.
H.R. 4123: Mr. BRADY of Pennsylvania.
H.R. 4129: Mr. CONAWAY.
H.R. 4155: Mr. BOUSTANY.
H.R. 4157: Mrs. DRAKE.
H.R. 4158: Mr. ENGEL.
H.R. 4188: Mr. SABO.
H.R. 4196: Mr. CROWLEY, Mr. SMITH of Washington, Mr. POMEROY, Mr. PALLONE, Mr.

Gordon, Mr. Dicks, Mr. Case, Mr. Etheridge, Mrs. Davis of California, Ms. Eshoo, Mr. Tierney, Mr. Olver, Mr. Inslee, Mr. Marshall, Mr. Kind, Mr. Blumenauer, and Mr. Cleaver.

H.R. 4217: Mrs. Biggert.

H.R. 4222: Mr. Fortuño and Ms. Zoe Lofgren of California.

H.R. 4223: Ms. Eddie Bernice Johnson of Texas, Mr. Frank of Massachusetts, Mr. Capuano, Mr. Brady of Pennsylvania, Mr. Doyle, Mrs. Jones of Ohio, Ms. Woolsey, Mrs. Capps, Ms. Matsui, Mr. Langevin, Mr. Andrews, Mr. Menendez, Mr. Rothman, Mr. Payne, Mr. Tierney, Mr. Serrano, Mr. Crowley, Ms. Jackson-Lee of Texas, Mr. Pallone, Mr. Conyers, and Ms. Moore of Wisconsin.

H.R. 4228: Mr. Sanders.

H.J. Res. 38: Mr. Ryan of Ohio.

H. Con. Res. 231: Ms. DeGette.

H. Con. Res. 235: Mr. Platts.

H. Con. Res. 275: Mr. Menendez and Mr. Feeney.

H. Con. Res. 280: Mr. Smith of Washington.

H. Con. Res. 285: Mr. Chabot and Mr. Foley.

H. Con. Res. 288: Mr. Andrews.

H. Con. Res. 289: Mr. Gordon, Mr. Spratt, Mr. Meek of Florida, Mr. Abercrombie, Ms. Schakowsky, Ms. Wasserman Schultz, Mr. Reichert, Mr. Kildee, Mr. Hastings of Florida, and Mr. Holt.

H. Res. 85: Ms. Ros-Lehtinen and Mrs. Schmidt.

H. Res. 123: Mr. Kind.

H. Res. 223: Mr. Van Hollen.

H. Res. 302: Mr. Gillmor.

H. Res. 389: Mr. Marshall.

H. Res. 477: Mr. Davis of Alabama, Ms. McCollum of Minnesota, and Mr. Abercrombie.

H. Res. 479: Mr. Tancredo, Ms. Ros-Lehtinen, Mr. Ackerman, and Mr. Snyder.

H. Res. 498: Mr. Kuhl of New York.

H. Res. 499: Mr. Burton of Indiana, Mr. Pence, Mr. Sullivan, Mr. Rogers of Michigan, Mr. Keller, Mr. Camp, Mr. Nunes, Mr. Simpson, Mr. Boozman, Mr. Pearce, Mr. Upton, Ms. Hart, Mr. Barrett of South Carolina, Mr. Flake, Mr. Manzullo, Mr. Akin, Mr. King of Iowa, Mr. Shuster, Mr. Smith of New Jersey, Mrs. Jo Ann Davis of Virginia, Ms. Ros-Lehtinen, Ms. Berkley, Mr. Engel, Mr. Delahunt and Mr. Porter.

H. Res. 504: Mrs. Drake, Mr. Foley and Mr. Weldon of Pennsylvania.

H. Res. 505: Mr. Nadler, Mr. Markey and Mr. Wexler.

H. Res. 510: Ms. Linda T. Sánchez of California, Mr. Bishop of Georgia, Mr. Cardin, Mr. Engel, Ms. Ros-Lehtinen, Mr. Foley, Mr. Higgins, Mr. Nadler, Ms. Wasserman Schultz, Mr. Skelton, Ms. Watson, Ms. Harris, Mr. Waxman and Mr. Weiner.

H. Res. 526: Mr. Andrews.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4176: Mr. Gibbons.

H.R. 4228: Mr. Levin.

EXTENSIONS OF REMARKS

TRIBUTE TO AMERICAN CANCER FUND FOR CHILDREN AND KIDS CANCER CONNECTION

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2005

Mr. WAXMAN. Mr. Speaker, I rise today to recognize and congratulate the American Cancer Fund for Children and Kids Cancer Connection, which are located in the 30th Congressional District, which I represent.

Los Angeles Mayor, Antonio Villaraigosa, proclaimed the week of October 2, 2005 "Childhood Cancer Awareness Week" in the City of Los Angeles. I am pleased to join Mayor Villaraigosa in thanking Steven Firestein, the founder of American Cancer Fund for Children and its sister organization, Kids Cancer Connection for his wonderful work in assisting children affected by cancer.

More than eleven years ago, Steven began the American Cancer Fund for Children to provide vital patient psychosocial services to children undergoing cancer treatment at the Skull Base Institute at the Cedars-Sinai Medical Office Towers in Los Angeles, Mattel Children's Hospital at UCLA Medical Center in Los Angeles as well as participating hospitals throughout the country.

One of the wonderful services provided through American Cancer Fund for Children is the Magical Caps for Kids program. Handmade caps and decorated baseball caps are given to children who want to protect their heads following the trauma of chemotherapy, surgery and/or radiation. The American Cancer Fund for Children also sponsors Courageous Kid award ceremonies and hospital celebrations in recognition of a child's bravery and determination to fight the battle against childhood cancer.

As we know, cancer is the leading cause of death by disease among children in the United States. This tragic disease is detected in nearly 11,000 of our nation's children each year. Steven Firestein and the American Cancer Fund for Children and Kids Cancer Connection are providing critical services and comfort to young patients battling cancer and their families. I ask my colleagues to join me in thanking and recognizing Steven Firestein for his tremendous efforts.

CONGRATULATING TO RECIPIENTS OF DIRECTOR AWARD FROM THE PARTNERSHIP FOR SAFE WATER

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate Pennsylvania American Water, and the New Castle and Ellwood City Water Treatment Plants on receiving the Directors Award of recognition from the Partnership for Safe Water.

The Partnership for Safe Water was created by the Environmental Protection Agency, and is dedicated to providing communities with drinking water that exceeds the requirements set by the Federal Government. To receive the Directors Award, water systems must examine the capabilities of their plant operations and then create a plan to put into action the new improvements.

The Pennsylvania American Water has received the Directors Award for five consecutive years. Only 37 other water authorities have done the same. Among the 19 treatment facilities that were recognized in Pennsylvania, New Castle and Ellwood City were two.

I ask my colleagues in the United States House of Representatives to join me in honoring Pennsylvania American Water on receiving the Directors Award. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a principled authority like Pennsylvania American Water.

CELEBRATING THE CAREER OF ANDREW A. MAZZARA

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2005

Mr. DINGELL. Mr. Speaker, I rise today to pay respect to and celebrate the career of Andrew A. Mazzara. He has announced his retirement from the presidency of Henry Ford Community College, HFCC, after 34 years of service.

Mr. Mazzara's leadership and experience advanced HFCC's reputation through innovation and development. A lifelong resident of Dearborn and 1963 graduate of HFCC, Mr. Mazzara's earned respect and success through his hard work and determination. He can truly be called an educational pioneer and through his devotion to students, faculty and the community he served has had a lasting positive impact on Dearborn and the State of Michigan.

In 1966 he started his career at HFCC teaching engineering, apprentice training and drafting. Taking a short respite in 1972 as a technical consultant and administrator for the Michigan Department of Education, he returned in 1977 to become Dean of Career Education. As dean, he helped his areas of oversight, Business and Economics, Health Careers, Nursing, Industrial Technology, Apprentice Training, Management Development, and Customized Training Divisions, expand and develop into educationally rich and nationally respected programs. In 1982 he took a 1 year work leave to be the Interim Director of the UAW-Ford Motor Company National Education and Development Training Center, which was the nation's first joint labor-management hourly worker training program.

In 1987, Mr. Marazza was named the vice president/dean of career education at HFCC. Following the trend and recognizing his dedication and skill, in 1990, the HFCC Board named him president. Charged with running the fifth largest community college in Michigan, Mr. Mazzara immersed himself in the community creating bonds with businesses, organized labor, and government. During his tenure as president, eleven buildings were renovated and another six were built, all a part of a $67 million campus improvement plan he has spearheaded. Under his leadership the school balanced its finances, improved its programs, and gained national respect. The UAW and Ford Motor Company recognized his achievements and awarded him the Distinguished Service Award in 1998. His other awards include the Dearborn Chamber of Commerce President of the Year, Detroit College of Business Citizen of the Year Award, and the Italian American Cultural Society Heritage Award.

Andrew A. Mazzara's continued commitment to Henry Ford Community College and Dearborn at large has helped to create a vibrant, outreaching educational community. Long after Mr. Mazzara's departure, the gateway he created to quality higher education will continue to benefit thousands. His legacy will not be forgotten.

IN RECOGNITION OF DEMETRIS KASTANAS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2005

Mrs. MALONEY. Mr. Speaker, I rise to recognize the extraordinary achievements of an important member of the Astoria, NY community, Mr. Demetris Kastanas.

On February 18, 1968, Mr. Kastanas emigrated from his homeland Greece to the United States, looking for a better life and future in this country. Having worked a number of different jobs, including pumping gas and selling insurance, Mr. Kastanas managed to save enough money to open his first restaurant. A second restaurant soon followed.

As a successful businessman in his adopted country, Mr. Kastanas felt that he had to serve the community that had served him so well.

He was particularly interested in finding ways for Greek Americans to maintain a sense of connection to their motherland. On September 15, 1975, Mr. Kastanas launched National Greek Television, a weekly Greek television program on channel 47 WNJU. This is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the longest running Greek television program outside Greece. In July 1983, Mr. Kastanas expanded to the Chicago area. It now airs in Boston, Atlanta, New Jersey, and other markets. In late 1999, NGTV bought its own Electronic News Gathering van to provide live coverage of important events.

As the expansion of cable channels created new opportunities for niche markets, Mr. Kastanas began to explore the possibility of an all-Greek cable station. His dream became a reality. In 1987, the Greek Channel began airing on the Time-Warner Cable system in Queens and Brooklyn. This channel was the first Greek cable channel in the United States.

Seeking new ways to cover issues of interest to Hellenes, Mr. Kastanas became interested in other media formats. He founded 'Eseis,' a biweekly magazine to address the interests of the Hellenic-American community. Eseis is the plural form of 'you' in Greek, reflecting the magazine's emphasis on serving the entire Hellenic community.

Through his television programs, cable channel, and magazine, Demetris Kastanas has given Greek and Hellenic-Americans a voice in the United States that might otherwise not have been heard. His tremendous leadership has been evident through his ability to organize rallies and demonstrations on the Cyprus issue that have communicated clearly the Hellenic-American community's strong feelings on this subject.

Mr. Kastanas's work has provided Hellenic-Americans with a connection to their homeland, through Hellenic news, folklore, music, and more. His programming has also helped new Hellenic immigrants assimilate into life in the United States.

He and his wife, Nomiki, continue to work and instill the best of the Hellenic American culture in their community, but especially in the youngest generation of their family: Matina and George.

Mr. Speaker, I request that my distinguished colleagues rise and pay tribute to a great New Yorker, Demetris Kastanas, for his 30 years of accomplishments. His many successes are a reflection of the vibrant and thriving community he so faithfully serves.

REFLECTING ON THE LIFE AND CONTRIBUTIONS OF FORMER ISRAELI PRIME MINISTER YITZHAK RABIN

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2005

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise to reflect on the life and contributions of former Israeli Prime Minister Yitzhak Rabin, who was tragically assassinated 10 years ago. Yitzhak Rabin dedicated his entire life to the cause of peace and security for Israel. He fought tirelessly for the right of all Israelis to live normal lives without fear of attack, to dine with friends, to shop, and to send their children to school on buses. Yitzhak Rabin was many things, a soldier, an Ambassador, a Knesset Member, a Prime Minsiter, and Nobel Peace Prize laureate. He is remembered best as a peacemaker who changed the course of history.

In addition to valiantly serving Israel's armed forces for 27 years, including during the War of Independence, the Suez War, and the Six-Day War as Chief of Staff, Yitzhak Rabin is responsible for leading Israel through many historic times. In 1975 he signed the interim agreement with Egypt which laid the groundwork for peace between Israel and Egypt. In 1976, Yitzhak Rabin ordered the successful liberation of the hijacked Air France flight, known as Operation Entebbe. And in 1994 Yitzhak Rabin and King Hussein of Jordan signed a peace treaty between Israel and Jordan. Most notably, Yitzhak Rabin's legacy includes the signing of the Declaration of Principles framework agreement between Israel and the Palestinians, and the famous handshake with the late PLO Chairman Yassir Arafat on the White House lawn.

Upon the signing of the Declaration of Principles on September 13, 1993, Yitzhak Rabin said to the Palestinians, "We say to you today in a loud and clear voice: Enough of blood and tears. Enough. We harbor no hatred toward you. We have no desire for revenge. We, like you, are people who want to build a home, plant a tree, love, live side by side with you—in dignity, empathy, as human beings, as free men . . ."

Clearly, this was a man who envisioned a free, secure, and democratic Jewish state at peace with all its neighbors. Yitzhak Rabin's message resounded across Israel, and it is no wonder that on November 4, 1995, he attended and spoke at a peace rally in Tel Aviv amidst tens of thousands of enthusiastic supporters with banners proclaiming "Yes to peace—no to violence." In his final address at the peace rally Yitzhak Rabin stated, "I have always believed that the majority of the people want peace, are prepared to take risks for peace," and "Peace is what the Jewish People aspire to, a true aspiration." Yitzhak Rabin was fatally shot by a Jewish student as he left the rally.

On the 10th anniversary of Yitzhak Rabin's death, I wish to express the deepest condolences of the American people to the family of Yitzhak Rabin and to all the people of Israel for the loss of this great leader. Additionally, we must honor his life and his work by continuing the pursuit of peace in the Middle East.

The United States and Israel share a special bond, one that Yitzhak Rabin helped to establish during his time as Ambassador to the U.S. This bond is steadfast and represents the abundance of shared values and common goals of our two societies. I am proud to be part of the U.S. Congress, a body which stands by Israel when Israel needs us. Just last week, the House of Representatives voted to pass the Conference Report of the Fiscal Year 2006 Foreign Operations Appropriations Act which includes $2.3 billion in military assistance and $240 million in economic assistance to Israel. Without a doubt, Yitzhak Rabin's legacy of bringing the U.S. and Israel closer together lives on.

Ten years after Yitzhak Rabin's tragic death, let us renew our commitment to fostering peace in the Middle East. We must encourage efforts that support the peacemakers of this world and penalize those who would murder innocents. Yitzhak Rabin has left a wonderful legacy over his long and distinguished career of service, and it is with the utmost respect and admiration that I support the people of Israel in their quest for peace.

NATIONAL PHILANTHROPHY DAY

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2005

Mr. AKIN. Mr. Speaker, in anticipation of National Philanthropy Day, I rise to draw attention to the generosity of the American people and the organizations that work to give hope and help to so many in our country. National Philanthropy Day is recognized by the Association of Fundraising Professionals on November 15.

More specifically, I rise today in recognition of the many Missourians who give selflessly of their time, talent and finances to assist neighbors in need as well as victims of poverty, natural disaster and conflict. I commend the good work of the volunteers and staff of non-profit organizations and the financial donors who underwrite their efforts.

According to a study by the U.S. Department of Labor and Purdue University, more than 30 percent of Missourians volunteered their time in 2003. The paid staff of charitable organizations should be commended highly for their good work. However, most would agree that they simply could not do what they do without the hearts, minds and hands of dedicated volunteers.

So, today, I recognize not only the organizations but the people who brighten the days of those in need. It was Theodore Roosevelt who charged all of our fellow citizens to "Do what you can, with what you have, where you are." Many of my constituents in the St. Louis area are doing just that.

Following is a small sampling of the numerous charitable organizations doing great things in and around Missouri's Second Congressional District. Each of these charities has distinguished itself in a variety of ways and should be commended for its good work in the St. Louis area. Their sacrifice and compassion is building a better society for all, and we all are in their debt.

Boone Center, www.boonecenter.com. BCI is a St. Charles County non-profit organization committed to providing employment opportunities for adults with disabilities. Established in 1959 as a one-employee candle making shop, Boone Center now employs over 200 adults with disabilities.

Catholic Charities of St. Louis, www.ccstl.org. A federation of 12 agencies and more than 100 programs providing services to people in need including housing services, elder and child day care programs, substance abuse recovery, legal assistance, foster care, emergency shelter and community outreach programs just to name a few. Last year they provided direct services to more than 111,000 individuals.

Connections to Success, www.connectionstosuccess.org. An organization which defines itself as devoted to breaking the cycle of poverty one family at a time.

Programs include; Dress for Success, Professional Women's Group, Wheels for Success, Wheels of Hope and a faith-based mentoring program.

Extra Hands for ALS, www.extrahands.org. Based in St. Louis, Extra Hands for ALS is a national voluntary service charity assisting people with ALS, also called Lou Gehrig's disease. Extra Hands partners high school and college students with families affected with an ALS diagnosed individual to assist them in everyday tasks.

Joyce Meyer Ministries World Outreach, http://www.joycemeyer.org/proiects/wo sub/index.php. Provides humanitarian aid to the world's poor and in response to natural disaster such as the recent tsunami. Assistance includes personal items such as food, water, clothing, hygiene items, and items necessary for rebuilding communities such as boats, bicycles and sewing machines.

KidSmart, http://www.kidsmartstl.org/, KidSmart works to provide children and their classrooms with the basic tools for learning by transferring, at no cost, the community's surplus supplies and merchandise into the hands of teachers for school children in need.

Mercy Ministries, http://www.mercyministries.org/, Mercy Ministries is a full-time residential care ministry for young women who are struggling with life-controlling issues such as eating disorders, depression, abuse, and chemical dependency. Each girl stays free-of-charge. She comes voluntarily and spends, on average, six months in the home as she deals with the underlying causes of her difficulties.

Mission Gate Prison Ministry, www.missiongateministrv.org, Provides residential guidance and counseling to 75 former alcoholics, drug users and convicts in both S1. Louis after -care and Fort Good Shepherd Ranch. They also provide evangelistic services in prisons and shelters and the Christmas Angel mission reaching thousands of prisoners' children with gifts, the gospel of Christ and church referral.

Pregnancy Resource Center, http://www.prcmo.net/index.php, The Pregnancy Resource Center provides support and counseling to pregnant women and girls including free pregnancy testing, ultrasounds, counseling, parenting education, mentoring programs for men and essential items for newborns. Women are also referred for prenatal care, which is often their first contact with a healthcare provider.

Service International, www.serviceinternational.org, Service International (SI) works in the U.S. and abroad, working to empower individuals and communities in crisis by providing leadership training, volunteer coordination, medical care, materials and supplies, and hands-on rebuilding. SI brings fresh hope and tangible help through sustained recovery, with the goal of honoring God and helping people.

Saint Louis Crisis Nursery, http://www.crisisnurserykids.com/, Works to prevent child abuse and neglect by providing emergency intervention, respite care and support to families in crisis through short-term care for young children, helping families resolve crisis, offering ongoing support and education to families, providing community outreach and awareness, and advocating for children and families.

Saint Patrick Center, www.stpatrickcenter.org, Saint Patrick Center has impacted the lives of more than 65,000 homeless persons and is recognized nationally for programs that help individuals and families move from homelessness to independence in measurable, costeffective ways. The Center serves 10,000 individuals and families annually.

These organizations could not function effectively without the support of individual donors and philanthropic grantmakers. Mother Teresa said, "To keep a lamp burning, we have to keep putting oil in it." Donors give staff and volunteers the financial tools that they need to do the charitable work to which they are committed.

Some of the key foundations fueling charitable organizations in St. Louis include: Anheuser-Busch Foundation, Boeing-McDonnell Foundation, The Crawford Taylor Foundation, Daughters of Charity Foundation, Deer Creek Foundation, Emerson Charitable Trust, Employees Community Fund of Boeing-St. Louis, James S. McDonnell Foundation, Lutheran Foundation of St. Louis, Monsanto Fund, National Children's Cancer Society, Inc., and the St. Louis Cardinals Community Fund.

The charities and grantmakers mentioned in this statement are just examples of the thousands of American NGO's endeavoring to improve the lives of others both at home and abroad.

Mr. Speaker, it is a privilege to reflect on the hard work and dedication of so many who take to heart the words of Scripture, "It is more blessed to give than to receive" (Acts 20:35). It is with admiration and respect that I commend the charitable community for stepping in to provide aid to the most vulnerable among us.

HONORING THE DEDICATION OF THE SHENANGO VALLEY YMCA

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the opening of the new Shenango Valley YMCA of Hermitage, Pennsylvania.

Since the founding of the first YMCA in 1851, this organization has grown to more than 2,500 locations nationwide. In fact, they make up the largest non-profit organization in the country. The YMCA works with people of all races, genders, faiths, ages, and incomes to help communities promote healthy lifestyles.

On October 26, 2005 there will be a dedication ceremony held at the new facility in Hermitage, Pennsylvania.

I ask my colleagues in the United States House of Representatives to join me in honoring the dedication of the Shenango Valley YMCA. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute an exceptional organization like the YMCA.

TRIBUTE TO KALAMAZOO SYMPHONY ORCHESTRA LEAGUE

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2005

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to the Kalamazoo Symphony Orchestra League, which is celebrating its 75th Anniversary with a performance by the Kalamazoo Symphony Orchestra on November 18, 2005.

The Kalamazoo Symphony Orchestra League was founded in 1930 by Leta G. Snow and was originally known as the Women's Committee. Through the years the League raised over $1.7 million and offered many community and educational programs to folks in the Kalamazoo area by making orchestral music a part of their daily lives.

The Kalamazoo Symphony Orchestra League provides services to our District that far surpasses the vital cultural contribution that their musical performances provide. I would like to acknowledge the many contributions of the Kalamazoo Symphony Orchestra League, congratulate them on 75 impressive years of entertaining the residents of Southwestern Michigan, and wish them many more years of continued success.

HONORING PFC. TYLER MACKENZIE

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today with a very heavy heart and I wish to ask the members in this chamber to join me in honoring a fallen soldier from Evans, Colorado. Last week, Private Tyler MacKenzie was killed in action while serving our Nation, in Iraq. He was a patriot that believed strongly in the freedoms we enjoy here in America and joined the Army to help defend the rights of citizens in Iraq.

This is particularly poignant because today Private MacKenzie would have commemorated his life in another way, by celebrating his 21st birthday. However, because of his willingness to serve and place his life on the line for others, we honor him as a fallen soldier.

Private MacKenzie comes from a family with a long military tradition. Both of his grandfathers, Emmett MacKenzie and Ron Borland, served in the Navy. Tyler's father, David, served in the Army during the first Gulf War and his Uncle Chuck was an Engineer in the Army. As a young child, Tyler lived in places like Louisiana and Germany as his dad's stations changed.

For the most part, however, Tyler grew up in the small town of Evans. He attended Greeley West High School and played football. After he graduated in 2003, Tyler worked in the family-owned business, MacKenzie Manufacturing.

He postponed joining the Army in order to train physically and recognized that he wanted to further mature. He did this because he knew once he joined that he would strive for the top and train for the elite Army special forces.

Once he joined, Tyler MacKenzie entered into the renowned 101st Airborne Division of the U.S. Army. He was in the 1st Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team, and was stationed in Fort Campbell, Kentucky.

Sadly, Private MacKenzie was in Iraq only a short time. On November 2, 2005, after nearly three weeks in Iraq, he died in combat when a roadside bomb exploded near his armored Humvee in the southern part of Baghdad.

His courage is admirable, and as the legislative body that votes to send our service members into battle, I want to stress this point: He knew what he needed to do, and that was to join our military for at least one tour of duty to help defend our Nation so the same freedoms we have in America could soon be enjoyed by individuals throughout Iraq.

I spoke with his family, and they are heartbroken about their loss, undoubtedly. However, they are to be admired for their courage and continued dedication to America's military forces who are fighting terrorists in the Middle East. They continue to support the President and ask that America's leaders not give up this fight.

See, last November was the first time Tyler MacKenzie could vote in Federal elections, and he voted to support President Bush because he knew the President was the one he wanted to be Commander in Chief.

As a mother of a sailor, my heart goes out to Tyler's parents David and Julie MacKenzie and his sister Nicole.

Mr. Speaker, we are so fortunate to live in this great country where freedom is something that we rarely have to think about and often take for granted. It is simply a way of life for us, and we are truly blessed to live in a country that honors citizens for their spirit, their ideas, their individuality, and their courage. We can maintain the blessings of our freedoms only because we have citizens like Tyler who are willing to fight to defend them for us.

HONORING SHERIFF RICKY HEADLEY

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2005

Mrs. BLACKBURN. Mr. Speaker, it is a privilege to honor Williamson County's own "Singing Sheriff", Ricky Headley. Since he took office in 2003, Headley has been instrumental in improving the lives of Williamson County residents—not only as Sheriff, but through his charitable works as well.

As Sheriff, Headley has instituted new procedures, increased community outreach, and raised morale in the Sheriff's Office. A few of Headley's accomplishments include:

A reduced Staff turnover rate at the Sheriff's Office.

The Amber Alert System has been installed to assist in locating missing children.

Privatized Jail Medical Program to save taxpayers' money and reduce liability.

Sheriff's Office Citizens Academy Classes offered for the first time.

Project Lifesaver implemented in April 2005 provides identification bracelets fitted with location transmitters for the mentally handicapped and Alzheimer's patients in order to allow their quick recovery should they wander from home.

A Child Is Missing (ACIM) implemented in January 2005. This nationwide program allows for 1000 calls a minute to be made in a specific area should a child be reported missing.

The result has been a decreasing crime rate in Williamson County even as the population increases.

And despite the incredible demands of his job, Headley continues to delight Tennesseans with his musical talent. Performing with his band, Pure Country, Headley has entertained at more than 100 benefits and fundraisers—helping to raise over 300,000 dollars for charity.

Mr. Speaker, I ask my distinguished colleagues to join me in thanking Sheriff Headley for his contributions to Williamson County and sending our best wishes to his wife Melissa and children Ricky Jr. and Matt.

ON THE INVALUABLE CONTRIBUTIONS TO THE TEACHING OF WRITING MADE BY JAMES GRAY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in honor of James Gray, the founder of a small but enormously successful educational program called the National Writing Project. Sadly, Mr. Gray died on November 1 in Danville, California after a long illness. He was only 78 years old.

Mr. Gray, a former high school teacher and then a senior lecturer at University of California, Berkeley's Graduate School of Education, founded the innovative Bay Area Writing Project in 1974. Acting on his belief that successful classroom teachers were an untapped resource for providing their peers with professional development, James Gray brought together 25 talented Bay Area teachers and charged them with sharing their expertise about the teaching of writing.

The Bay Area Writing Project became the first site that offered a professional development model for teachers of writing. Now known as the National Writing Project (NWP), the program has grown to 189 university-based sites located in fifty states, Washington, D.C., Puerto Rico, and the U.S. Virgin Islands. Congress, on a bi-partisan basis, has shown its recognition for the value of this program by providing Federal appropriations for it for over ten years and I am proud to have helped secure these well-spent funds for this purpose.

Mr. Gray served as Executive Director of the NWP until his retirement in 1994 and remained on the NWP Board of Directors until his death.

James Gray's simple but highly successful model has been responsible for transforming classroom practices and improving student writing performance at schools in rural, urban, and suburban communities across the U.S.

A May 2001 Academy for Educational Development report notes the impact of that vision: "Teachers described their experience with the writing project as nothing short of profound. Beginning with the summer institute and continuing throughout their careers with continuity programs, teachers noted how their philosophy about teaching and learning, their daily practices, and their connection to a network of teachers developed through the project."

I couldn't agree more with Richard Sterling, the NWP Executive Director, when he said that, "Jim's belief in teachers and their knowledge, commitment, and creativity never wavered. We are all the beneficiaries of his vision and his tireless work on behalf of the National Writing Project." I am honored to have known James Gray personally and I am grateful for his vision, and I ask my colleagues to join me in expressing the gratitude of the U.S. Congress for the contributions to education and our society that he made during his lifetime.

IN RECOGNITION OF THE 25TH ANNIVERSARY OF WAMU'S WEEKLY THREE-HOUR PROGRAM HOT JAZZ SATURDAY NIGHT AND OF THE SHOW'S CREATOR, PRODUCER AND HOST, ROB BAMBERGER

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2005

Ms. NORTON. Mr. Speaker, I am particularly fortunate to have in my district one of the country's best public broadcasting stations, and Members of the House share in that good fortune while they are in Washington. If Members have had the pleasure of tuning in to WAMU 88.5 FM on Saturday nights you will understand why I rise today to congratulate WAMU and Host Rob Bamberger on the occasion of the 25th Anniversary of Hot Jazz Saturday Night, Washington's only regularly scheduled show devoted to vintage jazz and one of the longest running locally produced shows on WAMU.

Rob Bamberger's commitment to vintage jazz began in 1963 at an elementary school book fair in Shaker Heights, Ohio. Waiting until the mad rush was over; an admittedly shy kid with glasses approached the record table to see if anything was left. While the table had been picked pretty clean, Rob spied a two-LP set with a trombone and a top hat on the cover, set against an elegant red curtain. It was a two-record set of broadcast recordings by Tommy Dorsey and his orchestra. It cost Rob a dime, a fateful investment because all he had to hear was the "Hawaiian War Chant" and he was hooked. That two-LP set became the cornerstone for a life-long love and scholarly interest in American music of the 1920's, 30's and 40's, and the start of a record collection that has been the mother lode for the music featured on Hot Jazz Saturday Night.

WAMU listeners get a weekly glimpse into Rob Bamberger's record collection every Saturday night from 7 to 10 p.m. Rob often focuses on an artist or theme, illuminating the story behind the music and the artists from his own intimate and extensive store of knowledge, and the most recent scholarship. It becomes a lesson in American history and culture, but never stuffy or professorial. Rob's succinct and informative commentaries are laced with dry humor that endears him to his weekly fans.

Rob Bamberger's Hot Jazz Saturday Night represents programming that listeners can't get anywhere else. Listeners who danced to some of the musicians and groups featured on the show enthuse about hearing artists and songs they have not heard in decades. Other listeners once had the impression that jazz is a remote unapproachable music enjoyed only by denizens of smoke-filled bars. Rob disagrees and says there are no prerequisites to enjoying jazz or Hot Jazz Saturday Night. His commitment to introducing this treasured American art form to new listeners is boundless. You can neither be too old or too young to discover and revel in the music of Benny Goodman, Louis Armstrong, Glen Miller, Ella Fitzgerald, Billie Holiday and countless others who are enduring images of a bygone era evoked every Saturday night on WAMU.

I join jazz supporters in the Nation's Capital in paying tribute to WAMU and Rob Bamberger on the occasion of the 25th Anniversary of Hot Jazz Saturday Night.

HONORING RETIRING ERIE COUNTY LEGISLATOR CHARLES M. SWANICK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor a longtime member of the Erie County Legislature who has chosen 2005 as his final year of service as a legislator. This person is not a resident of the 27th Congressional District, but is someone with whom I have worked closely, and about whom I still maintain kind and warm thoughts—former Erie County Legislature Chairman Charles M. Swanick, one of that body's longest-serving members.

Now, Mr. Speaker, believe me, there have been and will continue to be many things said about Chuck Swanick, his tenure in the legislature and his service to the people he represented. I choose to remember Chuck's service in a manner once used by The Buffalo News in endorsing his candidacy for re-election in 1995. That word was "indefatigable."

The word indefatigable is defined as "tireless," "unflagging" or "untiring." Knowing Chuck as I have for nearly 20 years, these words could not describe him, or his manner of service to his constituents, more effectively.

Chuck Swanick was born a quintessential "baby boomer"; born in Buffalo on December 18, 1948 and raised in a northern first-ring suburb of Tonawanda. Chuck and his older brother Dave were raised by two wonderful people, his father Dave, a railroadman, and his mother Murial, a homemaker. Chuck grew up on Moore Avenue in Tonawanda's Lincoln Park area, and like most baby boomers of his generation, made his way through the 1960s and 1970s in a routine way. He finished high school, found work on the railroad like his dad, and spent time with his friends.

It was his friends—or rather a conversation with his friends—that brought Chuck Swanick into the public realm.

During one night's round of discussion and "refreshment," Chuck Swanick and his friends continued a long-held discussion of current events that ordinarily would end with the conclusion that the public officials running Erie County were, shall we say, less than effective. During this conversation, as more beverages were consumed, it was determined that one of the group should stand for election to public office, in order to "make a difference" for their community and, one supposes, for their younger generation.

Then came the kicker for Chuck: he was the only unmarried person—and thus the only person with enough time to effectively campaign for office—among the group. Chuck, it was collectively decided, would be the group's candidate. The office he chose? Erie County Legislator.

Chuck began his quest for public office by answering the local Democratic Party's advertisement for a candidate for the Legislature in what was then the 12th District. Upon attending an endorsement meeting, Chuck was dutifully supplied the party's endorsement and was told, "we'll see you in November." Obviously, the committee wasn't counting on victory. In truth, they were in for a wild ride.

Chuck began his quest for office with a write-in candidacy for the Conservative Party's endorsement—an impossible task, many pundits thought. Chuck began a write-in campaign the likes of which had never before been seen in Erie County, and stunned observers by stealing the line away from the incumbent. Thereafter, Chuck won a difficult general election victory, and so born was a political career that has stretched more than 25 years.

Chuck was a rebel during his early years in the Legislature. Known as a "maverick" Democrat, Chuck always sought to represent the people of his district—in the towns of Tonawanda and Grand Island, the City of Tonawanda and the Village of Kenmore. Chuck had no problems bucking the party line when he thought it appropriate to do so. In so doing, at one point or another, he earned the enmity of public officials from all levels of government. But in his mind, he was representing the people who sent him to County Hall. That was good enough for him.

In later years, as Chuck's years of service in the Legislature grew, he became something of an "elder statesman." Graying hair precipitated the shaving of his moustache, and by the 1990s, Chuck's years of service gave him an institutional knowledge of County government that few possessed. Indeed, it would be that knowledge that would serve him well in years to come.

Chuck served as the chairman of several of the Legislature's standing committees, and was the longtime chairman of the Agricultural and Farmland Protection Board (formerly known as the Agricultural District Advisory Committee).

In 1996, after nearly giving up hope of ascending to the Legislature's leadership, a sudden vacancy in the Legislature's Chairmanship occurred. With a unanimous vote, Chuck Swanick became the 9th Chairman of the Erie County Legislature in May of 1996.

I was proud to work with Chuck during this period. At this time, Mr. Speaker, I had just returned from my studies at Harvard University's Kennedy School of Government, and was eager to work with Chuck in his newfound leadership role.

We would have many successes, working together. All told, I worked with Chuck in the Legislature until my election to the New York State Assembly in 1998, and during that time we had many successes. We worked together to keep the county's property tax levy at a reasonable level, and working together with then-Erie County Executive Dennis Gorski, we retired $108 million in debt left over from the previous county administration.

Chuck made his mark upon the local laws of Erie County as well. Chuck worked with Legislator Ray Dusza on his first Item Pricing/Scanner Accuracy Law, and then forged a coalition of business leaders and consumer advocates to draft a new, more comprehensive law in 1997. Chuck also was the author of many laws involving one of his pet areas of county government, the Erie County Parks system.

After my election to the State legislature, Chuck continued as Chairman and fought battles old and new. Chuck would go on to serve two stints as Chairman, for a total of six and one-half years as Chairman, which is the longest total amount of service as Chairman of the Erie County Legislature.

There is one other aspect of Chuck Swanick's life that I cannot fail to mention—and that is his family. Chuck's wife Shelly may well be the most patient and understanding spouse of an elected official in the United States, given Chuck's seemingly non-stop campaign schedule. Chuck is also the father of two children, Maverick and Charlie.

Chuck Swanick's record in the Erie County Legislature is an impressive one. Chuck was the author of dozens of local laws and thousands of legislative resolutions. As a member of the Legislature, Chuck served with four county executives, six legislative chairs (excluding himself), ten majority leaders and eleven minority leaders (excluding himself). Over the Legislature's thirty-seven year history, one hundred and three people have served as members of the Erie County Legislature; at one time or another, Chuck Swanick served with 57 of those people.

At the end of the day, Mr. Speaker, there will be a lot of things said about Chuck Swanick and about his 26 years of service in the Erie County Legislature. To me, Mr. Speaker, I will always remember the sincere concern that Chuck had for his constituents, and the earnestness with which he served those constituents. Chuck's legacy of twenty-six years of service will mark an important chapter in the history of county government, and I am proud to honor his service today.

CONGRATULATIONS TO MERCER COUNTY HEAD START PROGRAM

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the Mercer County Head Start Program. This week the program, created in 1965, celebrates its 40th anniversary.

Over the past 40 years this non-profit organization has been committed to improving the lives of low-income families and their children. The organization brings together parents, staff and administrators to enhance the future for children and families.

To commemorate the 40th anniversary there will be a ceremony held on October 24, 2005 in Farrell, Pennsylvania.

I ask my colleagues in the United States House of Representatives to join me in honoring the 40th anniversary of the Mercer County Head Start program. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a principled organization as the Mercer County Head Start.

IN HONOR AND RECOGNITION OF CONGRESSMAN JOHN DINGELL, JR. FOR FIFTY YEARS OF SERVICE IN THE HOUSE OF REPRESENTATIVES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of our friend and colleague the distinguished Honorable JOHN DINGELL, Jr. for his fifty years of service to the people of the 15th Congressional District of Michigan and our nation, in the United States House of Representatives.

Congressman DINGELL's unwavering integrity, strong work ethic, and commitment to the service of others have made him a highly respected and distinguished member of the House. His tenure on Capitol Hill is marked by several achievements including developing legislation to protect our nation's health, environment, and wildlife, pursuing justice for participants in corporate corruption, and working diligently to protect Federal road funds for his home State of Michigan.

Congressman DINGELL was born on July 8, 1926, to the distinguished Congressman John Dingell, Sr., who represented the very same 15th district of Michigan Congressman DINGELL represents today. At the age of 18, John joined the U.S. Army and later rose to the rank of Second Lieutenant. He finished his military service in the fall of 1946, and then attended Georgetown University where he earned a bachelor's degree in chemistry. He then continued his studies at Georgetown Law School, graduating in 1952. Congressman DINGELL then worked as a forest ranger and a prosecuting attorney before he began running his own private law office. In 1955, Congressman DINGELL's father passed away while he was still a Member of the House of Representatives. Congressman DINGELL stepped in to fill his father's position, beginning his career on Capitol Hill at the age of 29.

As anyone who has spent some time on Capitol Hill during the past fifty years already knows, Congressman DINGELL has been a leader of not only the Democratic voice in the House, but has been a beacon of light guiding his fellow Members from both sides of the aisle to strive for what is just and in the best interest of the citizens of this nation. During my tenure in Congress we have worked on several bills together and from these experiences, I have learned that Congressman DINGELL is a man that leads by example and is always a champion of causes that help those who embody the heart and soul of this nation, the working class.

Mr. Speaker and Colleagues, please join me in honor and recognition of the most distinguished Honorable JOHN DINGELL, Jr., for his fifty-year commitment to serving this nation and improving the lives of Americans all across the country.

H. RES. 220, RECOGNIZING AMERICA'S BLOOD CENTERS

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2005

Mr. REYES. Mr. Speaker, I rise today to applaud the efforts of America's Blood Centers and especially the center in the 16th District of Texas, which I represent.

For more than a half a century, United Blood Services of El Paso and Southern New Mexico has been serving our community as the sole source of blood supplies for blood transfusions and trauma surgeries. The United Blood Services has a staff of over 90 handling more than 30,000 donations a year.

When a fire destroyed our local United Blood Services facilities in 2003, there was a serious shortage of blood supply not only for my district, but also for the Southern New Mexico region. The fire destroyed close to 500 units of blood.

Fortunately, an emergency blood drive was quickly organized to obtain enough supply to serve those in need without having to rely on surrounding areas. I applaud not only the efforts of the center, but also those of my constituents who came out to donate during the time of critical need. The incident was incredibly unfortunate, but it did remind us all of what our blood center means to El Paso, and what the community means to the blood center.

Mr. Speaker, with the life-saving services that the center in my district and those around the country provide, it is only appropriate to recognize the important work of America's Blood Centers today. Therefore, I urge all of my colleagues to join me in supporting this very worthwhile resolution.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2005

Mr. GALLEGLY. Mr. Speaker, on Friday, November 4, 2005, I was unable to vote on Agreeing to the Conference Report to H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006 (rollcall vote No. 569). Had I been present, I would have voted "yea."

TRIBUTE TO DOROTHY BURFORD

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2005

Mrs. EMERSON. Mr. Speaker, I have known Dorothy Burford for over 25 years, and I loved her drive and spunk from the very first moment I met her. Although life left her blind and deaf in recent years, she never lost that spunk. I have never known anyone with such energy and enthusiasm for life. I certainly do not know anyone who lived a fuller life than Dorothy. She was an active political mind and an able political voice in Southern Missouri for more than half a century, and she was known far outside the boundaries of Doniphan, MO, her home sweet home.

Dorothy missed only one Republican national convention between 1952 to 2000, and not only did she attend, but she was an active participant. She attended numerous State Lincoln Days over the years, traveling from Doniphan to St. Louis, Kansas City or Springfield and one year, after vacationing in Florida, she decided she just couldn't miss it, so she took a bus by herself from Florida to Kansas City. Although Dorothy didn't have a plan on how to get back to Doniphan, she just knew someone would be there from Southern Missouri and she could ride home with them!

I also recall many wonderful Labor Day parades in Doniphan: Dorothy was always there recruiting people to ride the floats or helping with the decorations. One year, it rained so hard they canceled the parade, but Dorothy, ever the patriot, decided it was a shame to waste all our time and effort, so we had our own parade down Walnut Street.

Dorothy Burford's father, T.L. Wright, started a lumber company in Doniphan which later became the T.L. Sand & Concrete, Co. Dorothy graduated from Stephens College in Columbia, MO, and, being the oldest of 8 children, took over the business when her father died in 1928. Not only was it a rare thing for a woman to graduate college in the 1920's, it was even more infrequent that a woman would take over the family business. Dorothy proved herself quite capable, however. She oversaw the completion of one of T.L.'s greatest projects: the first concrete bridge over the Current River. A year later when the bridge was ready to open, instead of doing the usual ribbon cutting, Dorothy pulled on her riding boots and jumped off the bridge.

Once again, Dorothy showed us a different way of doing things. I am still among the many who feel she was too soon taken from us, even at her estimable age of 102. All of these memories and stories about Dorothy only begin to scratch the surface of her drive, her determination, and her individuality. She was a principled, thoughtful, inspiring woman I am proud to call my friend. She will be greatly missed, but through her legendary legacy, I have no doubt she will live on.

RECOGNIZING THE IMPORTANCE AND POSITIVE CONTRIBUTIONS OF CHEMISTRY TO OUR EVERYDAY LIVES AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL CHEMISTRY WEEK

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2005

Mr. REYES. Mr. Speaker, I rise in support of H. Res. 457, a resolution that supports the endeavors of the American Chemical Society to unite businesses, schools, and individuals in celebrating the importance of chemistry in the lives of Americans.

Scientists have led us in the pursuit of discovery and innovation, which has helped make America a great nation. In order to educate the next generation of scientists, in my congressional district local school districts and colleges are actively working to educate future chemists. It will be this generation of students who will lead our society to the next frontiers of science.

I applaud the efforts of the American Chemical Society to educate elementary and secondary school students about the positive effects of chemistry and to encourage them to consider chemistry as a career.

Mr. Speaker, I join my colleagues in recognizing the goals of National Chemistry Week, and I urge them to support this very worthwhile resolution.

HOUSTON ASTROS, 2005 NATIONAL LEAGUE CHAMPIONS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2005

Mr. POE. Mr. Speaker, this October, for the first time in Major League Baseball history, the city of Houston, Texas was represented in the World Series. The Houston Astros, a team that I have followed since their days as the Colt .45s, completed an extraordinary season by facing the Chicago White Sox in the Fall Classic. Although Houston fell short of a World Championship, they achieved a level of success that had never before been seen by the organization or their fans. I join all of Texas in recognizing the players, Owner and CEO Drayton McLane, Jr., General Manager Tim Purpura, Manager Phil Garner, also known as "Scrap Iron," and the entire Houston Astros organization for their outstanding performance in 2005.

The city of Houston was awarded a Major League franchise on October 17, 1960. The team, then known as the Colt .45s, began play in the 1962 season. With the opening of the Houston Astrodome in 1965, the Colt .45s became the Astros, and they have been recognized by that name for the past 40 years. Led by players such as Cesar Cedeno, Joe Niekro, Larry Dierker, Nolan Ryan—baseball's all-time strikeout king, Mike Scott—Houston's first Cy Young Award winner, Jose Cruz, Jeff Bagwell, Craig Biggio and the other "Killer B's," Houston has been a first-class franchise over the course of four decades. While reaching the playoffs in six of the past nine years, the Astros have proven their skill on the diamond and in the front office.

With the addition of hometown heroes Roger Clemens and Andy Pettitte to their already impressive roster, the Astros reached the National League Championship Series in 2004. Expectations were high going into 2005, but the team faced several roadblocks to begin the season. By the end of May, the Astros were 15 games below .500 and had been written off by many baseball fans and members of the media. Those doubters could not have been more wrong. Houston emerged as the most dangerous team in baseball over the last four months of the season, making a historic run to the World Series.

Whether it was timely hitting by veteran Craig Biggio, a towering home run by breakout star Morgan Ensberg, or nearly flawless pitching performances by Roy Oswalt, Andy Pettitte and the incomparable Roger Clemens, the Houston Astros solidified their status as one of the league's elite teams. I join the city of Houston and the great state of Texas in congratulating the Houston Astros for their remarkable 2005 season, the greatest in franchise history.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 8, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 9

9:30 a.m.

Commerce, Science, and Transportation

Energy and Natural Resources

To hold joint hearings to examine energy pricing and profits, focusing on record prices of oil, gasoline, and natural gas and factors affecting those prices, isssues relating to global demand, resource development strategies and windfall profits taxes, and the effectiveness of federal and state consumer protection laws to prevent occurrences of price gouging during supply disruptions.

SD–106

Environment and Public Works

To hold hearings to examine issues regarding a comprehensive and integrated approach to meet the water resources needs of coastal Louisiana in the wake of Hurricanes Katrina and Rita, including storm and flood damage reduction, ecosystem restoration and navigation.

SD–406

Foreign Relations

To hold hearings to examine Avian influenza preparation issues.

SD–419

Judiciary

To hold hearings to examine the use of cameras in the courtroom.

SD–226

10 a.m.

Finance

Business meeting to review and make recommendations on proposed legislation implementing the United States-Bahrain Free Trade Agreement.

SD–215

Homeland Security and Governmental Affairs

To hold hearings to examine the Coast Guard's response to Hurricane Katrina.

SD–342

10:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine agricultural transportation and energy issues.

SDG–50

2 p.m.

Judiciary

Constitution, Civil Rights and Property Rights Subcommittee

Business meeting to markup S.J. Res. 1, proposing an amendment to the Constitution of the United States relating to marriage.

SD–226

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine Department of Defense Business Transformation and Financial Management Accountability.

SR–232A

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Ronald L. Schlicher, of Tennessee, to be Ambassador to the Republic of Cyprus, Ross Wilson, of Maryland, to be Ambassador to the Republic of Turkey, Carol van Voorst, of Virginia, to be Ambassador to the Republic of Iceland, and Marilyn Ware, of Pennsylvania, to be Ambassador to Finland.

SD–419

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To resume oversight hearings to examine the Federal security clearance process, focusing on Office of Personnel Management's plan to address the backlog of security clearance investigations.
SD–342

3 p.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
Science and Space Subcommittee
To hold joint hearings to examine S. 517, to establish a Weather Modification Operations and Research Board.
SD–562

NOVEMBER 10

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the nominations of Charles R. Christopherson, Jr., of Texas, to be Chief Financial Officer, and James M. Andrew, of Georgia, to be Administrator, Rural Utilities Service, both of the Department of Agriculture.
SR–328A

9:30 a.m.
Environment and Public Works
Clean Air, Climate Change, and Nuclear Safety Subcommittee
To hold hearings to examine the implementation of the existing particulate matter and ozone air quality standards.
SD–406

Banking, Housing, and Urban Affairs
To hold hearings to examine the development of New Basel Capital Accords.
SD–538

Judiciary
Business meeting to consider pending calendar business.
SD–226

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine the impact of the Wright amendment, which restricts travel into and out of Dallas Love Field for commercial flights with more than 56 seats.
SD–562

10:30 a.m.
Energy and Natural Resources
To hold hearings to examine the nominations of Jeffrey D. Jarrett, of Pennsylvania, to be Assistant Secretary for Fossil Energy, and Edward F. Sproat III, of Pennsylvania, to be Director of the Office of Civilian Radioactive Waste Management, both of the Department of Energy.
SD–366

2 p.m.
Judiciary
Constitution, Civil Rights and Property Rights Subcommittee
To hold hearings to examine the state interest in protecting children and families relating to pornography.
SD–226

Veterans' Affairs
To hold hearings to examine the rebuilding of VA assets on the Gulf Coast.
SD–138

NOVEMBER 15

9:30 a.m.
Armed Services
Business meeting to consider certain military nominations.
SR–222

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nominations of Ben S. Bernanke, of New Jersey, to be a Member and to be Chairman of the Board of Governors of the Federal Reserve System.
SD–106

Commerce, Science, and Transportation
To hold hearings to examine public policy options for encouraging alternative automotive fuel technologies.
SD–562

Energy and Natural Resources
To hold hearings to examine a status report on the Environmental Protection Management programs of the Department of Energy.
SD–366

2:30 p.m.
Armed Services
Airland Subcommittee
To hold hearings to examine defense acquisition issues related to tactical aviation and Army programs.
SR–222

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 431, to establish a program to award grants to improve and maintain sites honoring Presidents of the United States, S. 505, to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area, S. 1288, to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System, S. 1544, to establish the Northern Plains National Heritage Area in the State of North Dakota, S. Con. Res. 60, designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum, S. 748 and H.R. 1084, bills to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and H.R. 2107, to amend Public Law 104-329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund.
SD–366

NOVEMBER 16

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005.
SD–562

NOVEMBER 17

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine aviation safety.
SD–562

Homeland Security and Governmental Affairs
To hold hearings to examine regulations for the National Security Personnel System.
SD–342

2:30 p.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SD–562

POSTPONEMENTS

NOVEMBER 9

11:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366